

RSWA BOARD OF DIRECTORS
Minutes of Regular Meeting
April 22, 2002

A regular meeting of the Rivanna Solid Waste Authority (RSWA) Board of Directors was held on Monday, April 22, 2002 at 2:02 p.m., in the Conference Room, Administration Building, 200 Franklin Street, Charlottesville, Virginia.

Board members present: Dr. Richard Collins, presiding, Mr. Mark Graham, Mrs. Judith Mueller, 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 opened by Dr. Richard Collins, Chairman, on Monday, April 22, 2002 at 2:02 p.m., and a quorum was present.

5b) Public Comments on the Proposed FY 2003 Budget

In view of the large number of members of the public attending the meeting, Dr. Collins, with the Board's consent, deviated from the written agenda and addressed the public concerning the proposed FY 2003 budget.

Dr. Collins made the following announcement on behalf of the Board of Directors:

- The Board would not be adopting the proposed FY 2003 RSWA budget or the proposed operational changes as advertised for today's meeting.
- The Board felt that some of the proposed operational changes were not advisable and not in the public interest.
- The proposed \$1.00 per vehicle per visit recycling fee at the McIntire facility would not be imposed.

In response to a suggestion from the public, Dr. Collins then polled the audience to determine their support for the continuation of the following services:

McIntire Road Recycling Center:

- Materials Accepted for Recycling: By a show of hands, the members of the public in attendance signified strong support for the continued recycling of glass, textiles, telephone books, and plastic.

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- Hours of Operation: By a show of hands, the members of the public in attendance signified strong support to maintain the current hours of operation.

Material Utilization Center at Ivy:

- Hours of Operation: By a show of hands, the members of the public in attendance signified strong support to maintain the current 54 hours per week schedule.
- Household Hazardous Waste Collection Program: By a show of hands, the members of the public in attendance signified support to continue with two household hazardous waste days per year.

The members of the public present were in support of retaining the above services and clearly in opposition to the cuts in service proposed in the new FY 2003 RSWA budget.

By request of the Board, the members of the public in attendance were also asked to indicate by a show of hands whether they resided in the City or the County. Both the City and County were well represented by those members of the public in attendance at the meeting.

The Board also heard the following comments from members of the public in attendance:

- Mr. Preston Coiner gave an historical overview of the development of recycling in the community, which consisted of privately funded activities until the program was assumed by the RSWA. He also felt that the community needed to be educated again on the proper way to separate recyclable materials to facilitate maximum savings.
- Mr. Ray McCauley, a private hauler, spoke in opposition to the proposed reduction in hours of operation at the Ivy location. He stated that the current hours are needed due to area growth and the demand for disposal services in Albemarle County. He also stated that haulers now encounter a lengthy waiting time at the Ivy location. Mr. McCauley suggested that the former Con Agra plant be purchased to burn trash to produce electricity / natural gas in order to keep the tax dollars in the County.

Additional comments made to the Board from the public included:

- Consider expanding recycling services rather than maintaining the status quo.

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- Request that RSWA staff and the Board members review the comments submitted by the public and take them into consideration during the budget discussions.
- Determine whether the citizens are willing to contribute toward the cost of maintaining the recycling services, such as the purchase of a yearly pass for \$15 - \$20 versus the \$1.00 fee proposed for the McIntire facility.
- Recommended increasing the fee the City charges for each trash bag collection, which would give an incentive to reduce the volume.
- Post the budget information communicated by Dr. Collins at today's meeting on the Rivanna website.
- Consolidate the two Authorities to save money.

Dr. Collins responded that RWSA and RSWA are two separate legal entities and under terms of their creation, they maintain their own budget accountability for activities pertaining to their respective Authority. He added that the two Authorities have traditionally shared resources, including the Executive Director and the Financial Director, to reduce costs and for more efficient use of resources and personnel.

Mrs. Mueller suggested that Dr. Collins outline to the public the events that led to the current budget proposal. Dr. Collins explained that the loss of tipping fees for construction debris and municipal waste at the Ivy location had dramatically reduced the source of revenue for the RSWA. He stated that this reduction in revenues had led to a deficit in the operating budget of the Authority over the last six months, and if the Authority is to continue its current operation, funding would need to come from other sources. Dr. Collins added that the City of Charlottesville and Albemarle County have offered nearly \$1 million out of general revenues for RSWA's continued operation, at a very difficult budget time, but even that large level of funding is not sufficient to maintain services at the current level.

Dr. Collins stated that the Board requested RSWA staff to identify services for budget reductions, and the proposed budget and operational changes were the outcome of that process. Dr. Collins commented that the Board and RSWA share the public's support for recycling and the current solid waste programs, but they must be fiscally responsible and adopt a balanced budget. He added that the Board and RSWA need to be alert to all opportunities for programmatic or management changes that can be implemented that would allow RSWA to operate more efficiently and at a lower cost.

He added that we might need to look strategically at the whole issue of solid waste management in our community and use this as an opportunity to commence a community dialog. Dr. Collins assured the public that RSWA and the Board would be

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addressing the issue of how best to meet the citizen needs, and at the same time finance them appropriately, so that the budget situation we face today does not occur again in the future.

Dr. Collins then commented on the financial impact that the environmental remediation activities at the former Ivy landfill have in this budget and will have in future RSWA budgets. He stated that exact amount needed to ensure that the clean up and closure of the landfill meets federal and state regulations, and that the long-term maintenance of the site provides a safe and attractive environment for the community, is uncertain at this time.

Dr. Collins noted that the community is faced with a unique situation regarding the future of waste management, and the citizens need to help redefine their goals, identify what services they are willing to fund, and help determine the most effective way to operate the programs.

Mr. Chris Genesic, acting Chairman of the RSWA Citizens Advisory Committee, stated that the Committee would be willing to schedule a special meeting to solicit citizen input on the proposed budget and the future of solid waste services in our community. He added that the meeting would be scheduled in the evening at an appropriate location with adequate time to ensure full citizen participation.

Dr. Collins then introduced Dr. Tony Iachetta, former Chairman of the RSWA Board of Directors, and asked that he share his perspective on the development and role of solid waste management in the community. Dr. Iachetta stated that the Authority was created in an effort to consolidate waste management in both the City and County and that it has been about 25 years since the last thorough review was conducted to determine the most effective way to deal with waste disposal in the community. Dr. Iachetta noted that RSWA has fallen short of the objectives which were in mind when the Authority was formed.

Ms. Carolyn Merrick thanked the Board for their response to the citizen's concerns and expressed her understanding for the need for fiscal responsibility. She stated that the spirit of recycling is very important to her, and she brought letters from her students expressing their concerns over the proposed budget cuts. She further stated that she, along with others who feel strongly about this issue, would be willing to offer their assistance in order to maintain a recycling program in the community.

Ms. May Liao stated that she is a new resident of Charlottesville and has been very impressed with the recycling operation at the McIntire facility. She further stated that she is opposed to eliminating the items that are currently being accepted for recycling. She felt it would undermine the recycling of other items. Ms. Liao added that she

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would be willing to pay the proposed \$1.00 fee and could support the decrease in hours of operation if it would mean the continuation of the recycling of glass, textiles, phone books, and plastic.

Mr. Richard Berman, a former County resident who now lives in the City, stated that if you eliminate some of the items that the recycling center would accept, he felt you would see more litter and garbage on the side of the roads.

Mr. Reed commented that he has been happy with the current recycling services and also understands the need to finance the operation. He stated that because of the failure of bottle bills in the legislature, consumers have been left with products that cannot be economically recycled. He further stated that he felt the cost of recycling those items should be borne by the producers rather than the consumers.

Ms. Antoinette Roades asked the Board to consider the "big picture" versus focusing on the costs to maintain recycling services. She stated that science and technology have developed new products and processes that could use recyclable material. She further stated that it is her understanding that businesses cannot get a steady enough supply of recyclables, so they revert back to raw materials. She concluded her comments by asking the Board and RSWA to consider all the options and to view recyclables as a potentially valuable commodity.

An unidentified gentleman stated that he felt the \$1.00 recycling fee could be a disincentive to recycling efforts in the community. He added that not all citizens utilize the McIntire facility, and the ones that do would be paying a disproportionate share of the costs for maintaining the services. He also stated that it could discourage private enterprises, which provide a valuable community service by collecting recyclable material from other businesses and delivering them to the McIntire facility.

Mr. Ed Strange, Ivy, commended RSWA on the operation of the McIntire facility, and stated that he felt recycling was not only smart but also cost effective in comparison to the full cost of trash disposal, and he hoped that all recycling services would be left intact.

Mrs. Lois Rochester, Albemarle County resident and Co-Chair of the League of Women Voters Natural Resources Committee, stated that the League has followed landfill issues for years and they support programs to reduce, reuse and recycle waste products. She added that they are aware of the financial challenges which exist today in recycling due to the poor market for recyclable materials. She further stated that the Authority needs to take the long-view and continue beneficial recycling and utilize the wealth of citizen talent available in the community to develop a solution that the League and she would welcome.

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Mr. Paul Koch, who works at Whole Foods Market, stated that employees at his location were shocked by the proposed budget cuts, especially the proposal to stop

accepting certain materials for recycling at McIntire Road Recycling Center. He presented to the Board a petition circulated by Whole Foods Market employees, which was signed by over 600 persons in just two (2) days, expressing opposition to the proposed cuts in services. He added that he felt this demonstrated the commitment of the community toward recycling.

Ms. Hernandez and her son expressed support for the McIntire Recycling Center, which they have visited every day for three years and where they share with the community. Ms. Hernandez stated that when they moved from Miami, she promised her son that they would go to a community where everyone said “hello” and kept their trash in the proper place.

Mr. Ray McCauley further commented that he attended the Albemarle County Board of Supervisors meeting where the reduction in the hours of operation at the Ivy and McIntire locations was discussed. He stated that closing the Ivy location on Wednesday’s would hurt the haulers, and he asked why the City has not released funds currently held in escrow.

Mr. O’Connell responded that what the City has continued to pay is the actual cost of disposal services. He further stated that the City has been holding the additional “profit” in escrow until the City and County finalize a cost sharing formula for solid waste services. He added that once an agreement has been made with Albemarle County, the escrow funds would be released. Mr. O’Connell commented that the City officials wanted to ensure that City taxpayer dollars are properly considered in the cost-sharing agreement between the City and the County.

Mr. Charlie Hansen stated that he moved to Charlottesville two years ago from a community that had mandatory recycling. He further stated that at his previous location, garbage was burned to generate electricity. He added that he could obtain information from West Chester County, New York on the transfer station, the plants that generate electricity and their recycling plan if RSWA did not mind using another locality’s ideas. Dr. Collins stated the Board would welcome new ideas from any source.

An unidentified gentleman commented on the issue of the disposal of pharmaceuticals as it potentially impacted the area’s water supply. He also stated that Virginia residents need to deal with their communities’ own waste in the most efficient manner before concentrating their efforts on a campaign to oppose the importing of waste from out of state.

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Another gentleman inquired if there were anything to prevent the County and the City from imposing a deposit return system on plastic and glass bottles. Dr. Collins responded that this action would require new legislative authority which can only be granted by the General Assembly.

Mr. Tim McCormick suggested a small tax on disposable packaging and added that a coalition of independent stores could implement a deposit return system on bottles and plastic packaging without government involvement.

Dr. Collins thanked the public for their input and apologized for not anticipating such a large turnout. He further apologized for any discomfort experienced from the cramped meeting location. Additionally, Dr. Collins stated that the large public turnout was heartening and illustrated the strong, proactive environmental commitment of our community. He also stated that the public will be informed of any proposed changes to the RSWA budget, and another meeting will be scheduled to allow citizens the opportunity to address issues of concern with the new proposed budget.

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, March 25, 2002. The minutes were unanimously approved, with Messrs. O'Connell and Mr. Tucker abstaining due to their absence from that meeting.

3.0 Executive Director's Report

Mr. Tropea updated the Board on the following Cell 2 (unlined) closure activities.

- RSWA received a Notice of Violation from the Department of Environmental Quality ("DEQ") for the Authority's failure to meet the April 1, 2002 compliance date in the Consent Order from June 2001. RSWA is prepared to respond to the notice by the revised deadline, which is about a week from today.
- Approval of the landfill gas control system for Cell 2 (unlined) is still pending at DEQ.
- RSWA is conducting on-site studies of the available volume of soils that exist on the landfill site at three different locations. A bid was received on an environmental plan for a new borrow pit at one potential site, and RSWA is still in the process of reviewing the proposal while awaiting the soil study results.

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- A summary on the Cell 2 (unlined) Closure activities is included in the Consent Agenda.

Mr. Tropea stated that in the Consent Agenda there is a recommendation to hire a new team for our ACM. He commented that it is very important for the Board to take action on this item because of the pending compliance date imposed by DEQ to complete the ACM. Mr. Tropea also stated that there is an item in the Consent Agenda requesting an expression of the Board's support for the extension of the ACM compliance date by six additional months. He added that the extension would ensure that there is adequate time to perform a quality job on the ACM that both the Board and the community deserve.

Mr. Tropea reported that semiannual groundwater monitoring sampling was conducted in April on the sentinel and on-site compliance wells. He stated that arrangements could not be made at that time to sample the Batton sentinel well. He noted that our consultant would return to the site next week to obtain that sample. He added that it will take some time to receive the verified results, as the sampling results undergo an elaborate quality control and verification procedure. He noted that once the verified results have been received, they will be compared to the October 2001 results to see if any trends are present.

In response to a question from Dr. Collins, Mr. Tropea stated that one bid had been received in response to RSWA's Request for Proposal on an Environmental Plan for a new borrow pit at one potential location.

4.0 Consent Agenda

Dr. 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) Cell 2 (unlined) Closure Status Report
- f) Proposed Board Letter to DEQ Supporting ACM Time Extension
- g) Selection of New ACM Contractor

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

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5.0 Other Business

In regards to Item 5a1), the Draft Minutes of the April 9, 2002 Citizens Advisory Committee Meeting were accepted. No Board action was required.

In regards to Item 5c), Presentation of the Paint Pit Investigation Report by Mr. Steve Nesbitt from Malcolm Pirnie, Inc., Mr. Tropea introduced Mr. Nesbitt who gave the following report:

Mr. Nesbitt stated that the paint pit report has been completed and has been submitted on schedule to DEQ. He further stated that it is a comprehensive document, and its objective was to characterize the type of contaminants, if any, present in the former paint pit area and to evaluate what potential contribution they may be having to on-going and potential future groundwater quality. He added that Malcolm Pirnie stopped short of addressing solutions because the next step of the regulatory process, the Assessment of Corrective Measures ("ACM"), will address potential solutions to the paint pit findings. Mr. Nesbitt stated that it is a factual report, which provides hard data that allows us to characterize the type and concentration of contaminants present, and which will allow us to answer the subsequent question of how to address the situation.

Mr. Nesbitt stated the former paint pit is small in relative size and is located in the northeast corner of one of the closed disposal cells. He further stated that they began their investigation with an historical search of the literature to verify the exact location of the former paint pit and to identify the general study area. He added that they then went on-site to confirm their preliminary understanding and conducted a non-intrusive geophysical survey. Mr. Nesbitt stated that the next step was to overlay the results of the geophysical analysis with the previous data collection to confirm the "snapshot" of what they expected to encounter.

He displayed a site plan that summarized the results of the geophysical survey. He reported that they were able to confirm the presence of three linear trench-like features, which Malcolm Pirnie interpreted to be the remnants of the so-called paint pits. He commented that a study plan was developed with DEQ to investigate the former paint pit area in a way that would minimize risk of causing damage to the environment and would protect his workers at the site. He further stated that four soil borings were installed at the site, which were advanced on an incline, using a direct push-drilling rig. He added that three additional borings for local groundwater wells were advanced immediately downstream and adjacent to the former paint pit area at locations where there was maximum probability to intersect contaminants that may or may not be present.

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Mr. Nesbitt illustrated the paint pit findings by utilizing a schematic representative cross section of one of the sections and stated they discovered that the former paint pit is protected by a multi-layer composite cap system, which is comprised of three distinct cap layers. He added that each of the cap systems meets or exceeds the requirements that were in place at the time the landfill was being operated, with two meeting or exceeding modern-day closure requirements. Mr. Nesbitt stated the cap system is comprised of three components -- a plastic cap that is used to seal the landfill and is impervious to water, a geosynthetic clay liner and an earth and clay cap -- which combined provide a cap system of 14 to 23 foot in thickness. He commented that underlying this extensive cap system, they penetrated the former paint pit area until they made contact with weathered bedrock. He reported that the soil encountered was in a dry condition, relatively dense, and there was no evidence of any free liquids in that area.

Mr. Nesbitt then commented on the findings from the three observation wells. He stated that two of the wells were dry, and in the third observation well water was detected 30 feet below the base of the former paint pit area.

Mr. Nesbitt stated that the soil testing confirmed the presence of volatile organic compounds, chlorinated organics, pesticides and chlorinated herbicides and exceeded the EPA Risk-Based Concentrations (RBCs) guidelines for Aroclor, carbon tetrachloride, and trichloroethene. He added that in light of the site being under institutional control, the extensive cap system in place and the hydraulic separation from actual groundwater, it is their view that the former paint pit does not represent any significant on-going groundwater contaminant source.

Mr. Nesbitt reported that the observation well sampling did find organic constituents that included both volatile organic compounds and semivolatile organic compounds in one of three wells. He stated that the results were not compared to the EPA's RBC's because Malcolm Pirnie believes the collected water was more indicative of leachate and not drinking water.

Mr. Nesbitt concluded by reading from the report the following: "... water samples from monitoring well OW-1 appear to reflect an isolated perched condition impacted locally by the former paint pit with limited hydraulic connection to the underlying groundwater system in the competent bedrock. Hence, although samples in OW-1 detected the presence of constituents, we do not believe the former paint pit represents any significant on-going groundwater contaminant source owing to the significant degree of hydraulic isolation provided by the extensive cap system and separation from actual site groundwater."

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In response to a question from the Board, Mr. Nesbitt stated that the next step is to incorporate the information from this study into the ACM or as an addendum to the Nature and Extent Study previously conducted by Joyce Engineering and to work toward a solution.

Mr. Tropea stated that the development of the ACM would be coupled with some additional activities that RSWA believes are appropriate at the former paint pit, such as addressing the leachate on a continuing basis and pulling off some of the soil gas to achieve some in-situ remediation. He further stated that RSWA is looking at the ACM to reinvigorate the review of remedial options to determine if there are more aggressive ways to deal with the northeast plume and to determine if the pump and treat system is working effectively. Mr. Tropea commented that, in his opinion, the ACM is the real key to the successful remediation of the site.

In response to a question from the Board, Mr. Tropea responded that the current DEQ deadline for completing the ACM is April 28, 2002. He also stated that RSWA has requested six additional months to perform a quality ACM study, and he offered to hold another public hearing locally at the time the revised ACM is submitted.

Dr. Collins inquired as to the status of the final cover for Cell 2 (unlined). Mr. Tropea replied that RSWA is in the process of identifying potential sources for the soil at three on-site locations, that we had just received the response for our environmental study, and do not have a formal recommendation for Board action at this meeting.

7.0 Items From The Public

With the Chairman's permission, Dr. Michael Weber addressed the following questions to Mr. Nesbitt:

1. Are you a professional engineering geologist certified in the Commonwealth of Virginia?

Mr. Nesbitt replied that he was not.

2. What do you think is the source of the magnetic anomalies that you found in the paint pit? Is it possible that they could be drums of solvents that still contain material?

Mr. Nesbitt responded that the likely source was discarded metal of some nature that Malcolm Pirnie is not able at present to confirm. He added that he felt it was very unlikely that the metallic anomalies could be intact drums.

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3. Dr. Weber's asked if his understanding that solvents put into the paint pit were dense liquids and would have sought their lowest point was correct.

Mr. Nesbitt responded that there was no evidence that the mechanism that Dr. Weber suggested was present at the former paint pit.

Dr. Weber further stated that they are concerned with the possibility that contaminants still remain in the former paint pit area and the integrity of the cap is the only thing that is keeping the material from migrating, and he wondered what would occur in the future when the cap system begins to deteriorate. Dr. Weber added that they would propose physical removal of the metallic materials in the former paint pit versus the strategy proposed by RSWA.

Mr. Strange inquired as to the three locations being investigated by RSWA for the borrow pit area. Mr. Tropea responded that they are the existing borrow pit, the area near the irrigation pond, and the area adjacent to the Weber property. He also stated that Joyce Engineering was on-site last week conducting some exploratory work and will be returning for supplementary sampling in the very near future.

Mr. Strange stated that he did not see any data on monitoring well number 28 in Malcolm Pirnie's report and asked Mr. Nesbitt if they were able to locate groundwater in their investigation of the former paint pit. Mr. Nesbitt responded that they drilled to the refusal point and only at one location did they find a limited perched groundwater system. Mr. Strange commented that he would not be satisfied until it could be proven that contaminants were not migrating down into the groundwater below the bedrock.

In response to a question from Dr. Collins, Mr. Nesbitt stated that there appears to be a perched groundwater system in the vicinity of the former paint pit, and it is understood from all other work done on-site that the main groundwater system is located at a greater depth in the bedrock. He added that since they did not find evidence of gross contamination in the area between the former paint pit bottom and the saprolite, it is not logical to proceed with a deeper investigation in the absence of any data showing downward migration of contamination. Mr. Nesbitt noted that the current contamination was found in an isolated soil zone far above the bedrock and far above actual site groundwater.

There was some additional discussion between Dr. Collins and Dr. Weber regarding Cell 2 closure activities.

8.0 Closed Meeting

Mr. Tucker 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

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

9.0 Resumption of Open Meeting

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

“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, a roll call vote was held:
Mrs. Mueller-Aye, Mr. O'Connell-Aye, Dr. Collins-Aye, Mr. Tucker-Aye and Mr. Graham-Aye.

10.0 Adjournment

Mr. O'Connell made a motion, which was seconded by Mr. Tucker, to adjourn this meeting at 5:40 p.m.

Respectively Submitted,

Mr. Gary O'Connell
Secretary – Treasurer