

GREEN BAY METROPOLITAN SEWERAGE DISTRICT
PROCEEDINGS OF THE COMMISSION

Regular meeting of the Commission held December 18, 2013.

PRESENT: Commissioners Hasselblad, Mainz, Blumreich, Tumpach, and Hoffmann

ALSO PRESENT: T. Sigmund, P. Kaster, P. Wescott, B. Hafs, N. Qualls, B. Oldenburg, B. Angoli, C. Amenson, M. Diaz, B. Bartel, B. Brown, T. Garrison, R. Krause, M. Erschnig, J. Kennedy, J. Cypinski, T. Brown, J. Van Sistine, J. Nicks–Legal Counsel; M. Heckenlaible–City of Green Bay; J. Carew–PMA Securities, Inc.

Commission President Hasselblad called the meeting to order at 8:30 a.m.

1) Public hearing on the Sewer Use Ordinance.

Commission President Hasselblad stated this is a meeting of the Commission of the Green Bay Metropolitan Sewerage District (GBMSD) called for the purpose of conducting a public hearing about proposed amendments to GBMSD's Sewer Use Ordinance. The record should note those present. My name is Kathryn Hasselblad and I am President of the Commission of GBMSD. The following Commissioners are also present: Thomas Mainz, James Blumreich, Mark Tumpach, and Lee Hoffmann. The Sewerage District has the authority, under Sections 200.11(1)(d) and 200.45(1)(d) of the Wisconsin Statutes to adopt rules for the supervision, protection, management, and use of the systems and facilities operated by GBMSD. Before enacting new rules, including making changes to its existing Sewer Use Ordinance, this Commission is required to give notice and hold a public hearing under the procedures required by Sections 200.45(1)(c) and 227.18 of the Wisconsin Statutes. The purpose of the public hearing today is to satisfy these requirements. Bill Oldenburg, the Pretreatment Program Coordinator for GBMSD, will summarize the proposed amendments to the Sewer Use Ordinance, describe the public notification process that has occurred, and report on any comments that have been received to date.

B. Oldenburg reviewed the proposed changes referred to in the Ordinance Modification Summary, as follows:

- Chapter 6 – Prohibited Discharges and Local Limits
- Chapter 7 – Pretreatment Requirements
- Chapter 9 – Sewerage Service Charges

B. Oldenburg reported copies of the proposed changes were provided to the stakeholders and posted on GBMSD's website. He stated a summary of the proposed language changes was published in the Green Bay Press-Gazette. An informative meeting was held with stakeholders on December 5, 2013, and two municipal customers and six industrial customers attended the meeting. He reported an e-mail was sent to all stakeholders notifying them of the 30-day public comment period. He stated that he received several e-mails and phone calls asking for clarification.

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B. Oldenburg stated that he received an e-mail from Matthew Heckenlaible from the City of Green Bay concerning the local limit for pH changing from 10 to 11. He stated all Significant Industrial Users (SIUs) must comply with the most stringent limit.

Commissioner Hasselblad asked if any of the Commissioners had questions for Mr. Oldenburg.

Commissioner Mainz asked what GBMSD's response was to the City of Green Bay. B. Oldenburg replied SIUs must meet the most stringent limit when multiple limits apply.

Commissioner Mainz asked how GBMSD justified the pH change. He stated Field Services and Treatment staff discussed if there would be any issues with changing the pH requirement. Staff determined there would be no negative impact and the higher pH limit would benefit GBMSD.

Commissioner Mainz asked about the non-transferability. B. Oldenburg replied the State Statutes do not allow a permit to be transferred.

Commissioner Mainz asked if GBMSD received any comments on mass sharing. B. Oldenburg replied no comments were received.

B. Oldenburg reported the local limits for Fox River Fiber for copper is changing from 0.21 to 0.021. He stated Thilmany's copper of 0.0712 mg/L should not be included in the calculations. He reported the flow weighted concentration local limit has changed to 2.16 mg/L and mass to 1.32 pounds. He stated these numbers should be included in the final adoption. The word mass should be replaced with concentration in the definition of background concentration.

Commissioner Hasselblad asked how many of the proposed changes were dictated by the Department of Natural Resources (DNR) or Environmental Protection Agency. B. Oldenburg replied none.

Commissioner Hasselblad asked if staff anticipates any federal limits. B. Oldenburg replied out of 57 significant industrial users and one limited term permit, 34 are categorical and they have their own categorical limits. He stated they need to meet the most stringent limits.

Commissioner Tumpach asked about cyanide. B. Oldenburg replied GBMSD asked the DNR to drop the cyanide limits. GBMSD evaluated what the local limits should be and determined it was not necessary.

Commissioner Hasselblad asked if there are any other questions from the Commission. Hearing none, she asked if there are any comments from the public.

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M. Heckenlaible from the City of Green Bay stated the City of Green Bay accepts the program and Ordinance changes, except for the pH limit increase. He is concerned with the consistency with the treatment plant and local municipalities. GBMSD has caught two or three pH issues with the SIUs in the City of Green Bay due to the required televising. He has exception to the higher local limit. He stated the pH limit should be at 10 or 9, or a mass increase. He stated Ashwaubenon, De Pere, and Allouez all have 9 for an upper limit.

Commissioner Hasselblad asked if there are any other comments or questions. Hearing none, the comment period is closed. She stated as explained in the public notice for this hearing, Section 200.45(1)(d) of the Statutes provides that the exclusive way to obtain judicial review of the validity of a rule is an action for declaratory judgment as to the validity of the rule brought in the Circuit Court for Brown County or for the county in which a plaintiff resides. As far as applicable, Section 227.40 of the Statutes governs declaratory judgment actions to challenge the validity of a rule. The hearing closed at 9:05 a.m.

2) Request Commission approval of the proposed Sewer Use Ordinance changes.

B. Oldenburg requested Commission approval of the proposed Sewer Use Ordinance changes.

Commissioner Mainz asked if there is a disadvantage to increase the pH limit. B. Oldenburg replied it is an advantage to increase the pH limit. He stated one of the instances referenced by the City of Green Bay was an issue with pH on the low end. He stated pH variance SIUs monitor pH 24/7/365 and televise sewers every three years.

Commissioner Mainz asked if anyone else has commented on the pH limit. B. Oldenburg replied several facilities support the increase in the pH limit. He stated some industries may drop their pH variance.

Motion #13-089

It was moved by Blumreich, seconded by Hoffmann, and unanimously agreed to approve the proposed Sewer Use Ordinance changes. (See Commission File #13-005)

3) Convene in closed session under State Statute 19.85 (1) (g) for the purpose of conferring with legal counsel for the Commission who is rendering oral or written advice concerning strategy to be adopted by the Commission with respect to litigation in which it is or is likely to become involved, and under 19.85 (1) (c) for the purpose of considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility:

- a) Georgia-Pacific litigation
- b) Fox River Fiber Complaint with Public Service Commission
- c) Employment performance review

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Motion #13-090

It was moved by Blumreich, seconded by Mainz, and unanimously agreed to convene in closed session under State Statute 19.85 (1) (g) for the purpose of conferring with legal counsel for the Commission who is rendering oral or written advice concerning strategy to be adopted by the Commission with respect to litigation in which it is or is likely to become involved, and under 19.85 (1) (c) for the purpose of considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.

4) Reconvene in open session.

Motion #13-091

It was moved by Mainz, seconded by Blumreich, and unanimously agreed to reconvene in open session.

5) Approval of minutes of Commission meeting held November 27, 2013.

Motion #13-092

It was moved by Mainz, seconded by Blumreich, and unanimously agreed to approve the November 27, 2013 minutes as distributed.

6) Election of officers.

Commissioner Mainz moved that the slate of officers remain the same for 2014.

Motion #13-093

It was moved by Mainz, seconded by Tumpach, and unanimously agreed to keep the slate of officers the same for 2014.

9) Sewer plan approval:

a) City of Green Bay request for Harlan Plaza Renovation; GBMSD Request 2013-29

B. Angoli reported the City of Green Bay is requesting to replace a 12" sewer with a 15" sewer for the Harlan Plaza renovation.

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Motion #13-094

It was moved by Blumreich, seconded by Mainz, and unanimously agreed to approve the City of Green Bay request for Harlan Plaza Renovation sewer plan subject to favorable review by Brown County Planning and final approval by the WDNR.

- 10) Approve Resolution Authorizing Entry into an Intergovernmental Cooperation Agreement Relating to the "Wisconsin Investment Series Cooperative" and Authorizing Participation in the Investment Programs of the Fund.**

P. Kaster reported the Wisconsin Investment Series Cooperative allows NEW Water to invest its proceeds from the \$20,000,000 General Obligation Bond to enhance its investment opportunities in accordance with Wisconsin law. PMA Securities, Inc. will assist NEW Water with these investment efforts. He stated Jeff Carew from PMA is here if the Commission has any questions.

J. Carew from PMA stated all investments follow NEW Water's investment policy and are all State Statute allowable.

Motion #13-095

It was moved by Blumreich, seconded by Hoffmann, and unanimously agreed to approve the Resolution Authorizing Entry into an Intergovernmental Cooperation Agreement Relating to the "Wisconsin Investment Series Cooperative" and Authorizing Participation in the Investment Programs of the Fund. (Resolution #13-012 is on file at the NEW Water offices)

- 7) Introduce new Engineering Technician, Chad Amenson.**

N. Qualls stated that he is pleased to introduce Chad Amenson, who joins the Engineering Department within Technical Services as an Engineering Technician.

C. Amenson stated that he served four years in the United States Air Force in Anchorage, Alaska, and graduated from Northeast Wisconsin Technical College. He worked as an Engineering Aide at the City of Green Bay for the last 12 years. He stated that he is glad to be here.

The Commission welcomed him.

- 8) Approve Resolution Authorizing the Issuance and Sale of up to \$4,272,020 General Obligation Sewerage System Promissory Notes, Series 2014A and Providing for Other Details and Covenants With Respect Thereto.**

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M. Diaz stated this is the Clean Water Fund Loan (CWFL) application for the De Pere Facility UV Disinfection System Expansion Project. The UV system is nearing the end of its useful life and is very expensive to maintain. She stated the new equipment will provide reliable, low cost operation and will not require the chemical disinfection system to be maintained. The project was approved by the Commission in June 2013 and is scheduled to be completed about June 2014. She stated approval of the General Obligation Note will start the process for closing the CWFL. The General Obligation Note is \$4,272,020 with a subsidized rate of 2.625%. The State of Wisconsin has the closing scheduled for January 8, 2014.

Motion #13-096

It was moved by Blumreich, seconded by Mainz, and unanimously agreed to approve the Resolution Authorizing the Issuance and Sale of up to \$4,272,020 General Obligation Sewerage System Promissory Notes, Series 2014A and Providing for Other Details and Covenants With Respect Thereto. (Resolution #13-013 is on file at the NEW Water offices)

11) Review of Policy on Authorization Levels of Capital Projects and Capital Expenditures.

T. Sigmund stated at the last meeting the Commission requested a copy of the Authorization Levels of Capital Projects and Capital Expenditures Policy and to add it to the December agenda for discussion. He stated the policy has worked well to date and staff is doing its best to keep the Commission informed of the approved contracts and expenditures. He stated with the large construction project, staff may have to come back to the Commission for some revisions.

Commissioner Mainz stated with the \$20,000,000 construction contract, he is not comfortable with staff having the ability to approve \$2,000,000 in the contingency fund without Commission approval. T. Sigmund responded anything over \$100,000 has to be approved by the Commission, and staff gives project updates to the Commission on a monthly basis.

Commissioner Mainz stated since the Commission is responsible, he would like to see some kind of check and balance.

Commissioner Hasselblad stated the Commission approves the budget, projects, contingencies, and staff provides monthly project updates so she proposed to leave the policy as is. She stated if the Commission would like more information, to let staff know.

12) Request Commission approval to award the Fluidized Bed Incineration System contract for the Resource Recovery and Electrical Energy Project to Infilco Degremont, Inc.

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B. Angoli stated this item was tabled last month to get clarification on the terms and conditions. The parties have worked through the issues and have come to an agreement on the contract. He requested Commission approval to award the contract and a 10% contingency under the authority of the Executive Director to Infilco Degremont, Inc.

Commissioner Mainz asked if all issues and concerns have been resolved. J. Nicks replied yes.

Motion #13-097

It was moved by Mainz, seconded by Tumpach, and unanimously agreed to award the Fluidized Bed Incineration System contract for the Resource Recovery and Electrical Energy Project to Infilco Degremont, Inc. in the amount of \$21,188,614 and a 10% contingency under the authority of the Executive Director for a total amount of \$23,307,475.

13) Update of projects:

- a) **Resource Recovery and Electrical Energy (R2E2)**
- b) **Charles Street Interceptor Relocation**

N. Qualls reported the project is going well.

- c) **De Pere Facility UV Disinfection System Expansion**

B. Brown reported the project is going well.

- d) **WPDES permit renewal**

J. Kennedy stated the Public Notice Permit Draft should be published after the first of the year.

- e) **Communications & Education Department update**

This update will be provided at the January meeting.

14) Operation report:

- a) **Effluent quality for November**
- b) **Air quality for November**

P. Wescott reported both facilities were in full compliance with effluent and air quality limits for November.

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15) Executive Director's report:

a) January Commission meetings

The January Commission meeting will be held January 22, 2014 beginning at 8:30 a.m. A special Commission meeting will be held on Friday, January 17, 2014, to review the Interceptor Cost Recovery Reserve.

b) Draft 2014 Commission meeting schedule

A draft 2014 Commission meeting schedule was provided in the Commission packet. Please let staff know if you have any conflicts.

c) Disclosure of Related Party Transactions

The Commission is required to sign the Disclosure of Related Party Transactions form per the State Statutes.

d) Land lease agreement for fueling station

Clean Energy has executed the agreement.

e) NEW Water 2013 goals performance review

A list of accomplishments by staff in meeting NEW Water's 2013 organizational goals was provided to the Commission.

Commissioner Hasselblad stated this is an outstanding list of accomplishments and work projects. She thanked staff for all their hard work and wished them a healthy new year.

There being no further business to come before the Commission, the meeting adjourned at 10:49 a.m.

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Secretary