

RSWA BOARD OF DIRECTORS
Minutes of Regular Meeting
August 22, 2005

A regular meeting of the Rivanna Solid Waste Authority (RSWA) Board of Directors was held on Monday, August 22, 2005 at 3:15 p.m. in the Conference Room, Administration Building, 695 Moores Creek Lane, Charlottesville, Virginia.

Board Members Present: Mr. Michael Gaffney, Mr. Mark Graham, Ms. Judith Mueller, Mr. Gary O'Connell, and Mr. Robert Tucker.

Authority Staff Present: Ms. Anne Bedarf, Mr. Mark Brownlee, Mr. Bruce Edmonds, Mr. Tom Frederick, Mr. Chuck Kent, Ms. Mary Knowles, Ms. Kathy Ware, Mr. Lonnie Wood.

Also Present: Mr. Chris Gensic – RSWA Citizens Advisory Committee Chair, Mr. Phillip McKalips – Environmental Standards, Inc., Mr. Kurt Krueger - RSWA Attorney, Mr. Steve Nesbitt – Malcolm Pirnie, Inc., 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, August 22, 2005 at 3:15 p.m., and he noted that a quorum was present.

2.0 Minutes of the Previous Meeting

Upon a motion by Mr. Tucker, and seconded by Mr. Graham, the Board of Directors by a 5 - 0 vote approved the minutes of the regular Board meeting held on Monday, July 25, 2005.

3.0 Executive Director's Report

There was no Executive Director's Report this month.

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) Staff Report on Ivy Landfill/Transfer Station
- 5c) Staff Report on McIntire Road Recycling Center/ Paper/Paper Sort Recycling Operations
- 5d) Staff Report on Environmental Status

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5.0 Consent Agenda (cont.)
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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 5 – 0 vote.

6.0 Other Business

In regards to **Item 6a), Recommended Use of Former Booth Property**, Mr. Frederick stated that Ms. Anne Bedarf, RSWA Environmental and Safety Manager, who would be reporting on this item.

Ms. Bedarf stated that in 2000 RSWA purchased the 26-acre property adjacent to the Ivy landfill from David and Maureen Booth. The house has not been used since that time and has deteriorated somewhat. Due to the maintenance that would be required to upkeep the house and site, RSWA explored various options concerning the final disposition of the house and some of the surrounding outbuildings as well.

Ms. Bedarf further reported that four options were listed in the Board report. The first option involved using the house and site for an educational purpose. RSWA was recommending that this option not be pursued because it would require substantial resources not only to operate such a program but also for the initial clean-up and subsequent housekeeping that would be needed.

Ms. Bedarf next discussed the second option, which would allow Fire and Rescue to use the house for training purposes. This option was also not recommended due to the possible exposure of the neighbors to smoke and proximity of the house to the landfill's gas management system.

Concerning the third option, Ms. Bedarf commented that Habitat for Humanity was contacted concerning salvaging items, such as the doors, windows, and light fixtures. They did express interest in the items that could be reused and sold at the new Habitat store.

Ms. Bedarf added that after those items had been salvaged, the house would be demolished. Mr. Mark Brownlee, Ivy Operations Manager, would be in charge of that operation, utilizing contractors and RSWA staff for debris removal and disposal.

Ms. Bedarf explained that the idea for the fourth option originated from Ms. Slohoda, the closest neighbor. Ms. Slohoda had suggested that since part of the house was built in the 19th Century and could be historical, RSWA explore if there would be any interest in purchasing the house and relocating it to another site. Torrence, Read and Forehand (TRF), an experienced Virginia auctioneering firm, was contacted concerning that option. After further research, TRF determined that unless the house was designated as historical property, it was not a feasible option. TRF did suggest holding an auction, with the highest bidder being allowed to

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salvage items from the home, which would help cover the costs for the subsequent demolition and removal of debris.

Ms. Bedarf added that the staff recommendation was a combination of Options No. 3 and No. 4. RSWA would contract with TRF to auction the house and shop separately for salvage. TRF's fees included 10 percent of the proceeds, plus advertising costs, which the costs would not exceed \$2,000. While Habitat for Humanity would not have the first opportunity to salvage items, they would have access to any of the remaining items that could be sold in their store. Proceeds from the auction would help cover TRF's fees, as well as costs for demolition and debris removal.

Ms. Bedarf further reported that the recommended option also included retaining the barn, which was currently used by a farmer for hay collection at no cost to RSWA. The hay collection would continue, utilizing the same person who also worked for a neighbor located next to the former Booth property. Grass would also be planted in areas where appropriate.

Ms. Bedarf commented that it appeared there would not be a problem with invasive species at the site. RSWA would continue to monitor the situation.

Ms. Bedarf added that RSWA would continue its groundwater monitoring activities at the two well clusters on and near the site that are part of the groundwater monitoring network.

Ms. Bedarf concluded by stating that RSWA was requesting Board authorization to proceed with the disposition of the former Booth property as recommended in the Board report.

Ms. Mueller commented that she had recently gotten some estimates for demolition of another house, and she felt that the costs for this project seemed low in comparison. She inquired if RSWA had gotten the estimate from a demolition contractor. Mr. Frederick replied in the affirmative and added that the inert material would be disposed of as clean fill material, which would reduce the cost of removing that debris. Mr. Gaffney added that the figure did not reflect the staff time that would be used for debris removal. The hauling of material was a big expense in a normal demolition project.

Ms. Bedarf added that the auctioneers have requested a six-week lead time, which would provide an opportunity to better utilize manpower on this project.

Ms. Mueller moved, which was seconded by Mr. Tucker, that the Board of Directors vote to approve the RSWA staff recommendations of combining Options 3 and 4 for the former Booth property as outlined in the Board report. The motion was approved by a 5 – 0 vote.

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6.0 Other Business (cont.)
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In regards to **Item 6b), Cell 3 Evaluation**, Mr. Frederick commented that this issue had not been planned or anticipated by RSWA. When an anomaly has been identified, no matter how small, it was incumbent upon the manager of a facility to find the cause and address the issue. He stressed that RSWA's objective was to manage the Ivy facility in the most responsible manner possible to minimize the time required to clean up and restore the site for future beneficial use.

Mr. Frederick further stated that a fugitive air scan was performed several months ago with the intent of detecting any on-site emissions that might contribute to odors. As previously reported, minor problems were found throughout the site. The problems detected at Cell 2 unlined led to the recommendation that was currently underway of connecting those wells to the exhaust flare at the site. Although the wells at Cell 3 lined and Cell 3 unlined were already hooked up to the flare, during the investigation it was determined that the gas wells at these cells were not expelling gas to the gas collection system at rates that would be expected for a landfill cell of that age. Early explorations indicated that it could be caused by some liquid blockage inside the well. A step-by-step approach was identified to investigate the conditions of those underground cells, being careful not to disturb existing cell conditions. The investigation first explored easy-fix problems, such as condensate being trapped in the air system itself. When this was eliminated as a possible cause, RSWA quickly identified the need to employ professional services for the investigation. Environmental Services, Inc. (ESI) and Malcolm Pirnie, Inc. (MPI), who were represented at today's meeting, have been involved in this investigation as it proceeded forward.

Mr. Frederick added that at this point in the investigation, it had been determined that there was likely a failure in the leachate collection system, which meant that there was a blockage in the pathway draining leachate out of the cell into the leachate holding pond. Permeations in the cap located on top of the landfill cell were likely also an issue. The cap was designed to prevent most rainfall from entering the cell. Once rainfall contacted solid waste, it became leachate. The combination of the failed leachate collection system and permeations in the cap could lead over time to the accumulation of water in the cell now being measured.

Mr. Frederick then stated that a preliminary structural evaluation was recently done, and MPI has recommended that immediate steps be taken to reduce the amount of leachate in the cell.

Mr. Frederick noted that a three-month plan outlining costs for this project had been provided by ESI and MPI. Details in the plan could be broken down on a month-by-month basis if requested by the Board.

Mr. Frederick added that RSWA did not have all the answers as to what caused those anomalies and how much it would cost to address the issue. Normally, if the situation was not considered urgent, RSWA would continue its investigations and

present the results at their conclusion. Given MPI's recommendation that immediate action needed to be taken to reduce the amount of leachate in the cell, RSWA was recommending today that a parallel path be taken to address this issue by starting to reduce leachate immediately while the investigation moved forward. The Board would be kept informed through monthly status reports. A three-month implementation plan had been provided with the intent that as the investigation progressed and long-term solutions were developed, a longer-term financial plan would be presented to the Board.

Mr. Frederick then asked Mr. Phil McKalips with ESI to report on his observations at the site and the environmental implications. Mr. Frederick also noted that Mr. Steve Nesbitt with Malcolm Pirnie, Inc. (MPI) was also in attendance to present an update and answer any questions related to the structural analysis of Cell 3 lined.

Mr. McKalips stated that his report would be focused from the point that the consultants were requested to join the Cell 3 lined investigation. MPI first conducted liquid level measurements in all the landfill gas wells to identify the amount of accumulated leachate in Cell 3 lined. He then referenced a drawing that illustrated the location of Cell 3 lined and Cell 3 unlined at the Ivy site. During the past month, the leachate levels have been monitored to determine if there were any changes over time and if they were responding to precipitation events. There was evidence that there was some response to precipitation events and that the cap was somewhat compromised. As of last Saturday, they were able to install a piezometer in between the gas wells to verify that what had been observed to date was not a phenomenon just related to the gas wells and in fact did represent a situation throughout the waste mass. It was found that the piezometer water level was representative of what was being observed in the gas wells, so it appeared that this was a pervasive situation throughout the cells.

Ms. Mueller asked Mr. McKalips what he meant when he referred to a "piezometer." Mr. McKalips stated that it was a small diameter well used to determine water levels.

Mr. McKalips continued his report by stating that the next question addressed was whether the situation at Cell 3 lined was creating a potential hazard to human health or the environment. Since the fall of 2004, a set of monitoring wells around the Cell 3 lined site had been monitoring surface water on the western tributary of Broad Axe Creek. After analyzing the data, he did not see any correlation between surface water and groundwater related to impacts from Cell 3 lined. The leachate samples that were examined were surprisingly not particularly high in any organic constituents. He felt that the biological activity within the cell had been degrading all the organic constituents.

Mr. McKalips also stated that in the near-term future, the consultants planned to evaluate and develop a more effective leachate removal system. The recommendation was to immediately start lowering the leachate levels significantly. This could not be accomplished effectively by pumping the gas wells that were scattered across the surface. They would also need to evaluate how to manage the leachate after it was removed from the cell.

Mr. McKalips further reported that a meeting was held with DEQ two weeks ago to update the agency on the Cell 3 lined situation and to also outline the proposed steps for addressing this issue. The current understanding was that there was a mound of leachate in Cell 3 lined, which appeared to respond to precipitation events to some extent. The leachate collection system from underneath the cell was not working effectively. The landfill gas collection system was able to expel gas at a higher efficiency since pumping out some of the landfill gas wells. Surface water and groundwater did not appear to be impacted adversely by the situation. The amount of leachate that was currently being removed from the cell was being transported to the Moores Creek facility. An evaluation would be needed to determine whether pre-treatment would be required or whether a whole different treatment mechanism should be installed. The cap system also needed to be evaluated to determine the extent of the cap failure. A response plan would then be developed and made available for implementation in the event that instability within the cell was to occur.

Mr. McKalips asked if the Board had any questions on the information he presented.

Mr. Tucker asked if the reason the effluent was not as bad as maybe was anticipated was due to the dilution of the accumulated leachate from the rainwater that was entering from the top of the cap.

Mr. McKalips felt that was possible to an extent, but what had been observed elsewhere at the site, specifically related to the chlorinated compounds, was that the constituents were being found in what potentially could have been source areas before they entered the groundwater where you have a much greater extent of dilution. The consultants were not seeing those concentrations that would indicate an impact to the leachate.

Mr. O'Connell inquired if what was being found in the accumulated leachate was household garbage. Mr. McKalips responded that it appeared to be the case, but what had accumulated in Cell 3 lined had degraded over time due to the biological activity that occurred.

Ms. Mueller inquired if it were known when the cap failure occurred.

Mr. McKalips stated that they had no idea when the anomaly existed. The investigation had entailed observations over time, such as seeing green grass in the

ditches during the drought and bubbling of gas at ground surface during heavy rainfall events, which could now be probably interpreted as a result of the landfill gas system not operating effectively.

Mr. O'Connell asked what the implications would be if no action was taken to address this issue. Mr. McKalips responded that non-compliance could be the result as well as structural stability concerns, which Mr. Nesbitt would next address in further detail.

Ms. Mueller inquired if there were a timetable associated with the Cell 3 lined evaluation process. Mr. McKalips stated that the consultants would have a better understanding of the condition of Cell 3 lined in three to four months. Ms. Mueller further asked if there was a commitment that Cell 3 lined would be repaired.

Mr. McKalips replied in the affirmative.

Mr. Frederick added that during the meeting with DEQ, DEQ requested that a letter addressing the Cell 3 lined issue be sent to them within five days. In the letter, RSWA indicated that an update on the Cell 3 lined investigation would be presented at today's meeting and that Board direction would be requested.

In a worst case scenario, Mr. Gaffney compared the Cell 3 lined situation to a bowl that was filling up with the sides not being designed to hold that amount of liquid in place. He asked if his visual interpretation was correct.

Mr. Steve Nesbitt began his part of the Cell 3 lined evaluation by responding that the cell was designed as a three-sided bowl. The liner system, which was made of plastic and was slippery, had a built-in preferential plane of failure. There was a real potential for a sliding failure to occur through the waste along that liner. The failure potential was the function of how much waste was built up on that liner system because the water created a dragging force that could move the waste mass. Using basic assumptions since the strength of material varied, it had been calculated that the maximum tolerable height of liquid on the liner should not exceed 18 feet, which would result in a very tolerable short-term condition. Ultimately, the long-term goal would be to lower the liquid level as much as the design of the cell reasonably allows. There was an immediate need to reduce the amount of accumulated leachate down to the maximum height not to exceed 18 feet. In the long term, practically all the liquid would need to be removed to ensure the stability of the waste mass.

Mr. Graham asked what the height of the liquid mass was at this time. Mr. Nesbitt replied that it was approximately 50 to 60 feet.

Mr. O'Connell then asked how much water would be present to create the 50 to 60 foot height. Mr. Nesbitt stated that there could be as much as approximately

47 million gallons of liquid in Cell 3 lined at this time. There might be additional volume in Cell 3 unlined, which they have yet to investigate. He added that these were very preliminary assessments that were developed over a very short time frame.

Mr. Graham further asked if Mr. Nesbitt felt that on-site treatment was a viable option. Mr. Nesbitt stated that ultimately they hoped to be able to answer that question. At this time, the preliminary costs for hauling the liquid for the one cell represented \$700,000. There were probably some on-site treatment methods that could be more cost effective. Mr. Graham commented that with that volume of water it would take a tremendous number of truckloads to haul the liquid for treatment. Mr. McKalips added that preliminary calculations indicated there would need to be 2-1/2 truckloads an hour, 365 days a year, based on utilizing 5,000 gallon tankers to haul the liquid. Those figures were only Cell 3 lined, and the number could double if Cell 3 unlined was included.

Mr. Nesbitt further reported that Cell 3 unlined is an unknown area at this time. The stability of the lined area was evaluated first because the liner incorporated a failure plane. They were not satisfied with the stability of the Cell 3 lined area after testing the scenario and immediately began to develop methodologies for correcting the stability issue. The unlined area at this time has not yet been assessed. He felt that the stability in the unlined area would be greater and would not be as significant a concern because it did not have the liner system built in to act as a failure. The commitment was made that in the short term to immediately deal with the known situation in the lined area.

Mr. Gaffney inquired if the cap systems at the landfill were designed in a similar manner. Mr. Nesbitt stated that he felt both cells had the same kind of cap system.

Mr. Tucker asked if the liner was composed of impervious clay. Mr. Nesbitt stated that the cap was constructed out of geosynthetic clay liner (GCL), which was a manufactured clay product. The material was relatively thin with a high quality clay mineral called bentonite, which was sandwiched between two textile belt layers. When the clay material got wet, it swelled and became impervious to more water coming through the cap. For some reason, the liner did not appear to be functioning in that manner.

Mr. O'Connell asked if that type of liner typically would hold up under those conditions but for some reason was not working in that area. Mr. Nesbitt commented that GCL caps were widely used throughout North America, and for the most part performed well. He had issues with them with regard to dealing with cap extraction systems. As far as their ability to shed water and form an impervious layer, the caps had performed historically very well. They were used by many facilities as standard means of cell closure.

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Mr. Gaffney questioned if Mr. Nesbitt had looked at similar cap systems that had failed and studied why they had failed to see if they were comparable to what was occurring at Cell 3 lined. Mr. Nesbitt replied that that although this had not been done, this would be part of their investigation process.

Mr. McKalips added that they contacted the staff person at EPA that had the most expertise with regard to GCL caps. It had been explained that the liners were placed on the cell similar to laying out carpet in strips overlapped by 6 inches and layered between bentonite clay material to act as a seal. The cap system was designed to accommodate the settlement of the waste mass that could be expected over time. The concern was that a disproportionate amount of liquid would settle underneath the cap resulting in structural instability and eventually failure of the cap system.

Ms. Mueller asked when Cell 3 lined was closed. Mr. McKalips stated that the closure of Cell 3 lined and Cell 3 unlined occurred in 1998.

Mr. O'Connell inquired if there was some type of blockage in the cell that was preventing the leachate from draining properly into the leachate collection system. Mr. Nesbitt responded that the cap system appeared to be leaking, and in addition, at the bottom of the cell where the leachate was drained in a controlled manner, there appeared to be some type of blockage or obstruction.

Mr. McKalips added that Mr. Mark Brownlee and his staff had gotten Roto-Rooter to attempt to open up the drainage lane in the cell. Initially they were able to remove some of the water, but the stream of water coming out stopped on its own. They observed through their camera that there were scrapes inside the pipe but were unable to determine the reason for the water stoppage. Ms. Mueller asked if the reason was due to their inability to insert the camera all the way to the end of the cell. Mr. McKalips stated that was his understanding. Mr. Brownlee explained that Roto-Rooter was 120 feet from the manhole, and their camera was not able to see down to the end of the pipe. It appeared that the pipe was sheared, but in order to get a clearer picture, the area would need to be dug up. He did not want to disturb the area until he received further guidance from the consultants. Ms. Mueller inquired if further exploration of that area was planned in the future. Mr. Frederick stated that the trash was located in that area, and it was felt at this point that disturbing the waste mass should not be attempted until the stability of the structure was determined. Mr. Nesbitt added that it would be a mistake to conduct a repair at this time since you could initiate movement of the mass.

Mr. Nesbitt continued his presentation by stating that MPI was developing a protocol with ESI for safe removal of the liquid. The first step would be to use immediate extraction to remove as much of the liquid as possible, which would be augmented with additional leachate recovery walls to maintain the integrity of the structure during this process.

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Ms. Mueller asked how long would it take to extract the liquid and would it depend on how the leachate was treated after removal. Mr. Nesbitt stated that the limiting factor was the treatment process.

Ms. Anne Bedarf commented that Mr. Graham Simmerman with DEQ has expressed preference for on-site treatment as the long-term solution, recognizing that it would be a timely process.

Ms. Mueller inquired if MPI was predicting that on-site treatment was the recommended solution, would this be an on-going process since we could never go under the cell to reinstall a collection point for the leachate collection system. Mr. Nesbitt stated that once the liquid was removed, he envisioned that the rate of removal would be customized to match what the cap permitted. Depending on the long-term scenario, once the cell was “buttoned-up” and the cap improved, the leachate rates would be quite small. A cost-benefit analysis or life-cycle cost analysis would need to be done to examine the economics of installing an on-site system.

Ms. Mueller stated that the numbers being presented today for the Cell 3 lined investigation, not counting the “to be determined” costs, appeared that it could amount to as much as \$1 million that was not in the budget. Mr. Frederick responded that he could not state that it would not be that costly. RSWA’s mission, in addition to starting the leachate collection removal, was to quickly quantify the amount in the cell. Leachate samples have already been taken from the gas wells and were analyzed in RSWA’s laboratory with the assistance of Dr. Bob Wichser and Mr. Stuart Wilson. When the additional wells were drilled and leachate removal began, additional samples would be taken and analyzed to determine what type of systems were available to pre-treat or treat the waste on site. The consultants and RSWA staff will need to develop the finite plan and finite costs based on the data that that has been and would continue to be accumulated during the investigation process. RSWA would do everything possible to produce a cost-effective plan.

Mr. Tucker asked if his understanding was correct that the closure of Cell 3 lined was performed by outside contractors and not by RSWA staff. Mr. McKalips stated that the cap installation work was done by Erosion Control Systems, a company based in Florida, and would need to check if they were still in business. Mr. Frederick noted that the structural stability was the key driver in this process. All information collected during the investigation would be preserved, and if it were determined that there were any outside parties that had liability, the information would be presented to the Board for whatever action was felt to be appropriate.

Mr. O’Connell asked if the money currently held in escrow by DEQ were returned to RSWA, could it be used to fund this project. Mr. Frederick stated that it was his

understanding that there were no limits on how the money should be spent. When RSWA was required to provide financial assurance for post-closure activities, the Authority chose to put its money into DEQ's bank account. As the Board was aware, RSWA was pursuing a local government guarantee, which involved using the City and the County's financial position and their excellent bond rating as a guarantee. He understood that RSWA was receiving a lot of cooperation toward submitting a new local government guarantee that he felt would be approved by DEQ. RSWA could then request that the \$3.4 million held in escrow be returned to the Authority. Once RSWA had met all of its requirements, he would do everything possible to have the money returned in an expedient manner. He would not be able to give an exact date when that would occur since it would depend upon the amount of time DEQ would need to review the matter. Ms. Mueller asked if the process would be assisted by DEQ's knowledge of the Cell 3 lined situation. Mr. Frederick added that this issue would be brought to DEQ's attention.

Mr. Tucker commented on Mr. Krueger's e-mail that related to pursuing the \$11,000 that was held by DEQ for the Transfer Station permit and using those funds for the Cell 3 lined work. He felt Mr. Krueger agreed that it would require an amendment to the Resolution that the Board of Supervisors and City Council approved a few weeks ago. He felt that due to the long process involved and the urgency of the Cell 3 lined issue, it might not be worth pursuing the return of that money at this time. Mr. Frederick agreed that if the pursuit of those funds would delay the efforts at Cell 3 lined, the matter should be handled as a separate action.

Mr. Tucker moved, which was seconded by Ms. Mueller, that the Board of Directors vote to authorize the \$34,600 in available professional services funds and a budget increase of \$488,200 to the FY 2006 Ivy Environmental cost center to execute the program outlined in the Board report for the Cell 3 lined investigation, and also authorize the Executive Director to execute task authorizations with Environmental Standards, Inc. under their existing contract with RSWA to provide professional services needed to execute the program as outlined in the Board report within the budgeted resources.

Mr. Gaffney clarified that the motion at this time authorized funding for the Cell 3 lined investigation without indicating a source for those funds. Mr. O'Connell asked if there were any funds available in the budget over the next 30 days to pay the \$34,600 for the professional services costs. Mr. Frederick pointed out that RSWA was going to be incurring expenses as forecasted, and the Authority started the fiscal year with essentially no reserve funds in the budget. Mr. Frederick stated that if it were the Board's wish to defer as long as possible the funding issue, it would require the City and the County's willingness to advance the next MOU quarterly payment schedule. Those funds could then be used for this project. Once RSWA received the money held in escrow by DEQ, the Board could decide at that point the funding source for the Cell 3 lined investigation. Concerning the \$3.4 million, he commented that it was sound business practice to hold funds in reserves

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to address future unexpected expenses. He also mentioned that the Ivy Transfer Station was reaching its capacity, and the Authority would be placed in the position of having to spend capital funds to address this issue so that those services could continue to be provided to the public. He felt it was fair to recognize those issues during the consideration of the funding source for Cell 3 lined. Ms. Mueller responded that the Board recognized those issues, but it would require the request of additional monies not included in the current budget from the governmental bodies. Mr. Graham pointed out that since the costs for implementing a solution for Cell 3 lined have yet to be determined, it would be a difficult to give a definitive request for additional funds at this time.

Mr. O'Connell stated that he felt was important to begin the work as soon as possible in order to gain a better understanding of the Cell 3 lined situation and determine the costs for implementing the solution. He then suggested that advancing the MOU payments would enable this process to move forward.

Mr. Krueger advised that RSWA had some legal duties to mitigate the problem. Once the problem had been identified and DEQ notified of the situation, RSWA needed to take whatever steps were necessary, within reason, to prevent further damage by reducing the water level in the cell.

Mr. Graham was not in disagreement with moving forward with the process and accelerating the planned MOU payments to keep RSWA solvent. He felt that a determination on future costs for this project would be needed before additional funding was requested from the City and the County.

After further discussion, the Board was in agreement that the motion be amended to include "with the understanding that the City and the County would accelerate their quarterly MOU payments." Mr. Frederick stated that RSWA would continue to monitor and revise current cash needs based on known expenses at that time and would coordinate this information through Mr. Graham and Ms. Mueller.

Ms. Mueller asked what impact a hurricane would have on Cell 3 lined. Mr. McKalips stated that based on observations to date, a three-day rain event would have more adverse affect than from rainfall received from a hurricane. Ms Bedarf added that DEQ had offered an example of Roanoke placing tarps over the cells as a temporary protection measure. RSWA would be pursuing that option further.

As there were no further comments or questions, the Board of Directors voted to approve Mr. Tucker's motion as amended to include accelerating the quarterly MOU payments to fund the first phase of the Cell 3 lined investigation. The motion was approved by a 5 – 0 vote.

In regards to **Item 6c, Contract Amendment for Malcolm Pirnie, Inc.**, Mr. Frederick stated that RSWA's agreement with Malcolm Pirnie, Inc. (MPI) was renewable on an annual basis. As had been done in previous years, RSWA was requesting a budget extension that would be necessary in order for MPI to continue to provide its services. Included in the Board report was a summary of the proposed tasks and cost estimates. Due to the additional work that would be required as a result of the Cell 3 lined situation, the proposed costs were higher than the previous year. The \$173,000 that was listed for Cell 3 lined engineering assistance was incorporated into the \$488,200 that was requested in Item 6b) and adopted by the Board. There would also be some additional Cell 3 lined work to be performed by ESI. Based on the Board approving ESI's multi-year contract, he was authorized to issue task authorizations for those additional services.

Mr. Frederick further stated that the proposed MPI budget also included \$5,000 for bidding the Landfill Gas Collection and Control System upgrade for Cell 2 unlined that had been discussed during previous meetings. RSWA planned to bid that item during the December – January timeframe. In terms of any construction phase administrative services, the Board had considered potential assistance from County staff. The item would not be addressed at this time as he felt the best approach for dealing with the construction phase would be for RSWA staff to hold discussions with the County closer to the time when these services would be needed.

Mr. Frederick also reported that the remaining \$117,000 was being proposed for Ongoing Post-Closure and Corrective Action Plan assistance, which included Bioremediation and Paint Pit support.

Mr. Gaffney asked if there were any other costs not listed in the budget. Mr. Frederick stated that with the Board action taken under Item 6b), the costs for all the items listed in the report were included in the budget.

Ms. Mueller moved, which was seconded by Mr. Tucker, that the Board of Directors vote to approve the contract amendments for Malcolm Pirnie, Inc. as outlined in the Board report. The motion was approved by a 5 – 0 vote.

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 Closed Meeting

There was no need for a closed meeting.

9.0 Adjournment

There being no further business, Mr. Graham moved the meeting be adjourned, seconded by Mr. Tucker. All members voted aye, and the meeting was adjourned at 4:15 p.m.

Respectfully submitted,

Mr. Gary O'Connell
Secretary - Treasurer