

**AT A SPECIAL MEETING OF THE DUMFRIES TOWN COUNCIL, HELD ON JANUARY 28, 2012,
AT 9:00 A.M. IN COUNCIL CHAMBERS, 17755 MAIN STREET, DUMFRIES, VIRGINIA:**

THERE WERE PRESENT: Mayor Nancy West
Vice-Mayor Willie Toney (arrived after roll call)
Dorothea Barr
Gerald Foreman
Kristin Forrester (arrived after roll call)
Michelle Jurgensen
Gwen Washington
Daniel Taber, Town Manager
Christine Sanders, Town Attorney

OTHERS PRESENT: Dennis Leake, President, Potomac Landfill
Burwin Reed, Vice President of Operations, Potomac Landfill

IN RE: CALL TO ORDER AND ROLL CALL

Mayor West called the meeting to order.

Ms. Jurgensen made the motion, seconded by Ms. Barr, to add citizen comments to the agenda.

Ms. Jurgensen suggested limiting comments to three minutes.

Ms. Sanders confirmed that standard practice has been to limit citizen comments to three minutes.

Mr. Foreman is all about allowing citizens time to talk about things on the agenda at all meetings. He wanted Council to understand that a precedent was being set by allowing citizens to talk about items on the agenda at every meeting and not just this meeting. He explained that Council has been firm about not allowing citizens to comment on agenda items for almost a year. This is a public meeting about the Landfill and he thinks citizens should be allowed to make comments; however, he wanted to make sure that Council understood that by allowing this, citizens could comment at any regular meeting about items on the agenda. He wanted to make sure that Council considered that a precedent was being set when voting on the matter.

Ms. Sanders advised that there is no requirement for citizens to be heard at any meeting; however, there is a right to attend. It is up to Council whether it wants to hear from the citizens.

Ms. Barr explained that the meeting was specifically called to discuss the Landfill. She pointed out the issue is near and dear to all the residents in the Town and has been for as long as she has been in the Town, which has been almost 20 years. She did not see how that had anything to do with a regular Council meeting.

Mr. Foreman respects Ms. Barr's position. If this were a public meeting where the public was going to address the Landfill, he would be on board with that. Council has public meetings that allow citizens to come and talk about all kinds of subjects. The Council at every meeting has an agenda with specific items to be addressed. He has no problem supporting this or any time a citizen wants to talk about any item on the agenda.

Mayor West noted that the reason for the meeting is to have a presentation from Potomac Landfill.

Ms. Forrester joined the meeting at this time.

Ms. Washington suggested that since this is an informational meeting, Council would definitely like to hear from the citizens, but maybe at another time. She mentioned having a contact signup sheet to let citizens know when the Council will meet to hear their concerns and those concerns can be directed to the information that is going to be presented.

The motion failed to allow citizen comments by the following roll call vote: Ms. Barr, no; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, absent; Ms. Washington, no; Ms. West, no.

Ms. Washington made the motion, seconded by Ms. Barr, that any citizen wishing to speak on the issue of the Landfill provide their name, address, and phone number, so that staff can contact everyone as to when the Council will be holding a special meeting.

Ms. Barr made a friendly amendment to add that the signup sheet be circulated today.

Ms. Washington agreed.

Ms. Jurgensen felt that if Council were to hold a special meeting about the Landfill that Council would be doing the same thing that is already being done. She advised that citizens could come to any Council meeting to discuss issues about the Landfill or any other matter.

Ms. Forrester agreed and did not know why Council would need to hold a special meeting if the citizens were not going to be given additional time.

Mr. Foreman noted the Council is holding a meeting on the Landfill, people are here to voice their opinion on the Landfill, and they are not allowed to talk. He asked if the motion on the floor is to hold a special meeting about the Landfill that will allow the citizens to comment.

It was confirmed that was the motion on the floor.

Ms. Barr noted the issue she had with the original motion, which she seconded, was that normally citizen comments come first. In this particular case, she felt citizen comments need to be after the presentation.

Ms. Washington asked if she could remove her motion from the floor.

Ms. Sanders confirmed that she could.

Ms. Washington removed her motion from the floor.

Ms. Barr removed her second.

Ms. Barr made the motion, which was seconded by Ms. Jurgensen, to allow citizens to comment after the presentation is made by the Landfill and to circulate a sheet for citizens to sign up with their names and addresses. The motion carried by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, yes; Mr. Toney, absent; Ms. Washington, yes; Ms. West, yes.

IN RE: PRESENTATION – POTOMAC LANDFILL – DENNIS LEAKE

Mr. Taber explained that the Potomac Landfill came to him over a month ago requesting to come before Council to appraise Council of the situation at the Landfill and address some issues with odors, etc.

Mr. Leake explained he was before Council because of a promise he made to Fred Yohey. He met with Mayor West on December 15 to discuss the various issues. He told her then that he would come before Council to explain what happened and what the Landfill is trying to accomplish. He went over the following timeline of events.

In August, there was a lot of precipitation. The way the Landfill works is that there are three cells. Two of them are not active now. The third is active and is a 25-acre cell that acts like a sponge. When rain comes down the moisture works its way through and comes out as leachate, which is captured in a system, treated, and later released. The Landfill was handling the rains until August 23 when the earthquake hit Virginia that started a series of events. Hurricane Irene came through on August 28 and 29 and then Tropical Storm Lee followed on September 9. This was devastating and from that point on the Landfill was in trouble. It was not just the three events and was combined with stormwater runoff from Federal, State, and the County's ditches that were put in to handle the runoff from Interstate 95 and Highway 234 that comes onto the property. Normally that runoff can be handled; however, the ditch on the side where Grayson Village is, in most places is about 15 feet, were full and running off into the catch ponds at the Landfill. Anything that goes into the catch ponds has to be treated as leachate and becomes a challenge. After the runoff from September 8 and 9, the roads on the west side of the Landfill were completely washed out; this left no way to move equipment. On September 9, while the Landfill was fighting these problems the Governor declared a State of Emergency. During that same week, the County decided to rehab the water tank that is located on the property of the Landfill. Although the Landfill asked that water not be released, the County started releasing water. The Landfill contacted the Department of Environmental Quality (DEQ), the Prince William County Sewer Authority (PWCSA), and the Town. On September 14, Mayor Yohey and the Interim Town Manager, Dan Taber, came to the Landfill for a tour and were primarily there to discuss alternatives to the Landfill. On that same day, it was decided to start pumping water out of the catch ponds onto the top of the Landfill knowing that this was a no-no and had not been given authority to do so. The thought was that if the water were not pumped off, the runoff coming in as fast as it was would wash out the catch ponds, and if those waters breached the pond, a wall of water like no one has seen before would have come down through Dumfries. This would have opened up another issue since Dumfries is in a Chesapeake Bay Resource Protection Area (CBRPA). The water would reach the Chesapeake Bay and the Potomac River, which would mean that leachate would reach those bodies of water and be a far more serious situation than just having to deal with odors. The Landfill knowingly pumped the leachate up to the top of the Landfill knowing that there would be an odor problem for what was thought to be for three to six weeks until equipment could get in with large amounts of dirt with a high concentration of clay to put on top to eliminate the odors. The Landfill thought that it was saving the Town from a far greater calamity than having to fight the odors for a while. It was a decision that was made that would be repeated again regardless of the punishment. In the middle of October, it appeared that things had dried out. One of the biggest misconceptions is that all

Landfills are equal and should be treated the same. Landfills depend on things like whether there are liners in the cells or if it is a grandfathered cell. The Landfill has two cells that are lined and were filled during more modern times when things were condensed with good compaction. Those two cells will cause minimal problems. Another cell was filled in the eighties and nineties that is a more porous cell. This was, back in the days, when stumps, brush, logs and concrete were just dumped in, then dirt would be placed over the top, repeated again the next day, and that was not compacted. That is where the idea came up that it would be feasible to go in and mine that area, because large pieces of concrete or wood could be dug up, ground to get better compaction, and do some recycling, which LEED and other governmental programs now encourage. Originally, the Landfill was in the salvage business and is now in the mining business. The very thing that makes it porous, and subject to what happened with the tremendous amounts of rain, on the other hand makes it a candidate for recycling, which is occurring now. The misconception is that the Landfill should be able to act and do the same things that others do. On the two cells, that is a true statement, but on the other cell that is not a true statement, and the Landfill did what it felt had to be done. There are people who would make the argument that there are different types of H₂S gas, hydrogen sulfide; however, the Occupational Safety and Health Administration (OSHA) and the Environmental Protection Agency (EPA) have spelled out what hydrogen sulfide gas is, which is commonly known as H₂S gas or sewer gas. Hydrogen sulfide gas is created in various ways. This gas is created at the Landfill by gypsum board or wallboard that gets wet. With that exposure, it creates a rotten egg smell. If there is raw sewage or farm waste and it reaches a certain concentration there will be a rotten egg smell, which is also hydrogen sulfide. Of these two types, one is controlled and the other is not. The one at the Landfill is controlled, there are things that can and cannot be done. Certain readings have to be taken that dictate whether a release can be performed. On the sewer side, there is no control and is a non-controllable waste. There is only one H₂S gas and when the concentration reaches that of rotten eggs it can be coming from sewage or from what occurred at the Landfill. Compaction and sewage gas is something that the Landfill will be addressing for some time. A 25-acre cell that acts as a giant sponge with the water that came in, works its way down through it, and will take months to filter down. An occasional breakout might occur but the Landfill is required and prepared for that type of situation. The Landfill knows what odors it creates in Dumfries and will stand behind what is happening. The regulators let the Landfill know when things are not being done properly by announced and unannounced inspections. If the regulators think the Landfill is not doing something properly or something can be done better a notice of violation is issued, which is an allegation that something is not being done the way the regulators want it done. An opportunity is afforded to the Landfill to answer why it is being done that way and goes through a process, which may or may not end up in a consent order, or may or may not end up in a legal situation. A notice of violation was issued almost immediately on September 16. The Landfill is now working with DEQ to explain what occurred, that will either be accepted or not, and will go on to the administrative side that may or may not go into the legal process. The allegations that

are before the Landfill remain assertions without proof until they can be proven. The Landfill is an outside company that does not have a roof over its head. When 20 inches of rain falls, in the amount of time that it occurred, it will definitely have an impact. No one has been able to explain how a 5.8 earthquake in Louisa that shakes the Washington Monument so much it has to be closed down and does damage at the Washington Cathedral has no effect on sewer pipes or things that are underground. The Governor stated that there were massive amounts of damage done to the sewer pipes; however, no investigation has been done. The Landfill is actively monitoring the pipes and sewer mains in Dumfries. Readings are being taken and the Landfill knows exactly what parts per million are being released into the sewer system. The Landfill cannot release anything that goes above 10 parts per million into the sewer system. If the readings being taken are zero then why is the smell increasing in various manholes. The other side is why do the smells go down when parts of one or two per million are released. The Landfill is working with the appropriate people to answer some of these questions. An article ran in InsideNoVa that stated Dumfries had smells before the Landfill came and will have them when the Landfill is gone. Another one talked about the active and inactive septic systems out on Possum Point.

Mr. Toney joined the meeting at this time.

Mr. Leake was going to do everything in his power before he leaves this world to leave Dumfries better than he found it.

Ms. West noted that what Mr. Leake said was almost verbatim to what they spoke about on December 15. That was when she felt that it needed to be brought before Council.

IN RE: CITIZEN COMMENTS

Louise Waggy has been a resident of the Town since 1952. She was here before the Landfill, has been here with the Landfill, and hopes to be here after the Landfill. She has spent more hours than she can count in meetings about the Landfill. She moved into her current house in 1987 when the Landfill was created. When she moved in, the Landfill was a bunch of stumps and she was told they were filling in ravines. The Landfill has tried over the years to be a good neighbor and she gives them credit for that; however, there still are two major problems. One is the odor. She is embarrassed to have people into her home especially in the evening when the odor is worse. The second is the tremendous problem of dust. She has to have her house power washed at least twice a year. Although the Landfill is sprinkling and doing what it is supposed to, it is not working.

Charles Brewer pointed out that Council has the Potomac Landfill here to talk in closed session while the people in attendance want to hear what the Landfill has to say. He did not know why this information was not open to the public. He did not know what the secret was. There have been too many emails going around between Council members and the Town Manager. There has been too much business conducted behind closed doors. He asked that it be opened up to the public who elected Council.

Deborah Tuell Greaux is a 52-year-old hometown girl who grew up in Triangle. The smell was not here when she grew up. There has to be a solution and there is no, can we. This is deterring businesses that create

jobs and increase revenues. She begged Council to come up with a solution for the betterment of the Town. She did not know how this might affect her children.

Chris Caldwell, Caldwell Consultants, used to have an office in Liberty Village, but because of the awful smell, he moved his business further into Town. He had employees quit and it is detrimental to the Town. He was disturbed about what he was hearing about the catch ponds. He was here when Tropical Storm Agnes came through, which was a tremendous amount of water, that took down one of the Occoquan bridges. He was afraid to hear that the Landfill did not have the mechanisms to cope with a major tropical storm and possibly flooding out the Town. It does not sound like the Landfill is going to do anything except pump water back into the dump so the smell comes back again. He felt a study needed to be done to determine whether the catch ponds can handle the water. He does not see a lot of construction on Interstate 95 or Highway 234 that could cause the runoff problem that has been described. It has always been there for as many years as he has been here. This does not sound like a Prince William County or a Town problem, but a Landfill problem. The Landfill is making money and should be doing something to help the citizens of the Town and not making up excuses about the sewer and septic fields. The Landfill needs to make things right.

Gena Critchley drives a school bus up and down the roads when most people are in bed. She has a strong sensitivity to smell. She has students on her bus who have sensitivity to smells. She has heard of people moving because of the smell. She loves Dumfries, grew up in a similar small town in North Carolina, and stays here because of that. The smell does affect the citizens. She tolerates it because she likes living here. If something can be done about the smell, everyone would appreciate it, especially those with respiratory problems.

Ms. Jurgensen thanked the Potomac Landfill for coming and addressing the issues. She was grateful for the people who came and spoke up today. She was disappointed because she has heard things from people. She is here serving them as an elected official and sometimes she needs the support of the people too. In doing some research regarding the Landfill she learned that Delegate Jeff Frederick wrote to several elected officials at the State level back in 2004 that these odors have been present in the Town. The DEQ is referenced in the letter that Delegate Frederick wrote. She understood from the letter that DEQ issues the violation to the Landfill and then a negotiation process occurs. It is like getting a speeding ticket. One does not negotiate with the police officer to make the violation something less than a speeding ticket. DEQ has the authority to issue these violations and are the ones who are supposed to protect the citizens. She thinks that DEQ is the go between. The Town has to work with DEQ to help the Landfill do the best it can and not present more problems for the citizens.

Mr. Foreman read the following statement.

"This is about Expectations.

If you were a business owner and the Town was trying to attract your company to locating to Dumfries what would you think of Potomac Landfill? If you were a homeowner and lived in Town, what would you think of Potomac Landfill?

Economic Development means that anything we do in this town; Potomac Land fill is a part of it. Every business developer, business owner, and client is going to see, hear, feel, and smell the Potomac Land fill, as well as the resident.

What are you doing to promote Dumfries? Where do you fit into the re-emergence of this Town? Where does the Potomac Landfill see itself in 20 years?

The Town of Dumfries has not enacted stiffer environmental standards on the Potomac Landfill. The Town of Dumfries has not conducted regular inspections of the Potomac Landfill.

The Town of Dumfries has been a good neighbor, it needs to go both ways. We need to stop hearing from Potomac Landfill when there is a problem. We need Potomac Landfill's participation in planning for the future of the Town, not the Town planning around the future of Potomac Landfill.

The Town should not be lashing the fate of the Town to any single developer whether that be Mr. Singh, Mr. Campbell, or Mr. Leake. While Mr. Singh and Mr. Campbell have been talking with the Town about the development and their operations, Mr. Leake we need to have the same expectations from you.

Dialogue needs to be constant. Your plans and the Town's Plans need to fit together not be individual plans with a total disregard for the other. We are not mutually supporting each other's goal and we should.

This meeting today was about Expectations. Reasonable expectations. A standard of living for the residents of Dumfries and a standard of operation for a business."

Ms. Barr thought that if the Landfill had put out a release ahead of time about the migration of issues that created the emergency that perhaps several people here would have had something they could understand instead of waiting three or four months. She found what was said today to be very informative. In addition to the odors, which are sometimes so aggressive, it might be an issue to people's health. Something is going on that is more significant, it needs to be dealt with, and it has increased. This is not going away. Weather issues are getting worse. All of a sudden every time it rains, it is like a lake being dumped on the Town. There have been 63 small tremors since the earthquake in Louisa. This indicates that whatever happened has not finished and is trying to resolve it, which is not happening. So, in her opinion, expect something else to come. To hear that the catch basins are a concern, not to mention the whole water system, to the Town it is much more significant now. In moving forward, something significant needs to happen. She did not see how this could be accomplished without having better communication and it has to be forward thinking communication, rather than after the fact. Now she is more aware of how dangerous the Landfill is for the Town and she is scared.

Ms. Jurgensen advised that the odor was present before the Landfill and is still present. Rain or the earthquake is not causing the odor. She called the gas company out on December 25, 2010, because the odor was horrible. This was a cold day but it was not snowy or rainy. After all of this, and all the rain, the odor has

diminished a bit. She has noticed an improvement in the air quality. Whatever the Landfill is doing, continue doing it. She felt the Landfill would get more support from preventing it rather than reacting to it.

Ms. Washington agreed with Ms. Jurgensen's comment that the Town needs to work with DEQ in order to get some things done. She did not know a lot about what goes on at the Landfill in order to assist with how to solve some of the problems. She was concerned about the talk regarding the equipment that appears to be outdated. Normally when equipment is outdated, it means that the equipment needs to be replaced. Why is the Landfill not looking into replacing this equipment if it is not working properly? She has lived around two different landfills before. The landfill in Virginia Beach that had no odors and she thought it had something to do with the number of businesses there, the fact that it is a resort city, and Virginia Beach was not going to have it. In Petersburg, the landfill was located in a residential area and there were always problems. She felt that part of the discussion with DEQ needed to include whether there are different standards for landfills depending on its location. She asked how many notices of violation the Landfill has been issued and whether information of how the violations were resolved are open to the public.

Ms. Sanders advised that there were representatives from DEQ in attendance if Council wished to hear from them.

Thomas Faha, Director of the Northern Regional Office of DEQ, introduced Richard Doucette, DEQ's Land Protection Program Manager for landfills. He advised that the recent Notice of Violations (NOV's) were issued in August, October, and one in January of this year. The NOV's were for different citations of the regulations and the permit. The NOV's are alleged for landfills, sewers, or automobiles. The process is an administrative process. Negotiations are entered into and with any matter, there are going to be a differences of opinion. Both sides then negotiate out those details and facts. DEQ is in that stage with the Landfill now. Back in October, he told the Council he would not forecast how the matter would play out. His office issues several hundred NOV's during the course of a year. NOV's can result in Consent Orders, which may contain penalties, or a Letter of Agreement, and others nothing further will come of the matter. These details take a long time and the regulations are very thick, confusing, and not very intuitive. There are all different kinds of landfills. The Potomac Landfill is a construction, demolition, and debris (CDD) landfill rather than a municipal landfill, which have different regulations.

Ms. Washington asked if there were any guidelines for the type of equipment required when operating a certain type of landfill. In addition, when equipment gets old if there are guidelines requiring the equipment is updated to a certain standard.

Mr. Doucette advised that there are standards. All current and active operating landfills are required to get a solid waste permit. The Potomac Landfill's permit was updated in 2010. The permit contains an operating plan that defines how it will handle its equipment, machinery, covering up the landfill, addressing odors, and

other things that are normal business practice for a landfill. There are steps within the permit that require machinery, pumps, or anything like that be replaced if inoperable.

Ms. Washington got from the presentation that the Landfill has equipment available that is not able to handle situations like what happened with the last hurricane. She asked if that would not be a concern of DEQ's to see that the equipment is updated.

Mr. Doucette asked what type of equipment was being referred to specifically, whether that is a catch basin or a pump.

Ms. Washington advised the term used was cell.

Mr. Doucette explained that a landfill cell is an individual land unit that may or may not have a liner, which has a leachate collection system. The one area that Mr. Leake was talking about that has the problem is an unlined cell that does not have a leachate collection system. The 25 acres has no leachate collection system, was grandfathered in, and there is no requirement under the current regulations for one to be put in unless the intent is to remove all the materials to the base grade. If the Landfill comes back after that, they would have to put a new liner in.

Mayor West asked if the grandfathering was granted by DEQ or by action of the Council.

Mr. Doucette explained State Legislature grandfathered it in. In the laws and regulations, any facility operating prior to 1987 had to meet the requirements prior to that point which did not have the requirement for a leachate collection system. Any landfill that became active after that in 1992, when the regulations were changed, has to have a liner and a leachate collection system. The Department of Health's regulations were 12 pages long. Now the regulations are 200 pages long and require an agreement with the requirements that the EPA sets forth for Subtitle D, which is managing and designing a sanitary or CDD landfill.

Ms. Washington asked if there are different regulations based on where the landfill is located, whether it is in a business, resort, or residential area.

Mr. Doucette advised there are specific regulations for setbacks or where facilities are allowed to locate. Facilities are allowed to locate within 50 feet of a property line and no closer than 200 feet of a house. As part of the process for allowing landfills to operate there is a Part A application that is for citing landfills. The Potomac Landfill has a Part A that was approved in 1993. In that document, a local government certification form states the facility meets certain standards. The Landfill, because of the 1987 court stipulation and order with PWC, is using that document to supplement its application. The 1987 Circuit Court stipulation and order allows the Landfill to meet the criteria; however, if a new landfill wanted to operate anywhere in Virginia it would have to meet the requirements of how close it can be to a house, a stream, or drinking water well. There is nothing that states a landfill cannot be in a residential neighborhood or anywhere else for that matter. Part of it is zoning and part is regulatory.

Ms. Washington indicated that sometimes, even if a use is grandfathered in, as part of the community, it is best practice to make updates or changes that would make working and what is being done more effective.

Ms. Jurgensen asked if one of the violations was for the height of the Landfill.

Mr. Doucette advised there was a notice of violation in August dealing with the elevation of the Landfill.

Ms. Jurgensen asked if that was caused by the Landfill doing something and not caused by the weather.

Mr. Doucette explained that as part of the Landfill's Part A application the Landfill is allowed to go up to 195 feet above mean sea level as a final grade and it did go above that as described in the NOV.

Ms. Jurgensen asked where the debris was coming from that is being brought to the Landfill.

An individual in the audience advised that the materials were coming from Northern Virginia, parts of Washington, D.C., and parts of Maryland.

Ms. Forrester noted the discussion with DEQ has brought to light that the Town has to work cooperatively with the Landfill and that it has grandfathered aspects. Everyone wishes the Landfill would do things differently and everyone would like to enforce things differently on a number of businesses. The bottom line is that State law is not structured that way. Every violation has to be investigated and negotiated.

Mr. Foreman understands that the collection pond is grandfathered and the Landfill is performing within the law and environmental standards. He was hearing that the Landfill knowingly did something to save the Town, would do it again, and accept the violation. However, to then turn around and state there is a grandfathered pond that is a known source of an odor or a problem makes it hard for him to defend a position. This makes it hard to defend a position that the Landfill is a protectorate of the Town's best interest when a little money is not spent to make the standard of living better. He is torn. He can see from a business owner's point of view that the Landfill is trying to help. He had no doubt in his mind that the Landfill was trying, but the extra step needs to be taken to increase the standard of living in the Town.

Ms. Barr was thankful that the Landfill asked to have this meeting. She was provided with more information than before that has opened up more questions. She hoped that something positive will come out of all of this. She felt that more forward communication needed to be had.

Mr. Toney noted that it is clear that the Landfill has been trying to be a good neighbor. There are chemicals being used for the odor, there is noise, and dust. The bottom line is that there has not been a solution. He asked if there have been any studies or research done with other landfills to see what they do to mitigate these issues. He encouraged the Landfill to look outside the box while staying within the regulations. The Landfill influences the economic development and life of the Town.

Mr. Taber advised that during the last six to eight weeks the Landfill has been emailing him whenever there is an elevated smell.

Ms. Barr suggested using the blackboard to notify everyone.

Mr. Toney wanted to clarify that he never refused to meet with Mr. Leake.

Mr. Leake stated he was sorry that Mr. Toney was unable to meet with him.

Mr. Toney felt it was inappropriate to meet with Mr. Leake and that the meeting should be at a Council meeting so that all of his colleagues could receive the information at the same time. He would have met with Mr. Leake if the Mayor were not available.

Mr. Leake noted that new ditches were cut so the concern of water washing over the Town has been taken care of. The runoff from Interstate 95 and Highway 234 has been diverted to run along a place called the cannonball, so it does not go into the Landfill's ponds. He indicated that although one catch pond is grandfathered that does not mean that the Landfill does not have protection in place. He mentioned that back then the requirement was to be up to five feet of clay and there was no liner. Because there is no liner, it does not mean that all these bad things can happen. He turned the discussion over to Mr. Reed to speak about the grandfathered cell.

Mr. Reed explained that when landfills were approved by the Health Department and DEQ, and in the Potomac Landfill's case, a cell had to have five feet of compacted clay with a certain permeability. Later on after 87 and 92, it became a requirement to have a synthetic liner with a catch basin. The water that hits the Landfill migrates vertically through and becomes leachate. The leachate is pumped to a system, is treated, and then released into the PWCSA's sewer system. There are authorized ponds too. They are silt containment basins. Stormwater comes off the Landfill, goes through the ponds, silt and sand settles to the bottom, and the good water can go into the waterways of Virginia. In order to be proactive, when the Landfill had the heavy rains those ponds were protected by putting in leachate catch basins. Those basins are where the leachate was pumped from to the top of the Landfill to keep it from entering the ponds and possibly entering the waterways.

Mr. Foreman asked if the grandfathered pond was performing to the same standards as the newer ponds.

Mr. Reed advised that it was. He explained the ponds are designed for a 24 hour, 25-year rain event, which is estimated to be approximately six inches of rain. Those ponds are maintained to the specifications that DEQ put in the permit.

Mr. Foreman asked if the pond that does not have the liner is functioning to the same standard as the two newer ponds with leachate collection standards, etc.

Mr. Reed explained that the Landfill was set up for stormwater with two ponds. One pond is 1.4 million gallons and the other is a little over 900,000 gallons of water in the event of rain. Those ponds are doing fine and did their job. The Landfill had to set aside catch basins for the leachate to control it from entering the ponds and then subsequently into the waterways.

Ms. Barr asked how many catch basins there are and what the capacity is.

Mr. Reed advised that there are two catch basins. One is slightly over one and the other is a little over 900,000 gallons.

Ms. Barr clarified that there are two ponds and two catch basins.

Mr. Reed explained that they are the same. There are two ponds considered catch basins, filtration ponds, and during the major rain event, additional catch basins were dug to handle the leachate.

Ms. Barr asked how many additional catch basins.

Mr. Reed explained that two catch basins were built to take care of the leachate and have since been done away with. He explained that if another major rain event occurred the Landfill would be proactive and put in temporary catch basins to handle stormwater or leachate.

Ms. Barr asked how long it would take to put a catch basin in and why the backup was not left in place.

Mr. Reed explained that could be done but sometimes the backup is within the footprint of the Landfill and where trash could be put.

Ms. Barr advised that one of her catch phrases is that the time to prepare for an emergency is not when the emergency is happening.

Mr. Reed understood. Operations are now set up so that if a situation came up the Landfill has the amount of dirt that is needed to build additional basins or to dig additional basins.

Ms. Barr asked if the filtration ponds that have lining release water into the streams and rivers while the cell that does not have a liner releases into the sewer.

Mr. Reed explained that it does not and releases into the pond as well. He noted that they were talking about stormwater. Water that hits the top of the Landfill that does not touch trash, does not become leachate, can flow through any of the basins or ponds, and be released into the surrounding waters.

Ms. Barr understood the cells that water flows through the ground are being captured and turned into the sewer system.

Mr. Reed explained that would be for cells one and two that consist of 14 acres. The 25-acre cell was designed to depend on Mother Nature and the five feet of clay to clean any leachate that comes through.

Ms. Barr understood that cells one and two go into the sewer lines and there are three cells.

Mr. Reed confirmed that was correct. He explained the Landfill is now pumping cell three to treat the leachate for release into the sewer system. A permit amendment has been applied for to put in additional pumps to take care of the leachate in cell three.

Ms. Barr noticed on the PWCSA website that the Town's sewer system has a contract up for rebuilding or reconditioning. She asked if this had anything to do with what the Landfill is putting in the sewer system.

Mr. Reed advised that it was not. He noted the system is old and needs to be upgraded from time to time.

Ms. Jurgensen asked if the Landfill, or any of its businesses, applied for assistance from the State or Local government.

Mr. Reed indicated the Landfill had.

Ms. Jurgensen asked if the Landfill has heard anything back.

Mr. Reed advised no word has been received.

Ms. Jurgensen asked why the Landfill applied for the assistance.

Mr. Reed indicated the Landfill has spent hundreds of thousands of dollars coping with the situation.

Ms. Washington asked the Landfill to continue to investigate the causes of the odor and the dust since this seems to be the major concern of the citizens. Once those causes are found check with other areas to determine how they handled getting rid of these types of problems. She was certain that Dumfries is not the only area that has dealt with the problem and there is no reason to reinvent the wheel. Her understanding from the citizens is that they want to know that the Landfill is continuing to investigate where the odors and dust would be coming from and that there is a commitment that once that cause is found steps will be taken to resolve the issues.

Mr. Reed noted when he was hired in December of 2003 talks began with other landfills and are ongoing. In the last few weeks the operations manager has been to Atlanta, North Carolina, South Carolina, and Virginia. Talks occur monthly about odors and the Landfill works with two consulting/engineering firms. Calls are received daily from businesses that develop chemicals to cope with odors and businesses that build equipment.

Ms. Washington asked if any solutions have been found.

Mr. Reed thinks that some solutions have been found.

Ms. West has heard numerous citizens and Council members' state that the Landfill looms over Dumfries. She was concerned with the Landfill engulfing the Town. She has heard talk about going up instead of out. She wanted to hear what the Landfill planned with going up as opposed to going out.

Mr. Leake explained that what was discussed at the meeting with Ms. West was an alternative. The Landfill has not used the last 19 acres of the 58.4162 that are available. The permit process has been started to permit the use of those 19 acres. There is a chance to shrink the use of the 58 acres down to 39 acres by going up rather than going out. He became aware of this option after coming across some information about the Lorton Landfill getting a Special Use Permit from Fairfax County and can now go up to 412 feet.

Mr. Foreman asked the following questions, noting that they could be answered later. He suggested the Landfill making the Town, the community, part of its plan, and not a walk away.

- What is the 20-year plan?
- What is the Landfill going to look like when it shuts down?
- When is the Landfill going to shut down?

Mr. Leake indicated that those answers could be provided now. He wanted the citizens to know that the Landfill made the request to have an open forum to discuss the issues, as has been done, and a request to have a private session to discuss future development. Care needs to be taken about what is discussed in an open forum about future development because there are competitors who would try to take advantage of the situation if they were able to get information in advance. If any action were to be taken, it would have to be done in an open forum.

Ms. Jurgensen asked if the closed session discussion was going to be something unique that had not been heard, reported, or discussed before with Mr. Whitlow.

Mr. Leake explained that Mr. Whitlow was involved in some of the development opportunities, Mayor Yohey was intimately involved in the staging process, and it was Mayor Yohey's intent to come back and meet with various Council members to start another process.

Ms. West became aware of a discussion that Mayor Yohey was to have with her after his passing about project green tree and wanted to know if that could be discussed now or needed to be discussed in closed session.

Mr. Leake explained that was why the request was made to have a closed session.

IN RE: CLOSED SESSION

Ms. Forrester made the motion, seconded by Mr. Foreman, to convene into closed session. The motion carried and the following resolution was adopted by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, yes; Ms. Jurgensen, no; Mr. Toney, yes; Ms. Washington, yes; Ms. West, yes.

WHEREAS, the Dumfries Town Council desires to discuss particular subjects in Closed Session during the course of its meeting of January 28, 2012; and,

WHEREAS, the nature of the subject is the discussion concerning a prospective business or industry where no previous announcement has been made of the business' interest in locating its facilities in the community. The discussion of same in Closed Meeting is expressly permitted by Section 2.2-3711(A)(5) of the Code of Virginia, 1950, as amended.

NOW, THEREFORE, BE IT RESOLVED that the Town of Dumfries does hereby convene in Closed Session for the purpose(s) herein expressed pursuant to the legal authorities herein recited.

Ms. Forrester had to leave due to a prior engagement before coming back from the closed session.

Mr. Toney made the motion, seconded by Ms. Barr, to reconvene into open session. The motion carried and the following resolution was adopted by the following roll call vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, absent; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. Washington, yes; Ms. West, yes.

WHEREAS, the Town Council of Dumfries has completed its discussion in Closed Session, and now desires to continue its meeting in Open Session; and,

WHEREAS, each and every member of this said Council who votes affirmatively for the adoption of this Resolution does thereby certify that, to the best of his/her knowledge, only public business matters lawfully exempted from Open Session were heard, discussed, or considered during the Closed Session, and that the only subjects heard, discussed, or considered in said Closed Session were the matters identified in the Resolution by which it was convened.

NOW, THEREFORE, BE IT RESOLVED that the Town of Dumfries does hereby reconvene in Open Session at its meeting of January 28, 2012 and certifies the matters set forth in Section 2.2-3712(D) of the Code of Virginia, 1950, as amended.

IN RE: ADJOURNMENT

Ms. West announced that any Council members wishing to attend the Virginia Municipal League Local Government Day on February 9 needed to contact staff on Monday.

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Ms. Jurgensen moved, seconded by Ms Barr, to adjourn the meeting. The motion carried by the following voice vote: Ms. Barr, yes; Mr. Foreman, yes; Ms. Forrester, absent; Ms. Jurgensen, yes; Mr. Toney, yes; Ms. Washington, yes; Ms. West, yes.

Minutes submitted by

Approved by

Dawn Hobgood
Town Clerk

Nancy H. West
Mayor