

COMMISSIONERS MINUTES

NOVEMBER 17, 2015

The Elmore County Commissioners met in special session on the above date in the Commissioners Room, basement of the Elmore County Courthouse, 150 South 4th East, Mountain Home, Idaho.

Present at the meeting were Chairman Wes Wootan, Commissioners Bud Corbus and Al Hofer, Civil Attorney Buzz Grant, Clerk Barbara Steele, Deputy Clerk Shelley Essl, Sheriff Rick Layher, Prosecuting Attorney Tina Schindele, Mountain Home City Mayor Tom Rist, Marty Jones, Central District Health Department and Dewey Crane, Snake River Rubbish.

The purpose of this emergency session is to discuss the management of solid waste services due to a fire at the Simco Road Landfill.

Chairman Wootan stated that there is a large fire at the Simco Road landfill. Idaho Waste Systems employees are on sight with a loader and a water truck working to suppress the fire. The fire spread across the area of the tipper and caused extensive damage to the tipper. Chairman Wootan stated that the Bennett Road landfill is closed today, as it is normally closed on Tuesdays, and the bays are pretty full. There is a concern of whether Bennett Road will reopen tomorrow to receive trash from regular county trash routes. Chairman Wootan explained that when they transfer the trash to Simco Road from Bennett Road, the trash is dumped by the tipper to into the landfill. Since the status of the tipper is unknown at this time, the status of the trash transfers is unknown as well. Mayor Rist stated that he spoke with Dave Fisher at Republic Services and Dave stated that Republic could haul the trash if their truck could fit under the tipping floor at Bennett Road. Chairman Wootan also spoke with Dave and discussed an arrangement to haul the trash to Ada County on a temporary basis until the fire is under control and trash can be accepted again at Simco Road. Commissioner Hofer stated that Bennett Road is still an active landfill and questioned whether the county could get temporary approval from the Department of Environmental Quality (DEQ) to dump trash in those cells. Mr. Jones stated that the operations plan would need to be updated and the county would need to get the proper equipment and properly trained personnel to be able to operate a landfill. He is not sure how long that process would take. Commissioner Corbus asked how long it would be before trash would be accepted again at Simco Road. Mr. Jones stated that Jack Yarbrough, Idaho Waste Systems (IWS), has been working with DEQ on a proposal to take incoming waste at a different location in cell number one, demonstrating the run-on run-off will not get into cell number two, which is currently under construction. Since they are staying on cell number one, this will be an operational change and not a design change. Attorney Schindele stated that the major concerns now are if Bennett Road will be open starting tomorrow, and what will be done with city trash, since the bays at Bennett Road are almost full.

Jack Yarbrough, IWS, called in to update the board via speaker phone. Chairman Wootan stated that the Orchard Training Center would be willing to help Mr. Yarbrough with the fire suppression. They will also be willing to get a few tankers from the Air Force base to help also. Commissioner Corbus wanted to

make it clear that any cost that may be associated with the fire suppression would be Mr. Yarbrough's responsibility and not the county's responsibility. Chairman Wootan asked if Bennett Road will be open starting tomorrow and Mr. Yarbrough stated that it will not, since he has nowhere to put the trash once the bays get filled. He stated that the Burley Landfill has a tipper that he can rent and have installed by Friday, but he needs approval from DEQ to use the northwest corner of the new cell. There was still a concern of where the trash will go until it can be taken again at Simco Road. Mr. Yarbrough will get in touch with Republic Services regarding them taking their trash to another landfill on a temporary basis. Chairman Wootan discussed the issue of paying the cost of re-routing the trash to another landfill. Mr. Yarbrough stated that he could not answer that and feels that it is a legal issue of who is responsible for the cost. Commissioner Corbus feels that it is IWS's responsibility and not the county's. Mr. Yarbrough is going to make some phone calls and will call the board back.

Dave Fisher, Republic Services, spoke with the board via speaker phone. Mr. Fisher stated that his staff was at Bennett Road to get measurements and his trucks will fit under the tipper floors. He stated that he is prepared to start hauling the trash as soon as possible. He also stated that he would like his staff to load the trailers instead of the IWS employee, in the event that any trucks are damaged it will be his own responsibility. Mayor Rist asked what Mr. Fisher is doing with the trash as of today. Mr. Fisher stated that as of today, they are direct hauling to their Boise transfer station. He stated that he Ada County Commissioners met this morning and gave Mr. Fisher permission to haul to the Ada County Landfill on a temporary emergency basis starting tomorrow. Mr. Fisher proposed a cost of \$250.00 per run and \$33.00 per ton to haul the trash from Bennett Road to Ada County on a temporary basis. He also gave a rough estimate of \$50.00 per hour to have one of his employees load the trailers at Bennett Road. Attorney Grant asked if Mr. Fisher will be using IWS's loader at Bennett Road or his own. Mr. Fisher thinks he has a loader available that he could use. If not he will discuss leasing the loader from IWS on a temporary basis. Commissioner Corbus urged Mr. Fisher to use his own equipment for liability purposes.

Mayor Rist expressed his concern of who is responsible for the major cost that will be incurred by having to haul the trash elsewhere. Attorney Grant stated that it is Mr. Yarbrough's obligation to haul the trash as outlined in the current contract, and he should still be obligated to pay to haul to Ada County. Discussion followed regarding putting a plan in place get the trash hauled starting tomorrow and deliberate the costs with Mr. Yarbrough at a later date.

Mr. Yarbrough called back in to speak with the board. Mr. Yarbrough stated that he spoke with Mr. Fisher regarding his trucks being able to dump trash at the Simco Road landfill without the use of a tipper and he is hoping they can start doing that on Thursday. Commissioner Corbus asked Mr. Yarbrough if he worked out an agreement with Republic to pay the fees to haul the trash to Ada County. Mr. Yarbrough stated that he did not work out any agreement because IWS has no financial reserves to pay those fees at this time. Attorney Schindele stated that the county needs to move forward with getting the trash hauled starting tomorrow, so Mr. Yarbrough will be responsible for having his employee open Bennett Road

starting tomorrow and the county will take care of the transfer and transport obligations at this point, and the county will reserve and preserve any contractual issues until a later date. Mr. Yarbrough agreed.

The board called Mr. Fisher back to finalize the process of transporting the trash to Ada County on a temporary basis. Attorney Grant will prepare a draft for Mr. Fisher outlining the agreements that were discussed today.

Motion by Wootan, second by Corbus, to go into Executive Session pursuant to I.C. 74-206(f) to discuss a possible litigation issue. Roll call vote was taken.

WOOTAN..... **-AYE**
CORBUS..... **-AYE**
HOFER..... **-AYE**

Motion carried and so ordered.

Regular session resumed. No decision was made as a result of the Executive Session.

Motion by Hofer, second by Corbus, to adjourn.

WOOTAN..... **-AYE**
CORBUS..... **-AYE**
HOFER..... **-AYE**

Motion carried and so ordered.

WESLEY R. WOOTAN, Chairman

ATTEST:

BARBARA STEELE, Clerk