



LCPCC Zoning Committee Meeting Summary:

GABLE LANDFILL DISCUSSION
Between Loudoun County Staff and Cattail, LC.
Thursday November 14, 2019, 10:00am

MEETING ATTENDEES:

Alan Brewer, Director of Building & Dev.	Wahaj Memon, County Attorney’s Office
Mark Stultz, Zoning Administrator	Keith Fairfax, Zoning Administration
Michelle Lohr, Dept. of Planning & Zoning	Jacob Jambrick, Zoning Administration
Chris Mohn, Dept. of Planning & Zoning	Henry Harris, Cattail, LC, Hamilton, VA
Jim Brown, Building & Development	Joyce Harris, (via phone)
Joe Ohler, Erosion & Sediment Control	Maura Walsh-Copeland, LCPCC Zoning Committee Chair

1. STATUS of the Gable Farm Stockpiling/Landfill

a. Restitution & Mitigation: County Attorney’s Office

i. Status of Take Off Plan?

RESPONSE: No plan initiated yet. Gable Farm attorney (Dave Culbert) indicated problems obtaining an engineer to develop a plan.

ii. Status of County Attorney office activities: Lawsuit pending? new fines?

RESPONSE: County Attorney’s office has given Gable Farm owner until the end of November for an abatement plan (which may include movement of fill dirt, removal of fill dirt, application for Special Exception or other abatement.)

Question from H. Harris: “Then what?”

RESPONSE: County Attorney is not at liberty to divulge privileged information regarding County actions/plans (attorney/client privilege).

b. Restitution & Mitigation: Erosion & Sediment Control

i. Status of Erosion control maintenance after stop work order?

RESPONSE: Per Joe Ohler, inspections are occurring every 2 weeks. No new activity.

Comments / questions from H. Harris:

1. Runoff continues from Gable Farm onto Colonial Hwy/Bus. Route 7. Harris had to install new driveway due to erosion caused by Gable Farm runoff.
2. There has still been no determination of what is IN the landfill. DEQ did not test for contaminated materials. Dumped materials have still not been disclosed by Gable Farm (due to lack of manifests and disclosure).
3. There has been No ongoing monitoring of materials dumped on the site.
4. What are the possible future uses of the “personal rec field?” What uses would be allowed AFTER restitution/mitigation?

RESPONSE (C. Mohn): Allowed uses will depend on final take-off plan, mitigation of site, and compliance with all county regulations at the time of a future application.

ii. Well Monitoring

Comment/questions from H. Harris: Has any well monitoring been performed in the past year to confirm the safety of drinking water for public consumption for wells on adjacent properties, including Scott Jenkins Park across from Gable Farm?

RESPONSE:

Per Mr. Brewer, private well inspections are the responsibility of the property owners and the Loudoun County Health Department.

Public well inspections for Transient, noncommunity Waterworks (TNCs) are the responsibility of the Commonwealth of Virginia Office of Drinking Water (ODW).

LCPCZ ZONING COMMITTEE CHAIR FINDINGS:

- Per public records on OnlineRME, in March, 2016 ODW approved a TNC well site at Scott Jenkins Park, which is located directly across Colonial Hwy (Bus. Rte 7) from the Gable Farm landfill.
- Records indicate the well was tested in 2017, however, no records show testing of the well performed after the volume of solid and liquid materials were dumped at the Gable Farm site in 2018 with subsequent runoff.
- *See attached OnlineRME records for Scott Jenkins Park (ODW approval, map, permits, 2017 well test, 2016 well specifications).*

ACTION:

For the health, safety and welfare of the public, and per ODW regulations (12VAC5-590-350), all wells within 500' of the Gable Farm site should be tested by the Health Department and/or ODW.

RESPONSIBLE PARTY: Dr. David Goodfriend

iii. Comparison / Gable Farm Proposed Restitution

Comment/question from H. HARRIS: Supervisor Higgins stated at the February 26, 2019 meeting that the Harris mitigation plan would be provided to the County Attorney office for consideration. In light of the recent settlement for a similar landfill location in Oct., 2019, review status for Gable Farm is requested.

RESPONSE: County Attorney office had not received the Harris mitigation plan.

ACTION: Harris – stated a formal request for consideration of this plan for inclusion in the abatement plan and review, with Gable Farm deadline of end of November, 2019.

2. PREVENTION: Status of revised Building & Development Standard Operating Procedures

a. At the July, 2019 meeting B&D (J. Brown) indicated the SOP document was in draft review.

b. Can/will the SOP be shared with Harris/LCPCC for review? (or “Friendly FOIA?”)

RESPONSE: Draft is a “living” document (Stultz, “very close”). Use of the draft SOP has resulted in numerous stop work orders for illegal grading. Zoning clearance review has also resulted in applications pulled (for suspected stockpiling) as applicants were made aware request would not be approved) – “so the draft SOP is working.”

ACTION: Copy of SOP will be provided for committee subject matter review by 11/22.

STATUS: Draft received 11/21/2019 (much appreciated).

- 3. PREVENTION: Status of revised Erosion & Sediment Control / Planning & Zoning Actions**
- a. At the July, 2019 meeting Planning indicated that the “Default” application status is as a “Special Exception (SPEX).”
ACTION: P&Z (C. Mohn) to provide/highlight the location of this requirement in current public documentation (website? Application? Other source?)
- b. The changes made by E&S staff (J. Ohler) to improve information gathered on applications and forms (clarifying/requesting volume of truckloads) were located and discussed. Question: have any other forms or systems updates been made (e.g., LMIS)?
RESPONSE: None at this time.
- c. Have all forms/applications/procedure changes and improvements been incorporated in requirements for the LMIS replacement?
RESPONSE: Meetings to discuss requirements for *EnerGov* (LMIS replacement) are ongoing and will include requirements identified and discussed by this committee.
- 4. Status of Commissioner of Revenue's Investigation**
- a. Is the investigation of Gable Farm submission of business revenue for commercial activities complete?
RESPONSE: No representation for COR was present for the November meeting.
- b. What communication improvements have been proposed or implemented since July? (e.g., shared notices of violations, change of use notices. etc. among the offices of DPZ, B&D, and Commissioner of Revenue?)
ACTION: Set up separate meeting with COR (Wertz), Zoning Administration (Stultz) & Zoning Enforcement (K. Fairfax) to discuss procedures and information flow.
- 5. Status of Recommendations from Other Counties and Groups**
- a. An article published by the PEC¹ emphasizes stockpiling is a state-wide issue; legislation needed to close loopholes. What are other jurisdictions doing to resolve this problem?
RESPONSE: Other counties are looking to Loudoun – as Loudoun is ahead of the pack on making changes to procedures to close loopholes. Staff noted that landfilling is not an Ag Exempt use, and work is continuing to close loopholes.
- b. Have any discussions been held within REDC and ZOAG on this subject?
RESPONSE: No specific actions to date. Actions are being worked through Staff at this time. Review by this sub-committee will continue for both current restitution/mitigation and prevention methods
- 6. Stockpiling Input Requirements for the “Zoning Ordinance Rewrite” (a.k.a., “ZOR”)**
The LCPC Zoning Committee is preparing information that is intended to assist with the ZOR Staff and Consultant audit matrix. Work is being done in parallel in advance of public input in 1Q2020.
- 7. NEXT STEPS:**
Set meeting date in 1st quarter of 2020. Date to be confirmed after COR/Zoning meetings and actions/status for well monitoring from the Health Dept./ODW/Dr. Goodfriend.

¹ Link to article: <https://www.pecva.org/maps-and-resources/publications/piedmont-view/269-fall-2019-piedmont-view/1468-a-dirty-secret-how-construction-waste-is-making-its-way-onto-rural-lands>