

RSWA BOARD OF DIRECTORS
Minutes of Regular Meeting
November 28, 2005

A regular meeting of the Rivanna Solid Waste Authority (RSWA) Board of Directors was held on Monday, November 28, 2005 at 2:52 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. O'Connell, and Mr. Robert Tucker.

Authority Staff Present: Mr. Mark Brownlee, Mr. Bruce Edmonds, Mr. Tom Frederick, Ms. Mary Knowles, Ms. Randi Wescoat, Dr. Robert Wichser, and Mr. Lonnie Wood.

Also Present: Mr. Chad Freckmann – RSWA Citizens Advisory Committee Chairman, Mr. Kurt Krueger - RSWA Attorney, Mr. Phil McKalips – RSWA Consultant from Environmental Standards, 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, November 28, 2005 at 2:52 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. Tucker, the Board of Directors by a 5 - 0 vote approved the minutes of the regular Board meeting held on Monday, October 24, 2005.

3.0 Executive Director's Report

Mr. Frederick first provided a brief followed up on an item not included in his written Board report last month but was mentioned during the meeting pertaining to the Planning District's regional recycling rate for 2004. RSWA had just been informed by the Thomas Jefferson Planning District Commission (TJPDC) that they had received correspondence from the Department of Environmental Quality (DEQ) indicating that the region had failed to meet the 25 percent target for the amount of solid waste that was recycled within the communities. When the regulations were enacted requiring that each government entity throughout the state submit a solid waste plan, the City of Charlottesville and Albemarle County decided through RSWA to participate in a regional approach with the Planning District. Regional approaches were also strongly recommended by DEQ. The region would be in compliance with DEQ's benchmark figure if just RSWA's reported recycling rate for 2004 of 28.9 percent was used. When RSWA's recycling rate was averaged in with the other localities in the region – Fluvanna, Greene, and Nelson Counties – the current rate for the region was 24.1 percent according to DEQ. Mr. Frederick noted that DEQ's letter was addressed to the TJPDC and not to RSWA, the City, or the County. The letter stated that the Solid Waste Plan for the region could not be approved until a very specific plan on how the

RSWA Board Minutes

3.0 Executive Director's Report (cont.)

November 28, 2005

region would achieve compliance with the 25 percent DEQ benchmark within two years was developed and submitted within a modified plan.

Mr. Frederick next reported that during his exploration of other options, he had submitted questions and also had face-to-face discussions with DEQ officials in Harrisonburg last week. No information conveyed to him by DEQ would strongly lead him to persuade the Board at this time to separate from the region if it were still the Board's pleasure to participate in a regional approach. It was his understanding from those discussions, along with feedback received from individual Board members, that DEQ did not plan any enforcement in situations where an individual locality was in compliance but would be listed by DEQ as not compliant by remaining in a region. DEQ also assured him that RSWA's continued participation in the region would not result in any enforcement actions, conditions, or delays on future permit requests related to the Corrective Action Plan (CAP) or improvements to the Cell 3 issue at the Ivy site. DEQ actually encouraged RSWA to remain a part of the region because of the Authority's strength in this area as compared to the other participating localities. DEQ felt that RSWA could be an "anchor" to assist those counties in terms of improving their recycling performance.

Mr. Frederick next stated that TJPDC had issued an invitation to all the localities in the region to participate in a series of discussions on how to modify the Solid Waste Plan. He felt this presented an opportunity to undertake a strategic plan for RSWA in conjunction with these discussions. With the Transfer Station at the Ivy site operating close to its capacity and also RSWA's continuing proactive efforts to address some of the issues at the closed landfill site, he had perceived a need for a strategic plan that could serve as a benchmark for RSWA's future direction. He wanted the plan to be embraced by both the City and the County and was seeking direction from this Board and the community as a means to target the study's approach. Mr. Frederick suggested that the Board consider as a goal for 2006 the development of a strategic plan for RSWA, and he would be open for further discussion on this issue.

Ms. Mueller asked if she was correct that Louisa County chose to drop out of the TJPDC region. Mr. Frederick replied that she was correct. Ms. Mueller then inquired if RSWA knew what Louisa County had reported as its recycling rate for 2004. Mr. Edmonds responded that he did not have their official numbers, but in calendar years 2003 and 2004, Louisa County and the Town of Louisa fell well below the 25 percent figure.

Mr. Gaffney questioned whether RSWA or TJPDC would be preparing permit applications pertaining to recycling issues in the future.

Mr. Frederick stated that TJPDC held overall responsibility with the concurrence of the members in the region for modifying the Solid Waste Plan that would incorporate specific steps on how the recycling rate would be increased. He added that although TJPDC had legal responsibility, the submission of an enforceable plan would not be possible without the support of the various members of the District. It would be all the

RSWA Board Minutes

3.0 Executive Director's Report (cont.)
November 28, 2005

members' responsibility to determine how the various programs were distributed and implemented.

Mr. Gaffney next asked if RSWA would then submit its Solid Waste Plan to the TJPDC. Ms. Mueller and Mr. Frederick concurred that the Authority was part of the Planning District, and one plan would be submitted through the coordinated efforts of its members. Mr. Gaffney further inquired if the responsibility to submit the plan would rest with TJPDC and not with RSWA as long as the Authority was a participant in the regional approach. Mr. Frederick replied in the affirmative. Mr. Graham also asked if the modified plan would be presented to each locality so they could have an opportunity to provide input during this process. Mr. Frederick stated that representatives from each locality were invited by the TJPDC to participate in those discussions, and a successful outcome was dependent upon the support of each of its members. From his perspective, RSWA programs could be embraced by other counties provided they "brought to the table" a representative share of the cost, but he had not received direction from this Board, nor was he seeking programs that RSWA would subsidize for the benefit of other counties.

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
- 5e) Personnel Manual Amendments – Performance Appraisals
- 5f) Proposed Revisions to the Section 125 Cafeteria Plan
- 5g) Proposed Schedule for the 2006 Board of Directors Meetings
- 5h) Cancellation of December 19, 2005 Board of Directors Meeting
- 5i) Citizens Advisory Committee
 - Approved Minutes of September 13, 2005 Meeting

Mr. Tucker moved, which was seconded by Mr. O'Connell, that the Board of Directors vote to approve Items 5a), b), c), d), e), f), g), h), and i) of the Consent Agenda. Prior to the vote, Mr. Frederick noted one correction to **Item 5e, Personnel Manual Amendments – Performance Appraisals**. On page D-6 of Section D – Compensation Plan and Administration, under 4.5. Unsatisfactory Performance, in line 3 a "greater than" symbol was inserted before the 1.75 figure and should be deleted.

In regards to **Item 5f), Proposed Revisions to the Section 125 Cafeteria Plan**, Ms.

Mueller asked for a quick explanation as to how the plan was revised to meet a new IRS

RSWA Board Minutes

5.0 Consent Agenda (cont)

rule change. Mr. Wood stated that Rivanna's Section 125 Cafeteria Plan did not include the current IRS rule change that provided a 2-1/2 month grace period following the close of the plan year during which participants would be allowed to incur expenses before forfeiture of unused account balances. Mr. Frederick added that when Rivanna's plan was written, it was based on IRS policy at that time. When the IRS rule change occurred, Rivanna's plan was revised to be consistent with IRS policy. As there were no further questions or discussion, the Board of Directors voted to approve the motion as amended by Mr. Frederick by a 5 – 0 vote.

6.0 Other Business

In regards to **Item 6a), Update on Cell 3**, Mr. Frederick recognized Mr. Phil McKalips from Environmental Standards, Inc.(ESI), who was in attendance at the meeting and would be available to assist during the discussion or answer any questions related to this item. He also noted that Ms. Anne Bedarf, who was also scheduled to be at the meeting, was not able to attend due to illness.

Mr. Frederick reported that RSWA had presented some situations that pertained to Cell 3 at the Ivy site at the August 22, 2005 Board meeting. At that time, the Authority's best guess was that a more complete plan could be offered to the Board in three months. After considering the issues and some of the discussions with DEQ as recently as last Tuesday in Harrisonburg, he felt that the final plan outlining RSWA's proposals to address Cell 3 issues needed to be extended until January 2006. Today's report was intended to give a progress update.

Mr. Frederick then stated that a Response Plan has been developed and was under final review by RSWA staff, which was an amendment to the Emergency Action Plan for the facility.

Mr. Frederick next reference page 2 of the Board report which summarized issues related to "immediate leachate removal." It had been indicated at previous Board meetings that leachate was being pumped from Cell 3 Lined via the gas extraction well when the leachate level in the cell rose up into the gas well. Since the gas well was designed to collect gas from the top half of the cell, it did not extend all the way down the cell and the leachate could only be pumped down to the level of the bottom of the gas well. To date, approximately 9800 gallons of leachate had been removed. It was a slow process due to the low hydraulic conductivity in the cell which caused the well to be drawn down quickly but refill very slowly. He felt it was important to note that the performance of the gas system greatly improved when the gas well was pumped down, which indicated that the gas system functioned when the well was not filled with leachate.

Mr. Frederick next discussed the evaluation of the leachate removal options. He stated that ESI's and Malcolm Pirnie, Inc. (MPI's) focus has been on Cell 3 Lined where there were greater structural stability concerns. Significant work on Cell 3 Unlined had not been done to this point. RSWA felt it was very important to keep DEQ informed during the evaluation of certain technologies and approaches so that

RSWA Board Minutes

6.0 Other Business (cont.)

November 28, 2005

any plan developed for the Board's consideration would also meet regulatory approval.

Mr. Frederick then discussed the two leachate removal options summarized in the Board report that were based on attempting to develop a reasonable timetable for bringing the water level in the cell down to about 18 feet, which was the level MPI initially set as the goal based on a structural evaluation. According to ESI, this could be accomplished by approximately 100 vertical wells or three horizontal wells. The horizontal wells could be drilled from the side near the bottom of the cell just above the liner. The liner was situated on the slope that corresponded with the original topography at that site and allowed for ease of maintenance. The horizontal wells were less expensive, and over the long term, had the promise of drawing the leachate levels down lower than the vertical wells. The operations and maintenance costs for vertical wells were higher due to the use of pumps that would require either permanent installation or temporary placement at the 100 well sites. At the November 22, 2005 meeting, DEQ expressed strong support for RSWA proceeding with the horizontal well option.

Mr. Frederick also reported that due to DEQ's favorable response to the horizontal well option at Cell 3 Lined, RSWA would like to utilize the same approach to Cell 3 Unlined and include those recommendations in the January report to the Board. The issues related to Cell 3 Unlined were somewhat different than Cell 3 Lined. There was no liner at the bottom of the cell, so the structural stability of Cell 3 Unlined was much greater. It was DEQ's perspective that if you left the higher liquid level in place over the long term, the water would eventually seep into the groundwater and would then need to be addressed through corrective action. It would be less expensive, and DEQ would view it more favorably, if the situation were addressed now, possibly through a leachate removal system similar to the horizontal option that was being recommended for Cell 3 Lined. Further investigation would determine if that was the correct assessment for addressing Cell 3 Unlined issues.

Mr. Frederick then commented that the landfill cap performance evaluation was nearly completed. Confirmation of the cap's permeability was currently under evaluation, but it appeared from preliminary feedback received to date from the laboratory that the cap was functioning well and its performance could not explain the reason for the high levels of leachate in the cell. Recommendations would be finalized and incorporated into the January report. It was not certain at this time whether recommendations related to improving the cap's performance would be needed until the evaluation process had been completed. Replacement of the cap would be a more costly proposition than those related to the leachate collection system.

Mr. Frederick also reported that MPI was evaluating three alternatives pertaining to the leachate treatment and disposal analysis. The first alternative under consideration consisted of two sub-options. One sub-option proposed the continued trucking of the leachate to the Moores Creek Wastewater Treatment

Plant for treatment. An increase in truck traffic would occur during implementation of the horizontal well option at Cell 3 Lined. The second sub-option entailed building a pump station, and through a force main, pumping the leachate to the Crozet Sanitary Sewer Interceptor. With that particular option, the pipeline route would run parallel to Broad Axe Creek and the Mechums River due to the topography of the land. It had been suggested that the pump station could also be used to pump wastewater from the VDOT rest area on I-64. Coupling the two projects would require that the preferred pipeline route be altered, which could increase the cost by about 50 percent and also increase operations expenses. If there was an interest in a joint project with VDOT, he would recommend that VDOT's contribution offer be of enough substance to make the project worthwhile to consider.

Mr. Tucker inquired if there had been any current discussions with VDOT concerning a collaborative effort.

Mr. Frederick stated that RSWA has had talks with VDOT to inform them of interest in this project and asked them to designate a contact person if VDOT wanted to pursue this discussion further. He was not aware if there had been any follow-up by VDOT with Rivanna's request, but VDOT had been made aware that this option was available.

Mr. Frederick then discussed the second alternative, which consisted of converting the existing lined leachate storage pond to provide aeration and biological treatment that would allow the liquid to be safely applied to the land at the Ivy site. It would be a closed loop system with no discharge to surface waters.

Mr. Frederick further reported that the third alternative entailed the operation of a "package plant" at the site with spray irrigation of the treated effluent in lieu of updating the leachate storage pond.

Mr. Chad Freckmann, RSWA Citizens Advisory Committee Chairman, asked if Mr. Frederick could comment further on the quality of the treated leachate at the Ivy site.

Mr. Frederick stated that the leachate underwent biological treatment which would make it acceptable for spray irrigations. MPI conducted the study, but since there was no representative from their firm at today's meeting, he would not be able to share more detailed information. Mr. Frederick felt that the water would have to meet state regulations in order to be used for that purpose. The existing lagoon would need to be retrofit in order for the leachate to be properly treated for spray irrigation.

Mr. Freckmann further asked if the treated water could be used for industrial purposes as opposed to potable water.

Mr. Frederick confirmed that the water would not be potable and that it would depend upon the type of industry as to whether it would be used for that purpose. Based on the County's land use regulations, he did not feel that there would be much promise for industrial use in that area.

Mr. Frederick then referenced the cost table located at the end of the Board report that was prepared by MPI on the treatment options. He noted that the increase in leachate would occur in a two- to three-year time frame and then would return to a normal level. Continuing to truck the material to the Moores Creek facility might be the best option. Operational and maintenance costs spread over a longer time period could overcome the higher capital costs of the other options, particularly with the uncertainty of fuel prices.

During the next two months, RSWA would continue to refine the findings of the Cell 3 evaluations. Feedback received from those in the community who had a strong interest with regard to any of the options presented during today's discussion, could be incorporated into the final recommendations if the comments were received in the very near future.

Mr. Gaffney asked if the schedule for the implementation of the horizontal well option would become clearer in January. Mr. Frederick replied in the affirmative.

Mr. Graham then inquired if air quality impacts were also studied during the evaluation of the spray irrigation option. Mr. Frederick responded that Mr. Graham raised a good point that air quality issues should be addressed further during the evaluation of this option to ensure that treatment is sufficient.

Mr. Gaffney next asked if the estimated liquid volume in the cell had changed as a result of these evaluations. Mr. Frederick asked Mr. McKalips to address this question. Mr. McKalips stated that original number had not been recalculated at this time. It would be his estimation that the amount of liquid would be considerably lower than the preliminary number. Mr. Frederick added that the liquid conductivity might indicate that there might be more water "bound up" in the solid waste material that might never be released.

Ms. Mueller inquired as to the other options for how the water entered the cell if the cap were determined not to be the problem. Mr. McKalips stated that hypothetically when the cell was open for 10 years, precipitation became entrapped in the underlying layers. Also, the leachate collection system failed sometime during the 10 years of operation.

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. Graham moved, and was seconded by Mr. Tucker, that the Board of Directors of the Rivanna Solid Waste Authority enter into a closed meeting for consultation

RSWA Board Minutes

8.0 Closed Meeting (cont.)

November 28, 2005

with legal counsel regarding specific legal matters with potential litigation with respect to an open account as permitted by Section 2.2-3711.A.7 of the Code of Virginia. The motion was approved by a 5 – 0 vote, and the Board entered into a closed session at 3:19 p.m.

ATTENDEES: Mr. Gaffney, Mr. Graham, Ms. Mueller, Mr. O’Connell, Mr. Tucker, Mr. Frederick, and Mr. Krueger.

9.0 Resumption of Open Meeting

The RSWA Board of Directors Meeting was reconvened at 4:15 p.m.

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

“**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 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 the 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 Rivanna Solid Waste Authority Board of Directors.”

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

10.0 Adjournment

There being no further business, Ms. Mueller moved the meeting be adjourned, seconded by Mr. O’Connell. All members voted aye, and the meeting was adjourned at 4:17 p.m.

Respectfully submitted,

Mr. Gary O’Connell
Secretary - Treasurer