

RSWA BOARD OF DIRECTORS
Minutes of Regular Meeting
January 28, 2002

A regular meeting of the Rivanna Solid Waste Authority (RSWA) Board of Directors was held on Monday, January 28, 2002, at 3:00 p.m., in the Conference Room, Administration Building, 200 Franklin Street, Charlottesville, Virginia.

Board members present: Mr. Richard Collins, presiding, Mr. Mark Graham, Mrs. Judith Mueller, Mr. Robert Tucker, and Mr. Gary O'Connell

Authority staff present: Mr. Lawrence Tropea, Mr. Cole Hendrix, Mr. Wayne Stephens, Mr. Lonnie Wood, Mr. Bruce Edmonds, Ms. Carol Wiles, and Ms. Mary Knowles.

Also present: Mr. Kurt Krueger, RSWA Attorney, Mr. Dennis Clark, Manager for the Division of Recoverable & Disposable Resources at the University of Virginia Facilities Management, Steve Nesbitt, Malcolm Pirnie, Inc., Gerry Kirkpatrick and Phillip McKalips, Environmental Standards, Inc., members of the public and media representatives.

1.0 Call To Order

The regular meeting of the RSWA Board of Directors was called to order by Mr. Richard Collins, Chairman, on Monday, January 28, 2002, at 3:00 p.m., and a quorum was present.

2.0 Minutes Of Previous Meeting

Upon a motion by Mr. Tucker, and seconded by Mr. Graham, the Board of Directors voted to approve the minutes of the regular Board meeting held on Monday, November 26, 2001.

In regards to Item 2b), Revision of Board Minutes from October 22, 2001, Mr. Tropea clarified that the Board did take action on this matter, but the resolution was not included in the official meeting minutes. He recommended that the Board approve this amendment as an official action of the Board.

Upon motion of Mrs. Mueller, and seconded by Mr. Tucker, the Board of Directors voted to approve amending the Minutes from the October 22, 2001 Meeting to include the actual motion (attached). All members voted aye.

3.0 Executive Director's Report

Mr. Tropea stated that RSWA is making good progress on a number of issues associated with the former Ivy Landfill as reflected by the large number of items on the meeting Agenda and the time he and others are investing in this area. He reported on the following:

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3.0 Executive Director's Report Continued

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Groundwater Monitoring: The October 2001 groundwater monitoring sampling has been completed. The sentinel wells were clean. However, several of the on-site wells have experienced some increased contaminant levels. A fifth well in this sampling exceeded the Groundwater Protection Standards. Mr. Tropea directed that a resample of these wells be done on January 31, 2002 to verify the October 2001 results. He pointed out that RSWA is still operating the pump treat system on the western boundary, which is designed to intercept any materials moving in that direction.

Paint Pit Investigation: RSWA has voluntarily expanded the scope of the investigation. The first action was to expand the grid area to ensure that all the former paint pit area was investigated. A magnetic technique was also used to identify areas for soil sampling. In December 2001, Mr. Tropea was present at the site when soil samples were obtained through angle drilling of four soil borings at locations where it was anticipated that we would find the remnants of the paint pit. Those samples are currently in the lab for analysis, and RSWA should receive the results in about 60 days.

Three local groundwater monitoring wells were also installed at the former paint pit to determine if there is groundwater contamination. At the time of the sampling, one well contained water and the other two were dry. The data should be available at the same time as the soil sampling results. Mr. Tropea commented that the investigation plan is sound, and we should obtain the data we need to assess its contribution to site contamination.

Mr. Tropea invited Steve Nesbitt from Malcolm Pirnie, Inc., to report on Ambient Air Quality Sampling results.

Mr. Tropea stated that he asked Mr. Jerry Kirkpatrick and Phillip McKalips from Environmental Standards, Inc., to attend today's meeting and answer any questions the Board might have about new techniques or approaches which RSWA might consider in revising the Assessment of Corrective Measures (ACM).

Mr. Tropea reported he will be bringing before the Board a proposal to expand the number of sentinel monitoring wells at the site as an "Other Item Not on Agenda."

Mr. Tropea stated that Mr. Cole Hendrix will be reporting on the Cell 2 (unlined) closure today. The RSWA will be requesting the Board approve the contract for the intermediate cover for Cell 2 (unlined). He noted that RSWA already has the GCL liner material on order, and will be discussing the passive gas system later in this meeting.

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3.0 Executive Director's Report Continued

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Regarding the Cell 2 (unlined) gas system, Mr. Tropea pointed out that a passive gas system meets all of the regulatory requirements. The cell that RSWA is closing is primarily a construction demolition debris cell which should reduce the gas generation as compared to a municipal waste cell. The cell is currently uncapped and is not experiencing any odor problems. RSWA consultants do not feel the added cost of an active system, which would have to be funded by the taxpayers, is justified at this time. The RSWA is recommending proceeding with the passive gas system, which meets all requirements and is a lower-cost solution.

Finally, Mr. Tropea stated that Mr. Dennis Clark, Manager for the Division of Recoverable & Disposable Resources at the University of Virginia Facilities Management, had been invited to today's meeting to discuss their recycling success.

Mr. Collins stated that Mr. Dennis Clark was in attendance, and due to his schedule, Mr. Collins requested that Agenda Item 5a) be moved up to this portion of the meeting. The Board was in agreement to this change of Agenda.

Mr. Tropea informed the Board that the University of Virginia has won two 2001 gold awards from the Solid Waste Association of North America (SWANA). He stated that this achievement has reflected very positively on our community, and RSWA wanted to give Mr. Clark an opportunity to discuss the University's recycling success.

Mr. Dennis Clark stated that the University of Virginia is very proud of the recognition from SWANA and also for an EPA award the University recently won for their "Waste Wise" Program. He stated that the University felt it was particularly noteworthy that the awards were for a public education program and waste reduction. Mr. Clark stated that the University is also proud of the way their community has enthusiastically accepted and embraced the convenience of the recycling system. In conclusion, Mr. Clarke stated that the University is pleased that they have been able to manage their recycling operations in such a way as to not become a cost burden to the institution and have actually shown a profit.

Mr. Collins thanked Mr. Clark for his attendance and asked if he had any advice for RSWA as to how they might be able to initiate similar projects for the community. Mr. Clarke stated that the University would be most interested in working cooperatively with RSWA and others on recycling.

Mr. Collins read the following RSWA resolution that was presented to the University of Virginia:

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Agenda Item 5a) Continued
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"The Board of Directors of the Rivanna Solid Waste Authority commends the University of Virginia, Division of Recoverable and Disposable Resources, for

winning two gold awards from the Solid Waste Association of North America (SWANA), which recognized the University of Virginia for leadership in waste reduction and public education. The SWANA gold award recognizes the highest levels of achievement in the area of recycling and waste management. The RSWA Board of Directors hereby commends the University of Virginia for its recycling ethic in our community.”

Upon a motion of Mr. Tucker, and seconded by Mrs. Mueller, the Board of Directors voted to approve the Resolution. All members voted aye.

Mr. Clark thanked the Board on behalf of the University of Virginia for this recognition and plaque.

4.0 Consent Agenda

Mr. Tropea asked if there were any items that the Board members would like to discuss regarding the Consent Agenda.

- a) Staff Report on Finance
- b) Material Utilization Center Manager’s Report
- c) McIntire Road Recycling Center/Paper Sort Recycling Operations Manager’s Report
- d) Staff Report on Employee Safety

Upon a motion by Mr. Tucker, and seconded by Mr. Graham, the Board of Directors voted to approve Items 4a), b), c), and d) of the Consent Agenda. All members voted aye.

5.0 Other Business

In regards to item 5b), McIntire Road Recycling Center Survey, Mr. Tropea stated that this report was previously provided to the Board and no Board action is required.

In regards to item 5c), Approval of Faulconer Contract for Intermediate Cover Material for Cell 2 (unlined) Closure, Mr. Cole Hendrix reported that on December 21, 2001, the RSWA received bids for the placing of the intermediate and final soil cap on Cell 2 (unlined). He stated that the RSWA received only one actual bid, which was from the Faulconer Construction Company, Inc. Mr. Hendrix stated that, in his opinion, RSWA can get most if not all of the soil for the intermediate cover on-site. He further stated that in regards to the final cover, RSWA does not immediately have 85,000 cubic yards of soil on-site and we are exploring other site options.

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5.0 Other Business Continued

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Mr. Hendrix added that the difference between obtaining soil off-site rather than on-site is \$400,000. Mr. Hendrix stated that RSWA is recommending that the Board accept Faulconer’s Phase I bid, which RSWA estimates will be approximately

\$60,000, and reserve the possibility of accepting Phase II bid, or a revised proposal, at a later date.

Upon a motion by Mr. Tucker, and seconded by Mr. O'Connell, the Board of Directors voted to accept the bid for Phase I from Faulconer Construction Company, Inc., and reserve the option of accepting the Phase II bid at a later date. All members voted aye.

In regards to item 5d), the Cell 2 (unlined) Landfill Gas Cost Estimate (correction), Mr. Tropea reported that at the November 26, 2001 Board meeting the price given in the report to the Board for the passive gas system for Cell 2 (unlined) closure was \$15,350, which was only part of the cost. He stated that the actual cost was \$59,218. Mr. Tropea stated that RSWA is requesting Board approval for the passive gas system for Cell 2 (unlined) at a cost of \$59,218. Mr. Collins inquired as to what problems with the passive gas system would necessitate RSWA to retrofit the system with an active one and how much would that cost. Mr. Tropea responded that a problem with unacceptable odors emanating from Cell 2 (unlined) would move us in that direction. He added that the additional cost to convert to an active gas system would be \$145,000.

Upon a motion by Mrs. Mueller, and seconded by Mr. O'Connell, the Board of Directors voted to approve the Cell 2 (unlined) landfill Gas Cost Estimate (correction). All members voted aye.

In regards to item 5e), regarding the ACM, Mr. Tropea reported that the RSWA is required to perform an ACM since certain groundwater samples exceeded the Groundwater Protection Standards. He stated that the RSWA had contracted with Joyce Engineering, Inc., to develop the ACM, and the plan was submitted to DEQ on August 29, 2000. Mr. Tropea further stated that a public meeting was held on April 17, 2001, and an ACM Addendum was submitted to the DEQ on May 22, 2001. Since that date, he related that there has been a continual exchange of letters between the DEQ, Joyce Engineering and the RSWA addressing various questions or issues regarding the ACM.

Based on his observations since his appointment as Executive Director, Mr. Tropea feels that the RSWA would benefit by obtaining a new contractor for the ACM. He noted the need to expand consideration of remediation technologies to more

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5.0 Other Business Continued

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innovative and leading-edge methods. Mr. Tropea informed the Board that the report included in the Board package contained information that was incorrect. He stated that the RSWA intends to move forward with a competitive negotiation process to retain a new firm. Mr. Tropea added that RSWA has been in contact with one candidate firm,

Environmental Standards, Inc. Mr. Tropea introduced Jerry Kirkpatrick and Phillip McKalips, representatives from Environmental Standards, Inc., who were at the meeting to answer any questions the Board might have regarding the firm's qualifications and new remedial strategy in general.

In response to questions from the Board, Mr. Tropea stated that RSWA would be seeking proposals to initiate the competitive negotiation process. Mr. O'Connell asked Mr. Tropea to give the Board his perspective on how the scope of the work by the new firm would differ from the remedial strategies that have been developed in response to the ACM requirements by the current contractor. Mr. Tropea identified three areas where he felt the new ACM contractor should initially concentrate.

In conclusion, Mr. Tropea stated that RSWA's goal is to retain a firm with the necessary expertise, experience and new thinking to ensure that the ACM strategies are successful.

Upon a motion by Mr. O'Connell, and seconded by Mr. Tucker, the Board of Directors voted to authorize the Executive Director to proceed with the proposal process and come back to the Board with a recommendation. All members voted aye.

In regards to item 5f), Draft Environmental Policy, upon a motion by Mr. Tucker, seconded by Mr. Graham, the Board of Directors voted to approve the Draft Environmental Policy for the RSWA. All members voted aye.

6.0 Other Items From Board/Staff Not On Agenda

Mr. Tropea stated that under the terms of the Settlement Agreement, the consultants for the settling parties and the RSWA consultants were to jointly initiate discussions about expanding the sentinel well network. He further stated that those discussions have never occurred. Mr. Tropea is recommending that the Board approve the expansion of the sentinel monitoring well network at the former Ivy Landfill from two to up to six locations with the permission of the landowners. He added that RSWA would monitor these wells semiannually, provide the results to the landowner, the DEQ and interested members of the public, and would also split samples with landowners upon request. Mr. Tropea stated that up to four additional wells could be installed at an estimated cost of \$35,000.

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6.0 Other Items From Board/Staff Not On Agenda January 28, 2002

In response to a question from Mr. Graham regarding discussions with DEQ on this issue, Mr. Tropea stated that DEQ's response has been that it is a matter to be resolved with the settling parties. Mr. Collins inquired if all parties would be in agreement with this expansion since no discussions have occurred. Mr. Tropea assured the Board that further discussions would ensue before expansion of the sentinel monitoring well network is implemented.

Upon a motion by Mr. Tucker, and seconded by Mr. O'Connell, the Board of Directors voted to approve the expansion of the sentinel monitoring well network at the former Ivy Landfill from two to up to six locations at an estimated installation cost of \$35,000, subject to further negotiations with the landowners. All members voted aye.

Mr. Steve Nesbitt from Malcolm Pirnie, Inc., reported on the results of the Ambient Air Quality sampling that was conducted at the former Ivy Landfill. Mr. Nesbitt stated that under the Settlement Agreement RSWA is to perform, on an annual basis, Ambient Air Monitoring along the south-southwest boundary of the landfill for the presence or absence of certain chemical constituents. Mr. Nesbitt reported that the results of the Tedlar Bag sampling done in January 2002 did not detect the presence of any constituents. He stated that a previous round of Tedlar Bag testing, conducted on December 18, 2001, detected three constituents: Dichloromethane, Toluene, and Xylene.

Mr. Nesbitt also stated that the January 2002 sampling was expanded to include more locations using a more sophisticated methodology, which is referred to as Summa Cannisters. He reported that the Summa Cannisters did detect the presence of three constituents at levels below the EPA Risk Based Concentrations (RBC): Dichloromethane, Chloromethane and Toluene. Mr. Nesbitt explained that the RBC is a very rigorous and very conservative number, which assumes a certain exposure to an individual over a long period of time to that particular compound. He stated that regular monitoring would continue as outlined in the Settlement Agreement, as well as looking at the present gas sources. Mr. Nesbitt distributed copies of the Ambient Air Monitoring Results to the Board members (attached).

In response to questions from the Board, Mr. Nesbitt stated that under the terms of the Settlement Agreement, testing is required on an annual basis. He further clarified that the testing performed in 2000 was conducted proactively by the RSWA prior to the Settlement Agreement.

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6.0 Other Items From Board/Staff Not On Agenda January 28, 2002

Mr. Tropea added that under the Settlement Agreement, the results of the Ambient Air Quality Monitoring, as reported by Mr. Nesbitt today, are required to be reported to all the settling parties and to the RSWA officially by Malcolm Pirnie, Inc. He further stated that it is important to note that the concentrations are extremely low, and that Mr. Nesbitt does not believe there is any health risk to the public. Mr. Tropea stated RSWA would undertake efforts to locate the sources of the constituents.

7.0 Items From The Public

Mr. Ed Strange, Ivy, inquired about the elimination of the first "Items from the Public"

segment and commented that, in his opinion, this change in the Agenda reduces the public's opportunity to voice issues that the Board could take action on at their meetings.

Mr. Collins informed Mr. Strange that it was Mr. Tropea suggestion that the public comment item be positioned at the end of each meeting and that the Executive Director's Report replace the first public comment segment. He further stated that for today's meeting, the Board would follow Mr. Tropea's recommendation, subject to further review by the members.

Mr. Strange questioned the additional costs associated with using an active gas system versus a passive gas system.

Mr. Steve Nesbitt from Malcolm Pirnie, Inc., requested permission to respond to Mr. Strange's question as the design engineer for this phase of the work. He stated that the valve interconnections and sophisticated monitoring devices required were a factor in the additional costs for the active gas system.

Mr. Strange was pleased with the recommendations proposed by Mr. Tropea at today's meeting and the new Financial Report included in the Board packet, although he was disappointed that the lawyer's fees were not broken down in the report.

Mr. Strange also reported that the Ivy litigants had selected two representatives, Mr. Dan Burke and himself, to serve on the Settlement Committee as outlined in the Settlement Agreement, and he suggested a representative from the RSWA be appointed to attend future meetings.

Mr. Krueger stated that the RSWA Board had previously designated its members which included Mr. Preston Coiner, and he suggested that Mr. Tropea also represent RSWA at the meetings.

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7.0 Items from the Public Continued

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Upon a motion by Mr. Tucker, and seconded by Mr. O'Connell, the Board of Directors voted to approve that Mr. Tropea be appointed as a member of the Settlement Committee. All members voted aye.

Mr. Strange was pleased that RSWA is testing the ambient air and suggested that stack testing be included when conducting ambient air monitoring.

In response to the suggestion by Mr. Strange, Mr. Collins asked Mr. Steve Nesbitt if he would recommend changes being made to the methodology his firm is using to monitor ambient air quality in order to reassure the community on the testing results. Mr. Nesbitt responded that the changes would not be significant as the stack

technology is a known best available technology with a high degree of reliability.

8.0 Closed Meeting

Mr. Tucker moved, and Mr. O'Connell seconded, a motion that the Board of Directors of the Rivanna Solid Waste Authority enter into a closed meeting for matters permitted by § 2.1-344(A) (7) of the Code of Virginia, for consultation with legal counsel and briefings by staff members, consultants or attorneys, pertaining to actual or probable litigation, or other specific legal matters requiring the provision of legal advice by counsel. All members voted aye.

Attendees: Mr. Collins, presiding, Mr. Graham, Mr. O'Connell, Mr. Tucker, Mrs. Mueller, Mr. Krueger, Mr. Tropea, and Mr. Wood.

9.0 Resumption of Open Meeting

Mr. Tucker made the following motion, which was seconded by Mrs. Mueller:

WHEREAS, the Rivanna Solid Waste Authority has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Rivanna Solid Waste Authority that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Rivanna Solid Waste Authority hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, (ii) only such public business matters as were identified in the motion convening the

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closed meeting were heard, discussed or considered by the Rivanna Solid Waste Authority.

There being no further discussion, Mr. Collins called for a roll call vote:
Mrs. Mueller-Aye, Mr. O'Connell-Aye, Mr. Collins-Aye, Mr. Tucker-Aye, and Mr. Graham-Aye.

10.0 Adjournment

Mrs. Mueller made a motion, which was seconded by Mr. Tucker, to adjourn this meeting at 4:33 p.m.

Respectively Submitted,

Mr. Gary O'Connell
Secretary – Treasurer