



CITY OF BRISTOL, VIRGINIA
Public Works Department
Bristol, Virginia 24201



Street Maintenance Division
2103 Shakesville Road
Phone: (276) 645-7360
FAX: (276) 645-7235

Engineering Division
300 Lee Street
Phone: (276) 645-7360
FAX: (276) 645-7365

Collection Division
2125 Shakesville Road
Phone: (276) 645-7380
FAX: (276) 645-3781

Disposal Division
2125 Shakesville Road
Phone: (276) 645-3791
FAX: (276) 591-5237

December 8, 2021

Crystal C. Bazyk
Enforcement & Air Compliance/Monitoring Manager
Virginia Department of Environmental Quality
Southwest Regional Office
355-A Deadmore Street
Abingdon, Virginia 24210

RE: Response to DEQ December 7, 2021 Notice of Violation
Bristol Virginia Integrated Solid Waste Facility
2125 Shakesville Rd, Bristol, Virginia, 24201
Solid Waste Permit Number 588

Sent Via: E-mail to: crystal.bazyk@deq.virginia.gov

Dear Ms. Bazyk,

The City is in receipt of your December 7, 2021 Notice of Violation (NOV). Please find below the responses to the observations and legal requirements stated in the NOV.

1. Observation: Gradient Pump

In our response to the DEQ Warning Letter of 5-27-21 to Mr. Daniel P. Scott, DEQ dated 6-15-21, the following is the full statement made:

“The pump is leaking, and the City is in the process of procuring a replacement pump. As was observed, the leaking pump water is being captured and recycled into the wet well. Additionally, should the pump stop working we are able to pump the gradient with the other pump. We hope to have the pump replaced within 60 days.”

As stated, the pump was leaking, but was functioning, and the leachate and gradient water were and are being captured and pumped to the sanitary sewer system. Also, the statement was that “it was hoped [emphasis added] to have the pump replaced within 60 days”, and although that hope was not realized, there is no violation because the pumps were functioning. DEQ has been kept abreast at least weekly of the work being done on getting the pumps replaced/repared, so DEQ is aware that the pump repairs are imminent as detailed below.

Regarding the *Legal Requirements* quoted in the NOV letter, the leachate and gradient pumping systems have been “maintained and operated in accordance with the permit issued” and “in

accordance with the approved design and intended use of the facility”. Further, the pumps have continued to achieve compliance with the conditions of the permit and the proposed repairs are considered part of the maintenance of the system. Therefore, there is no violation.

Lastly, the statement in the NOV that the “leachate and gradient control waters were being conveyed to the sanitary system using a temporary, backup pump” is incorrect. It is correct that the majority of the current pumping of the system is being performed by the 30 hp pump, but this pump was designed to be the main leachate pump; the 100 hp pumps were installed to be utilized during times of high flow. The level in the leachate and gradient water is being maintained in accordance with the intended use of the facility. Again, there is no violation.

2. Actions Taken

Overview

The wet well is divided into two side-by-side wells. One is for leachate and the other is for gradient water. The leachate side has two pumps, one 100 hp pump and one 30 hp pump. The gradient side has one 100 hp pump. As of Monday December 6, 2021, all three pumps were able to operate. The concern is that the gradient pump was leaking internally and needed replacement/repair because of worn bearings; there is similar concern for the 100 hp leachate pump. It is noted however, that no gradient water or leachate has ever left the wet well pad. Additionally, the volume of water removed has never been restricted or reduced due to the functionality of the pumps.

Actions

1. Since 5-20-21 the landfill staff, in addition to the routine daily checks, has been daily tracking the three individual pump run times and water volumes. Attachment 1 includes the data collected.
2. We have been in contact with DEQ almost daily regarding this matter and the wet well has been a topic of discussion during our weekly meetings since 4-19-21.
3. The City contracted with R&R Visual, Inc. to send cameras down the wet well to prepare for repairs. This work was completed on 5-18-21.
4. Since 10-21-21 the landfill has primarily used the 30 hp pump to remove both leachate and gradient water from the wet wells due to the conditions of the two larger pumps. Although the City limited the use of the larger pumps, the large pumps have never stopped functioning. The 30 hp pump has run an average of 16 hours per day since 10-21-21 and has maintained water levels below the designed maximum levels throughout this period.
5. On 11-24-21 the City contracted with Charles R. Underwood Inc. to rebuild/repair the three pumps, at an estimated cost of \$228,656.00.
6. On 12-7-21 Charles Underwood Company began removing the two 100 hp pumps beginning the pump repair process.
7. The schedule for pump repair and further wet well repairs is as follows:
 - a. Both 100 Hp pumps removed by 12-9-21
 - b. Return on 1-3-22 (or sooner) to reinstall two 100 Hp pumps and remove the 30 Hp pump. This work may be completed as soon as the week of 12-27-21.
 - c. The 30 Hp pump will be returned and replaced by 1-24-22, or sooner.
 - d. The City contracted with Spec Rescue International on 11-17-21 for \$35,245.00 to send a dive team down the wet well for further investigation and maintenance. This work is scheduled to take place the week of 1-10-22.

Conclusions

1. As per our response to the initial warning letter of 5-27-21, with updated information:
 - a. The City has maintained the pumping of water from the wet wells and has worked continually to complete a permanent repair.
 - b. The repairs are underway, and we will have initial rebuilt pumps back in service as soon as 12-27-21.
 - c. The water levels in the wet well have been maintained as per the facility permit.
 - d. No leachate or gradient has escaped the wet well pad.
2. Based on the above, there have been no violations at the wet well at the Bristol Landfill and therefore the NOV issued by DEQ should be retracted.

If you have any questions or require additional information, please contact me at (276) 645-7300 or at CityManager@bristolva.org.

Sincerely,



Randall C. Eads
City Manager, Bristol VA

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



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

SOUTHWEST REGIONAL OFFICE
355-A Deadmore Street, Abingdon, Virginia 24210
(276) 676-4800

www.deq.virginia.gov

Ann F. Jennings
Secretary of Natural and Historic Resources

David K. Paylor
Director
(804) 698-4000

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

Inspector: Stephan Martin

Permit: SWP588

Inspection Date: 11/8/2021

Region: Southwest

Approximate Arrival Time: 2:00 pm

Inspection Type: Other Investigation/Inspection

Inspection Method: Announced

Facility Staff: Zac Mitchell

Exit Interview: Yes

Sam Hess

Weather Conditions: clear

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

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.