



*Commonwealth of Virginia*

**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY**

BLUE RIDGE REGIONAL OFFICE

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October 20, 2022

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

**Sent by electronic mail**

**WARNING LETTER**

Re: Region 2000 Landfill – Livestock Road Facility – 361 Livestock Road, Rustburg, VA  
Solid Waste Permit (SWP) 610

Dear Mr. Gibson:

The Department of Environmental Quality (“DEQ” or “Department”) has reason to believe that the Region 2000 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”), or 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 October 11, 2022, DEQ Blue Ridge Regional Office staff conducted a compliance inspection of the Region 2000 Landfill – Livestock Road Facility. A copy of the inspection checklist is attached. Staff also reviewed documents provided to DEQ during the course of the inspection. The following describe the staff’s factual observations and identify the applicable legal requirements.

1. *Observations:* The stormwater perimeter ditches around the southern and southeastern Phase IV landfill were filled with sediment and not functioning as designed. The drainage ditches were not maintained to prevent flow onto the active portion of the landfill or to prevent ponding and erosion.

***Legal Requirements:* 9 VAC 20-81-140.A.7. states “Owners or operators shall maintain the run-on/runoff control systems designed and constructed in accordance with 9VAC20-81-130 H.”**

**9 VAC 20-81-140.A.14. states “All landfill appurtenances listed in 9VAC20-81-130 shall be properly maintained and operated as designed and approved in the facility's permit.”**

**9 VAC 20-81-130.H.3. states “Drainage structures shall be installed and continuously maintained to prevent ponding and erosion, and to minimize infiltration of water into solid waste cells.”**

2. *Observations:* At the time of the inspection, the facility was operating a working face at the eastern area of Phase IV landfill. Some exposed solid waste was observed through the daily soil cover. Six inches of daily cover or approved alternate daily cover should be applied on all exposed waste at the end of the operating day. Further, exposed solid waste was observed in areas under intermediate cover. Additional soil cover should be added to the area to reduce the areas of exposed waste.

***Legal Requirements:* 9 VAC 20-81-140.B.1. states “Compaction and cover requirements...”**

**c. Daily cover consisting of at least six inches of compacted soil or other approved material shall be placed upon and maintained on all exposed solid waste prior to the end of each operating day, or at more frequent intervals if necessary, to control disease vectors, fires, odors, blowing litter, and scavenging. Alternate materials of an alternate thickness may be approved by the department if it has been demonstrated that the alternate material and thickness control disease vectors, fires, odors, blowing litter, and scavenging without presenting a threat to human health and the environment. At least three days of acceptable cover soil or approved material at the average usage rate shall be maintained at the landfill or readily available at all times.**

**d. Intermediate cover of at least six inches of additional compacted soil shall be applied and maintained whenever an additional lift of refuse is not to be applied within 30 days. Further, all areas with intermediate cover exposed shall be inspected as needed, but not less than weekly. Additional cover material shall be**

**placed on all cracked, eroded, and uneven areas as required to maintain the integrity of the intermediate cover system.”**

### **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 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. 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.*

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. 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 Virginia Regulatory Town Hall <https://townhall.virginia.gov/L/gdocs.cfm?agencynumber=440> or ask the DEQ contact listed below.

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,



Nikki Herschler

BRRO Land Protection Manager

Region 2000 Landfill – Livestock Road Facility – SWP610

October 20, 2022

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cc: Elliot Inge, Environmental Compliance and Safety Manager, [EInge@region2000.org](mailto:EInge@region2000.org)  
Nicole Tilley, DEQ BRRO Solid Waste Compliance Inspector  
Priscilla, DEQ CO Solid Waste Compliance Coordinator  
ECM – SWP610



# Compliance Inspection Report

## Inspection Summary

**Facility:** Region 2000 Regional Landfill - Livestock Rd Fac

**Inspector:** Nicole Tilley

**Permit:** SWP610

**Inspection Date:** 10/11/2022

**Region:** Blue Ridge

**Approximate Arrival Time:** 9:30 a.m.

**Inspection Type:** Compliance Evaluation Inspection

**Inspection Method:** Announced

**Facility Staff:** Robert Arthur, Temporary Environmental Compliance and Safety Manager

**Exit Interview:** Yes

Elliot Inge, Environmental Compliance and Safety Manager

**Weather Conditions:** The weather was sunny with temperatures averaging 50F.

**Other DEQ Staff:** Jennifer Hoeffner (Solid Waste Permit Writer)

**Comments:** On October 11, 2022, Nicole Tilley conducted an announced compliance inspection of Region 2000 Landfill - Livestock Road Facility, Campbell County Closed Sanitary Landfill, and Concord Turnpike Closed Sanitary Landfill. The inspection consisted of a tour of the facility, a records review, and exit interview. Mr. Arthur and Mr. Inge assisted in the site tours, records review, and exit interview. DEQ departed at approximately 2:30 p.m.

The facility is constructing the Phase V landfill. During the inspection, the liner was being installed.

## 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	✓
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	✓
<b>Compliance Area: Design, Construction &amp; Operation</b>			
20-81-130	Facility design / construction	I	X
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	X
20-81-140.A.8,14-15	Facility operation, maintenance, and training	II	X
20-81-140.A.9-13	Hazard and nuisance control	I	✓
20-81-140.B	Compaction, cover & working face	I	X
20-81-610-660	Special Waste	II	✓
<b>Compliance Area: Closure &amp; Post-Closure Care</b>			
20-81-160	Closure requirements	II	N/A
20-81-170	Post-closure care requirements	II	N/A
<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	N/A
<b>Compliance Area: Landfill Mining</b>			
20-81-385 & 395	Landfill Mining	II	N/A

SL = Severity Level

✓ = In Compliance

X = Alleged Violation

N/A = Not Applicable

Blank = Not Inspected

### Alleged Violations

Reference	Comments
20-81-130	<p>Facility design / construction - -</p> <p>Alleged Violation: H. The stormwater ditches were not properly maintained and operating as designed. Please see comments under 9VAC20-81-140.A.7.</p> <p>General Comment: A. The landfill has a daily disposal limit of 2,580 tons of solid waste. B. The site is screened on all sides by woods and natural barriers. Access roads are gated and portions of the facility are fenced. C. Internal roads are accessible and capable of withstanding heavy loads. D. The facility has a lighted and heated shelter for operating personnel with sanitation facilities. F. The landfill operators have radio communications available. I. Fire breaks of 50 feet are maintained between the limits of waste and all tree lines.</p>
20-81-140.A.7	<p>Stormwater control system maintenance - -</p> <p>The stormwater perimeter ditches around the southern and southeastern Phase IV landfill were filled with sediment and not functioning as designed. The drainage ditches were not maintained to prevent flow onto the active portion of the landfill or to prevent ponding and erosion.</p>
20-81-140.A.8,14-15	<p>Facility operation, maintenance, and training - -</p> <p>Alleged Violation: The stormwater ditches were not properly maintained and operating as designed. Please see comments under 9VAC20-81-140.A.7.</p> <p>General Comment: A.8. Waste is placed directly into the landfill by vehicles equipped with mechanical unloading. Campbell County and Lynchburg City residents unload by hand at the convenience center. Access is restricted after operating hours by a locked gate at the entrance. A.15. Adequate numbers and types of properly maintained equipment were available for operations. During the inspection, the facility had a loader and compactor operating at the working face.</p>
20-81-140.B	<p>Compaction, cover &amp; working face - -</p> <p>At the time of the inspection, the facility was operating a working face at the eastern area of Phase IV landfill. Some exposed solid waste was observed through the daily soil cover. Six inches of daily cover or approved alternate daily cover should be applied on all exposed waste at the end of the operating day. Further, exposed solid waste was observed in areas under intermediate cover. Additional soil cover should be added to the area to reduce the areas of exposed waste.</p>

### General Comments

Reference	Comments
10.1-1408.1	<p>Disclosure Statement - -</p> <p>An updated disclosure statement was provided on September 1, 2022.</p>
10.1-1408.2	<p>Operator Certification - -</p> <p>The facility has operators with valid licenses. Clarke Gibson's license has expired per the DPOR website.</p>
20-81-80	<p>Waste Assessment Program - -</p> <p>The 2021 SWIA report was received on February 18, 2022.</p>

20-81-100.B	<p>Compliance with the facility's permit - - Permit Module I: General Permit Conditions</p> <p>I.F.3. A site specific condition states the facility will conduct an annual survey annually by December 31. A report will be prepared and submitted to DEQ by April 1 of the following calendar year. The survey was completed on October 22, 2021. The report was submitted on March 23, 2022 for review. Areas of overfill were noted during the review. On May 26, 2022, the facility provided a response with an explanation to the areas of overfill. Most areas of overfill were within the acceptable range (under 2 feet) considering the accuracy of the equipment. Other areas were believed to be the result of placing additional soil cover on the side slopes when making repairs to erosion. The facility plans to recheck the identified areas of overfill and if needed, regrade those areas prior to the next annual survey.</p> <p>Permit Module II: Operations</p> <p>II.A. The facility operated during normal operating hours.</p> <p>II.B. No unauthorized waste was accepted.</p> <p>II.C. The facility has a daily disposal limit of 2,580 tons per day. The facility operates below the daily disposal limit. Monthly totals for April through June 2022 are provided below.</p> <p>Month: Total Tonnage July: 17,230.48 tons August: 19,694.63 tons September: 18,395.61 tons</p>
20-81-100.E	<p>Unauthorized waste program and inspection - -</p> <p>E.1. The facility has an unauthorized waste plan, consisting of signs, employee training, and random load inspections. The sign at the front of the entrance lists the hours of operation and the types of solid waste accepted and not accepted.</p> <p>E.2. Facility personnel also screen loads for unauthorized waste when vehicles are unloading at the working face. No unauthorized waste was reported since the previous inspection.</p> <p>E.5. Random load inspections were conducted with the following frequency:</p> <p>July: 48 inspections for 3,939 loads August: 56 inspections for 4,461 loads September: 44 inspections for 4,316 loads</p> <p>The facility is randomly inspecting a minimum of one percent of the loads accepted at the facility.</p>
20-81-140.A.16	<p>Facility self inspections - -</p> <p>The facility conducted monthly self-inspections. The self-inspections for July through September 2022 were reviewed. No major issues were noted in self-inspection and records were complete.</p>
20-81-140.A.17	<p>Record maintained of waste received and processed - -</p> <p>The facility maintains a record of all waste received and processed. Records include date, quantity, and origin of waste received.</p>
20-81-485	<p>Operations Manual - -</p> <p>The facility's Operations Manual was reviewed and re-certified on December 16, 2021 by Clarke Gibson, Director of Solid Waste.</p>
20-81-530	<p>Permittee recordkeeping and reporting - -</p> <p>B. All required records were made available to DEQ upon request.</p> <p>C. On August 29, 2022, a fire occurred at the landfill. A verbal 24-hour notification was provided on August 30, 2022. A written 5-day notification was provided on September 1, 2022. The written notification stated that facility personnel are trained to observe and monitor all incoming loads for hot materials or items that could potentially start a fire. No suspicious materials were observed and the cause of the fire was not determined. The fire occurred on the Phase IV landfill and the fire was contained to a 10 ft. x 10 ft. area. The fire was extinguished by facility personnel and the local fire department. The facility followed their Fire Control Plan and continues to provide training to facility personnel to help prevent or reduce fires in the landfill.</p>
20-81-140.A.1,4	<p>Safety and fire control - -</p> <p>A.1. The facility conducts weekly safety trainings.</p> <p>A.4. No evidence of open burning on or near the waste cells was observed.</p>

20-81-140.A.6	Pollutant discharge - - No leachate or solid waste was observed entering surface waters or wetlands.
20-81-140.A.9-13	Hazard and nuisance control - - No issues regarding blown litter, odors, vectors, salvaging, mud on roadways or access to unauthorized areas of the facility were noted. On February 4, 2022, DEQ approved a trail shutdown of the Phase III southwest perimeter vapor unit and the Phase IV southern mobile vapor unit for 180 days. During the inspection, DEQ did not observe issues regarding odors.
20-81-610-660	Special Waste - - Waste tires are being stored in roll-off containers before being sent to Emanuel Tire for disposal.  The facility receives white goods, which are processed with other scrap metals, and are stored in roll-offs.
20-81-160	Closure requirements - - The facility is not seeking closure at this time.
20-81-170	Post-closure care requirements - - The facility is currently an active landfill and not in post-closure care.
20-81-200.A,B,E	Decomposition gas concentrations, monitoring & recordkeeping - - A. The third 2022 quarterly landfill gas monitoring event was conducted on August 29, 2022. No exceedances of the action level (80% LEL for methane) or compliance level (100% LEL for methane) were reported at the gas boundary probes. No exceedances of the 25% LEL for methane were reported at the building monitoring locations.  B. Facility conducts quarterly landfill gas monitoring.  E. The third 2022 quarterly monitoring event report was provided for review. All required information was recorded.
20-81-200.C	Decomposition gas-remediation - - The facility has an active gas extraction system with blower and flare system. The blower and flare system were operating during the inspection.
20-81-200.D	Decomposition gas-odor management - - D.1. The facility follows the most updated Odor Management and Control Plan dated June 17, 2016. Odor control strategies are given in Section 3.0 through 3.9 – Strategies for Controlling Odors.  On February 4, 2022, DEQ approved a trail shutdown of the Phase III southwest perimeter vapor unit and the Phase IV southern mobile vapor unit for 180 days. During the inspection, DEQ did not observe issues regarding odors.  D.2. Section 5.0 of the updated plan states that documentation of odor complaints will be maintained and will be available for authorized officials. During the inspection, DEQ and the facility reviewed and discussed recent odor complaints.  The facility continues to follow up on odor complaints.  D.3. The plan is reviewed yearly for minor changes. The most recent review and revision was conducted on August 24, 2022.
20-81-210	Leachate control - - D. Leachate is hard piped through a pumping station from the leachate holding tank to the Campbell County Utility Service Authority sewer system to the City of Lynchburg Regional WWTP.  F. No leachate seeps were observed on the side slopes of the active cells or cells under intermediate cover.
20-81-250	Groundwater monitoring program - - The facility monitors quarterly in a detection monitoring program due to the close proximity of wetlands.
20-81-260	Corrective action program - - The facility is not in corrective action.
20-81-385 & 395	Landfill Mining - - Landfill mining is not occurring at the facility.

### 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	11/30/2021
Elliott Inge	4605002579	7/31/2023
Larry P. Hall	4605002033	12/31/2022
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.

**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY - Blue Ridge Regional Office**

**SWP610 – Region2000 Livestock Road – Sanitary Landfill  
Photos Taken By: Nicole Tilley Date of Photo(s): October 11, 2022**



At the time of the inspection, the facility was operating a working face at the eastern area of Phase IV landfill. Some exposed solid waste was observed through the daily soil cover.



Exposed solid waste was observed in areas under intermediate cover.



The stormwater perimeter ditches around the southern and southeastern Phase IV landfill were filled with sediment and not functioning as designed. The drainage ditches were not maintained to prevent flow onto the active portion of the landfill or to prevent ponding and erosion.