



*Commonwealth of Virginia*

**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY**

**BLUE RIDGE REGIONAL OFFICE**

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Regional Director

May 3, 2024

**VIA ELECTRONIC MAIL**

Mr. Clarke Gibson  
Director of Solid Waste  
Region 2000 Service Authority  
361 Livestock Road  
Rustburg, Virginia 24588  
[cjgibson@region2000.org](mailto:cjgibson@region2000.org)

**NOTICE OF VIOLATION**

Subject: NOV-23-04-BRRO-003  
Region 2000 Regional Landfill – Livestock Road Facility  
Solid Waste Permit (SWP) 610

Dear Mr. Gibson,

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 Region 2000 Service Authority, the Responsible Party for the Region 2000 Regional Landfill – Livestock Road 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 SWP610.

This letter addresses conditions at the facility named above, and also cites compliance requirements of the Act, Regulations, and SWP610. 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 prompt meeting.

## **OBSERVATIONS AND LEGAL REQUIREMENTS**

On April 11, 2024, DEQ Blue Ridge Regional Office staff conducted a compliance inspection of the Region 2000 Regional Landfill – Livestock Road Facility. A copy of the inspection checklist is attached. Staff also reviewed documents provided to DEQ during the course of the inspection. The following describe the staff’s factual observations and identify the applicable legal requirements:

*Observations:* Leachate was released to surface waters based on evidence in picture documentation and verified by results from samples collected in the creek.

On April 9, 2024, maintenance work was started on the pump station near the leachate storage tank and one of the two leachate pumps was removed. On the morning of April 10, 2024, facility personnel inspected the leachate tank and observed that the remaining pump was operational; however, that afternoon, facility personnel observed leachate on the ground near the leachate storage tank. Upon further inspection, both the pump station alarm and automatic valve that stops leachate from entering the pump station from the leachate tank had failed.

Resources were mobilized to contain and control the discharge of leachate. Facility personnel blocked the adjacent stormwater culvert to minimize or eliminate leachate discharge beyond the vicinity of the leachate tank and pump station, and manually shut off flow to the pump station wet well. WEL, Inc. was contracted to collect leachate in a vacuum truck that had discharged downstream of the culvert. Approximately 192 gallons of liquid was recovered. Once the pump was back in service, approximately 50 to 60 gallons of leachate drained back into the wet well. Once collection of all the liquids was complete, facility personnel removed all contaminated soils and placed them in the working face.

Facility personnel identified the cause of the pump failure due to a blown fuse. Facility personnel have contacted an electrical firm to investigate the pump station electrical system to prevent future occurrences. Facility personnel are also continuing the maintenance and repair of the leachate pumps.

***Legal Requirements: 9VAC20-81-100.B states “All solid waste disposal facilities shall be maintained and operated in accordance with the permit issued pursuant to this regulation, and in accordance with the approved design and intended use of the facility.”***

***SWP610 Permit Module I: Conditions of Operation***

***II.I Leachate Management states “Leachate shall be managed in accordance with 9 VAC 20-81-210, Module V, and the facility’s Leachate Management Plan. If a leachate seep(s) occurs, the owner or operator shall repair the seep(s) and follow the procedures outlined in 9 VAC20-81-210.F.”***

***9VAC20-81-140.B.6. states “Landfills shall not:***

***a. Allow leachate from the landfill to drain or discharge into surface waters except when treated onsite and discharged into surface water as authorized under a VPDES Permit (9VAC25-31).***

***b. Cause a discharge of pollutants into waters of the United States, including wetlands, that violates any requirements of the Clean Water Act (33 USC § 1251 et seq.), including, but not limited to, the VPDES requirements and Virginia Water Quality Standards (9VAC25-260).***

***c. Cause the discharge of a nonpoint source of pollution to waters of the United States, including wetlands, that violates any requirement of an areawide or statewide water quality management plan that has been approved under § 208 or 319 of the Clean Water Act (33 USC § 1251 et seq.), as amended or violates any requirement of the Virginia Water Quality Standards (9VAC25-260).***

***d. Allow solid waste to be deposited in or to enter any surface waters or groundwaters.***

***9VAC20-81-210.D states “The collected leachate shall be:***

***1. Discharged directly or after pretreatment into a line leading to the publicly owned treatment works or other permitted wastewater treatment facility;***

***2. Transported by a vehicle to an offsite permitted wastewater treatment facility;***

***3. Recirculated within the landfill, provided that the irrigated area is underlain by a composite liner or other liner system approved by EPA or Research, Development, and Demonstration plan for recirculation, and that the operation causes no runoff, ponding, or nuisance odors;***

***4. Treated onsite and discharged into surface water when authorized under VPDES permit; or***

***5. Other methods of treatment or disposal as approved by the department.”***

***9VAC20-81-210.F.3 states “Any leachate released outside the lined area permitted for waste disposal shall be properly collected and disposed.”***

***9VAC25-31-50.A. states “Except in compliance with a VPDES permit, or another permit, issued by the board or other entity authorized by the board, it shall be unlawful for any person to:***

***1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances;***

***2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses; or***

***3. Discharge stormwater into state waters from municipal separate storm sewer systems or land disturbing activities.”***

### **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, 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 DEQ 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, and to impose a civil penalty. 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 facts or related measures you plan to take or have taken which demonstrate a good faith effort to achieve compliance, 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 or relevant facts of which DEQ should be aware. Full compliance with the Virginia Waste Management Act (§ 10.1-1400 *et. seq.*) and regulations and remediation of the alleged violation(s) within the next 30 days may result in the administrative closure of this matter through return to compliance.

If compliance and remediation is not achieved within 30 days, the Department may proceed with a formal enforcement action including assessment of civil charges under its enforcement authority described in the section above.

May 3, 2024

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If 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. To request the Process for Early Dispute Resolution, please send a letter detailing any facts or observations listed in this notice of violation that you dispute, a reasoned analysis of why this notice of violation is inappropriate, and any documentation you would like DEQ to consider when reviewing your request to my attention at the regional office address listed above or by email to [Nichole.herschler@deq.virginia.gov](mailto:Nichole.herschler@deq.virginia.gov) within 30 days of the date of this letter. Additional information regarding the Process for Early Dispute Resolution may be found on DEQ's website: [DEQ.Virginia.GOV/PEDR](http://DEQ.Virginia.GOV/PEDR). If informal discussions do not lead to a satisfactory conclusion, you may request in writing that DEQ take all necessary steps to conduct an informal fact-finding proceeding.

Please contact Michael Puckett at (540) 577-6719 or [Michael.puckett@deq.virginia.gov](mailto:Michael.puckett@deq.virginia.gov) **within 10 days** to discuss this matter and arrange a prompt meeting.

Sincerely,



Nichole Herschler  
BRRO Land Protection Program Manager

Attachment: Compliance Inspection Report

CC: (via email)

Elliott Inge, Environmental Compliance and Safety Manager, [einge@region2000.org](mailto:einge@region2000.org)

Michael Puckett, DEQ BRRO Enforcement Specialist,

[Michael.puckett@deq.virginia.gov](mailto:Michael.puckett@deq.virginia.gov)

Nicole Tilley, DEQ BRRO Solid Waste Compliance Inspector,

[Nicole.Tilley@deq.virginia.gov](mailto:Nicole.Tilley@deq.virginia.gov)

Priscilla Rohrer, DEQ CO Solid Waste Compliance Coordinator,

[Priscilla.Rohrer@deq.virginia.gov](mailto:Priscilla.Rohrer@deq.virginia.gov)

ECM – SWP610



# Compliance Inspection Report

## Inspection Summary

**Facility:** Region 2000 Regional Landfill - Livestock Rd Fac

**Permit:** SWP610

**Region:** Blue Ridge

**Inspection Type:** Compliance Evaluation Inspection

**Facility Staff:** Robert Arthur, Interim Environmental Compliance and Safety Manager  
Caleb Arrington, Operator

**Inspector:** Nicole Tilley

**Inspection Date:** 4/11/2024

**Approximate Arrival Time:** 12:00 p.m.

**Inspection Method:** Announced

**Exit Interview:** Yes

**Weather Conditions:** The weather was cloudy and rainy with temperatures averaging 70F.

**Comments:** On April 11, 2024, DEQ conducted an announced compliance inspection of Region 2000 Landfill - Livestock Road Facility Sanitary Landfill. The inspection consisted of a tour of the facility, a records review, and exit interview. DEQ departed at approximately 2:00 p.m.

## Sanitary Landfill (Active)

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

<b>Compliance Area: Landfill Mining</b>			
20-81-385 & 395	Landfill Mining	II	N/A

SL = Severity Level      ✓ = In Compliance      X = Alleged Violation      N/A = Not Applicable      Blank = Not Inspected

## Alleged Violations

Reference	Comments
20-81-100.B	<p>Compliance with the facility's permit - -</p> <p>Alleged Violation: Leachate discharged into a stream and wetland near the leachate storage tank. Please see additional comments under 9VAC20-81-210.</p> <p>General Comments: Permit Module I: General Permit Conditions</p> <p>I.F.3. A site-specific condition states the facility will conduct an annual survey annually by December 31. A report will be prepared and submitted to DEQ by April 1 of the following calendar year. A report was provided by TRC on March 15, 2024, and is currently under review by DEQ.</p>
20-81-140.B.6	<p>Pollutant discharge - -</p> <p>The facility is operating under VPDES Permit #VAR051994 for stormwater discharges associated with industrial activity. Leachate discharged into a stream and wetland near the leachate storage tank. Please see additional comments under 9VAC20-81-210.</p>
20-81-210	<p>Leachate control - -</p> <p>On April 9, 2024, maintenance work was started on the pump station near the leachate storage tank and one of the two leachate pumps was removed. On the morning of April 10, 2024, facility personnel inspected the leachate tank and observed that the remaining pump was operational; however, that afternoon, facility personnel observed leachate on the ground near the leachate storage tank. Upon further inspection, both the pump station alarm and automatic valve that stops leachate from entering the pump station from the leachate tank had failed.</p> <p>Resources were mobilized to contain and control the discharge of leachate. Facility personnel blocked the adjacent stormwater culvert to minimize or eliminate leachate discharge beyond the vicinity of the leachate tank and pump station, and manually shut off flow to the pump station wet well. WEL, Inc. was contracted to collect leachate in a vacuum truck that had discharged downstream of the culvert. Approximately 192 gallons of liquid was recovered. Once the pump was back in service, approximately 50 to 60 gallons of leachate drained back into the wet well. Once collection of all the liquids was complete, facility personnel removed all contaminated soils and placed them in the working face.</p> <p>Facility personnel identified the cause of the pump failure due to a blown fuse. Facility personnel have contacted an electrical firm to investigate the pump station electrical system to prevent future occurrences. Facility personnel are also continuing the maintenance and repair of the leachate pumps.</p>

## General Comments

Reference	Comments
10.1-1408.1	<p>Disclosure Statement - -</p> <p>The disclosure statement is up to date with no necessary changes needed.</p>
10.1-1408.2	<p>Operator Certification - -</p> <p>The facility has operators with valid licenses.</p>
20-81-80	<p>Waste Assessment Program - -</p> <p>The SWIA report for calendar year 2023 was received on February 6, 2024.</p>
20-81-100.E	<p>Unauthorized waste program and inspection - -</p> <p>E.1. The facility has an unauthorized waste plan, consisting of signs, employee training, and random load inspections. The sign at the front of the entrance lists the hours of operation and the types of solid waste accepted and not accepted.</p> <p>E.2. Facility personnel also screen loads for unauthorized waste when vehicles are unloading at the working face. No unauthorized waste was reported since the previous inspection.</p> <p>E.5. Random load inspections were conducted with the following frequency:</p> <p>November 2023: 53 inspections for 3,946 loads December 2023: 43 inspections for 3,235 loads January 2024: 49 inspections for 3,613 loads</p>

	<p>February 2024: 52 inspections for 3,976 loads  March 2024: 56 inspections for 4,268 loads</p> <p>The facility is randomly inspecting a minimum of one-percent of the loads accepted at the facility.</p>
20-81-140.B.16	<p>Facility self-inspections - -  The facility conducted monthly self-inspections. The self-inspections for November 2023 to March 2024 were reviewed. Records were complete and noted minor issues with erosion on the side slopes or sediment in the stormwater perimeter ditches.</p>
20-81-140.B.17	<p>Record maintained of waste received and processed - -  The facility maintains a record of all waste received and processed. Records include date, quantity, and origin of waste received. Monthly totals are provided below.</p> <p>Month: Total Tonnage:  November 2023: 15,818.80 tons  December 2023: 13,800.86 tons  January 2024: 15,715.01 tons  February 2024: 15,924.28 tons  March 2024: 18,212.10 tons</p>
20-81-485	<p>Operations Manual - -  The facility's Operations Manual was reviewed and re-certified on August 24, 2023, by Clarke Gibson, Director of Solid Waste. The operations manual should be reviewed and recertified annually, within 12 months, per DEQ guidance.</p>
20-81-530	<p>Permittee recordkeeping and reporting - -  B. All required records were made available to DEQ upon request.</p> <p>C. On April 10, 2024, facility personnel discovered that leachate had overflowed the pump at the leachate storage tank and discharged in a stream in the wetlands. A verbal 24-hour notification and written 5-day notification were provided. Please see additional comments under 9VAC20-81-210.</p>
20-81-130	<p>Facility design / construction - -  A. The landfill has a daily disposal limit of 2,580 tons of solid waste.</p> <p>B. The site is screened on all sides by woods and natural barriers. Access roads are gated, and portions of the facility are fenced.</p> <p>C. Internal roads are accessible and capable of withstanding heavy loads.</p> <p>D. The facility has a lighted and heated shelter for operating personnel with sanitation facilities.</p> <p>F. The landfill operators have radio communications available.</p> <p>H. The stormwater conveyance system is maintained to control run-on and run-off at the landfill. The stormwater conveyance system was functioning as designed. Small amounts of sediment deposits and blown litter were observed in the southern perimeter ditches.</p> <p>I. Fire breaks of 50 feet are maintained between the limits of waste and all tree lines.</p>
20-81-140.B.1,4	<p>Safety and fire control - -  A.1. The facility conducts weekly safety trainings.</p> <p>A.4. No evidence of open burning on or near the waste cells was observed.</p>
20-81-140.B.7	<p>Stormwater control system maintenance - -  The stormwater perimeter ditches appeared to be in good condition with no signs of erosion or ponding water. Small amounts of sediment deposits and blown litter were observed in the southern perimeter ditches; however, the ditches were functioning as designed. The sediment basin had sufficient wet storage capacity.</p>
20-81-140.B.8,14-15	<p>Facility operation, maintenance, and training - -  8. Waste is placed directly into the landfill by vehicles equipped with mechanical unloading. Campbell County and Lynchburg City residents unload by hand at the convenience center. Access is restricted after operating hours by a locked gate at the entrance.</p> <p>14. All landfill appurtenances appeared to be properly maintained and operating as designed.</p> <p>15. Adequate numbers and types of properly maintained equipment were available for operations. During the inspection, the facility had a loader and compactor operating at the working face.</p>



20-81-140.B.9-13	Hazard and nuisance control - - No issues regarding blown litter, odors, vectors, salvaging, mud on roadways or access to unauthorized areas of the facility were noted.
20-81-140.C	Compaction and cover - - The facility is now operating in the eastern area of Phase V landfill. The facility is applying a fluff layer over the drainage layer. The working face was observed to be confined to an area appropriate for the amount of incoming waste. Small amounts of exposed waste were observed through the daily cover due to recent storms. DEQ recommends adding additional daily soil cover to prevent blown litter. Soil is stockpiled near the working face.  The intermediate soil cover on Phase IV landfill was in good condition with no deep erosion channels and no exposed waste. DEQ recommends seeding the side slopes and establishing vegetation to prevent erosion and soil loss.
20-81-610-660	Special Waste - - 640. Waste tires are being stored in roll-off containers before being sent to Emanuel Tire for disposal.  650. The facility receives white goods, which are processed with other scrap metals, and are stored in roll-offs.
20-81-160	Closure requirements - - The facility is not seeking closure at this time.
20-81-170	Post-closure care requirements - - The facility is currently an active landfill and not in post-closure care.
20-81-200.A,B,E	Decomposition gas concentrations, monitoring & recordkeeping - - A. The first 2024 quarterly landfill gas monitoring event was conducted on February 16, 2024. No exceedances of the action level (80% LEL for methane) or compliance level (100% LEL for methane) were reported at the gas boundary probes. No exceedances of the 25% LEL for methane were reported at the building monitoring locations.  E. The first 2024 quarterly monitoring event report was provided for review. All required information was recorded.
20-81-200.C	Decomposition gas-remediation - - The facility has an active gas extraction system with blower and flare system. The blower and flare system were operating during the inspection.
20-81-200.D	Decomposition gas-odor management - - D.1. The facility follows the most updated Odor Management and Control Plan.  D.2. The facility continues to follow up on odor complaints when a complaint is received.  D.3. The most recent review and recertification of the Odor Management Plan was conducted on September 15, 2022. The odor management plan is to be reviewed and recertified on an annual basis. Please review and recertify the odor management plan.
20-81-250	Groundwater monitoring program - - Monitoring: The facility monitors quarterly in a detection monitoring program due to the close proximity of wetlands.  Underdrains: Two underdrains are associated with the Phase IV/V Landfill that flow out into the north sediment basin. The underdrains were not flowing during the inspection.
20-81-260	Corrective action program - - The facility is not in corrective action.
20-81-385 & 395	Landfill Mining - - Landfill mining is not occurring at the facility.

### Disclosure Statement Details

#### Key Personnel

#### Title

Alexander Brebner	Executive Director
Clarke W. Gibson	Director of Solid Waste
Elliott L. Inge	Environmental Technician
Larry P. Hall	Operations Manager

Disclosure Statement Last Updated: 9/1/2022

### Waste Management Facility Operators

Licensed Operator	License #	Expiration Date
Clarke Gibson	4605003027	11/30/2023
Elliott Inge	4605002579	7/31/2025
Larry P. Hall	4605002033	12/31/2024
Shain R. Greenawalt	4605003764	7/31/2024

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.