

**AT A PUBLIC HEARING OF THE DUMFRIES TOWN COUNCIL, HELD ON SEPTEMBER 10, 2012, AT 6:00 P.M., IN COUNCIL CHAMBERS, 17755 MAIN STREET, DUMFRIES, VIRGINIA:**

**THERE WERE PRESENT:** Mayor Gerald Foreman  
Vice-Mayor Willie Toney  
Charles Brewer  
Kristin Forrester  
Louis Praino  
Helen Reynolds  
Gwen Washington  
Dan Taber, Town Manager  
Christine Sanders, Town Attorney

**IN RE: CALL TO ORDER**

Mayor Foreman called the meeting to order. Dawn Hobgood, Town Clerk, took roll call.

**IN RE: MOMENT OF SILENT PRAYER AND REFLECTION AND PLEDGE OF ALLEGIANCE**

There was a moment of silent prayer and reflection, then all in attendance recited the Pledge of Allegiance to the Flag of the United States.

**IN RE: POTOMAC LANDFILL'S REQUEST TO EXPAND ITS COMMERCIAL DEMOLITION AND DEBRIS LANDFILL OPERATION VERTICALLY**

Mayor Foreman opened the public hearing to citizen comments.

Mr. William O'Kelly Russell has had the Potomac Landfill (PL) as a neighbor for over twelve years, since 2000. In that time he has seen, smelled, and heard many different things coming from the dump, as many of the residents have in the Town and his neighborhood. He feels that expanding the dump, whether vertically or horizontally, is a very poor choice and a bad decision if the Town allows that. He realizes that the PL has tried to be a good neighbor and maintain the level of quality that is partly issued by the Department of Environmental Quality (DEQ) permit; however, the PL has been in violation of that several times over. In doing so, he did not believe that was a good track record in showing that they are doing good business for the Town. His first real issue with the dump goes back to 2006 at a time when they were moving soil around in an old patch and ran into an area where there was drywall. When drywall decomposes, you get hydrogen sulfide, a rotten egg smell. In following years, there have been issues with garbage being blown into the neighborhood, dust, and debris. The odors still exist today. He realizes that the PL has tried to take care of that and clean it up several times; however, it still presents an issue. There are also issues with the stormwater management. Stormwater that flows off the dump, leachates through the dump, at one point this failed and to rectify the situation the wastewater was re-circulated through the dump to try to deal with the leachate. A lot of that leachate was never

treated and was dumped directly into the watershed, which goes into the Potomac River and the Chesapeake Bay. The PL is in excess of the 195 feet permitted. If the PL is not granted the expansion, they will have to haul out over 260,000 cubic yards of debris. The average tractor-trailer carries approximately 10 to 18 cubic yards, which would require the PL to spend a lot of money. He did not feel that the PL has been a good neighbor for the Town. The Town has a long-term goal, and it states in the Comprehensive Plan, that the PL area is for recreation. He has not seen anything coming from the PL as far as a plan for an exit strategy. He knows that they have gone in, excavated, re-compacted what is there, which has created more air space in order to put more stuff in and try to stay within the legal limits. He has not seen an exit strategy that states where the PL will be in 20 years, this is how the dump is going to be closed, and this is what the PL will do for the Town. He mentioned any fines for the violations that the PL will have to pay go to the State and the Town is left with nothing. In short, the PL has not been a good neighbor to the Town and he did not see them being a good neighbor in the future. The use that the PL has is an industrial use that abuts to residential. As a neighbor, he did not want to see the PL exist.

Pete Singh owns property that abuts to the east side of the PL. He has owned the property for many years and he has seen the PL's management change. The current management is committed to improving the area as far as the smell is concerned; however, many times they fail, which has been documented, and the reason for the violation. He felt if they were good neighbors, they would adhere to the laws of the area as he and the other citizens who live in the Town do. Will the height have an impact? Yes, it certainly will. He discouraged allowing the PL to expand.

Ms. Washington moved, seconded by Mr. Toney, to close the public hearing.

Ms. Reynolds asked that Council wait five more minutes for comments.

Council took a five-minute recess.

The motion was rescinded to close the public hearing due to the notice having the time stated from 6:00 p.m. to 8:00 p.m.

Seeing no additional speakers Council took a fifteen-minute recess.

Mayor Foreman read the following email received from Melva Willis.

"I am a registered voter and have lived in the Town for almost 40 years. The reason I am sending you this email is that I am on vacation and not available to attend the public hearing concerning the PL.

As far as the PL, the Town needs to get control back. As I read the information on the consent order the Town has lost control in its ability to renegotiate any part of the order and DEQ has stepped in and we all know how much power DEQ has except to issue violations and fines.

So as I see it, we should approve PL's request to raise the level of the landfill. Ideally, the landfill has to be totally closed; however, if the Town can gain control again by giving them the additional height requested it would be beneficial to do so. This seems counterintuitive, but this is the only way the Town and you as our representatives can gain control again of a situation that has dragged on for years with no end in sight.

Additionally, do we really want a tire shredding facility as well as a landfill in our Town? I hope each and everyone on the Council will consider the seriousness of this issue."

Wally Hashimi, from Dumfries Nursery, was not happy with the proposal. He did not want Dumfries to become known for the landfill and not its history.

Jen Dix was the head planner for Prince William County (PWC) for all of the environmental issues. She is dismayed as to how this could have ever gotten this far in the process without having the PL correct the problems. This is a serious proposal. She has been affected personally because she lives a few blocks away from the PL. She has been in the hospital at least four times over the past year from severe asthma. All the doctors have agreed it is atmospheric, caused by what she inhaled where she lives. She hoped Council did not just consider the aesthetic but the actual hazard of children and the elderly. It is advisable to totally dismiss this effort and take consideration upon negotiating to purchase the landfill in order to properly govern it the way it should be with restrictions.

Seeing no other speakers Council took a fifteen-minute recess.

Seeing no other speakers Council took another fifteen-minute recess.

Seeing no other speakers Council took an additional fifteen-minute recess.

Mayor Foreman read the following email from Peggy Hamm.

"I am sorry that I could not be at this public hearing. I think there is a lot of issues at the landfill that the Town needs to look at besides the expansion of the landfill."

Seeing no other speakers Council took a fifteen-minute recess.

Grant Angel recently saw the article about the issue before Council on the landfill. He understood that the landfill was asking for a 310-foot expansion. He asked if the expansion of the landfill was before Council or just the height.

Mayor Foreman clarified that the PL already has an order that allows expansion.

Mr. Grant asked if after the PL expands on the current order whether a permit has to be applied for to allow an increase in height.

Mr. Taber understood that a permit has been applied for; however, DEQ will not review the permit until the current notice of violation has been resolved. The PL cannot expand out until the current violation is cleared up and the instrument for that is the consent decree. A draft consent decree is open

for comment for 30 days. If the consent decree is entered, it will remove the barrier and allow DEQ to process the request to go out. Council would have to agree for the alternative proposal to go up. Council has no control over the PL going out based on a 1987 PWC Circuit Court stipulation order.

Mr. Grant noted he has dealt with some odor issues but did not live close enough to have any debris issues. He thought it was somewhat strange that the PL would come to the Town and ask to go to 310 feet while at the same time being over the 195 feet. He asked if 310 feet meant 450 feet. The PL is not operating within the bounds of their permit. Let us be real careful about opening the door to another area that they would take liberty with to run it the way they want to. Once the landfill closes, it is the Council and the citizens at that time that are going to have deal with the implications.

Sam Harrison noted he has four lots outside the Town's limits but has a strong interest in the watershed management. He asked the Town to consider requiring the PL pay for some drilling and samples of groundwater. There is a battery of tests, about 350, used by the Environmental Protection Agency (EPA) certified laboratories. This will test all kinds of materials. He understood that the Campbell brothers originally ran the landfill, directly or indirectly, who were in the site engineering business, which meant that their business involved dumping materials from construction sites. He was not aware of any liners under the dump when it was opened, but testing is one of the ways to find out and get a benchmark that can be used later to measure the impact on groundwater and the watershed. Everyone knows the Campbell brothers, especially Herb Campbell, had Lee Lansing involved in doing work relating to draining the swamp, the wetlands, in order to convert the land for development. He felt that the Council and citizens of the Town in the future would like to have a benchmark. This will help to determine what impact the PL has had on the Town.

Seeing no other speakers the Council took a ten-minute recess.

Mayor Foreman moved, seconded by Mr. Brewer, to amend the agenda to keep the public hearing open for another eight minutes and move the discussion period to now. The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Mr. Praino, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes.

Mayor Foreman mentioned there are two more meetings where citizens can make comments. The September 18 work session and the October 9 regular meeting. No vote can be taken at the work session, but the PL discussion will be on the agenda. Citizens can also send in correspondence or emails to the Town Manager and Council.

Ms. Reynolds did not understand why Council was entertaining any discussions since the PL is not in compliance and have outstanding violations.

Mr. Taber explained that if the consent decree or any variation of it were made into a final decree there would no longer be any violations. He understood that this would not take place for approximately another 20 some days until the 30-day public comment period is over. He was hearing that Ms. Reynolds did not think that any discussions should occur until the decree is finalized.

Ms. Reynolds agreed.

Mayor Foreman recommended that Council review the consent decree, submit input to the Town Manager, and a letter will be submitted.

The public hearing was closed.

**IN RE:        ADJOURNMENT**

Mr. Brewer moved, seconded by Ms. Washington, to adjourn the meeting. The motion carried by the following roll call vote: Mr. Brewer, yes; Mr. Foreman, yes; Ms. Forrester, yes; Mr. Praino, yes; Ms. Reynolds, yes; Mr. Toney, yes; Ms. Washington, yes.

Minutes submitted by

Approved by

\_\_\_\_\_  
Dawn Hobgood  
Town Clerk

\_\_\_\_\_  
Gerald M. Foreman  
Mayor