



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

NORTHERN REGIONAL OFFICE

13901 Crown Court, Woodbridge, Virginia 22193

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Molly Joseph Ward  
Secretary of Natural Resources

David K. Paylor  
Director

Thomas A. Faha  
Regional Director

September 24, 2014

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

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

### INSPECTION REPORT - AREA OF CONCERN

**Re: Lorton CDD Landfill - Solid Waste Permit (SWP) 331  
Compliance Inspection Conducted on September 17, 2014**

Dear Mr. Bayne:

On September 17, 2014, the Virginia Department of Environmental Quality Northern Regional Office conducted an inspection of the Lorton CDD Landfill operating under SWP 331. During this inspection, the facility was evaluated for compliance with the Virginia Waste Management Law and Regulations (9 VAC 20-81-10 *et seq.*) and SWP 331.

During the inspection no apparent violations of SWP 331 or the Virginia Waste Management Law and Regulations (9 VAC 20-81-10 *et seq.*) were observed. However, the following Areas of Concern were identified:

*On September 11, 2014, the facility reported that it had accepted a load of waste which contained friable asbestos. The friable asbestos had been labeled as non-friable on the waste manifest. The facility also indicated in the report the additional steps it would take to ensure friable asbestos was not accepted in the landfill.*

*On August 14<sup>th</sup> and August 28<sup>th</sup>, 2014, and on September 3<sup>rd</sup> and September 18<sup>th</sup> 2014, the facility exceeded the compliance level for methane at Boundary Probe 23. The facility provided the 24-hour notifications. The facility is currently preparing a revised Landfill Gas Management and Remediation Plan.*

This information was discussed with facility representatives during the inspection. Area(s) of Concern will be re-evaluated during the next inspection to determine whether observed conditions have changed and whether the facility remains in compliance with the statute, regulations, permits, and/or enforcement orders.

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,

A handwritten signature in blue ink, appearing to read "Jeffrey Modliszewski", with a stylized flourish at the end.

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: 17-SEP-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				0
20-81-100.B	Compliance with the facility's permit	II				0
20-81-100.E	Unauthorized waste program and inspection	II	X			0
20-81-110.B	Prohibited waste	II	X	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	X			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	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	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]  
Area of Concern**

Reference	Comments
20-81-110.B	On September 11, 2014, the facility reported that it had accepted a load of waste which contained friable asbestos. The friable asbestos had been labeled as non-friable on the waste manifest. The facility also indicated in the report the additional steps it would take to ensure friable asbestos was not accepted in the landfill.
20-81-200	On August 14th and August 28th, 2014, and on September 3rd and September 18th, 2014, the facility exceeded the compliance level for methane at Boundary Probe 23. The facility provided the 24-hour notifications. The facility is currently preparing a revised Landfill Gas Management and Remediation Plan.

**CDD Landfill [SW]  
General Comments**

Reference	Comments
10.1-1408.1	Please review the facility's current Disclosure Statement, if the Disclosure Statement is not accurate, revise and submit and updated copy to the DEQ. The September 4, 2014 Disclosure Statement lists the following as Key Personnel: Eric Wallace, Marc Bourhis, Gary Hewes, Kirk Nimitz, James Stenborg, Larry Bayne, and David Howard.
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).
20-81-100.E	The facility documented that it had inspected 10% of the incoming loads of waste generated outside of Virginia. The facility reviewed a portion of the unauthorized waste program during the the weekly safety training. On September 12, 2014, the facility retrained its personnel in asbestos recognition.
20-81-140.A.1,4	The facility conducted weekly safety training. The safety training log was reviewed; it contains documentation of safety topics.
20-81-140.A.6	On July 30, 2014, the facility reported the discoloration of Sedimentation Basin Number 3. The discolorization was caused by a leachate seep. The facility pumped out the water in Sedimentation Basin Number 3 and either hauled or discharged the water to a wastewater treatment plant. The facility reported that the discolored water had been contained in Sedimentation Basin Number 3. The seep was repaired by August 1, 2014.
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 July 28, 2014, and August 28, 2014.
20-81-140.C	The landfill's intermediate and working face cover was inspected; the cover was adequate.
20-81-485	Larry Bayne recertified the operations manual on May 1, 2014.
20-81-530	The facility reported the methane exceedances, leachate seep, and unauthorized waste within 24 hours.

**Overall Inspection Comments**

On September 17, 2014, at approximately 9:11 AM Jeffrey Modliszewski a representative from the Virginia Department of Environmental Quality (DEQ) arrived at the Lorton Construction Landfill, SWP 331. The DEQ representative was 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:** Wednesday, September 24, 2014 1:12 PM  
**To:** 'Larry Bayne'  
**Subject:** SWP 331 Inspection  
**Attachments:** SWP331 CIR AOC 9-17-14.pdf

Larry

I have attached the inspection report from last week's inspection. jrm

Jeffrey Modliszewski  
Environmental Specialist II  
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