



CITY OF CHARLESTON WEST VIRGINIA



COUNCIL MEMBER – WARD 19

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Environment and Recycling Committee, Chair
Finance Committee
Parking Committee

TO: Environment and Recycling Committee
FROM: Brent Burton, Chair
RE: Committee Meeting

A meeting of the Council Committee on Environment and Recycling will be held on Wednesday, October 30, 2024. The meeting will begin promptly at 5:00 PM
In the **AV Room #308** in City Hall, 501 Virginia St. E. Charleston, WV 25301.

Agenda

APPROVAL OF PREVIOUS MINUTES

1. Previous Minutes

BILLS

1. Bill No. 8047 - A BILL to establish a Restricted Use Area in the Loudon Heights area in the vicinity of the intersection of Bridge Road and Norwood Road for the purpose of prohibiting the drilling into, extraction of, or use of groundwater within the Restricted Use Area, except for groundwater monitoring and/or remediation.

BB/jb

MINUTES

ENVIRONMENT & RECYCLING COMMITTEE MEETING NOVEMBER 2, 2023– 5:30 PM AV ROOM-CITY HALL

Committee Members Present: Brent Burton, Chair – Emmett Pepper, Vice Chair
Jennifer Pharr - Joe Solomon

Others Present: Matt Sutton – Kevin Baker- Brent Webster – Jered Lanham
Craig Arnold/Erica Young w/Waste Management
Members of Green Team

The Chairman called the meeting to order and entertained a motion to approve the previous meeting minutes. Emmett Pepper made the motion. Joe Solomon seconded. Minutes were approved as written. The Chairman remarked that the only agenda item was a presentation by Waste Management of WV regarding the Transfer Station. He then turned the meeting over to Craig Arnold, Landfill district manager for WV Waste Management, who also introduced Erica Young, Manager of public affairs for WV Waste Management.

Mr. Arnold began by stating that the current Landfill is running out of airspace and closing. WV Waste Management is looking to put in a transfer station for use by the City of Charleston, County and surrounding areas. He stated that they have looked at several options and have found a location that would work and will keep the landfill trash going to the same location.

He proceeded with the PowerPoint presentation and asked if there were questions to feel free to ask at any time. Emmett Pepper remarked that at one point there were plans to expand the landfill. Mr. Arnold responded that the City and Waste Management decided it was not feasible to expand at this time. He stated that Waste Management will need the approval of the County, PSC and DEP and they are currently working with all these agencies, as no waste can be accepted until approval is received from each agency. He went on to say they expect the approval process to take 14 months, once approved they anticipate construction to take 15 months, to be completed in 2025. He went on to say that the current landfill is expected to close, ballpark ... July/August 2025.

Ken Baker asked about recyclables. Mr. Arnold stated that the Transfer Station will accept recyclables, currently single-stream, and additionally will also be able to accept glass. In response to a question regarding noise and smells, Mr. Arnold stated that there should not be constant smells because refuse will be inside and gone at the end of the day before it has a chance to break down. Additionally, the noise level would not change much from what is experienced now at the landfill.

Matt Sutton commented that the City is not changing in any way how refuse is picked up by the City of Charleston. Additionally, the ability to take recyclables will be an enormous saving to the city in terms of multiple daily trips to and from Beckley, wear and tear on vehicles and most importantly the safety of our drivers. Mr. Sutton explained that there would be two items that would require action by the City Council. One being the annexation of the property into City limits, although the city owns it. And two, work out a lease with Waste Management for them to use the parcel of land needed, providing there are no hiccups that would cause this to not be a usable location. Mr. Pepper asked whether the City would be able to use the current landfill longer than others or would it all be shut down at the same time. Mr. Arnold stated that the plan is for Waste Management to bail out first. He added that in the past, DEP regulations have required a 180-day notice to close but can ask for a little leeway of maybe a week or so if needed.

Mr. Sutton asked about similar transfer stations Waste Management operated. Mr. Arnold stated that in WV they have one in Jefferson County and one in Logan called Pecks Mill.

A member of the Green Team asked about options for re-use of a closed landfill, i.e... planting trees. Mr. Arnold stated that it cannot be used for anything that would require any digging. He stated it could be permissible for picnic and play areas, mountain biking, etc. or as Joe Solomon suggested, a dog park.

The Chairman asked if there were any other comments or questions, there being none, The Chairman entertained a motion to adjourn. Emmett Pepper made the motion. Joe Solomon seconded. The meeting was adjourned.

Bill No. 8047

Introduced in Council:

Adopted by Council:

October 7, 2024

Introduced by:

Referred to:

John Gianola

Environment & Recycling

1 **Bill No. 8047** - A BILL to establish a Restricted Use Area in the Louden Heights area of
2 the City of Charleston (the “City”) in the vicinity of the intersection of Bridge Road and
3 Norwood Road for the purpose of prohibiting the drilling into, extraction of, or use of
4 groundwater within the Restricted Use Area, except for groundwater monitoring and/or
5 remediation.

6
7 **WHEREAS**, a parcel of land located at 1400 Bridge Road (the “Site”) has been
8 the subject of an environmental assessment and risk-based remediation by Exxon Mobil
9 Corporation (“ExxonMobil”) as part of their Uniform Environmental Covenants Act –
10 Leaking Underground Storage Tank (UECA-LUST) case 87-009, and by Jackie L
11 Campbell LLC as part of their UECA-LUST case 03-030, which includes a Remedial
12 Action Work Plan approved by the State of West Virginia Department of Environmental
13 Protection (“DEP”) and which is identified as Former Exxon Station #28841, WV ID No.
14 2-002332, LUST Leak No. 87-009, UECA No. 23004; and

15
16 **WHEREAS**, the environmental response project has indicated that contaminants
17 of concern, namely benzene and methyl tertiary-butyl ether (MTBE), from previous
18 businesses on the Site have migrated with the flow of groundwater from the Site to the
19 surrounding groundwater; and

20
21 **WHEREAS**, ExxonMobil, in cooperation with the DEP, has notified the City of the
22 migration, and has requested that the City take protective action to prevent exposure to
23 the contaminants of concern in the groundwater; and

24
25 **WHEREAS**, the City has the duty and authority under W. Va. State Code § 8-12-
26 5(22) to provide for the elimination of hazards to public health and safety; and

27
28 **WHEREAS**, the Kanawha Charleston Health Department is the governmental
29 agency with authority to issue permits with respect to groundwater well drilling within
30 Kanawha County, including within the City.

31
32 **Now, therefore, be it Ordained by the Council of the City of Charleston, West**
33 **Virginia:**

34
35 THAT there is hereby established within the City a Restricted Use Area in which the

36 drilling into, extraction of, and use of groundwater, except for groundwater monitoring
37 and/or remediation, is prohibited. The Restricted Use Area is shown on the attached
38 Exhibit A, and is generally defined as 1400 Bridge Road, a portion of the public right of
39 way adjacent to 1400 Bridge Road and its intersection with Norwood Road, as well as
40 the properties commonly referred to as 1314, 1317, and 1319 Bridge Road (collectively,
41 the "Property").

42
43 The Property receiving the groundwater use restriction is more particularly described as
44 follows:

- 45 1. 1400 Bridge Road on file in the Kanawha County Clerk's Office as District 9, Map
46 24, Parcel 40, and owned by Colonial Exxon Inc., pursuant to that certain deed at
47 Deed Book 3053, Page 499 on file in said Clerk's Office.
- 48 2. 1314 Bridge Road on file in the Kanawha County Clerk's Office as District 14,
49 Map 9, Parcel 52, and owned by Saint Matthews Episcopal Church, pursuant to
50 that certain deed at Deed Book 1075, Page 227 on file in said Clerk's Office.
- 51 3. 1317 Bridge Road on file in the Kanawha County Clerk's Office as District 14,
52 Map 9, Parcel 49, and owned by Charles M & June E Showalter, pursuant to that
53 certain deed at Deed Book 2236, Page 146 on file in said Clerk's Office.
- 54 4. 1319 Bridge Road on file in the Kanawha County Clerk's Office as District 14,
55 Map 9, Parcel 50, and owned by Marcy Marble Carte, pursuant to that certain will
56 at Will Book 605, Page 552-554 on file in said Clerk's Office.
- 57 5. The public rights of way adjacent to these properties, as shown on the attached
58 Exhibit A.

59
60 The Property represents the complete area of all parcels intersected by the maximum
61 predicted extent of contamination migration.

62
63 Groundwater is defined as water occurring in the zone of saturation beneath the
64 seasonal high water table, or any perched water zone.

65
66 The groundwater restriction is due to concentrations of benzene and methyl tertiary-
67 butyl ether (MTBE) above the WVDEP Groundwater De Minimis Standards. This
68 prohibition applies to any excavation or penetration in the ground, whether drilled,
69 bored, cored, driven, or jetted that enters or passes through the groundwater for the
70 purposes of using or extracting groundwater, including but not limited to a water supply,
71 exploration for water, dewatering, or heat pump wells.

72
73 Nothing contained in this ordinance shall prohibit the extraction of groundwater from
74 installation, modification, operation, repair or removal of monitoring and/or remediation
75 wells when operated with the authorization of or at the direction of state or federal
76 environmental officials or agencies. Nothing contained in this ordinance shall prevent
77 groundwater monitoring and/or remediation of groundwater. Nothing contained in this
78 ordinance shall prevent the use of groundwater in the Restricted Use Area if the
79 groundwater has been treated to meet applicable state and federal standards
80 appropriate for its intended use prior to any use.

81

82 Nothing contained in this ordinance shall prevent any construction activity within the
83 Restricted Use Area which is not for the purpose of drilling into, extracting of, or use of
84 groundwater and does not contemplate the disruption of groundwater during
85 construction. Additionally, nothing in this ordinance shall prohibit any construction
86 activity within the Restricted Use Area which is not for the purpose of drilling into,
87 extracting of, or use of groundwater but that may result in incidental disturbance of
88 groundwater, provided all state laws and regulations applicable to construction under
89 such conditions, including, but not limited to, all laws and regulations enforced and
90 promulgated by the DEP, are verifiably met. If incidental disturbance of groundwater
91 occurs, the contractor shall provide notice of the disturbance to the Department of
92 Environmental Protection, and reference Former Exxon Station #28841, WV ID No. 2-
93 002332, LUST Leak Nos. 87-009 and 03-030, UECA No. 23004.

94
95 Upon passage, the Clerk shall submit a certified copy of this ordinance to the Kanawha
96 Charleston Health Department for their use when evaluating applications for
97 groundwater drilling within the City of Charleston. Furthermore, a certified copy of this
98 ordinance shall be recorded with the Kanawha County Clerk.

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100 Upon passage, a copy of this Ordinance shall also be provided to the City of Charleston
101 Development Services Department and the City of Charleston Engineering Department.