



FREMONT COUNTY SOLID WASTE DISPOSAL DISTRICT

Member of Wyoming Solid Waste and Recycling Association (WSWRA)

P.O. Box 1400
Lander, WY 82520
telephone 307.332.7040
fax 307.332.5013

MEETING AGENDA

FREMONT COUNTY SOLID WASTE DISPOSAL DISTRICT
BOARD OF DIRECTORS – REGULAR MEETING
September 16, 2019 - 9:30 a.m.

1. **PUBLIC HEARING – PROPOSED FCSWDD RULES AND REGULATIONS REVISION**
2. **PRELIMINARY ITEMS:**
 - a. Pledge of Allegiance
 - b. Roll Call: Michael Adams, Steve Baumann, Gary Weisz, Rick Klapproth, Mark Moxley, Rob Dolcater, Gina Clingerman, Jennifer Lamb, Robert Townsend
 - c. Declaration of Quorum
 - d. Approval of Agenda (*Discussions and Formal Action*)
 - e. Public Comment / Communication from the Floor
3. **CONSENT ITEMS:**
 - a. Approval of the Minutes:
 - i. Regular August 2019 Board Meeting
 - b. Approval of the Accounts Payable
 - i. August 2019 Invoices
 - c. Acceptance of Consultants and Agreement Reports
 - i. Trihydro Corporation
 - ii. Burns and McDonnell
 - iii. Wind River Inter-Tribal Solid Waste – *no report submitted*
 - d. Acceptance of Staff Reports
 - i. Superintendent Report
4. **BUSINESS ITEMS:**
 - a. FCSWDD Rules and Regulations – Proposed Revisions (*Discussions and Formal Action*)
 - b. Driving History: Policy versus Insurance Language – Insurable/Employable (*Discussions*)
 - c. Waste Compactor Bid Results (*Discussions*)
 - d. Community Entry Services (CES) – Financial Assistance Request (*Discussions*)
5. **NEW BUSINESS**
6. **CALL FOR ADJOURNMENT**
7. **UPCOMING MEETING(S):**
 - a. The next Regularly Scheduled Meeting(s):
 - i. October 21, 2019, at 9:30 a.m.



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FREMONT COUNTY SOLID WASTE DISPOSAL DISTRICT

Minutes of Regular Board Meeting

August 19, 2019

1. PRELIMINARY ITEMS:

a. – c. The regular meeting of the Fremont County Solid Waste Disposal District Board of Directors was held on the above date and called to order by CHAIRMAN MARK MOXLEY at 9:30am CHAIRMAN MARK MOXLEY then led the Pledge of Allegiance and declared that there was a quorum of the Board with the following people in attendance:

<u>Board Members:</u>	Robert Townsend, Rick Klapproth, Gary Weisz, Steve Baumann, Rob Dolcater, Jennifer Lamb, Gina Clingerman, Michael Adams and Mark Moxley
<u>Excused Member(s):</u>	N/A
<u>Unexcused Member(s):</u>	N/A
<u>Commissioner Liaison:</u>	Mike Jones
<u>Community Liaisons:</u>	No liaisons present
<u>Attorney:</u>	Rick Sollars (Western Law & Assoc.)
<u>Staff:</u>	Linda Kummer (Bookkeeper)
<u>Consultant(s):</u>	No consultants present
<u>Guest(s):</u>	Joel Highsmith (Mayor of Shoshoni), and Bill Snapp (Shoshoni Rifle Club)

d. Approval of Agenda

GINA CLINGERMAN made a motion to approve the consent agenda as presented. SECRETARY/TREASURER RICK KLAPROTH seconded the motion. **MOTION CARRIED**

e. Public Comment/Communication from the Floor

Discussions: (1.) Joel Highsmith informed the Board that the Town of Shoshoni hired a contractor to finish their demolition and hauling work associated with the demolition of some old buildings. They will be working with the District on scheduled opportunities at the Shoshoni Landfill, indicating that Saturdays and/or a Friday and Saturday would work. (2.) Joel Highsmith relayed to the Board that Tim Davis has been working with Inberg-Miller Engineering to conduct asbestos investigations on additional buildings he owns with potential demolition plans in mind. (3.) Bill Snapp thanked the Board for all of the support shown to the Shoshoni Firing Range over the past two years and asked for an additional one to two days of assistance with a dozer and operator. CHAIRMAN MARK MOXLEY asked if the earthwork was near complete. Bill Snapp stated that the work discussed today would be the last of the earthwork.

2. CONSENT ITEMS:

a. Approval of Prior Meeting Minutes

- i. July 2019 Board Meeting

b. Approval of Accounts Payable

- i. July 2019 Invoices

c. Acceptance of Consultants Reports:

- i. Trihydro Corporation – Progress Report
- ii. Burns and McDonnell – Progress Report
- iii. Wind River Indian Reservation Inter-Tribal Solid Waste Program – No Report Submitted

d. Acceptance of Staff Reports:

- i. Superintendent Report

3. OTHER ITEMS OF BUSINESS:

a. FCSWDD Safety Policy – Proposed Revision (*Discussions and Formal Action*)

Superintendent Frey presented the proposed FCSWDD Safety Policy revisions and read aloud the summary of proposed changes to the Board for their consideration.

VICE-CHAIRMAN MIKE ADAMS made a motion to approve the FCSWDD Safety Policy revisions as presented. GARY WEISZ seconded the motion. **MOTION CARRIED**

b. FCSWDD Rules and Regulations – Proposed Revisions (*Discussions*)

Superintendent Frey presented the proposed FCSWDD Rules and Regulations revisions and read aloud the summary of proposed changes to the Board.

c. Driving History: Policy versus Insurance Language (*Discussions*)

Superintendent Frey informed the Board that the District has discovered potential inconsistencies between District policy and District insurance policies in regards to what constitutes an insurable employee and how that relates back to an employable person. Following a suggestion from Board member ROB DOLCATER, District staff researched the requirements associated with checking and reporting staff member driving history and found that one of the District insurance policies defined what is an insurable person and that this may not necessarily be supported by District policy.

Discussions: (1.) Additional research in necessary to define: what constitutes a good faith effort in reviewing staff driving history, does uninsurable always mean unemployable, are other insured groups similar in nature to the District having the same issues, is the language in the policies guidance versus a requirement, would it be possible to pay a higher rate for a staff person that does not meet the defined criteria established by the insurance policy, and how a claim would be handled if a person did not meet the requirements and was in an accident that required an insurance claim? (2.) Concern that some of the defined policy acceptable driving record criteria is unduly strict. (3.) Concern that this strict policy language could further reduce the employee pool.

d. Community Entry Services (CES) – Financial Assistance Request (*Discussions*)

Superintendent Frey presented a letter submitted from CES requesting financial assistance with the purchase of a replacement forklift for the Riverton Recycling facility. The letter stated that a new forklift with rotating head capabilities has a purchase price of around \$38,000 and a refurbished machine meeting the same criteria is around \$26,000.

Discussions: (1.) Concern that the primary use of the machine is to assist the City of Riverton recycling program and they are not contributing. (2.) CES continues to be a strong community partner and District partner is recycling with reduced revenues over the past two to three years. (3.) A remaining potential for a financial assistance request from CES associated with the purchase of a rear-load compactor truck for use in cardboard recycling in the Lander area. (4.) The Wyoming State Land and Investment Board may have grants available for his type of need. (5.) Would a rental machine prove a better option?

4. NEW BUSINESS:

a. Wyoming Solid Waste and Recycling Association – 2019 Annual Conference

Superintendent Frey reminded the Board of the upcoming conference in Sheridan.

b. North Dakota / South Dakota Solid Waste and Recycling Association – 2019 Joint Annual Conference

Superintendent Frey discussed an upcoming joint solid waste and recycling conference between the North Dakota and South Dakota organizations and requested authorization from the Board to attend.

SECRETARY/TREASURER RICK KLAPROTH made a motion to authorize the superintendent to attend the joint North Dakota / South Dakota 2019 annual conference. STEVE BAUMANN seconded the motion. **MOTION CARRIED**

c. Lithium Ion Battery Management

STEVE BAUMANN discussed the potential fire danger associated the receipt of lithium ion batteries in transfer stations and landfills and suggested that the District consider including them in the waste diversion program.

Discussions: (1.) A public service announcement in the newspapers and other media forms would support and encourage participation in the program. (2.) Research will be required to ensure proper collection receptacles and a disposal option.

d. FCSWDD Operational Summary and Future Considerations – County Commissioner Presentation

Commissioner Liaison Mike Jones informed the group that the Operational Summary and Future Considerations document was forwarded on to the entire commission and reported that it was well received. He suggested that a representative from the District meet with the commission at a regular commissioner meeting to allow an opportunity for correspondence regarding the content within the documents. He also suggested public meetings to distribute the information to the public and other governmental entities that would be affected by certain future considerations.

5. CALL FOR ADJOURNMENT

GARY WEISZ made a motion to adjourn at 11:03am. SECRETARY/TREASURER RICK KLAPROTH seconded the motion. **MOTION CARRIED**

6. UPCOMING MEETING(S):

a. The Next Regularly Scheduled Meeting:

- i. September 16, 2019, at 9:30am.

Respectfully submitted by,

Andrew Frey, P.E.
Superintendent of Operations
Fremont County Solid Waste Disposal District

Mark Moxley
Board of Director's Chairman
Fremont County Solid Waste Disposal District

NEW ** Fremont County Solid Waste Disposal District
Balance Sheet
As of August 31, 2019

	<u>Aug 31, 19</u>
ASSETS	
Current Assets	
Checking/Savings	
122105 · Petty Cash	300.00
122106 · Transfer Station Cash	400.00
122107 · Scale House Cash	1,600.00
123110 · CB&T Checking	113,258.63
123115 · Edward Jones Investments	5,558,132.76
123120 · Bank of Jackson Hole	56,130.42
123130 · Wyo Star	8,053,634.76
123132 · Wyo Star II	2,845,094.42
124135 · U.S. Bank	828,393.02
Total Checking/Savings	<u>17,456,944.01</u>
Accounts Receivable	394,150.38
Other Current Assets	<u>37,776.89</u>
Total Current Assets	<u>17,888,871.28</u>
TOTAL ASSETS	<u>17,888,871.28</u>
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	110,118.27
Other Current Liabilities	<u>4,786.76</u>
Total Current Liabilities	<u>114,905.03</u>
Total Liabilities	114,905.03
Equity	
32000 · Unrestricted Net Assets	2,829,261.33
380860 · Cash Reserve	750,000.00
380970 · Closure/Post-Closure Reserve	13,862,996.00
Net Income	<u>331,708.92</u>
Total Equity	<u>17,773,966.25</u>
TOTAL LIABILITIES & EQUITY	<u>17,888,871.28</u>

Memorandum



Date: September 6, 2019
To: Andy Frey, PE, Fremont County Solid Waste Disposal District
From: Matt Evans, PE
Subject: Progress Report – September 2019

The following provides an update on work completed by Burns & McDonnell since the last Progress Report.

Capacity Audits

Surveying field work for the 2019 capacity audits is complete and Burns & McDonnell staff are evaluating the amount of fill at the landfills over the past year. The final capacity audit reports are anticipated to be submitted to the District in October 2019.

Technical Engineering Assistance

Burns & McDonnell completed our monthly progress report, invoice and overall project management related to the administration of the project as part of this task.

Capital Improvement Plan Modeling

The CIP and budget model updates were completed in May 2019. Next year's model updates will be completed in the spring of next year. However, throughout the course of the year, the Superintendent and Burns & McDonnell may review the model for planning purposes as directed by the Superintendent. In particular, one issue that we will be reviewing is the current cost of recycling.

Lander Landfill Concrete Wash Pad Design

Design of the concrete wash pad is being finalized based on feedback from the Superintendent. It is intended to go out for contractor bids sometime during the second half of September.

Dubois Landfill Cell Excavation Plan Preparation

Plan preparation began in July and is anticipated to be completed by September 2019.

On-call Surveying

No on-call surveying was completed since the last board report.

Burns & McDonnell appreciates the opportunity to work with the District. If there are any questions regarding this progress report or work that is being completed, please do not hesitate to contact me at 952-656-3629 or maevans@burnsmcd.com at your earliest convenience.

Fremont County Solid Waste Disposal District
Superintendent Report
September 6, 2019

Office/Staff/Board/Inter-Government

Office:

1. The calculated tonnages and cost per ton are as follows (calculated using monthly expenses and monthly tonnages):
 - a. 2013 = \$140 & 31,472 total tons
 - b. 2014 = \$176 & 27,562 total tons
 - c. 2015 = \$99 & 31,890 total tons
 - d. 2016 = \$103 & 29,659 total tons
 - e. 2017 = \$102 & 33,483 total tons
 - f. 2018 = \$106 & 36,352 total tons
 - g. 1st Half of 2019 = \$66 & 25,000 total tons
2. The 2019 Workers' Compensation rate has been provided and is 2.53. This is down from 3.93 last year.

Staff:

1. June 2019 – following the approval of the **Safety Incentive Program** in April 2015, and the implementation July 1, 2015, the **Riverton Area** staff (i.e. Riverton Transfer Station and the Sand Draw Landfill) has not had a single lost-time accident/incident → **4 years and 2 month**, and the **Lander Area** staff (i.e. Lander Landfill, Dubois Landfill, and the rural transfer stations) had one lost-time accident early on but has now made it **3 years and 8 months!!**

Board:

1. April 2019 – The following represents the previous list of **Board Committees and Members**.
 - a. Recycling Committee: Jennifer Lamb, Gary Weisz, Bob Townsend, and Mark Moxley.
 - b. Health Benefit and Wage Committee: Rob Dolcater, Mike Adams, Gary Weisz, and Gina Clingerman.
 - c. Rate Committee: Bob Townsend, Steve Baumann, Gina Clingerman, and Gary Weisz.
 - d. Budget Committee: Rick Klapproth, Gary Weisz, Rob Dolcater, and Mark Moxley.
 - e. WRIR Solid Waste Negotiations Committee: Gina Clingerman, Steve Baumann, Gary Weisz, and Mark Moxley.
 - f. Rural Transfer Station Committee: Mark Moxley, Bob Townsend, Gary Weisz, and Rob Dolcater.

Inter-Government:

1. State:

- a. July & August 2019 – The State of Wyoming Construction Division awarded a contract specific to cleanup efforts of both asbestos containing materials and non-asbestos containing materials from the Wyoming Life Resource Center (WLRC) demolition work. There is up to 10,000 cubic yards of materials that will be delivered to one of the District's landfills. We continue to work closely with the contractors to ensure site availability and transparency.
- b. August 2019 – The hauling from the **WLRC** is anticipated to end the week of September 9, 2019. As summary of the activity from this project is as follows:
 - FY 2018-2019: 8,316 yd³ & \$349,272 (mix of C&D/ACM and rates)
 - FY 2019-2020: 6,308 yd³ & \$183,450 (mix of C&D/ACM and rates)
 - Total = 14,624 yd³ & \$532,722
- c. August & September 2019 – The State of Wyoming School Systems are working through a renovation of the **Jeffrey City school** building. This project includes the demolition of a large portion of old buildings. Much of the C&D waste is being directed to the Shoshoni Landfill (a decision made by the contractor).

2. County – **No Updates**

3. Municipalities:

- a. August 2019 – The **Town of Pavillion** contacted us in an attempt to notify our group that the town intends to discontinue their recycling trailer/program. The trailer continues to receive a high volume of contamination and waste, so the town is electing to stop offering the opportunity.
- b. September 2019 – Since the August Board meeting there has been additional scheduling requests made by the **Town of Shoshoni** or **Tim Davis**.
- c. May 2019 – the Lander Mayor and I have been discussing the potentiality of the City working towards a city-wide curbside garbage program.

Regulatory/Engineering/Legal/General Contractors

Regulatory:

1. July 2019 – The mandated updates to the District's 20-year Integrated Solid Waste Management Plan (ISWMP) have been started and were completed in-house. In response the WDEQ-SHWD staff asked for our permission to use our document as a guide/example for other solid waste facilities to follow in completing their own updates.

Engineering – **No Updates**

Legal – **No Updates**

General Contractors:

1. August 2019 – We are in the process of developing the Fiscal Year 2018-2019 Financial Audit documents.

2. August 2019 – A tour was provided to the new manager of the **Tribal solid waste program** (Verlan) and a Council member (Karen Schneider). We toured the Ft. Washakie, Ethete, Lander, and Riverton.

Sites/Operations/Equipment:

Sites:

1. August 2019 – We continue to have issues with getting a Fairbanks Scale rep/technician onsite in a timely manner during scale issues. We are now working with a new repair group to address issues (***Rocky Mountain Scale Systems***).

Operations – No Updates

Equipment:

1. August 2019 – Bid documents and associated specifications have been drafted for a **new waste compactor**. The advertisements are being run and the bid results and an accompanying purchase request letter will be presented at the September 2019 Board meeting for consideration.

Miscellaneous/Upcoming Work & Events/Work in Progress:

Miscellaneous: No Updates

Upcoming Work & Events: No Updates

Work in Progress:

- a. August 2019 – The ***Office Window Replacement project*** is near complete. The remaining work includes staining the trim boards.

Thank you,



Andrew Frey, P.E.
Superintendent of Operations
Fremont County Solid Waste Disposal District

**RULES AND REGULATIONS
GOVERNING SOLID WASTE COLLECTION AND DISPOSAL IN
FREMONT COUNTY, WYOMING**

Adopted by:
Fremont County Solid Waste Disposal District Board
January 11, 1982

Amended - March 10, 1986

Amended - December 10, 1990

Amended - July 12, 1993

Fully Revised and Adopted - October 12, 1998

Amended - November 9, 2003

Amended - October 11, 2004

Amended - April 10, 2006

Amended - June 12, 2006

Amended - September 11, 2006

Amended - October 13, 2008

Amended - January 12, 2009

Amended - July 13, 2009

Amended - February 14, 2011

Amended - May 14, 2012

Amended – June 17, 2013

Amended – June 16, 2014

Amended – September 15, 2014

Amended – November 16, 2015

September 16, 2019

**RULES AND REGULATIONS
GOVERNING SOLID WASTE DISPOSAL IN
FREMONT COUNTY, WYOMING
REVISION – September 2019**

**CHAPTER I
GENERAL PROVISIONS**

Section 1. Authority. The authority to adopt rules and regulations governing solid waste disposal by the Fremont County Solid Waste Disposal District Board is granted by Wyoming Statute §18-11-102 (2001). These rules and regulations are adopted pursuant to the Wyoming Administrative Procedure Act, Wyoming Statute §16-3-101 et. seq. (2001).

Section 2. Title. These rules and regulations shall be cited as "Rules and Regulations Governing Solid Waste Disposal in Fremont County, Wyoming."

Section 3. Purpose. The purpose of these rules and regulations is to protect the health and general welfare of Fremont County residents through the promulgation of rules and regulations to assure that solid waste is transported and disposed of in a safe and healthy manner.

Section 4. Organization. Fremont County Solid Waste Disposal District is a duly organized solid waste disposal district created by resolution of the Board of County Commissioners of Fremont County, Wyoming, on October 3, 1979, pursuant to Wyoming Statute §18-11-101 (1977).

Section 5. Definitions.

- a. "Asbestos" is a naturally occurring fibrous mineral defined by two categories:
 1. "Friable Asbestos" containing materials, is any material that contains more than one percent asbestos by weight or area, depending on whether it is a bulk or sheet material and can be crumbled, pulverized, or reduced to powder by the pressure of an ordinary human hand.
 2. "Non-Friable Asbestos" containing materials, is any material that contains one or more percent asbestos, but cannot be pulverized under hand pressure.
- b. "Board" means the Board of Directors of the Fremont County Solid Waste Disposal District.
- c. "Commercial Operator" means a person or firm engaged in the activity of collecting, transporting, and disposing of solid waste from residences, commercial firms or industrial plants within the District, for a fee or compensation of any type or kind.

- d. "Construction/Demolition Waste" shall mean any and all material generated from, construction, reconstruction, remodeling or demolition of a structure, and shall include, but is not limited to stone, wood, concrete, asphaltic concrete, cinder blocks, brick, sheetrock, plastic, plaster, metal, shingles, electrical materials, and plumbing materials.
- e. "Contract Manager" shall mean any person, persons, firm, or entity that has entered into a contract with the District to manage operations of any District site, in accordance with the District Rules and Regulations.
- f. "District" means the Fremont County Solid Waste Disposal District.
- g. "Electronic Waste" (e-waste) shall mean items and components of items containing Cathode Ray Tubes, which includes but is not limited to computer monitors and televisions. It shall also include, but is not limited to, computers, key boards, mice, networking equipment, exterior modems, exterior CD/FDD, tape drives, mainframes, cell phones, printers, stereo equipment, VCR/DVD players, calculators, adding machines, laptop computers, facsimile machines, copy machines, UPS backups, any component part of the above, and any other such units or components which contain materials banned by the DEQ or EPA from being placed in the landfills or as may be designated by the District superintendent from time to time.
- h. "Flow Control" means the requirement that all solid waste generated within the District be delivered to a District facility.
- i. "Hazardous Waste" means those wastes that are defined as hazardous wastes in Wyoming Department of Environmental Quality Hazardous Waste and Regulations, Chapter 2, Identification and Listing of Hazardous Waste.
- j. "Household Waste" means solid waste resulting from or incidental to residential activities, and includes waste produced from domestic use of a household as a residence only. Household Waste is also known as "Municipal Solid Waste" or MSW.
- k. "Landfill" means a solid waste management facility for the land burial of solid wastes, utilizing an engineered method of controls to avoid creating a hazard to public health, the environment, plants, or animals.
- l. "Low-Hazard Low-Volume Transfer Station" means any solid waste facility managed by the District, that accepts small quantities of MSW and C&D materials for transport to a final disposal facility.
- m. "Municipal Operator" means an incorporated city or town engaged in the activity of collecting, transporting, and disposal of solid waste from residences, commercial firms or industrial plants within the District.

- n. "Municipal Solid Waste," commonly referred to as "MSW," means solid waste resulting from or incidental to residential activities, and includes waste produced from domestic use of a household as a residence only. Municipal Solid Waste is also known as "Household Waste."
- o. "Person" means any individual, institution, public or private corporation, municipality, partnership, firm or other entity.
- p. "Solid Waste" means discarded solid materials, including materials resulting from industrial, commercial and agricultural operations, and from community activities, but, unless disposed of at a landfill, does not include:
 - 1. Solids of dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved, or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants;
 - 2. Solids, sludges or dissolved constituents which are collected or separated in process units for recycling, recovery or reuse including the recovery of energy within a continuous or batch manufacturing or refining process; or
 - 3. Agricultural materials which are recycled in the production of agricultural commodities.
- q. "Solid Waste Disposal Site" means any area designated by the Board for the acceptance and/or disposal of solid waste. Solid Waste Disposal Site includes landfills, transfer stations, bale stations, and recycling facilities.
- r. "Special Waste" means those wastes that require special handling as described in Chapter 8 of the DEQ Solid Waste Rules and Regulations.
- s. "Specialty Waste" means those wastes set forth above in Section 5, sub-section o, and which are accepted by the District, and which are listed below:
 - 1. Bio/Medical Solid Waste,
 - a. Bio/Medical Solid Waste is accepted at the following locations (following disposal guidance): Lander Landfill, Sand Draw Landfill, and the Dubois Landfill.
 - 2. Confidential Records,
 - a. Confidential Records disposal is accepted at the following locations (following disposal guidance): Lander Landfill, Sand Draw Landfill, and Dubois Landfill.

3. Sump Mud,
 - a. Sump Mud disposal is accepted at the following locations (following disposal guidance): Lander Landfill, Sand Draw Landfill, and Dubois Landfill.
4. Electronic Waste.
 - a. Electronic Waste disposal is accepted at the following locations (following disposal guidance): Lander Landfill, Sand Draw Landfill, Dubois Landfill, and the Riverton Bale Station.
5. Asbestos
 - a. Only Non-Friable Asbestos materials can be accepted by the District (not including Friable Asbestos), following a case-by-case approval process for the materials. If approved, the generator must provide a minimum 24-hrs advanced notice, the materials will need to be wetted, covered, secured to the transport vehicle, and totally encapsulated in plastic. The generator will need to complete a "Hazardous Waste Disposal" form, which can be acquired from the District scalehouse attendants. The generator will be required to unload all of the materials, without District assistance, into a designated location.
 - b. Non-Friable Asbestos is accepted, upon approval, at the Lander Landfill, Sand Draw Landfill, Dubois Landfill, and the Shoshoni Landfill.
- t. "Superintendent of Operations" or "Superintendent" means the person hired as the administrative head over the daily operations of all District sites, District equipment, and personnel employed by the Fremont County Solid Waste Disposal District.
- u. "Transfer Station" means any solid waste facility managed by the District that accepts MSW and C&D materials for transport to a final disposal facility, including loading docks, parking areas, storage areas, and ancillary features.
- v. "Volunteer" shall mean any person or persons who have been authorized by the Board to operate a District site, in accordance with the District Rules and Regulations, without compensation of any type. All volunteers must meet District requirements prior to operating a District site.

CHAPTER II **OPERATIONS**

Section 1. Solid Waste Disposal Sites. The District shall maintain and operate, through its own staff or through contract managers, or volunteers, one or more solid waste disposal sites within the District, for the use and benefit of residents of the District. The number of sites, locations of sites, and services provided at the sites shall be determined by the Board, and may be adjusted.

Section 2. Access to Disposal Sites. Any resident of the District may dispose of solid waste at the solid waste disposal sites provided, subject to direction of the District staff as to where such wastes shall be disposed of at any site and subject to such other requirements as set forth in these rules or as authorized by the Board. Access to District sites and the right to dispose of waste is a privilege and not a right. No person shall dispose of solid waste at a District solid waste disposal site at any time except the times that the same are open for operation. The Board shall have the authority to set times when the transfer stations and landfills are open. No waste shall be accepted from out-of-county locations without the formal approval of the superintendent. The Board has the right to suspend disposal privileges.

No person shall use any cellular or satellite telephone while they are on any District landfill, transfer site, or recycling site. Use of cellular or satellite telephones shall include speaking on the phone, texting on the phone, or using internet. This prohibition shall not include District personnel who are authorized to conduct such telephone use.

Section 3. Fees

- a. **Returned Checks & Delinquent Payments Fees:** The District will impose a \$30.00 fee on all returned checks. The District will impose all collection charges (i.e. attorney fees and collection service fees) to accounts not paid in full within 90-days, in addition to the full account balance.

- b. **Lander Landfill & Transfer Station, Riverton Bale Station, Dubois Landfill & Transfer Station, and Sand Draw Landfill:** The fee for disposing of municipal solid waste and construction and demolition solid waste at the Lander Landfill, Riverton Bale Station, Dubois Landfill, Sand Draw Landfill and other facilities where weight scales are available shall be \$0.04 per pound as read by the scale.

In the case of cars and pickups, there shall be a minimum fee of \$5.00 up to 200 pounds and an additional \$0.04 per pound for all waste in excess of 200 pounds.

c. **Rate Structure when the scales are down at the Lander Landfill & Bale Station, Riverton Bale Station, Dubois Landfill & Transfer Station, and Sand Draw Landfill, or any other facility where weight scales are available, the following fees shall be charged:**

	<u>Fee</u>
a. Up to two bags of household waste	\$5.00
b. Delivery by car or pickup (beyond two bags of waste)	\$10.00
c. Delivery by single or tandem axle trailer	\$35.00
1. Triple axle trailer	\$50.00
d. Delivery by Commercial Compaction Truck	\$400.00
e. Deliveries by Roll-Off or Dump Truck	\$10 per cubic yard
f. Delivery by Semi Truck	\$10 per cubic yard

d. **Transfer Stations:** The fee for disposing of municipal solid waste and construction and demolition solid waste in District owned and operated/staffed transfer stations shall be as follows:

	<u>Fee</u>
a. Minimum Fee	\$10.00
b. Cost per cubic yard of waste	\$10.00
c. No loads larger than 4-cubic yards of waste allowed per customer or customer group per open event, or per week, whichever is less frequent.	

e. **Transfer Stations:** The fee for disposing of municipal solid waste and construction and demolition solid waste in District owned and community-based volunteer staffed transfer stations shall be as follows:

	<u>Fee</u>
a. Minimum Fee	\$5.00
b. Cost per cubic yard of waste	\$5.00
c. No loads larger than 4-cubic yards of waste allowed per customer or customer group per open event, or per week, whichever is less frequent.	

- f. **Transfer Stations:** The fee for disposing of municipal solid waste and construction and demolition solid waste in District owned and the Lysite community-based volunteer staffed transfer stations shall be as follows:

	<u>Fee with Participation</u>	<u>Fee with No Participation</u>
a. Up to two bags of household waste	\$5.00	\$5.00
b. Delivery by car or pickup (beyond two bags of waste)	\$7.00	\$10.00
c. Delivery by trailer	\$27.00	\$35.00
d. White goods (if/when allowed)	\$5.00/each	\$5.00/each
e. Other metal items	\$5.00/cy	\$5.00/cy
f. No Commercial Operator loads allowed		
g. No loads larger than 4-cubic yards allowed.		

- g. **Shoshoni Landfill (C&D):** The fee for disposal of construction and demolition debris waste during the first Saturday of each month (regularly scheduled operating day):

	<u>Fee</u>
a. Single or Tandem Axle Trailer	\$35.00
b. Triple Axle Trailer	\$50.00
c. Deliveries by Dump Truck or Roll-Off Truck	\$5.00/cy
d. Deliveries by Semi Truck	\$5.00/cy

- h. **Shoshoni Landfill (C&D):** The fee for disposal of construction and demolition debris waste outside of the regularly scheduled hours shall be as follows:

	<u>Fee</u>
a. Cost per cubic yard of waste	\$15.00

- i. **Specialty Waste:**

a. Specialty Waste Fees.

1. Bio/Medical Waste. All Bio/Medical Waste must be bagged in Bio/Medical Waste bags bought from the District. The Bio/Medical Waste Bag shall cost \$5.00.
2. Confidential Records. The fee for confidential records shall be ~~an additional~~ \$0.25 per pound.
3. Sump Mud. The fee for Sump Mud disposal at a District landfill is \$0.08 per pound.

4. Electronic Waste (E-waste). E-waste shall not be placed in any District landfill or transfer station in any manner. E-waste shall be placed in specially designated containers. There is no fee for disposal of E-waste.
5. Non-Friable Asbestos. The District will only accept Non-Friable Asbestos (the District sites are not permitted for the acceptance of Friable Asbestos).

	<u>Fee</u>
a. Residential (owner)	\$80 per ton
b. Commercial/Contractor Rate	\$128 per ton
c. Shoshoni Landfill (no distinction is generator)	\$42 per cubic yard

Section 4. Charge Accounts: Fremont County businesses, commercial/municipal operators, governmental entities, and non-profit entities that desire to maintain an active charge account with the District must meet and maintain the following criteria:

- a. A formal Fremont County Solid Waste Disposal District Charge Account Request Application must be submitted along with a non-refundable \$25.00 processing fee (this fee is not required by governmental agencies), and gain approval by the Superintendent of Operations.
- b. The account balance must be paid in full monthly.
- c. Any accounts not paid in full monthly, and allowed to reach a 90-day period without full payment, will be terminated and the account will be imposed collection charges (i.e. attorney fees and collection service fee's) in addition to the account balance.
- d. Any account holder with an account terminated due to non-payment will not be allowed to create another charge account with the District.
- e. Any account holder with an account terminated due to non-payment will have their disposal privileges suspended at all Fremont County Solid Waste Disposal District sites, until the account balance is paid in full.

Section 5. One Time DEQ Authorizations. Due to emergencies, accidents, and other occurrences, the Department of Environmental Quality (DEQ) occasionally issues one-time authorizations to dispose of wastes that are not normally allowed to be disposed of at disposal sites operated by the District. The Board reserves the right to charge a fee for these one-time DEQ authorizations. The fee shall be assessed by the Board.

Section 6. Non-Resident Use of Disposal Sites. Non-residents of the District may not use disposal sites of the District, except upon prior issuance of formal written permission from the District for such use and prior payment of a fee for such use.

- a. Commercial operators may not dispose of solid waste collected from outside the District, unless advance formal written permission has been provided, defining appropriate disposal fees and locations. In such cases, the requests shall state the amount of solid waste to be allowed from outside the District.
- b. The fee for use of a District disposal site by non-residents of the District shall be twice the established District disposal rates.
- c. The District shall not be obligated to allow use of District disposal sites by non-residents; the allowance of use, or the issuance of a permit therefor, shall not be considered as grant for continued use or renewal of such permit, and such use may be terminated by the Board at any time. No formal permission for use of disposal sites by a non-resident shall be for more than thirty (30) days unless provided for in writing, and each such permit shall state the user accepts the permit with the understanding that there is no right of renewal and that the District reserves the right to discontinue such use at any time.
- d. No disposal of any kind shall be received at any District disposal sites, from out-of-state sources, or from other sources which might subject the District to provisions of the Federal Interstate Commerce Laws.

Section 7. Disposal Permission Revocation. Any permission for disposal of solid waste issued by the Board to any person may be revoked at any time.

Section 8. Transportation of Solid Waste to Solid Waste Disposal Site.

- a. Solid waste transported to any solid waste disposal site within the District, whether a landfill, transfer station, baling station, or recycling facility, must be securely covered. Securely covered is defined as a load that is securely covered and fastened to the transport vehicle in such a manner that the waste shall not, and cannot, be strewn upon the streets, roads and highways within Fremont County. Unsecured loads, including bagged waste, must be secured to the transport vehicle with a separate lid, tarp, or other means ensuring materials cannot blow or travel out of the car, truck, trailer, or any other means of transport.
- b. Any person who transports waste to a solid waste disposal site in violation of this Section shall have imposed upon them the following:
 1. A \$8.00 fee will be applied.

Section 9. Demolition Permits – Demolition Projects Larger than 100 Cubic Yards

For any demolition project larger than 100 cubic yards, the owner or contractor must complete a Fremont County Solid Waste Disposal District – Construction/Demolition Permit Application request, and receive approval from the Superintendent of Operations.

- a. Any Commercial/Municipal Operator, person, firm, corporation, or governmental entity may apply for a permit, which application shall set forth the following:
 1. Name and Address of Applicant;
 2. Location of structure that is being constructed or demolished and size of structure in square footage;
 3. Type of trucks and capacity of trucks to be used in hauling the construction and demolition waste;
 4. Number of truckloads estimated to be used to dispose of construction and demolition waste and estimated yardage of construction and demolition waste to be disposed;
 5. Estimated amount of time to accomplish the disposal of the construction and demolition waste and date of completion;
 6. A written statement that the applicant will comply with all rules and regulations of the District pertaining to the disposal of solid waste, and applicant will promptly pay the District for any damage done to District property by its employees or activities;
 7. Confirmation and proof of completion of a State of Wyoming Asbestos Abatement.
- b. All applicants shall pay a \$50.00 processing fee with their completed application, which is non-refundable, even if application is later withdrawn by applicant or the permit is denied.
- c. The Superintendent shall review each application and shall issue a Demolition Disposal Permit using the following guidelines in his decision-making process:
 1. There is enough space available at a District Landfill to hold the amount of construction and demolition waste proposed to be disposed of in the District.
 2. The applicant has the means through manpower and trucking capacity to accomplish the disposal of the construction and demolition waste in a reasonable amount of time and in an efficient manner that fits in with District Operations.

- d. The Superintendent may place conditions upon the permit other than the fee amount including, but not limited to:
 1. Time period of disposal of construction and demolition waste;
 2. Location of disposal of construction and demolition waste.

Section 10. Disposal of Solid Waste Within the District (Flow Control).

- a. Purpose: The purpose of Flow Control is to protect the health, safety and general well-being of the citizens of the District and Fremont County, enhance and maintain the quality of the environment, conserve natural resources and to prevent water and air pollution by providing for a comprehensive, rational and effective means or regulating the disposal of Solid Waste in the Fremont County Solid Waste Disposal District.

- b. Geographic Area, Facilities and Solid Waste Disposal: The geographic area covered by this flow control regulation shall be all of the geographic area of the District, with the exception of the Wind River Indian Reservation. Provided however, that this regulation may extend to the Wind River Indian Reservation by contract with the District.

- c. Solid Waste Disposal: All solid waste, as defined in these regulations that is generated within the District, except as provided above shall be delivered to a District transfer station or District landfill. This requirement shall not apply to solid waste generated within the District that is not or cannot be accepted by the District, and such waste shall be disposed of in accordance with federal and state laws. This requirement also does not apply to recyclable solid waste if the collector accumulates and then delivers the recyclables out of the District for recycling.

- d. Applicable Waste Subject to Flow Control: All solid waste collectors and other persons shall deliver all household solid waste, commercial waste, municipal solid waste, specialty waste, and construction and demolition debris generated within the District, except as provided for in section 10.3 above to a District Landfill or to a District Transfer Station, for disposal.

- e. Penalty: Any person, firm or entity that fails to deliver solid waste generated by them or collected by them to a District site as provided herein, shall be assessed a fee of \$250.00 for the first violation, \$500.00 for the second violation and \$750.00 for subsequent violations. In additions to the fees imposed herein, the District shall have the ability to suspend disposal privileges of the violator after the second violation. With regards to commercial haulers, the failure to deliver identified waste to a designated facility within 3-days of collection shall be presumptive evidence that the

waste was illegally dumped or disposed of at a location other than a designated facility.

CHAPTER III
RESTRICTIONS

Section 1. Restrictions The disposal of all solid waste at District Solid Waste Disposal Sites shall be subject to the following restrictions:

- a. No solid wastes or other wastes shall be disposed of within the District except as provided for in these rules and according to the rules and regulations of the Wyoming Department of Environmental Quality.
- b. Only solid wastes may be disposed of at the District Solid Waste Disposal Sites. No liquid wastes or hazardous wastes may be disposed of at the District Solid Waste Disposal Sites.
- c. No person shall separate, collect, carry off or otherwise remove anything whatsoever from the District Solid Waste Disposal Sites without the permission of the District Superintendent.
- d. It shall be unlawful for any unauthorized person to set a fire within a District Solid Waste Disposal Site.
- e. All solid waste must be placed within containers provided at transfer stations. No solid waste may be left outside of containers.
- f. All specialty waste fees must be paid and the proper paperwork filled out, prior to entering an active site.
- g. Failure to pay fees for specialty waste, failure to follow proper disposal guidance, or failure to apply for and pay for special permits can result in a fine of \$750.00 plus the cost of the load. Failure to comply may result in the company or individual to losing their right to access the District sites.
- h. Failure to dispose of Bio/Medical Waste in official Bio/Medical Waste Bags bought from the District, or failure to follow disposal procedures, shall subject the individual and/or company to a \$750.00 fine and may result in the company or individual to losing their right to access the District sites.

Memorandum

To: FCSWDD Board of Directors
From: Andrew Frey, Superintendent of Operations
Date: September 5, 2019
Re: Driving History: District Policy versus Insurance Policies

Throughout the past few months we have been working to better understand our insurance policy requirements associated with acceptable driving history of District staff and what it may mean if a staff member is determined "uninsurable" by our insurance policies. Further, if a staff member is deemed "uninsurable", how we may need to handle their employment status and to ensure our Personnel Policy supports the intent of the Board. Currently, there is no language within any District policies or rules that addresses an employees driving history or insurability.

The initial language that caused this concern is contained within our WARM (Wyoming of Risk Management) Insurance policy. WARM Insurance provides comprehensive and collision insurance for our over-the-road vehicles and our heavy equipment (as well as structure/building coverage). The WARM policy states:

"A Member Entity shall not permit any of their employees, volunteers or elected officials to operate a motor vehicle ("motor vehicle" shall include road vehicles, such as automobiles, vans, motorcycles and trucks, as well as off-road vehicles such as self-propelled construction and farming equipment) in the course and scope of their duties for that entity if the employee, volunteer or elected official MVR, driving record information, reflects any of the following unacceptable driving criteria:

1. *Convicted of three (3) or more on-duty or off-duty moving violations within the previous 36-months (three separate, individual incidents);*
2. *A conviction within the previous 36-months of any of the following:*
 - a. *Driving under the influence of drugs or alcohol,*
 - b. *Leaving the scene of an accident,*
 - c. *Fleeing to avoid arrest,*
 - d. *Reckless Driving,*
 - e. *Homicide or assault by motor vehicle,*
 - f. *Driving without auto insurance,*
 - g. *Driving on a suspended license,*
 - h. *Refusal to take blood/breathalyzer test for suspected DUI or impaired driving.*

If a member entity permits one of their employees, volunteers or elected officials to operate a motor vehicle in the course and scope of their duties in violation of the unacceptable driving criteria listed above, the WARM Property Board may modify the violating entity's property coverage by eliminating property coverage for future occurrences arising out of motor vehicle accidents involving an employee, volunteer or elected official that meets any of the unacceptable driving criteria."

During the August 2019 Board meeting additional information was requested to better assist the Board in determining the best course of action. The following items were requested:

1. What constitutes a good faith effort in reviewing staff driving record history? Is an annual review adequate?
2. Are other insured groups under WARM having these same concerns?
3. Is the WARM language intended as guidance instead of a strict requirement?
4. Would it be an option for a policy carrier to pay a higher premium to allow staff members that do not meet the unacceptable driving history criteria?
5. How would a claim be handled in the event that a staff member does not meet the unacceptable driving record criteria is in an accident (knowing or unknowing by the policy holder)?
6. How is Fremont County handling this policy language?

Following correspondence with both WARM and LGLP (Local Government Liability Pool – the liability insurance provider), the following is my understanding of the situation:

1. What constitutes a good faith effort in reviewing staff driving record history? Is an annual review adequate?
 - **WARM responded that they feel that an annual DMV record check is adequate in addition to checks on all new hires. They also encouraged developing policy language that requires a check post-accident and require staff to self-report any violations.**
 - **LGLP does not require any review and stated that the level of strictness is the decision of the entity.**
2. Are other insured groups under WARM having these same concerns?
 - **WARM stated that most members are supportive of this policy and have adopted it as their own.**
 - **LGLP: N/A**
3. Is the WARM language intended as guidance instead of a strict requirement?
 - **WARM responded that they view this language as a best practice policy.**
 - **LGLP: N/A**
4. Would it be an option for a policy carrier to pay a higher premium to allow staff members that do not meet the unacceptable driving history criteria?
 - **WARM responded that this is not an option.**
 - **LGLP: N/A**
5. How would a claim be handled in the event that a staff member does not meet the unacceptable driving record criteria is in an accident (knowing or unknowing by the policy holder)?
 - **WARM stated that there is a chance that a future loss would not be covered if the driver was not in compliance, but ONLY if notified by WARM in advance. Without any prior notice from WARM, all claims would be covered.**
 - **LGLP: N/A**
6. How is Fremont County handling this policy language?
 - In conversation with Mike Jones and Julie Freese, the county historically had similar concerns and researched the issue. Their findings concluded that this has been more of a guidance policy instead of a strict requirement.

Memorandum

To: FCSWDD Board of Directors

From: Andrew Frey, Superintendent of Operations

Date: September 6, 2019

Re: Waste Compactor Purchase Request and Bid Results

Within this fiscal year's operating budget (i.e. 2019-2020) equipment line item there were funds allocated for the potential purchase of a new waste compactor. Currently, the District owns and operates two waste compactors, one at the Sand Draw Landfill and one at the Lander Landfill. These machines are used on a daily basis to manage the MSW and C&D waste received.

Any time the machine at the Lander Landfill goes down, we take the one from Sand Draw and haul it to Lander since we manage a larger volume of waste at this site. This process alone takes a toll on our low-boy trailer (i.e. tipped wheels on a 60,000-lb piece of equipment), and comes at an expense. These machines are like most pieces of heavy equipment and have regular break-downs. Additionally, when a landfill does not have a waste compactor operating and processing/compacting the waste prior to burial, airspace is lost and results in financial losses. Waste compacted with a dozer will achieve around 600-700 lbs/cubic yard compared to waste compacted with a waste compactor achieving approximately 1,200 lbs/cubic yard.

Example Calculation: $1,200 \text{ lbs/yd}^3 = 0.6 \text{ tons/yd}^3 @ \$80/\text{ton} = \$48/\text{yd}^3$
 $600 \text{ lbs/yd}^3 = 0.3 \text{ tons/yd}^3 @ \$80/\text{ton} = \$24/\text{yd}^3$
 $150 \text{ tons/day} @ 1,200 \text{ lbs/yd}^3 = 250 \text{ yd}^3/\text{day}$
 $150 \text{ tons/day} @ 600 \text{ lbs/yd}^3 = 500 \text{ yd}^3/\text{day}$
➔ Represents a loss of up to 250 yd³/day
➔ At \$48/yd³ this represents losses of up to \$12,000/day

Over the past one year we have had our newer compactor, the one located at the Lander Landfill, breakdown five times that resulted in one day or more of downtime. These breakdowns resulted in overall downtime of 3-weeks (i.e. injectors, water pump, throttle position sensor, air conditioner/cab filtration system). This machine has approximately 7,000-hours with a warranty out to 7,500-hours.

The District developed a set of bid specifications for a 60,000-lb weight class waste compactor designed to manage and efficiently process between 50 tons and 250 tons of waste per day, with the ability to achieve a 1,200-lb/cubic yard waste density with a 15-inch loose waste depth. The District's typical daily tonnage receipts are up to 150 tons per day. This is the smallest weight class equipment available; thus, the most suitable and efficient weight class waste compactor for our program.

In addition to the machine, we have included the warranty language including a 84-month / 7,500-hour total machine warranty that includes all field service mileage and onsite service within 48-hours of notice, a basic GPS tracking system that will ensure full coverage of all waste within the working face, and a PA system that will allow staff in the equipment to communicate with customers in the area.

A request for bids was advertised during August 2019, resulting in a great deal of interest and discussions with equipment providers around Wyoming, Utah, and Texas. The District ultimately received three bids from providers that felt they could both meet the equipment specifications, warranty language, and field service requirements. The three bids received were:

1. Komatsu of Rock Springs – bid price of \$577,264
2. Humdinger Equipment of Lubbock, TX – bid price of \$614,731
3. Wyoming Machine of Casper – bid price of \$471,450.95

The lowest bid was determined to be the lowest responsible bidder, meeting all bid specifications. Within our operating budget we had allocated \$475,000 for the potential purchase of a new waste compactor.

I would like to recommend and request authorization to purchase a new Caterpillar 816K Waste Compactor from Wyoming Machinery based on the District drafted bid specifications from 2019, with a purchase price of \$471,450.95.