



*Commonwealth of Virginia*

**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY**

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**WARNING LETTER**

August 26, 2022

Mr. Randall C. Eads  
City Manager  
City of Bristol Virginia  
Bristol Integrated Solid Waste Management Facility  
300 Lee Street  
Bristol, VA 24201  
[citymanager@bristolva.org](mailto:citymanager@bristolva.org)

RE: WL No. W2022-08-S-1001  
VPDES Permit No. VAR050053  
Bristol Integrated Solid Waste Management Facility

Dear Mr. Eads:

The Department of Environmental Quality (DEQ or Department) has reason to believe that the City of Bristol Virginia (City) may be in violation of the State Water Control Law and Regulations at the Bristol Integrated Solid Waste Management Facility (Facility).

This letter addresses conditions at the facility named above, and also cites compliance requirements of the State Water Control Law and Regulations. Pursuant to Virginia Code § 62.1-44.15 (8a), this letter is not a case decision under the Virginia Administrative Process Act, Virginia Code § 2.2-4000 *et seq.* The Department requests that you respond **within 20 days of the date of this letter.**

## **OBSERVATIONS AND LEGAL REQUIREMENTS**

1. *Observations:* The electronic discharge monitoring reports (EDMRs) for Outfalls 001 and 007 for benchmark (Outfalls 001 and 007) and TMDL (Outfall 007) storm water monitoring for the monitoring period of January 1, 2022 to June 30, 2022 have not been received by DEQ's Southwest Regional Office. The EDMRs were due to be submitted no later than July 10, 2022. Communication with City of Bristol Virginia representatives indicates no storm water monitoring was conducted during the monitoring period.

***Legal Requirements:*** VPDES Permit No. VAR050053, Part I, Section A. requires semi-annual benchmark for Outfalls 001 and 007 and TMDL stormwater monitoring for Outfall 007. VPDES Permit No. VAR050053, Part I, Section A.5. states that the permittee shall submit the semi-annual monitoring results required by this permit not later than January 10 and July 10. Va. Code § 62.1-44.5 prohibits waste discharges or other quality alterations of state waters except as authorized by permit. Regulation 9 VAC 25-31-50 provides that “except in compliance with a VPDES permit, or another permit, issued by the board, it shall be unlawful for any person to discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances.”

2. *Observations:* On July 26, 2022, DEQ staff conducted a comprehensive evaluation inspection of the Facility. Deficiencies were noted during the inspection and as noted on the enclosed inspection report and as listed below. There was no documentation for the following items that are required in accordance with VPDES Permit No. VAR050053.
  - Routine facility inspections.
  - Quarterly visual inspections of stormwater discharges
  - Semi-annual stormwater discharge monitoring for January 1, 2022 to June 30, 2022 due to be submitted to DEQ no later than July 10, 2022 as noted in observation 1 above.

***Legal Requirements:*** VPDES Permit No. VAR050053, Part III, Section B.5. (Routine facility inspections) states personnel who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility and who can also evaluate the effectiveness of control measures shall regularly inspect all areas of the facility where industrial materials or activities are exposed to stormwater, areas where spills or leaks have occurred in the past three years, discharge points, and control measures. The inspection frequency shall be specified in the SWPPP based upon a consideration of the level of industrial activity as the facility, but shall be at a minimum of once per calendar quarter unless more frequent intervals are specified elsewhere in the permit or written approval is received from the department for less frequent intervals. VPDES Permit No. VAR050053, Part I, Section A.1.a. (Quarterly visual monitoring.) states the requirements and procedures for quarterly visual monitoring are applicable to all facilities covered under this permit... The permittee shall perform and document a quarterly visual examination of a stormwater

**discharge associated with industrial activity from each outfall, except discharges exempted in Part I.A.3. or Part I.A.4. The examinations shall be made at least once in each of the following three-month periods: January through March, April through June, July through September, and October through December. VPDES Permit No. VAR050053, Part I, Section A. requires semi-annual benchmark for Outfalls 001 and 007 and TMDL stormwater monitoring for Outfall 007. VPDES Permit No. VAR050053, Part I, Section A.5. states that the permittee shall submit the semi-annual monitoring results required by this permit not later than January 10 and July 10. Va. Code §62.1-44.5 prohibits waste discharges or other quality alterations of state waters except as authorized by permit. Regulation 9 VAC 25-31-50 provides that “except in compliance with a VPDES permit, or another permit, issued by the board, it shall be unlawful for any person to discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances”.**

### **ENFORCEMENT AUTHORITY**

Va. Code § 62.1-44.23 of the State Water Control Law provides for an injunction for any violation of the State Water Control Law, any State Water Control Board rule or regulation, an order, permit condition, standard, or any certificate requirement or provision. Va. Code §§ 62.1-44.15 and 62.1-44.32 provide for a civil penalty up to \$32,500 per day of each violation of the same. In addition, Va. Code § 62.1-44.15 authorizes the State Water Control Board to issue orders to any person to comply with the State Water Control Law 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 State Water Control Law and regulations, and to impose a civil penalty. Va. Code §§ 62.1-44.32 (b) and 62.1-44.32 (c) 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 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. If you complete the Process for Early Dispute Resolution and are not satisfied with the resolution, you may request in writing that DEQ take all necessary steps to issue a case decision where appropriate. 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” and “Enforcement” (<https://www.deq.virginia.gov/permits-regulations/enforcement>) or ask the DEQ contact listed below.

Bristol Integrated Solid Waste Management Facility  
VPDES Permit No. VAR050053  
WL-W2022-08-S-1001  
Page 4 of 4

Please review the information listed and, if you have any questions about the content of this letter or need additional guidance in maintaining compliance, please contact Ruby J. Scott at (276) 477-9891 or [ruby.scott@deq.virginia.gov](mailto:ruby.scott@deq.virginia.gov).

Sincerely,

A handwritten signature in blue ink that reads "Willard Keene".

Willard Keene  
Water Compliance Manager

WK/rjs

C: Compliance File 31