

**CLARKE COUNTY SANITARY AUTHORITY MEETING
SPECIAL MEETING
OCTOBER 28, 2022
MINUTES**

PRESENT:

Mr. Roderick DeArment, Chairman
Mr. A. “Dan” Mackay-Smith, Vice-Chairman
Mr. Tom Bauhan, Treasurer
Mr. C. Wayne Armbrust (Teleconference)
Mr. David Weiss, Liaison for the Clarke County Board of Supervisors (alternate for Bev McKay)

OTHERS:

Mr. Paren Crawford, Inboden Environmental Services
Mr. Mark Inboden, Inboden Environmental Services
Daniel Boyd, Inboden Environmental Services
Mrs. Mary Meredith, Staff
Chris Boies, County Administrator
Terry Catlett, Board of Supervisor
Jim Davis, Virginia Department of Health
Carter Neiswander, Virginia Department of Health
Third member of Virginia Department of Health
Max Emma
Ruth Emma
Matt Youngblood, Pennoni Engineering (Teleconference)

ABSENT:

Mr. Lee Coffelt
Mr. Bev McKay

I. CALL TO ORDER

A motion was made to continue the meeting from Wednesday October 26, 2022.

Mr. DeArment	-	aye
Mr. Mackay-Smith	-	aye
Mr. Bauhan	-	aye
Mr. Armbrust	-	aye
Mr. Coffelt	-	absent

II. PUBLIC COMMENT

Mr. David Weiss requested to make a few remarks at the start of the meeting. Mr. Weiss noted he was filling in as the liaison for Mr. McKay who was absent today. Mr. Weiss is the Chair of the Board of Supervisors. Mr. Weiss noted he reviewed

the update Ms. Meredith provided the Board of Supervisors and feels up to date on the current matter at hand. He continued that the authority's role is to run the Sanitary Authority and to protect it, thereby protecting all users in the system. One of the pitfalls of service as an elected official is invariably we will know the people that come before you. It is in human nature to want to help as often we can, but that help can reach beyond what is appropriate. This job is not necessarily to negotiate a solution to solve the problems. It is to determine the problem and the customer is responsibility to resolve the problem. Mr. Weiss noted the Board of Supervisors believes the action taken to shut off service was appropriate. He continued that if service was reinstated, that the authority is assuring the system is no longer in any danger of being compromised. We do not know the full effect this damage has had on the system or the future expenses the county may incur from this. These are manmade problems that have been occurring for a long time with significant detrimental effects to the system. Finally, we are a business friendly community however, it is not the sanitary authority's responsibility to protect the financial well being of their customers. The safety and functioning of the system long term and short term are the guiding principles of the sanitary authority. Mr. Weiss thanked the chairman and appreciated the time to speak.

Mr. DeArment note there may well be damage that the authority has already incurred. If there is damage and the damage can be proved to be caused by the customer, the charges will be charged back to them. Our goal here to assure if service is restored there is not further risk to the system. The fines don't protect the system but can compensate for damages. With that in mind, Mr. DeArment requested Mr. Emma to move through the steps taken since the last meeting.

Mr. Emma spoke to Mr. Weiss noting that all points he spoke about had been relayed by the authority at the last meeting. He noted the steps they are taking and will take, he feels accomplishes the goals to mitigate the ongoing grease issue until the interceptor was installed. The planning application was submitted along with the building permit for review and approval. Site plans were amended by Pennoni. The grease interceptor sizing worksheet was also included. Mr. Emma noted that the September bill and penalties was paid on October 27, 2022 to the treasurer's office. He also commented that the grease interceptor is in stock and can be delivered as soon as the hole is dug for the installation. That cannot happen until the building department approves the permit. Mr. DeArment asked Mr. Boies how long it would take for the applications to be reviewed. Mr. Boies would check with building and planning department.

Mr. Emma noted that with the timeline, things could be installed by the end of the week on November 11. They would also provide email updates to the members of the sanitary authority. Ms. Meredith noted that typically plans are sent to H&P for engineering review. The grease interceptor is on the methods and materials approved list. Mr. Youngblood reviewed a board overview of the site plans, noting if anything needs to be depicted on them, to let him know.

Mr. Boies returned noting planning and building both have not been able to review the applications yet. Both departments are hopeful for a fairly quick turnaround time on reviewing.

Mr. Bauhan commented given the quick timeline for the installation, would it be more prudent for the sanitary authority to wait until this is completed before restoring service, and the business could operate in a limited capacity. Mr. Emma noted that to remain closed would be detrimental to the business. Mr. Armbrust noted that he feels it is outside of the scope of the authority to dictate how a business operates. The operations and the risk of operating are the responsibility of the customer. If the customer making all these changes will have a positive impact to lower the risk and bring the results below the threshold, we could approve that operation. If it does not get below the threshold then that places a very significant risk on the customer.

Ms. Meredith noted that the grease sample pulled on October 14, the day the wet well overflowed, resulted in 873 mg/L. Mr. DeArment asked what was before that. Ms. Meredith noted it was 2,811 mg/L.

Mr. DeArment had question for Inboden, that once the interceptor is installed, will it be inspected. Ms. Meredith noted they will be there during installation. He also inquired about the turnaround time of review by Hurt & Proffitt. Ms. Meredith said she would request that they expedite this review on behalf of the authority, but could not guarantee their turnaround time.

Mr. Bauhan asked Ms. Meredith how we could ensure our system is not getting compromised. Ms. Meredith noted we can test, but the turnaround time is two weeks, and that is the only standard to gauging if the system is being compromised by fats, oils, and grease. Mr. Armbrust commented that we are facing a change in systematic approval to allow the customer to go back in operation. The only way to insure compliance is testing, which should continue on a weekly basis. The one question we should be asking as the board is are we going to do a reset on the testing fines. Are we looking at this as the beginning or are we going to continue the fines as if it is no change and the fine would be \$32,000. Mr. DeArment said he would reserve that question until we come to that point in decision making. He felt we would shut off service before we would get to an unnecessarily high level. Mr. Armbrust countered, noting establishing that determines risk to customer if service is restored.

Ms. Meredith service will be restored when there is a correction of deficiency. When service to a customer has been terminated for any of the above stated reasons, other than temporary vacancy of the premises, it will be renewed only after the conditions, circumstances, or practices that caused the service to be discontinued are corrected to the satisfaction of the Authority. The deficiency is the high level of fats oils and grease, and how to determine if that is resolved with these measures being suggested. Mr. DeArment noted once the grease interceptor

is installed, that this should resolve the issues of high fats, oils, and grease.

Mr. Mackay-Smith asked what is being proposed and noted it is a gray area until we get a test result below the limit. Mr. DeArment asked Mr. Mackay-Smith if his suggestion is they operate on a reduced menu until resolve the high levels. Mr. Mackay-Smith said he would presume the customer would do so. Noting the difference is they are down completely until installation versus running at a low level with considerable risk to them. We could demonstrate fairly soon if the proposed menu allows them to meet the grease requirement level. Assuming it is not a heavy grease level the processing might be quicker. Mr. Inboden stated that the turnaround for a sample could be within 48-72 hours if the sample is not high in fats, oils, or grease. Mr. Inboden said his recommendation would be to test a couple days after operation if service is restored. Ms. Meredith noted Mr. Crawford could pull a sample on Thursday.

Mr. DeArment stated we want to enforce our standards, and not tell a customer how to operate. If a sample is above our level, we would revisit this issue. Mr. Weiss noted since it is sounding like the authority will allow service to be reinstated, but the business has to go back into service with limited fashion. The authority has concern enough to require immediate testing, indicates that the authority is not confident enough with the interim solution. If the test fail then there is a fine, another special meeting, engineering time pulled onto this item, and other steps to take. The authority is saying the risk to the system and risk to store owner is a better solution than waiting the short period of time for the grease interceptor to be installed. Whereby there would be no risk to system, or fines to store, and the system is not at risk. Mr. Emma noted at the previous meeting the risk is the animal protein and that is what they plan to remove. Mr. Weiss noted the actions have not followed words of the customer and the system is compromised and has been compromised due to customer errors and indifference.

Mr. Armbrust feels a conflict that we are looking at allowing operations which puts us in an awkward position if there is an exceedance of the sample. With us having knowledge of the risk, that puts us in a position with high excess fines on a customer. He feels if we allow service we also allow the potential exceedance to occur, it doesn't make sense to fine the customer. Mr. Armbrust noted we are putting ourselves in the position to allow this to occur.

Mr. Bauhan noted that according to our guidelines the question for discussion right now is whether the corrective actions presented today meet the guidelines to restore service. Mr. DeArment noted they are proposing to operate differently and institute extra cleaning or the wet well in the interim to reduce the risk. Mr. Bauhan asked if this presented today corrects the issue. Mr. Mackay-Smith said in addition do they continue testing until this is resolved, or not have service at all. Mr. Emma asked if we could ask Mr. Inboden if we remove the rendering of animal fat, does that help check this box with regard to mitigating the risk. Mr. Inboden noted he's not an expert in culinary matters. His opinion is that animal

fat is what is causing the majority of grease. High quality of foods rendering down on site. Going back to practice, the rules and regulations, and standard and specs are our guidance and what he recommends the authority follow. To that end, our regulations say in order to restore service the method of practice and cause for deficiency has been resolved. Although there is no assurance that this change in menu and kitchen practices will result in mitigating grease we will see in our system below 100 mg/L, they are proposing method practice changes to do that. His opinion is they met that, but it would be up to the authority to determine if this will meet our limit of 100 mg/l. If this does not satisfy requirement, this is potentially another disconnection of service and we start this process over again, all the while we are wasting time and money. It puts risk back in business owner's hands and the owner has to make sure this is a risk they want to take. He noted while the fines proposed do provide funding if further follow up and corrective action measures are needed due to faults or harm caused to the system. Mr. Bauhan asked if Mr. Emma is prepared for that risk to his business for 7-10 business days. Mrs. Emma asked if the board could consider to restoring service and they would go back and evaluate how they want to operate in the interim until the grease interceptor is installed. Mr. Bauhan urges the customer to take careful consideration on service.

Mr. DeArment motioned to restore service with knowledge that the customer is bearing the risk of any subsequent testing after service is restored. Should subsequent testing exceed the 100 mg/L limit as set forth in code of Clarke County and Standard Detail, the customer would incur a \$32,000 fine and discontinuation of service until interceptor is installed and operation. Mr. Bauhan seconded.

Mr. Mackay-Smith feels this is the right way to go. He feels shutting down is not a productive answer. He would support motion and recommends they have someone to keep track of the installation process.

Mr. Armbrust, feels everything is in place and the risk is on the shoulders of the customer. Everyone is aware of corrective action and resulting steps.

Mr. Weiss asked if the same rules apply on each successive test. Mr. DeArment said if this happens, we would not allow restoration until the interceptor is installed. Mr. Weiss clarified that if the test result is under the limit, but testing continues, and then there is a failure after that original testing, what is the result. Mr. DeArment stated any subsequent testing until the interceptor is installed would result in fining and disconnection. Ms. Meredith stated there would probably be only one test between now and the next meeting.

Mr. DeArment	-	aye
Mr. Mackay-Smith	-	aye
Mr. Bauhan	-	aye
Mr. Armbrust	-	nay

Mr. Coffelt - absent

III. NEXT MEETING

The next meeting is Tuesday November 15, 2022 at 9:00am.

IV. ADJOURNMENT

The meeting was adjourned.