



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

SOUTHWEST REGIONAL OFFICE
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Ann F. Jennings
Secretary of Natural and Historic Resources

David K. Paylor
Director
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Jeffrey Hurst
Regional Director

December 7, 2021

Mr. Randall Eads
City Manager
City of Bristol, Virginia
300 Lee Street
Bristol, Virginia 24201

NOTICE OF VIOLATION

RE: NOV No. NOV-002-1221-SW
Bristol Integrated Solid Waste Management Facility
Bristol Sanitary Landfill; 2655 Valley Drive, Bristol, Virginia
Solid Waste Permit ("SWP") Number 588

Dear Mr. Eads:

This letter notifies you of information upon which the Department of Environmental Quality ("Department" or "DEQ") may rely in order to institute an administrative or judicial enforcement action. Based on this information, DEQ has reason to believe that the Bristol Integrated Solid Waste Management Facility ("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, 9 VAC 20-81-10 *et seq.* ("Regulations"), or SWP588 (the "Permit").

This letter addresses conditions at the facility named above and also cites compliance requirements of the Act, Regulations, and SWP588. 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 10 days of the date of this letter** to arrange a time for discussion.

OBSERVATIONS AND LEGAL REQUIREMENTS

On November 8, 2021, DEQ Southwest Regional Office staff conducted a site visit at the Facility. A copy of the inspection checklist is attached. The following describe the staff's factual observations and identify the applicable legal requirements:

1. *Observations:* During an onsite compliance evaluation on April, 16, 2021, the gradient control pump was observed to be functioning improperly. On May 27, 2021, the facility was issued a Warning Letter for an improperly functioning gradient control pump. In a June 15, 2021 response letter, the Facility stated it hoped to have the pump replaced within 60 days. On November 8, 2021, DEQ staff met onsite with Facility representatives to participate in the Bristol Landfill weekly update call and to observe site operating conditions. During this site visit, it was observed that both pumps intended to convey leachate and gradient control to the sanitary sewer system were not functioning properly, and the gradient control pump had not been replaced. Leachate and gradient control waters were being conveyed to the sanitary system using a temporary, backup pump.

***Legal Requirements:* Regulation 9 VAC 20-81-100(B) states: "All 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 Module I, Section I(B)(5), states, in part: "The permittee shall at all times properly operate and maintain all units (and related appurtenances) which are installed or used by the permittee to achieve compliance with the operations manual and the conditions of this permit."

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

DEQ staff wishes to discuss all aspects of their observations with you, including any actions needed to ensure compliance with state law and regulations, any relevant or related

measures you plan to take or have taken, and a schedule, as needed, for further activities. In addition, 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 order to avoid adversarial enforcement proceedings, the Bristol Integrated Solid Waste Management Facility may be asked to enter into a Consent Order with the Department to formalize a plan and schedule of corrective action and to settle any outstanding issues regarding this matter, including the assessment of civil charges.

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 "Permits & Regulations", "Enforcement", and "Resources" (<https://www.deq.virginia.gov/permits-regulations/enforcement>) or ask the DEQ contact listed below.

Please contact Jonathan Chapman at jonathan.chapman@deq.virginia.gov or (276) 525-2557 within **10 days of the date of this letter** to discuss this matter.

Sincerely,



Crystal C. Bazyk
Enforcement & Air Compliance/Monitoring Manager

Attachment

cc: Jeffrey Hurst, Regional Director, DEQ-SWRO
Stacy Bowers, Land Protection Program Manager, DEQ-SWRO
Stephan Martin, Compliance Inspector, DEQ-SWRO
Jonathan Chapman, Enforcement Specialist, DEQ-SWRO
Priscilla Rohrer, Compliance Coordinator, DEQ-CO
Enforcement File (123-1)
File (SWP588)



Compliance Inspection Report

Inspection Summary

Facility: Bristol Integrated Solid Waste Management Facility

Permit: SWP588

Region: Southwest

Inspection Type: Other Investigation/Inspection

Facility Staff: Zac Mitchell
Sam Hess

Other DEQ Staff: Crystal Bazyk (Enforcement Manager), Daniel Scott (Permit Writer), Jeffrey Hurst (Regional Director), John Surber (GW Specialist), Stacy Bowers (Air Compliance)

Inspector: Stephan Martin

Inspection Date: 11/8/2021

Approximate Arrival Time: 2:00 pm

Inspection Method: Announced

Exit Interview: Yes

Weather Conditions: clear

Comments: An on-site meeting and subsequent site visit was conducted at the Bristol Integrated Solid Waste Management Facility. DEQ met on-site with facility staff to participate in the weekly call and to observe site conditions.

Sanitary 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	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	
Compliance Area: Design, Construction & Operation			
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	
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.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	
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
20-81-100.B	Compliance with the facility's permit - During an onsite compliance evaluation on April, 16, 2021, the gradient control pump was observed to be functioning improperly. On May 27, 2021, the facility was issued a Warning Letter for an improperly functioning gradient control pump. In a June 15, 2021 response letter, the facility stated they hoped to have the pump replaced within 60 days. On November 8, 2021, DEQ staff met onsite with facility representatives to participate in the Bristol landfill weekly update call and to observe site operating conditions. During this site visit, it was observed that both pumps intended to convey leachate and gradient control to the sanitary sewer system were not functioning properly and the gradient control pump had not been replaced. Leachate and gradient control waters were being conveyed to the sanitary system using a temporary, backup pump.

General Comments

Reference	Comments
20-81-200.D	Decomposition gas-odor management - The odor management plan in place at the facility specifies that reporting of odor complaints will be made to DEQ on a monthly basis, please ensure that these monthly reports are made in a timely manner. Section 3.2 of the Odor Complaint Response Plan states that the ISWMF staff will notify DEQ via email on a weekly basis of odor complaints where the complaint has provided contact information and an address.

Disclosure Statement Details

Key Personnel	Title
G. Wallace McCulloch	Director of Public Works
Mike Martin	Solid Waste Collections Manager
Randal Eads	City manager
Samuel Hess	Solid Waste Manager

Disclosure Statement Last Updated: 5/8/2018

Waste Management Facility Operators

Licensed Operator	License #	Expiration Date
Jeff Miles	4605002396	4/30/2023
Lee Edwin Stull	4605002784	1/31/2023
Michael Lynn Martin	4605002152	4/30/2023
Sam Hess	4605003670	8/31/2022

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.