

FINAL

**CITY OF LEBANON  
CITY COUNCIL  
Minutes, Special Meeting, June 26, 2019  
SAU 88 Auditorium  
20 Seminary Hill, West Lebanon  
6:00 p.m.**

**MEMBERS PRESENT:** Assistant Mayor Clifton Below, Bruce Bronner, Erling Heistad, Suzanne Prentiss (via cell phone), Karen Liot Hill, Jim Winny, Karen Zook

**MEMBERS ABSENT:** Mayor Tim McNamara, Shane Smith

**STAFF PRESENT:** City Manager Shaun Mulholland, Deputy City Manager Paula Maville, Solid Waste Manager Marc Morgan, Public Works Director Jim Donison

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Assistant Mayor Below called the meeting to order at 6:05 p.m.

**1. PLEDGE OF ALLEGIANCE:**

Councilor Heistad led the Council in the Pledge.

**2. PUBLIC FORUM:** Assistant Mayor Below made the Public Forum announcement.

**3. OPEN TO PUBLIC:** No members of the public came forward.

**4. RESOLUTIONS: (None)**

**5. ACCEPTANCE OF MINUTES: (None)**

**6. APPOINTMENTS: (None)**

**7. PUBLIC HEARING ITEMS: (None)**

**8. OLD BUSINESS: (None)**

**9. NEW BUSINESS:** Items taken out of order from agenda. 9.B was presented first.

**B.** Discussion of PFAS: Presentation & Discussion with Sanborn Head & Associates Re: Status of Landfill  
Operations & Overview of PFAS

Shaun Mulholland, City Manager, said that all of the communities that use the Lebanon Landfill and Solid Waste Facility have been invited to this meeting, along with contractors of C&D (Construction & Demolition), noting that it was his decision not to take any C&D debris that the City does not have the legal authority to take. The new Ordinance proposes that the City's landfill will take C&D material again. He introduced the staff of the Lebanon's DPW (Department of Public Works: Jim Donison (Director of Public Works) and Marc Morgan (Manager of Solid Waste).

Eric Steinhauer, representative of Sanborn Head & Associates & Associates, Inc., presented a PowerPoint review of who the Sanborn Head & Associates Firm is, the status of the Lebanon landfill and

information on PFAS, as found in the June 26, 2019 City Council agenda packet. The landfill portion of the presentation covered, in detail, its history, capacity and future; a Google Earth view of the Lebanon Regional Solid Waste Facility that depicted the present and proposed future capacity phases of the landfill; the site background; recent projects; proposed Phase III footprint; unlined landfill reclamation & future Phase IV footprint, the closed unlined landfill reclamation evaluation process, and; the anticipated schedule for the phasing work through 2026.

The Lebanon landfill currently accepts 60K tons/year of waste from 21 neighboring communities and there is approximately 8-9 years of capacity remaining within the active phases (I & II). In 2009, the City approached the NHDES regarding the Phase III project, but the project did not move further. The most recent project (Phase II) involved a leachate forced main replacement in 2018. In 2019 a LFGTE (Landfill Gas to Energy) Design RFP (Request for Proposals) was issued and the Landfill Business Plan was updated. With the proposed Phase III, roughly 5-acres will be reduced from the 2009 preliminary design and the City is expecting 300K to 800K cubic yards of additional capacity, which would allow for an additional 3-10 years of capacity. The future Phase IV project is a two-phase development: 1.) Reclamation (excavation) to remove waste and move to Phase III/IIC, and 2.) Develop area for future waste disposal (as shown on maps on pages 28 & 29 of the City Council agenda packet).

In response to Councilor Heistad's question, Mr. Steinhauser said the reduction of volume is unknown because information needs to be gathered through a hydrogeologic study first.

Mr. Steinhauser said Sanborn Head & Associates is working with the City to setup a diligent and thorough way to do the work that needs to be done, but not all at once so the costs could be spread over time. (Schedule is on page 31 of the June 26, 2019 City Council agenda packet).

*Ms. Hirai (Ward I)* asked about methane composting and composting options. Mr. Steinhauser said there is a methane collection system and explained what it was and how it works. They are planning on retaining a developer or some entity to take that gas and do something beneficial with it. Those proposals are expected with the next few weeks. Mr. Morgan explained that the City currently takes composting material from a couple of commercial customers but is developing a composting program for residents. Within the next 60 days, there should be some options available.

*Mike Beauchene (Ward I)*: He drives by the facility every day and was questioning why the City isn't using some of that gas in the City's buildings. Mr. Steinhauser said that was part of the proposal (RFP) that is being sent out.

*Ryan Ware (Ward I)* was concerned about the landfill and its proximity to the Connecticut River. Mr. Steinhauser said the unlined landfill may have an impact, but there is a pretty sensitive ground monitoring network for the landfill that is tested quarterly. Sanborn Head & Associates gets that data and authors the reports for the City that then goes the State. There are no environmental contaminants going into the Connecticut River and part of the landfill renovation project is to remove a potential source of contamination to the Connecticut River.

With the regulation of PFAS on the horizon, it is important to understand how this may affect business operations at the Solid Waste Facility.

Mr. Steinhauser gave a high level PFAS (Perfluoroalkyl Substances) overview that included a PFAS introduction and its health effects; the sources of PFAS in municipal solid waste; PFAS in landfill leachate (liquids that come out of the bottom of the landfill); cycling of PFAS between landfills and

Wastewater Treatment Plants, and; PFAS treatment options and costs. (This detailed information can be found on pages 33-47 in the June 26, 2019 City Council agenda packet.)

Mr. Morgan said there is the leachate reaction capture and 15/PPT (parts per trillion) discharge from Lebanon's Wastewater Treatment Plant, which is well below the current proposed standards for the State. Currently ground water wells are being monitored throughout the site and are sampled for PFAS/PFOS. Under the current standard of 70/PPT (parts per trillion), there are no wells that exceed that current standard. Under the new proposed standard, there is one well that will exceed the new standard due to the hydrogeology of the property and how the underground water just happens to flow.

Mr. Mulholland wanted to be clear that right now there are no drinking water wells, that the City is aware of, that has contamination in them. We are not posing any direct threat to anyone's drinking water at this particular time, like there have been in other communities in southern NH. We have a testing well that is below the 70/PPT, but with the new standard that will come online probably next month, it will be above that level and the City will have to address this. The State is not sure how this will be done, or the exact technology that will be used, so this is why the City is proposing a CIP on 2021 for leachate treatment evaluation. We are waiting for guidance from the State to take the next steps. The leachate has 1,200/PPT (the standard is 70/PPT) from the landfill that goes over to the Wastewater Treatment Plant to be treated, and only 15/PPT actually goes into the Connecticut River. While the City is putting PFAS into the Connecticut River, it is not at any of the standards being proposed, or that exist right now, that would be considered a health hazard. We want to make sure, as a City government, that we are open and honest about what the numbers are, as they stand today. The City will be testing again in July 2019, but the numbers discussed above are for the 2017/2018 tests in those wells for the unlined landfill. This information will be posted on the City's website, so any members of the public can go and look at those test results.

A discussion about ways to remove PFAS was discussed and Mr. Steinhauser explained possible solutions and the potential costs, noting that they will be working with the State to see if PFAS needs to be just monitored or removed. This has to be part of the process for discussion with the State.

Mr. Donison said 6 Lebanon industries have been sampled this year to see what their levels of PFAS are.

Mr. Mulholland said that no PFAS testing has been done at the Lebanon Airport.

**ACTION:** No action required by the Council. Item was for informational purposes only.

- A.** Discussion and Set Public Hearing for July 24, 2019: Ordinance #2019-09 to repeal City Code Chapter 143, Solid Waste; and repeal and replace City Code Chapter 97, Landfill Regulations.

Mr. Mulholland informed the Council and attendees that Councilor Prentiss was joining this discussion via cell phone because she was out of state in Northern Virginia on business. No one else was in the room with her. Any motions made will need to be by roll call vote.

Mr. Morgan presented the background on the proposed repeal and replace of the following: Chapter 97 of the Code of the City of Lebanon provides for regulation of landfill operations; inclusive of types of acceptable waste, unacceptable waste, fees for disposal, etc. The regulations have not been formally updated since 2000.

Chapter 143 of the Code provides regulation of recycling operations. The Chapter was created in 1993 and has not been amended since.

Ordinance #2019-09 proposes to repeal Chapter 143 and combine the regulation of recyclables with that of other landfill operations contained in Chapter 97. Due to the extent of language changes proposed in Chapter 97, Administration is requesting that the Council repeal the existing language and replace it with the language proposed in the Ordinance. (The complete Ordinance 2019-09 was provided in the June 26, 2019 City Council agenda packet).

Mr. Morgan said that one of the issues that came up was C&D (Constructions & Demolition) debris, noting that was big driver for this re-evaluation. The current ordinance lists inorganic C&D debris as a waste, so in response to that we stopped accepting C&D debris at the facility. He responded to Councilor Hill's question regarding whether or not the C&D of debris has an impact on the landfill, saying yes. It is hard to compact 2x4's, plywood and construction demolition debris.

Currently, Lebanon's compaction on the site is 1700 lbs./per cubic yard, which is excellent (industry standard is 1,400 lbs./per cubic yard.) Estimated C&D debris is approximately 20% of the entire waste mass, so the calculations provided earlier on the life of landfill (8-9 yrs.) was before Lebanon stopped accepting C&D debris.

Councilor Hill asked if this proposed ordinance still anticipates a complete moratorium on C&D debris because there are a lot of people who have been relying on the landfill and other options for them are less cost effective. Mr. Morgan explained that within the code, is a section on unacceptable waste (§ 97-4 of Ordinance 2019-09 as posted on page 7 of the agenda packet). However, it does not prohibit the acceptance of materials onsite and managing it some other way, either by exporting the material or grinding it on site to use as cover, noting that they are obligated by the State of NH and our permit to cover the trash every day. While the proposed ordinance would stop a moratorium on C&D debris, it would create conditions to preserve capacity at the landfill.

Mr. Morgan discussed the categories for fees to encourage the separation of C&D debris and explained what a mixed load of debris was. The cost for C&D debris, without mixed aggregates, is \$120/ton.

Mr. Jim Tober (Casella Waste) asked what processed construction material were, with Mr. Morgan explaining that it is debris that has gone through some process of sorting and grinding. Mr. Mulholland said there is the Lebanon Solid Waste Facility (the whole facility) and the actual landfill. The Solid Waste Facility will take the unprocessed C&D but will not put unprocessed C&D in the landfill.

Ms. Maville asked how a mixture of MSW (mixed solid waste) and C&D debris would get sorted, because the City cannot grind a mixed load on site and cannot use MSW as cover. Where does the sorting process come in on a mixed load. Mr. Morgan said his staff will use the City's equipment to pull some of that material out and will communicate with the customer what needs to be done to improve the next delivery, noting there will be a learning curve.

Discussions took place regarding unacceptable materials, the grinding process, the concept behind the cover material, what is presently being used as cover material, and where the \$120/ton cost came from (market analysis).

Mr. Justin Adams, Mr. Phil Webster (Ward I), Mr. Matt Raymond (Ward II), Mr. Jim Tober, Mr. Joshua Dickey (Hartford, VT), Mr. Tom Kennedy, Mr. Mike Sampson (Canaan) and Mr. John Tuttle asked questions and expressed their concerns as follows:

- Why doesn't the City just grind C&D debris with the City's grinder and process it that way.
- What happens if mixed loads come in that contain unprocessed C&D debris and other types of waste - would this be accepted. Mr. Morgan said that in the short term, they would assist in getting this done and work with the customer to meet the code as proposed.
- More clarity is needed on the language about how to separate C&D debris from the landfill (i.e., clarity on separating the facility from the landfill).
- There is confusion on the C&D load (i.e., having a straight C&D load but it has to be processed or one will have to pay \$120/ton.). This needs to be clarified in the definition.
- What happens if there is inadvertently bagged C&D? How would the landfill interpret this, as a customer's employees will not open and sort a plastic bag.
- What are the protocols for testing in Lebanon and what is the State standard is for maximal municipal contaminations. Mr. Morgan said it was Table 600-1 of the Contaminated Soil Rules, noting that Lebanon is not permitted to accept hazardous materials at the site. Materials cannot fail a hazardous waste determination test. The State requires quarterly testing of cover materials.
- Concerns about sorting mixed loads and the costs for taking loads to another C&D facility.

Councilor Hill said that she thought the difference between the landfill and the facility clarification request is a good one, because the truth is that the site is considered the Lebanon Solid Waste Facility, but it contains a landfill, a recycling transfer station and now it will also have a brand new C&D processing plant. The C&D plant is a new service at the facility. There is a moratorium that is now going to be perpetual on unprocessed C&D waste in the Lebanon landfill. There is not going to be a moratorium on unprocessed solid C&D at the facility because the City will process it. C&D will not be going into the landfill anymore in its unprocessed (mixed C&D) form. She felt it would be useful to consider a language change in the ordinance to separate out the idea of the Solid Waste Facility (with its different components and how they relate to each other).

Mr. Morgan said definitions for the Lebanon landfill and a Lebanon Solid Waste Facility could be added to Ordinance 2019-09. Councilor Hill also asked for clarifying language under §97-7.F, Mixed Loads of the proposed Ordinance.

Assistant Mayor Below said that what is confusing is between the processed and unprocessed C&D debris and clarifications need to be made on the following so they mirror each other:

- Page 4 of packet under Classification of Material accepted at the solid waste facility where it says C&D debris is accepted.
- Page 5 of packet under Construction and Demolition Debris (C&D).
- Page 6 of packet under Process Construction and Demolition Debris.
- Page 7 of packet under Unprocessed Construction and Demolition Debris.
- Fee schedule, which simply refers to C&D.
- There is also a very broad definition of C&D and would encompass any homeowner doing simple renovations (i.e. a piece of trim that has paint on it and they don't know if the paint is lead or not). Under the NHDES rules, when a homeowner or contractor generates any lead-based paint waste from routine residential maintenance construction, remodeling, rehabilitation work or lead abatement at a house or residence, that lead-based paint waste is classified as a household waste

and not as a hazardous waste. So, according to NHDES rules, lead-based paint waste can be disposed of at a permitted solid waste fill, following disclosure and approval from the landowner/operator. There should be clarity on this issue (i.e., clean wood/treated wood).

Mr. Mike Sampson said this would impact him on cost if Lebanon clarifies what he will need to do with an unknown pieces of construction waste in a bag. He does a 1K/tons and is not going to absorb \$50K because it's declared to contain some be construction material. He said the definitions definitely need clarification. If he is turned away, he will go someplace else.

Ms. Maville spoke further on the processed vs. unprocessed materials, noting that a preliminary legal review was noting the major issues the City needs to address. The City needs time to do this, especially if a Public Hearing is going to be scheduled for July 24, 2019. Definitely, the issues that have been brought up will mirror each other in the final product. She felt one of things that we, as administration, needs to know is if there are semi-significant changes from what is being presented now, would the Council prefer to bring this back on the July 10, 2019 City Council agenda to re-review. There would still be enough time to set the Public Hearing because if the Council has a fully revised Ordinance, as legally reviewed, it can be part of the July 10, 2019 agenda. The Public Hearing can be set tonight for July 24, 2019 knowing that the Council will bring this Ordinance back in the interim on July 10, 2019.

#### **ACTION:**

***Councilor Hill MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, July 24, 2019, beginning at 7:00pm in Council Chambers, City Hall, for the purpose of receiving public input and taking action on proposed Ordinance #2019-09, to repeal City Code Chapter 143, Solid Waste; and repeal and replace City Code Chapter 97, Landfill Regulations. Seconded by Councilor Winny.***

#### **Council Discussions:**

Councilor Hill said she would definitely like to see clarification on all of the things the Council talked about tonight and whatever legal counsel will bring forward. One thing not discussed with the Sanborn Head & Associates folks was the price tag of the expansion.

Mr. Steinhauser said the number they used is an industry number: \$0.5 million/acre. So, \$2.5 - \$3 million for Phase III. For Phase IV, that is an unknown. Mr. Donison said that as part of the CIP budget the DPW has \$3 million proposed in the year 2025 during the landfill Phase II expansion. As part of their operating budget for the next five (5) years, DPW will be including approximately \$150K to \$200K a year for engineering, investigation and design services so that two years before the landfill reaches capacity the new construction of Phase III will begin.

In response to Mr. Mulholland's question about how many years are left before landfill capacity is reached, Mr. Morgan said it would be between 10-12 years of permitted capacity at the site. He noting there is a lot of variability in this estimate because it is hard to know what is underground. They are trying to maximize the footprint by modifying some of the geometry of the site. In Phase IV, capacity could be 50 +/- years.

Councilor Bronner was not sure \$120/ton was high enough. Access is more critical than the cost.

After no further discussion on the Motion, which is to set a Public Hearing for July 24, 2019, with the understanding that Ordinance 2019-09 will also be on City Council agenda for July 10, 2019 with some updating to the language and the legal review, Assistant Mayor Below called for a vote.

***Roll call vote on the MOTION: Councilors Zook, Bronner, Liot-Hill, Winny, Heistad, Prentiss (via cell phone), and Assistant Mayor Below all voting yes. There were no votes against.***

***\*The Vote on the MOTION passed unanimously (7-0).***

**10. REPORTS**

- A. City Manager – No report
- B. Council Representatives to other bodies – No report

**11. FUTURE AGENDA ITEMS: None**

**12. NON-PUBLIC SESSION: None**

**13. ADJOURNMENT:**

***Councilor Bronner MOVED for adjournment.***

***Seconded by Councilor Winny.***

***Roll call vote on the MOTION: Councilors Zook, Bronner, Liot-Hill, Winny, Heistad, Prentiss (via cell phone), and Assistant Mayor Below all voting yes. There were no votes against.***

***\*The MOTION passed unanimously (7-0).***

***The meeting was adjourned at 8:00 PM.***

Respectfully submitted,  
Dona E. Gibson  
Recording Secretary