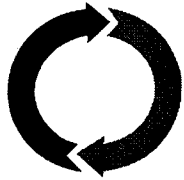


CRRA
REGULAR BOARD MEETING
Feb. 28, 2013



**CONNECTICUT
RESOURCES
RECOVERY
AUTHORITY**

**100 Constitution Plaza • Hartford • Connecticut • 06103 • Telephone (860)757-7700
Fax (860)757-7745**

MEMORANDUM

TO: CRRA Board of Directors
FROM: Moira Benacquista, HR Specialist/Board Administrator
DATE: Feb. 22, 2013
RE: Notice of Regular Board Meeting

There will be a Regular Board Meeting of the Connecticut Resources Recovery Authority Board of Directors on Thurs. Feb. 28, 2013, at 9:30 a.m. The meeting will be held in the Board Room at 100 Constitution Plaza, Hartford, CT 06103.

Please notify this office of your attendance at (860) 757-7787 at your earliest convenience.

Connecticut Resources Recovery Authority
Special Board of Directors Meeting

Agenda
Feb. 28, 2013
9:30 AM

I. Pledge of Allegiance

II. Public Portion

A ½ hour public portion will be held and the Board will accept written testimony and allow individuals to speak for a limit of three minutes. The regular meeting will commence if there is no public input.

III. Minutes

1. Board Action will be sought for the Approval of the Special Feb. 4, 2013, Board Meeting Minutes (Attachment 1).

IV. Executive Session

An Executive Session will be held to discuss pending litigation, trade secrets, personnel matters, security matters, pending RFP's, and feasibility estimates and evaluations.

V. Board Committee Reports

A. Finance Committee Reports

1. Board Action will be sought Regarding FY14 – CSWS Operating & Capital Budget (Confidential Package).

B. Policies & Procurement Reports

1. Board Action will be sought Resolution Regarding a Contract for Metals Recovery and Marketing Services (Attachment 2).
2. Board Action will be sought for the Resolution to Amend an Easement Agreement between CRRA and CL&P at the South Meadows Facility (Attachment 3).
3. Board Action will be sought for the Resolution Regarding Contracts for Transfer Station O&M and Transportation Services (Attachment 4).
4. Board Action will be sought for the Resolution Regarding Authority to Execute a Declaration of Environmental Land Use Restriction Associated with Remediation of the South Meadows Property (Attachment 5).

C. Other Reports

1. Board Action will be sought for the Resolution Regarding CT DEEP Agreement (Attachment 6).

D. Previously Discussed Items (Attachment 7).

1. Board Action will be sought for the Approval of the Regular Dec. 20, 2012, Board Meeting Minutes.
2. Board Action will be sought for the Approval of the Special Jan. 17, 2013, Board Meeting Minutes.
3. Board Action will be sought Regarding RFQ for Economic Advisors.
4. Board Action will be sought Regarding Southwest Budget.
5. Board Action will be sought Regarding a Matter Related to the Contract for Operation/Maintenance Services for the Mid-Connecticut Regional Recycling Facility.

VI. Chairman and President's Reports

VII. Nominations – Election of CRRA Board Vice-Chairman

VIII. Executive Session

An Executive Session will be held to discuss pending litigation, trade secrets, personnel matters, security matters, pending RFP's, and feasibility estimates and evaluations.

TAB 1

CONNECTICUT RESOURCES RECOVERY AUTHORITY

FOUR HUNDRED AND THIRTY-EIGHTH

FEB. 4, 2013

A special meeting of the Connecticut Resources Recovery Authority Board of Directors was held on Mon. Feb. 4, 2013, in the Board Room at 211 Murphy Rd. Hartford, CT 06103. Those present were:

Directors: John Adams
Richard Barlow
Ryan Bingham (present until 2:30 p.m.)
David Damer
Joel Freedman
Timothy Griswold
Andrew Nunn (present until 4:05 p.m.)
Scott Shanley
Steve Edwards, Bridgeport Project Ad-Hoc
Bob Painter, Mid-Connecticut Project Ad-Hoc

Present from CRRA in Hartford:

Tom Kirk, President
Jim Bolduc, Chief Financial Officer
Jeffery Duvall, Director of Budgets and Forecasting
Peter Egan, Director of Environmental Affairs and Operations
Laurie Hunt, Director of Legal Service
Virginia Raymond, Operations Manager
Moira Benacquista, HR Specialist/Board Administrator

Others present: Macky McCleary, Deputy Commissioner, Connecticut Department of Energy and Environmental Protection; John Pizzimenti, USA Hauling; Edwards Spinella, Esq.; Cheryl Thibeault, Covanta.

Director Barlow called the meeting to order at 1:00 p.m. and said a quorum was present.

PUBLIC PORTION

Director Barlow said Chairman Stein had requested that Director Barlow Chair the meeting in his absence. Director Barlow proceeded as Acting Chairman with the consensus of the Board.

Acting Chairman Barlow said the agenda allowed for a public portion in which the Board would accept written testimony and allow individuals to speak for a limit of three minutes. As there were no members of the public present wishing to speak, Acting Chairman Barlow proceeded with the meeting agenda.

EXECUTIVE SESSION

Acting Chairman Barlow requested a motion to enter into Executive Session to discuss pending litigation, trade secrets, personal matters, security matters, pending RFP's, and feasibility estimates and evaluations, and to consult with legal staff with appropriate staff. The motion, made by Director Damer and seconded by Director Griswold, was approved unanimously. Acting Chairman Barlow asked the following people join the Directors in the Executive Session:

- Tom Kirk
- Jim Bolduc
- Peter Egan
- Laurie Hunt
- Macky McCleary

The Executive Session began at 1:05 a.m. and concluded at 3:38 p.m. Acting Chairman Barlow noted that no votes were taken in Executive Session.

The motion previously made and seconded to go into Executive Session was approved unanimously by roll call. Acting Chairman Barlow, Director Adams, Director Bingham, Director Damer, Director Edwards, Director Freedman, Director Griswold, Director Nunn, Director Painter, and Director Shanley voted yes.

Directors	Aye	Nay	Abstain
John Adams	X		
Richard Barlow	X		
Ryan Bingham	X		
David Damer	X		
Joel Freedman	X		
Timothy Griswold	X		
Andrew Nunn	X		
Scott Shanley	X		
Ad-Hocs			
Bob Painter, CSWS	X		
Steve Edwards, SouthWest	X		

FINANCE COMMITTEE REPORTS

RESOLUTION REGARDING A MATTER RELATED TO THE CONTRACT FOR OPERATION/MAINTENANCE SERVICES FOR THE MID-CONNECTICUT REGIONAL RECYCLING FACILITY

Acting Chairman Barlow requested a motion on the above referenced item. The motion was made by Director Damer and seconded by Director Adams.

WHEREAS: CRRA's Mid-Connecticut Project entered into an Agreement with Casella Waste Systems Inc. and FCR, Inc. in August, 2005 for Operation and Maintenance Services for the Mid-Connecticut Regional Recycling Facility; and

WHEREAS: said Agreement has a minimum annual delivery commitment of 70,200 tons, and failure to deliver that annual minimum subjects CRRA to significant monetary penalties; and

WHEREAS: Approximately 25 Mid-Connecticut Project towns, representing about 55% of the historical recyclable tonnage, have recently opted to deliver their recyclables to other, non-CRRA service providers which will impact CRRA's ability to meet the annual minimum delivery commitment during Fiscal Year 2014 and therefore significantly affect the economics of the facility; and

WHEREAS: said Agreement continues through October 1, 2018, unless CRRA terminates the Agreement after January 1, 2012, with at least six months prior written notice specifying the date of termination due to the failure of Mid-Connecticut Project municipalities to continue with CRRA; and

WHEREAS: said Agreement provides that the Contractor be paid a lump sum in unrecovered investment monies in accordance with Contractor's Unrecovered Investment Schedule attached to the Agreement as a result of CRRA's early termination;

Now therefore, it is hereby

RESOLVED: That the Board of Directors authorizes the President to resolve CRRA's mid Connecticut Project liability for Contractor's unrecovered investment, using the necessary funds, not to exceed \$3 million, from the Mid-Connecticut Project, substantially as presented and discussed at this meeting.

The motion previously made and seconded was approved by roll call. Acting Chairman Barlow, Director Adams, Director Damer, Director Freedman, Director Griswold, Director Painter, Director Nunn, and Director Shanley voted yes.

Directors	Aye	Nay	Abstain
John Adams	X		
Richard Barlow	X		
David Damer	X		
Joel Freedman	X		
Timothy Griswold	X		
Andrew Nunn	X		
Scott Shanley	X		
Ad-Hocs			
Bob Painter, CSWS	X		
Steve Edwards, SouthWest			

APPROVAL OF THE MINUTES OF THE REGULAR DEC. 20, 2012 BOARD MEETING
MINUTES

Acting Chairman Barlow requested a motion to approve the minutes of the regular Dec. 20, 2012, Board Meeting. Director Adams made a motion to approve the minutes which was seconded by Director Damer.

The motion previously made and seconded to approve the minutes as amended was approved by roll call. Acting Chairman Barlow, Director Adams, Director Damer, Director Edwards, Director Freedman, Director Griswold, Director Painter, Director Nunn, and Director Shanley voted yes.

Directors	Aye	Nay	Abstain
John Adams	X		
Richard Barlow	X		
David Damer	X		
Joel Freedman	X		
Timothy Griswold	X		
Andrew Nunn	X		
Scott Shanley	X		
Ad-Hocs			
Bob Painter, CSWS	X		
Steve Edwards, SouthWest	X		

APPROVAL OF THE MINUTES OF THE SPECIAL JAN. 17, 2013 BOARD MEETING MINUTES

Acting Chairman Barlow requested a motion to approve the minutes of the Special Jan. 17, 2013, Board Meeting. Director Griswold made a motion to approve the minutes which was seconded by Director Shanley.

The motion previously made and seconded to approve the minutes as amended was approved by roll call. Acting Chairman Barlow Director Adams, Director Damer, Director Edwards, Director Freedman, Director Griswold, Director Painter, Director Nunn, and Director Shanley voted yes.

Directors	Aye	Nay	Abstain
John Adams	X		
Richard Barlow	X		
David Damer	X		
Joel Freedman	X		
Timothy Griswold	X		
Andrew Nunn	X		
Scott Shanley	X		
Ad-Hocs			
Bob Painter, CSWS	X		
Steve Edwards, SouthWest	X		

RESOLUTION REGARDING RFQ FOR ECONOMIC ADVISORS

Acting Chairman Barlow requested a motion on the above referenced item. The motion was made by Director Griswold and seconded by Director Shanley.

RESOLVED: That the President is hereby authorized to enter into contracts with the following firms for economic advisory services to assist management with work on a variety of projects including, but not limited to, financial and economic evaluation with regard to the plans of the Authority, market information on other comparable solid waste authorities and innovations within the solid waste field; financial feasibility analyses; and analysis of state and federal laws and regulations relative to solid waste management and municipal bonds.

- Environmental Capital, LLC
- Alternative resources, Inc.
- Gershman, Brickner & Bratton, Inc. (“GBB”)
- Connecticut Economic Resources Center, Inc. (“CERC”)

Director Griswold said this resolution is to create a stable of economic advisors for management to call on as needed and does not commit to hiring anyone. Mr. Bolduc said every three years CRRA goes out to bid for economic advisory services. Mr. Bolduc said an RFQ solicitation was advertised in a number of publications, one of which was the bond buyer. He said the advisors work on economic and financial types of issues, most frequently for refinancing issues, such as the Southeast Project and some of the work which was required to close out the Mid-Conn bonds.

Mr. Bolduc said this resolution does not authorize specific work but allows management to call on a stable of advisors when needed. He said a separate RFS would be issued for specific matters while adhering to the purchasing and procurement policies. He said over the last few years management has averaged \$20,000 - \$25,000 of expenditures on various matters pertaining to these advisors other than the bond refinancing.

Mr. Bolduc said the prequalifications of the advisors are described in the package. He noted that management has worked with all of the recommended firms in the past. Director Shanley said this was approved and discussed at length at the Finance Committee meeting.

The motion previously made and seconded was approved by roll call. Acting Chairman Barlow, Director Adams, Director Damer, Director Freedman, Director Griswold, Director Nunn, and Director Shanley voted yes.

Directors	Aye	Nay	Abstain
John Adams	X		
Richard Barlow	X		
David Damer	X		
Joel Freedman	X		
Timothy Griswold	X		
Andrew Nunn	X		
Scott Shanley	X		
Ad-Hocs			
Bob Painter, CSWS			
Steve Edwards, SouthWest			

RESOLUTION REGARDING SOUTHWEST BUDGET

Acting Chairman Barlow requested a motion on the above referenced item. The motion was made by Director Griswold and seconded by Director Adams.

RESOLVED: That the estimated Fiscal Year 2014 SouthWest Division operating budget be adopted substantially in the form as presented and discussed at this meeting; and

FURTHER RESOLVED: That an estimated municipal solid waste tip fee of \$67.77 per ton be adopted for contracted member waste; and

FURTHER RESOLVED: That the actual municipal solid waste tip fee per ton will be calculated using the actual annual change in the Consumer Price Index (“CPI”) as reported in June 2013, which will be released prior to the commencement of the Fiscal Year 2014 billing for contracted member waste as prescribed in the Southwest Division’s Municipal Solid Waste Management Services Agreements.

Mr. Kirk said the SouthWest budget follows the contract from the original Bridgeport Project. He said it is a firm price based on capacity provided by the Wheelabrator Facility in Bridgeport with a cost based fixed fee on top for CRRA. He said the participating towns are signatories to that agreement, and noted there are twelve member towns. He said there are two issues still to be determined, the COLA, which is part of the agreement with Wheelabrator and will not be available until June and may change the tip fee by a few cents. He said in addition there is a potential adjustment (pro or con) for the price of diesel fuel which is also in the contract with Wheelabrator. Mr. Kirk said this is the fourth year of this contract and the towns are comfortable with it.

Director Edwards asked if there would be an adjustment for the price of chemicals as there had been the year prior. Mr. Kirk said Director Edwards is referring to the cost of lime and re-agents and noted those costs may add a few cents per ton to the costs as well.

The motion previously made and seconded was approved by roll call. Acting Chairman Barlow Director Adams, Director Damer, Director Edwards, Director Freedman, Director Griswold, and Director Shanley voted yes.

Directors	Aye	Nay	Abstain
John Adams	X		
Richard Barlow	X		
David Damer	X		
Joel Freedman	X		
Timothy Griswold	X		
Scott Shanley	X		
Ad-Hocs			
Bob Painter, CSWS			
Steve Edwards, SouthWest	X		

PRESIDENT'S REPORT

Mr. Kirk said all CRRA facilities operated without environmental, public health, or safety impacts through the reporting period. He referred to the Committee to Tab B of the supplemental package for the particulars of the financial variance report. Mr. Kirk said the report contains the year to date data on the Mid-Conn facility. He said the end of the original project results are in the report and the project variances are shown. Mr. Kirk said revenues are lower due to unfavorable contractual deliveries which are offset by somewhat than higher than planned spot deliveries. He said more spot deliveries result in cheaper waste prices at the door.

Mr. Kirk said there were favorable administration and operational expenditures, reduced deliveries to transfer stations, lower metal revenues, reduced revenue from electric sales, some unscheduled outages and favorable legal spending which rounds out the rest of the variance. He said Mid-Conn expenditures and recycling were favorable year to date.

Mr. Kirk said the SouthEast expenditures remain generally favorable primarily due to timing issues. He said there are fiscal year adjustments at the end of the year which will clean up some of the larger variables such as unfavorable ash expenses and spot revenue deliveries. Mr. Kirk said the SouthWest recycling has a modest surplus in deliveries, lower personal management costs and a small unfavorable expenditure associated with some fixed costs pertaining to licenses, fees and insurance premiums.

Mr. Kirk said a new schedule has been added to the supplemental package. He said the document tracks the use of the Hartford landfill post closure reserve for cash flow balancing. Mr. Kirk said all of the waste to energies facilities are struggling with fuel shortages due to the economy and diversions. He said availability and capacity factors are maintaining improved profiles versus historicals but still have room for improvement. Mr. Kirk said there are still some pressure part failures, which although much improved, are still occasional issues to deal with at Mid-Conn.

Mr. Kirk said concerning tonnage the Mid-Conn MSW is at about 10% unfavorable deliveries for member waste. He said this is supplemented with spot waste (which is favorable) however, because spot waste comes in at a discount to member waste the impact to revenues is not insubstantial. Mr. Kirk said all projects are well below historical averages for deliveries. He said there are a small increase in

recycling receipts for member towns at Mid-Conn and an 8% decrease in SWEROC which is likely a matter of timing and recording.

Mr. Kirk said 51 towns have signed with CRRA and the plant is able to fill itself at or near capacity with existing customers and spot waste. He said there is significant discounting of tipping fees to get those spot tons in. Mr. Kirk said a very low electric contract continues to impact CRRA's ability to provide tipping fees going forward and management continues to work with CT DEEP and the Governor's office to develop alternative approaches for the revenue shortfall.

Mr. Kirk said management recommended to the Organizational & Synergy & Human Resources Committee suspending until a later point (should the Board wish to consider it then) the merit increase for CRRA employees. He said no further action by the Board is required at this point. Mr. Kirk noted that two employees have moved on from CRRA, government relations liaison Jim Perras, and accountant Marion Miller.

ADJOURNMENT

Acting Chairman Barlow requested a motion to adjourn the meeting. The motion to adjourn was made by Director Adams and seconded by Director Damer and was approved unanimously.

There being no other business to discuss, the meeting adjourned at 4:15 p.m.

Respectfully Submitted,



Moira Benacquista
HR Specialist/Board Administrator

TAB 2

**RESOLUTION REGARDING FIRST AMENDMENT
TO THE AGREEMENT FOR METALS RECOVERY
AND MARKETING SERVICES
AND
NEW AGREEMENT FOR METALS RECOVERY AND
MARKETING SERVICES**

RESOLVED: The President is authorized to enter into the First Amendment to the contract with wTe Recycling, Inc., for the transportation, processing and marketing of municipal solid waste post-combustion ferrous metals generated at the South Meadows Resource Recovery Facility, and be it

FURTHER RESOLVED: The President is authorized to enter into a new agreement with wTe Recycling, Inc., for the transportation, processing and marketing of municipal solid waste pre-and-post-combustion ferrous and scrap metals generated at the South Meadows Resource Recovery Facility, substantially as presented and discussed at this meeting.

Connecticut Resources Recovery Authority

First Amendment Summary for Contract entitled Metals Recovery and Marketing Services Mid-Connecticut Resource Recovery Facility

Presented to the Board of Directors:	February 28, 2013
Contractor:	wTe Recycling, Inc.
Amendment Term:	Through June 30, 2013 (coterminous with termination of current base agreement)
Contract Type:	Revenue
Purpose of First Amendment:	To expand the base contract scope of services to include the transportation, processing and marketing of municipal solid waste post-combustion ferrous metals.
Facility:	South Meadows Resource Recovery Facility
Revenue Value:	Rate paid to CRRA is tied to Philadelphia High Side Shredded Auto Scrap Index as published by American Metal Market. Using the current market index price and estimated volume of post-combustion ferrous metal recovered, CRRA will realize approximately \$180,000 in new direct revenue, and approximately \$120,000 in avoided landfill disposal costs, annually.
Other Provision:	CRRA makes no guarantee as to the amount or availability of the metals to be provided to Contractor under the Agreement.
Performance Security:	\$300,000

**New Agreement Summary for Contract entitled
Metals Recovery and Marketing Services
South Meadows Resource Recovery Facility**

Presented to CRRA Board of Directors:	February 28, 2013
Contractor:	wTe Recycling, Inc.
Effective Date:	July 1, 2013
Contract Term:	Base term of three-years through June 30, 2016, with two one-year extension periods exercisable at CRRA's sole discretion.
Contract Type:	Revenue
Scope of Services:	Pre-and-post combustion ferrous metal and scrap metal transportation, processing and marketing services.
Facility:	South Meadows Resource Recovery Facility
Revenue Value	Pre-and post-combustion ferrous metal rate paid to CRRA is tied to Philadelphia High Side Shredded Auto Scrap Index as published by American Metal Market. Scrap metal rate paid to CRRA is tied to the #1 HMS High Side Index as published by American Metal Market. Using the current market index prices and estimated volume of metal recovered, CRRA will realize approximately \$2,000,000 in direct revenue from the metal sold and approximately \$120,000 in avoided landfill disposal costs each contract year.
Other Provision:	CRRA makes no guarantee as to the amount or availability of the metals to be provided to Contractor under the Agreement.
Performance Security:	\$300,000

Connecticut Resources Recovery Authority
Metals Recovery and Marketing Services
South Meadows Resource Recovery Facility

February 28, 2013

Executive Summary

The municipal solid waste processed at the South Meadows Resource Recovery Facility (the “Facility”) includes six steps: manual picking from in-feed conveyors, coarse shredding, magnetic separation of ferrous metals, coarse screening and fine shredding. CRRA has a contract with wTe Recycling, Inc., for the transportation, processing and marketing of the ferrous metals removed from the waste stream during processing. CRRA’s current contract for this service terminates June 30, 2013.

Pursuant to Section 3.1.2.5 of CRRA’s Procurement Policies and Procedures (governing vendors with special capability) this is to request that the board authorize the President to:

1. Execute a First Amendment to the current agreement for Metals Recovery and Marketing Services (current contract expires June 30, 2013) in order to expand the scope of services to include the transportation, processing and marketing of municipal solid waste post-combustion ferrous metal recovered at the Facility, and
2. Execute a new agreement with wTe Recycling, Inc. (“wTe”) effective July 1, 2013 in order to continue services for the transportation, processing and marketing of both the pre-combustion and post-combustion ferrous metals recovered at the Facility.

Discussion

Pre-Combustion Ferrous Metal Recovery

Approximately 35% of the weight of the ferrous metals removed from the MSW processed at the Waste Processing Facility (“WPF”) is entrained with MSW. As discussed below, wTe Recycling, Inc. has been transporting this material, separating the ferrous metal from the MSW and marketing the recovered metal for many years under contract to CRRA. Because of the amount of MSW mixed with the metal, Connecticut and the neighboring states of New York, New Jersey, Massachusetts and Rhode Island, require that scrap metal recycling companies who wish to handle such “contaminated” metals must first obtain a solid waste permit (essentially the same permit process required for any entity wishing to operate a MSW transfer station).

wTe Recycling, Inc. has been performing metals transportation and marketing services for the Facility since May of 1990 with only one interruption: for the period January 1, 1994 through January 31, 1996, when CRRA contracted with a different company for the services. The alternative company subsequently went bankrupt and wTe stepped in on February 1, 1996 to complete the term of the agreement (through December 31, 1996).

During the period of January 1, 1996 through August 31, 1999 wTe performed the services under a series of letter agreements with each letter agreement having a term of approximately one-year.

In June, 1999 CRRA issued a competitive bid for the services for a term of one (1) year. wTe was the sole bidder. CRRA rebid for the services in 2001 for a term of July 1, 2001 through June 30, 2003. wTe was again the sole bidder. CRRA rebid the services in 2003 for a term of three (3) years (July 1, 2003 through June 30, 2007) and wTe was again the sole bidder. The most recent competitive bid for these services was issued in 2007 for a three year term (July 1, 2007 through June 30, 2010 with the option to extend for two one-year extension periods). While CRRA did receive one other bid, the share of the revenue realized from the sale of the recovered metals offered to CRRA from the other bidder was significantly less than the revenue share offered by wTe and the bidder did not have in place the appropriate solid waste permit to handle the material.

Prior to issuing procurement documents for a new contract to take effect July 1, 2010, CRRA management contacted solid waste regulatory officials in Connecticut and four surrounding states (RI, MA, NY, and NJ) to inquire if there were other scrap metal dealers that had obtained the regulatory authority to accept and process ferrous metals contaminated with 35% or more MSW. CRRA staff spoke with two individuals at the NYDEC, two individuals at the MADEP, one individual at that NJDEP, one individual at the RIDEM, and one individual at the CTDEP. Except for the MADEP confirming the wTe facility had the applicable authority/permit, none of these individuals were aware of any permitted scrap metal recycling facilities in their respective states that were authorized to accept scrap metal contaminated MSW. Having confirmed that no other firms were properly permitted to process the metals generated at the Facility, CRRA's management recommended and the Board of Directors approved an agreement with a base two-year term of July 1, 2010 through June 30, 2012 with one extension period. CRRA subsequently exercised its option to extend the agreement for the one-year extension period commencing July 1, 2012 and terminating June 30, 2013.

Because the current contract with wTe expires on June 30, 2013, CRRA has again canvassed environmental agency authorities in Connecticut and the surrounding states to determine if market conditions have changed, i.e. other firms have been issued the necessary permits to handle the MSW metals. Based on CRRA's conversations with environmental agency representatives in CT, MA, NJ, NY and RI, no such solid waste permits have been issued to any scrap metal dealers other than wTe.

Post-Combustion Ferrous Metal Recovery

Several years ago CRRA conducted a pilot program to assess the cost/benefit of implementing a post-combustion ferrous metals recovery program. The test results indicated that the additional revenue and landfill disposal savings (metals disposal cost avoidance) would be more than sufficient to justify the installation of the magnetic separator needed to implement the program. However, the program was not implemented at that time because projected additional revenues and savings were negatively offset by the additional costs demanded by the operator of the facility for additional staff and an increased maintenance budget to operate the program and maintain the equipment.

The current operator of the facility has undertaken trial operation of the post-combustion ferrous metal separator and determined that the activity can be accomplished with no additional labor costs and minimal maintenance costs, such that the activity will realize a net positive revenue gain for CRRA.

Recommendation

Considering:

- the bidding history for these services,
 - wTe's special capabilities regarding management of scrap metal mixed with MSW, and
 - the results of CRRA's inquiries to the solid waste permitting authorities in CT and surrounding states,
1. CRRA management recommends that, via the First Amendment to the existing agreement, the scope of services be expanded to enable wTe to transport, process and market ferrous metals recovered from the MSW post-combustion residue stream based on the firm's special capability as provided for under section 3.1.2.5 of CRRA's Procurement Policies and Procedures.
 2. CRRA management recommends that the Board of Directors authorize the President to enter into a contract with wTe Recycling, Inc., effective July 1, 2013, to manage pre-combustion and post-combustion ferrous metals, for a base term of 3 years with two additional one year options, on the basis of the firm's special capability as provided for under section 3.1.2.5 of CRRA's Procurement Policies and Procedures.

Financial Summary

With the addition of this new post-combustion metals stream, CRRA is estimating the recovery of an additional 2,000 tons of ferrous metals each year with an estimated value of approximately \$180,000 annually (estimated \$90/ton revenue share based on current American Metal Market

index). In addition to the revenue generated, CRRA will realize avoided landfill disposal cost savings of approximately \$120,000 annually, for an annual total of \$300,000 in direct revenue and avoided costs.

CRRA recovers approximately 21,000 tons of pre-combustion ferrous metal annually. At an estimated revenue share of \$90/ton this equates to annual revenue of approximately \$1,890,000.

TAB 3

**RESOLUTION REGARDING AMENDMENT OF AN EASEMENT
AGREEMENT WITH THE CONNECTICUT LIGHT & POWER
COMPANY ASSOCIATED WITH PROPERTY AT THE SOUTH
MEADOWS SITE**

RESOLVED: That the President of CRRA is authorized to execute an Amendment to the Easement Agreement with The Connecticut Light & Power Company, associated with property at the South Meadows site, substantially as presented and discussed at this meeting.

Connecticut Resources Recovery Authority

Contract Summary for Reserved Easement Modification Agreement between CRRA and The Connecticut Light & Power Company

Presented to the CRRA Board on:	February 28, 2013
Counterparty:	The Connecticut Light & Power Company
Effective date:	Upon Execution
Contract Type/Subject matter:	Real Estate Easement Agreement
Facility Affected:	South Meadows Site
Revenue:	\$2,184.00
Other Pertinent Information:	<p>This is a Permanent Easement that is recorded on the land records.</p> <p>CL&P will also compensate CRRA for all reasonable attorney's fees and expenses incurred by CRRA in connection with the preparation, negotiation, and execution of this Agreement.</p>

Connecticut Resources Recovery Authority

Reserved Easement Modification Agreement between CRRA and The Connecticut Light & Power Company

February 28, 2013

Discussion

At its October 2012 meeting CRRA's Board of Directors approved an amendment to the easement agreement between The Connecticut Light & Power Company ("CL&P") and CRRA associated with the 115kV switchyard at CRRA's South Meadows site in order to expand area covered by the easement so that CL&P could expand a building in the switchyard. CRRA and CL&P amended the Easement Agreement in early January 2013.

Detail of the matter is provided in the attached memorandum that was presented to the Board in October 2012.

CL&P has begun construction activities and has determined that they require an additional 648 square feet of area to accommodate the building, and have requested that CRRA and CL&P further amend the easement agreement to provide this additional area to CL&P.

This is to request that the Board of Directors approve an amendment to the Easement Agreement between CRRA and CL&P so that CL&P can expand its activities in this area.

Financial Summary

CRRA will receive compensation in the amount of \$2,184 in consideration for this additional area to be granted to CL&P under the Easement. Additionally, CL&P will compensate CRRA for all reasonable attorney's fees and expenses incurred by CRRA in connection with the preparation, negotiation, and execution of this Agreement.

**October 2012 Board Memorandum Regarding
Easement Agreement with CL&P**

**RESOLUTION REGARDING AMENDMENT OF AN EASEMENT
AGREEMENT WITH THE CONNECTICUT LIGHT & POWER
COMPANY ASSOCIATED WITH PROPERTY AT THE SOUTH
MEADOWS SITE**

RESOLVED: That the President of CRRA is authorized to execute an Amendment to the Easement Agreement with The Connecticut Light & Power Company, associated with property at the South Meadows site, substantially as presented and discussed at this meeting.

Connecticut Resources Recovery Authority

Contract Summary for Reserved Easement Modification Agreement between CRRA and The Connecticut Light & Power Company

Presented to the CRRA Board on:	October 25, 2012
Counterparty:	The Connecticut Light & Power Company
Effective date:	Upon Execution
Contract Type/Subject matter:	Real Estate Easement Agreement
Facility Affected:	South Meadows Site
Payment:	\$8,900.00
Other Pertinent Information:	<p>This is a Permanent Easement that is recorded on the land records.</p> <p>CL&P will also pay all reasonable attorney's fees and expenses incurred by CRRA in connection with the preparation, negotiation, and execution of this Agreement.</p>

Connecticut Resources Recovery Authority

Reserved Easement Modification Agreement between CRRA and The Connecticut Light & Power Company

October 25, 2012

Executive Summary

In order to upgrade electrical equipment at its switchyard located on CRRA property at the South Meadows site, The Connecticut Light & Power Company ("CL&P") seeks to expand the area currently governed by the easement agreement between CRRA and CL&P for this area.

This is to request that the Board of Directors approve an amendment to the Easement Agreement between CRRA and CL&P so that CL&P can expand its activities in this area.

Discussion

CRRA owns the real property at the South Meadows site. This includes a parcel of property on which is located a 115kV electrical switchyard substation which contains electrical equipment owned by CL&P. Associated with this parcel of land is an Easement which provides CL&P the authority to enter the property, and operate and maintain the equipment as necessary to conduct its business.

It should be noted that the electric power produced by both CRRA's Resource Recovery Facility and by CRRA's South Meadows Jet Turbine Facility is transmitted to the 115kV switchyard for distribution to the electric power grid.

The 115kV switchyard is considered a Bulk Power Station ("BPS") pursuant to criteria established by the Northeast Power Coordinating Council ("NPCC").

(Note: The NPCC is a regional electric reliability council (one of nine in the United States), which operates under the auspices of the North American Electric Reliability Corporation ("NERC"). In June 2007, the U.S. Federal Energy Regulatory Commission ("FERC") granted NERC the legal authority to enforce reliability standards with all users, owners, and operators of the bulk power system in the United States, and made compliance with those standards mandatory and enforceable.)

In accordance with enhanced electric reliability standards that were established by NERC several years ago, CL&P is required to upgrade its BPS to comply with BPS protection and controls reliability standards.

In order to upgrade the BPS, CL&P needs to expand a building which serves as an enclosure for relay and control equipment. Expansion of the building will require that the building be placed on land not covered by the existing Easement. The additional area of land that CL&P requires for expansion of the building is approximately 2,638 square feet.

Earlier this year CL&P engaged the services of CB Richard Ellis (“CBRE”) to undertake an appraisal of the additional area of land. CBRE valued the additional area at \$8,900.00. CRRRA management has reviewed the Appraisal, and accepts the value of \$8,900.00 as a reasonable value for the area that is the subject of this easement expansion.

CRRRA management recommends that CRRRA execute the Reserved Easement Modification Agreement with CL&P.

Financial Summary

CRRRA will receive a one time payment of \$8,900.00 in consideration for the additional area to be granted to CL&P under the Easement. Additionally, CL&P will pay all reasonable attorney’s fees and expenses incurred by CRRRA in connection with the preparation, negotiation, and execution of this Agreement.

TAB 4

**RESOLUTION AUTHORIZING CONTRACT FOR
WASTE TRANSPORTATION AND OPERATION AND
MAINTENANCE SERVICES FOR THE ESSEX,
TORRINGTON, AND WATERTOWN TRANSFER
STATIONS**

RESOLVED: The President is authorized to enter into an agreement with Copes Rubbish Removal for the Waste Transportation and Transfer Station Operation and Maintenance Services associated with the Torrington Transfer Station, substantially as presented and discussed at this meeting; and

FURTHER RESOLVED: The President is authorized to enter into an agreement with CWPM LLC for the Waste Transportation and Transfer Station Operation and Maintenance Services associated with the Watertown and Essex Transfer Stations, substantially as presented and discussed at this meeting.

Connecticut Resources Recovery Authority

Agreement Summary

Waste-Transportation And Transfer Station Operation And Maintenance Services For The Essex, Torrington, And Watertown Transfer Stations

Presented to CRRA Board:	February 28, 2013
Vendors/Contractors:	<ul style="list-style-type: none">• Copes Rubbish Removal for Torrington Transfer Station, and• CWPM, LLC for Watertown and Essex Transfer Stations
Effective Date:¹	March, 2013
Commencement Date:	July 1, 2013
Contract Type:	Waste Transportation And Transfer Station Operation And Maintenance Services.
Facilities:	Essex, Torrington and Watertown Transfer Stations.
Term:	The term of this Agreement shall begin on the Effective Date and shall terminate on June 30, 2014 (the “Base Term”). The performance of Services shall begin on the Commencement Date.
Extensions:	At CRRA’s sole and absolute discretion, CRRA shall have four (4) separate and divisible options to extend the term of this Agreement for the following one year terms: (i) from July 1, 2014 through June 30, 2015; (ii) from July 1, 2015, through June 30, 2016; (iii) from July 1, 2016 through June 30, 2017; and (iv) from July 1, 2017 through June 30, 2018.
Scope of Services:	Contractor(s) shall furnish all labor, vehicles, equipment, parts, materials, maintenance, supervision and all other items and activities necessary to transport the Acceptable Waste, Acceptable Recyclables, Non-Processible Waste, and Unacceptable Waste delivered to the transfer stations and operate and maintain the transfer stations.
Estimated Annual Cost for base term²:	Essex: \$1,437,000.00 Torrington: \$1,313,255.00 Watertown: \$1,885,000.00

¹ To effectuate a smooth transition to the new Agreement(s), a number of activities must be performed by the Contractor(s) prior to the actual Commencement Date of Services on July 1, 2013. Therefore, the Effective Date of the Agreement is the date upon which the Agreement is executed by the parties (sometime in March 2013) subsequent to CRRA Board of Director’s approval authorizing the President to enter into such Agreement.

² Estimated Annual Contract amount includes a “fixed” annual fee for Operation and Maintenance of each transfer station and a variable transportation fee per ton of trash and recycling transferred through each station as detailed in Table 1.

Table 1 - Contract Year 1 Estimated Service Fees by Station

		Estimated Annual Tonnage (as in RFP)	Annual Cost	Current Costs Under Old Contract (Transport costs normalized to new estimated tonnages)
Essex	Essex "Fixed" O&M		\$ 520,000.00	\$ 601,711.00
	Essex Trash Transport	55000	\$ 770,000.00	\$ 982,300.00
	Essex Recycling Transport	7000	\$ 147,000.00	\$ 196,420.00
	Annual Total (excludes non-processible)		\$ 1,437,000.00	\$ 1,780,431.00
Torrington	Torrington "Fixed" O&M		\$ 498,655.00	\$ 572,365.00
	Torrington Trash Transport	50000	\$ 631,000.00	\$ 679,500.00
	Torrington Recycling Transport	8000	\$ 183,600.00	\$ 164,640.00
	Annual Total (excludes non-processible)		\$ 1,313,255.00	\$ 1,416,505.00
Watertown	Watertown "Fixed" O&M		\$ 520,000.00	\$ 493,644.00
	Watertown Trash Transport	90000	\$ 1,260,000.00	\$ 1,296,000.00
	Watertown Recycling Transport	5000	\$ 105,000.00	\$ 121,150.00
	Annual Total (excludes non-processible)		\$ 1,885,000.00	\$ 1,910,794.00
Total for all 3 Transfer Stations			\$ 4,635,255.00	\$ 5,107,730.00

Fuel Adjustment

The transportation prices within this contract are based on a baseline diesel price between \$4.00 and \$4.099 per gallon. The baseline diesel price is reviewed monthly, and for each \$0.10 increase or decrease from that baseline, the transportation fee charged by the Contractor to CRRA will increase or decrease proportionally each month.

Escalation during renewal term:

If CRRA exercises its option to extend this Agreement, for each extension year the Annual Fixed O&M Fee set forth above shall be adjusted annually to reflect seventy-five percent (75%) of the annual change in the Consumer Price Index ("CPI") for All Urban Consumers (Cross Classification of Region and Population Size Class, Northeast/Size Class C Index, All Items) (1982-84=100) as published by U.S. Department of Labor, Bureau of Labor Statistics.

Connecticut Resources Recovery Authority
Waste Transportation And Transfer Station Operation
And Maintenance Services For The Essex, Torrington,
And Watertown Transfer Stations

February 28, 2013

EXECUTIVE SUMMARY

The current agreement for the operation and maintenance and transportation of waste associated with the Essex, Torrington, and Watertown Transfer Stations expires on June 30, 2013. On November 7, 2012, CRRA issued a Request for Proposals to receive competitive quotes for these services commencing July 1, 2013.

Based upon its review of the proposals received, CRRA management is recommending that the Board of Directors authorize The President to enter into an agreement with Copes Rubbish Removal, Inc. for the operation, maintenance and waste transportation services associated with the Torrington Transfer Station, and an agreement with CWPM, LLC for the operation, maintenance and waste transportation services associated with the Watertown and Essex Transfer Stations.

OVERVIEW OF RFP

In accordance with its Procurement Policies and Procedures, on November 7, 2012 CRRA issued a Request for Proposals (RFP) for Waste Transportation And Operation And Maintenance Services associated with the Essex, Torrington, and Watertown Transfer Stations.

The availability of the procurement documents was advertised in the following publications on Sunday, September 30, 2012, or the next publication date thereafter.

- Connecticut Post
- Hartford Courant
- New Haven Register
- New London Day
- Torrington Register Citizen
- Waterbury Republican-American
- LaVoz Hispania de Connecticut
- Northeast Minority News

The availability of the procurement documents was also advertised on the CRRA website and the CT DAS State Contracting Portal.

The RFP invited firms interested in submitting proposals to attend non-mandatory pre-proposal tours at each of the three (3) transfer stations. Seven (7) firms attended a site tour at one or more of the transfer stations. Five (5) firms submitted proposals on the December 6, 2012 submission deadline.

DISCUSSION

The RFP provided proposers the opportunity to submit prices for the O&M and transportation services on an individual transfer station basis (e.g. prices for one, two, or three transfer stations). In addition, Proposers were invited to submit a “Full Control” price if they were submitting proposals for services at all three transfer stations and if they were proposing that there would be economies of scale that would be realized financially by CRRA if CRRA awarded services at all three transfer stations to the same contractor.

As shown in Table 2, five (5) firms submitted proposals to provide services at one or more of the transfer stations.

Table 2 - Proposal Submission Summary

Proposer	Submitted O&M and Transportation Bids For:			
	Essex	Torrington	Watertown	Full Control
Copes Rubbish	No	Yes	No	No
CWPM, LLC	Yes	Yes	Yes	Yes
DW Transport	Yes	No	No	No
EnviroExpress	Yes	Yes	Yes	No
Goulet Trucking	Yes	No	Yes	No

Table 3 summarizes the estimated cost of each Proposer’s submittal for the one-year base agreement.

The costs detailed in Table 3 were used as the first “screen” by which to evaluate the Proposals.

The lowest cost proposals were as follows:

- At Essex: Goulet Trucking
- At Torrington: Copes Rubbish Removal
- At Watertown: Goulet Trucking

In addition to the pricing in Table 3, CWPM offered a full-control price that would offer some economies of scale when compared to its prices submitted on an individual transfer station basis. However, a greater savings will be realized by CRRA if the award for services at the Transfer Stations is split and services at Torrington are awarded to Copes.

Table 3 - Estimated Costs One-Year Base Agreement

	Copes	CWPM	CWPM Combined control price W&E	DW Transport	Enviro Express	Goulet
Essex O&M	NA	\$ 580,000.00	\$ 520,000.00	\$ 618,000.00	\$ 642,000.00	\$ 505,000.00
Essex Trash Transport	NA	\$ 869,000.00	\$ 770,000.00	\$ 927,850.00	\$ 1,134,100.00	\$ 747,450.00
Essex Recycling Transport	NA	\$ 165,900.00	\$ 147,000.00	\$ 193,480.00	\$ 288,680.00	\$ 175,000.00
Essex Annual Total	NA	\$ 1,614,900.00	\$ 1,437,000.00	\$ 1,739,330.00	\$ 2,064,780.00	\$ 1,427,450.00

Torrington O&M	\$ 498,655.00	\$ 575,000.00	NA	NA	\$ 550,000.00	NA
Torrington Trash Transport	\$ 631,000.00	\$ 845,000.00	NA	NA	\$ 720,500.00	NA
Torrington Recycling Transport	\$ 183,600.00	\$ 202,800.00	NA	NA	\$ 230,560.00	NA
Torrington Annual Total	\$ 1,313,255.00	\$ 1,622,800.00	NA	NA	\$ 1,501,060.00	NA

Watertown O&M	NA	\$ 540,000.00	\$ 520,000.00	NA	\$ 540,000.00	\$ 479,000.00
Watertown Trash Transport	NA	\$ 1,293,300.00	\$ 1,260,000.00	NA	\$ 1,396,800.00	\$ 1,223,100.00
Watertown Recycling Transport	NA	\$ 107,750.00	\$ 105,000.00	NA	\$ 155,200.00	\$ 125,000.00
Watertown Annual Total	NA	\$ 1,941,050.00	\$ 1,885,000.00	NA	\$ 2,092,000.00	\$ 1,827,100.00

Notes

- Trash tons based on presumption of 55,000 tons trash/year at Essex; 50,000 tons trash/year at Torrington; and 90,000 tons trash/year at Watertown
- Recycling tons based on presumption of 7,000 tons/year at Essex; 8,000 tons/year at Torrington; and 5,000 tons/year at Watertown.
- Total excludes cost to manage non-processible waste.

The lowest cost proposals were then evaluated based on their experience, references, and the operational facets of their proposal as shown in Table 4 below

Table 4: Evaluation of Operational Experience among lowest cost proposers

	Copes	CWPM	Goulet
Prior experience operating MSW transfer stations.	Yes	Yes	None
Prior experience operating MSW trucking and transportation operations	Yes	Yes	Yes
CT DEEP Transfer Station Operator on staff	Yes	Yes	Would have to hire
Is preponderance of necessary equipment already owned or would it need to be acquired by proposer?	Already owned	Already owned	Needs to be acquired

At the Torrington Transfer Station, based on their operational experience and the fact they were the lowest-cost proposer, management recommends awarding this agreement to Copes Rubbish Removal.

At Watertown and Essex, the lowest-cost proposer was Goulet Trucking. Although they have experience providing waste transportation services and positive recommendations doing so, Goulet has no prior experience operating an MSW transfer station on any scale. CRRA staff traveled to Portsmouth, NH to look at a salt loading operation at the Port of Portsmouth, NH, which is managed by Goulet Trucking, which was offered by Goulet as comparable experience. The operation did not sufficiently allay staff concerns about Goulet’s lack of Transfer Station O&M experience.

Given continued concerns about Goulet’s lack of prior transfer station experience, CRRA staff held discussions with CWPM who was the next lowest cost proposer at both Essex and Watertown. In their proposal and cover letter CWPM discussed the benefits of operating multiple transfer stations as a system. Staff negotiated with CWPM to determine whether those stated efficiencies would translate to a savings to CRRA. Those efficiencies are represented in Table 3 under the CWPM Combined Control Price W&E column. Based on the savings proposed by CWPM during those discussions and their experience providing operation and maintenance services at transfer stations, Management recommends awarding this Agreement for the Essex and Watertown Transfer Stations to CWPM.

Recommendation

Based upon the above reviews, CRRA management is recommending that the President be authorized to enter into an agreement with Copes Rubbish Removal for the Waste Transportation and Transfer Station Operation and Maintenance Services associated with the Torrington Transfer Station, and enter into an agreement with CWPM, LLC for the Waste Transportation and Transfer Station Operation and Maintenance Services associated with the Essex and Watertown Transfer Stations.

While the Commencement Date for Services is July 1, 2013, CRRA intends to have the new Agreements executed in March, 2013 (Effective Date). This will provide the Contractors sufficient time to perform the tasks that must be completed prior to the Commencement Date in order to effect a smooth transition. These tasks include:

- Finalize equipment plans;
- Within 30 days of the Effective Date provide CRRA written evidence of the equipment and machinery purchased and/or leased by Contractor to perform the Services;
- Submit required performance bonds and/or Letters of Credit;
- Submit required proofs of insurance naming CRRA as additional insured;
- Perform a walk through of each transfer station to document the pre-existing condition of each station; and
- Submit to CRRA a written draft of Contractor's Operations and Maintenance Plan and Safety Program Manual for CRRA's review.

Financial Summary

The funds necessary for the services are contained in the FY2014 CSWS operating budget.

TAB 5

**RESOLUTION REGARDING EXECUTION OF A
DECLARATION OF ENVIRONMENTAL LAND USE
RESTRICTION AND GRANT OF EASEMENT ASSOCIATED
WITH THE SOUTH MEADOW STATION SITE
REMEDICATION**

RESOLVED: That the President of CRRA be authorized to execute a Declaration of Environmental Land Use Restriction and Grant of Easement (“ELUR”) in favor of the Commissioner of the Department of Energy & Environmental Protection (“DEEP”) of the State of Connecticut, in form and content as required by the Commissioner, associated with remediation activities at the South Meadow Station Site; and

FURTHER RESOLVED: That the President of CRRA be authorized to execute an *Affidavit of facts relating to title or interest in real estate (“Affidavit of Facts”)*, in accordance with C.G.S. §47-12a, if filing of such an affidavit is determined to be necessary in order to correct any factual matters that may affect the status of the title to the South Meadow Station property, in connection with the execution of the ELUR; and

FURTHER RESOLVED: That the President of CRRA be authorized to record on the City of Hartford land records the ELUR, Affidavit of Facts and any subordination agreements necessary to subordinate existing title encumbrances on the South Meadow Station site to the ELUR, as required by DEEP; substantially as presented and discussed at this meeting.

Connecticut Resources Recovery Authority

Declaration of Environmental Land Use Restriction and Grant of Easement with the Connecticut Department of Energy & Environmental Protection

Presented to the CRRA Board on: February 28, 2013

Contracting Counterparty: Connecticut Department of Energy & Environmental Protection

Effective date: Upon Execution

Contract Type/Subject matter: Declaration of Environmental Land Use Restriction and Grant of Easement

Facility Affected: South Meadow Station Site

Other Pertinent Provisions: Execution of an Affidavit of Facts Relating to Title or Interest in Real Estate, in accordance with C.G.S. §47-12a, may also be necessary, depending upon the results of a title search.

Connecticut Resources Recovery Authority South Meadow Station Site

Declaration of Environmental Land Use Restriction and Grant of Easement (“ELUR”) with the Connecticut Department of Energy & Environmental Protection

February 28, 2013

Discussion

On December 22, 2000 CRRA and TRC Companies, Inc. executed a contract entitled *Exit Strategy™ Contract For South Meadow Station Site Between Connecticut Resources Recovery Authority And TRC Companies, Inc.* (the “Exit Strategy™ Contract”). The Exit Strategy™ Contract was a prerequisite to the transfer of the South Meadows property and the Electric Generating Facility (EGF) from Connecticut Light & Power to CRRA in early CY 2001. The purpose of the Exit Strategy™ Contract was to establish TRC as the “Certifying Party” under the Connecticut Transfer Act, thereby shifting the environmental remediation responsibility to TRC following transfer of the property from CL&P to CRRA. TRC is therefore responsible for remediation of pre-existing pollution conditions at, under or migrating from the site as required by applicable law, including, but not limited to, the State of Connecticut Remediation Standard Regulations (“RSR”) and the Transfer Act.

Under the Exit Strategy™ Contract, TRC is obligated to select and complete remediation activities at the site that fulfill all requirements of applicable law without materially interfering with current and future Site operations (as such operations were defined at the time the Exit Strategy™ Contract was executed). As permitted under the RSR, the Exit Strategy™ Contract allows TRC to utilize ELURs to achieve remediation goals appropriate for an industrial/commercial (“I/C”) site located within a “GB” groundwater designation area (i.e., an area where degradation of groundwater has occurred due to urbanization and where treatment would therefore be required before groundwater could be consumed). TRC has therefore remediated highly-contaminated soils and groundwater to meet I/C and GB standards. TRC has also placed appropriate minimum depths of clean cover soils and/or constructed engineered controls to render remaining contamination inaccessible and/or environmentally isolated.

Under the Exit Strategy™ Contract, CRRA is obligated to consent to appropriate ELURs, provided that TRC consults with CRRA prior to implementing each ELUR, and that such ELURs do not materially interfere with CRRA’s use of the site. TRC has communicated its planned ELURs to CRRA during monthly project status meetings and through submission of draft Remedial Action Plans to CRRA for review and comment prior to implementation of remedial actions. TRC has provided CRRA with a “Preliminary Draft Proposed ELUR Boundaries” map for consideration and comment. While TRC and CRRA management are still negotiating certain aspects of the proposed ELURs to be recorded, the “Preliminary Draft

Proposed ELUR Boundaries” map is generally consistent with information that was previously conveyed by TRC, and CRRA and TRC are continuing to work together to fully define the ELURs. It is TRC’s goal to submit the ELUR package to the Department of Energy & Environmental Protection (“DEEP”) by March 31, 2013.

Given the long history of the South Meadow Station site, it is possible that the title search to be conducted as part of the ELUR process may reveal factual matters that affect the status of the title to the property. Such matters include, but may not necessarily be limited to, easements on the property that were historically held by third-party companies that are no longer in business, and which have no heirs or successors. C.G.S. Sec. 47-12a allows a property owner to file an Affidavit of Fact, to be recorded in the land records of the town in which the real estate is situated, as prima facie evidence of the facts stated in the Affidavit. If the title search does reveal any such factual matters, then CRRA may need to file an Affidavit of Fact under the referenced statute in order to facilitate the ELUR’s approval by DEEP.

TAB 6

**RESOLUTION REGARDING
CONNECTICUT DEEP NETDMR SUBSCRIBER
AGREEMENT**

RESOLVED: That the President of the Connecticut Resources Recovery Authority be, and hereby is, authorized to execute in the name and on behalf of the Authority the NetDMR Subscriber Agreement, and his execution of such Agreement is hereby ratified and confirmed.

**Connecticut Resources Recovery Authority
Shelton Landfill; Hartford Landfill; and
Connecticut Solid Waste System – South Meadows
Facility**

**Connecticut Department of Energy & Environmental
Protection (DEEP) NetDMR Subscriber Agreement**

February 28, 2013

Discussion

On December 5, 2012, the Connecticut Department of Energy & Environmental Protection (DEEP) issued Pretreatment Permit SP0001459 to CRRA. This Pretreatment Permit governs the discharge of wastewater, primarily ash residue leachate, to the sanitary sewer from the Shelton Landfill. The term of this Pretreatment Permit is ten (10) years from permit issuance.

Section 5(E) of the Pretreatment Permit requires that CRRA utilize NetDMR, a web-based tool for the electronic submission of discharge monitoring reports (DMRs) and other reports through a secure internet connection. In order to initiate the NetDMR subscription process, the Pretreatment Permit specifies that CRRA must “submit a signed and notarized copy of the Connecticut DEEP NetDMR Subscriber Agreement” within 90 days of the permit issuance date (i.e., by March 5, 2013). The NetDMR Subscriber Agreement would remain in effect until modified by mutual consent or unless terminated with 60 days written notice by either party.

The NetDMR Subscriber Agreement allows permittees to register more than one wastewater discharge permit for reporting via NetDMR. In addition to the Shelton Landfill Pretreatment Permit, CRRA is the Permittee for three other wastewater discharge permits. These additional permits are a pretreatment permit for the Hartford Landfill, a pretreatment permit for the CSWS South Meadows Facility, and a National Pollutant Discharge Elimination System (NPDES) permit for the CSWS South Meadows Facility.

Using NetDMR will allow CRRA to reduce the paperwork burden associated with its wastewater discharge permit reporting (i.e., hard-copies of DMRs will no longer have to be submitted to DEEP). There is also a delivery burden associated with the hard-copy submission of DMRs (i.e., hand-delivery or certified delivery with confirmation/return receipt). In an effort to reduce both the paperwork and the delivery burdens, CRRA management recommends that CRRA enter into the NetDMR Subscriber Agreement for all four wastewater discharge permits that are currently held in CRRA’s name. CRRA Senior Environmental Engineer Christopher Shepard will continue to have signatory authority for the reports

pursuant to the President's delegation of authority, which was approved by the CRRA Board of Directors at its June 22, 2006 meeting.

This is to request that the CRRA Board of Directors authorize the President to execute the NetDMR Subscriber Agreement.

TAB 7

Previously Discussed Items

The five matters listed on the Agenda under Previously Discussed Items were discussed and voted on at the February 4, 2013, Special Board Meeting. Upon review, however, it appears that a quorum was no longer present at the time that the matters were taken up, and Board action at the meeting on February 28th is therefore requested. Please see the February 4, 2013, Board Package, for the subject resolutions and summaries which is available at:

http://www.crra.org/documents/public_records/board/board_packages/2013/Special%20Feb.%204,%202013.pdf

Copies of the resolutions will also be available at the Board meeting.