

The Public Hearing Held
PURSUANT TO CHAPTER 14, § 10.1-1426
CODE OF VIRGINIA, 1950, AS AMENDED,
REGARDING
Draft Renewal Post-Closure
Care Permit - Hazardous Waste Management
Units 5 & 16
Radford Army Ammunition Plant
Radford, Virginia

Date: June 4, 2014

Volume: I

BLUE RIDGE COURT REPORTING, INC.

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VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF LAND PROTECTION AND REVITALIZATION
OFFICE OF WASTE PERMITTING AND COMPLIANCE

PUBLIC HEARING HELD

PURSUANT TO CHAPTER 14, § 10.1-1426

CODE OF VIRGINIA, 1950, AS AMENDED,

REGARDING

Draft Renewal Post-Closure

Care Permit - Hazardous Waste Management

Units 5 & 16

Radford Army Ammunition Plant

Radford, Virginia

New River Valley Business Center

6580 Valley Center Drive, Radford, Virginia 24141

June 4, 2014 - 7:45 P.M.

RADFORD, VIRGINIA. JUNE 4, 2014. 7:47 P.M.

HEARING OFFICER DEPPE: All right.

Good evening, ladies and gentlemen. It is now 7:45 PM on Wednesday, June 4, 2014.

This hearing is now called to order. My name is Russell Deppe. I'm a Legal Hearing Officer for the Central Office of DEQ in Richmond, Virginia. Today, I will function as the Hearing Officer for this meeting and you will be presenting your comments directly to me.

This public hearing is being held at the New River Valley Business Center, 6580 Valley Center Drive, Radford, Virginia 24141. It is being held pursuant to Chapter 14, § 10.1-1426 of the Code of Virginia, as amended, and the requirements of 9 VAC 20-60-124, 264, and 270 of the Virginia Hazardous Waste Management Regulations, Title 9, Virginia Administrative Code 9 VAC 20-60, which adopt by reference 40 CFR Parts 124, 264 and 270.

The purpose of this hearing is to allow the public the opportunity to provide comments on

the draft renewal permit proposed to be issued by the Department of Environmental Quality for the facility addressing post-closure care of two (2) closed hazardous waste management units in Radford, Units 5 and 16, as outlined in the fact sheet and presented in the draft renewal post-closure care permit. If approved, the current draft renewal post-closure care permit would become final.

In accordance with Chapter 14, Article 4, § 10.1-1402 of the Virginia Code, a notice of this hearing and the opportunity for public comment was published in the Roanoke Times on Wednesday, April 30th, 2014. Radio advertisement of this hearing was made on WPSK 107.1FM in Blacksburg, Virginia on Wednesday, April 30th, 2014. This notice was also published in the Virginia Regulatory Town Hall on May 1st, 2014.

The public comment period will extend through Thursday, June 19th, 2014. During this period, the Department of Environmental Quality will be accepting comments on the proposed draft renewal post-closure care permit.

1 During this hearing, public comments are
2 encouraged on the technical merits of the
3 specific changes proposed in the draft renewal
4 post-closure care permit. In order to be
5 recognized to speak on this project, you must
6 sign the official register located at the back
7 of the room.

8 It's already made its way back up to me,
9 but if anybody else would like to speak, please
10 come forward and sign this as well.

11 I invite anyone who wishes to speak at this
12 hearing but has not registered yet to sign the
13 official register.

14 So, if there's anybody else who has just
15 come in who would like to speak, please come
16 forward.

17 [COURT REPORTER NOTE: No persons
18 approach the hearing officer.]

19 **HEARING OFFICER DEPPE:** All right. I
20 would now like to review the procedures for this
21 hearing. You will be called to come forward and
22 speak, one (1) person at a time, in the order
23 that's written on the Official Register for this

1 Public Hearing.

2 If there are any elected or appointed
3 officials, you'll be invited to speak first.

4 Please speak slowly and clearly so your
5 comments can be accurately and completely
6 recorded into the official record of this
7 hearing. We will be using a digital recorder
8 and also have court reporter for this hearing.

9 All comments are to be directed to me.
10 This is a hearing. I am here to listen. You
11 are requested to give your full name, mailing
12 address and who you represent, if applicable,
13 prior to making your comments. This will
14 provide the department with the information
15 needed to provide you with a written response to
16 your verbal comments.

17 Please limit your comments to a maximum of
18 five (5) minutes in order to ensure that all who
19 are present and desire to speak will be allowed
20 an opportunity to do so.

21 If your comment has been covered by a
22 previous commenter, it is appropriate to simply
23 state that you agree with previous commenter.

1 Obviously, you are allowed to say more if you
2 would like, but, if it is an identical comment,
3 you're more than welcome to just say that.

4 Comments on the draft permit that are made
5 after the hearing today must be in writing and
6 are to be addressed to: Russell McAvoy,
7 Department of Environmental Quality, Office of
8 Waste Permitting and Compliance, P. O. Box 1105,
9 Richmond, Virginia 23218 and received before
10 eleven fifty-nine (11:59) PM on June 19th, 2014.

11 Mr. McAvoy is the permit writer for this
12 project. At this time, he is the person who is
13 designated as the Department's contact for this
14 project.

15 Mr. McAvoy, will you please stand up and be
16 recognized?

17 (Mr. McAvoy complies with the hearing
18 officer's request.)

19 **HEARING OFFICER DEPPE:** Thank you.
20 In addition, also present is Jutta Schneider and
21 Kurt Kochan, representing the RCRA Corrective
22 Action/Groundwater Program.

23 Ms. Schneider and Mr. Kochan, would you

1 please stand up to be recognized?

2 (Ms. Schneider and Mr. Kochan comply with
3 the hearing officer's request.)

4 **HEARING OFFICER DEPPE:** Thank you.
5 Questions presented during this public hearing
6 will not be answered tonight. Mr. Russell
7 McAvoy will respond to technical questions
8 presented at this hearing which are specific to
9 this project in writing.

10 These types of questions typically require
11 additional evaluation of the site plans and
12 draft renewal post-closure care permit to ensure
13 that no details are missed and to consider all
14 the relevant issues. Mr. McAvoy, Mr. Kochan and
15 Ms. Schneider will respond to questions
16 regarding the administrative procedures involved
17 with issuing a permit, time schedules and
18 processing activities presented at this hearing.
19 Afterwards, they'll respond in writing to any
20 specific request related to the procedures.

21 After the comment period, the Director of
22 the Department of Environmental Quality will
23 consider all verbal comments from this hearing

1 and written comments received during the public
2 comment period. He will then determine if the
3 draft renewal post-closure care permit is to be
4 issued to the Radford Army Ammunition Plant
5 facility, as proposed.

6 Mr. McAvoy - well, in theory, he would be
7 bringing up the Official Register, but we
8 already have it right now. So thank you in
9 advance.

10 The Official Register indicates that there
11 are six (6) individuals who wish to speak at
12 this time. If there is anyone present that has
13 not signed the register and wishes to have his
14 or her comments entered into the official
15 record, please come forward to sign the register
16 at this time.

17 [COURT REPORTER NOTE: No persons
18 approach the hearing officer.]

19 **HEARING OFFICER DEPPE:** All right.
20 We begin, going down the Official Register.
21 Just to be first and foremost, are there any
22 elected or appointed officials who would like to
23 speak first at this hearing?

1 [COURT REPORTER NOTE: No officials
2 approach the hearing officer.]

3 **HEARING OFFICER DEPPE:** All right.
4 Seeing none, the first speaker will be Mr. Peter
5 deFur.

6 MR. PETER deFUR: Thank you very much. I
7 appreciate the opportunity to provide comments.

8 My name is Peter deFur. I work at
9 Environmental Stewardship Concepts, a consulting
10 firm for which I am the President. That's at
11 1006 Pump Road, Suite 200, in Henrico, Virginia.
12 I'm a professional consultant and I am here
13 under the employe of Environmental Patriots of
14 the New River, for whom I have recently signed a
15 contract to do technical analysis of the
16 permits.

17 Because I have recently taken this contract
18 and started this work, my first comment is to
19 request an extension of the public comment
20 period. The permit is over seven hundred (700)
21 pages, highly detailed, highly technical and I
22 want a chance to give my client a fair
23 consideration of the technical analysis that I

1 can do for that permit.

2 So that's my first comment. I'd like it to
3 be extended through the end of August.

4 Second of all, in brief review of the
5 materials that I've had a chance to take a look
6 at and the summary, I see that one (1) of the
7 monitorings will be for several of the forms of
8 Dinitrotoluene or DNT. There are, in fact, six
9 (6) different forms of DNT and only two (2) will
10 be monitored and I would recommend that all six
11 (6), either individually or collectively, as
12 total DNT be measured and monitored because the
13 toxicity and the fate in transport is under
14 investigation right now by the scientific
15 community and EPA headquarters is making a
16 determination about how they will be treated.

17 And then the other fact is that I will be
18 looking at the data on the leachate from -
19 that's been taken out of the facilities - being
20 pumped right now. I'll look at the ground
21 monitoring results and my concern right now is
22 to make sure that all the potential constituents
23 of concern - all the toxic chemicals including a

1 variety of organic chemicals and perchlorate
2 will be measured so that any corrective action
3 needs to be taken.

4 I was originally concerned that the
5 chemical TCE, found in the ground water, was
6 being allowed to attenuate naturally using a
7 process of natural attenuation, whereas in many
8 such situations TCE is treated with a bio-
9 remediation by providing additional substrate
10 for the native bacteria to digest these
11 contaminants, but I have to look to see whether
12 the concentrations that are in the ground water
13 plume are at the right level where that's a
14 practical application - another reason why I'm
15 seeking additional time.

16 But I think that's an important point for
17 DEQ to consider in whether or not that bio-
18 remediation should be implemented.

19 Thank you very much. I appreciate the
20 opportunity to comment.

21 **HEARING OFFICER DEPPE:** Thank you,
22 sir. The next speaker is Travis Williams.

23 **MR. TRAVIS WILLIAMS:** Hi. My name is

1 Travis Williams. I'm at 1900 Fox Hunt Lane NW,
2 in the Heathwood area, in Blacksburg.

3 I'd just like to echo some of Mr. deFur's
4 comments. My main concern is really request -
5 to request an extension of the public comment
6 period, at least through August 22nd. There's a
7 lot of information here.

8 And, even though I teach about a lot of
9 this stuff in terms of participation and things
10 like that, I am not used to not having this much
11 time. So I would like to also have more time.

12 I'm also here working with the
13 Environmental - the Environmental Patriots of
14 the New River Valley as well, so I wanted to
15 mention that.

16 And, I guess, just my - my general concern,
17 again, is really the lack of what appears to be
18 adequate public notification. I - I mean, I
19 heard about this through a friend. I didn't
20 really see this in the media. I know it's been
21 - I know it's been displayed in various local
22 media, but I think if there was a more
23 concentrated focus on trying to allow the

1 community - especially of Blacksburg and
2 Virginia Tech - there are a lot of people there
3 who have a lot of expertise and a lot of insight
4 and I think they don't really know about events
5 like this.

6 So, again, my main concern is just
7 extending the public comment period so that
8 myself and others - and I know many others
9 including a lot of people who I've had as
10 students - are concerned about this and I would
11 - so my main - my main comment really is just to
12 extend the comment period because I really
13 haven't had time to look at this.

14 I had a lot of concerns. I wrote a
15 dissertation dealing with a lot of these
16 chemicals over in California, but, again, I
17 haven't really had time to look at it, so I'd
18 like to just request an extension of the comment
19 period.

20 **HEARING OFFICER DEPPE:** Thank you
21 very much. The next speaker will be Phyllis
22 Albritton.

23 **MRS. PHYLLIS ALBRITTON:** I thank you

1 very much for letting us speak. Phyllis
2 Albritton, 1003 Highlands Circle in Blacksburg,
3 Virginia.

4 I first became very concerned about this
5 whole situation because when the first public
6 hearing was held, I talked to the then-principal
7 at a local school and said "This is effecting
8 ..." - and I've been on the School Board for
9 many years. I've been Vice President of the
10 PTA, Congress of PTA's in Virginia. I've been
11 involved with students and families for years
12 and I was hoping that some families that lived
13 in this area that have been effected health-wise
14 and other ways ought to come and she said
15 "Phyllis, no, our people are too afraid to speak
16 up".

17 So I'm speaking for those who aren't
18 speaking and I hope I can make a difference.
19 I'm interested - and you can't answer it - but
20 107.1 FM was where it was announced. I don't
21 even listen to that. I listen to the radio.
22 I'm not a TV watcher. So I don't know how that
23 was chosen, but I do question that.

1 And then which town hall was it that?

2 **HEARING OFFICER DEPPE:** The Virginia
3 Regulatory Town Hall.

4 **MS. ALBRITTON:** O. K. But then did -
5 however that got out to us, I don't know, but
6 I'm a little concerned about that as well. So I
7 - because the document is intense and I am not
8 an engineer and I really would like to study it,
9 from what the two (2) gentlemen before me have
10 said - and they're experts - I definitely as a
11 concerned citizen, not only for myself, but for
12 many others would like the period extended to at
13 least August 22nd. I mean, we need - we need a
14 little more time. It's very involved.

15 And, if these two (2) gentlemen are saying
16 it, I'm affirming it for the sake of those that
17 aren't here. Thank you.

18 **HEARING OFFICER DEPPE:** Thank you
19 very much. The next speaker is Devawn
20 Oberlender.

21 **MS. DEVAWN OBERLENDER:** Hi, Mr.
22 Deppe. Thanks for hearing us. I just want to
23 reiterate - line myself up with those comments

1 that we need more time - at least until August
2 22nd. I spoke this morning with Delegate Joseph
3 Yost. He represents the people who are directly
4 impacted by this decision and he had no idea
5 that this meeting was going on and was concerned
6 that he was not aware and so he did, to my
7 understanding, send an e-mail to the DEQ - he
8 represents the Virginia Twelfth District -
9 requesting that the comment period be extended.

10 And, you know, it's just really patently
11 obvious from who's not in this room that the
12 people who are on the other side of the digital
13 divide - Congressman Morgan Griffith likes to do
14 these telephone town halls, which are fabulous -
15 saves gas, gets people involved - and I was on
16 one (1) just a couple of months ago and this man
17 that is right here and he had to tell
18 Congressman Griffith that his daughter has to go
19 into the - into town - into the library to use
20 the computer because they can't get internet
21 where he lives.

22 So putting it on the Virginia Town Hall
23 website is maybe not, you know, reaching those

1 people on the other side of the digital divide.
2 And, you know, there was - well, there's
3 significant legislation that followed on
4 Executive Order 12898 which requires that people
5 who meet the definition of environmental justice
6 - so those are people who fall within a certain
7 socioeconomic category, which indeed the
8 children here do. Over fifty percent (50%) of
9 the children at Belview Elementary qualify for
10 subsidized lunch. Those people aren't here
11 tonight and they, by law, need to be given
12 special consideration.

13 So, on behalf of those people and, as the
14 spokesperson for Environmental Patriots of the
15 New River Valley, we ask that you would afford
16 us a full, fair opportunity to understand the
17 implications of this very important permit
18 decision. Thank you.

19 **HEARING OFFICER DEPPE:** Thank you
20 very much.

21 **MS. OBERLENDER:** Oh - did you need
22 my address?

23 **HEARING OFFICER DEPPE:** Yes, ma'am.

1 If you don't mind.

2 **MS. OBERLENDER:** Sure. I live at
3 706 Crestwood Drive. That's in Blacksburg
4 24060.

5 **HEARING OFFICER DEPPE:** O. K. Thank
6 you very much.

7 **MS. OBERLENDER:** Thank you.

8 **HEARING OFFICER DEPPE:** The next
9 speaker will be Sharon deFur.

10 MS. SHARON deFUR: No. That says "No".

11 **HEARING OFFICER DEPPE:** No? That's
12 correct. The next two (2) speakers both did not
13 wish to speak. Therefore, we move on.

14 All right. Is there anyone else who would
15 like the opportunity to speak at this time? Who
16 may have indicated they did not want to speak or
17 who came in late?

18 [COURT REPORTER'S NOTE: There was no
19 response to Hearing Officer Deepe's inquiry.]

20 **HEARING OFFICER DEPPE:** O. K. I
21 hereby declare that this meeting is adjourned.
22 The time is now eight oh five (8:05) PM on
23 Wednesday, June 4, 2012. Thank you, everyone,

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for coming.

8:05 P.M.

AND THIS PUBLIC HEARING WAS HEREBY CONCLUDED ON THIS
DATE AND AT THIS TIME AND NO FURTHER COMMENTS WERE
TAKEN THEREIN.

1 COMMONWEALTH OF VIRGINIA

2 COUNTY OF CARROLL

3 I, DEBORAH A. WILSON, do hereby certify that the
4 foregoing report of the public hearing held by the
5 Virginia Department of Environmental Quality,
6 Division of Land Protection and Revitalization,
7 Office of Waste Permitting and Compliance, pursuant
8 to Chapter 14, § 10.1-1426, Code of Virginia, 1950,
9 as amended, and the requirements of 9 VAC 20-60-124,
10 264 and 270 of the Virginia Hazardous Waste
11 Management Regulations (Title 9, Virginia
12 Administrative Code 9 VAC 20-60), concerning Draft
13 Post-Closure Care Permit - Hazardous Waste Management
14 Units 5 & 16 at the Radford Army Ammunition Plant,
15 Radford, Virginia, which was held at the New River
16 Valley Business Center, 6580 Valley Center Drive,
17 Radford, Virginia 24141, was personally recorded by
18 me and the same was transcribed by me and is a full,
19 complete and accurate record of the proceedings held
20 on the 4th day of June, 2014, to the best of my
21 knowledge, belief, and ability.

22 Given under my hand this 9th day of June, 2014.

23

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DEBORAH A. WILSON

Court Reporter

and Notary Public

My commission expires April 30, 2017. Notary

Registration Number 111230.

NOTE: THIS TRANSCRIPT WILL NOT BE CONSIDERED
CERTIFIED OR ITS ACCURACY GUARANTEED UNLESS MY SEAL
IS AFFIXED HERETO.

| | | | | |
|-------------------|--------------------|--------------------|-------------------|--------------------|
| A | advance | 4: 9,14 | 16:6 | 7:12 8:3 |
| ability | 8:9 | appears | | 20:13 |
| 20:21 | advertis... | 12:17 | B | CARROLL |
| accepting | 3:14 | applica... | back 4:6,8 | 20:2 |
| 3:22 | affirming | 5:12 | bacteria | category |
| ACCURA... | 15:16 | applicat... | 11:10 | 17:7 |
| 21:8 | AFFIXED | 11:14 | behalf | Center |
| accurate | 21:9 | appointed | 17:13 | 1:16,17 |
| 20:19 | afford | 5:2 8:22 | belief | 2:13,14 |
| accurat... | 17:15 | appreci... | 20:21 | 20:16,16 |
| 5:5 | afraid | 9:7 | Belview | Central |
| action | 14:15 | 11:19 | 17:9 | 2:8 |
| 11:2 | ago 16:16 | approach | best 20:20 | certain |
| Action/... | agree | 4:18 | bio- 11:8 | 17:6 |
| 6:22 | 5:23 | 8:18 9:2 | 11:17 | CERTIFI... |
| activities | Albritton | appropr... | Blacksb... | 21:8 |
| 7:18 | 13:22,23 | 5:22 | 3:15 | certify |
| addition | 14:2 | approved | 12:2 | 20:3 |
| 6:20 | 15:4 | 3:7 | 13:1 | CFR 2:21 |
| additional | allow 2:22 | April 3:14 | 14:2 | chance |
| 7:11 | 12:23 | 3:16 | 18:3 | 9:22 |
| 11:9,15 | allowed | 21:5 | Board | 10:5 |
| address | 5:19 6:1 | area 12:2 | 14:8 | changes |
| 5:12 | 11:6 | 14:13 | Box 6:8 | 4:3 |
| 17:22 | amended | Army 1:13 | brief 10:4 | Chapter |
| address... | 1:8 2:16 | 8:4 | bringing | 1:7 2:15 |
| 6:6 | 20:9 | 20:14 | 8:7 | 3:10 |
| address... | Ammun... | Article | Business | 20:8 |
| 3:3 | 1:13 8:4 | 3:10 | 1:16 | chemical |
| adequate | 20:14 | attenuate | 2:13 | 11:5 |
| 12:18 | analysis | 11:6 | 20:16 | chemicals |
| adjourn... | 9:15,23 | attenua... | C | 10:23 |
| 18:21 | announ... | 11:7 | California | 11:1 |
| adminis... | 14:20 | August | 13:16 | 13:16 |
| 2:19 | answer | 10:3 | called 2:6 | children |
| 7:16 | 14:19 | 12:6 | 4:21 | 17:8,9 |
| 20:12 | answered | 15:13 | care 1:11 | chosen |
| adopt | 7:6 | 16:1 | 3:3,7,8 | 14:23 |
| 2:20 | anybody | aware | 3:23 4:4 | Circle 14:2 |

| | | | | |
|--|---|---------------------------------------|---|--|
| citizen 15: 11 | 8: 1,14 9: 7 12: 4 | 16: 5 | 16: 16 | 12: 3 |
| clearly 5: 4 | 15: 23 | concern... 20: 12 | court 4: 17 5: 8 8: 17 | Delegate 16: 2 |
| client 9: 22 | 19: 8 | concerns 13: 14 | 9: 1 18: 18 | depart... 1: 1 3: 2 |
| closed 3: 4 | commis... 21: 5 | CONCLU... 19: 7 | 21: 3 | 3: 21 |
| closure 3: 7 | COMMO... 20: 1 | Congress 14: 10 | covered 5: 21 | 5: 14 6: 7 |
| Code 1: 8 2: 16,20 3: 11 20: 8,12 | commu... 10: 15 13: 1 | Congres... 16: 13,18 | Crestwo... 18: 3 | 7: 22 20: 5 |
| collecti... 10: 11 | complete 20: 19 | consider 7: 13,23 11: 17 | current 3: 7 | Depart... 6: 13 |
| come 4: 10 4: 15,15 4: 21 8: 15 14: 14 | complet... 5: 5 | conside... 9: 23 17: 12 | <hr/> D <hr/> | Deppe 2: 3 2: 7 4: 19 6: 19 7: 4 8: 19 9: 3 11: 21 13: 20 15: 2,18 15: 22 17: 19,23 18: 5,8 18: 11,20 |
| coming 19: 1 | Complia... 1: 3 6: 8 20: 7 | CONSID... 21: 7 | data 10: 18 DATE 19: 8 daughter 16: 18 day 20: 20 20: 22 | 15: 22 17: 19,23 18: 5,8 18: 11,20 |
| comment 3: 12,19 5: 21 6: 2 7: 21 8: 2 9: 18,19 10: 2 11: 20 12: 5 13: 7,11 13: 12,18 16: 9 | complies 6: 17 | constitu... 10: 22 | dealing 13: 15 | 17: 19,23 18: 5,8 18: 11,20 |
| comme... 5: 22,23 | comply 7: 2 | consult... 9: 12 | DEBORAH 20: 3 21: 2 | DEQ 2: 8 11: 17 16: 7 |
| comme... 2: 11,23 3: 22 4: 1 5: 5,9,13 5: 16,17 6: 4 7: 23 | computer 16: 20 | consulti... 9: 9 | decision 16: 4 17: 18 | designa... 6: 13 |
| | concent... 12: 23 | contact 6: 13 | declare 18: 21 | desire 5: 19 |
| | concent... 11: 12 | contami... 11: 11 | Deepe's 18: 19 | detailed 9: 21 |
| | Concepts 9: 9 | contract 9: 15,17 | definitely 15: 10 | determi... 10: 16 |
| | concern 10: 21,23 12: 4,16 13: 6 | correct 18: 12 | definition 17: 5 | determi... 8: 2 |
| | concern... 11: 4 13: 10 14: 4 15: 6,11 | corrective 6: 21 11: 2 | deFur 9: 5 9: 6,8 18: 9,10 | Devawn 15: 19,21 |
| | | COUNTY 20: 2 | deFur's | |
| | | couple | | |

| | | | | |
|-----------------------------------|--------------------------------|------------------------------|--------------------------------|---------------------------------|
| difference 14: 18 | Drive 1: 17 2: 14 | 17: 5, 14 20: 5 | fact 3: 5 10: 8, 17 | 12: 19 |
| different 10: 9 | 18: 3 20: 16 | EPA 10: 15 | fair 9: 22 | full 5: 11 |
| digest 11: 10 | <hr/> E <hr/> | especially 13: 1 | 17: 16 | 20: 18 |
| digital 5: 7 | e-mail 16: 7 | evaluati... 7: 11 | fall 17: 6 | function 2: 9 |
| 16: 12 17: 1 | echo 12: 3 | evening 2: 4 | families 14: 11, 12 | FURTHER 19: 8 |
| Dinitrot... 10: 8 | effected 14: 13 | events 13: 4 | fate 10: 13 | <hr/> G <hr/> |
| directed 5: 9 | effecting 14: 7 | Executive 17: 4 | fifty 17: 8 | gas 16: 15 |
| directly 2: 11 16: 3 | eight 18: 22 | expertise 13: 3 | fifty-nine 6: 10 | general 12: 16 |
| Director 7: 21 | either 10: 11 | experts 15: 10 | firm 9: 10 | gentlem... 2: 4 15: 9 |
| displayed 12: 21 | elected 5: 2 8: 22 | expires 21: 5 | first 5: 3 8: 21, 23 | 15: 15 |
| disserta... 13: 15 | Element... 17: 9 | extend 3: 19 | 9: 4, 18 | give 5: 11 9: 22 |
| District 16: 8 | eleven 6: 10 | extended 10: 3 | 10: 2 | given 17: 11 |
| divide 16: 13 17: 1 | employee 9: 13 | 15: 12 | 14: 4, 5 | 20: 22 |
| Division 1: 2 20: 6 | encoura... 4: 2 | extend 3: 19 | five 5: 18 | go 16: 18 |
| DNT 10: 8 | engineer 15: 8 | 13: 12 | FM 14: 20 | going 8: 20 |
| document 15: 7 | ensure 5: 18 | extended 10: 3 | focus 12: 23 | 16: 5 |
| draft 1: 10 | 7: 12 | 15: 12 | followed 17: 3 | Good 2: 4 |
| 3: 1, 6, 8 | entered 8: 14 | 16: 9 | foregoing 20: 4 | Griffith 16: 13, 18 |
| 3: 22 4: 3 | environ... 1: 1 3: 2 | extending 13: 7 | foremost 8: 21 | ground 10: 20 |
| 6: 4 7: 12 | 3: 21 6: 7 | extension 9: 19 | forms 10: 7, 9 | 11: 5, 12 |
| 8: 3 | 7: 22 9: 9 | 12: 5 | forward 4: 10, 16 | GUARA... 21: 8 |
| 20: 12 | 9: 13 | 13: 18 | 4: 21 | guess 12: 16 |
| | 12: 13, 13 | <hr/> F <hr/> | 8: 15 | <hr/> H <hr/> |
| | | fabulous 16: 14 | found 11: 5 | hall 3: 18 |
| | | facilities 10: 19 | Fox 12: 1 | 15: 1, 3 |
| | | facility 3: 3 8: 5 | friend | 16: 22 |
| | | | | halls |

| | | | | |
|-------------------|--------------------|--------------------|-------------------|---------------------|
| 16:14 | 20:4 | 10:23 | 7:17 | leachate |
| hand | Heathw... | 13:9 | <hr/> | 10:18 |
| 20:22 | 12:2 | indicated | J | Legal 2:7 |
| hazardo... | held 1:6 | 18:16 | Joseph | legislati... |
| 1:11 | 2:12,15 | indicates | 16:2 | 17:3 |
| 2:18 3:4 | 14:6 | 8:10 | June 1:18 | letting |
| 20:10,13 | 20:4,15 | individu... | 2:1,5 | 14:1 |
| headqu... | 20:19 | 10:11 | 3:20 | level |
| 10:15 | Henrico | individu... | 6:10 | 11:13 |
| health-... | 9:11 | 8:11 | 18:23 | library |
| 14:13 | HERETO | informa... | 20:20,22 | 16:19 |
| heard | 21:9 | 5:14 | justice | likes |
| 12:19 | Hi 11:23 | 12:7 | 17:5 | 16:13 |
| hearing | 15:21 | inquiry | Jutta 6:20 | limit 5:17 |
| 1:6 2:3,6 | Highlands | 18:19 | <hr/> | line 15:23 |
| 2:7,10 | 14:2 | insight | K | listen 5:10 |
| 2:12,22 | highly | 13:3 | K 15:4 | 14:21,21 |
| 3:12,15 | 9:21,21 | intense | 18:5,20 | little 15:6 |
| 4:1,12 | hope | 15:7 | know | 15:14 |
| 4:18,19 | 14:18 | interest... | 12:20,21 | live 18:2 |
| 4:21 5:1 | hoping | 14:19 | 13:4,8 | lived |
| 5:7,8,10 | 14:12 | internet | 14:22 | 14:12 |
| 6:5,17 | hundred | 16:20 | 15:5 | lives |
| 6:19 7:3 | 9:20 | investig... | 16:10,23 | 16:21 |
| 7:4,5,8 | Hunt 12:1 | 10:14 | 17:2 | local |
| 7:18,23 | <hr/> | invite | knowle... | 12:21 |
| 8:18,19 | I | 4:11 | 20:21 | 14:7 |
| 8:23 9:2 | idea 16:4 | invited | Kochan | located |
| 9:3 | identical | 5:3 | 6:21,23 | 4:6 |
| 11:21 | 6:2 | involved | 7:2,14 | look 10:5 |
| 13:20 | impacted | 7:16 | Kurt 6:21 | 10:20 |
| 14:6 | 16:4 | 14:11 | <hr/> | 11:11 |
| 15:2,18 | implem... | 15:14 | L | 13:13,17 |
| 15:22 | 11:18 | 16:15 | lack 12:17 | looking |
| 17:19,23 | implicat... | issued 3:1 | ladies 2:4 | 10:18 |
| 18:5,8 | 17:17 | 8:4 | Land 1:2 | lot 12:7,8 |
| 18:11,19 | important | issues | 20:6 | 13:2,3,3 |
| 18:20 | 11:16 | 7:14 | Lane 12:1 | 13:9,14 |
| 19:7 | 17:17 | issuing | late 18:17 | 13:15 |
| | including | | law 17:11 | |

| | | | | |
|------------------|-------------------|--------------------|-------------------|--------------------|
| M | 12:15 | New 1:16 | 11:21 | P 6:8 |
| ma'am | merits 4:2 | 2:13 | 13:20 | P.M 1:18 |
| 17:23 | mind 18:1 | 9:14 | 15:2,18 | 2:1 19:3 |
| mailing | minutes | 12:14 | 17:19,23 | pages |
| 5:11 | 5:18 | 17:15 | 18:5,8 | 9:21 |
| main 12:4 | missed | 20:15 | 18:11,19 | particip... |
| 13:6,11 | 7:13 | Notary | 18:20 | 12:9 |
| 13:11 | monitor... | 21:4,5 | officer's | Parts 2:21 |
| making | 10:10,12 | NOTE 4:17 | 6:18 7:3 | patently |
| 5:13 | monitor... | 8:17 9:1 | official | 16:10 |
| 10:15 | 10:21 | 18:18 | 4:6,13 | Patriots |
| man 16:16 | monitor... | 21:7 | 4:23 5:6 | 9:13 |
| manage... | 10:7 | notice | 8:7,10 | 12:13 |
| 1:11 | months | 3:11,17 | 8:14,20 | 17:14 |
| 2:18 3:4 | 16:16 | notifica... | officials | people |
| 20:11,13 | Morgan | 12:18 | 5:3 8:22 | 13:2,9 |
| materials | 16:13 | Number | 9:1 | 14:15 |
| 10:5 | morning | 21:6 | oh 17:21 | 16:3,12 |
| maximum | 16:2 | NW 12:1 | 18:22 | 16:15 |
| 5:17 | move | O | opportu... | 17:1,4,6 |
| McAvoy | 18:13 | O 6:8 15:4 | 2:23 | 17:10,13 |
| 6:6,11 | N | 18:5,20 | 3:12 | percent |
| 6:15,17 | name 2:7 | Oberlen... | 5:20 9:7 | 17:8 |
| 7:7,14 | 5:11 9:8 | 15:20,21 | 11:20 | perchlo... |
| 8:6 | 11:23 | 17:21 | 17:16 | 11:1 |
| mean | native | 18:2,7 | 18:15 | period |
| 12:18 | 11:10 | obvious | order 2:6 | 3:19,21 |
| 15:13 | natural | 16:11 | 4:4,22 | 7:21 8:2 |
| measured | 11:7 | Obviously | 5:18 | 9:20 |
| 10:12 | naturally | 6:1 | 17:4 | 12:6 |
| 11:2 | 11:6 | Office 1:3 | organic | 13:7,12 |
| media | need | 2:8 6:7 | 11:1 | 13:19 |
| 12:20,22 | 15:13,13 | 20:7 | originally | 15:12 |
| meet 17:5 | 16:1 | officer 2:3 | 11:4 | 16:9 |
| meeting | 17:11,21 | 2:8,10 | ought | permit |
| 2:10 | needed | 4:18,19 | 14:14 | 1:11 3:1 |
| 16:5 | 5:15 | 6:19 7:4 | outlined | 3:7,8,23 |
| 18:21 | needs | 8:18,19 | 3:5 | 4:4 6:4 |
| mention | 11:3 | 9:2,3 | P | 6:11 |

| | | | | |
|---|--|---|---|---|
| 7:12,17 8:3 9:20 10:1 17:17 20:13 | post- 3:6 post-clo... 1:10 3:3 3:8,23 4:4 7:12 8:3 20:13 | project 4:5 6:12 6:14 7:9 | 20:7 putting 16:22 | received 6:9 8:1 recogni... 4:5 6:16 7:1 |
| permits 9:16 Permitti... 1:3 6:8 20:7 | potential 10:22 practical 11:14 | proposed 3:1,22 4:3 8:5 Protecti... 1:2 20:6 | <hr/> Q <hr/> qualify 17:9 Quality 1:1 3:2 3:21 6:7 7:22 20:5 | recomm... 10:10 record 5:6 8:15 20:19 recorded 5:6 20:17 |
| person 4:22 6:12 persona... 20:17 | present 5:19 6:20 8:12 | providing 11:9 PTA 14:10 PTA's 14:10 | question 14:23 questions 7:5,7,10 7:15 | recorder 5:7 reference 2:20 regarding 1:9 7:16 |
| persons 4:17 8:17 Peter 9:4 9:6,8 Phyllis 13:21,23 14:1,15 | presented 3:6 7:5,8 7:18 present... 2:11 President 9:10 14:9 | public 1:6 2:12,23 3:12,19 4:1 5:1 7:5 8:1 9:19 12:5,18 13:7 14:5 19:7 20:4 21:4 | <hr/> R <hr/> Radford 1:13,14 1:17 2:1 2:14 3:5 8:4 20:14,15 20:17 radio 3:14 14:21 RCRA 6:21 reaching 16:23 really 12:4,17 12:20 13:4,11 13:12,17 15:8 16:10 reason 11:14 | register 4:6,13 4:23 8:7 8:10,13 8:15,20 register... 4:12 Registr... 21:6 Regulat... 2:19 20:11 Regulat... 3:18 15:3 reiterate 15:23 related 7:20 relevant |
| plans 7:11 Plant 1:13 8:4 20:14 please 4:9 4:15 5:4 5:17 6:15 7:1 8:15 plume 11:13 PM 2:5 6:10 18:22 point 11:16 | previous 5:22,23 prior 5:13 procedu... 4:20 7:16,20 proceed... 20:19 process 11:7 process... 7:18 professi... 9:12 Program 6:22 | published 3:13,17 Pump 9:11 pumped 10:20 purpose 2:22 pursuant 1:7 2:15 | | |

| | | | | |
|-------------------|----------------------|--------------------|-------------------|----------------------|
| 7:14 | respond | 15:16 | 17:3 | spokesp... |
| remedia... | 7:7,15 | saves | simply | 17:14 |
| 11:9,18 | 7:19 | 16:15 | 5:22 | stand 6:15 |
| renewal | response | saying | sir 11:22 | 7:1 |
| 1:10 3:1 | 5:15 | 15:15 | site 7:11 | started |
| 3:6,8,23 | 18:19 | says 18:10 | situation | 9:18 |
| 4:3 7:12 | results | schedules | 14:5 | state 5:23 |
| 8:3 | 10:21 | 7:17 | situations | Stewar... |
| report | review | Schneider | 11:8 | 9:9 |
| 20:4 | 4:20 | 6:20,23 | six 8:11 | students |
| reporter | 10:4 | 7:2,15 | 10:8,10 | 13:10 |
| 4:17 5:8 | Revitali... | school | slowly 5:4 | 14:11 |
| 8:17 9:1 | 1:2 20:6 | 14:7,8 | socioec... | study 15:8 |
| 21:3 | Richmond | scientific | 17:7 | stuff 12:9 |
| REPORT... | 2:9 6:9 | 10:14 | speak 4:5 | subsidiz... |
| 18:18 | right 2:3 | SEAL 21:8 | 4:9,11 | 17:10 |
| represent | 4:19 8:8 | Second | 4:15,22 | substrate |
| 5:12 | 8:19 9:3 | 10:4 | 5:3,4,19 | 11:9 |
| represe... | 10:14,20 | see 10:6 | 8:11,23 | Suite 9:11 |
| 6:21 | 10:21 | 11:11 | 14:1,15 | summary |
| represe... | 11:13 | 12:20 | 18:13,15 | 10:6 |
| 16:3,8 | 16:17 | Seeing 9:4 | 18:16 | sure 10:22 |
| request | 18:14 | seeking | speaker | 18:2 |
| 6:18 7:3 | River 1:16 | 11:15 | 9:4 | |
| 7:20 | 2:13 | send 16:7 | 11:22 | <hr/> T <hr/> |
| 9:19 | 9:14 | seven | 13:21 | take 10:5 |
| 12:4,5 | 12:14 | 9:20 | 15:19 | taken |
| 13:18 | 17:15 | Sharon | 18:9 | 9:17 |
| requested | 20:15 | 18:9,10 | speakers | 10:19 |
| 5:11 | Road 9:11 | sheet 3:6 | 18:12 | 11:3 |
| request... | Roanoke | side 16:12 | speaking | 19:9 |
| 16:9 | 3:13 | 17:1 | 14:17,18 | talked |
| require | room 4:7 | sign 4:6 | special | 14:6 |
| 7:10 | 16:11 | 4:10,12 | 17:12 | TCE 11:5,8 |
| require... | Russell | 8:15 | specific | teach 12:8 |
| 2:17 | 2:7 6:6 | signed | 4:3 7:8 | Tech 13:2 |
| 20:9 | 7:6 | 8:13 | 7:20 | technical |
| requires | | 9:14 | spoke | 4:2 7:7 |
| 17:4 | <hr/> S <hr/> | signific... | 16:2 | 9:15,21 |
| | sake | | | 9:23 |

| | | | | |
|--|--|--|--|---|
| 16:14 tell 16:17 terms 12:9 thank 6:19 7:4 8:8 9:6 11:19,21 13:20,23 15:17,18 17:18,19 18:5,7 18:23 Thanks 15:22 then-pri... 14:6 theory 8:6 things 12:9 think 11:16 12:22 13:4 Thursday 3:20 time 4:22 6:12 7:17 8:12,16 11:15 12:11,11 13:13,17 15:14 16:1 18:15,22 19:8 Times 3:13 | Title 2:19 20:11 today 2:9 6:5 tonight 7:6 17:11 total 10:12 town 3:18 15:1,3 16:14,19 16:22 toxic 10:23 toxicity 10:13 transcri... 20:18 TRANSC... 21:7 transport 10:13 Travis 11:22,23 12:1 treated 10:16 11:8 trying 12:23 TV 14:22 Twelfth 16:8 two 3:3 10:9 15:9,15 18:12 types 7:10 | typically 7:10 <hr/> U <hr/> underst... 17:16 underst... 16:7 units 1:12 3:4,5 20:14 use 16:19 <hr/> V <hr/> VAC 2:17 2:20 20:9,12 Valley 1:16,17 2:13,13 12:14 17:15 20:16,16 variety 11:1 various 12:21 verbal 5:16 7:23 Vice 14:9 Virginia 1:1,8,14 1:17 2:1 2:9,14 2:16,18 2:19 3:11,16 3:17 6:9 9:11 | 13:2 14:3,10 15:2 16:8,22 20:1,5,8 20:10,11 20:15,17 <hr/> W <hr/> want 9:22 15:22 18:16 wanted 12:14 waste 1:3 1:11 2:18 3:4 6:8 20:7 20:10,13 watcher 14:22 water 11:5,12 way 4:8 ways 14:14 website 16:23 Wednes... 2:5 3:13 3:16 18:23 welcome 6:3 Williams 11:22,23 12:1 WILSON 20:3 21:2 | wish 8:11 18:13 wishes 4:11 8:13 work 9:8 9:18 working 12:12 WPSK 3:15 writer 6:11 writing 6:5 7:9 7:19 written 4:23 5:15 8:1 wrote 13:14 <hr/> X <hr/> <hr/> Y <hr/> years 14:9 14:11 Yost 16:3 <hr/> Z <hr/> <hr/> o <hr/> <hr/> 1 <hr/> 1 4:22 10:6 16:16 10.1-14... 3:11 10.1-14... 1:7 2:15 |
|--|--|--|--|---|

| | | | | |
|-------------------|-------------------|------------------|--|--|
| 20:8 | 2012 | 5:18 | | |
| 1003 14:2 | 18:23 | 20:14 | | |
| 1006 9:11 | 2014 1:18 | 50% 17:8 | | |
| 107.1 | 2:1,5 | <hr/> | | |
| 14:20 | 3:14,16 | 6 | | |
| 107.1FM | 3:18,20 | 6 8:11 | | |
| 3:15 | 6:10 | 10:9,11 | | |
| 11:59 | 20:20,22 | 6580 1:17 | | |
| 6:10 | 2017 21:5 | 2:13 | | |
| 1105 6:8 | 22nd 12:6 | 20:16 | | |
| 111230 | 15:13 | <hr/> | | |
| 21:6 | 16:2 | 7 | | |
| 124 2:21 | 23218 6:9 | 7:45 1:18 | | |
| 12898 | 24060 | 2:5 | | |
| 17:4 | 18:4 | 7:47 2:1 | | |
| 14 1:7 | 24141 | 700 9:20 | | |
| 2:15 | 1:17 | 706 18:3 | | |
| 3:10 | 2:14 | <hr/> | | |
| 20:8 | 20:17 | 8 | | |
| 16 1:12 | 264 2:17 | 8:05 | | |
| 3:5 | 2:21 | 18:22 | | |
| 20:14 | 20:10 | 19:3 | | |
| 1900 12:1 | 270 2:17 | <hr/> | | |
| 1950 1:8 | 2:21 | 9 | | |
| 20:8 | 20:10 | 9 2:17,19 | | |
| 19th 3:20 | <hr/> | 2:20 | | |
| 6:10 | 3 | 20:9,11 | | |
| 1st 3:18 | 30 21:5 | 20:12 | | |
| <hr/> | 30th 3:14 | 9th 20:22 | | |
| 2 | 3:16 | | | |
| 2 3:4 10:9 | <hr/> | | | |
| 15:9,15 | 4 | | | |
| 18:12 | 4 1:18 2:1 | | | |
| 20-60 | 2:5 3:10 | | | |
| 2:20 | 18:23 | | | |
| 20:12 | 40 2:20 | | | |
| 20-60-1... | 4th 20:20 | | | |
| 2:17 | <hr/> | | | |
| 20:9 | 5 | | | |
| 200 9:11 | 5 1:12 3:5 | | | |