



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

NORTHERN REGIONAL OFFICE

13901 Crown Court, Woodbridge, Virginia 22193

(703) 583-3800

www.deq.virginia.gov

David K. Paylor
Director

Thomas A. Faha
Regional Director

Molly Joseph Ward
Secretary of Natural Resources

January 6, 2017

Larry Bayne
Lorton Construction Landfill
10001 Furnace Road
Lorton, Virginia 22079

VIA EMAIL: lbayne@esiwaste.com

WARNING LETTER

Re: Lorton Construction Landfill – 10001 Furnace Road, Lorton
Solid Waste Permit (SWP) 331

Dear Mr. Bayne:

The Department of Environmental Quality (“DEQ” or “the Department”) has reason to believe that the Lorton CDD Landfill may be in violation of the Waste Management Law and Regulations.

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. (APA). The Department requests that you respond **within 20 days of the date of this letter**

OBSERVATIONS AND LEGAL REQUIREMENTS

On December 22, 2016, DEQ staff conducted a records review of the Lorton Construction Landfill. The inspection checklist is attached. The following describe the staff’s factual observations and identify the applicable legal requirements:

1. *Observations:* On December 13, 2016, the facility detected a methane concentration of 20.5 % at Boundary Probe GP-11, and 15.9% at Boundary Probe GP-50. On December 14, 2016, the facility detected a methane concentration of 11.3 % at Boundary Probe GP-22, and 13.8% at Boundary Probe GP-26. The methane concentration detected at Boundary Probes: GP-11, GP-22, GP-26 and GP-50 exceeded the Lower Explosive Limit (LEL) for methane.

Legal Requirements: 9 VAC 20-81-200.A.1.b requires ...

The concentration of methane gas migrating from the landfill shall not exceed the lower explosive limit for methane at the facility boundary.

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 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 Department 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. 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 Jeffrey Modliszewski. Please direct written materials to his attention. If you have questions or wish to arrange a meeting, you may reach him directly at at (703) 583-3832 or Jeffrey.modliszewski@deq.virginia.gov.

Sincerely,



Richard C. Doucette
Land Protection and Revitalization Program Manager

cc: CASE FILE
Crystal Hambrick, Fairfax County
Jeffrey Modliszewski, NRO Solid Waste Compliance Inspector
Priscilla D. Fisher, Solid Waste Compliance Coordinator



Compliance Inspection Report

Inspection Summary

Facility: Lorton Construction Landfill
Permit: SWP331
Region: Northern
Inspection Type: Records Review
Facility Staff: Records Review

Inspector: Jeffrey Modliszewski
Inspection Date: 12/22/2016
Approximate Arrival Time: Records Review
Inspection Method: Announced
Exit Interview: No
Weather Conditions: Records Review

Construction / Demolition / Debris (CDD) Landfill (Active)

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	I	
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	✓
Compliance Area: Design, Construction & Operation			
20-81-110.B	Prohibited waste	II	
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.C	Compaction and cover	I	
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	Decomposition gas control	II	X
Compliance Area: Leachate Control			
20-81-210	Leachate control	II	
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	

SL = Severity Level

✓ = In Compliance

X = Alleged Violation

N/A = Not Applicable

Blank = Not Inspected

Alleged Violations

Reference	Comments
20-81-200	Decomposition gas control - On December 13, 2016, the facility detected a methane concentration of 20.5 % at Boundary Probe GP-11, and 15.9% at Boundary Probe GP-50. On December 14, 2016, the facility detected a methane concentration of 11.3 % at Boundary Probe GP-22, and 13.8% at Boundary Probe GP-26. The methane concentration detected at Boundary Probes: GP-11, GP-22, GP-26 and GP-50 exceeded the Lower Explosive Limit (LEL) for methane.

General Comments

Reference	Comments
20-81-530	Permittee recordkeeping and reporting - The facility provided the 24-hour notifications and the five day written submission for the December methane exceedances.

Disclosure Statement Details

Key Personnel	Title
Dean Kattler	CEO
Gary Hewes	Vice President Operations
James Stenborg	Director of Landfill Engineering
Jim Alderson	CFO
Larry Bayne	General Manager

Disclosure Statement Last Updated: 12/9/2015

Waste Management Facility Operators

Licensed Operator	License #	Expiration Date
Larry Bayne	4605002098	12/31/2016
William Williams	4605003459	3/31/2018

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.

Modliszewski, Jeffrey (DEQ)

From: Modliszewski, Jeffrey (DEQ)
Sent: Friday, January 06, 2017 7:49 AM
To: Larry Bayne (lwayne@esiwaste.com)
Cc: Crystal.Hamrick@fairfaxcounty.gov
Subject: SWP331 Warning Letter
Attachments: SWP331 WL CIR 20161222.pdf

Larry

I have attached the warning letter from December's methane exceedance. Please ensure that you continue to follow your Landfill Gas Remediation Plan. Thanks jrm

Respectfully,

Jeffrey Modliszewski
Environmental Specialist II
Phone: 703-583 3832
Email: Jeffrey.modliszewski@deq.virginia.gov