

RSWA BOARD OF DIRECTORS
Minutes of Regular Meeting
October 25, 2004

A regular meeting of the Rivanna Solid Waste Authority (RSWA) Board of Directors was held on Monday, October 25, 2004 at 3:45 p.m. in the Conference Room, Administration Building, 695 Moores Creek Lane, Charlottesville, Virginia.

Board Members Present: Mr. Michael Gaffney – Presiding, Mr. Mark Graham, Mr. Gary O’Connell and Mr. Robert Tucker.

Board Member Absent: Mrs. Judith Mueller

Authority Staff Present: Ms. Anne Bedarf, Mr. Bruce Edmonds, Mr. Tom Frederick, Mrs. Mary Knowles, and Mr. Lonnie Wood.

Also Present: Mr. Gerry Kirkpatrick and Mr. Phillip McKalips – Environmental Standards, Inc. Contractors, Mr. Steve Nesbitt – Malcolm Pirnie, Inc. Contractor, 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, October 25, 2004 at 3:45 p.m., and a quorum was present.

2.0 Minutes of the Previous Meeting

Upon a motion by Mr. Graham, and seconded by Mr. Tucker, the Board of Directors by a 3 - 0 vote approved the minutes of the regular Board meeting held on Monday, September 27, 2004. Mr. Gaffney abstained from the vote due to his absence from that meeting.

3.0 Executive Director’s Report

Mr. Frederick reported that the Household Hazardous Waste Collection day held on October 9, 2004 was very successful. RSWA staff estimated over 1,000 vehicles came through the Ivy site during this event as compared to 950 last year, which indicated an increase in public participation.

Mr. Frederick stated that he met with Mr. Kurt Krueger last Friday concerning an evaluation requested by the Board on RSWA active services versus what is required in the solid waste charter.

RSWA Board Minutes

3.0 Executive Director's Report Cont.

October 25, 2004

Mr. Frederick also stated that a report from the SCS Engineers regarding the Utility Fee study is planned for the November Board meeting.

Mr. Frederick commented that the RSWA is still awaiting a letter of approval from DEQ on the Corrective Action Plan. As previously reported, the Authority plans to move very quickly on commencing bioremediation activities once approval has been obtained.

4.0 Items From The Public

There were no items from the Public.

5.0 Consent Agenda

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

- 5a) Staff Report on Finance
- 5b) Ivy Landfill/Transfer Station Report
- 5c) McIntire Road Recycling Center/ Paper/Paper Sort Recycling
Operations Manager's Report
- 5d) Environmental Status Report

As there were no further questions or discussion, Mr. Tucker moved, which was seconded by Mr. Graham, that the Board of Directors vote to approve Items 5a), b), c), and d) of the Consent Agenda. The motion was approved by a 4 – 0 vote.

6.0 Other Business

In regards to **Item 6a), Fugitive Gas Emissions Report**, Mr. Frederick stated that the Board authorized Malcolm Pirnie, Inc. (MPI), several months ago to perform this voluntary analysis at the Ivy site. Mr. Steve Nesbitt from MPI is present today and will present the report's findings.

Mr. Nesbitt first gave a brief overview of the Fugitive Gas Scanning Report/Point Source Analysis.

Mr. Nesbitt stated that since 2001, MPI was performing ambient air sampling on behalf of the Authority as part of the Settlement Agreement. From 2001 to 2004, the sampling was initially conducted along the western perimeter boundary of the facility and was expanded to include the north, east and south sides of the site.

Despite best attempts at ongoing landfill gas maintenance efforts, there was a

RSWA Board Minutes
6.0 Other Business Cont.
October 25, 2004

persistent detection of volatile organic compounds (VOCs) in the ambient air along the western perimeter boundary. RSWA requested MPI to conduct the fugitive emissions study to identify the nature and extent of the VOCs. The study has been completed and the findings will be presented today. Three drawings will be utilized to illustrate the following: (1) nature of the initial problem, showing the historical ambient air detects; (2) results of the various kinds of monitoring performed, both on the landfill surface and passive vent sampling; and, (3) recommended actions.

Mr. Nesbitt stated that historically the ambient air testing was conducted at a series of locations around the perimeter boundary. The first drawing summarized the testing locations and where the primary constituents of concern were found. There were about eight or nine different VOC compounds detected at that perimeter boundary from December 2001 through August 2004. Three constituents, Benzene, Trichloroethene, and Methylene Chloride, were detected in concentrations that exceeded the comparison value or Risk Based Concentration. Mr. Nesbitt explained that DEQ establishes Risk Based Concentrations or RBC values, which are health risk parameters used as a screening tool to direct attention to compounds or constituents that warrant further detailed investigation. The constituents of concern were located as follows: the northwest corner of the western boundary at A-4; the southwest corner at A-1, A-2, and A-3; and, (3) due south by the transfer facility at A-8.

Mr. Nesbitt reported that an ambient air report was included in last month's Board packet that contained the latest data, including monitoring performed at location A-8. The monitoring detected constituents at relatively high concentrations that exceeded the RBC by a significant factor. These findings were of great concern and prompted the ongoing fugitive emissions scan, during which a very detailed examination of both the landfill surface and the passive vent locations occurred.

Mr. Nesbitt explained that the gas system at the landfill is comprised of two components. The first one is the landfill cap, which provides a relatively impervious surface that can restrict the flow of moisture, and to a lesser extent, upward migration of gas to the surface. The second component is composed of an active blower and flare, which provide vacuum through a series of well heads distributed through part of the landfill. The blower and flare station is located opposite the entrance to the facility. He referenced the next slide, which highlighted the vacuum system, and explained the system's operation and the process by which the gas and VOC compounds entrained in that gas are destroyed

at a rated efficiency

RSWA Board Minutes

6.0 Other Business Cont.

October 25, 2004

of approximately 99 percent. This system is the best available control technology available today for managing landfill gas.

Mr. Nesbitt further stated that the blue grid locations on the second drawing illustrated where surface monitoring was performed over the entire site to detect any gas emissions. There were four points identified where relatively small concentrations of VOC emissions were found. It is common to find landfills of this age and with cap systems with far worse results. The findings demonstrate that the cap and the active well field on the left side is performing at a fairly high level of service.

Mr. Nesbitt noted that the red dots located in two general areas pointed out where there were surface emissions that corresponded to some localized problems encountered with the gas extraction wells. It is not uncommon for these wells to become "pinched" due to the differential settling of the waste mass, which would require routine localized corrective maintenance to be performed.

Mr. Nesbitt added that a build up of condensate was observed in the condensate traps. He explained how the system operated and the conditions that could lead to a reduction in the efficiency of the gas system. This area would also require localized corrective maintenance.

Mr. Nesbitt pointed out Cell 2 (unlined) located on the east side of the site and stated that there were no detected surface emissions due to the series of passive vents installed at the site.

Mr. Nesbitt also noted the monitoring wells or gas monitoring probe located around the perimeter of the site. No detected VOC's were found at these locations.

Mr. Nesbitt commented that because MPI is aware of the sensitivity toward the Paint Pit, additional sampling was performed around all four corners and across the middle of that area. No surface emissions were found at the Paint Pit during the study.

Mr. Nesbitt then referenced the tables located on the third drawing which illustrated the results of the VOC emissions from each gas vent. He explained that the two tables on the top right-hand side, summarized the detected constituent data from the

Cell 1, Cell 2, and Cell 3 areas. The large table on the bottom, contained the VOC data detected from the gas vents from Cell 2 (unlined). On the west half, they are

RSWA Board Minutes

6.0 Other Business Cont.

October 25, 2004

identified as (gas vent) GV-1 through GV-20; on the east side of the site, (passive vent) PV-1 through PV-23.

Mr. Nesbitt reported that on the west half of the site, a total of 10 organic compounds were detected at five passive vents. For the most part, the concentration and type of the compounds were very simple and appeared to be petroleum hydrocarbon compounds. Highlighted in the window boxes on Chart 3 were the areas where Benzene, Trichloroethene, and Methylene Chloride were detected in concentrations that corresponded with the ambient air issues on the property line. On the west half of the site, there were 10 compounds at 5 gas vents. Only 2 of those gas vents (GV-14 and GV-18) corresponded with the compounds detected in ambient air sampling. For the 23 passive vents located at the east side of the site, 20 or 21 VOC compounds were detected in all but 4 of the passive vent locations. The compounds detected on the east side are greater in number, broader in their type, and for the most part, greater in concentration than was found on the west side.

The type of waste the facility had accepted at a certain time in its history could have impacted those findings. Fewer compounds at lower concentrations were located on the west side due to the age of the waste and the degradation process that had already occurred at that site. The east side of the site had a broader range of constituents at higher concentrations.

Mr. Nesbitt pointed out that there was an association between the compounds detected in the passive gas vents and the compounds that were detected in ambient air along the west property boundary, in particular at A-8 in south central portion.

Mr. Nesbitt stated that the recommendations provided to the Board in the report included the corrective maintenance of the landfill gas system. As discussed earlier, this would involve repairs to the condensate traps and the extraction wells and adjustment to the gas well field.

Mr. Nesbitt added that it is being further recommended that on the entire east side in Cell 2 (unlined), the passive gas vents would be hooked up to the blower and flare station. The landfill gas system was designed for future expansion and would allow for the recommended retrofit. In addition, the recommendation for the left side of site is to connect GV-14 and GV-18 at the same time to the active blower

and flare station. The VOCs detected in the gas vents located in the southwest corner were not the same ones found in the ambient air samples, so they are not at this time contributing toward the RBC exceedance along the west property

RSWA Board Minutes

6.0 Other Business Cont.

October 25, 2004

boundary. Ongoing monitoring of the ambient air and the gas vents is being recommended for this area on a minimal quarterly basis for a 12-month duration. During the summer, when gas production is expected to be at its highest levels, the monitoring frequency would be increased to a monthly basis.

Mr. Frederick noted that since receiving this report, RSWA at the staff level has already begun addressing the ongoing maintenance issues that Mr. Nesbitt described today. The valve has been adjusted for better balance and the condensate traps are being checked. RSWA staff can continue with this process without any further instruction from the Board.

Mr. Frederick further stated that concerning the recommendation to hook up the passive vents located on the east side of the property to the active system, he has asked Mr. Nesbitt to update the cost estimate, which he has done. It is capital spending that is not included in the current budget and would need Board approval to both authorize RSWA to proceed with the work and for a budget amendment to approve the funding. The budget, including construction, engineering, and permitting, is estimated at \$325,000.

Mr. Nesbitt clarified that capital costs for construction at Cell 2 (unlined) is approximately \$240,000. The additional incremental costs to hook GV-14 and GV-18 is \$30,000, for a total of \$270,000. If at some time in the future RSWA would decide to connect the rest of the passive gas vents along west boundary, the additional incremental cost at that time would be another \$180,000. The recommended cost now is \$270,000 for capital expenses with a possible additional \$180,000 sometime in the future. The permit does not reflect at this time interconnection of those vents to the blower and flare system. This would require a minor permit amendment, which would entail engineering expenses of about \$10,000. The engineering costs after the permit is amended could range from \$10,000 to \$100,000, depending on how the job is bid.

Mr. Tucker asked if there was any timeline associated with the completion of this work. Mr. Nesbitt stated that work should not be done during the winter months when the cap system could be disrupted. MPI would like to begin the work in the spring at the end of the rainy season when the cap is stable. Mr. Tucker further inquired if all the work could be completed in the spring. Mr. Nesbitt replied that it

could be completed during that time frame as it would not be an extensive project. Mr. Graham asked how long it would take to complete the project. Mr. Nesbitt stated that it would take probably 30 to 45 days in the field once the contractor has

RSWA Board Minutes

6.0 Other Business Cont.

October 25, 2004

mobilized. Mr. Frederick commented that during the winter, RSWA could get the permit amended and complete the documentation needed for the contract phase.

There was further discussion concerning engineering fees. Mr. Frederick commented that after discussions with Mr. Nesbitt on this issue, he felt the private sector model with lower engineering costs would be suitable for this project. Field inspections would be needed once construction has begun to ensure work quality. Mr. Frederick added that the construction work would undergo the competitive procurement process.

Mr. Graham commented on the proposed work schedule and the importance of beginning the process to amend the permit in order to meet the project schedule. Mr. Nesbitt stated that the permitting process is not difficult but it is time consuming due to the shortage of DEQ staff.

Upon a motion by Mr. Tucker, and seconded by Mr. O'Connell, the Board of Directors voted to authorize the Executive Director to move forward on the permitting and the engineering design of the venting system as presented today.

In response to questions from the Board members concerning budget issues, Mr. Frederick recommended that the Board authorize RSWA to proceed with the permitting process. RSWA will report back at the next meeting with a recommendation on the amount needed to complete the design of the project.

As it was decided by the Board that RSWA was not requesting an appropriation at this time, there was no need to amend the motion. The motion was approved by a 4 – 0 vote.

In regards to Item 6b), Environmental Standards, Inc., Multi-year Contract,

Mr. Frederick stated that Environmental Standards, Inc. (ESI) has been under contract with RSWA since February 2002 for principally the groundwater component of the environmental project at the Ivy site. ESI has successfully completed the Assessment of Corrective Action with DEQ approval, followed by the Corrective Action Plan that is currently under review. Each year RSWA has issued a new contract for ESI technical services.

Mr. Frederick had been approached by ESI concerning a multi-year contract, which raised a number of questions. One of the issues is that RSWA retain control over the quality of all technical aspects of the work, along with timely performance

RSWA Board Minutes

6.0 Other Business Cont.

October 25, 2004

requirement at a fair price. ESI has proposed that a multi-year contract affords them an opportunity to plan their service arrangements so that RSWA could realize a continuing cost savings throughout the remainder of the project. Through some negotiations and discussions which have also involved Mr. Kurt Krueger, Mr. Frederick was confident that RSWA would be able to maintain the same management control during a multi-year contract as effectively as under a year-to-year option. Some of the conditions included a five-year term, subject to certain work authorizations that would allow RSWA to terminate the agreement. There are also agreed rate schedules and budget allowances for specific work authorizations. Mr. Frederick added that he felt with such a technical issue as bioremediation, it is in the Authority's best interest to stay with the same contractors. He stated that Mr. Gerry Kirkpatrick and Mr. Phillip McKalips were in attendance today at their own request and expense to explain their contract proposal in more detail.

Mr. Gerry Kirkpatrick stated that the ESI multi-year contract proposal could realize RSWA a cost savings of approximately 6.5 percent on the grant total cost of the project, which includes subcontractors. He displayed a chart which identified the project costs over the next five years. He pointed out that ESI had projected \$6,900,000 in total project expenses. The non-subcontracting costs, which are labor and direct expenses, was about \$3,100,000. Of that amount, ESI could save RSWA with this proposed contract about \$450,000 over that five-year period. One of the cost saving measures would involve opening an ESI project office in Charlottesville, which would be staffed by three persons dedicated to the project. Mr. Phil McKalips has agreed to relocate to the Charlottesville office. There would be cost savings to the local taxpayers, and local suppliers would also be used for the project. The biggest cost savings would be in reduced transportation fees and per diem rates. ESI has also begun to research the Charlottesville market and business conditions in order to move forward with the acquisition of office space. ESI has also retained a firm to assist them with franchising and the tax structure. Mr. Kirkpatrick stated that having staff based in Charlottesville would enable ESI to deal with issues on a more timely basis.

Mr. Kirkpatrick further reported that the contract would include annual labor increases at locked rate, RSWA would have right of rejection due to unsatisfactory service, and insurance coverage would be guaranteed during the five-year period.

The revenue predictability allows ESI to place a staff member on site, which would result in a reduction in costs, the business risk, and wear and tear on its assets. ESI is excited about the business prospects that the area offers, and establishment of a Charlottesville office would help build credibility with DEQ as well.

RSWA Board Minutes

6.0 Other Business Cont.

October 25, 2004

Mr. Kirkpatrick stated that he gave Mr. Krueger a copy of the Master Service Agreement for his review.

The Board asked Mr. Krueger for his opinion on the request by ESI on a multi-year contract. Mr. Krueger stated that he received the master service agreement yesterday. He and Mr. Frederick will need to review the contract again before a recommendation could be made on the contract's approval. He added that by utilizing work authorizations, RSWA would not be obligated to pay ESI over a five-year period. However, as long as ESI's work was satisfactory, RSWA could enter into work authorizations for the work involved with this project over the next five years.

Upon a motion by Mr. O'Connell, and seconded by Mr. Graham, the Board of Directors voted to authorize the Executive Director to execute a multi-year contract with ESI as discussed in the Board report, superceding the current contract, subject to the form and conditions of the contract being acceptable to the Authority's attorney. The motion was approved by a 4 – 0 vote.

7.0 Other Items From Board/ Staff Not On Agenda

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

8.0 Closed Meeting

There was no need for a closed meeting.

9.0 Adjournment

There being no further business, Mr. Tucker moved the meeting be adjourned, seconded by Mr. Graham. All members voted aye, and the meeting was adjourned at 4:36 p.m.

Respectfully submitted,

Mr. Gary O'Connell

Secretary - Treasurer