

RSWA BOARD OF DIRECTORS
Minutes of Regular Meeting
March 25, 2002

A regular meeting of the Rivanna Solid Waste Authority (RSWA) Board of Directors was held on Monday, March 25, 2002, at 2:30 p.m., in the Conference Room, Administration Building, 200 Franklin Street, Charlottesville, Virginia.

Board members present: Mr. Richard Collins, presiding, Mr. Mark Graham, and Mrs. Judith Mueller

Board Members absent: Mr. Gary O'Connell, and Mr. Robert Tucker

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

Also present: Mr. Kurt Krueger, RSWA Attorney, 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, March 25, 2002, at 2:30 p.m., and a quorum was present.

2.0 Minutes Of Previous Meeting

Upon a motion by Mrs. Mueller, and seconded by Mr. Graham, the Board of Directors voted to approve the minutes of the regular Board meeting held on Monday, February 25, 2002, with a correction to page 7, paragraph 7, in regards to Item 5c), the second line should be amended as follows: "voted to approve the foregoing Resolutions to update the Procurement Policy / Purchasing Manual." All members voted aye.

3.0 Executive Director's Report

Mr. Tropea highlighted the key activities currently underway at the inactive Ivy landfill, which he felt reflected the positive progress that is being made in the environmental area.

PAINT PIT INVESTIGATION: Mr. Tropea stated that under Agenda Item "Other Items From Board/Staff Not on Agenda," he will be highlighting some findings from the Paint Pit Investigation report which is due to DEQ on March 28, 2002.

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CELL 2 (UNLINED) CLOSURE PLAN: Mr. Tropea reported that RSWA received DEQ approval on March 11, 2002 for the closure plan. In regards to Cell 2 (unlined) closure activities, he stated that the grading is completed and the intermediate cover is in place. He further stated that RSWA is awaiting DEQ approval for the landfill gas plan. Mr. Tropea informed the Board that in a letter dated March 13, 2002, DEQ raised some technical questions on the landfill gas plan which was submitted in July 2001. He stated that efforts were underway to address DEQ concerns and that we will likely receive their approval in a few weeks.

FINANCIAL ASSURANCE REQUIREMENTS: Mr. Tropea stated that RSWA has now met the financial assurance requirements for the Ivy transfer station, which is a new Commonwealth of Virginia requirement under their financial assurance regulations.

GROUNDWATER SAMPLING: Mr. Tropea reported that RSWA plans to initiate the semiannual groundwater monitoring around April 15, 2002, which will include both the sentinel and the on-site compliance wells.

AMBIENT AIR QUALITY SAMPLING: Mr. Tropea stated that at the January 28, 2002 Board meeting, Mr. Steve Nesbitt from Malcolm Pirnie, Inc. gave a report on the ambient air quality testing results as required under the Settlement Agreement. He added that Mr. Nesbitt recently indicated that the letters outlining the test results should be mailed from the office of Malcolm Pirnie to the settling parties in the near future.

NEW CONTRACTOR FOR ASSESSMENT OF CORRECTIVE MEASURES (ACM) REPORT: Mr. Tropea reported that at the January 28, 2002 Board meeting, there was a discussion regarding RSWA's desire to hire a new contractor for the ACM. He informed the Board that RSWA has now advertised and received proposals from three firms. He further stated that a review committee was formed who has met individually with all three of those firms. Mr. Tropea stated that RSWA expects to have a specific recommendation for Board action at the April 22, 2002 meeting.

Mr. Tropea affirmed his intent to work with DEQ to obtain more time to complete the ACM. He stated that the April 27, 2002 submission date for the ACM does not allow the time for a quality assessment, and he believes that six months is needed to perform a solid, professional update. He further stated that RSWA would be willing to hold a public hearing on the revised ACM when the ACM is completed.

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HOUSEHOLD HAZARDOUS WASTE DAY: Mr. Tropea reported that RSWA has agreed to cancel the Spring Household Hazardous Waste Day due to budgetary reasons. He informed the Board that since September 2001, RSWA has been losing money every month and that this month's loss exceeds \$200,000. He stated that while this action is regrettable, it is necessary in order to bring RSWA expenses more in line with revenues. He further stated that the one event which will be held in 2002 would probably be rescheduled for mid-summer to fall.

In response to a question from Mr. Collins regarding the volume of material collected, Mr. Edmunds responded that sixty or more 55-gallon drums of material are generally collected at an event. He also stated that area residents should be aware that non-regulated material can still be taken to the Ivy landfill site. Mr. Edmunds added that through our Ivy operation, RSWA bears the expense of collecting paint, oil, antifreeze and batteries six days a week during the normal operating hours at the Ivy location. He further stated that the only other option for disposing of regulated hazardous material would be to contract with a private hazardous waste hauler. Mr. Tropea stated that RSWA would be placing an ad in the newspaper to announce the cancellation of this event.

4.0 Consent Agenda

Mr. Collins asked if there were any items that the Board members would like to pull for discussion 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
- e) Citizens Advisory Committee / Revision to "Rules of Procedure"
- f) Cell 2 (unlined) Closure Status Report

On a motion by Mrs. Mueller, and seconded by Mr. Graham, the Board of Directors voted to approve Items 4a), b), c), d), e) and f) of the Consent Agenda. All members voted aye.

5.0 Other Business

In regards to Item 5a), FY 2003 Proposed Budget, Mr. Tropea stated that the proposed budget allows RSWA to generally continue major services but several recycling activities would be reduced or eliminated. He stated that RSWA is proposing cuts in the hours of operation at both Ivy and McIntire Road and also proposing to discontinue the recycling of textiles, telephone books, plastics and glasses. He noted that these

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were the types of recyclable materials for which there is a poor market and it is regrettably not economically feasible under today's budget constraints to continue their recycling. Mr. Tropea further stated that RSWA would also be proposing for public comment a \$1.00 recycling fee, per vehicle per visit, for the McIntire Road facility. He noted that the proposed FY 2003 budget would be the subject of a public hearing before the Board's April 22, 2002 meeting.

The following resolution was submitted for Board approval:

“WHEREAS, the Rivanna Solid Waste Authority Board of Directors has reviewed the proposed budget and associated rate changes; and

WHEREAS, Section 15.2-5136 (H) of the Code of Virginia requires the adoption of the preliminary rate schedule for notification of a public hearing prior to any rate change; and

NOW, THEREFORE, BE IT RESOLVED that the Rivanna Solid Waste Authority hereby approves the preliminary rate schedule for purposes of notification of a public hearing to be held on April 22, 2002 at 2:30 p.m. during the regularly scheduled Board of Directors meeting.

Per Ton Fees:

Clean Fill Material	\$ 6.50
Document Destruction	\$ 63.00
Grindable Vegetative Material	\$ 38.00
Pallets	\$ 41.40
Road Base	\$ 13.00
Tires, Split	\$ 40.50
Tires, Whole	\$139.50

SW – Contract Disposal at Zion	\$ 45.00
MSW – Ivy Transfer Station	\$ 49.00

Per Vehicle Fee:

McIntire – Per Vehicle Per Visit Charge	\$ 1.00
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Upon a motion by Mr. Graham, seconded by Mrs. Mueller, the Board of Directors voted to adopt the foregoing Resolution to approve the preliminary rate schedule for purposes of notification of a public hearing to be held on April 22, 2002 at 2:30 p.m. during the regularly scheduled Board of Directors meeting.

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The vote on the motion was as follows:

AYES: Mr. Collins, Mr. Graham, and Mrs. Mueller

NAYS: None

Absent During Vote: Mr. O'Connell and Mr. Tucker

Absent During Meeting: Mr. O'Connell and Mr. Tucker

6.0 Other Items From Board/Staff Not On Agenda

Mr. Tropea commented on the Paint Pit Investigation report, which was just recently received by RSWA from Malcolm Pirnie, Inc. He stated that the report was a technical document, based on the current conditions at the inactive Ivy landfill, and does not give an historical overview of past usage nor does it identify potential remedial solutions. He further stated that RSWA is in the "diagnosis phase" of the paint pit study, with the next step being the development of options and potential cures for the entire Ivy site through the revised Assessment of Corrective Measures (ACM) Report. Mr. Tropea added that the breadth and expansive investigation contained in the study report illustrate that RSWA, along with the Board, take their environmental responsibility very seriously and have been responsive to the Department of Environmental Quality (DEQ) and the public interest as the process has moved forward.

He stated that it was important to recognize that the contamination found in the paint pit is historical in nature and occurred during the 1970's when today's environmental laws were not in place and "paint pits" were used as a means of disposal. He noted that many communities are saddled with similar legacies of the past which must be solved with today's dollars.

Mr. Tropea reported that the paint pit study involved several phases. He stated that geotechnical field investigations were performed, a series of soil borings were conducted, and new local groundwater monitoring wells were added. He further stated that in order to obtain a complete picture of the conditions at the landfill, RSWA went beyond what was required by DEQ.

Mr. Tropea interpreted Malcolm Pirnie's report to conclude that soil contamination was found at the paint pit site, but it was found to be isolated and not migrating. He stated that he was surprised by the types of contaminants found at the paint pit site. He added that RSWA was fortunate that three separate caps, stretching from 13 to 27 feet in total depth, have been in place for years and significantly reduced the amount of pollution migration into lower soil strata and groundwater. Mr. Tropea stated that when Malcolm Pirnie tested the three new monitoring wells, two were dry and the third contained high levels of contaminants but it does not appear connected to site

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6.0 Other Items From Board/Staff Not On Agenda Cont.

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wide groundwater. He reported that no free liquids or barrels were found during the investigation. Mr. Tropea reported that Malcolm Pirnie did not believe the paint pit was a current, ongoing source of contamination at the site, but he felt that the paint pit was a source of historical contamination.

Mr. Tropea stated that the next steps for RSWA were to meet with DEQ before the March 28 deadline set by DEQ and then hire a contractor to integrate the findings into the revised ACM. He further stated it is important for the community to support an ACM time extension to allow sufficient time to develop a high quality document that will formulate the remedial strategy for the landfill as a whole.

Mr. Tropea reported that the Paint Pit Investigation Report will also be made available to the public at the RSWA Administration Office on Wednesday afternoon. He also recommended that Mr. Steve Nesbitt from Malcolm Pirnie be invited to make a presentation at next month's Board meeting on the paint pit investigation and to answer any questions the Board and public may have on the report.

In response to a question from Mr. Collins regarding the current draft ACM, Mr. Tropea stated that we needed time to undertake new technical studies and to seek new thinking and innovative solutions.

The Board was in agreement that Steve Nesbitt from Malcolm Pirnie would be invited to the April Board meeting to make a presentation on the paint pit investigation and answer questions from the Board and the public.

7.0 Items From The Public

Mr. Ed Strange, Ivy, expressed disappointment with the cuts proposed in the FY 2003 RSWA budget. He stated that the amount being saved is small in comparison to the negative effect that it will have on the recycling efforts of the community. He added that he would like to see more government funding to support the continuation of these services. Mrs. Mueller responded that the proposed RSWA FY 2003 budget did include nearly one million dollars in local government funding.

Mr. Strange stated he was encouraged by Mr. Tropea's comments regarding RSWA's intent to conduct a thorough ACM report and that he would support the Authority's efforts for an extension in order to get this accomplished.

Mr. Strange stated that he was pleased that the cap system over the paint pit area was working so well, but he felt the results of the diagonal drilling did not resolve the issue he had concerning the potential future leakage of barrels in the paint pit. Mr. Tropea

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7.0 Items From The Public Cont.

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stated that RSWA will give thought to his concern in the development of the new ACM.

Ms. Lois Rochester asked if there was a separate FY 2003 Capital Improvement Program (CIP) budget. Mr. Wood stated that there is a section in the back of the proposed budget which lists two items, and there is no need for a separate budget at this time. Mrs. Mueller cautioned that we need to await the completion of the ACM before we can identify the exact remediation activities that need funding.

8.0 Closed Meeting

Mrs. Mueller moved, and Mr. Graham 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, Mrs. Mueller, Mr. Krueger, Mr. Hendrix, Mr. Tropea, and Mr. Wood.

9.0 Resumption of Open Meeting

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

“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 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. Collins-Aye, and Mr. Graham-Aye.

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9.0 Resumption Of Open Meeting Cont.

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10.0 Adjournment

Mrs. Mueller made a motion, which was seconded by Mr. Graham, to adjourn this meeting at 4:20 p.m.

Respectively Submitted,

Mr. Gary O'Connell
Secretary – Treasurer