

## GUIDELINES FOR PUBLIC COMMENT AT RIVANNA BOARD OF DIRECTORS MEETINGS

If you wish to address the Rivanna Board of Directors during the time allocated for public comment, please raise your hand or stand when the Chairman asks for public comments.

Members of the public requesting to speak will be recognized during the specific time designated on the meeting agenda for "Items From The Public." Each person will be allowed to speak for up to three minutes. When two or more individuals are present from the same group, it is recommended that the group designate a spokesperson to present its comments to the Board and the designated speaker can ask other members of the group to be recognized by raising their hand or standing. Each spokesperson for a group will be allowed to speak for up to five minutes.

During public hearings, the Board will attempt to hear all members of the public who wish to speak on a subject, but it must be recognized that on rare occasion presentations may have to be limited because of time constraints. If a previous speaker has articulated your position, it is recommended that you not fully repeat the comments and instead advise the Board of your agreement. The time allocated for speakers at public hearings are the same as for regular Board meetings, although the Board can allow exceptions at its discretion.

Speakers should keep in mind that Board of Directors meetings are formal proceedings and all comments are recorded on tape. For that reason, speakers are requested to speak from the podium and wait to be recognized by the Chairman. In order to give all speakers proper respect and courtesy, the Board requests that speakers follow the following guidelines:

- Wait at your seat until recognized by the Chairman.
- Come forward and state your full name and address and your organizational affiliation if speaking for a group;
- Address your comments to the Board as a whole;
- State your position clearly and succinctly and give facts and data to support your position;
- Summarize your key points and provide the Board with a written statement, or supporting rationale, when possible;
- If you represent a group, you may ask others at the meeting to be recognized by raising their hand or standing;
- Be respectful and civil in all interactions at Board meetings;
- The Board may ask speakers questions or seek clarification, but recognize that Board meetings are not a forum for public debate; Board Members will not recognize comments made from the audience and ask that members of the audience not interrupt the comments of speakers and remain silent while others are speaking so that other members in the audience can hear the speaker;
- The Board will have the opportunity to address public comments after the public comment session has been closed;
- At the request of the Chairman, the Executive Director may address public comments after the session has been closed as well; and
- As appropriate, staff will research questions by the public and respond through a report back to the Board at the next regular meeting of the full Board. It is suggested that citizens who have questions for the Board or staff submit those questions in advance of the meeting to permit the opportunity for some research before the meeting.

The agendas of Board meetings, and supporting materials, are available from the RWSA Administration Office upon request or can be viewed on the Rivanna website(s)



**MEMORANDUM**

**TO: RIVANNA SOLID WASTE AUTHORITY  
BOARD OF DIRECTORS**

**FROM: THOMAS L. FREDERICK, EXECUTIVE DIRECTOR**

**SUBJECT: DISCUSSION - IVY MATERIALS UTILIZATION CENTER**

**DATE: OCTOBER 27, 2015**

Albemarle County representatives on the Rivanna Solid Waste Authority requested the Chair call this special meeting for the Board to discuss what should be RSWA’s role, or what options it should consider and not consider, regarding the County Board of Supervisor’s present deliberations on improvements the County may fund in order that the Materials Utilization Center can remain in operation and responsive to a DEQ Letter of Agreement with RSWA.

Staff provided options for an RSWA role in a memorandum for the January 27, 2015 meeting, which is attached as a refresher to initiate the conversation the County has requested. The options were presented on pages 3-5 of that memorandum.



**MEMORANDUM**

**TO: RIVANNA SOLID WASTE AUTHORITY  
BOARD OF DIRECTORS**

**FROM: THOMAS L. FREDERICK, EXECUTIVE DIRECTOR**

**SUBJECT: DISCUSSION - IVY MATERIALS UTILIZATION CENTER**

**DATE: JANUARY 27, 2015**

**Background**

As the Board is aware, the transfer station built on the site of the Ivy Landfill in 1998 is an outdated, outdoor facility in variance with the normal requirements of the Virginia Department of Environmental Quality (DEQ). DEQ has maintained the position that the transfer station is at best a temporary step between closing the Ivy Landfill and the building and operation within this community of a fully compliant facility. The 1998 facility remains in operation 16 years later with minimal added capital investment. In addition to the advanced age and poor condition of the infrastructure, the low tonnage brings limited revenue far short of what would be required to spread fixed costs to build a financially sustainable operation at reasonable tipping fees. RSWA staff has believed it should only remain open to the extent requested by the County and/or City coupled with financial support under a Local Government Support Agreement. In 2011 the City ceased to support the facility, but it remains open under a support agreement with the County through June 30, 2015.

The Board is also aware that in 2014 DEQ requested and RSWA accepted a Letter of Agreement (Attachment A) whereby RSWA would either close the facility as a transfer station by July 1, 2015 or provide a narrative plan with a milestone schedule by April 1, 2015 regarding how solid waste services at the transfer station would be improved to comply with DEQ regulations. Because the transfer station only remains open at the County's request, the responsibility for developing the narrative plan rests locally with the County, but RSWA staff has continued to provide advice and support to County staff.

**Albemarle County Plan Development Summary**

The County Board of Supervisors formed a Long Range Solid Waste Solutions Advisory Committee, supported by its staff, to assist in developing its plan. As its process developed, the County recognized its long range process would not be completed by April 1, 2015; therefore, they added an interim step to address the DEQ requirement. Two interim solutions have been developed: (1) downgrade the existing transfer station facility to a convenience center; or (2) install a roof canopy over the existing transfer station.

Convenience Center: With assistance from its consultant, Draper Aden, the County and RSWA staff have secured a commitment from DEQ allowing the existing transfer station equipment to continue to be used beyond July 1, 2015 as a part of a convenience center, however, under that option the transfer station permit would be surrendered and as a result two services now provided would be required to be curtailed: (i) acceptance of waste from haulers serving more than one property, and (ii) acceptance of animal carcasses, including those picked up along roadsides as well as farm animals. Several small haulers now utilize the transfer station.

Roof Canopy: Draper Aden has also developed for the County a second option that would install a canopy over the existing equipment to address the concerns regarding leachate caused by rainfall. Draper Aden has received communication from DEQ that the existing equipment could continue to operate as a transfer station (servicing small haulers and accepting animal carcasses) with a reasonable schedule to install this canopy as a part of the required narrative plan. Estimated cost of the canopy is \$130,000. Among discussions between County staff and the County Board of Supervisors is an option under which the County would finance the cost of the canopy and its installation.

Albemarle County further retained Draper Aden (DA), with Gershman, Brickner & Bratton (GBB) as a subconsultant, to explore options for building a new transfer station at the Ivy site. DA addressed engineering feasibility at the Ivy site, identifying both a “western option” and an “eastern option”. RSWA staff believes that the Board of Supervisors appear mostly interested in the “western option”, with a preliminary estimated total project cost of \$1.4 million (construction cost only with contingency was estimated by DA at \$1.153 million for the “western site”). GBB addressed the business issues, capitalizing on its extensive experience with developing solid waste business practices. GBB has expressed the opinion that the Ivy site is not the best choice for a new transfer station to serve all or significant portions of Albemarle County.

### **County Request to RSWA Board**

At its December 3 meeting, the Board of Supervisors discussed the “pros and cons” of building the roof canopy (which was the County staff recommendation) versus construction of a new transfer station on the “western site” at Ivy. To facilitate an opportunity to more fully develop the site plan for the possible “western site”, the Board also requested that DA determine whether there is any flexibility within DEQ to extend the April 1, 2015 deadline. An email exchange between DA and DEQ (Attachment B) was reported back to the Board of Supervisors on December 10, indicating there may be some flexibility from DEQ. Further, on December 10 the Supervisors asked for a special meeting of the RSWA Board of Directors (being held today). From RSWA staff review of the meeting podcasts and subsequent receipt from County staff of a written copy of the Supervisors’ December 10 resolution (Attachment C), it is RSWA staff’s understanding is that the Supervisors seek input from the RSWA Board of Directors on two key subjects:

- (1) RSWA’s interest in formally requesting an extension of the April 1, 2015 DEQ deadline (DEQ expects the formal request to come from the transfer station permit holder, which is RSWA); and
- (2) The initiation of discussion between County and RSWA regarding “organizational or management options” should the County, without support from the City, choose to build a new transfer station at Ivy and desire RSWA to operate it.

In addition to the two subjects identified above for Board discussion, the County has asked that as land owner RSWA provide permission for any new geotechnical work (all performed at County cost) that DA may require to more fully develop the “western site” plan. RSWA staff will be reviewing the County’s requests from a perspective to provide that permission, except to modify when existing operations and infrastructure may be compromised. My understanding is that the RSWA Executive Director already has the authority to support this geotechnical work without current authorization from the Board, but we can add this to the discussion as a third issue if any Board member has a concern.

### **RSWA Staff Guidance to RSWA Board on Discussion Issues**

#### *DEQ Time Extension*

With respect to the DEQ time extension, RSWA staff recommends the Board support the County’s request for RSWA as the permit holder to request an extension of the April 1, 2015 deadline from DEQ. Although the County is driving the planning process and its decisions, RSWA staff is offering support, and it is suggested this step would be a part of the support. With the Board’s consent today, we would immediately start that process. Before formally requesting the extension, it is suggested that RSWA request a face-to-face meeting with DEQ with attendance by one or more County representatives, to discuss the details of such a request. While DEQ will not formally rule before the request is formally submitted in writing, it is in everyone’s best interest to submit a request that DEQ is more likely to approve than not approve.

#### *Organizational and Management Options*

Several years ago the Federal Emergency Management Agency developed the National Incident Management System, which documented appropriate management and organizational practices for emergency response, taken from years of feedback from real incidents on what works and what does not. One of those practices is known as “Unity of Command”, defined as a concept where each individual has a single designated boss. In the case where an executive works for a Board of Directors, unity of command is still established provided that there is a single structure (by-laws) through which the Board clearly makes decisions as a governing body and not as multiple discrete individuals or potentially competing sub-groups of individuals.

It may be fair to say that the Rivanna Authorities already push the outer allowable limits of “Unity of Command” by asking an Executive Director and joint administrative staff to singly serve two separate Boards of Directors with two separate by-laws. It has generally worked because three of the seven members of each Board are always the same individuals by virtue of ex-officio appointment, the appointed Chair to both Boards has historically been the same individual, and both elected bodies have in most cases appointed a single representative to both Boards. Currently six of the seven RSWA Directors are also RWSA Directors. Furthermore, both Boards are established through Articles of Incorporation as being equally divided between the City and County, with the exception of the citizen Chair. In the case of the Chair, his/her appointment requires the approval of both the City Council and Board of Supervisors, maintaining the equal Balance between the City and County.

Staff is aware of some discussion at the County about the merits of reviewing the organizational structure of RSWA to explore methods by which the votes of the County representatives to the Board could be given greater weight than those of the City representatives for matters involving facilities built by or solely at the request of the County. Staff believes strongly that such efforts

would not only seriously violate the core principles of Unity of Command, but would also (i) potentially give rise to additional requests from Board members or citizens to “adjust” voting power with respect to other operations where the financial support of the City and County and/or use by City and County citizens was not “equal”, and (ii) result in greater ambiguity in expectations from Board members (either collectively or as subgroups or individuals) to staff that may result in degradation of employee morale and increase in staff turnover. This latter concern may be somewhat, but not completely ameliorated, by separating RSWA from the RWSA, and RSWA hiring a separate Executive Director and administrative staff; however, such an arrangement would undoubtedly result in increased costs to both Authorities.

*In engaging with the County on a discussion of organizational and management options, RSWA staff strongly recommends that the RSWA Board express its concerns with respect to any proposal which amends the governing documents of RSWA to weaken the principle of Unity of Command between Board and staff. Instead, if the County wishes to direct that a new transfer station be built and operated at the Ivy site, and the City of Charlottesville chooses not to be an active and equal participant, the following alternatives should be considered:*

*Alternative 1: Administration Directly by the County or an Agency Created Solely by the County*

This alternative assures the County that it will have complete control over the capacity, management, operations, maintenance, financing, and setting of fees for its new transfer station serving its citizens. This alternative provides better transparency between government and the citizens because the same unit of government that makes decisions on the solid waste services it will publicly offer its citizens is also responsible directly for implementing those decisions. To the extent the County does not presently have the appropriately skilled staff to perform this operation, it clearly has the legal authority to develop those positions and hire the appropriate skills. We assume that if the County operates a new transfer station, the current one will close, providing the County an opportunity to hire employees from RSWA with those skills and who would otherwise be seeking jobs elsewhere.

This alternative avoids the awkwardness of having a City Councilor, City Manager, and City Director of Public Works sharing fiduciary responsibilities through the RSWA Board for what would be a County program. It would also avoid appropriate County concerns regarding having a program it finances 100% being governed by a Board that is represented 50% by the City.

If this alternative is selected, there are some RSWA Board responsibilities (and RWSA Board responsibilities) that should be considered:

- If the site of the new County transfer station is on property owned by RSWA and does not interfere with RSWA responsibilities, the terms of any lease offered to the County should be fair and reasonable while also covering all of RSWA’s costs to prepare, negotiate and administer the lease.
- With a corresponding reduction in RSWA programs (cost centers) there will be lost economies-of-scale in administrative services, and the City and ACSA will need to accept a higher adjustment to the allocation of

administrative costs to RSWA programs and the City and County will need to accept a higher adjustment to the allocation of administrative costs to remaining RSWA programs (landfill remediation).

Alternative 2: Contract Operations by RSWA

If the RSWA Board believes it should engage in operating, or building and operating, a new transfer station for Albemarle County, and the County wishes to contract for that service, RSWA's responsibilities should be clearly delineated in a written contractual agreement between the County and RSWA for such services. Under this arrangement, the County would be required to perform sufficient upfront planning to specifically identify the services it wants, and its conditions or limitations, and any adjustments to services or service levels would need to be negotiated as an amendment or change order, much in the way that the County now contracts for certain services with other private sector or public sector agencies. Under this alternative, there would be no need to alter the organizational structure of RSWA or the voting or makeup of its Board of Directors.

Another advantage of this arrangement is that it could provide that RSWA hire the engineer for the design, and/or hire the contractor for the construction, as well as operation the facility, or RSWA role could be limited solely to operations after the facility is built, depending on the desires of the County. A part of operation could include weighing vehicles and collecting fees on the County's behalf. Staff would strongly suggest that the facility and service be recognized publicly as a County facility, since tipping fees and other charges would be set solely by the County (different from the existing transfer station, which was established when RSWA was still performing as a regional agency for both City and County), and all financial risks associated with costs (including debt service) over revenues, as well as any strategy attempting to increase revenue through increased tonnage, would be the responsibility of the County. RSWA would be limiting its services to what is defined by contract and would not be running its own enterprise for profit or loss.

With respect to financing, staff recognizes that the Board of Supervisors will need to develop a financial plan for building and operating a new transfer station before making a commitment to build the station, and it certainly would be required to produce such a plan if it chose to finance the construction through new debt. At this point it is not clear to RSWA staff to what extent the County intends to cover the costs of a new transfer station through user fees or how it is estimating the tonnage it will receive, and it is not clear to RSWA staff the extent to which the County will propose to subsidize costs through its other revenue sources. Staff recognizes that it may be called upon to provide assistance with historical and current data to County staff, but that the primary responsibility for the development of the financial plan should rest with the County.

This is a complex subject and staff is very willing to assist the Board with questions or advice during the discussion. I have also had conversations with Kurt Krueger in preparing this Board memorandum and he may also assist. If at any point he believes his advice may constitute legal advice which should be confidential, he may suggest a closed session.

### **Board Action Requested**

Staff recommends the Board of Directors extend an offer to the Board of Supervisors to assist in obtaining a DEQ extension, after first meeting with DEQ as outlined above.

Staff recognizes the issue of governance is the opening of a discussion with the County and not a final decision, but does recommend that the RSWA Board establish guidelines for staff for these discussions which exclude weighted voting or other methods that alter the balanced structure of the current Board between County and City, or the single, equal vote per Board member as currently stipulated in the governing documents.





# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

VALLEY REGIONAL OFFICE

Molly Joseph Ward  
Secretary of Natural Resources

4411 Early Road, P.O. Box 3000, Harrisonburg, Virginia 22801  
(540) 574-7800 Fax (540) 574-7878  
www.deq.virginia.gov

David K. Paylor  
Director

Amy Thatcher Owens  
Regional Director

May 27, 2014

Mr. Tom Frederick, P. E.  
Executive Director  
Rivanna Solid Waste Authority  
695 Moores Creek Lane  
Charlottesville, Virginia 22902

### LETTER OF AGREEMENT

Re: Ivy Materials Utilization Center  
Permit No. PBR132

Dear Mr. Frederick:

This Letter of Agreement between Rivanna Solid Waste Authority (RSWA) and the Department of Environmental Quality (DEQ), Valley Regional Office, sets forth the actions to ensure compliance with the Virginia Waste Management Act and Permit No. PBR132. By signing and dating the original letter, and returning it to this office by June 10, 2014, you agree to the terms of this Letter of Agreement. Please keep a copy of the signed letter for your records.

#### Background

Described below are the events leading to this Letter of Agreement:

RSWA owns and operates a solid waste transfer station, Ivy Materials Utilization Center (Facility), located at 4576 Dick Woods Road in Albemarle County, Virginia. The Facility is permitted under PBR132.

On March 25, 1998, RSWA submitted a Notice of Intent (NOI) to construct a solid waste transfer station.

The Facility was originally permitted as a temporary facility with the expectation from DEQ, RSWA and Albemarle County officials that the facility would erect buildings to house their waste management activities in about two years. It was also thought that the landfill would open an additional cell but lawsuits prevented that from occurring.

On December 30, 2013, RSWA submitted a NOI to close the Facility but recently communicated to DEQ that they would like to continue operating the transfer station until July 1, 2015.

The Facility is currently the only open-air facility of its kind in Virginia. As such, leachate is generated when precipitation contacts the solid waste during storm events. Leachate is currently collected and sent to Rivanna Water and Sewer Authority's Moore's Creek Plant for Treatment.

On February 25, 2014, a meeting was held at Rivanna Water and Sewer Authority's Moore's Creek offices to discuss the status of RWSA's Ivy Materials Utilization Center. In the meeting DEQ proposed entering into a Letter of Agreement with RSWA.

#### Agreed Actions

To assure compliance with 9 VAC 20-81-330 and 9 VAC 20-81-395, Rivanna Solid Waste Authority and DEQ, Valley Regional Office, agree that Rivanna Solid Waste Authority shall:

1. By April 1, 2015, either:
  - a. Submit a NOI to close the Ivy Materials Utilization Center transfer station by July 1, 2015, or
  - b. Submit a written plan with a milestone schedule describing specific solid waste facilities to be built to upgrade or replace the current transfer station based upon decisions by the Albemarle County Board of Supervisors on the types of waste management services to be provided by the public sector within its jurisdiction in addition to those provided by the private sector, which may or may not be the same as services currently provided at RSWA's Materials Utilization Center. Such specific solid waste facilities may include upgrading the current transfer station, building a new transfer station, converting the current transfer station to an unregulated convenience center, building new convenience centers, or a combination of such facilities identified herein. The written plan shall state the proposed public agency responsible for building, upgrading, and/or replacing the described solid waste facilities, and may be the Rivanna Solid Waste Authority or may be the County of Albemarle, subject to compliance with DEQ

regulations regarding application by the proposed agency for any permits required. It is understood that the term "written plan" as used herein is a narrative plan and does not require the submittal of detailed engineering drawings prepared for construction by the April 1, 2015 deadline.

2. Continue to collect leachate from the transfer station and route to an appropriate wastewater treatment facility.

DEQ may take other enforcement action in the event Rivanna Solid Waste Authority does not act in accordance with this agreement, or new information or circumstances suggest that other measures are required to ensure compliance with Virginia statutes and regulations or to protect human health and the environment. If Rivanna Solid Waste Authority determines that it will not be able to complete the above actions by the agreed date(s), Rivanna Solid Waste Authority shall immediately notify DEQ. This Letter of Agreement becomes effective only upon your signing, dating, and returning the original letter by the date specified. This Letter of Agreement terminates automatically 12 months after you sign the original letter.

This Letter of Agreement is neither a case decision nor a fact finding under the Virginia Administrative Process Act, Va. Code § 2.2-4000 *et seq.*

Thank you for your cooperation. Please return the signed and dated original to DEQ by the date noted above. You can address any questions you have about this Letter of Agreement to Karen Hensley at (540) 574-7821 or at [karen.hensley@deq.virginia.gov](mailto:karen.hensley@deq.virginia.gov).

Sincerely,



Graham Simmerman  
Land Protection Program Manager

cc: Case File

Seen and agreed by Rivanna Solid Waste Authority:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Tom L. Frederick

\_\_\_\_\_  
Executive Director

## Katherine Karaffa

---

**From:** Simmerman, Graham (DEQ) <Graham.Simmerman@deq.virginia.gov>  
**Sent:** Monday, December 08, 2014 1:44 PM  
**To:** Lynn Klappich  
**Cc:** Doug Walker; Mark B. Graham (mgraham@albemarle.org); Tom Frederick; Williams, Justin (DEQ)  
**Subject:** FW: RE: FW: EMO - 14 1204 - Simmerman - Albemarle County - Ivy MUC - Questions - LPK-Draft

**Follow Up Flag:** Follow up  
**Due By:** Tuesday, December 23, 2014 4:00 PM  
**Flag Status:** Flagged

Lynn, below should address your questions.

1. If a new transfer station is to be constructed will it be permitted as a new Permit by Rule given that it is a new structure with a significantly different operation or will it be a major modification to the existing Permit by Rule?
  - a. If a new permit, how is public comment handled?
  - b. If a major modification, how is public comment handled?
  - c. The concern is the degree to which discussions with the local neighborhood must be addressed. My understanding is that either the major amendment or a new permit would require a public comment period but realized that there may be varying degrees of communication required.
- If the new Transfer Station is located on the same property as the existing TS, then we would process as a PBR design modification (keep existing PBR number). Almost all (if not all) PBR documentation under 9 VAC 20-81-410.A.2. would need to be submitted for the new TS building. Typically, public notice procedures under 9 VAC 20-81-410.A.3. would need to be completed prior to construction for the design modification. However, you may want to consider the applicability of the last sentence in Section 10.1.1408.1.b.5 of the Virginia Administrative Code which states "Any applicant which is a local government or public authority that proposes to operate a new transfer station on land where a municipal sanitary landfill is already located shall be exempt from the public comment requirements for public hearing and public notice otherwise required under this section" to your situation.
- If the new Transfer Station is planned at another location, then we are looking at a new PBR entirely and all submission requirements of 9 VAC 20-81-410.A.2. would need to be met. The public notice procedures under 9 VAC 20-81-410.A.3. would need to be completed.
- Thus, both would require the public notice procedures be followed. The entity seeking the PBR must address the public notice requirements and the Department does not provide comment since it must be completed to be deemed to have a PBR. The entity should appropriately address any comments as outlined in 9 VAC-81-410.
2. If the canopy is constructed, my understanding is that this would not be a major amendment but a site improvement. However, it would be good to confirm the "permitting" requirements for the canopy. Please confirm the VDEQ requirements for the canopy.
- No PBR Modification needed. While adding the canopy involves construction, there is no design requirement for a canopy in the Transfer Stations design standards of 9 VAC 20-81-330.B. Based on the [FAQs](#) that were developed, adding the canopy would be a design modification under 9 VAC 20-81-410.A.6. only if the design/construction would require a new P.E. design certification.

3. Given the desire of the BOS to make a careful decision on capital investments at the Ivy MUC in relationship to their long range planning and given that the draft report is anticipated in early summer 2015 would VDEQ consider an extension to the deadlines outlined in the LOA, knowing that the BOS is actively engaged in technical discussions on interim solutions (e.g. the canopy)? The suggested extension given the timing of the report would be to move the April 1, 2015 deadline to December 31, 2015 (based on submittal of the final report to BOS by 9/2015; BOS considers in 10/2015; County decision at first BOS meeting in November; RSWA to discuss and review at their 11/24/15 meeting; follow up internal discussions and negotiations; submittal to DEQ by 12/31/15.)
  - DEQ is willing to work with the Rivanna Solid Waste Authority and the Albemarle County Board of Supervisors as they move forward and make a decision. In doing so, a new Letter of Agreement would need to be executed to include the new milestones and progressive steps moving forward.
4. The County interprets the LOA to allow the existing transfer station to remain in operation beyond July 1, 2015 if the plan and milestone schedule is approved by DEQ, so long as the milestones are met, even though it may be necessary for practical reasons that the milestone dates extend beyond July 1 in order to practicably achieve the submitted plan. Is this interpretation correct?
  - This is correct assuming that a new Letter of Agreement is executed to reflect those milestones.

Given the desire of the County to encourage small business and to support the continued waste collection services by smaller businesses in the County (that may be impacted if the Ivy TS closes) and given the current May 27, 2014 letter of agreement requirements, could the RSWA be given a variance to the regulatory requirement that a convenience center only receive waste from a single property? One suggestion was that the RSWA could rescind the transfer station permit at Ivy but operate an "enhanced" convenience center that would handle single property waste disposal as well as the "mom and pop" small time haulers that currently collect from more than one property. A mechanism to screen these small local haulers has not been discussed with RSWA but it might be controlled through vehicle type not parent company.

The RWSA is always free to seek a variance under the regulations to the permitting requirements including those for a transfer station and the Department does not make a final decision on a petition prior to its submission. However, I should note that the variance procedures requiring a demonstration of hardship for meeting the standard and that the variance is equally protective. The Department would have obvious concern in providing a variance to entire scheme of a transfer station when the determining factor is whether is provided for individual generators. Additionally, any screening would be exceeding challenging. The RWSA has two options to pursue under the regulations one of which is a permitted activity and the other which is not; it would be difficult for the Department to enter a precedent of blurring those lines. As noted though, the Department would not and is not making any final decision and would not and is not absent a complete application.

Graham H. Simmerman, Jr., P.G.  
Land Protection Manager - Valley Region  
Virginia Department of Environmental Quality  
4411 Early Road, Harrisonburg VA  
Phone: 540-574-7865 Fax: 540-574-7878  
Email: [graham.simmerman@deq.virginia.gov](mailto:graham.simmerman@deq.virginia.gov)  
Website: [www.deq.virginia.gov](http://www.deq.virginia.gov)  
Mail: P.O. Box 3000, Harrisonburg, VA 22801

Albemarle County Board of Supervisors

December 10, 2014

*Agenda Item #13*

**Possible Motions for Board of Supervisors Consideration**

1. Contract with Draper Aden Associates for the following:
  - A. Conduct a high level evaluation and comparison of possible collection and transport system alternatives, including a transfer station at Ivy, with an estimate of capital and operating costs, for consideration by the Board of Supervisors no later than March, 2015. This evaluation should begin with review of previous studies conducted by the RSWA and the County.
  - B. As a part of the comparison of possible collection and transport system alternatives, immediately begin a detailed analysis of the Ivy MUC site specific to the construction of a new transfer station on one or more suitable locations on the property. Analysis should include an environmental assessment to determine site suitability and more detailed cost estimates for design, construction, and operations.
2. As a component of evaluating transfer station alternatives utilizing the RSWA site, immediately begin discussions with the RSWA on organizational and management options for the operation of future facilities.
3. Initiate a procurement process to hire a technical consultant to work with the Long Range Solid Waste Solutions Advisory Committee to consider comprehensive alternatives for a solid waste management program for the County.