



Town of Dumfries  
Council Meeting

Meeting Date: October 9, 2012

Agenda Item# XI - E

AGENDA ITEM FORM

**TYPE OF AGENDA ITEM:**

- CONSENT AGENDA
- PRESENTATION
- ACTION ITEM
- TOWN MANAGER & STAFF COMMENTS
- PUBLIC HEARING
  - Duly Advertised

**PURPOSE OF ITEM:**

- INFORMATION ONLY
- DISCUSSION ONLY
- DISCUSSION AND/OR DECISION
  - Introduction     Resolution
  - Ordinance       Grant/MOU
  - By Motion         Bylaws
  - Certificate

**PRESENTER:** G.M. Foreman

**PRESENTER TITLE:** Mayor

**AGENDA ITEM:** Potomac Landfill Options for Continued Operation

**BACKGROUND / SUMMARY:**

On August 21, 2012, Dennis Leake from Potomac Landfill Inc. presented to Council two choices for continued operation.

1. Current operations in accordance with Circuit Court of PWC VA Stipulation and Order dtd December 22, 1987
2. Allow for Vertical Expansion

**ATTACHMENTS:**

- Items not attached that were previously supplied in the packet from 9-4-12
- Letter from John H. Foote dtd July 23, 2012
- Potomac Landfill Inc, Concept for Vertical Expansion dtd August 21, 2012
- Potomac Landfill Inc, Map provided August 23, 2012

1. Letter from Dennis Leake dtd August 29, 2012

**REQUESTED ACTION:**                       NO ACTION REQUESTED

Potomac Landfill Inc's Request for Options for Continued Operations are proceedings, not negotiations. Negotiations would necessitate a mutual discussion and arrangement of the terms of a transaction or agreement.

As a business entity within the Town of Dumfries, Potomac Landfill Inc's Request for Options for Continued Operations needs to be sent back to Potomac Landfill Inc. for further clarification. Potomac Landfill Inc's request is incomplete and needs to be chaired appropriately through Town Staff and the appropriate commission(s).

No additional consideration or action on Council's part should be taken until an appropriate document is provided from Potomac Landfill Inc.

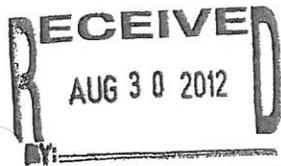
**FOR USE DURING MEETING**

**VOTE:**

PASSED

NOT PASSED

Y	N		Y	N		Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Brewer	<input type="checkbox"/>	<input type="checkbox"/>	Foreman	<input type="checkbox"/>	<input type="checkbox"/>	Forrester
<input type="checkbox"/>	<input type="checkbox"/>	Praino	<input type="checkbox"/>	<input type="checkbox"/>	Reynolds	<input type="checkbox"/>	<input type="checkbox"/>	Toney
<input type="checkbox"/>	<input type="checkbox"/>	Washington						



## Potomac Landfill, Inc.

3730 Greentree Lane \* Dumfries, Virginia 22026 \* Phone (703) 221-6308 \* Fax (703) 221-9572  
Operations: Phone (703) 690-6040 \* Fax (703) 221-4769

August 29, 2012

The Hon. Gerald Foreman  
Mayor – Town of Dumfries  
17755 Main Street  
Dumfries, Virginia 22026

Dear Mr. Mayor,

I write in response to your email of August 26, 2012. As I understand your request, you are looking for written assurance that if the Town agrees to permit vertical expansion, Potomac Landfill, Inc., will commit to what it has publicly stated. The Town quite reasonably doesn't want to pursue to a course of action only to find out that PLI didn't mean what it has said.

I think that John Foote's letter to Dan Taber of July 23, 2012, and my email to you and Mr. Taber of July 31, 2012, aptly summarize how PLI arrived at its offer to change the size of the landfill, and to advance the ultimate closing date. Consistently with those documents, PLI is willing to commit to those items that are set out in Mr. Foote's letter. Those are that:

1. The height of the upward expansion would be 310 feet and closure would be accomplished at the new height. It would not be closed at or near Lorton's 412 feet.

(I believe you are aware that we may currently landfill all of our 58 acres to a height of 195 feet and that our requested vertical expansion is only an additional 1/3 increase over currently permitted closure height.)

2. There would be no further lateral landfill disturbance and operations, and the limits of landfilling would remain at the existing 39 acres in use, and not the 58 acres authorized in the Stipulation and Order.
3. Final landfill closure would occur fifteen years from the date of necessary approvals by the Town and DEQ.
4. PLI property could be put to mutually agreeable development that, if the market dictates, could commence before the fifteen years have expired.

(Because we recognize that the Town can't commit to a rezoning of the property, we would anticipate entering into a joint planning effort with the Town over the next year or so to develop a mutually desirable approach to the future development of the area).

We think that the only way that this can be done in a satisfactorily binding manner is through minor modifications to the Stipulation and Order. Beyond changes in the 1987 Stipulation and Order that may be required to accommodate these commitments. We would expect that otherwise all restrictions and requirements that would be applicable to PLI's landfilling operations would remain as set out in the 1986 Town/PLI Site Grading / Erosion and Sediment Control Plan (as it might be revised to accommodate a vertical expansion), the substance of the 1987 Court Stipulation and Order, and applicable DEQ Regulations and Permits would continue. With respect to the E&S Plan, I would note that the Stipulation and Order may already accommodate necessary modifications to that Plan.

It is important to emphasize, as I have expressed to you in our conversations, that PLI is unwilling to agree to additional controls or limitations on its operations as a condition of vertical expansion beyond those that are applicable to its present operations. The requirements governing those present operations are well understood by PLI, the Town, and DEQ, and we would prefer to continue with lateral expansion if additional requirements for, and limitations on, our operations were anticipated as a condition of the Town's agreement. It is perhaps a cliché to say that the devil is in the details, but our commitment is necessarily impacted by our intention not to worsen our situation as we seek to improve cooperation and coordination with the Town.

If we have consensus on the above, then PLI will honor its commitments as expressed here.

Dennis Leake  
President  
SLCC