

RSWA BOARD OF DIRECTORS
Minutes of Regular Meeting
December 18, 2006

A regular meeting of the Rivanna Solid Waste Authority (RSWA) Board of Directors was held on Monday, December 18, 2006 at 2:30 p.m. in the Conference Room, Administration Building, 695 Moores Creek Lane, Charlottesville, Virginia.

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

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

Also Present: Mr. Kurt Krueger - RSWA Attorney, Mr. Tom Smith – Managing Principal with Robinson, Farmer, Cox Associates, 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, December 18, 2006 at 2:30 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. O'Connell, the Board of Directors by a 5 - 0 vote approved the minutes of the regular Board meeting held on Monday, November 27, 2006.

3.0 Executive Director's Report

There was no Executive Director's Report this month.

4.0 Items from the Public

Mr. John Martin, resident of Free Union, Virginia, commented that usually comprehensive annual auditors' reports were "dry as dirt," but an item in RSWA's report really "peaked" his interest. He felt there was a "multi-million dollar ambiguity" that maybe should be cleared up. On page 22 there was an entry for "Accounts receivable" in the amount of \$3,094,086 for 2006. Of that amount, \$2.63 million is due from the City of Charlottesville and \$400,000 from other various people. These reports should inform the public about the financial health of the Authority, but there was an "ambiguity" with the "Accounts receivable" figure. This situation has gone on for the past five years, and it was clear that the Mayor and the City Council were not going to pay this money. Mr. Martin felt it was also clear that the Board was not going to ask Mr. Krueger to enforce the collection of the money and maybe it was time to "write it off." It appeared that the Authority had done that on page 24 under "Operating Income (loss)."

Mr. Ed Strange, resident of Ivy, Virginia, next stated that he agreed with Mr. Martin's comments. The last time that the City of Charlottesville paid its Service Contribution Fee was August 30, 2001, which was well over five years ago. He was surprised that the City would take a chance with its credit rating by not paying the fee. Ultimately this issue would need to be resolved by City Council and not by the RSWA Board of Directors, who were "pretty well divided 50-50" on this matter. He then urged City Council to get involved. Although he heard that there was a "learning curve" for the new members, he did not understand why the process was taking so long. If City Council was not going to resolve this issue, then the Board of Supervisors would need to get involved as it was time this matter was resolved.

Mr. Gaffney thanked Mr. Martin and Mr. Strange for their comments.

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 Material Utilization Center
- 5c) Staff Report on Recycling Operations
- 5d) Staff Report on Environmental Status
- 5e) Change Order for Gas System Upgrade

Mr. Tucker moved, which was seconded by Mr. Graham, that the Board of Directors vote to approve **Items 5a), b), c), d), and e)** of the Consent Agenda. The motion was approved by a 5 – 0 vote.

6.0 Other Business

In regards to **Item 6a), Comprehensive Annual Financial Report – Fiscal Year Ending June 30, 2006**, Mr. Gaffney recognized Mr. Tom Smith, Managing Principal with Robinson, Farmer, Cox Associates, who would present this report.

Mr. Tom Smith stated that it was his pleasure to present RSWA's June 30, 2006 Comprehensive Annual Financial Report. This report was prepared in accordance with the guidelines of the Government Financial Officers Association, and for 14 years the Authority has received the Certificate of Achievement for Excellence in Financial Reporting for the format and content of its reports. Within the report there were opinions on the financial statements and on compliance with general purpose laws as required by *General Auditing Standards*, which were both "clean" opinions. This year's report included a revised statistical section that listed revenue capacity trends, tonnages, as well as other statistical information for historical analysis. In conclusion, Mr. Smith commended Mr. Wood and his financial staff for maintaining the records in valid order and stated that he would entertain any questions that the Board had on the audit findings.

Mr. Tucker commented that he would echo the comments made by Mr. Smith concerning the efforts of RSWA staff in the preparation of this report and maintenance of the Authority's financial records in an excellent manner.

As there were no further questions or discussion, Mr. Tucker moved, which was seconded by Ms. Mueller, that the Board of Directors accept the Comprehensive Annual Financial Report for Fiscal Year Ending June 30, 2006. The motion was approved by a 5 – 0 vote.

In regards to **Item 6b), Report on Enhanced Bioremediation at Ivy Landfill**, Mr. Gaffney recognized Mr. Phillip McKalips with Environmental Standards, who would present this report.

Mr. McKalips briefly summarized the activities related to the implementation of the first phase of the *In-situ* Engineered Enhanced Bioremediation (EBR) Program at the Ivy site. As required in the Corrective Action Plan (CAP), reports were submitted to the Department of Environmental Quality (DEQ) at the conclusion of the Phase I EBR Program that described the findings of the first phase and detailed the plans for implementing this technology throughout the rest of the site. These reports entitled Phase I EBR Final report and the Full-Scale EBR Design Report were submitted to DEQ in October 2006.

Mr. McKalips next discussed the Phase I EBR Final Report by reviewing the objectives of the program. The first objective was to identify a design of injection and observation wells that would allow the delivery of the substrate material and quantify the effectiveness of the program. The second objective was to develop a “recipe” of the substrate and microbiological material that would be introduced into the pilot area. The third objective dealt with how these specific materials would achieve the goal of allowing the technology to degrade the targeted chlorinated compounds in the groundwater. The final objective related to whether the performance monitoring accurately characterized what occurred during this process. In summary, the program met all the objectives within budget and within schedule.

Mr. McKalips further reported that the Phase I EBR Program found that the injection and observation system was effective, but some modifications in the substrate delivery methodology were identified that he would discuss in further detail during his review of the Full-Scale EBR Design Report. The substrate “recipe” seemed to work very well at allowing the native microbial cultures to degrade the chlorinated compounds. The non-native microbial culture, which was called *Pinellas Dehalogenation Enrichment* or PDE, did not appear to significantly add to the effectiveness of the degradation process.

Mr. McKalips then commented that the key to a successful program was to disperse the substrate materials into the groundwater. Due to the way the wells were constructed, the substrate material proved very effective in fractured bedrock as dechlorination occurred several hundred feet away from the injection site. The process was not as effective in the shallow aquifer found in the overburden materials due to poor transmission in those areas. Improvements to the substrate delivery methodology would be applied during site-wide implementation of the EBR Program.

Mr. McKalips next stated that in addition to the major targeted compounds, there were also two additional compounds detected that were not broadly represented at the site. Using the Phase I EBR Program site as a reference point, he noted on the map provided for his presentation the location of the compliance well where one of the compounds called 1,2-dichloropropane was detected. Although the Phase I EBR Program has not been effective in degrading that compound, literature suggested that it could be degradable under similar conditions using a

different microbial suite than what was present natively. The other compound was benzene, which was detected in the same area as 1,2-dichloropropane. It was hoped that benzene would be consumed as a carbon source. The substrate material being injected during the Phase I EBR Program was largely a source of carbon for the microbes to utilize. As the carbon being introduced begins to decline, it was anticipated that the targeted compounds would utilize the benzene as a food source. The benzene levels will be closely monitored to determine the effectiveness of this process.

Mr. McKalips then discussed the Full-Scale Design Report, which described how the EBR technology would be implemented at the other three areas of the site that had impacted groundwater. He pointed out those sites on the map, which included areas north and northeast of Cell 2 Unlined, to the east of Cell 2 Unlined, and to the west of Cell 3 Unlined. Significant modifications to the first phase have been made and will be utilized during implementation of the Full-Scale EBR Program. Vertical wells were installed during the first phase, which were designed to effectively remediate groundwater in fractured bedrock. Impacted groundwater in the sites to the east and to the west was located in the overburdened material and would be addressed in a different manner. In the west, the existing infrastructure for the Pump and Treat System (PTS) would be used as injection wells, which will provide a potential cost savings for RSWA. Because the operation of the PTS would interfere with the successful deployment of the EBR technology, the PTS would need to be discontinued. Since groundwater was fairly shallow on the eastern side, injection piping will be placed into a trench that will allow a broad focus on the saturated overburdened materials. To the north, the existing EBR injection well network will be expanded due to the physical constraints at that site.

Mr. McKalips next reported on another fundamental change that will be implemented during the Full-Scale EBR Program. The addition of the substrate in large volume batches during the first phase of the program did not appear to significantly impact the degradation process, especially in groundwater found in tight overburdened materials. The injection of the substrate during the Full-Scale EBR Program would occur on a continuous basis at a much lower volume so that there will be a greater impact over a period of time.

Mr. McKalips then commented on substrate injections that were being proposed for the center of the Ivy site, which was an optional area to remediate. The effectiveness of the bioremediation program depended upon the amount of contact time that the substrate material had with the targeted compounds. By injecting into the center of the site, the contact time is increased all the way under the waste mass out to the perimeter of the site. Hydrologically, the site has a groundwater divide in that area, which would be pulled to the injection site. The result would be the dispersment of the substrate material in all directions at the site by the use of a relatively few number of wells. This option is still being evaluated as to the best way to proceed in that area. Budget impacts would not be significant since the costs were already included in previous budget estimates.

Mr. McKalips concluded by summarizing the information he just presented. The Phase I EBR Program was very successful. Information learned during the first phase has led to modifications of the Full-Scale EBR Program. Some significant cost-savings avenues have been identified through this process. All the data has been submitted to DEQ, and his understanding from that

agency is that the reports are currently under review. He was hopeful that by the end of the year RSWA would receive written confirmation from DEQ that the review process has been completed and that any comments on those documents has been resolved so that implementation of the Full-Scale EBR Report can proceed.

Mr. McKalips next asked if the Board had any questions on the information that he just provided.

Mr. Tucker inquired if overall Mr. McKalips felt that the EBR Program was doing very well. Mr. McKalips responded that anyone he spoke to professionally about the Ivy site stated that it was a very complex site. Considering the tight overburden materials in fractured bedrock that the site presented, he felt that the program was working very well.

Mr. Frederick next provided some comments that he thought might address questions some members of the audience might have concerning EBR activities on the western side of the site. He stated that RSWA was proposing to remove one technology and simultaneously insert a new technology so that there would not be any gaps or lapse of treatment on the western side. The existing PTS would remain in operation until the date that the EBR Program was put into effect on that site. He further explained that the system currently in place, which entailed pulling out the water and treating it somewhere else, would be replaced by a system that actually pushed in the food that the bacteria needed for an *in-situ* solution. The two systems were incompatible and could not be operated at the same time. The new system has been tested on-site and found to be effective. The monitoring wells beyond the treatment area would continue to be sampled during this entire period.

Mr. O'Connell then asked Mr. McKalips to point out the location of those wells. Mr. McKalips pointed out the nine wells that were colored in light blue on the map. Mr. Tucker asked if the pumps would be pulled out of all of those wells when the Full-Scale EBR Program was implemented. Mr. McKalips replied in the affirmative and pointed out the areas that would be impacted.

Mr. Graham asked if it were correct that implementation of the Full-Scale EBR Program would not necessarily accelerate the remediation schedule at the Ivy site. Mr. McKalips stated that the data indicated that it might be possible to shorten the time frame, but he was hesitant at this time to give a definitive answer because it depended upon the effective dispersal of the substrate in order to degrade the targeted compounds.

Mr. Frederick added that RSWA did not intend to implement this program until written concurrence had been received from DEQ. If this concurrence is received in early 2007, RSWA might be able to begin implementing the Full-Scale EBR Program at that time.

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

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

RESOLVED that the Board of Directors of the Rivanna Solid Waste Authority enter into a closed meeting for consultation with legal counsel concerning a pending litigation matter as permitted by Section 2.2-3711.A.7 of the Code of Virginia.

By a 5 – 0 vote, the motion was approve and the Board entered into a closed session at 2:54 p.m.

ATTENDEES: Mr. Frederick, Mr. Gaffney, Mr. Graham, Mr. Alvaro Inigo – Litigation Attorney, Mr. Krueger, Ms. Mueller, Mr. O’Connell, and Mr. Tucker.

9.0 Resumption of Open Meeting

The RSWA Board of Directors Meeting was reconvened at 3:50 p.m.

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

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 2.2-3712.D 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, Mr. Gaffney called for a roll call vote:
Ms. Mueller – Aye, Mr. O’Connell – Aye, Mr. Gaffney – Aye, Mr. Tucker – Aye, and Mr. Graham – Aye.

10.0 Adjournment

There being no further business, Mr. Tucker moved the meeting be adjourned, seconded by Ms. Mueller. All members voted aye, and the meeting was adjourned at 3:51 p.m.

Respectfully submitted,

Mr. Gary O'Connell
Secretary - Treasurer