

Yard Waste Committee Meeting

Meeting Minutes for Wednesday, October 26, 2005

Smyrna Rest Area, Smyrna, DE

Members Present:	Dick Pack	(Grizzly's)	
	Bruce Georgov	(Independent Disposal)	
	Tony Lemper	(Lemper's Landscaping, Inc.)	
	James Werner	(Chairman, representing DNREC/DAWM)	
	Stephen Lange	(ITMS)	
	Hetty Francke	(University of Delaware)	
	Tom Houska	(DSWA)	
Members Not Present:	Dick Cecil	(Delaware Association of Counties)	
	Steve Masterson	(Waste Management of DE)	
	Dave Keifer	(DE Chapter of the Sierra Club)	
	Wesley Roan	(City of Dover)	
	Clyde Roberts	(DelEASI)	
Non-Members Present:	Paul Sample (Legis. Council)	Paul Wilkinson (RPAC)	Katie Bennett (DNREC)
	Janet Manchester (DNREC)	Herb Inden (State Planning Off.)	Bret Scott (Kent County)
	Steve Thomas (Headwaters)	Kate House-Layton (DE State News)	Al Ostrand (DelEASI)
		Charles Jenner (Landscape D&C)	

Introductions

Chairman Jim Werner called the meeting to order, and all attendees introduced themselves.

Approval of Minutes from September 28 Meeting

Jim Werner requested one revision to the draft minutes: under the Separation/Collection/Transport Subcommittee report, change the recommended number of processing facilities from "one per county" to "at least one per county." The minutes were adopted, with this revision, by a voice vote.

Update on Processing Subcommittee Activities

Stephen Lange reported he and Jeff Deats had met on October 17 and had discussed four levels of processing technologies (ranging from "minimal" to "high-level" technology) and the ramifications of using each type of processing. "Minimal tech" operations pose the greatest risk of producing odors or other environmental problems, require the longest time to produce compost, and may produce a relatively low-quality compost that, although suitable as a "give-away" soil amendment, could not be sold commercially. Mr. Lange recommended that the committee discourage minimal-tech composting.

The subcommittee met on October 26 at noon and discussed, among other things, the issue of whether there is enough yard waste in Delaware to support private operations that would produce compost from the yard waste alone. Mr. Lange feels that there is not enough yard waste for such operations but that there is more than enough demand for yard waste as bulking agents in composting other types of waste streams. He said that the subcommittee should meet again to further explore the needs of processors in terms of quantity of material. Jim Werner asked that the subcommittee link the production of marketable end products to the type of processing used. Charles Jenner suggested that the subcommittee also identify those areas where its processing descriptions differ from those of DSM in its report to DSWA.

Discussion of Possible Site Visits

Janet Manchester distributed a list of three options for site visits: Atlantic County Municipal Utilities Authority, Gloucester Township and Gloucester County (2 operations within a few miles of each other), and the Maryland Environmental Service facility in Prince Georges County, MD. The group opted for the Gloucester sites. DNREC will coordinate the trip and notify all interested parties of the arrangements.

Discussion of Zoning Issues for Composting Sites

Lee Ann Walling was unable to attend the meeting but had arranged for Herb Inden of the State Planning Office to present information on where composting and mulching operations fall within the zoning code of each county. Mr. Inden reported the following, both orally and in a memo from Connie Holland:

- In Kent County, mulching operations would be permitted through the conditional use process in the AC, AR, BG, and IG zoning districts. The majority (if not all) of the agricultural areas outside the growth zone are zoned either AC or AR.
- In Sussex County, mulching and composting operations are not explicitly stated as a permitted or conditional use. However, they have been allowed as conditional uses in the AR-1 zone under the “catch all” provision: “Residential, business, commercial or industrial uses when the purposes of this chapter are more fully met by issuing a conditional use permit.”
- In New Castle County, if this is considered Ag/Support, then composting is permitted everywhere except in the Neighborhood Conservation (NC) Districts. There are 3 districts where it could be considered as a Special Exception. (The memo includes the code definition of NC districts).

Jim Werner asked whether it is possible to change the codes as they pertain to composting and mulching operations. Mr. Inden said that New Castle County is beginning the process of revising its land use plan, and Kent and Sussex will be beginning the process soon.

Jim Werner asked the group whether the zoning requirements constitute a deterrent to composting operations. Stephen Lange said that because industrial-zoned land is much more expensive than land in agricultural zoning, any requirement that a composting operation be located in industrial zoning would be a deterrent. Jim Werner then raised the issue of DSWA’s exemption from local zoning requirements, and the possibility of allowing a private composting operation on DSWA property. Tom Houska said that DSWA’s Board of Directors would need to decide whether this was in DSWA’s best interest.

Jim Werner said that one question many people have is what role DSWA will play in the management of yard waste. DSWA representatives have repeatedly stated that they do not want to manage this material unless it is necessary for them to do so. Jim W. asked Tom Houska to put DSWA’s position in writing as an attachment to the committee’s report. Tom said that he would “take that under advisement.”

Charles Jenner, referring to a recent article in the News Journal about the Governor’s Solid Waste Technical Working Group, asked whether there was a possibility that yard waste would be required to be used for energy recovery. Jim Werner said that there was no possibility of that happening.

Discussion of Committee Consensus Points

DNREC had distributed a draft “position paper” by e-mail to committee members a couple of days before this meeting. Jim Werner said that DNREC would recraft the document into bullet points, incorporating any revisions coming from today’s discussion. Dick Pack said that the document should emphasize the fact that processing facilities may need some help getting started – perhaps use of DSWA land and/or some type of financial assistance. Paul Wilkinson suggested including a recommendation that large-quantity government users of soil amendments (such as DelDOT) be encouraged to use material made from yard waste if it meets their specifications. He also pointed out the need for consistency in references to quantities of material (i.e., use either tons or cubic yards throughout the document).

The following schedule was established for revision of the consensus points and guidance document:

- By Nov. 11: send comments to Janet Manchester at DNREC.
- By Nov. 25: DNREC will send revised documents to committee members and other commenters for review before the Nov. 30 meeting.

Jim Werner then turned the discussion to the need to provide legislators with a picture of where we are now and where we are going with respect to yard waste. He projected some pie charts portraying what currently happens (2/3 of DE yard waste being landfilled) and said that the aim of the legislation is to significantly decrease the quantity of yard waste being managed by DSWA. He pointed out that we do not have precise numbers on how much material would be handled by other entities (local governments, private companies, etc.) if a ban is implemented, but it is important to provide “before” and “after” scenarios to show that a ban will not cause undue problems.

Next Meeting

The next meeting will be held on Wednesday, November 30, at 1:00 p.m. at the Smyrna Rest Area. This probably will be the final meeting.

The meeting was adjourned at 2:45 p.m.