



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

NORTHERN REGIONAL OFFICE

13901 Crown Court, Woodbridge, Virginia 22193

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[www.deq.virginia.gov](http://www.deq.virginia.gov)

Molly Joseph Ward  
Secretary of Natural Resources

David K. Paylor  
Director

Thomas A. Faha  
Regional Director

July 10, 2014

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

VIA EMAIL: [lbayne@esiwaste.com](mailto:lbayne@esiwaste.com)

### DEFICIENCY LETTER

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

Dear Mr. Bayne:

On June 19, 2014, the Virginia Department of Environmental Quality Northern Regional Office conducted an inspection of the solid waste management facility operating under SWP 331. During this inspection, the facility was evaluated for compliance with the Virginia Waste Management Law and Solid Waste Management Regulations (9 VAC 20-81-10 *et seq.*) and SWP 331. A copy of the inspection checklist is enclosed.

Based on review of observations, responses, and documents obtained during this inspection, the Department has reason to believe that Lorton CDD Landfill may be in violation of the Virginia Waste Management Law and Solid Waste Management Regulations. This information is noted on the enclosed inspection checklist(s) and is summarized below:

1. *Observations:* The facility could not document that 10% of the incoming loads of waste generated outside of Virginia were inspected.

***Legal Requirements: 9 VAC 20-81-100 E.5.b requires ...***

*The procedures for random inspections of incoming loads to detect whether incoming loads contain regulated hazardous wastes, PCB wastes, regulated medical waste, or other unauthorized solid waste and ensure that such wastes are not accepted at the landfill. The owner or operator shall inspect a minimum of 1.0% of the incoming loads of waste. In addition, if the facility receives waste generated outside of Virginia and the regulatory structure in that*

*jurisdiction allows for the disposal or incineration of wastes as municipal solid waste that Virginia's laws and regulations prohibit or restrict, the facility shall inspect a minimum of 10% of the incoming loads.*

These issues were discussed with facility representatives during the inspection. Please advise this office in writing within **20 calendar days** of receipt of this letter if your facility has taken or intends to take corrective action to address these issues, or if there is other information that DEQ should consider. A schedule should be provided for any intended actions.

Your letter will assist our staff in maintaining a complete and accurate record of the compliance status of your facility. Compliance may be verified by on-site inspection or other appropriate means.

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). 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, or 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.

If you have any questions; please contact me at (703) 583-3832 or by email at [Jeffrey.modliszewski@deq.virginia.gov](mailto:Jeffrey.modliszewski@deq.virginia.gov).

Respectfully,



Jeffrey Modliszewski  
Solid Waste Inspector

cc: Richard Doucette, DEQ-NRO  
File

<b>CDD Landfill [SW]</b>
<b>Inspection Report</b>

Facility Name: Lorton Construction Landfill  
Region: Northern Regional Office  
Inspected By: Modliszewski, Jeffrey R

Permit No.: SWP331  
Inspection Date: 19-JUN-14

Reference	Description	S	I	A	V	O
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				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				0
20-81-100.E	Unauthorized waste program and inspection	II	X		X	1
20-81-110.B	Prohibited waste	II	X			0
20-81-130	Facility design / construction	I				0
20-81-140.A.1,4	Safety and fire control	II	X			0
20-81-140.A.6	Pollutant discharge	III				0
20-81-140.A.7	Stormwater control system maintenance	II				0
20-81-140.A.8,14-15	Facility operation, maintenance, and training	II				0
20-81-140.A.9-13	Hazard and nuisance control	I	X			0
20-81-140.A.16	Facility self inspections	I	X			0
20-81-140.A.17	Record maintained of waste received and processed	I				0
20-81-140.C	Compaction and cover	I	X			0
20-81-160	Closure requirements	II				0
20-81-170	Post-closure care requirements	II				0
20-81-200	Decomposition gas control	II	X			0
20-81-210	Leachate control	II				0
20-81-250	Groundwater monitoring program	II				0
20-81-260	Corrective action program	II				0
20-81-485	Operations Manual	II	X			0
20-81-530	Permittee recordkeeping and reporting	II				0
20-81-610-660	Special Waste	II	X			0

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

**CDD Landfill [SW]  
Alleged Violations**

Reference	Comments
20-81-100.E	The facility could not document that 10% of the incoming loads of waste generated outside of Virginia were inspected.

**CDD Landfill [SW]  
General Comments**

Reference	Comments
10.1-1408.1	Please review the facility's current Disclosure Statement, if the form is not accurate, revise and submit and updated copy to the DEQ. The January 19, 2007 Disclosure Statement lists the following as Key Personnel: Gary L. Mead, Sean P. Madden, Jon E. Mattson, W. Scott Eden, Bryan Flanagan, Jeffrey Alan Draper, N. Howard, Burns, James W. Stenborg, Larry Bayne, David Howard, Charles B. Fromm, Clayton Walton, and Dan Kirkpatrick.
10.1-1408.2	This facility has two licensed facility operators listed as Key Personnel: Larry Bayne (License Number 4605002098, which expires on December 31, 2014) and David Howard (License Number 4605002135, which expires on April, 30 2015).
20-81-80	The 2013 SWIA form was received and accepted by the DEQ on March 27, 2014.
20-81-110.B	The facility maintained a log of the truck loads carrying prohibited wastes which were not accepted into the facility.
20-81-140.A.1,4	The facility conducted weekly safety training. The safety training records were reviewed; the records document the safety topic, trainer, and attendees.
20-81-140.A.9-13	Excessive litter was not observed during the inspection.
20-81-140.A.16	The facility conducted self inspections on March 26, 2014; April 29, 2014; and May 29, 2014.
20-81-140.C	The facility was operating on two working faces during the inspection; the facility had an adequate amount of equipment to handle the incoming waste. The landfill's intermediate and working face cover was inspected; the cover was adequate.
20-81-200	Methane concentrations were not detected above the reportable limit on: March 24, 2014, March 31, 2014, April 7, 2014, April 14, 2014, April 21, 2014, May 19, 2014, and June 16, 2014.
20-81-485	Larry Bayne recertified the operations manual on May 1, 2014.
20-81-610-660	Non-Friable asbestos is accepted at the facility; the facility marks on a site map where the non-friable asbestos is buried.

**Overall Inspection Comments**

On June 19, 2014, at approximately 10:18 AM Daniel Demers and Jeffrey Modliszewski representatives from the Virginia Department of Environmental Quality (DEQ) arrived the Lorton Construction Landfill, SWP 331. The DEQ representatives were greeted by Larry Bayne. Mr. Bayne escorted the DEQ representative throughout the compliance inspection. The DEQ staff conducted an exit interview with Mr. Bayne to discuss the findings of the inspection.

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.**

## Modliszewski, Jeffrey (DEQ)

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**From:** Modliszewski, Jeffrey (DEQ)  
**Sent:** Thursday, July 10, 2014 2:53 PM  
**To:** 'lbayne@esiwaste.com'  
**Subject:** SWP 331 June 19, 2014 Inspection  
**Attachments:** SWP331 CIR DL 6-19-14.pdf

Mr. Bayne

I have attached the deficiency letter from my June 19, 2014 inspection. If you have any questions feel free to email or call. Please also update the disclosure statement as we discussed during the inspection. Thanks jrm

Jeffrey Modliszewski  
Environmental Specialist II  
Phone: 703-583 3832  
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