

RSWA BOARD OF DIRECTORS
Minutes of Regular Meeting
July 25, 2005

A regular meeting of the Rivanna Solid Waste Authority (RSWA) Board of Directors was held on Monday, July 25, 2005 at 2:36 p.m. in the Conference Room, Administration Building, 695 Moores Creek Lane, Charlottesville, Virginia.

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

Board Member Absent: Mr. Michael Gaffney.

Authority Staff Present: Ms. Anne Bedarf, Mr. Mark Brownlee, Mr. Bruce Edmonds, Mr. Tom Frederick, Ms. Mary Knowles, Ms. Kathy Ware, Ms. Randi Wescoat, and Ms. Jennifer Whitaker.

Also Present: Mr. Gerald Kirkpatrick and Mr. Phillip McKalips – Environmental Standards, 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. Robert Tucker in the Chairman’s absence on Monday, July 25, 2005 at 2:36 p.m., and he noted that a quorum was present.

2.0 Minutes of the 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, June 27, 2005.

3.0 Executive Director’s Report

Mr. Frederick stated that as reported in April, RSWA had submitted to the Department of Environmental Quality (DEQ) a community recycling rate of 28.9 percent for 2004, which exceeded the DEQ-established minimum rate of 25 percent. He was pleased to announce that DEQ had reviewed and accepted RSWA’s report without comment. RSWA was still awaiting notification from the Thomas Jefferson Planning District Commission (TJPDC) concerning the regional rate for 2004. TJPDC staff was contacted very recently, and they were not able to provide a regional calculation since Greene County had not yet submitted their report.

Mr. Frederick next referenced the cash flow issues that were detailed in the financial report prepared by Mr. Wood, who was not present at today's meeting due to being on vacation. RSWA did receive funds in July from the City, the County, and the University of Virginia based on the Memorandum of Understanding (MOU) payment schedule, which did provide RSWA with some working cash in the short term. He felt the key issue to address concerning RSWA's financial status dealt with the small amount of working capital available at the beginning of the fiscal year while MOU payments would be received and managed on a quarterly basis. It was expected that until revenues exceeded expenses, especially during the third month of the quarterly cycles, RSWA would continue to experience cash flow problems. The Board would be kept informed on RSWA's financial situation.

Mr. Frederick added that RSWA was working with DEQ concerning the financial assurance issue. DEQ had indicated verbally that the agency would not accept a local government guarantee with a moral obligation but would accept it without a moral obligation. Mr. Frederick had been in contact with staffs from the City and County concerning resubmitting the local government guarantee without the moral obligation. Once this has been done, RSWA would immediately request that all money held in escrow by DEQ be released to the Authority. Mr. O'Connell commented that it was his understanding that this item was included on an upcoming City Council agenda for action to be taken within the month.

Mr. Frederick also reported that a recommendation concerning the Paint Pit was included under "Other Business." He noted that although an increase in current operational costs for the next two to three years was being requested, the pilot study results suggested that the Soil Vapor Extraction (SVE) system was very favorable and exceeded expectations in extracting volatile organic chemicals (VOCs) from the ground. In the long term, the process should aid the clean-up of the Ivy site significantly by capturing the VOCs at their present location and preventing migration to the groundwater.

4.0 Items From The Public

Ms. Sally Thomas, member of the Albemarle County Board of Supervisors, commented on an item that had come before the Board on numerous occasions, which the public had come to call as "the gag rule." The Albemarle County Board of Supervisors passed a resolution two months ago requesting that "the gag rule" be lifted. In order for that to occur, agreement would also be needed by the City, County, and RSWA Board of Directors. Her intent was to bring to this Board's attention the request by the Albemarle County Board of Supervisors and hoped that when the other two boards were ready to consider this item, action would be taken on this issue. The public had sometimes felt that "the gag rule" might dampen their ability to participate in political campaigns. She was uncertain whether legal advice would have upheld their view. She felt that since it was no longer necessary, there was no reason for upholding the rule. She also felt it was a

negative factor that Rivanna did not need and hoped the Board would consider lifting “the gag rule.”

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4.0 Items From The Public (cont.)

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Mr. O’Connell asked Ms. Thomas if the resolution was sent to the City. Ms. Thomas stated that it was the Board of Supervisors’ intention, but she did not know if that was done.

Mr. Tucker asked Mr. Krueger to provide his legal perspective on this issue. Mr. Krueger pointed out that although it had been called “a gag rule,” it really was a rule that was agreed upon by the plaintiffs who settled the lawsuit with RSWA to not oppose the Authority’s application for a new Cell 5 along certain parameters. He felt it was really a “no opposition” rule.

Mr. O’Connell inquired if his understanding was correct that given there was no active Cell 5 permit, the plaintiffs would be free to discuss all matters concerning the landfill. Mr. Krueger responded affirmatively.

Mr. Tucker thanked Ms. Thomas for her comments.

5.0 Consent Agenda

Mr. Tucker 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
- 5e) Amendments to Personnel Manual
 - 1. Military Leave
 - 2. Substance Abuse
- 5f) Citizens Advisory Committee
 - Approved Minutes of May 10, 2005 Meeting

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

6.0 Other Business

In regards to **Item 6a), Paint Pit Soil Vapor Extraction (SVE) System**, Mr. Frederick first recognized Mr. Gerald Kirkpatrick and Mr. Phillip McKalips with Environmental Standards, Inc, who were in attendance at the meeting. They had contributed significantly to this report and would be available to assist him in answering questions.

Mr. Frederick reported that when the Corrective Action Plan (CAP) was approved by DEQ last fall, RSWA had agreed as part of the CAP to pursue a soil vapor extraction technology for the Paint Pit. The system entailed sucking the vapors out

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6.0 Other Business (cont.)

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of the Paint Pit area, which in turn allowed the volatile chemicals that were located in that location to be treated. As specified in the CAP, RSWA would conduct some pilot tests to determine what types of constituents were removed from the ground through the SVE and confirm if these vapors could be connected to the existing flare at the Ivy facility.

Mr. Frederick further stated that the pilot tests were performed this spring. The positive side of the results from the tests indicated that there was a robust array of chemicals that could be removed using the SVE technology, which worked better than what had been forecasted. The negative side was that the existing flare at the Ivy site was not designed to handle the types of chemicals that were being extracted from the Paint Pit area.

Mr. Frederick next reported that the project was put on hold until an alternatives evaluation could be performed to determine how to handle the vapors located at the Paint Pit. Environmental Standards, Inc., subcontracted with Brownfield Associates, who were specialists in this field, to conduct the evaluation and prepare a report that was summarized in the Board report. The options examined by Brownfield Associates were as follows: 1) piping into the flare; 2) piping into the flare and making modifications to the flare; and 3) a stand-alone unit designed for the specific purpose of treating those vapors based on the sample results. The first option was not being recommended as it was not practicable. Option No. 2 was possible to perform, but it would be more costly than a stand-alone unit. RSWA was proposing that a catalytic oxidizing unit, which was skid mounted and had a small square footage, be used for extracting the vapors at the Paint Pit area. The stand-alone unit was specially designed to treat the vapors that were identified during the Pilot Study and could be placed next to the Paint Pit area. An Air Quality permit from DEQ would be required with this option, which would add some time to the implementation schedule.

Mr. Frederick also commented that there was a balance of \$156,906.72 from the funds that were budgeted for Paint Pit remediation in FY 2005. The budget now being requested for implementation of the proposed stand-alone SVE system was \$170,100, which included consultant services, engineering work, and the Air Quality permitting process. Since the RSWA budget operated on a fiscal year basis and not on a five-year Capital Improvement Plan schedule, Board approval would be needed in order for the Authority to have access to the \$156,906.72 in carry-over funds. RSWA was proposing that \$100,000 in contingency for Ivy environmental work and \$23,600 listed under the Miscellaneous Engineering Consultants line item in the approved FY 2006 Budget be used to fund the balance of this project. The \$46,500 that was earmarked in the FY 2006 for Operations and Maintenance on the Paint Pit measures would not be used due to the time schedule for the Air Quality permitting process and could be applied toward the SVE system

as well. A request to increase the budget was not being made at this time due to the payment schedule having already been set for the City, the County, and the University based on the

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6.0 Other Business (cont.)

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adopted budget. Mr. Frederick cautioned that by implementing this funding strategy, there would be no remaining contingency to address unforeseen issues that might arise during the year.

Mr. Frederick added that with the proposed intra-fund transfers and the understanding concerning the contingency, the Board was being requested to authorize RSWA to move forward with the SVE system plan as outlined in the Board report.

Upon a motion by Mr. O'Connell, and seconded by Mrs. Mueller, the Board of Directors voted to approve the Paint Pit Soil Extraction (SVE) System as outlined in the Board Report and also authorized the intra-fund transfers of \$100,000 from Contingency and \$23,600 from the Miscellaneous Engineering Consultants line item, in addition to the \$46,500 that had been designated for Paint Pit remediation in the approved FY 2006 budget, in order to cover the entire amount of \$170,100 for implementation of this project.

Prior to the vote, Mr. Tucker commented that while the project budget would increase, RSWA would be receiving a better product over the long term.

Mr. Frederick stated that Brownfield Associates presented a very strong position in their report that by removing the vapors in the Paint Pit now, it would prevent the migration of the chemicals into the groundwater and should save money over the long term.

As there was no further discussion, the Board of Directors approved the motion by a 4 – 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 Mrs. Mueller. All members voted aye, and the meeting was adjourned at 2:51 p.m.

Respectfully submitted,

Mr. Gary O'Connell
Secretary - Treasurer