



Region 2000 Services Authority
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Date: June 26, 2024, Regular Meeting Minutes

Members Present:

Chairman Frank Rogers, Campbell County
Susan Adams, Appomattox County
Greg Patrick, City of Lynchburg
Candy McGarry, Nelson County

Staff Present:

Alec Brebner
Sandy Dobyys
Clarke Gibson
Patti Lassiter
Bill Hefty
Nick Beasley

1. Welcome

Frank Rogers called the meeting to order at 2:06 PM.

2. Public Comment

There was no public comment at this time.

3. Approval of Regular Meeting Minutes, April 24, 2024

Frank asked for a motion to approve the minutes from the April 24, 2024, meeting. Greg moved to approve the regular meeting minutes of April 24, 24. Candy seconded the motion. The motion passed unanimously by voice vote.

4. Public Hearing for Tipping Fee Increase

Frank advanced to the agenda item for the public hearing for the Tipping Fee Increase. Staff was requested to give the board an overview. Clarke informed the board that at its last meeting, members discussed three scenarios and decided to hold a public hearing to consider the maximum tipping fee increase. The increase would set the market rate tipping fee at \$50.33. The purpose of this public hearing is to receive comment on the proposed increase.

The public hearing also addresses the emergency fee schedule. Due to an electrical storm, the scales went down and took several days to get back online. The stations are not allowed to estimate weights for customers, so the Office of Weights and Measures recommended that a standard be implemented. The fee schedule breaks down the cost based on size of trucks and would only be used in the event of an emergency.

After multiple requests for public comment and hearing from no one, the public hearing was closed.

The question was presented to staff by Susan about notification for the public hearing and how it was handled. Alec Brebner informed the board that the notice was published in the paper as required. Discussion ensued about disseminating this information to the public and the consensus was to give the public a personal notification. This is such an important issue regarding raising the tipping fee that is charged to the public and the board wants to be sure the public has as much notification as possible. They would like signs posted at the entrances of the landfill so that all customers are made aware of this proposal. This will give the public time to consider this issue and decide if they would like to comment at the next meeting.

Based on this discussion, the board decided to table this vote until the next meeting.

Much discussion ensued regarding the legal aspect of a public hearing, public comments, and advertising. Bill informed the board that it can close the public hearing and table the motion for now. Just because the public hearing is closed does not mean the board has to vote. Bill advised the board that they do not have to readvertise the public hearing in the paper because this public hearing would still be in good standing. It means that you can consider it again within the constructs of a meeting, but Bill advised not to go much beyond September. The concern is giving the public the chance to comment. Whether that is at a formal public hearing or public comment session doesn't matter but giving them the opportunity does.

Greg asked staff when they expected to have the information regarding the tipping fee projections. Clarke gave a brief explanation. Once staff had received communication an indication from the board seeking an expansion proposal, they began talking with consultants to develop a proposal. Part of that proposal includes an updated Pro Forma. This will take us through the entire life of the expansion. This draft is due for review by staff on June 28.

Greg expressed his concerns about a rate set by the board that is higher than what the updated Pro Forma might suggest. Bill commented that it is easier to go down than it is up.

Greg made a motion to close the public hearing for the tipping fee increase, to adopt the alternative fee schedule by vehicle type for use during emergent scale outages only, and to consider the tipping fee increase no later than the next regular meeting. Motion was seconded by Susan. The motion passed unanimously by voice vote.

5. Financial Report, FY24 Q1-Q3 & Fiscal Year 2025 Budget Consideration

Alec commented that there were no changes to the budget proposal since their previous meeting.

Greg asked for further information regarding the Rates per Tonnage table provided to the board, which shows public use landfills and their tipping fee rates. Greg wanted to know if all the landfills listed are open to the general public or private.

Clarke stated that yes, they are open to the public. Greg requested that the distance for a hauler, from our landfill to the other localities, be provided at a future meeting. This would allow us to see how our tipping fee compares to other localities based on distance and whether it would even be viable for a Lynchburg hauler to go to another location.

Clarke discussed the feasibility of a local hauler using another location based on the time it would take not only to travel there but also from an operational standpoint for the business having to schedule those pickups. Also, some localities might not be willing to take trash from Lynchburg haulers. Clarke commented that currently they know that county landfills would probably not be willing to accept haulers without some kind of mutual agreement.

Frank asked Clarke if he was still comfortable that the tonnage would be around 270,000. Clarke was confident in the projection and reported it is nearly down to pre-COVID levels. He wants to keep the projections where they are.

Greg presented a motion to adopt the budget of \$7,152,772.00 for FY25. The motion was seconded by Candy. The motion passed unanimously by voice vote.

6. Organization Reports

a. Director's Report

i. Odor Report

Clarke reported that he had received zero odor complaints. The last one received was March 6, 2024. The chair thanked staff for their diligence in working on this issue and the authority for their continued investment in compliance.

ii. Tonnage Report

Clarke restated that the tonnage report shows numbers pre-Covid and that at the end of June, the Authority will be close to its budgeted number.

iii. Future Planning

Clarke gave an update on future planning. Based on some conversations by the Campbell County Board that had been presented with a solid waste study, the Authority was asked to supply one final expansion plan based on all the criteria that had been compiled. Staff moved forward with the understanding that the Board of Supervisors wanted this plan to be provided soon. Clarke contacted the consultants to get started with the framework for the expansion, the engineering, the operations, and the Pro Forma.

SCS was included because of the gas extraction plan needed to address any odor issues. Clarke described the gas extraction system as the real “workhorse” of the whole odor system.

Greg asked if the extracted gas was for resale? Clarke shared that initially it was installed due to the odor issues; however, after a few years of operation, the Authority created an RFP for an energy project. The board received a proposal and has a contract with a company to develop, but this is on hold right now as an energy project. It will be included in the lateral expansion proposal to Campbell County along with projected revenues from the project. Greg asked if gas collection could be a potential funding source for closure/post closure. Clarke responded that yes, there is revenue to be had.

A brief discussion ensued about the initial RFP to take the gas and install a power plant. The plant would have generators on-site to generate electricity with an enclosed soundproof structure. To do this, the company started the permitting process with Campbell County. The Campbell County Board denied their special use permit.

As it stands right now, the project will change from electricity generation on-site to a renewable natural gas plant. The plant will have a compression station on-site.

Greg asked staff what Campbell County’s concerns were. Clarke listed odor, noise, and emissions as the main concerns. He restated how valuable the energy is in the landfill and it is being included as part of the proposal. The proposal is due to be received for review by staff this Friday, June 28th.

Susan asked how the lateral expansion plan addresses Campbell County’s expectations. Clarke informed the board that the plan calls for a 500-foot forested buffer around the entire landfill. The proposal will not exceed the existing elevation of what is there now. Discussion continued regarding Campbell County’s concerns and how best to help them understand how attractive it is to move forward with the expansion.

Bill asked the board if they needed to hold a meeting to vote on a proposal to send to Campbell, or do they want Clarke to forward the report himself. Frank acknowledged that there would need to be a special called meeting for deliberation over the proposal, and it may or may not include consideration of the fee structure based on the information from the Pro Forma.

The topic of the pending litigation regarding the member use agreement with Campbell County was mentioned. Susan asked if the Pro Forma would have any of these legal issues in the report.

Clarke reported that there will be no mention of any legal issues in the report. Although the Pro Forma and the litigation are two separate issues, everyone understands that they are intertwined. Greg stated, "There must be framework in place to get all these items done i.e., expansion, but it seems that the litigation must be resolved first to create a climate for the other."

Greg stated that basically the engineering plans for the design of the expansion will have a bunch of numbers but the rest of it is a different conversation. Frank's understanding is the consultants take out a 500-foot buffer and limit the height of the expansion to the existing height, add in the cost of the gas extraction and basically decide how much property is available for the landfill. Then you determine based on projected tonnage per year how long that acreage will last and then what the tipping fee would be over time. Clarke noted the Pro Form will basically be the same report that the board has been looking at for years, but extended out to see what the cost of service would be throughout the expansion.

Greg asked how the excess revenue will be handled in the Pro Forma. Clarke responded that it would be separated out. Greg then asked what the tipping fee would be based on. Clarke stated it is always based on the actual cost of disposal.

Greg asked what happens to the \$10.00 excess revenue. "Does it go to the operational landfill, will it cover a host fee, or be used for something else?"

Clarke stated that per the financial policy there will be a 75%/25% split. Right now, staff is putting that money into separate accounts. The operation cost of the landfill is covered so the excess would be in addition too. Susan asked if the report would show the assets owned by the Authority. Clarke stated that this report is not like the report that was first done by Burns & McDonnell when the Authority was first started.

Candy asked if the report would have all the capital costs and all the O&M costs for the expanded period. Clarke reported that yes, the Pro Forma will

have a reserved equipment line. The projected capital costs of making sure equipment is on-site, running, and operational throughout the expansion period are included.

Susan requested that the board members receive a copy of the Pro Forma when Clarke receives it. Much discussion ensued about timing and staff review of the report. The discussion was made that all board members will receive a copy at the same time and that they will have time to review it before it goes out to the public.

Susan asked about the expansion footprint and lifespan of the expansion. Clarke informed the board the acreage is 60 and the lifespan is 20 to 25 years. The report will also include a schedule, which is incredibly tight.

Greg asked when Clarke was expecting to get the go-ahead. Clarke is hopeful for August 1. It must be soon, hopefully by Fall if possible so that permitting can begin. The process with DEQ is taking a long time right now. There is engineering to do; then permits to get. There will be bidding and then financing to be set up. The finances will need to be in place to pay for everything for the first cell and then construction.

Sandy mentioned the public approval process. Clarke said that was included in the schedule because he knows it will have to be rezoned. Susan asked Frank about the approval process with Campbell County, "Will it have to go through the Planning Commission and have a separate hearing from their board?"

Frank reported that Campbell could do a joint public hearing. Clarke reiterated that staff would need to get started on the engineering. If the lateral expansion proposal goes before the Planning Commission and the Board of Supervisors for approval and gets denied, staff will just stop the engineers.

7. Election of Officers for Fiscal Year 2025

Frank asked for a motion to nominate Greg as Chairman, himself as Vice-Chairman, and Candy as Treasurer. Susan made the motion, and Greg seconded it. The motion passed by unanimous vote.

Everyone thanked Frank for his service as Chairperson to the Authority, commenting that he did a great job. Frank said he enjoyed every minute of it.

8. Adjournment

Frank called for a motion to adjourn. The motion was seconded by Candy. All were in favor. The meeting was adjourned at 3:20 PM.