

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

A regular meeting of the Rivanna Solid Waste Authority (RSWA) Board of Directors was held on Monday, October 28, 2002 at 4:24 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. Lonnie Wood, Mr. Wayne Stephens, Mr. Bruce Edmonds, Ms. Anne Bedarf, and Mrs. 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 Dr. Richard Collins on Monday, October 28, 2002 at 4:24 p.m., and a quorum was present.

2.0 Minutes Of Previous Meeting

Upon a motion by Mr. Tucker, and seconded by Mrs. Mueller, the Board of Directors voted to approve the minutes of the regular Board meeting held on Monday, September 23, 2002. The minutes were approved by a 5-0 vote.

3.0 Executive Director’s Report

Mr. Tropea reported on the following items:

REVISED ASSESSMENT OF CORRECTIVE MEASURES (“ACM”) REPORT:

Mr. Tropea stated that the revised ACM Report was hand-delivered to DEQ this morning. He also stated that copies of the final versions of the Executive Summary and Addendum would be mailed to the Board members and that the entire report would be placed on the RSWA website.

Mr. Tropea reported that the ambient air, and the former paint pit area, were two issues raised by the public during the public comment period. He stated that in the Addendum, RSWA has confirmed its interest in working cooperatively with the neighbors on the ambient air concern. He further stated that RSWA plans to perform resampling of the ambient air in the area east of the site and will seek to identify potential on-site sources of the VOC levels found in the ambient air. He commented that the former landfill is not the only potential source for VOC’s in that particular location, as traffic on the interstate, plus other sources, probably has had some effect on the ambient air.

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Mr. Tropea stated that there has been a continuing public concern about the former paint pit area. He further stated in order to resolve this issue in a responsible manner, RSWA has agreed to the placement of an additional groundwater quality monitoring well at a greater depth in the former paint pit area. He added that these actions should not delay implementation of the recommended ACM strategy.

Mr. Tropea commented that once DEQ approves the revised ACM Report, RSWA would proceed with the development of a Corrective Action Plan ("CAP"), which is a more detailed remedial strategy.

NEW SENTINEL WELLS: Mr. Tropea stated that the additional sentinel groundwater monitoring wells approved by the Board in February 2002 should be installed within the next few weeks. He further stated that one of the settling parties accepted RSWA's offer to participate in the process of identifying potential locations for these wells.

ANNUAL AMBIENT AIR QUALITY STUDY: Mr. Tropea stated that this is the third year that RSWA has been conducting ambient air quality sampling at Ivy, and he felt that the 2002 sampling process was an improvement over past efforts in that RSWA voluntarily increased the scope of the sampling effort.

Mr. Tropea reported that ambient air sampling results indicated the presence of two compounds at concentrations above the Risk Based Concentrations ("RBC's"), along the western boundary, and two other compounds were identified as being present below RBC's thresholds. He stated that along the northern boundary, one measurable concentration of a chemical was found, but it was below the RBC's. He further stated that along the eastern boundary, sampling did not detect any compounds with exceedances of the RBC. Mr. Tropea added that the Weber family has shared data with RSWA from sampling they commissioned in July 2002, which indicated four contaminants that were well above RBC levels. He commented that RSWA and the Weber's have agreed to conduct a joint sampling program to better understand the ambient air conditions along and near the eastern property boundary. In response to a question of clarification from Mr. Krueger, Mr. Tropea replied that the sampling commissioned by the Weber's was conducted on their property and not on the RSWA Ivy site.

Dr. Collins inquired if environmental conditions were a factor in the differing sampling results. Ms. Bedarf responded that Cell 2 (unlined) closure activities were underway during the July 2002 sampling on the Weber property which could have affected the sampling results. Mr. Tropea added that the re-sampling will answer this question, but he noted that during the July 2002 time frame, 30-inch diameter holes were being drilled to depth in Cell 2 (unlined) as part of the closure process.

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4.0 Items From The Public

Ms. Katie Hobbs praised Mr. Tropea for the work that has been done on the former Ivy landfill and with water issues. She stated that the improvement in relations between Rivanna and local residents this year, compared to 2001, has been remarkable.

5.0 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) Ivy Material Utilization Center Manager's Report
- c) McIntire Road Recycling Center/Paper Sort Recycling Operations Manager's Report
- d) Safety Manager's Report
- e) Report on October 10, 2002 Public Meeting on Revised Assessment of Corrective Measures ("ACM") Report
- f) Report on Annual Ambient Air Quality Sampling at Ivy Site

On a motion by Mr. Tucker, and seconded by Mrs. Mueller, the Board of Directors voted to approve Items 5a), b), c), d), e) and f) of the Consent Agenda. The Consent Agenda was approved by a 5-0 vote.

6.0 Other Business

Mr. Tropea reported that there was one item not on the Agenda that RWSA would like to address with the Board concerning proposed Cell 5 at the Ivy site. He stated that RWSA's outside auditors have asked for an answer on whether Cell 5 would be built, and RWSA is requesting Board input on how to respond to their request.

Mr. O'Connell recommended that a decision be postponed until after a final cost sharing agreement for FY 2003 has been reached between the City of Charlottesville and Albemarle County. He also inquired as to what effect a delay would have on the audit. Mr. Wood responded that this decision would be material to RWSA financial statements because it would have a large impact on the bottom line by increasing FY 2002 net losses. Mr. Krueger suggested that the potential impact to the bank covenants also be considered during the decision-making process.

Mr. Tropea noted to the Board that eventually a decision would need to be made on the future of the entire former landfill site and a determination on the disposition of the approximately \$5 million remaining net value of the site. In response to questions from the Board, Mr. Wood stated that the \$5 million value was based on the future use of the site for a landfill and not on the current land value. Mr. Tropea added that this decision does not need to be made today but should be made in 2003. Mr. Krueger suggested that the auditors be encouraged to investigate the accounting treatment used

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by other localities which are required to retain landfills, after closure of the final cell, due to ongoing remediation and monitoring activities.

7.0 Other Items From Board/Staff Not On Agenda

There were no other items from the Board or staff not on the Agenda.

8.0 Joint Closed Meeting

Upon a motion by Mr. Tucker, and seconded by Mr. O'Connell, the Board of Directors voted to enter into a joint closed meeting with the Rivanna Water & Sewer Authority Board for matters pertaining to personnel issues as authorized by Section 2.1-344 (A) (1) of the Code of Virginia. By a vote of 5-0, the motion was approved.

Attendees: Mr. Brent of the Rivanna Water & Sewer Board, Dr. Collins, Mr. Graham, Mrs. Mueller, Mr. O'Connell, Mr. Tucker, Mr. Krueger and Mr. Tropea (portion of the session).

9.0 Resumption of Open Meeting

Upon a motion by Mr. Tucker, and seconded by Mr. O'Connell, the Board of Directors voted to approve termination of the joint closed meeting and reconvened the open meeting. By a 5-0 vote, the motion was approved.

Mr. Tucker made the following motion, which was seconded by Mr. O'Connell:

“WHEREAS, the Rivanna Water & Sewer Authority and the Rivanna Solid Waste Authority have convened a special joint 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 Board of Directors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Rivanna Solid Waste Authority Board of Directors certify 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 joint closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the joint closed meeting were heard, discussed or considered by the Rivanna Solid Waste Authority Board of Directors.”

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

10.0 Adjournment

Mrs. Mueller made a motion, which was seconded by Mr. Tucker, to adjourn the meeting at 6:40 p.m.

Respectfully submitted,

Mr. Gary O’Connell
Secretary – Treasurer