

ATLANTIC COUNTY UTILITIES AUTHORITY
AUGUST 19, 2021 – 3:00 PM
6700 Delilah Road, Egg Harbor Township, NJ

PRESENT FOR THE AUTHORITY

Marvin Embry	Chair
Fred Akers	Member
John Lyons	Member - zoom
Judy Ward	Member - zoom
Laura Pfrommer	Member
Maria Mento	Member - zoom
Richard Dovey	President
Brian Lefke	Senior Vice President of Solid Waste & Authority Secretary
Joseph Pantalone	Vice President Wastewater
Linda Bazemore	Vice President of Administration & Finance/CFO
Thomas Ganard	Chief Engineer
Gary Conover	Solid Waste Director
Dennis Smith	Maintenance Resource Coordinator
Patricia Keeper	Assistant Board Secretary

ALSO PRESENT:

Keith Davis, Esq.	Nehmad, Davis & Goldstein
Daniel Solt, Esq.	Assistant County Counsel

Chairman Embry called the meeting to order at 3:00 p.m. and announced that the notice of the 2021-2022 Meeting Schedule was mailed to the Atlantic City Press, The Daily Journal, The Clerk of Atlantic County, and The Clerk of The Atlantic County Board of Commissioners on February 19, 2021 in compliance with the Open Public Meetings Act, NJSA 10:4-6, *et seq.* and it was posted on the bulletin board of the Atlantic County Utilities Authority in the administration building, and Notice of Live Streaming of this meeting was mailed to the Atlantic City Press, The Daily Journal, The Clerk of Atlantic County, and The Clerk of The Atlantic County Board of Commissioners on July 29, 2021 and both notices were posted on the bulletin board of the Atlantic County Utilities Authority in the administration building.

Flag Salute

Roll call was taken by Brian Lefke which reflected a quorum was present.

Chairman Embry	present
Fred Akers	present
Andrew Berenato	absent
John Lyons	present - zoom
Judy Ward	present – zoom - joined at 3:10
Laura Pfrommer	present
Maria Mento	present - by zoom

APPROVAL OF THE MINUTES OF THE JULY 15, 2021 MEETING – voted on and approved by all members with the exception of Maria Mento who abstained.

Mrs. Ward joined the meeting after the vote was taken.

BOARD COMMITTEE REPORTS: None.

BOARD COMMENT:

Chairman Embry welcomed our new Board Commissioner Maria Mento.

Mr. Akers read a statement concerning Atlantic County Solid Waste Management Plan Waste Flow Enforcement. A copy of his statement is attached hereto.

PUBLIC COMMENT: Karel Torres, a former ACUA employee, addressed the Board concerning his recent termination.

NEW BUSINESS: None.

OLD BUSINESS: None.

ALL RESOLUTIONS APPROVED.

RESOLUTION COMMENTS:

Resolution 21-8-188: Authorizing a contract modification to contract with Wyndham Construction, LLC for Bid 2020-SW-15, MSE Berm Construction, Phase 2. Amount of increase is \$74,486.81.

Explanation: For unforeseen material cost increase and value engineering credit.

This is the landfill berm wall project (Phase 2).

Mrs. Ward abstained from voting.

Tom Ganard presented a drone video showing the progress of the project.

The meeting was adjourned at 3:35 p.m.

Respectfully submitted,



Brian G. Lefke
Board Secretary

Atlantic County Solid Waste Management Plan Waste Flow Enforcement

By Fred Akers, Member of ACUA Board of Commissioners August 19, 2021

Because of a long history of organized crime and pollution in the solid waste industry here in NJ, the New Jersey Solid Waste Management Act was created to designate each county in the State as a Solid Waste Management District and provides authority to develop and implement comprehensive Solid Waste Management Plans that meet the needs of every municipality within each county.

The Atlantic County Solid Waste Management Plan designates the Atlantic County Utilities Authority (ACUA) as the solid waste agency for Atlantic County. The Atlantic County Solid Waste Management Plan was amended on February 28, 2012 by the Board of Chosen Freeholders and was certified by the New Jersey Department of Environmental Protection on August 10, 2012, reinstating Waste Flow in Atlantic County.

The Atlantic County Solid Waste Management Plan with the Waste Flow Amendment, as adopted by the Atlantic County Board of Chosen Freeholders and certified by the New Jersey Department of Environmental Protection, **requires all non-recycled solid waste generated within Atlantic County to be disposed of at the ACUA's Sanitary Landfill.**

According to law, all solid waste facility operators registered with the NJDEP and all solid waste collector/transporters registered with the NJDEP and operating within the County of Atlantic shall comply with the provisions of the Atlantic County Solid Waste Management Plan, as amended. Any facility operator or transporter who fails to comply with the provisions of the Atlantic County Solid Waste Management Plan, as amended, **shall be deemed to be in violation of N.J.S.A. 13:1E-1 et seq., in violation of N.J.A.C. 7:26-1 et seq., and in violation of their registration to operate a solid waste facility or a collection system issued there under by the NJDEP and shall be subject to the provisions and penalties of N.J.S.A. 13:1E-9 and N.J.S.A. 13:1E-12 and all other applicable laws.**

The proposed out-of-state-trash transfer to rail station in Pleasantville would be a clear violation to waste flow and the existing rule of law, and would therefore be illegal. However, this fact of illegality has not stopped elected officials and their for-profit patrons from conspiring to calculate the financial gains they could achieve by promoting and approving this would-be violation of the New Jersey Solid Waste Management Act and the Atlantic County Solid Waste Management Plan to arbitrarily divert trash flow out of state and take revenue away from the ACUA.

Without the Waste Flow requirement for many years, the ACUA had serious problems in paying down the debt caused by the initial investment in the transfer station and landfill, and for a time the state made supplemental payments to the ACUA, but they eventually faded away.

The February 28, 2012 Atlantic County Plan amendment included a revised solid waste flow control system whereby the Atlantic County Utilities Authority (ACUA) Landfill located at the Atlantic County Environmental Park in Egg Harbor Township, **was designated as the only disposal facility for all solid waste types 10, 13, 13C, 23, 25, 27 and 27A generated by any residential, public, commercial, industrial or institutional establishment located within Atlantic County. This revision in the solid**

waste control system enabled the ACUA to ensure a balanced financial position whereby future State financial aid is no longer required.

The bogus claims about the need to arbitrarily take revenue away from the ACUA to prolong the life of the landfill were also addressed in the NJDEP's certification of the February 28, 2012 County Plan amendment under "Regionalization".

As part of future regional planning, Atlantic County was directed by NJDEP to undertake a study that would evaluate the following issues:

1. Current and projected public and private regional waste disposal capacity which may be underutilized, including, but not limited to, the following counties: Cape May, Cumberland, Camden, Gloucester, and Salem (the "Regional Counties"); and,
2. The lowest possible disposal rate that could be obtained by Atlantic County with each of the Regional Counties.

Furthermore, the County was directed to perform a cost/benefit analysis to determine whether the County could realize cost savings by utilizing disposal facilities in Regional Counties, taking into consideration the County's cost to operate its solid waste disposal facility, and the value of long-term preservation of landfill space at the ACUA Landfill. Note: Out-of-state transfers are not allowed.

When I was first appointed to the ACUA Board in February of 2011, I witnessed firsthand the financial instability of the ACUA without waste flow, and the time and effort required by the ACUA staff and Board to get Atlantic County and the NJDEP to approve the February 28, 2012 Atlantic County Plan amendment to reinstate waste flow and provide sound financial waste management stability to Atlantic County.

In my opinion, it is a travesty to the ACUA and a discredit to the ACUA Board of Commissioners that a Member of this Board would conspire with a private for-profit entity to break the waste flow law and cause financial instability to the ACUA and **all the rate paying municipalities in Atlantic County.**

Finally, in its certification of the February 28, 2012 Atlantic County Plan amendment, the NJDEP charged the ACUA with enforcement responsibilities for compliance to waste flow and other solid waste laws. Over the 10 years I have been on the ACUA Board, ACUA staff has been diligent and proactive in monitoring and deterring violations of the waste flow laws.

So I therefore commend the ACUA staff in their efforts to increase public awareness about Pleasantville's proposed violation of the waste flow laws, and to try and deter it from happening.

Respectfully,



Fred Akers, Member of ACUA Board of Commissioners

TO: Brian G. Lefke, Secretary
Atlantic County Utilities Authority

FROM: Honorable Dennis Levinson, Atlantic County Executive

RE: Minutes of Meeting – August 19, 2021

I. The Minutes of the above referenced meeting were submitted pursuant to N.J.S.A. 40:41A-37 et seq. on August 20, 2021.

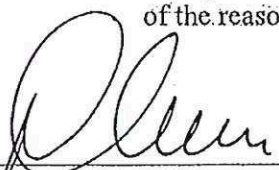
- (a) by the end of the fifth business day following the meeting.
- (b) as soon as practicable following the meeting where emergency action has been taken.
- (c) beyond the statutory period for submission.

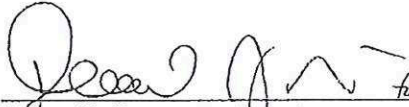
II. I hereby return the Minutes of the above referenced meeting to the Authority and to the Board of Freeholders, on the date set forth above, which is

- (a) within ten days of delivery.
- (b) within twenty-four (24) hours of delivery where the action at the meeting was deemed by the Authority to be in response to an emergency situation.

III. The following action is taken on the Minutes:

- (a) Approved in all respects.
- (b) Vetoed in all respects. A written explanation of the reasons for the veto is attached.
- (c) Approved in part and vetoed in part.
The specific items which are vetoed and a written explanation of the reasons for the veto or vetoes is attached.


Dennis Levinson
Atlantic County Executive


James F. Ferguson, Esquire
Approved as to Form and Entry

Date:

cc: Sonya Harris, Clerk to the Atlantic County Board of County Commissioners

ATTACHMENTS: Minutes
 Veto Message