



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

SOUTHWEST REGIONAL OFFICE

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Regional Director

January 19, 2023

Mr. Randall Eads
City Manager
City of Bristol, Virginia
300 Lee Street
Bristol, Virginia 24201
CityManager@bristolva.org

NOTICE OF VIOLATION

RE: NOV No. NOV-001-0123-SW
Bristol Integrated Solid Waste Management Facility; Bristol Sanitary Landfill
2655 Valley Drive, Bristol, Virginia
Solid Waste Permit ("SWP") Number 498

Dear Mr. Eads:

This letter notifies you of information upon which the Department of Environmental Quality ("Department" or "DEQ") may rely in order to institute an administrative or judicial enforcement action. Based on this information, DEQ has reason to believe that the Bristol Sanitary Landfill SWP 498 ("Facility") may be in violation of the Virginia Waste Management Act, Va. Code § 10.1-1400 *et seq.* ("Act"), the Virginia Solid Waste Management Regulations, 9 VAC 20-81-10 *et seq.* ("Regulations"), or SWP498 (the "Permit").

This letter addresses conditions at the facility named above and also cites compliance requirements of the Act, Regulations, and SWP498. Pursuant to Va. Code § 10.1-1455 (G), this letter is not a case decision under the Virginia Administrative Process Act, Va. Code § 2.2-4000 *et seq.* ("APA"). DEQ requests that you respond **within 10 days of the date of this letter** to arrange a time for discussion.

OBSERVATIONS AND LEGAL REQUIREMENTS

On September 30, 2022, DEQ solid waste staff conducted a compliance evaluation inspection (“CEI”) of the facility. The inspection checklist is attached. The following describe the staff’s factual observations and identify the applicable legal requirements:

1. *Observations:* During a previous onsite evaluation on March 2, 2022, DEQ solid waste staff observed leachate seeps around the landfill just above the trench berm. During the onsite CEI conducted on September 30, 2022, leachate seeps were observed around the landfill just above the trench berm. The condition of the leachate seeps was observed to be mostly unchanged since the previous onsite evaluation on March 2, 2022.

***Legal Requirements:* Regulation 9 VAC 20-81-210(F)(2) states: “If leachate seep(s) occurs, the owner or operator shall repair the seep(s) and do the following: 2. Take immediate action to minimize, control, or eliminate the seep, and to contain and properly manage the leachate at the source of the seep.”**

2. *Observations:* During a previous onsite evaluation on March 2, 2022, solid waste staff observed exposed and uncovered solid waste in the northern and southern portions of the landfill. During the onsite CEI conducted on September 30, 2022, DEQ staff observed that solid waste continued to be exposed and uncovered in portions of the landfill.

***Legal Requirements:* Regulation 9 VAC 20-81-140(B)(1)(c) states, in part: “Daily cover consisting of at least six inches of compacted soil or other approved material shall be placed upon and maintained on all exposed solid waste prior to the end of each operating day, or at more frequent intervals if necessary, to control disease vectors, fires, odors, blowing litter, and scavenging...”**

Regulation 9 VAC 20-81-140(B)(1)(d) states: “Intermediate cover of at least six inches of additional compacted soil shall be applied and maintained whenever an additional lift of refuse is not to be applied within 30 days. Further, all areas with intermediate cover exposed shall be inspected as needed, but not less than weekly. Additional cover material shall be placed on all cracked, eroded, and uneven areas as required to maintain the integrity of the intermediate cover system.”

3. *Observations:* Review of the quarterly gas monitoring data for SWP 498, beginning June 3, 2021 through September 2022, indicates methane concentrations in excess of the lower explosive limit (“LEL”) were detected in the following landfill gas monitoring probes:

- GP-6(2) during the 06/03/2021, 09/29/2021, 12/14/2021, 03/24/2022, 06/29/2022 and 09/06/2022 quarterly gas monitoring events;
- GP-9 during the 06/03/2021, 03/24/2022 and 06/29/2022 quarterly gas monitoring events; and
- GP-11 during the 03/24/2022 and 09/06/2022 quarterly gas monitoring events.

Legal Requirements: Regulation 9 VAC 20-81-200(A)(1)(b) states: “To provide for the protection of public health and safety, and the environment, the operator shall ensure that decomposition gases generated at a landfill are controlled during the periods of operation, closure and postclosure care, in accordance with the following requirements: b. The concentration of methane gas migrating from the landfill shall not exceed the lower explosive limit for methane at the facility boundary.”

4. *Observations:* DEQ has no record of receiving written notification from the facility within 5 working days of learning that methane concentrations in excess of the compliance level (LEL for methane) were detected in gas monitoring probes for SWP 498 during the 06/03/2021, 09/29/2021, 12/14/2021, 03/24/2022 and 06/29/2022 quarterly gas monitoring events.

Legal Requirements: Regulation 9 VAC 20-81-200(C)(5) states: “The landfill shall notify the department of an exceedance of the compliance level or unusual condition that may endanger human health and the environment in accordance with 9VAC20-81-530 C 3, such as when an active gas remediation system is no longer operating in such a manner as to maintain compliance with this section.

Regulation 9 VAC 20-81-530(C)(3) states: “The permittee shall report to the department any noncompliance or unusual condition that may endanger health or environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the circumstance and its cause; the period of occurrence, including exact dates and times, and, if the circumstance has not been corrected, the anticipated time it is expected to continue. It shall also contain steps taken or planned to reduce, eliminate, and prevent reoccurrence of the circumstances resulting in an unusual condition or noncompliance.

5. *Observations:* Review of the quarterly gas monitoring data, beginning June 3, 2021 through September 2022, indicates methane concentrations in excess of the action level (80% of the LEL) were detected in the following landfill gas probes for SWP 498:

- GP-6(2) during the 06/03/2021, 09/29/2021, 12/14/2021, 03/24/2022, 06/29/2022 and 09/06/2022 quarterly gas monitoring events;
- GP-9 during the 06/03/2021, 03/24/2022 and 06/29/2022 quarterly gas monitoring events; and
- GP-11 during the 03/24/2022 and 09/06/2022 quarterly gas monitoring events.

DEQ has no record of receiving written notification from the facility within 5 working days of learning that methane concentrations in excess of the action level were detected in gas monitoring probes for SWP 498 during the 06/03/2021, 09/29/2021, 12/14/2021, 03/24/2022 and 06/29/2022 quarterly gas monitoring events.

Legal Requirements: Regulation 9 VAC 20-81-200(C)(1)(b) states: “When the gas monitoring results indicate concentrations of methane in excess of the action levels, 25% of the lower explosive limit (LEL) for methane in landfill structures (excluding gas control or recovery system components) or 80% of the LEL for methane at the facility boundary, the operator shall: b. Notify the department in writing within five working days of learning that action levels have been exceeded, and indicate what has been done or is planned to be done to resolve the problem.”

ENFORCEMENT AUTHORITY

Va. Code § 10.1-1455 of the Waste Management Act provides for an injunction for any violation of the Waste Management Act, Waste Management Board regulations, an order, or permit condition, and provides for a civil penalty up to \$32,500 per day of each violation of the Waste Management Act, regulation, order, or permit condition. In addition, Va. Code § 10.1-1455 (G) authorizes the Department to issue orders to any person to comply with the Waste Management Act and regulations, including the imposition of a civil penalty for violations of up to \$100,000. Also, Va. Code § 10.1-1186 authorizes the Director of DEQ to issue special orders to any person to comply with the Waste Management Act and regulations. Va. Code §§ 10.1-1455 (D) and 10.1-1455 (I) provide for other additional penalties.

FUTURE ACTIONS

DEQ staff wishes to discuss all aspects of their observations with you, including any actions needed to ensure compliance with state law and regulations, any relevant or related measures you plan to take or have taken, and a schedule, as needed, for further activities. In addition, please advise us if you dispute any of the observations recited herein or if there is other information of which DEQ should be aware. In order to avoid adversarial enforcement proceedings, the Facility may be asked to enter into a Consent Order with the Department to formalize a plan and schedule of corrective action and to settle any outstanding issues regarding this matter, including the assessment of civil charges.

In the event that discussions with staff do not lead to a satisfactory conclusion concerning the contents of this letter, you may elect to participate in DEQ's Process for Early Dispute Resolution. Also, if informal discussions do not lead to a satisfactory conclusion, you may request in writing that DEQ take all necessary steps to issue a final decision or fact finding under the APA on whether or not a violation has occurred. For further information on the [Process for Early Dispute Resolution](#), please see Agency Policy Statement No. 8-2005 posted on the Virginia Regulatory Town Hall <https://townhall.virginia.gov/L/gdocs.cfm?agencynumber=440> or ask the DEQ contact listed below.

Please contact Jonathan Chapman at jonathan.chapman@deq.virginia.gov or (276) 525-2557 within **10 days of the date of this letter** to discuss this matter.

Sincerely,



Susan T. Blalock
Enforcement & Air Compliance/Monitoring Manager

Attachment

cc: Jeffrey Hurst, Regional Director, DEQ-SWRO
Stacy Bowers, Land Protection Program Manager, DEQ-SWRO
Stephan Martin, Compliance Inspector, DEQ-SWRO
Jonathan Chapman, Enforcement Specialist, DEQ-SWRO
Priscilla Rohrer, Compliance Coordinator, DEQ-CO
Enforcement File (123-1)
Facility File (SWP498)



Compliance Inspection Report

Inspection Summary

Facility: Bristol Integrated Solid Waste Management Facility
Permit: SWP498
Region: Southwest
Inspection Type: Compliance Evaluation Inspection
Facility Staff: Mike Martin

Inspector: Stephan Martin
Inspection Date: 9/30/2022
Approximate Arrival Time: 12:45 pm
Inspection Method: Unannounced
Exit Interview: Yes
Weather Conditions: overcast

Sanitary Landfill (Inactive)

| Reference | Description | SL | Result |
|---|--|-----|--------|
| Compliance Area: Operator Information | | | |
| 10.1-1408.1 | Disclosure Statement | I | |
| 10.1-1408.2 | Operator Certification | II | ✓ |
| Compliance Area: Recordkeeping, Reporting & Permit | | | |
| 20-81-80 | Waste Assessment Program | II | |
| 20-81-100.B | Compliance with the facility's permit | II | ✓ |
| 20-81-100.E | Unauthorized waste program and inspection | II | |
| 20-81-140.A.16 | Facility self inspections | I | ✓ |
| 20-81-140.A.17 | Record maintained of waste received and processed | I | |
| 20-81-485 | Operations Manual | II | ✓ |
| 20-81-530 | Permittee recordkeeping and reporting | II | X |
| Compliance Area: Design, Construction & Operation | | | |
| 20-81-130 | Facility design / construction | I | |
| 20-81-140.A.1,4 | Safety and fire control | II | |
| 20-81-140.A.6 | Pollutant discharge | III | ✓ |
| 20-81-140.A.7 | Stormwater control system maintenance | II | ✓ |
| 20-81-140.A.8,14-15 | Facility operation, maintenance, and training | II | ✓ |
| 20-81-140.A.9-13 | Hazard and nuisance control | I | ✓ |
| 20-81-140.B | Compaction, cover & working face | I | X |
| 20-81-610-660 | Special Waste | II | |
| Compliance Area: Closure & Post-Closure Care | | | |
| 20-81-160 | Closure requirements | II | |
| 20-81-170 | Post-closure care requirements | II | |
| Compliance Area: Decomposition Gas Control | | | |
| 20-81-200.A,B,E | Decomposition gas concentrations, monitoring & recordkeeping | II | X |
| 20-81-200.C | Decomposition gas-remediation | III | X |
| 20-81-200.D | Decomposition gas-odor management | I | |
| Compliance Area: Leachate Control | | | |
| 20-81-210 | Leachate control | II | X |
| Compliance Area: Groundwater Monitoring | | | |
| 20-81-250 | Groundwater monitoring program | II | ✓ |
| 20-81-260 | Corrective action program | II | |
| Compliance Area: Landfill Mining | | | |
| 20-81-385 & 395 | Landfill Mining | II | |

Alleged Violations

| Reference | Comments |
|-----------------|---|
| 20-81-530 | Permittee recordkeeping and reporting - DEQ has no record of receiving written notification from the facility within 5 working days of learning that methane concentrations in excess of the compliance level (LEL for methane) were detected in gas monitoring probes for SWP 498 during the 06/03/2021 quarterly gas monitoring event. Methane concentrations were also found to be in excess of compliance levels during the 09/29/2021, 12/14/2021, 03/24/2022 and 06/29/2022 quarterly gas monitoring events . |
| 20-81-140.B | Compaction, cover & working face - During a previous onsite evaluation on March 2, 2022, solid waste staff observed exposed and uncovered solid waste in the northern and southern portions of the landfill. During the onsite CEI conducted on September 30, 2022, exposed and uncovered solid waste was observed in portions of the landfill still. |
| 20-81-200.A,B,E | Decomposition gas concentrations, monitoring & recordkeeping - Review of the quarterly gas monitoring data for SWP 498 beginning June 3, 2021 through September of 2022 indicates methane concentrations in excess of the lower explosive limit ("LEL") were detected in the following landfill gas ("LFG") monitoring probes: <ul style="list-style-type: none"> • GP-6(2) during the 06/03/2021, 09/29/2021, 12/14/2021, 03/24/2022, 06/29/2022 and 09/06/2022 quarterly gas monitoring events; • GP-9 during the 06/03/2021, 03/24/2022 and 06/29/2022 quarterly gas monitoring events and; • GP-11 during the 03/24/2022 and 09/06/2022 quarterly gas monitoring events. |
| 20-81-200.C | Decomposition gas-remediation - DEQ has no record of receiving written notification from the facility within 5 working days of learning that methane concentrations in excess of the action level and the compliance level were detected in gas monitoring probes for SWP 498 for the 06/03/2021, 09/29/2021, 12/14/2021, 03/24/2022 and 06/29/2022 quarterly gas monitoring events.. |
| 20-81-210 | Leachate control - Leachate seeps were observed around the landfill just above the trench berm. The condition of the leachate seeps was observed to be mostly unchanged since the previous on-site evaluation on March 2, 2022. |

General Comments

| Reference | Comments |
|---------------------|--|
| 10.1-1408.2 | Operator Certification - The operators for this facility are listed at the end of this report. |
| 20-81-100.B | Compliance with the facility's permit - No waste is being received. |
| 20-81-140.A.16 | Facility self inspections - Self inspections were made available prior to the inspection. The facility is drafting an updated self inspection form and protocol. |
| 20-81-485 | Operations Manual - The operations manual was certified within the previous 12 months. |
| 20-81-140.A.6 | Pollutant discharge - No discharges were observed at the time of inspection. |
| 20-81-140.A.7 | Stormwater control system maintenance - At the time of the inspection, stormwater conveyances were in good repair. |
| 20-81-140.A.8,14-15 | Facility operation, maintenance, and training - Access is strictly controlled. Access roads were in good repair at the time of the inspection. |
| 20-81-140.A.9-13 | Hazard and nuisance control - Water trucks are used as needed to control dust from the hauling of mined materials. |
| 20-81-250 | Groundwater monitoring program - Observed GW monitoring wells were locked and labeled and in good repair. |

Disclosure Statement Details

| Key Personnel | Title |
|----------------------|---------------------------------|
| G. Wallace McCulloch | Public Works Director |
| Michael L. Martin | Solid Waste Collections Manager |
| Randal Eads | City Manager |

Disclosure Statement Last Updated: 5/8/2018

Waste Management Facility Operators

| Licensed Operator | License # | Expiration Date |
|---------------------|------------|-----------------|
| Jeff Miles | 4605002396 | 4/30/2023 |
| Lee Edwin Stull | 4605002784 | 1/31/2023 |
| Michael Lynn Martin | 4605002152 | 4/30/2023 |

PLEASE advise the Regional Office within 10 calendar days if any information noted in this report is incorrect, if you have taken appropriate action to meet compliance, or if there is other information that the department should consider regarding any alleged violations.

PLEASE be advised that this report is not an agency proceeding or determination which may be considered a case decision under the Administrative Process Act (VA Code 2.2-4000 et seq). If informal discussions do not lead to a satisfactory conclusion on the contents of this report, you may request in writing that DEQ take all necessary steps to issue a final decision or fact finding under the APA on whether or not a violation has occurred.