

**RAPPAHANNOCK REGIONAL SOLID WASTE
MANAGEMENT BOARD**

REGULAR MEETING AGENDA

**STAFFORD COUNTY
GEORGE L. GORDON GOVERNMENT CENTER
BOARD OF SUPERVISORS CHAMBERS
STAFFORD, VIRGINIA**

**June 17, 2015
1:30 P.M.**

- A. CALL TO ORDER.**
- B. ROLL CALL TO DETERMINE QUORUM**
- C. APPROVE MINUTES OF PRIOR BOARD MEETINGS (Tab 1)
May 20, 2015**
- D. PRESENTATIONS BY THE PUBLIC**
- E. PRESENTATIONS BY R-BOARD MEMBERS**
- F. REPORT OF R-BOARD ATTORNEY**
- G. REPORT OF STAFF (Tab 2)**
 - 1. Personnel Status Update**
 - 2. Environmental Compliance Report**
 - a. Staff Report**
 - b. Consultant Report**
 - 3. Operations Update**
 - a. Belman Road Compactors**
 - b. Cell F1 Filling Status**
 - c. State Accepted Recycling Rate for CY2014**
 - d. Household Hazardous Waste Day Results**
- H. REPORT ON FINANCES (Tab 3)**
 - 1. Financial Summary Through May 31, 2015**
 - 2. Weight & Material Analysis Through May 31, 2015**
- I. UNFINISHED BUSINESS (Tab 4)**
 - 1. Resident Fee Update**
 - 2. Cell F-2 Construction**
 - 3. Budget Amendment**
 - a. RB15-05**
- J. NEW BUSINESS (Tab 5)**
 - 1. Convenience Center Survey – Resident Use Data**
 - 2. FY2016 Contracts**
 - a. Consultant Services**
 - i. RB15-06 (Resource International)**
 - ii. RB15-07 (Draper Aden)**
 - b. Annual Contracts**
 - i. RB15-08 (Carter Machinery, Inc.)**
 - 3. Budget and Appropriate Proffer Funds**
 - a. RB15-09**
 - 4. Flow Control Report**
- K. CLOSED SESSION (if needed)**
- L. NEXT SCHEDULED MEETING
August 19, 2015, Board of Supervisors Chambers, George L. Gordon Government Center, 1:30 PM**
- M. ADJOURNMENT**

C. APPROVE MINUTES
OF PRIOR BOARD MEETINGS (TAB 1)
May 20, 2015

MINUTES

RAPPAHANNOCK REGIONAL SOLID WASTE MANAGEMENT BOARD

May 20, 2015 1:30pm

George L. Gordon Government Center

Board of Supervisors Chambers

Meeting Convened: A special meeting of the Rappahannock Regional Solid Waste Management Board (R-Board) was convened at 1:30pm, Wednesday May 20, 2015, at the George L. Gordon Government Center, Board of Supervisors Chambers.

Roll Call: The following members were present: Matthew Kelly, Chairman; Paul V. Milde, III, Vice-chairman; Gary Snellings; William C. Withers, Jr.; Beverly R. Cameron; Anthony J. Romanello.

Also in attendance were: Bill Hefty, Esq., R-Board Attorney; Robert L. Hundley, Resource International, Ltd., Consulting Engineer; Keith C. Dayton, Director & Deputy County Administrator; Jason Pauley, R-Board Superintendent; Julie Daves, Christina Morgan, R-Board Staff;

Mr. Milde motioned, seconded by Mr. Withers, to approve the minutes for April 15th 2015.

By voice, the vote was:

Yea:	(6)	Milde, Kelly, Cameron, Snellings, Romanello, Withers
Nay:	(0)	
Absent:	(0)	

Presentations by the Public: There were no presentations by members of the public.

Presentations by R-Board Members:

Pursuant to the policy enacted by the R-Board at their April 15th meeting, Mr. Milde made a motion to grant Steven Thurston Commercial Real Estate an exception for his unlabeled commercial business vehicle to receive an annual pass. Mr. Withers seconded the motion.

By voice, the vote was:

Yea:	(6)	Kelly, Milde, Cameron, Snellings, Romanello, Withers
Nay:	(0)	
Absent:	(0)	

Report of Staff: Mr. Dayton, Director & Deputy County Administrator, advised the R-Board members that the financial report could be found in the front pocket of the meeting packet. He stated that April was a good month for revenue and also reported on the following:

The commercial customers delivering residential solid waste have made a modest recovery, continuing the slight improvement of the last couple of months. Activity at the Belman Road convenience center continued the slower pace seen since resident fees were put in place, and the activity at Eskimo Hill is steady. The Annual Customer Use Survey has been completed and staff will provide a full report on it at the June meeting.

He explained that staff is watching the expenses closely through the end of the fiscal year and it appears that with expenses coming in under budget, we will finish the year without an operational deficit. This does not include changes in depreciation and closure/post-closure costs. The R-Board will be asked to consider the FY16 budget later in this meeting.

Mr. Kelly questioned if we are truly breaking even as the report shows or if that included us using general fund money which was never provided. Mr. Dayton responded that the projection was based on actual revenues versus expenditures, with the unrealized general fund revenues accounted for.

Mr. Dayton continued his report with an update of the residential user fee program. As of May 15th, the R-Board has netted nearly \$340,000 from the resident fee program. Of that amount about 60% has come from the sale of annual passes. We are now experiencing a dramatic decline in sale of annual passes. Daily cash sales were consistently strong, although we observed a dramatic decline last week. Staff will be monitoring that trend closely. Staff is projecting total collections of about \$275,000 in revenue by the end of the fiscal year.

Mr. Dayton added that there have been no additional reports of illegal dumping since those reported at the March 12th R-Board meeting.

Mr. Romanello asked for clarification on the resident fee revenue. Mr. Dayton explained that the resident fees have brought in \$340,000 to date; however, a portion of the amount collected for annual passes must be prorated to FY2016 as the calendar year spans two fiscal years.

Report of the R-Board Attorney: Mr. Hefty had nothing to report.

Unfinished Business: Mr. Dayton reported on the following:

Staff presented a draft budget at the April 15, 2015 R-Board meeting. After additional review of how the draft budget was presented, staff realized that the total capital funding of \$1,067,000 for Cell F-2 construction should be reported as revenue from the reserve fund, and the same amount as an expenditure towards construction of the next cell. This is consistent with the financing plan approved by the R-Board, but wasn't reflected properly in the previous draft budget. This was addressed via email following the April meeting, with the correct version included with the information provided for the May meeting. Proposed Resolution RB15-02 is attached should the R-Board wish to adopt this budget.

Staff noted that R-Board members had also expressed concerns about the increase of \$125,000 in user fee revenue proposed from residents of the City. The added revenue was estimated based on an increase in City tipping fees from the current amount of \$20 per ton, to \$34 per ton, using the City tonnage from FY2014.

Staff has prepared an alternative budget that assumes no increase in City tipping fees, and with the \$125,000 reduction in revenue generated through an increase in collections from commercial tipping fees. Expenditures are the same as those presented in the previous draft budget. Staff noted that Proposed Resolution RB15-04 was attached should the R-Board wish to approve the alternative budget.

Staff recommended adopting a budget at the May 20 meeting to allow staff adequate time to enter the budget into the County's financial system, and to complete the preliminary work necessary to allow purchasing activities to commence immediately after the start of the next fiscal year on July 1.

Mr. Romanello motioned for RB15-02 to be approved, and discussion of the draft budget ensued. Mr. Cameron stated that the City was reluctant to approve the initial budget due to an increase in fees. Mr. Milde asked Mr. Cameron if the City generates a profit from the hauling in Fredericksburg. Mr. Kelly explained that the City does not generate a surplus from the fees residents pay to have their trash hauled away, and the service was partially subsidized. Mr. Cameron then shared his concern about the projections for commercial hauler revenue, given the recent decline in revenue. He asked staff about their level of confidence in being able to generate sufficient revenue from commercial haulers. Mr. Dayton stated that the amount needed is close to historical amounts and some of the measures staff has already taken give some level of comfort that the revenues will be realized. Mr. Kelly expressed concern for a potential shortfall and how that would be handled. Mr. Dayton replied that in the case of a revenue shortfall, each locality could contribute in accordance with the agreement. Mr. Snellings agreed, saying that at least one member of the Stafford Board of Supervisors thinks funding the landfill should be a core government responsibility. Mr. Milde asked what the Stafford County contribution would have to be to eliminate the need for the user fee. Mr. Kelly stated the importance of rebuilding the reserves. Mr. Milde asked if the County provided their portion, would the City also make the same commitment. Mr. Kelly stated that he believed the City would honor the agreement.

Mr. Romanello clarified that he would like to make a motion for RB15-04, the alternative budget with no increase in City fees, rather than RB15-02. Mr. Withers seconded the corrected motion.

By voice, the vote was:

Yea:	(6)	Kelly, Milde, Cameron, Snellings, Romanello, Withers
Nay:	(0)	
Absent:	(0)	

As written:

RAPPAHANNOCK REGIONAL SOLID WASTE MANAGEMENT BOARD
RESOLUTION

At the regular meeting of the Rappahannock Regional Solid Waste Management Board (R-Board) held in the Board of Supervisors Chambers, Stafford County Administration Center, 1300 Courthouse Rd., Stafford, Virginia, on the 20th day of May, 2015;

<u>Members:</u>	<u>Vote:</u>
Mathew J. Kelly, Chairman	Yes
Paul V. Milde, III, Vice-chairman	Yes
Beverly R. Cameron	Yes
Anthony J. Romanello	Yes
Gary Snellings	Yes
William C. Withers, Jr.	Yes

On motion of Romanello, seconded by Withers, which carried by a vote of 6 to 0, the following was adopted:

A RESOLUTION ADOPTING THE FISCAL YEAR 2016 R-BOARD BUDGET

WHEREAS, the R-Board is committed to providing high quality solid waste services to the residents and businesses in the City of Fredericksburg and Stafford County; and

WHEREAS, the continuation of these services is dependent on the completion of Cell F-2; and

WHEREAS, the R-Board is also committed operating the Rappahannock Regional Landfill in a cost effective, environmentally responsible manner; and

WHEREAS, the proposed budget addresses those goals in a fiscally responsible manner; and

WHEREAS, the proposed budget addresses the financial concerns of each locality in an equitable manner;

NOW, THEREFORE BE IT RESOLVED, by the Rappahannock Regional Solid Waste Management Board on this the 20th day of May, 2015, that the alternative proposed budget presented at the May 20, 2015, meeting be and it hereby is approved.

Closed Session:

The board went into closed session at 2:18 pm on a motion by Mr. Milde and seconded by Mr. Withers. The R-Board returned to their open session upon a motion by Mr. Cameron, seconded by Mr. Milde and a unanimous roll call vote at 2:28pm.

Next Meeting: The next meeting will be held on June 17th at 1:30 pm in the George L. Gordon Government Center, Board of Supervisors Chambers.

Adjournment: The meeting was adjourned at 2:36 pm by unanimous vote.

Keith C. Dayton, Director & Deputy County Administrator

Christina Morgan, Clerk

G. REPORT OF STAFF (Tab 2)

1. Personnel Status Update
2. Environmental Compliance Report
 - a. Staff Report
 - b. Consultant Report
3. Operations Update
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 - b. Cell F1 Filling Status
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 - d. Household Hazardous Waste Day Results



Rappahannock Regional Solid Waste Management Board

489 Eskimo Hill Road • Stafford, Virginia 22554 • 540-658-5279 • FAX 540-658-4523

To: R-Board Members

From: Julie Williams-Daves
Environmental Manager

Date: June 15, 2015

RE: Environmental Compliance Report

SWP #589 – Compliance Inspection

As of June 5, the VADEQ has not conducted its second quarter solid waste inspection.

Groundwater – Area #74

Ground water sampling of the MW-B wells near Area 74 on May 27 indicates that the remediation actions taken last fall are still working. The laboratory analyses show that the levels of 1,1 DCA remain below the groundwater protection standards set by the VADEQ for the two affected wells. The next sample will be collected in about six months. In the meantime, staff is pursuing moving the compliance point further away from the buried waste by acquiring 1.37 acres of adjoining property from VDOT.

Landfill Gas – Area #74

Staff is still measuring and reporting the weekly readings to the VA DEQ for GP-7. The readings indicate the level of methane is decreasing after the installation of the vent trench and clearing a condensate blockage, but it is taking longer than desired. Staff is working on incorporating the trench into the current gas extraction system and moving the compliance point further away from the edge of the buried waste as noted above.

TO: R-Board
FROM: Bob Hundley
DATE: June 8, 2015
SUBJ: R-Board Engineering Consultant's Report
PN: 88071.27
CC: Mike Fiore

Resource offers the following for the R-Board Engineering Consultant's report:

Old Permit No. 74 (Disposal Area 74 - Post Closure)

- Weekly LFG sampling continues at GP-7 and the adjacent probes. Resource is aware of the potential to adjust the boundary line in the exceedance area, and will install a new compliance probe if the property boundary is adjusted.
- Resource sampled groundwater monitoring well MW-B and other related wells in May to confirm the results of the injection well interim measures. The results from the sampling for 1,1-DCA remain under GPS levels.

Permit No. 589 (Cells C/D/E/F-1 - Active)

- Resource is coordinating with the R-Board and DEQ for an update to the LFG design plan to ensure compliance with the facility's air permit.
- Resource prepared a minor revision to the previously submitted EPA Greenhouse Gas Report for CY 2014.
- Resource is coordinating closely with the Superintendent regarding construction of F-2 to ensure the wetland impact permit conditions are closely followed.
- Resource will be sampling groundwater at the facility during the month of May.

Fredericksburg Landfill

- Resource is continuing weekly sampling at the landfill due to above compliance readings around the Group Home. The City and Resource discussed compliance alternatives with the LFG contractor on May 15. Resource will install investigatory probes near the facility boundary with Cool Springs Road to determine if petitioning DEQ for a compliance point move of the Group Home probes is in the City's best interest.
- Resource coordinated with the Group Home director regarding the ongoing environmental compliance services and the potential for adding no smoking signs near the passive vents at the Group Home parking lot.



Rappahannock Regional Solid Waste Management Board

489 Eskimo Hill Road • Stafford, Virginia 22554 • 540-658-5279 • FAX 540-658-4523

To: R-Board Members
From: Jason M. Pauley, R-Board Superintendent
Date: June 15, 2015
RE: Operations Update

Belman Road Compactors

Landfill staff is currently working with Fredericksburg Public Works management to complete the permitting necessary to install electrical and site work improvements for the compactors. We plan to install the concrete pads and electrical conduit during the month of June. A new electrical service provided by Dominion Power will follow this work.

Cell F1 Filling Status

The last ground survey was completed on Cell F1 on December 17, 2014. The airspace utilization density calculated from that survey was used to estimate remaining airspace in Cell F1. Approximately 77% of the airspace in Cell F1 has been consumed as of May 31, 2015. The fill rate of Cell F1 remains in line with the engineers design projections. Current data shows that we are still on schedule to consume all remaining available airspace by the end of 2015, based on the current fill rate. A detailed ground survey has been scheduled for July 1st to verify remaining disposal capacity calculations.

Airspace calculations were completed on Cell E to determine remaining fill capacity. This effort was initiated to plan for contingent landfill operations. We plan to fill the approximate 40,000 cubic yards of useable airspace remaining on the eastern slope of Cell E this summer, when the better weather will allow easier access to this area for both our customers and landfill staff. This action will provide an additional two months of landfill capacity, allowing more time to complete construction and regulatory approval of Cell F-2.



Rappahannock Regional Solid Waste Management Board

489 Eskimo Hill Road • Stafford, Virginia 22554 • 540-658-5279 • FAX 540-658-4523

To: R-Board Members
From: Diane Jones, Recycling Manager
Date: June 15, 2015
RE: Recycling Rate; HHW Day Results

State Approved Recycling Rate for Calendar Year 2014

In April, the R-Board submitted its 2014 recycling weights to the Virginia Department of Environmental Quality, DEQ for their review. The current State mandate requires localities to meet a minimum 25% recycling rate. The R-Board received an approved rate of 49.1%. This is virtually the same as the CY2013 accepted rate of 49.2%. A confirmation letter from DEQ is appended in this Board package. The R-Board's success is a reflection of the efforts of our residents, the emphasis the R-Board places on recycling, as well as the voluntary efforts of the schools and business community in our service area.

Household Hazardous Waste Day

Once again the R-Board experienced a record breaking number of participants. 502 residents came to Eskimo Hill Road on May 30th between the hours of 9:00 A.M. and 3:00 P.M. 10,830 gallons of material were collected. Several pallets of fluorescent bulbs, which are collected by the R-Board year around, were also shipped out. The number of linear feet of bulbs was not available at the time of this report. The vendor, MXI Environmental Services, LLC did an excellent job in the face of the overwhelming response. R-Board staff, with cooperation from the Stafford County Sheriff's Office worked hard to keep the customers moving through our facility and minimize backups on Eskimo Hill Road. We will be looking at additional changes to our strategy prior to the event this fall at the Belman Road facility.



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

Fax: 804-698-4019 - TDD (804) 698-4021

www.deq.virginia.gov

Molly Joseph Ward
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4020
1-800-592-5482

April 29, 2015

Ms. Diane Jones
Rappahannock Regional SWMB
489 Eskimo Hill
Stafford, Virginia 22554

Dear Ms. Jones:

We have completed our review of the Rappahannock Regional Solid Waste Management Board's 2014 Recycling Rate Report submitted pursuant to The Virginia Regulations for Solid Waste Management Planning (9VAC-20-130-165). State law (10.1-1411) and section 120.B. of the regulations require each city, county, town or region to maintain a minimum recycling rate and to report the data for the previous calendar year to DEQ by April 30 of each year. The members of the Solid Waste Planning Unit were to meet or exceed a 25% mandated recycling rate based upon the criteria established in 2006.

We accept your data as submitted with two data edits, and your calculated recycling rate for CY 2014 will be reported as 49.1 %. This information has been forwarded to DEQ's Office of Waste Permitting and Compliance for consideration during their reviews of the Solid Waste Management Plans.

Attached for your review and filing is our worksheet that shows the DEQ review of your report. Please contact me with any questions.

Sincerely,

G. Stephen "Steve" Coe

G. Stephen Coe
Environmental Specialist - Recycling
Office of Land Protection & Revitalization

Enclosure

Cc: RRR file

H. UNFINISHED BUSINESS (TAB 3)

- 1. Financial Summary through May 31, 2015**
- 2. Weight & Material Analysis through May 31, 2015**

FINANCIAL STATUS THROUGH

May 31, 2016

EXPENDITURES
as of
May 31, 2016

Division	FY 15 Adopted Budget	FY 15 Adjusted Budget	Personnel Costs YTD	Operational Costs YTD	Capital Costs YTD	Total Costs YTD	Current Encumbrances	FY 15 Expenditures	FY 15 Balance	% Budget Expended	Fiscal YTD Expired (%)	FY15 Budgeted Revenues	Monthly Target	Monthly Actuals	FY15 Actual Revenues	% Revenue Collected
R-Board Expenses	\$4,298,681	\$4,498,949	\$1,667,682	\$1,341,785	\$135,740	\$3,145,407	\$311,302	\$3,456,709	\$1,040,240	77%	92%	\$4,298,681	\$358,223	\$341,120	\$3,593,930	84%
TIPPING FEES	\$3,375,000															
RECYCLING	\$280,740															
WWTP SLUDGE/UTILITIES	\$145,000															
MUNICIPAL	\$324,000															
INTRADEPARTMENTAL	\$50,000															
AMERESCO LEASE	\$68,000															
GRANT	\$20,000															
INTEREST	\$35,000															
RESERVE	\$941															

REVENUES
as of
May 31, 2016

	ADOPTED FY15	CASH	A/R	Total for Month	FYTD Expired	FY YEAR TO DATE	REVENUE FORECAST
COMMERCIAL	\$ 3,375,000	\$ 21,399	\$ 230,708	\$ 252,108	92%	\$ 2,619,169	\$ 2,862,266
RESIDENTIAL USER FEE	\$ -	\$ 37,312		\$ 37,312	92%	\$ 240,312	\$ 275,000
RECYCLING	\$ 280,740	\$ 20,305		\$ 20,305	92%	\$ 351,606	\$ 384,240
SLUDGE/UTILITIES	\$ 145,000			\$ 17,956	92%	\$ 146,594	\$ 160,200
MUNICIPAL	\$ 324,000		\$ 13,439	\$ 13,439	92%	\$ 167,430	\$ 180,000
INTRADEPARTMENTAL	\$ 50,000				92%	\$ 2,345	\$ 2,563
SALE OF LANDFILL GAS	\$ 68,000				92%	\$ 39,529	\$ 41,000
GRANTS	\$ 20,000				92%	\$ 26,944	\$ 26,944
INTEREST	\$ 35,000				92%		
RESERVE FUND	\$ 941				92%	\$ -	\$ -
TOTAL	\$ 4,298,681	\$ 79,017	\$ 244,147	\$ 341,120		\$ 3,593,930	\$ 3,932,213

BUDGET STATUS SUMMARY

	Adopted Budget	Current Est.	Difference
Revenues	\$4,297,740	\$3,932,213	-\$365,527
Expenditures	\$4,298,681	\$4,298,681	\$0
Use of Fund Balance	\$941	\$366,468	(\$365,527)

Unrestricted Fund Balance (as of June 30, 2014) **(\$819,938)**

Through May 31, 2015

Rappahannock Regional Solid Waste Management Board Weight and Material Analysis Report FY2015

CATEGORY	15-May Weight	14-May Weight	FY2015 Y-T-D Weight	FY2014 Y-T-D Weight	Difference %
Billable					
Commercial Waste	1828	2869	21088	26190	-19%
Residential Waste	1732	2412	18655	33353	-44%
Fredericksburg	672	978	8456	7950	6%
Eskimo Hill	1975	1699	18434	14892	24%
Belman Road	157	316	2360	2775	-15%
Mixed Load-\$71/T	3	0	24	17	43%
Debris Waste	2521	2056	23635	21536	10%
**Dirt	676	141.1	17062	2468	591%
Tires Commercial	13	8.22	153	121	27%
Sludge	1056	758.2	8617	7819	10%
BILLABLE TONNAGE	10634	11238	118485	117122	1%
Non-Billable					
Litter/Cleanups	16	17	194	273	-29%
Recycling	646	657	6183	6978	-11%
TOTAL TONNAGE	11296	11911	124862	124373	0%

** Estimated Weights

I. Unfinished Business (TAB 4)

1. Resident Fee Update
2. Cell F-2 Construction
3. Budget Amendment
 - a. RB15-05



Rappahannock Regional Solid Waste Management Board

489 Eskimo Hill Road • Stafford, Virginia 22554 • 540-658-5279 • FAX 540-658-4523

TO: R-Board Members

FROM: Keith Dayton
Deputy County Administrator

DATE: June 15, 2015

SUBJECT: **Resident Fee Update**

The resident fee program has now been in effect for 3.5 months. Staff continues to closely monitor the financial and operational performance of this program.

Operational

Belman Road

Our reduction in resident use of the Belman Road convenience center continues compared to that observed prior to the resident fees. We are currently down 15% overall from fiscal year 2014 levels, although the May FY2014 to May FY2015 drop is approximately 50%. Staff believes the lower use is due to a drop in unauthorized use by contractors or residents of other jurisdictions, combined with former authorized users signing up for curb side service.

Eskimo Hill

Use trends at the Eskimo Hill convenience center continue to be well above pre-resident fee levels. The procedures now in place, combined with better customer familiarity with our procedures, have mitigated early problems with long lines.

Staff continues to work on the changes to the fee payment options and facility modifications planned for next January.

Financial Performance

As of May 31st, the R-Board has netted over \$364,000 from the resident fee program. Of that about 56% has come from the sale of annual passes. The gradual drop in percentage is due to the decline in sale of annual passes relative to coupon and daily pass sales.

The previous projection of about \$275,000 in revenue from resident fees by the end of the fiscal year is still on target.

Litter

We have one new report of a mattress disposed of illegally since the March 12th R-Board meeting.

KCD:kd



Rappahannock Regional Solid Waste Management Board

489 Eskimo Hill Road • Stafford, Virginia 22554 • 540-658-5279 • FAX 540-658-4523

TO: R-Board Members

FROM: Keith Dayton
Deputy County Administrator

DATE: June 15, 2015

SUBJECT: **Cell F-2 Construction Update/Budget Amendment**

Cell F-2 Activities

The R-Board authorized construction of Cell F-2 at the April meeting, subject to authorization of financing support by the City and County. The County authorized the issuance of debt to fund Cell F-2 construction at their May 19 meeting, and the City authorized debt on June 9. The City Council and Board of Supervisors have completed their actions to implement the funding strategy, and staff has been moving rapidly to initiate construction. The measures taken to date include:

1. The deed of gift from the City for the conservation easement area was recorded. Subsequent to that, and following City action regarding the debt authorization, the conservation easement was recorded and the information sent to the regulatory agencies as verification that we have satisfied stream mitigation requirements.
2. Wetland mitigation credits have been purchased from the Falling Springs mitigation bank. The certificate documenting this purchase has been sent to the regulatory agencies as verification we have satisfied wetland mitigation requirements.
3. The contract with T & K Construction, Inc. for construction of Cell F-2 has been executed. The Notice to Proceed date is scheduled for June 22. The contractor has initiated mobilization activities, along with proceeding to acquire land disturbance permits from the County. The shop drawing submittal process is also underway.
4. Preparations are underway to participate in the fall VRA sale of bonds to finance construction.

Budget Amendment

The R-Board budget approved at the May 20 meeting included appropriating \$1,067,000 in reserve funds to fund a portion of the Cell F-2 construction cost. An additional \$4,500,000 in debt has been authorized by the participating localities to fully fund construction. This entire amount will not be available due to debt issuance and loan discounting; however, the exact amount of proceeds will not be known until the bond sale is completed this fall. Although it was understood that these funds were planned to be provided from debt issued by the participating localities, the authorizing actions had not occurred, and the funds were not shown in the adopted budget. Now that the City and County have taken the required actions to authorize the issuance of debt, it is necessary to budget and appropriate these additional funds. While the recently approved R-Board budget authorized partial funding for construction in FY2016, all funds need to be appropriated in FY2015 so the contract can commence immediately. Because most of the funds won't be spent until FY16, the budget and appropriation for the project will need to be carried forward into FY2016.

Proposed Resolution RB15-05 would amend the FY2015 budget, and appropriate funds for the construction of Cell F-2.

KCD:kd



Rappahannock Regional Solid Waste Management Board

489 Eskimo Hill Road • Stafford, Virginia 22554 • 540-658-5279 • FAX 540-658-4523

RB15-05

PROPOSED
RAPPAHANNOCK REGIONAL
SOLID WASTE MANAGEMENT BOARD

RESOLUTION

At the regular meeting of the Rappahannock Regional Solid Waste Management Board (R-Board) held in the Board of Supervisors Chambers, Stafford County Administration Center, 1300 Courthouse Road, Stafford, Virginia, on the 17th day of June, 2015;

Members:

Vote:

Mathew J. Kelly, Chairman
Paul V. Milde, III, Vice-chairman
Beverly R. Cameron
Anthony J. Romanello
Gary Snellings
William C. Withers, Jr.

On motion of , seconded by , which carried by a vote of to , the following was adopted:

A RESOLUTION AMENDING THE ADOPTED FISCAL YEAR 2015 R-BOARD BUDGET

WHEREAS, the R-Board adopted a budget at the May 20, 2016 meeting that included use of reserve funds to provide a portion of the funding necessary for construction of Cell F-2; and

WHEREAS, additional funding necessary for completion of Cell F-2 was not included in the adopted budget pending actions by the City of Fredericksburg City Council (Council), and the Stafford County Board of Supervisors (Board) to authorize the debt required to provide this additional funding; and

WHEREAS, the Council and the Board have now authorized the necessary debt; and

WHEREAS, the R-Board is committed to providing solid waste services for residents of the City and County, which requires the construction of Cell F-2 to begin in FY15; and

NOW, THEREFORE BE IT RESOLVED, by the Rappahannock Regional Solid Waste Management Board on this the 17 day of June, 2015, that funds in an amount up to \$4,500,000 to be provided by the City of Fredericksburg and Stafford County through the sale of bonds and \$1,067,000 in available reserve funds be and they hereby are, budgeted and appropriated.

BE IT FURTHER RESOLVED that the budget for unspent funds will be carried forward into FY2016 for the completion of the project.

A Copy, teste:

RAPPAHANNOCK REGIONAL SOLID WASTE
MANAGEMENT BOARD

Keith C. Dayton, Director

J. NEW BUSINESS (Tab 5)

1. Convenience Center Survey – Resident Use Data
2. FY2016 Contracts
 - a. Consultant Services
 - i. RB15-06 (Resource International)
 - ii. RB15-07 (Draper Aden)
 - b. Annual Contracts
 - i. RB15-08 (Carter Machinery, Inc.)
3. Budget and Appropriate Proffer Funds
 - a. RB15-09
4. Flow Control Report



Rappahannock Regional Solid Waste Management Board

489 Eskimo Hill Road • Stafford, Virginia 22554 • 540-658-5279 • FAX 540-658-4523

TO: R-Board Members

FROM: Keith Dayton
Deputy County Administrator

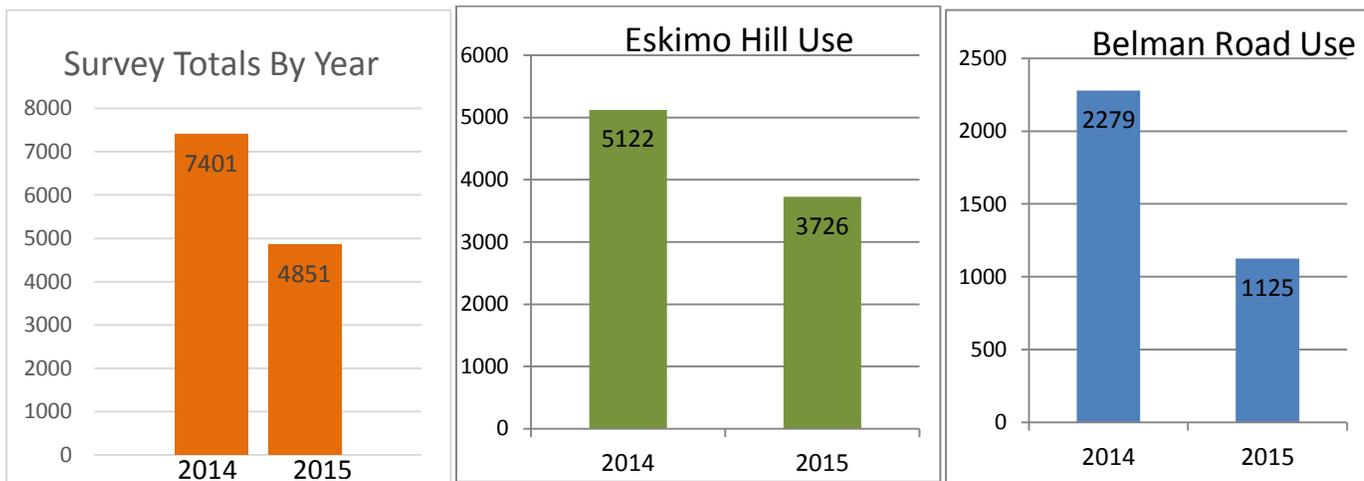
DATE: June 15, 2015

SUBJECT: **2015 Annual Resident Use Survey Results**

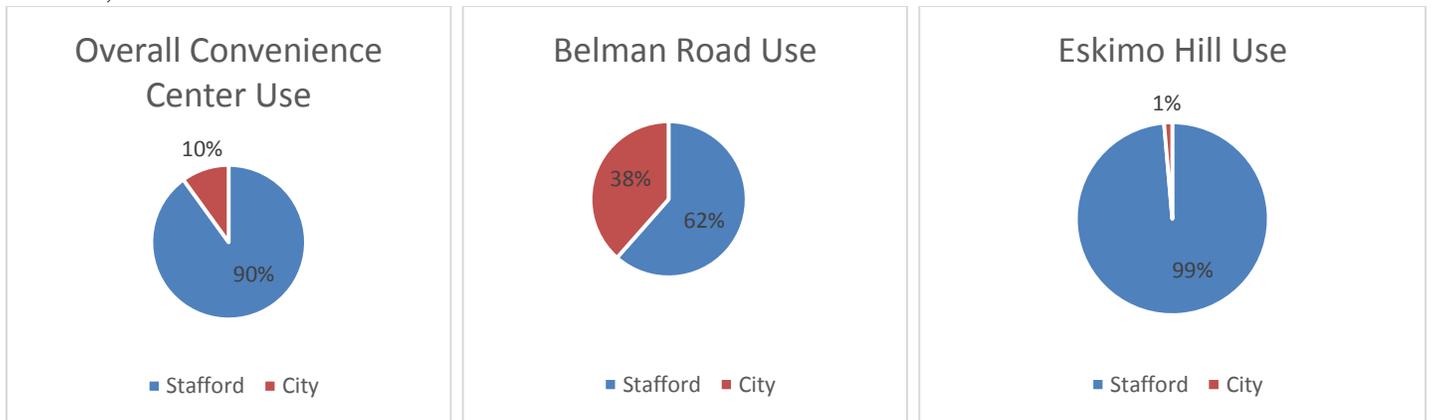
R-Board staff conducted the 2015 annual use survey at our convenience centers over a 7-day period from May 2-8, 2015. We conducted the survey in the same timeframe as the 2014 survey in an effort to ensure the data was comparable. The survey took place simultaneously at the Eskimo Hill Road and Belman Road convenience centers. In addition to collecting data on where our customers reside, we also collected data on the usage patterns of our new resident fee program.

Key Findings on Resident Use

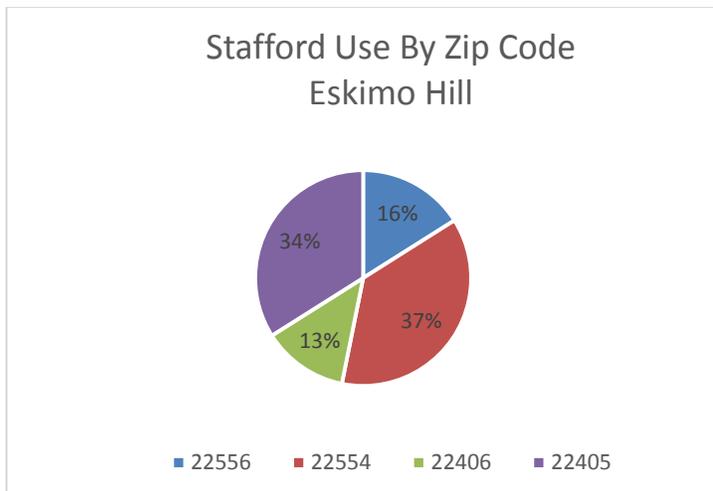
It appears that the resident fee program has had a significant effect on the use of our convenience centers. Overall, usage was down 34% from 2014, with a drop of 27% noted at the Regional Landfill on Eskimo Hill Road, and 51% at Belman Road. The data is displayed graphically below.



This year's survey also recorded a change in user patterns at the facilities, with the percentage of usage by Stafford residents increasing at both locations. Stafford residents accounted for 62% (up from 44% in 2014) at Belman Road, and 99% (up from 96% in 2014) at Eskimo Hill Road. Overall, Stafford residents accounted for 90% of our customers, up from 80% in 2014. This data is displayed graphically below.



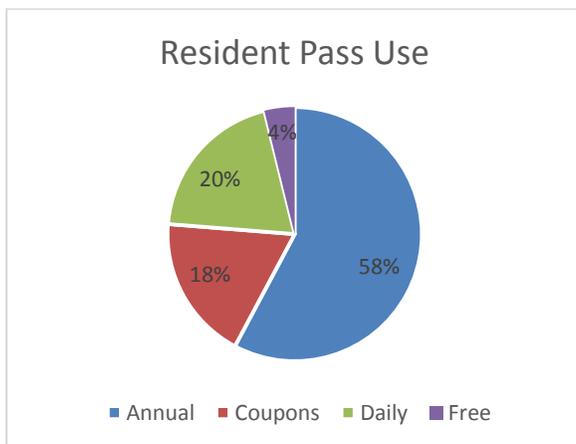
We also queried Stafford customers using Eskimo Hill which zip code they resided in. The information indicated a large majority of our customers using the convenience center on Eskimo Hill Road reside east of I-95.



A Zip Code reference map follows on the next page.

Data on Pass Use

We found that the majority of our customers enter with annual passes, as expected. Coupon and daily pass sales are about even, with a small percentage of our customers utilizing one of our free services such as dropping off recycling or picking up mulch. Approximately 5% of our visitors are turned away, either because they are not authorized, or lack any of the optional means for accessing landfill services. The data is presented graphically below.



Key Zip or Address Find Zipcode or click on the map. Clear Zip Layer

Zip Code information on this map as of January, 2010. Source: USNaviguide LLC. County data as of 2009. Source: Census Tiger program. Area Codes as of 2007. Source: Maponics, Inc.
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Rappahannock Regional Solid Waste Management Board

489 Eskimo Hill Road • Stafford, Virginia 22554 • 540-658-5279 • FAX 540-658-4523

To: R-Board Members

**From: Julie Williams-Daves
Environmental Manager**

Date: June 17, 2015

RE: Contract Extensions

The R-Board is asked to consider the authorization of two contract extensions for professional services for Fiscal Year 2016.

RB15-06 – Resource International

The R-Board has a longstanding relationship with Resource International, Ltd. to provide professional services. Our current contract, providing engineering design, construction services, environmental monitoring, reporting, and permitting assistance, has an option of one more year remaining, based upon the initial R-Board authorization. Staff believes that the continued use of Resource International, Ltd. provides the best option for providing these services. Typical services performed under this contract include compliance monitoring and reporting on multiple regulatory permits necessary for landfill operations, completing permit renewal documentation, and other similar activities. This fiscal year Resource International, Ltd. will also provide engineering support during the construction of Cell F-2.

Resource International, Ltd. has proposed to provide these services for FY2016 for the estimated cost of \$198,785. Staff as reviewed this proposal and believes the proposed amount is reasonable for the level of service provided. Funding in this amount was included in the adopted FY2016 R-Board budget.

Staff recommends extending the contract, and has included Resolution RB15-06, for fiscal year FY16 in an amount not to exceed \$198,785, for R-Board consideration.

RB15-07 – Draper Aden Associates

The R-Board authorized Draper Aden Associates to provide professional services to assist our staff with landfill gas monitoring and gas extraction system maintenance. The current contract allows extensions for an additional three years. Staff has been very satisfied with the level of service provided by Draper Aden Associates, and recommends they continue to provide these services for FY2016. Draper Aden Associates has offered to provide these services in FY2016 for an estimated cost of \$123,840. Staff has reviewed this proposal and believes the proposed amount is reasonable for the scope of service provided.

Staff recommends extending the contract, and has included Resolution RB15-07 to extend the existing contract through June 30, 2016 in an amount not to exceed \$123,840 for R-Board consideration.

These services are necessary for the R-Board to remain in compliance with the various permits issued for landfill operations. Sufficient funds are budgeted in the adopted FY2016 budget for these services.



Rappahannock Regional Solid Waste Management Board

489 Eskimo Hill Road • Stafford, Virginia 22554 • 540-658-5279 • FAX 540-658-4523

RB15-06

PROPOSED
RAPPAHANNOCK REGIONAL
SOLID WASTE MANAGEMENT BOARD

RESOLUTION

At the regular meeting of the Rappahannock Regional Solid Waste Management Board (R-Board) held in the Board of Supervisors Chambers, Stafford County Administration Center, 1300 Courthouse Road, Stafford, Virginia, on the 17th day of June, 2015;

Members:

Mathew J. Kelly, Chairman
Paul V. Milde, III, Vice-chairman
Beverly R. Cameron
Anthony J. Romanello
Gary Snellings
William C. Withers, Jr.

Vote:

On motion of , seconded by , which carried by a vote of to , the following was adopted:

**A RESOLUTION TO RENEW THE CONTRACT FOR ENGINEERING SERVICES IN SUPPORT OF
LANDFILL OPERATIONS**

WHEREAS, the Rappahannock Regional Solid Waste Management Board (R-Board) voted by Resolution RB11-07 to authorize a consultant services contract with Resource International, Ltd. (Resource) for a period of one (1) year commencing July 1, 2011; and

WHEREAS, the R-Board has the option to renew this contract for up to four (4) additional years to be negotiated and approved by both parties; and

WHEREAS, there is one (1) additional year of services remaining for this solicitation and staff recommends continuing these services with Resource; and

WHEREAS, Resource has proposed to provide continuing services for the FY2016 period for the estimated not to exceed amount of \$198,785; and

WHEREAS, staff has reviewed this proposal and determined it is reasonable for the scope of services offered.

NOW, THEREFORE BE IT RESOLVED, by the Rappahannock Regional Solid Waste Management Board on this the 17th day of June, 2015, that the County Administrator be and he hereby is authorized to amend the professional services contract with Resource International, Ltd. for an additional period of one (1) year commencing July 1, 2015 through June 30, 2016 in an amount not to exceed ONE HUNDRED NINETY-EIGHT THOUSAND SEVEN HUNDRED EIGHTY-FIVE DOLLARS (\$198,785).

A Copy, teste:

RAPPAHANNOCK REGIONAL SOLID WASTE
MANAGEMENT BOARD

Keith C. Dayton, Director



Rappahannock Regional Solid Waste Management Board

489 Eskimo Hill Road • Stafford, Virginia 22554 • 540-658-5279 • FAX 540-658-4523

RB15-07

PROPOSED
RAPPAHANNOCK REGIONAL
SOLID WASTE MANAGEMENT BOARD

RESOLUTION

At the regular meeting of the Rappahannock Regional Solid Waste Management Board (R-Board) held in the Board of Supervisors Chambers, Stafford County Administration Center, 1300 Courthouse Road, Stafford, Virginia, on the 17th day of June, 2015;

Members:

Mathew J. Kelly, Chairman
Paul V. Milde, III, Vice-chairman
Beverly R. Cameron
Anthony J. Romanello
Gary Snellings
William C. Withers, Jr.

Vote:

On motion of , seconded by , which carried by a vote of to , the following was adopted:

A RESOLUTION TO RENEW THE CONTRACT FOR PROFESSIONAL SERVICES RELATED TO THE MONITORING AND MAINTENANCE OF THE LANDFILL GAS COLLECTION SYSTEM

WHEREAS, the Rappahannock Regional Solid Waste Management Board (R-Board) voted by Resolution RB14-06 to authorize a professional services contract with Draper Aden Associates (DAA) for a period of one (1) year commencing July 1, 2014; and

WHEREAS, the R-Board has the option to renew this contract for four (4) additional years to be negotiated and approved by both parties; and

WHEREAS, there are an additional three (3) years of services remaining for this solicitation, and staff recommends continuing these services with DAA; and

WHEREAS, DAA has proposed to provide continuing services for the FY2016 period for the estimated not to exceed amount of \$123,840; and

WHEREAS, staff has reviewed this proposal and determined it is reasonable for the scope of services offered.

NOW, THEREFORE BE IT RESOLVED, by the Rappahannock Regional Solid Waste Management Board on this the 17th day of June, 2015 that an amendment to extend the professional services contract with Draper Aden Associates is authorized for a period of one (1) year commencing July 1, 2015 through June 30, 2016 in an amount not to exceed ONE HUNDRED TWENTY-THREE THOUSAND, EIGHT HUNDRED FORTY DOLLARS (\$123,840).

A Copy, teste:

RAPPAHANNOCK REGIONAL SOLID WASTE
MANAGEMENT BOARD

Keith C. Dayton, Director



Rappahannock Regional Solid Waste Management Board

489 Eskimo Hill Road • Stafford, Virginia 22554 • 540-658-5279 • FAX 540-658-4523

To: R-Board Members

From: Keith Dayton

Date: June 17, 2015

RE: Authorize a Contract for Maintenance and Repair Services

The R-Board is asked to authorize a contract to provide parts and service for landfill equipment for Fiscal Year 2016.

RB15-08 – Carter Machinery Company

The R-Board owns Caterpillar brand machinery used for landfill operations. This equipment is used continuously under harsh conditions and must be maintained in top operating order to comply with VA DEQ permit requirements. While we employ mechanic staff to perform routine maintenance and minor repairs, major repairs and scheduled overhauls are performed by trained, factory certified mechanics, using Caterpillar manufactured parts. Carter Machinery Company, Inc. of Salem, Virginia is the sole-source authorized dealer for our area and provides most of our major equipment service. Staff recommends that the R-Board authorize Carter Machinery Company, Inc. to provide parts and service on landfill equipment in FY2016 in an amount estimated at \$200,000. Resolution RB15-08 is included for R-Board consideration. These funds were budgeted in the FY2016 budget.



Rappahannock Regional Solid Waste Management Board

489 Eskimo Hill Road • Stafford, Virginia 22554 • 540-658-5279 • FAX 540-658-4523

PROPOSED
RAPPAHANNOCK REGIONAL
SOLID WASTE MANAGEMENT BOARD

RB15-08

RESOLUTION

At the regular meeting of the Rappahannock Regional Solid Waste Management Board (R-Board) held in the Board of Supervisors Chambers, Stafford County Administration Center, 1300 Courthouse Road, Stafford, Virginia, on the 17th day of June, 2015;

Members:

Mathew J. Kelly, Chairman
Paul V. Milde, III, Vice chairman
Beverly R. Cameron
Gary Snellings
Anthony R
William C. Withers, Jr.

Vote:

On motion of , seconded by , which carried by a vote of to , the following was adopted:

A RESOLUTION TO AUTHORIZE CARTER MACHINERY COMPANY, INC. TO PROVIDE
REPAIR SERVICE AND PARTS FOR LANDFILL EQUIPMENT

WHEREAS, the R-Board must comply with DEQ regulations requiring that equipment be maintained in top working condition; and

WHEREAS, the majority of the equipment operated by the Rappahannock Regional Solid Waste Management Board (R-Board) is manufactured by Caterpillar; and

WHEREAS, Carter Machinery Company, Inc. of Salem, Virginia is the authorized dealer for providing repair service and parts for Caterpillar equipment in our area; and

WHEREAS, staff recommends the R-Board authorize the use of Carter Machinery Company, Inc. to provide repair service and parts for Caterpillar brand landfill equipment during FY2016 in a not to exceed amount of \$200,000; and

WHEREAS, funding in the amount of \$200,000 has been budgeted and appropriated in the adopted FY2016 budget for this purpose.

NOW, THEREFORE BE IT RESOLVED, by the Rappahannock Regional Solid Waste Management Board on this the 17th day of June, 2015, that the R-Board authorize Carter Machinery Company, Inc. to provide parts and services on landfill equipment in FY2016 in the estimated amount of \$200,000.

A Copy, teste:

RAPPAHANNOCK REGIONAL SOLID WASTE
MANAGEMENT BOARD

Keith C. Dayton, Director



Rappahannock Regional Solid Waste Management Board

489 Eskimo Hill Road • Stafford, Virginia 22554 • 540-658-5279 • FAX 540-658-4523

TO: R-Board Members

FROM: Keith Dayton
Deputy County Administrator

DATE: June 15, 2015

SUBJECT: **Proffer Fund Appropriation**

Stafford County has required the dedication of proffer funds from some new developments in support of capital improvements at the Regional Landfill. The Brentsmill subdivision is a development which was approved subject to proffer payments for the landfill.

The County is currently holding \$533.21 in proffer payments from this development which could be applied to the construction expenses for Cell F-2. It is necessary for the R-Board to budget and appropriate these funds so that they made be applied to this project.

Proposed Resolution RB15-09 would budget and appropriate these funds for use on the Cell F-2 project.

KCD:kd



Rappahannock Regional Solid Waste Management Board

489 Eskimo Hill Road • Stafford, Virginia 22554 • 540-658-5279 • FAX 540-658-4523

RB15-09

PROPOSED
RAPPAHANNOCK REGIONAL
SOLID WASTE MANAGEMENT BOARD

RESOLUTION

At the regular meeting of the Rappahannock Regional Solid Waste Management Board (R-Board) held in the Board of Supervisors Chamber, Stafford County Administration Center, Stafford, Virginia on the 17th day of June, 2015;

Members: _____ Vote:

Mathew J. Kelly, Chairman
Paul V. Milde, III, Vice-chairman
Beverly R. Cameron
Anthony J. Romanello
Gary Snellings
William C. Withers, Jr.

On motion of _____, seconded by _____ which carried by a vote of _____ to _____, the following was adopted:

A RESOLUTION TO BUDGET AND APPROPRIATE FUNDS
FOR CAPITAL IMPROVEMENTS AT THE REGIONAL LANDFILL

WHEREAS, during the rezoning process, Brentsmill has proffered funds in support of capital improvements at the Regional Landfill; and

WHEREAS, the County has collected proffer payments in the amount of \$533.21; and

WHEREAS, these funds will be used for capital improvements at the Regional Landfill;

NOW, THEREFORE, BE IT RESOLVED by the Rappahannock Regional Solid Waste Management Board on this the 17th day of June, 2015, that proffered funds of FIVE HUNDRED THIRTY-THREE DOLLARS AND TWENTY-ONE CENTS (\$533.21) be budgeted and appropriated for capital improvements at the Regional Landfill.

A Copy, teste:

RAPPAHANNOCK REGIONAL SOLID WASTE
MANAGEMENT BOARD

Keith C. Dayton, Director



Rappahannock Regional Solid Waste Management Board

489 Eskimo Hill Road • Stafford, Virginia 22554 • 540-658-5279 • FAX 540-658-4523

TO: R-Board Members

FROM: William H. Hefty
R-Board Attorney

FROM: Keith Dayton
Deputy County Administrator

DATE: June 15, 2015

SUBJECT: **Flow Control Report**

The R-Board recently directed staff to investigate the potential for implementing solid waste flow control restrictions designed to ensure delivery of all solid waste generated in Stafford County and the City of Fredericksburg to the Rappahannock Regional Landfill. Whereas the R-Board is a joint powers entity formed by agreement between the two localities, the R-Board has no authority to enact or enforce flow control restrictions. This legislative act must be enacted by the participating localities.

Upon review by the R-Board attorney, it has been determined that the General Assembly has adopted enabling legislation that would allow the City and/or the County to enact flow control ordinances. The entire statute pertaining to flow control is attached.

The state statute places certain restrictions on localities regarding the implementation of flow control measures. Certain of the key provisions are listed below:

- Localities must hold at least one public hearing on the issue
- Find that other options for waste disposal facilities, including privately owned facilities are: (i) unavailable; (ii) inadequate; (iii) unreliable; or (iv) not economically feasible, to meet the current and anticipated needs of the locality for waste disposal capacity
- Determine that the ordinance is necessary to ensure the availability of adequate financing for the construction, expansion or closing of the locality's facilities
- The locality shall not prevent delivery of waste to a facility in operation before July 1, 1991

The legislation includes numerous provisions providing exclusions for certain industries, waste materials, and individual home owners and farmers; however, these exclusions would have limited impact on R-Board operations.

Staff researched flow control ordinances enacted by Prince William, Fairfax and Arlington Counties, and the City of Alexandria, and found that they are quite similar. Each includes the following basic provisions:

- Prohibit the disposal of solid waste at any facility which has not been designated by the locality
- Identify those waste materials covered by the ordinance, and exempt those industries, materials and individuals exempted by state statute, at a minimum
- Identify the party (Director of Public Works, Director of Solid Waste Management, etc.) responsible for specifying allowed disposal sites

The provisions used to implement flow control in other Virginia localities appear simple and straightforward.

R-Board Memorandum

Page 2

June 15, 2015

It appears from the investigation completed to date that solid waste flow control is a viable option. Whereas this action must be enacted by the participating localities, further investigation by the County and City Attorney's Offices is necessary. It is expected that the entire process of enacting this provision would take several months to complete.

As noted before, Cell F-1 is nearing capacity, and Cell F-2 is not expected to be operational until early 2016. Staff is concerned about implementing any measures resulting in an increase of solid waste deliveries until after Cell F-2 is operational. Once operational, the R-Board will have approximately 7 years of capacity, providing ample time to consider measures to ensure the long term financial solvency of the landfill.

It may be possible to work directly with our larger customers to obtain their cooperation on a voluntary basis in delivering all solid waste originating in the two localities to the regional landfill. If an agreement is reached, our scale records provide sufficient detail to monitor compliance.

WHH:KCD:kd

Attachment 1

Virginia Flow Control Enabling Legislation

§ 15.2-931. Regulation of garbage and refuse pickup and disposal services; contracting for such services in certain localities.

A. Localities may adopt ordinances requiring the delivery of all or any portion of the garbage, trash or refuse generated or disposed of within such localities to waste disposal facilities located therein, or to waste disposal facilities located outside of such localities if the localities have contracted for capacity at or service from such facilities.

Such ordinances may not be adopted until the local governing body, following one or more public hearings, has made the following findings:

1. That other waste disposal facilities, including privately owned facilities and regional facilities, are: (i) unavailable; (ii) inadequate; (iii) unreliable; or (iv) not economically feasible, to meet the current and anticipated needs of the locality for waste disposal capacity; and
2. That the ordinance is necessary to ensure the availability of adequate financing for the construction, expansion or closing of the locality's facilities, and the costs incidental or related thereto.

No ordinance adopted by a locality under this subsection shall prevent or prohibit the disposal of garbage, trash or refuse at any facility: (i) which has been issued a solid waste management facility permit by an agency of the Commonwealth on or before July 1, 1991; or (ii) for which a Part A permit application for a new solid waste management facility permit, including local governing body certification, was submitted to the Department of Waste Management in accordance with § 10.1-1408.1 B on or before December 31, 1991.

B. Localities may provide in any ordinance adopted under this section that it is unlawful for any person to dispose of his garbage, trash and refuse in or at any other place. No such ordinance making it unlawful to dispose of garbage, trash and refuse in any other place shall apply to the occupants of single-family residences or family farms disposing of their own garbage, trash or refuse if such occupants have paid the fees, rates and charges of other single-family residences and family farms in the same service area.

No ordinance adopted under this section shall apply to garbage, trash and refuse generated, purchased or utilized by an entity engaged in the business of manufacturing, mining, processing, refining or conversion except for an entity engaged in the production of energy or refuse-derived fuels for sale to a person other than any entity controlling, controlled by or under the same control as the manufacturer, miner, processor, refiner or converter. Nor shall such ordinance apply to (i) recyclable materials, which are those materials that have been source-separated by any person or materials that have been separated from garbage, trash and refuse by any person for utilization in both cases as a raw material to be manufactured into a product other than fuel or energy, (ii) construction debris to be disposed of in a landfill, or (iii) waste oil. Such ordinances may provide penalties, fines and other punishment for violations.

Such localities are authorized to contract with any person, whether profit or nonprofit, for garbage and refuse pickup and disposal services in their respective localities and to enter into contracts relating to waste disposal facilities which recover energy or materials from garbage, trash and refuse. Such contracts may make provision for, among other things, (i) the purchase by the localities of all or a portion of the disposal capacity of a waste disposal facility located within or outside the localities for their present or future waste disposal requirements, (ii) the operation of such facility by the localities, (iii) the delivery by or on behalf of the contracting localities of specified quantities of garbage, trash and refuse, whether or not such counties, cities, and towns collect such garbage, trash and refuse, and the making of payments in respect of such quantities of garbage, trash and refuse, whether or not such garbage, trash and refuse are delivered, including payments in respect of revenues lost if garbage, trash and refuse are not delivered, (iv) adjustments to payments made by the localities in respect of inflation, changes in energy prices or residue disposal costs, taxes imposed upon the facility owner or operator, or other events beyond the control of the facility operator or owners, (v) the fixing and collection of fees, rates or charges for use of the disposal facility and for any product or service resulting from operation of the facility, and (vi) such other provision as is necessary for the safe and effective construction, maintenance or operation of such facility, whether or not such provision displaces competition in any market. Any such contract shall not be deemed to be a debt or gift of

the localities within the meaning of any law, charter provision or debt limitation. Nothing in the foregoing powers granted such localities includes the authority to pledge the full faith and credit of such localities in violation of Article X, Section 10 of the Constitution of Virginia.

It has been and is continuing to be the policy of the Commonwealth to authorize each locality to displace or limit competition in the area of garbage, trash or refuse collection services and garbage, trash or refuse disposal services to provide for the health and safety of its citizens, to control disease, to prevent blight and other environmental degradation, to promote the generation of energy and the recovery of useful resources from garbage, trash and refuse, to protect limited natural resources for the benefit of its citizens, to limit noxious odors and unsightly garbage, trash and refuse and decay and to promote the general health and welfare by providing for adequate garbage, trash and refuse collection services and garbage, trash and refuse disposal services. Accordingly, governing bodies are directed and authorized to exercise all powers regarding garbage, trash and refuse collection and garbage, trash and refuse disposal notwithstanding any anti-competitive effect.

C. The following localities may by ordinance require the delivery of all or any portion of the garbage, trash and refuse generated or disposed of within such localities to waste disposal facilities located therein or to waste disposal facilities located outside of such localities if the localities have contracted for capacity at or service from such facilities: (i) Arlington County or the City of Alexandria, singly or jointly, two or all of such counties and cities; (ii) Fairfax County, Fauquier County, Loudoun County, Prince William County, or Stafford County and any town situated within or city wholly surrounded by any of such counties, singly or jointly, two or more of such localities, that have by resolution of the governing body committed the locality to own or operate a resource recovery waste disposal facility; and (iii) localities which are members of the Richmond Regional Planning District No. 15 or Crater Planning District No. 19, singly or jointly, two or more of such localities, that by ordinance of the governing body after a minimum of two public hearings, and after complying with applicable provisions of the Public Procurement Act (Chapter 43 (§ [2.2-4300](#) et seq.) of Title 2.2), have committed the locality to own, operate or contract for the operation of a resource recovery waste disposal facility.

1984, c. 763, § 15.1-28.01; 1987, c. 422; 1988, c. 264; 1991, cc. 521, 615; 1997, c. [587](#); 2007, c. [813](#).