



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

NORTHERN REGIONAL OFFICE

13901 Crown Court, Woodbridge, Virginia 22193

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Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

February 28, 2013

Mr. Larry Bayne
General Manager
Lorton Landfill
10001 Furnace Road
Lorton, Virginia 22079

WARNING LETTER

RE: Lorton Landfill – Permit #331
Compliance Inspection conducted January 30, 2013

Dear Mr. Bayne:

The Northern Regional Office of the Department of Environmental Quality (DEQ) has reason to believe that the Lorton CDD Landfill may be in violation of the Waste Management Law, Virginia 9 VAC 20-81, and/or the Solid Waste Permit No. 331.

This letter addresses conditions at the facility named above, and also cites compliance requirements of the Waste Management Law and Regulations. 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.* **The DEQ requests that you respond within 20 days of the receipt of this letter.**

OBSERVATIONS AND LEGAL REQUIREMENTS

On January 30, 2013, DEQ staff conducted a compliance inspection of the Lorton CDD Landfill. A copy of the inspection checklist is attached. The following describe the staff's factual observations and identify the applicable legal requirements.

Records reviewed during the inspection confirmed the facility recorded gas exceedances on November 7, 2012, at BP-15 (46.4%)

and BP-16 (24.6%). The facility did not follow the gas remediation requirements for immediate action as required under 9VAC20-81-200.C.1.a. The facility also has no way of confirming the operation of the blower or generator to control the gas exceedance. The facility also recorded exceedances on January 23, 2013, at BP-16 (35.2%) and BP-17 (17.1%). Twenty four hour notice was not made and the facility conducted what it has called a confirmation monitoring event on January 24, recording another exceedance at BP-16 (8%).

An Area of Concern has been issued under 9VAC20-81-530 for not providing the DEQ with notice within the prescribed timeframe for both the November 12, 2012, exceedance for the January 23-24, 2013, exceedance.

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, and to impose a civil penalty of not more than \$10,000. Va. Code §§ 10.1-1455(D) and 10.1-1455(I) provide for other additional penalties.

The Court has the inherent authority to enforce its injunction, and is authorized to award the Commonwealth its attorneys' fees and costs.

FUTURE ACTIONS

After reviewing this letter, please respond in writing to DEQ **within 20 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 DEQ to formalize the plan and schedule. *It is DEQ policy that appropriate, timely, corrective action undertaken in response to a Warning Letter will 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. If you complete the Process for

Early Dispute Resolution and are not satisfied with the resolution, you may request in writing that DEQ take all necessary steps to issue a case decision where appropriate. For further information on the Process for Early Dispute Resolution, please visit the Department's website under "Laws & Regulations" and "DEQ regulations" at: http://www.deq.virginia.gov/regulations/pdf/Process_for_Early_Resolution_8260532.pdf or ask the DEQ contact listed below.

Your contact at DEQ in this matter is Daniel Demers. Please direct written materials to his attention. If you have questions or wish to arrange a meeting, you may reach him directly at 703-583-3901 or via email at Daniel.Demers@deq.virginia.gov.

Respectfully,



Richard Doucette
Land Protection Program Manager

cc: Richard Doucette, DEQ-NRO (electronic copy)
Linda Shultz, DEQ-CO (electronic copy)
Administrative File

**Commonwealth of Virginia
Department of Environmental Quality**

**CDD Landfill [SW]
Inspection Report**

Facility Name: Lorton CDD Landfill
Region: Northern Regional Office
Inspected By: Demers, Daniel J

Permit No.: SWP331
Inspection Date: 30-JAN-13

| Reference | Description | | | |
|---------------------|---|----|-----|-----|
| 10.1-1408.1 | Disclosure Statement | I | X | 0 |
| 10.1-1408.2 | Operator Certification | II | X | 0 |
| 20-70-10 et seq. | Financial Assurance | II | X | 0 |
| 20-90-10 et seq. | Permit Action Fees | II | | 0 |
| 20-81-80 | Waste Assessment Program | I | X | 0 |
| 20-81-100.B | Compliance with the facility's permit | II | | U |
| | Unauthorized waste program and inspection | II | X | 0 |
| 20-81-110.B | Prohibited waste | II | X | 0 |
| 20-81-130 | | I | X | 0 |
| 20-81-140.A.1,4 | | II | X | 0 |
| 20-81-140.A.6 | | X | | 0 |
| 20-81-140.A.7 | Stormwater control system maintenance | X | | 0 |
| 20-81-140.A.8,14-15 | Facility operation, maintenance, and training | X | | 0 |
| 20-81-140.A.9-13 | Hazard and nuisance control | | | 0 |
| 20-81-140.A.16 | | | | 0 |
| 20-81-140.A.17 | | | | 0 |
| | | | | 0 |
| 20-81-160 | | II | | 0 |
| 20-81-170 | | | | 0 |
| 20-81-200 | Decomposition gas control | | | X 1 |
| 20-81-210 | Leachate control | II | | U |
| 20-81-250 | Groundwater monitoring program | II | X | 0 |
| 20-81-260 | | II | | 0 |
| 20-81-485 | Operations manual | II | X | 0 |
| 20-81-530 | Permittee recordkeeping and reporting | II | X X | 0 |
| 20-81-610-660 | Special Waste | II | | 0 |

S = Severity Level I = Inspected A = Area of concern V = Alleged violation O = Occurrences

**CDD Landfill [SW]
Alleged Violations**

| Reference | Comments |
|-----------|--|
| 20-81-200 | <p>The facility recorded gas exceedances on November 7, 2012, at BP-15 (46.4%) and BP-16 (24.6%) the facility did not make 24 hour notice until November 12, 2012. The facility also did not follow the Gas Management Plan for immediate action and has no way of confirming the operation of the blower or generator to control the gas exceedance. A meeting was held with Mr. Paul Farrell and Mr. Doucette to discuss the new cell construction and procedures for action following a gas exceedance. The facility exceeded the regulatory levels again on January 23, 2013, at BP-16 (35.2%) and BP-17 (17.1%) and again on January 24 during what the facility called a confirmation round of monitoring at BP-16 (8%).</p> <p>The facility reported that the blower was down for an undetermined time frame due to problems with the generator. Neither the blower or generator run hours were being recorded to confirm operational status.</p> <p>DEQ requests that facility review the current Gas Management Plan and make revisions as required to better respond and control any perimeter gas exceedance.</p> |

**CDD Landfill [SW]
Area of Concern**

| Reference | Comments |
|-----------|--|
| 20-81-530 | An area of concern is being issued for the reporting requirements of the incident sited in the WL for 20-81-200. |

**CDD Landfill [SW]
General Comments**

| Reference | Comments |
|---------------------|--|
| 10.1-1408.1 | The latest Disclosure Statement on file at the DEQ is dated January 19, 2007. Various EnviroSolutions and Investcorp International management are listed as key personnel. Key personnel dealing with the day-to-day operations of the landfill include Larry Bayne, Site Manager, and David Howard, Assistant Manager. |
| 10.1-1408.2 | The facility has three licensed Certified Operators: Site Manager, Larry Bayne, certification #4605002098 (valid until December 31, 2014); Scale Operator, Ray Herzig, with certification #4605001767 (valid until February 28, 2014); and Assistant Manager, David Howard with certification #4605002135 (valid until April 30, 2013). Mr. Bayne was present at the time of inspection. |
| 20-70-10 et seq. | The facility's trust fund was last amended in 2012 in the amount of \$13,010,402. The facility is reminded that FA renewal is due 60 days prior to the expiration date as per 9VAC20-70-111.b. The facility is in compliance until 5/23/2013. |
| 20-81-80 | The 2012 Solid Waste Information and Assessment Program (SWIA) Form DEQ 50-25 is due March 31, 2013 and can be submitted online at https://node.deq.virginia.gov/SWIAWebApp/login.jsp . Please contact Yurek Aurelson, NRO SWIA representative, at 703-583-3844 if you need assistance in completing the form. |
| 20-81-100.B | The facility appears to be in compliance with its solid waste permit with the exception of the issue identified under 9VAC20-81-200.C.1.a. |
| 20-81-100.E | The facility conducts unauthorized waste screening and maintains a log which was reviewed and appeared to meet the regulation requirements. |
| 20-81-130 | Current cell construction design is under review by DEQ NRO permitting prior to issuance of a CTO. The facility should not use the new cell until an approved CTO has been issued for the alternate construction design. |
| 20-81-140.A.8,14-15 | The facility conducts monthly safety training. |
| 20-81-140.A.16 | Inspection logs were reviewed and appear to be complete and up to date. |
| 20-81-140.C | Some rills were observed on the southern slopes and Mr. Bayne was aware of the conditions and has scheduled a crew to dress the slopes. |
| 20-81-250 | The facility's 2011 Annual Groundwater Report and 2nd Semi-annual Monitoring reports were received by DEQ January 17, 2012 in compliance with the VSWMR March 1st deadline. The 2012 annual report is due March 1, 2013. |

CDD Landfill [SW]
General Comments

| Reference | Comments |
|-----------|--|
| 20-81-485 | Operations manual certification was done on June 2012. |

Overall Inspection Comments

A representative from the Virginia Department of Environmental Quality (DEQ) arrived at Lorton CDD Landfill, SWP 331, at approximately 10:10 AM on January 30, 2013. Daniel J.C. Demers of the DEQ was greeted by Larry Bayne, Site Manager. Mr. Bayne escorted the DEQ representative throughout the duration of the inspection. An exit interview was conducted with Mr. Bayne discussing the findings as a result of the inspection.

A warning letter (WL) is being issued for the landfill gas exceedance and failure to follow proper procedures under 9VAC20-81-200.C.1.a. Additionally an area of concern is being issued for reporting requirements under 9VAC20-81-530.C.3.

This inspection report addresses conditions at this facility and also cites compliance requirements of the Virginia Waste Management Law and Regulations. Pursuant to Virginia Code 10.1-1455(G), this report is not a case decision under the Administrative Process Act, Code of Virginia, Section 2.2-4000 et seq.

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 these 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.

