

Region 2000 Services Authority

Region 2000 Services Authority Meeting Livestock Road Landfill May 13, 2015

2:00 p.m.

Minutes

Board Members Present

Steve Carter	Nelson County
Kim Payne.....	City of Lynchburg
Frank Rogers.....	Campbell County
John Spencer (for Aileen Ferguson)	Appomattox County

Others

Robert Arthur	Region 2000
Don Barnett.....	Campbell County Resident
Emmie Boley	Region 2000
Bill Carwile	Campbell County Resident
Gary Christie	Region 2000
Susan Cook	Region 2000
Robert Day	Campbell County Resident
Chip Dennis	Campbell County Resident
Bob Dick	SCS Engineers
Aziz Farahazard	DEQ
Clarke Gibson	Region 2000
Larry Hall.....	Region 2000
Jon Hardie	Campbell County Resident
Gaynelle Hart	City of Lynchburg
Bill Hefty	Hefty, Wiley, & Gore
Chris Keehan.....	DEQ
Hyunjin Michelle Kim	Campbell County Resident
Taeseong Kim	Campbell County Resident
Lynn Klappich	Draper Aden
Candy McGarry	Nelson County
Rosalie Majerus	Region 2000
Jason Reuter	News & Advance
Joshua Spence	Campbell County Resident
Robert & Nina Thompson.....	Campbell County Residents
Clif Tweedy	Campbell County
Carl Weiser	Campbell County Resident
Felicia West	Region 2000

1. Welcome

Chairman Kim Payne welcomed everyone and opened the meeting at 2:00 p.m.

2. Opportunity for Public Comment

Mr. Payne began the meeting with a Public Comment period.

Jon Hardie spoke of the failure to discuss a property protection plan for homes directly impacted by the landfill. He stated that residents are living with the negative impacts of odors, which are affecting their quality of life and property value, and formally requested that a property protection plan become a priority for the Services Authority. He urged Authority Board members to listen to the citizens who spoke at the public hearing, none being in favor of the lateral expansion.

Don Barnett stated that according to airport safety regulations, Region 2000 was required to notify the FAA of the proposed lateral expansion, but did not. Also, a letter of May 5, 2015 ignores the section of airport regulations that addresses the definition of bird hazard, meaning an increase in the likelihood of bird/aircraft collisions that may cause damage to the aircraft or injury to its occupants. As long as the Livestock Road landfill is operated, it will be a bird attractant and flights into and out of Lynchburg Regional will be adversely affected.

Taeseong Kim commented that he notices the odor from the landfill more than ever, and worries about significant health issues in the future. Studies have linked excessive numbers of prostate, bladder, and lung cancer to landfills.

Nina Thomas asked about the possibility of burning methane for fuel, rather than releasing it into the air.

3. Approval of the April 22nd Meeting Minutes

A correction to the April minutes was noted, in reference to the approval of the reimbursement resolution.

A motion was made by Steve Carter, and seconded by John Spencer, to approve the minutes as corrected. The motion carried unanimously.

Frank Rogers made the motion to approve the minutes of the public hearing held on April 22nd and acceptance of the comments received. The motion was seconded by John Spencer, and approved unanimously.

4. Financial Report

- a) Year-to-Date – Rosalie Majerus reported that the number presented in April for diesel has been corrected, bringing it back to the actual number. This is the only

change to the actuals. It did impact the cost of service because the expenses have been reduced.

- b) Discussion of Assignment of Excess Revenues (Host Fee) – Steve Carter had provided Board members information about the excess revenue issue. He asked that the Authority take a close look at this material and explore the validity of the excess revenue moving forward. He added that he would not be comfortable approving the FY 16 budget until this item could be discussed. Mr. Payne explained that the excess revenue could be addressed at a later date, as it wouldn't be distributed for another 14 months, at the end of the next fiscal year. Clarke Gibson responded, saying that this has been discussed with Draper Aden and Burns & McDonnell, and each issue presented by Mr. Carter will be looked at. He added that they would like to come back to a more detailed discussion. Kim Payne added that another issue addressed by Mr. Carter is a discussion of long range strategic planning for the Region's Solid Waste Management. He felt that this could be discussed at the same time as the excess revenue. At this time he stated that they would need to review original reports and the agreement going back to the beginning of the Services Authority.
- c) Approval of Proposed FY16 Budget – Clarke Gibson reported that there is no change in tipping fees. Member rate remains at \$28.75/ton, and business at \$38.75/ton. The contract rate will increase \$2.00/ton, to \$38.00/ton.

John Spencer made a motion, seconded by Steve Carter, to approve the FY 16 Budget in the amount of \$7,204,632. The motion was approved unanimously.

5. Analysis of FAA Regulations

Lynn Klappich explained that landfill rules were promulgated by the EPA, which are the prevailing regulations. However, the Authority is bound to look at the state regulations, which have to be equal to or more stringent than the EPA. Upon reviewing all regulations pertaining to the Services Authority, Lynn explained that within a section titled Limitation on Applicability it states that previous restrictions "shall not apply to the construction, establishment, expansion, or modification of, or to any other activity undertaken with respect to a municipal solid waste landfill if the construction or establishment of the landfill was commenced on or before the date of the enactment of this subsection, which is April 5, 2000." Lynn reminded the Authority that this landfill was originally permitted in the 70's, and the permit amendment was in the 90's. Therefore, looking at the restrictions in this light, we are not a new landfill and even as a modification, based on this federal code, the Authority is exempt from the six mile radius at this point. When DEQ issues the draft permit, they will notify the Virginia Dept. of Aviation. Our regulations do not require the owner of a landfill to do this. Ms. Klappich reported that they have notified the airport, and notified the FAA. The DEQ will notify the Virginia Dept. of Aviation when the draft permit is issued.

Ms. Klappich advised that everything that is required from a regulatory perspective has been met, and we are now in a holding pattern to see if any comments are received.

When questioned whether or not expansion onto the Bennett property would fall under these regulations, Ms. Klappich answered that she was told it would open up a different conversation.

As to allegations that Region 2000 is operating the landfill illegally in respect to FAA regulations, Ms. Klappich responded that she is not seeing that.

6. Update on Odor Control Contracts

At the last Board meeting, authorization was given to move forward with an odor investigation and mitigation pilot study. Bob Dick, with SCS Engineering, gave a progress report and status update on three major themes which are:

- 1) Odor Investigation
- 2) Landfill gas pump test pilot study
- 3) Odor product demonstration

Mr. Dick reported that the most immediate and likely to produce relief from malodors circumstances on and around the landfill is the collection and treatment of the landfill gas from the leachate cleanout. They are working with the Authority to assist with a fast-track approach to install this. Construction is scheduled for the beginning June. He will continue to look at the odor product demonstrations, and closed by stating that a mandatory gas collection system under either the Clean Air Act or the Solid Waste Regulations is not required at this time.

Kim Payne acknowledged that one week's monitoring may not be adequate to understand what could happen in the variability of incidence of odor, and may require monitoring over a longer period of time. He also advised that the City of Lynchburg is issuing an RFP, on behalf of the wastewater treatment plant, for land application of sludge up to 100% of the sludge.

7. Status of Lateral Expansion – DEQ – Permitting

Mr. Gibson reported that the permit application was submitted a little less than one year ago, and it has been reviewed by the DEQ. They have responded with several technical review comments. Draper Aden has answered those comments and resubmitted the application to the DEQ. DEQ has reviewed the response and issued a letter stating the permit application is technically adequate. The next step for the lateral expansion approval is for the Solid Waste Management Plan to be approved. DEQ will complete the draft permit and open a public comment period, probably in June or July. The will also hold a public hearing on the draft permit.

8. Vote on Amendment to the 2015 Solid Waste Management Plan

Kim Payne reminded the Board members that the resolution for major amendments to the Region 2000 Solid Waste Management Plan addresses the reversion of the City of Bedford to a town and withdrawal from the Services Authority, and approval of the lateral expansion.

Steve Carter made the motion to approve the resolution for major amendments to the Region 2000 Solid Waste Management Plan. A second was made by John Spencer.

The vote was as follows:

Kim Payne	Aye
John Spencer	Aye
Steve Carter	Aye
Frank Rogers	Aye

The motion carried unanimously.

9. Purchase of Wetland Mitigation Credits

Clarke Gibson reported that in order to permit the lateral expansion the Authority has to obtain a Wetland Mitigation Permit for a small area of wetlands totaling about $\frac{1}{2}$ acre. The permit was received from the DEQ on February 19, 2015. The condition of this permit is that the Authority purchase Wetland Mitigation credits from a Wetland Mitigation Bank. He has received proposals for this purchase from three different banks. The low bid was from Elk Island Bank Manager, totaling \$27,300.

The motion was made by Steve Carter, and seconded by John Spencer, to authorize staff to purchase the Wetland Mitigation credits, contingent on receiving the permit from DEQ to proceed. The motion carried unanimously.

10. Discussion regarding Long Term Strategic Planning for Regional Solid Waste Management

Kim Payne commented that the Authority Board needs to sit down to discuss longer term strategic issues related to the operations of the landfill here, and also for planning for regional solid waste management. Issues on his mind included consideration of a property protection plan, consideration of establishing a regional recycling program, discussion regarding a clear understanding of what it would take in terms of a time line and cost to locate and develop a new landfill site, preliminary discussion regarding potential for other localities to host a landfill, discussion on the consequences of no longer taking sludge at the landfill, and other solid waste management approaches. Also included would be discussion regarding excess revenue.

Frank Rogers endorsed the concept as a plan of action, and Kim Payne asked Clarke Gibson and Gary Christie to schedule a meeting in the next month or two.

11. Other Business

Frank Rogers expressed his gratitude to his constituents for sharing their concerns with him.

12. Election of Officers for FY 16

The proposed slate of officers for FY 16 was presented:

Proposed FY16 officers:

- Kim Payne, Chair
- Frank Rogers, Vice Chair
- Steve Carter, Treasurer
- Gary Christie, Secretary

The motion was made by John Spencer, with a second by Frank Rogers, to approve the FY 16 officers as presented, with Steve Carter's term as Treasurer effective May 13, 2015. The motion was approved unanimously.

13. Information Items

There being no further business, the meeting adjourned at 3:30 p.m.

The next meeting was set for July 22nd at 2:00 p.m., at the Livestock Road Landfill.