



# COMMONWEALTH of VIRGINIA

Matthew J. Strickler  
Secretary of Natural Resources

DEPARTMENT OF ENVIRONMENTAL QUALITY  
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David K. Paylor  
Director

Robert J. Weld  
Regional Director

January 28, 2021

*Via electronic mail*

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

## **WARNING LETTER**

Re: Region 2000 Landfill - Livestock Road Facility – Solid Waste Permit (SWP) 610  
Announced Compliance Inspection – December 2, 2020

Dear Mr. Miles:

The Department of Environmental Quality (“DEQ” or “Department”) has reason to believe that the Region 2000 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, 9VAC20-81-10 et seq. (“Regulations”), and/or SWP610.

This letter addresses conditions at the facility named above and also cites compliance requirements of the Act, Regulations, and SWP 610. 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 30 days of the date of this letter.**

## **OBSERVATIONS AND LEGAL REQUIREMENTS**

On December 2, 2020, staff from DEQ’s Blue Ridge Regional Office conducted a compliance inspection of the Region 2000 Landfill – Livestock Road Facility. Staff also reviewed documents provided to DEQ during the course of the inspection. A copy of the inspection checklist is attached. The following describe the staff’s factual observations and identify the applicable legal requirements.

- 1. Observation:** The third quarter 2020 underdrain monitoring event was conducted on August 31, 2020. The laboratory report was issued on September 27, 2020, and revised on December 9, 2020, to add acrylonitrile and remove acetonitrile from the report. Acetone was detected above the laboratory reporting limit or limit of quantification in all P1-A and P1-B inlet and outlet

locations. The facility's consultant reported this detection on December 30, 2020. The notification was provided outside of the reporting period required by the permit.

***Legal Requirements: Pursuant to 9VAC20-81-100.B., [a]ll 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.***

***Permit Requirements:***

***The facility permit was modified on September 25, 2020. Permit Module III.E.4.a requires the owner/operator to report any quantified VOC detection in the underdrain to the Director within 14 days of the laboratory analysis. The facility's previous permit modified on June 20, 2016 required the owner/operator to report any quantified VOC to the Director within 15 days of the laboratory analysis.***

- 2. **Observation:**** Based on analytical discrepancies identified during the 2019 Annual Groundwater Monitoring report review and the current groundwater monitoring plan, DEQ requested on September 11, 2020, that the facility submit either a revised groundwater monitoring plan or a statement that no changes to the plan are needed. This submission was due within 90 days or by December 10, 2020. On January 25, 2021, DEQ received a request for a minor permit amendment with a revised groundwater monitoring plan.

***Legal Requirements: Pursuant to 9VAC20-81-100.B., [a]ll 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.***

***Permit Requirements:***

***The facility permit was modified on September 25, 2020. Permit Module I.B.6 requires the owner/operator furnish the Director any relevant information to determine compliance or copies of records by the date specified in the request. The facility's previous permit modified on June 20, 2016 contained the same requirement.***

### **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 Waste Management Board 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**

After reviewing this letter, please respond in writing to DEQ within 30 days of the date of this letter detailing actions you have taken or will be taking to ensure compliance with state law and

regulations. If corrective action will take longer than 90 days to complete, you may be asked to sign a Letter of Agreement or enter into a Consent Order with the Department to formalize the plan and schedule. It is DEQ policy that appropriate, timely, corrective action undertaken in response to a Warning Letter may avoid adversarial enforcement proceedings and the assessment of civil charges or penalties.

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 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 Department's website under "Programs," "Enforcement," and "Laws, Regulations, & Guidance" (<http://www.deq.virginia.gov/Programs/Enforcement/Laws,Regulations,Guidance.aspx>) or ask the DEQ contact listed below.

Your contact at DEQ in this matter is Nicole Tilley. Please direct written materials to her attention. If you have questions or wish to arrange a meeting, you may reach her directly at (540) 562-6740 or [nicole.tilley@deq.virginia.gov](mailto:nicole.tilley@deq.virginia.gov).

Sincerely,



Rebecca E. Wright  
Environmental Program Planner

Enclosures:

*Inspection Checklist*

cc: Mr. Robert Arthur, Region 2000 Environmental Compliance Coordinator  
Nichole Herschler, DEQ - BRRO Land Protection Manager  
Priscilla Rohrer, CO Solid Waste Compliance Coordinator  
Jennifer Hoeffner, DEQ – BRRO Solid Waste Permit Writer  
Nicole Tilley, BRRO Solid Waste Compliance Inspector  
DEQ 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, Environmental Compliance Coordinator

**Inspector:** Nicole Tilley  
**Inspection Date:** 12/2/2020  
**Approximate Arrival Time:** 9:15 AM  
**Inspection Method:** Announced  
**Exit Interview:** Yes  
**Weather Conditions:** The weather was clear with temperatures averaging 35 degrees F. The facility received 2.55 inches of rain on November 30, 2020.

**Comments:** On December 2, 2020, Nicole Tilley conducted an announced compliance inspection of the Region 2000 Landfill - Livestock Road Facility, Campbell County Closed Sanitary Landfill, and Concord Turnpike Closed Sanitary Landfill. Precautionary measures were implemented in accordance with DEQ Solid Waste Fieldwork Protocols for COVID-19. The inspection consisted of a tour of the facility, a records review, and exit interview. Mr. Arthur assisted in the site tours, records review, and exit interview. DEQ departed at approximately 2:00 PM.

## 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.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	✓
<b>Compliance Area: Design, Construction &amp; Operation</b>			
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	✓
20-81-610-660	Special Waste	II	✓
<b>Compliance Area: Closure &amp; Post-Closure Care</b>			
20-81-160	Closure requirements	II	✓
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	✓
<b>Compliance Area: Groundwater Monitoring</b>			

20-81-250	Groundwater monitoring program	II	✓
20-81-260	Corrective action program	II	✓
<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 - - Alleged Violation:</p> <p>I. Underdrain VOC Detect Notification The third quarter 2020 underdrain monitoring event was conducted on August 31, 2020. The laboratory report was issued on 9/27/2020 and revised on 12/9/2020 to add acrylonitrile and remove acetonitrile from the report. Acetone was detected above the laboratory reporting limit or limit of quantification in all P1-A and P1-B inlet and outlet locations. The facility's consultant reported this detection on December 30, 2020.</p> <p>II. GW Monitoring Plan Modification Request Based on analytical discrepancies identified during the 2019 Annual Groundwater Monitoring report review and the current groundwater monitoring plan, DEQ requested on September 11, 2020, that the facility submit either a revised groundwater monitoring plan or a statement that no changes are needed. This submission was due within 90 days or by December 10, 2020. On January 25, 2021, DEQ received a minor permit amendment with a revised groundwater monitoring plan.</p> <p>General Comment:</p> <p>The facility has a daily disposal limit of 2,580 tons per day. The facility operates below the daily disposal limit. Monthly totals for January to November 2020 are provided below.</p> <p>Period: Total Tonnage            January 2020: 15,750.69 tons            February 2020: 13,863.34 tons            March 2020: 17,847.24 tons            April 2020: 16,161.9 tons            May 2020: 16,573.41 tons            June 2020: 16,936.12 tons            July 2020: 19,697.97 tons            August 2020: 18,144.15 tons            September 2020: 18,267.58 tons            October 2020: 18,009.95 tons            November 2020: 17,205.87 tons</p>

### General Comments

Reference	Comments
10.1-1408.1	<p>Disclosure Statement - - The facility's disclosure statement is up-to-date.</p>
10.1-1408.2	<p>Operator Certification - - The facility has licensed operators.</p>
20-81-100.E	<p>Unauthorized waste program and inspection - - The facility has an unauthorized waste plan in place, consisting of signs, employee training, and random load inspections. Random inspections for the months of October and November were reviewed to reduce the amount of paperwork being handled.</p> <p>October 2020: 47 inspections for 4,044 loads November 2020: 61 inspections for 3,721 loads</p> <p>The facility is randomly inspecting a minimum of one percent of the loads accepted at the facility. Facility personnel also screen loads for unauthorized waste when vehicles are unloading at the working face.</p> <p>No unauthorized waste was reported since the previous inspection. No unauthorized waste was observed at the working face</p>

	during the inspection.
20-81-140.A.16	<p>Facility self inspections - -</p> <p>The facility conducted monthly self-inspections. The self-inspections for January to September 2020 were reviewed. The records note minor repairs needed to the stormwater channels, blown litter, and areas that need reseeding. The failure of the Flexamat ® downchutes was noted during the facility self-inspections. Please see additional comments in 9VAC20-81-130.H.</p> <p>No major issues were noted in self-inspection and records were complete.</p>
20-81-140.A.17	<p>Record maintained of waste received and processed - -</p> <p>The facility maintains a record of all waste received and processed.</p>
20-81-485	<p>Operations Manual - -</p> <p>The facility's Operations Manual was reviewed and re-certified on December 17, 2019. Please be reminded that the operations manual is to be reviewed and recertified by December 31, 2020.</p>
20-81-530	<p>Permittee recordkeeping and reporting - -</p> <p>B. All required records were made available to DEQ upon request.</p> <p>C. No events requiring 24-hour or 5-day notification to DEQ occurred since the previous inspection.</p> <p>C. On Sunday, November 29, 2020 at approximately 11:15 AM, facility personnel discovered a 40-yard container, containing residential trash, from the Campbell County Public Convenience Center, was on fire. The fire department and Campbell County staff were notified and the fire was extinguished in approximately 45 minutes. Campbell County Staff continued to monitor the container and waste material until 9.00 PM Sunday night. At 9.00 PM the container and waste were cold, and not smoking. The exact cause of the fire is unknown.</p> <p>The containers are removed from Campbell County Convenience Centers on Saturday evenings and Sundays when the landfill is closed, and stored on landfill property until Monday, when they are emptied at the landfill. The containers are stored in an parking/storage area located along the paved access road, between the office building and the scalehouse. The containers are not stored in the vicinity of the active landfill. To prevent future fires, Region 2000 Services Authority will request Campbell County staff check the convenience center storage containers for smoke, heat, or other indicators of fire, and before depositing them on landfill property.</p> <p>DEQ received a 24-hour verbal notification on Monday, November 30, 2020 and a follow up 5-day written notification on Tuesday, December 1, 2020.</p>
20-81-130	<p>Facility design / construction - -</p> <p>H. A portion of the Phase III landfill is under final closure. Flexamat ® downchutes were constructed as stormwater conveyance channels on the side slopes and in perimeter ditches. Two downchutes located on the northern side slope of Phase III partial closure area have failed and erosion has uncovered the upper geocomposite drainage layer. Despite several attempts by facility personnel to replace and repair the channels, the vegetation within the Flexamat ® material has not become established. This has led to failure of the soil underlying the flexible concrete block mat. Without the established vegetation, the soil cannot withstand the shear forces from stormwater runoff flowing beneath the matting. The Flexamat ® material will be removed and the area will be repaired and replaced with traditional slope drain pipes. The project is scheduled to begin on December 7, 2020.</p>
20-81-140.A.1.4	<p>Safety and fire control - -</p> <p>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.A.6	<p>Pollutant discharge - -</p> <p>Ponding water and blown litter were observed in the southwestern stormwater channels around Phase IV. The blown litter needs to be removed from the stormwater channel to prevent solid waste from entering surface water or wetlands. Facility personnel were observed cleaning up the blown litter during the inspection. The stormwater ditches are not holding water and are graded properly. The facility has received a large volume of rain and the the water is slowly draining.</p>
20-81-140.A.7	<p>Stormwater control system maintenance - -</p> <p>The stormwater perimeter ditches appeared to be in good condition and working as intended. The stormwater conveyance system was free of obstructions with no signs of erosion. Due to the large volume of rain received by the facility, the stormwater ditches are slowly draining.</p> <p>Two downchutes on Phase III were damaged and not functioning as designed. See comments in 9VAC20-81-130.</p> <p>The sediment basin had sufficient wet storage capacity. Water levels reached the two outfalls of the underdrains due to the large amount of rainfall received by the facility.</p>
20-81-140.A.8,14-15	<p>Facility operation, maintenance, and training - -</p> <p>A.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</p>

	<p>entrance.</p> <p>A.14. All landfill appurtenances appeared to be properly maintained and operating as designed.</p> <p>A.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.A.9-13	<p>Hazard and nuisance control - -</p> <p>A.9. The portable litter fencing was in place near the working face. Small amounts of blown litter was observed on the northwest and southwest side slopes and stormwater ditches of the Phase IV landfill. The facility picks up blown litter on a weekly basis and facility personnel were observed cleaning up the blown litter during the inspection.</p> <p>A.10. The following ongoing odor control mechanisms and procedures were observed:</p> <ul style="list-style-type: none"> <li>- Active gas extraction system (Initiated August 2, 2016) – The high capacity blower/flare was in operation. Landfill gases are being drawn from gas extraction probes on Phase III and flared.</li> <li>- Posi-Shell/Interim Odor Control/ Daily Cover (Initial application June 16, 2016). The facility had sufficient daily cover.</li> <li>- Odor Boss Canon (Portable roll-off mounted misting unit – Initiated March 25, 2016). The vapor cannon has been winterized and is not currently in use. The facility plans to bring the unit back in operation during the warmer months.</li> <li>- Byers Vapor System (Primary perimeter system – Initiated March 16, 2016). Both the original primary system and the portable system were in operation. The primary system was operational along the western (Poplar Ridge) and southern (facing Rt. 24 – Colonial Highway) cell slopes. The portable system (Initiated March 2018) is a self-contained system mounted on a utility trailer. This extension covers approximately 800 feet of the southern boundary of Phase IV. The trailer carries the power generator, Byers tank, mixing chamber, and blower unit, and vapor distribution pipeline.</li> <li>-Leachate Cleanout Landfill Gas System/Flare (Initiated June 15, 2015). The system, which draws LF gases from the leachate collection system and burns them off through the facility’s updated blower/flare system, was in operation. Piping and connections to the leachate collection system were intact.</li> </ul> <p>A.11. No issues regarding salvaging were observed.</p> <p>A.12. No issues regarding dust or mud on main off-site roads and access roads were observed.</p> <p>A.13. Internal roads were well maintained and allowed access to all areas of the facility.</p>
20-81-140.B	<p>Compaction, cover &amp; working face - -</p> <p>At the time of the inspection, the facility was operating a working face at the southwestern area of Phase IV. The working face was observed to be confined to an area appropriate for the amount of incoming waste. Adequate cover soil was being applied with good compaction. Soil is stockpiled near the working face.</p>
20-81-610-660	<p>Special Waste - -</p> <p>Waste tires are being stored in roll-off containers before being sent to Emanuel Tire for disposal.</p> <p>The facility receives white goods, which are processed with other scrap metals, and are stored in roll-offs.</p>
20-81-200.A,B,E	<p>Decomposition gas concentrations, monitoring &amp; recordkeeping - -</p> <p>A. The quarterly landfill gas monitoring events were conducted on January 27, April 17, August 8, and October 26, 2020. No exceedances of the compliance level for methane or the action level for methane were reported at the gas boundary probes. No exceedances of the 25% compliance levels for methane were reported at the building monitoring locations.</p> <p>B. Facility conducts quarterly landfill gas monitoring.</p> <p>E. The 2020 quarterly monitoring event reports were provided for review. All required information was recorded.</p>
20-81-200.C	<p>Decomposition gas-remediation - -</p> <p>The facility has an active gas extraction system. The blower and flare system were operating during the inspection.</p>
20-81-200.D	<p>Decomposition gas-odor management - -</p> <p>D.1. The facility follows the most updated Odor Management and Control Plan dated June 17, 2016. Odor control strategies are given in Section 3.0 through 3.9 – Strategies for Controlling Odors.</p> <p>D.2. Section 5.0 of the updated plan states that documentation of odor complaints will be maintained and will be available for authorized officials. During the inspection, DEQ and the facility reviewed and discussed recent odor complaints.</p> <p>The facility continues to follow up on odor complaints.</p>

	D.3. The plan is reviewed yearly for minor changes. The most recent review and revision was conducted on January 22, 2020 to update the odor complaint log.
20-81-210	Leachate control - - Leachate is hard piped through a pumping station from the leachate holding tank to the Campbell County Utility Service Authority sewer system and the City of Lynchburg Regional WWTP.  No leachate seeps were observed on the side slopes of the active cells or cells under intermediate cover.
20-81-250	Groundwater monitoring program - - Underdrains: Two underdrains are associated with the Phase IV/V expansion that flow out into the north sediment basin. Water levels reached the two outfalls of the underdrains due to the large amount of rainfall received by the facility. Water flow observations could not be determined.

### Disclosure Statement Details

Key Personnel	Title
Clarke W. Gibson	Director of Solid Waste
Elliott L. Inge	Environmental Technician
Felicia D. West	Region 2000
Gary Christie	Region 2000
Kenneth Jarman	Working Field Supervisor
Larry P. Hall	Operations Manager
Robert Arthur	Environmental Compliance and Safety Manager

Disclosure Statement Last Updated: 1/12/2018

### Waste Management Facility Operators

Licensed Operator	License #	Expiration Date
Clarke Gibson	4605003027	11/30/2019
Elliott Inge	4605002580	7/31/2019
Kenneth Jarman	4605002635	11/30/2021
Larry P. Hall	4605002033	12/31/2020
Robert Arthur	4605002613	3/31/2022
Shain R. Greenawalt	4605003764	7/31/2022

**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.**