

RSWA BOARD OF DIRECTORS
Minutes of Regular Meeting
March 22, 2004

A regular meeting of the Rivanna Solid Waste Authority (RSWA) Board of Directors was held on Monday, March 22, 2004 at 2:45 p.m., in the Conference Room, Administration Building, 695 Moores Creek Lane, Charlottesville, Virginia.

Board Members Present: Mr. Michael Gaffney – Presiding, Mr. Mark Graham, Mrs. Judith Mueller, and Mr. Gary O’Connell.

Board Member Absent: Mr. Robert Tucker

Authority Staff Present: Ms. Anne Bedarf, Mr. Bruce Edmonds, Mr. Steven Miller, Ms. Jennifer Whitaker, Mr. Bob Wichser, Mr. Lonnie Wood, and Mrs. Mary Knowles.

Also Present: Mr. Steve Nesbitt – Consultant from Malcolm Pirnie, Inc., 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. Michael Gaffney on Monday, March 22, 2004 at 2:45 p.m., and a quorum was present.

2.0 Minutes Of Previous Meeting

Upon a motion by Mr. Graham, and seconded by Mr. O’Connell, the Board of Directors by a 4 – 0 vote approved the minutes of the regular Board meeting held on Monday, February 23, 2004.

3.0 Items From The Public

There were no items from the public.

4.0 Consent Agenda

Mr. Gaffney asked if there were any items that the Board members would like to pull for discussion from the Consent Agenda.

- 4a) Staff Report on Finance
- 4b) Ivy Landfill/Transfer Station Report
- 4c) McIntire Road Recycling Center/Paper Sort Recycling Operations
Manager’s Report
- 4d) Cell 2 (Unlined) Update

Upon a motion by Mrs. Mueller, and seconded by Mr. Graham, the Board of Directors by a 4 – 0 vote approved Items 4a), b), c) and d) of the Consent Agenda.

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5.0 Other Business

In regards to **Item 5a), Environmental Status Report**, Ms. Bedarf stated that she would be highlighting some of the items in her status report and would also be updating the Board on her meeting with the Department of Environmental Quality (DEQ) on March 11, 2004, which was held to discuss DEQ's comments on the Corrective Action Plan (CAP).

Ms. Bedarf reported that DEQ was in agreement with the proposed bioremediation pilot study. She stated that DEQ is also requiring that the remedy be implemented at all wells that exceeded the Groundwater Protection Standards (GPS) while the CAP is implemented, which is a strict interpretation of the Virginia Solid Waste Management Regulations. She further stated that in addition to full-scale bioremediation, DEQ offered the option of deploying the bioremediation pilot study coupled with "monitored natural attenuation" (MNA) at all wells that exceeded the GPS. Ms. Bedarf added that as a result of the new DEQ requirement, RSWA would proceed with the bioremediation pilot study as proposed in the MW-17 area and would also implement MNA for the four other wells that exceeded the GPS.

Ms. Bedarf stated that another issue discussed at the DEQ meeting concerned surface water monitoring. She commented that DEQ is requiring that RSWA implement an expanded surface water monitoring program, which included both visual monitoring as well as chemical analysis.

Ms. Bedarf also reported that Mr. Steve Nesbitt, a consultant from Malcolm Pirnie, Inc., was in attendance to present a report specifically on the Paint Pit Investigation. She stressed that DEQ is not requiring that RSWA implement the soil vapor extraction system (SVE) recommended by our consultants, but DEQ does agree to its use as an interim measure for the Paint Pit area. Ms. Bedarf also stated that this option was selected because an SVE system should not alter the underlying groundwater chemical conditions that are currently believed to be favorable for deployment of site-wide bioremediation after the pilot study phase. She added that she believed the estimated costs for implementing the additional DEQ requirements had been incorporated into the FY 2005 budget figures.

Ms. Bedarf reported that the DEQ deadline for incorporating these changes into the CAP is April 30, 2004. She stated that DEQ would hold a public hearing after the CAP review process has been completed.

Mr. Graham inquired as to the total time frame involved from the submission of the revised CAP to the public hearing. Ms. Bedarf affirmed that the deadline for the submission of the revised CAP to DEQ was April 30, 2004. She further stated that DEQ would take 60 to 90 days to review the CAP, at which time they would schedule a public hearing. Ms. Bedarf added that there is a 30-day comment period associated with the public hearing. Mrs. Mueller inquired as to when DEQ was required to

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submit their comments after the public hearing. Ms. Bedarf stated that she believed it was 60 days. Ms. Bedarf further stated that after this process has been completed, the permit amendment phase is initiated. She explained that this process involved translating the CAP changes into the permit.

Ms. Bedarf asked Mr. Nesbitt if he would like to share with the Board his previous experience with the CAP and permit approval process. Mr. Nesbitt stated that he felt the permit approval could be obtained in a timely manner after DEQ accepts the CAP. He further explained that DEQ will issue a notification that the document has been accepted, which he believed opened up the public comment period. He added that he felt the public process and the incorporation of the revised CAP into the permit would be completed in the fall.

Mr. Graham commented that he was concerned with the impact a prolonged approval process would have on the procurement process and the possibility that weather conditions could become a factor in meeting DEQ deadlines. Mr. Nesbitt stated that these factors could be incorporated into the implementation section of the revised CAP.

Mr. Wood noted that the costs listed on page 3 of the Environmental Status Report were in addition to the figures presented by Mr. Gerry Kirkpatrick, consultant with Environmental Standards, Inc., at the February Board meeting. He added that these costs would be incorporated into the proposed FY 2005 budget.

Mr. Wood then asked Mr. Nesbitt to come forward at this time and present the findings of the recent additional Paint Pit investigation.

Mr. Nesbitt distributed copies of the graphics contained in his PowerPoint presentation to the Board. He reported that Malcolm Pirnie, Inc., was tasked to conduct an expanded groundwater quality investigation in the Paint Pit area. He referenced the initial Paint Pit Investigation Report completed in March 2002, which characterized the quality of the soils and groundwater in the immediate vicinity of the Paint Pit. Mr. Nesbitt further stated that per an agreement with DEQ, the study stopped short of investigating the groundwater quality in the deeper jointed bedrock that underlines the site.

Mr. Nesbitt then described the overburden fill, saprolite and jointed bedrock, which are three soil units present at the site. Mr. Nesbitt explained that the boring operation during the first investigation did not penetrate the jointed bedrock layer. He commented that the investigation found that the Paint Pit area was overlaid by a very thick cap and the disposal areas were hydraulically isolated. He also stated that water was found in only one out of the three observation wells that were installed in the Paint Pit area.

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Mr. Nesbitt reported that a geophysics survey was also conducted at that time. He stated that as a result of that survey, inclined borings were advanced to penetrate the zone of soil beneath the bottom of the trenches at the top of the saprolite layer. He added that these borings failed to detect any free phase liquids or groundwater.

Mr. Nesbitt stated that the goal of the Paint Pit Investigation has never been to characterize the contribution of the Paint Pit to the past historical groundwater contamination, as this has been an understood fact. He added that the real issue to address is the Paint Pit's potential for future groundwater contamination. He explained that the second phase of the investigation involved examining the relative magnitude and concentration of residual contamination immediately beneath the Paint Pit area to determine if the magnitude of contamination was sufficient to warrant localized treatment.

Mr. Nesbitt then directed the Board's attention to one of the drawings in his handout, which depicted the three areas of geophysical anomalies and the location of the three original groundwater monitoring wells. He reported that as part of the expanded investigation, three additional groundwater monitoring wells that penetrated jointed bedrock were installed in these "hotspot" areas. He explained that two of the wells (OW-1DD and OW3DD) were put in directly adjacent to previous well installations (OW-1 and (OW-3). He explained that since one of the former wells (OW-2) was determined to be an unsuitable site, the third well (OW-4DD) was installed on the eastern side of the Paint Pit. In response to questions from the Board, Mr. Nesbitt stated that the pink and red colors represent the most intense areas of geophysical anomalies and are an indicator of some type of metallic debris at those sites. He explained that a geophysics survey is an indirect, non-intrusive sensing method used to measure the difference in conductivity at that location compared to the site soil, but it cannot confirm the condition or type of container. Mr. Nesbitt also stated that it was not possible to use Ground Penetrating Radar (GPR) at the site due to the depth and thickness of the cap.

Mr. Nesbitt explained that the next drawing illustrated the curved shape of the bedrock surface. He further stated that groundwater is assumed to flow in the general radial direction parallel to the surface of the bedrock. He added that where the lines depicting the top of the saprolite and unweathered bedrock levels intercept confirms the previous presumption of differential weathering at that location. Mr. Nesbitt also stated that the black line, which represents the findings from an earlier nature and extent study, demonstrated that the results from the expanded investigation were anticipated based on previous data.

Mr. Nesbitt stated that Figures 3 and 4 in his handout depicted a cross section of the three geologic soil units in relation to placement of borings and groundwater elevation.

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He further stated that the drawings further illustrate the differential weathering noted in the previous chart.

Mr. Nesbitt reported that Figure 5 addressed the question of what was the relative magnitude of the residual contamination at the Paint Pit and if it warranted localized treatment. He stated that a groundwater flow map with monitoring wells sites is located on the left side of the chart, and a matrix that makes a comparison between the characteristics of the constituents detected in the Paint Pit to the constituents at the various monitoring wells is on the right side of the chart. He pointed out that MW-17, located north of the Paint Pit area, has many constituents similar in nature and character to those found in the monitoring wells located in the Paint Pit vicinity. He added that MW-17 also contains constituents that are not found in the Paint Pit area. Mr. Nesbitt further stated that monitoring wells situated to the east and west of the site, are not similar and contain constituents that are not found in the monitoring wells in the Paint Pit area. He commented that this leads to the conclusion that although the Paint Pit had a historical impact, it is not the only source for the contamination found at the Ivy site.

Mr. Nesbitt then referenced the Summary Table located in the Groundwater Report. He stated that the data for OW-1 was generated from the shallow saprolite level during the last investigation. He further stated that the monitoring data for OW-1DD, OW-3DD and OW-4DD were obtained from the recent investigation at the jointed bedrock depth. He added that when comparing the two sets of data, the residual contamination in the deep jointed bedrock, with two exceptions, is significantly less than what was originally encountered at OW-1.

Mr. Nesbitt reported that based on the above information, his firm is recommending that RSWA proceed with the installation of a SVE system in the shallow soil unit in order to draw out the volatile organics and use the vapor pressure to stop any further contribution to the jointed bedrock layers. He noted that the SVE system would potentially be a low-cost interim corrective measure, as it would take advantage of the existing Landfill Gas Collection and Control System and expand the system on a localized basis in a 90' by 80' area in the Paint Pit. He stated that Malcolm Pirnie, Inc., was also recommending that RSWA implement a targeted engineered enhanced bioremediation remedy on the down gradient side of the Paint Pit area after the pilot study. He added that the combination of the two remedial actions would accelerate reaching the clean-up target at down gradient locations and would probably result in a reduction of the overall compliance cost.

In response to a question from Mr. Gaffney, Mr. Nesbitt stated that the SVE system would be installed through the overburden layer to the top of the saprolite level. He added that the system would not be effective beneath the saprolite layer due to the denseness of that soil layer. He also stated that during the original investigation, the

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bulk of the contaminants were found in the soil and concentration levels rapidly decreased in the saprolite level.

Ms. Bedarf noted that the installation of a SVE system would occur at the same time that the pilot study is implemented at MW-17. She added that bioremediation at the Paint Pit would only occur after the conclusion of the pilot study.

In response to a question from a member of the public in attendance at the meeting, Mr. Nesbitt stated that although constituents detected in the jointed bedrock are in significantly lower concentrations than found in OW-1, the numbers are still greater than those present in the compliance wells down gradient from the Paint Pit area.

Mr. Graham asked if he understood correctly that the SVE system would shorten the time frame for reaching the GPS. Mr. Nesbitt answered in the affirmative but added that it was too soon to determine the exact amount of time that would be saved by utilizing this interim corrective measure.

Mr. O'Connell inquired if the estimated costs on page 3 of the Environmental Status Update were in addition to the expenditures presented at the February Board meeting. Mr. Wood replied in the affirmative and stated the increase was a result of the latest DEQ requirements for inclusion in the CAP.

In regards to **Item 5b), Additional Services - Environmental**, Mr. Wood reported that RSWA had executed a contract with Environmental Standards, Inc. (ESI) at the beginning of the fiscal year for \$218,000. He stated that the Board authorized an additional \$65,000 to ESI to begin the nature and extent work on the Barium exceedance in October 2003. He added that due to the additional work on the Barium issue, RSWA has exhausted its contract amounts authorized by the Board and is therefore requesting an additional authorization for \$64,500 to Environmental Standards, Inc., to complete the environmental work for this fiscal year. He referenced the attached chart and noted that even with this additional funding request, only 71 percent of the total amount budgeted for environmental services would be spent this fiscal year.

Mr. O'Connell asked what the consequences would be if the Board did not approve this additional funding request. Mr. Wood stated that the groundwater monitoring event scheduled for the second half of the fiscal year would not occur, and RSWA would not be in regulatory compliance.

Upon a motion by Mr. McConnell, and seconded by Mrs. Mueller, the Board of Directors voted to approve a contract addendum of \$64,500 to Environmental Standards, Inc., for the completion of the environmental work at the Ivy site for this fiscal year. By a 4 – 0 vote, the motion was approved.

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In regards to **Item 5c), Approved Minutes of the February 10, 2004 Citizens Advisory Committee Meeting**, Mr. Gaffney asked if there were any comments concerning these minutes. Mr. Wood stated that Mr. Chris Gensic, Chairman of the Citizens Advisory Committee, was unable to attend the meeting. Mr. Gaffney inquired if Mr. Gensic was able to obtain information from the owner of the plastics recycling plant in Florida on his product. Mr. Edmonds stated that Mr. Gensic was in the process of gathering that information and should have a report for the next Citizens Advisory Committee meeting. Mr. Edmonds added that he would inform Mr. Gensic of Mr. Gaffney's inquiry on this matter.

6.0 Other Items From Board/Staff Not On Agenda

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

7.0 Joint Closed Meeting

Upon a motion by Mr. Graham, and seconded by Mrs. Muller, the Rivanna Solid Waste Authority Board of Directors voted to enter into a joint closed meeting with the Rivanna Water & Sewer Authority Board of Directors for matters pertaining to personnel issues as permitted under Section 2.2-3711.A.1 of the Code of Virginia to discuss the Executive Director selection process. By a 4 – 0 vote, the motion was approved.

ATTENDEES: Mr. Gaffney, Mr. Graham, Mrs. Mueller, Mr. O'Connell, Mr. Brent (RSWA), Mr. Krueger and Mr. Robert Slavin – Consultant (via conference call).

8.0 Resumption of Open Meeting

The RSWA Board of Directors meeting was reconvened at 4:43 p.m.

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

“**WHEREAS**, the Rivanna Solid Waste Authority Board of Directors has convened a joint closed meeting with the Rivanna Water & Sewer Authority Board of Directors 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 2.2-3712.D of the Code of Virginia requires a certification by the Rivanna Solid Waste Authority Board of Directors that such closed joint meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Rivanna Solid Waste Authority Board of Directors 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 closed meeting to which this certification

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resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the

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

9.0 Closed Meeting

Upon a motion by Mr. Graham, and seconded by Mrs. Muller, the Rivanna Solid Waste Authority Board of Directors voted to enter into a closed meeting as permitted under Section 2.2-3711.A.7 of the Code of Virginia to consider legal matters involving the Settlement Agreement with the Ivy Steering Committee. By a 4 – 0 vote, the motion was approved.

ATTENDEES: Mr. Gaffney, Mr. Graham, Mrs. Mueller, Mr. O’Connell, Mr. Wood and Mr. Krueger.

10.0 Resumption of Open Meeting

The RSWA Board of Directors meeting was reconvened at 5:08 p.m.

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

“**WHEREAS**, the Rivanna Solid Waste Authority Board of Directors 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 2.2-3712.D of the Code of Virginia requires a certification by the Rivanna Solid Waste Authority Board of Directors that such closed joint meeting was conducted in conformity with Virginia law;

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

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

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11.0 Adjournment

There being no further business, Mr. Graham moved the meeting be adjourned, seconded by Mrs. Mueller. All members voted aye, and the meeting was adjourned at 5:09 p.m.

Respectfully submitted,

Mr. Gary O'Connell
Secretary – Treasurer