



*Commonwealth of Virginia*

**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY**

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

Travis A. Voyles  
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus  
Director

June 13, 2024

**VIA ELECTRONIC MAIL**

Mr. Clarke Gibson  
Director of Solid Waste  
Region 2000 Service Authority  
361 Livestock Road  
Rustburg, Virginia 24588  
[cgibson@region2000.org](mailto:cgibson@region2000.org)

**WARNING LETTER**

Subject: Region 2000 Regional Landfill – Livestock Road Facility  
Solid Waste Permit (SWP) 610  
Records Review Inspection

Dear Mr. Gibson,

The Department of Environmental Quality (DEQ or Department) has reason to believe that Region 2000, the Responsible Party for the Region 2000 Regional Landfill – Livestock Road 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), and SWP610.

This letter addresses conditions at the facility named above, and also cites compliance requirements of the Act, Regulations, and SWP610. 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 20 days of the date of this letter.**

**OBSERVATIONS AND LEGAL REQUIREMENTS**

On May 17, 2024, DEQ Blue Ridge Regional Office staff conducted a records review compliance inspection of the Region 2000 Regional Landfill – Livestock Road Facility. A copy of the inspection checklist is attached. following describe the staff's factual observations and identify the applicable legal requirements.

1. *Observations:* A complete survey of all active portions of the landfill was not completed for the 2023 annual survey. A site-specific condition states the facility will conduct a topographic survey of the landfill annually by December 31. A report will be prepared and submitted to DEQ by April 1 of the following calendar year. The 2023 Topographical Survey and Report was provided by TRC on March 15, 2024. DEQ provided comments on April 17, 2024. An updated report and survey drawings were provided to DEQ on May 17, 2024.

On February 24-25, 2021, TRC (formerly Draper Aden) conducted an aerial survey that encompassed Phase III and Phase IV landfill. On February 6, 2023, TRC surveyed the newly constructed Phase V landfill. Geologic Computer Systems of Waterford, Michigan (Geologic Services) provided GPS elevation data from the working face areas as of March 9, 2023, and December 30, 2023. This field data was collected from the working face areas of the landfill using GPS devices installed on the Region 2000 landfill equipment.

The drawings provided for the 2023 landfill survey are compiled from the previous surveys and updated field data from the landfill equipment. The drawings provided are not capturing current conditions of all active areas of the landfill, including areas under daily or intermediate cover. Updates are only made of the working face areas, creating inaccurate data. Region 2000 personnel should perform a complete topographical survey annually so that all active areas of the landfill are captured at the same time and reflect the conditions of the facility as of the date of the survey.

***Legal Requirements: 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.”***

#### ***SWP 610 Permit Module I: General Permit Conditions***

##### ***I.F. SITE SPECIFIC CONDITIONS***

***“I.F.3. By December 31 of 2021 and each calendar year thereafter, the permittee shall perform a topographic survey of the facility; this survey shall be certified by a professional engineer or certified land surveyor licensed in the Commonwealth of Virginia. The permittee shall submit a report to the DEQ Blue Ridge Regional Office Waste Program by April 1 of the year following with a determination of areas of the landfill that have attained final elevations and grades. The report shall also assess the capacity used during the year, the remaining permitted capacity, and the projected remaining site life. The remaining permitted capacity shall be calculated by***

***the comparison of the existing grade and the permitted final cover grade and presented in a cut/fill drawing. Areas that have attained final elevations and slopes must be stabilized in accordance with the permit until final cover is applied within the timeframe specified in the Closure Plan. Except as may be separately approved or permitted in writing by DEQ for exigent or emergency situations, no waste shall be placed in areas where the elevation exceed those shown on Drawing 7 Final Closure Grade revised March 6, 2015.”***

2. ***Observations:*** The updated 2023 survey, provided on May 17, 2024, was expanded to include side slopes of Phase IV that were not surveyed in 2023. Areas of overfill were identified on the northern and southern portions of the Phase III landfill and the northwestern and southwestern portions of the Phase IV landfill. The report stated that most areas of overfill were due to the change in the road location and additional soil that has been placed on the slopes to repair erosion, direct stormwater, or patch leachate seeps. The report stated that Region 2000 personnel intend to recheck the identified areas of overfill and regrade those areas to meet intermediated grade elevations. Region 2000 personnel should prepare a plan and schedule for addressing the areas of overfill or determine that no waste overfilled exists and provide an explanation for the cause for the identified areas of overfill. Corrective actions should be completed by the next annual survey.

***Legal Requirements: 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.”***

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*be separately approved or permitted in writing by DEQ for exigent or emergency situations, no waste shall be placed in areas where the elevation exceed those shown on Drawing 7 Final Closure Grade revised March 6, 2015.”*

*9VAC20-81-530.E states, “When the permittee becomes aware that he failed to submit any relevant facts or submitted incorrect information ... in any report to the director, he shall promptly submit such omitted facts or the correct information with an explanation.”*

### **ENFORCEMENT AUTHORITY**

Va. Code § 10.1-1455 of the Waste Management Act provides for an injunction for any violation of the Waste Management Act, regulations, 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 Department 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, and to impose a civil penalty. Va. Code §§ 10.1-1455 (D) and 10.1-1455 (I) 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 sign a Letter of Agreement or enter into a Consent Order with the Department to formalize the plan and schedule. *It is DEQ policy that appropriate, timely, corrective action undertaken in response to a Warning Letter may avoid adversarial enforcement proceedings and the assessment of civil charges or penalties.*

If 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. To request the Process for Early Dispute Resolution, please send a letter detailing any facts or observations listed in this warning letter that you dispute, a reasoned analysis of why this warning letter is inappropriate, and any documentation you would like DEQ to consider when reviewing your request to Nichole Herschler, BRRO Land Protection Manager, at [nichole.herschler@deq.virginia.gov](mailto:nichole.herschler@deq.virginia.gov) within 30 days of the date of this letter. Additional information regarding the Process for Early Dispute Resolution may be found on DEQ’s website: [DEQ.Virginia.GOV/PEDR](http://DEQ.Virginia.GOV/PEDR). If informal discussions do not lead to a satisfactory conclusion, you may request in writing that DEQ conduct an informal fact-finding proceeding under the APA.

Region 2000 Regional Landfill – Livestock Road Facility – SWP610

June 13, 2024

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Your contact at DEQ in this matter is Nicole Tilley. Please direct written materials to her attention. If you have questions or wish to arrange a meeting, you may reach her directly at (540) 597-6585 or [nicole.tilley@deq.virginia.gov](mailto:nicole.tilley@deq.virginia.gov).

Sincerely,



Nichole Herschler, BRRO Land Protection Program Manager

Virginia Department of Environmental Quality

(540) 597-6373 (Direct)

[nichole.herschler@deq.virginia.gov](mailto:nichole.herschler@deq.virginia.gov)

Blue Ridge Regional Office

901 Russell Drive, Salem, Virginia 24153

(540) 562-6700 (Office)

Attachment: Compliance Inspection Report

CC:

*(via email)*

Elliott Inge, Environmental Compliance and Safety Manager,

[eing@region2000.org](mailto:eing@region2000.org)

Nicole Tilley, DEQ BRRO Solid Waste Compliance Inspector,

[Nicole.Tilley@deq.virginia.gov](mailto:Nicole.Tilley@deq.virginia.gov)

Priscilla Rohrer, DEQ CO Solid Waste Compliance Coordinator,

[Priscilla.Rohrer@deq.virginia.gov](mailto:Priscilla.Rohrer@deq.virginia.gov)

ECM – SWP610



# Compliance Inspection Report

## Inspection Summary

**Facility:** Region 2000 Regional Landfill - Livestock Rd Fac  
**Permit:** SWP610  
**Region:** Blue Ridge  
**Inspection Type:** Records Review  
**Facility Staff:** (electronic records only)  
 Tony Tomlin, PE, TRC, Program Engineer  
 Elliott Inge, Region 2000, Environmental Compliance and Safety Manager

**Inspector:** Nicole Tilley  
**Inspection Date:** 5/17/2024  
**Approximate Arrival Time:** NA  
**Inspection Method:** Announced  
**Exit Interview:** No  
**Weather Conditions:** NA

**Comments:** The records review inspection was completed for the Region 2000 – Livestock Road Landfill's 2023 Topographical Survey and Report.

## Sanitary Landfill (Active)

Reference	Description	SL	Result
<b>Compliance Area: Operator Information</b>			
10.1-1408.1	Disclosure Statement	I	
10.1-1408.2	Operator Certification	II	
<b>Compliance Area: Recordkeeping, Reporting &amp; Permit</b>			
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.B.16	Facility self-inspections	I	
20-81-140.B.17	Record maintained of waste received and processed	I	
20-81-485	Operations Manual	II	
20-81-530	Permittee recordkeeping and reporting	II	
<b>Compliance Area: Design, Construction &amp; Operation</b>			
20-81-130	Facility design / construction	I	
20-81-140.B.1,4	Safety and fire control	II	
20-81-140.B.6	Pollutant discharge	III	
20-81-140.B.7	Stormwater control system maintenance	II	
20-81-140.B.8,14-15	Facility operation, maintenance, and training	II	
20-81-140.B.9-13	Hazard and nuisance control	I	
20-81-140.C	Compaction and cover	I	
20-81-610-660	Special Waste	II	
<b>Compliance Area: Closure &amp; Post-Closure Care</b>			
20-81-160	Closure requirements	II	
20-81-170	Post-closure care requirements	II	
<b>Compliance Area: Decomposition Gas Control</b>			
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	
<b>Compliance Area: Leachate Control</b>			
20-81-210	Leachate control	II	
<b>Compliance Area: Groundwater Monitoring</b>			
20-81-250	Groundwater monitoring program	II	
20-81-260	Corrective action program	II	
<b>Compliance Area: Landfill Mining</b>			

20-81-385 & 395	Landfill Mining	II	
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SL = Severity Level      ✓ = In Compliance      X = Alleged Violation      N/A = Not Applicable      Blank = Not Inspected

### Alleged Violations

Reference	Comments
20-81-100.B	<p>Compliance with the facility's permit - - A site-specific condition states the facility will conduct a survey annually by December 31. A report will be prepared and submitted to DEQ by April 1 of the following calendar year. The 2023 Topographical Survey and Report was provided by TRC on March 15, 2024. DEQ provided comments on April 17, 2024. An updated report and surveys were provided to DEQ on May 17, 2024.</p> <p>On February 24-25, 2021, TRC (formerly Draper Aden) conducted an aerial survey that encompassed Phase III and Phase IV landfill. On February 6, 2023, TRC surveyed the newly constructed Phase V landfill. Geologic Computer Systems of Waterford, Michigan (Geologic Services) provided GPS elevation data from the working face areas as of March 9, 2023, and December 30, 2023. This field data was collected from the working face areas of the landfill using GPS devices installed on the Region 2000 landfill equipment.</p> <p>A complete survey of all active portions of the landfill was not completed for the annual 2023 survey. The drawings are compiled from previous surveys and updated field data from the landfill equipment. The drawings provided are not capturing current conditions of all active areas of the landfill, including areas under daily or intermediate cover. Updates are only made of the working face areas, therefore, creating inaccurate data. The Region 2000 personnel should perform a topographical survey of the facility annually so that all active areas of the landfill are captured at the same time and reflect the conditions of the facility for the date of the survey.</p> <p>The updated 2023 survey, provided on May 17, 2024, was expanded to include side slopes of Phase IV that were not surveyed in 2023. Areas of overfill were identified on the northern and southern portions of the Phase III landfill and the northwestern and southwestern portions of the Phase IV landfill. The report stated that most areas of overfill were due to the change in the road location and additional soil that has been placed on the slopes to repair erosion, direct stormwater, or patch leachate seeps. The report stated that Region 2000 personnel intend to recheck the identified areas of overfill and regrade those areas to meet intermediated grade elevations. The Region 2000 personnel should prepare a plan and schedule for addressing the areas of overfill and determine that no waste is overfilled. Corrective actions should be completed by the next annual survey.</p>

### Disclosure Statement Details

Key Personnel	Title
Alexander Brebner	Executive Director
Clarke W. Gibson	Director of Solid Waste
Elliott L. Inge	Environmental Technician
Larry P. Hall	Operations Manager

Disclosure Statement Last Updated: 9/1/2022

### Waste Management Facility Operators

Licensed Operator	License #	Expiration Date
Clarke Gibson	4605003027	11/30/2023
Elliott Inge	4605002579	7/31/2025
Larry P. Hall	4605002033	12/31/2024
Shain R. Greenawalt	4605003764	7/31/2024

**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.**