COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
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David K. Paylor
Director

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Regional Director

VIRGINIA WASTE MANAGEMENT BOARD ENFORCEMENT ACTION – AMENDMENT TO ORDER BY CONSENT ISSUED TO THE COUNTY OF SUSSEX, VIRGINIA For GIN HILL SANITARY LANDFILL (SWP 193) and ROBINSON ROAD SANITARY LANDFILL (SWP 107)

SECTION A: Purpose

This is an Amendment to a Consent Order issued under the authority of Va. Code § 10.1-1455, between the Virginia Waste Management Board ("Board") and the County of Sussex, regarding the Gin Hill Sanitary Landfill and the Robinson Road Sanitary Landfill, for the purpose of revising certain provisions of the Consent Order issued by the Virginia Waste Management Board to the County of Sussex on September 26, 2006 in order to resolve violations of the Virginia Waste Management Act and the regulations.

SECTION B: Basis for Amendment

1. On June 13, 2000, the Board issued the County of Sussex (County) a Consent Order (2000 Order) regarding post-closure care for the Gin Hill Sanitary Landfill and the Robinson Road Sanitary Landfill (Landfills).

2. On September 26, 2006, the Board issued the County an amended Consent Order (2006 Order). The 2000 Order was terminated when the 2006 Order was issued. Appendix A of the 2006 Order required the County to submit Corrective Action Plans for the Landfills within 180 days of notification from DEQ, meet post closure care requirements for the Landfills, and required additional corrective actions. Appendix B of the 2006 Order included the Supplemental Environmental Project to construct two solid waste convenience centers in the County.

3. DEQ staff inspected the Landfills and reviewed the applicable DEQ files on January 27, 2010. The County notified DEQ of a groundwater protection standard exceedance at the Gin Hill Sanitary Landfill for acetone on October 20, 2003. There was no record in DEQ files that the $1,000,000 increase to the facility's financial assurance as a result of entering groundwater corrective action as required by 9 VAC 20-70-113(A).

4. A review of the Gin Hill Sanitary Landfill 2007, 2008, and 2009 Groundwater Monitoring reports identified Groundwater Protection Standard (GPS) exceedances for arsenic, beryllium, chromium, lead, thallium, vanadium, and cobalt (see Appendix B Table 1). The County is required by 9 VAC 20-80-310(A)(1), to notify DEQ of the County's plan to complete a Nature and Extent Study (NES) and initiate an Assessment of Corrective Measures (ACM) or a Proposal for Presumptive Remedies (PPR) within 90 days of the notification of a GPS exceedance. DEQ received a revised PPR in September 2008. However, the County did not adequately characterize the nature and extent of the release by installing additional monitoring wells as necessary, as required by 9 VAC 20-80-300(B)(3)(g). The County is also required by 9 VAC 20-80-310(A)(2) to determine the areal extent of the plume contamination.

5. The final cover at the Robinson Sanitary Landfill appeared in good condition and well vegetated. However, the vegetation appeared to not have been mowed in quite a long time as numerous small pine trees were present on the cap. The County is required by 9 VAC 20-80-259(F)(1)(a) to maintain the integrity and effectiveness of the final cover of the landfill.

6. A review of the Robinson Road Sanitary Landfill 2007, 2008, and 2009 Groundwater Monitoring reports identified Groundwater Protection Standard (GPS) exceedances for cobalt, arsenic, cadmium, dieldrin, thallium, and 1, 1-dichloroethane (see Appendix B Table 2). The County is required by 9 VAC 20-80-310(A)(1), to notify DEQ of the County's plan to complete a Nature and Extent Study (NES) and initiate an Assessment of Corrective Measures (ACM) or a Proposal for Presumptive Remedies (PPR) within 90 days of the notification of a GPS exceedance. The DEQ received a revised PPR in May 2009. However, the County did not fully characterize the nature and extent of the release by installing additional monitoring wells as necessary as required by 9 VAC 20-80-300(B)(3)(g). The County is also required by 9 VAC 20-80-310(A)(2)(a) to determine the areal extent of the entire plume of contamination.

7. On March 9, 2010, the Department issued Notices of Violations (NOV) to the County for the violations described in paragraphs B.3, 4, 5, and 6.

8. On March 23, 2010, the Department notified the County that the financial assurance documents it submitted met the financial assurance demonstration obligation until December 30, 2010, for the Landfills.

9. On May 10, 2010, the County submitted a proposed course of action to address the NOVs. In order for the County to return to compliance, DEQ staff and representatives of the County have agreed to Schedules of Compliance, which are incorporated as Appendix A of this Amendment.

SECTION C: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §10.1-1455, the Board orders the County, and the County agrees to perform the actions described in Appendix A, of this Order, which supersedes Appendix A of the 2006 Consent Order, in settlement of the violations cited in this Order. Both the County and the Board understand and agree that this Amendment does not alter, amend or modify any other provision of the 2006 Consent Order, including Appendix B of the 2006 Consent Order, and the unmodified provisions of the 2006 Consent Order remain in effect by their own terms.

And it is so ORDERED this 19th day of OCTOBER, 2010.

Michael P. Murphy, Regional Director
Department of Environmental Quality

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The County of Sussex voluntarily agrees to the issuance of this Amendment.

By: George E. Morrison

Date: 1 SEPTEMBER 2010

State of Virginia

City/County of Sussex

The foregoing instrument was signed and acknowledged before me this 1st day of September, 2010, by George E Morrison, III (name), who is Interim County Admin (title) of the County of Sussex, on behalf the County.

Deborah A Davis

Notary Public

172593

Registration No.

My commission expires: 12/31/2012

Notary seal:

APPENDIX A

For Gin Hill, the County shall:

1. By September 30, 2010 the County shall install one or more Nature and Extent Study (NES) wells down gradient of any monitoring wells that have had detected constituents above the Groundwater Protection Standard (GPS) unless the GPS exceedance has been addressed by an approved Alternate Source Demonstration (ASD). All submittals shall be in accordance with 9 VAC 20-80-300.

2. By October 15, 2010 the County shall install and sample the newly installed NES wells as necessary in accordance with 9 VAC 20-80-300. Also, if notified by the Department that additional wells are necessary in addition to those already installed, the County shall install and sample the additional wells requested by the Department.

3. By December 15, 2010 the County shall submit an updated NES and Assessment of Corrective Measures (ACM) or Proposal for Presumptive Remedy (PPR). All submittals shall be in accordance with 9 VAC 20-80-310(A).

4. The County shall submit a Corrective Action Plan, prepared in accordance with 9 VAC 20-80-310(B), **no later than 180 days from DEQ's notification to the County to prepare such a plan.** Upon approval by DEQ, the County shall implement the plan in accordance 9 VAC 20-80-310(C).

5. The County shall continue post-closure care in accordance with 9 VAC 25-80-250(F).

6. **No later than 90 days after** completion of post-closure care, the County shall submit to DEQ the certification accompanied by an evaluation of the Gin Hill Sanitary Landfill's potential for harm to human health and the environment, as required by 9 VAC 20-80-250(F)(6).

For Robinson Road, the County shall:

1. By September 30, 2010 the County shall install one or more Nature and Extent Study (NES) wells down gradient of any monitoring wells that have had detected constituents above the Groundwater Protection Standard (GPS) unless the GPS exceedance has been addressed by an approved Alternate Source Demonstration (ASD).

2. By October 15, 2010 the County shall install and sample the newly installed NES wells as necessary in accordance with 9 VAC 20-80-300. Also, if notified by the Department that additional wells are necessary in addition to those already installed, the County shall install and sample the additional wells requested by the Department.

3. By December 15, 2010 the County shall submit an updated NES and Assessment of Corrective Measures (ACM) or Proposal for Presumptive Remedy (PPR). All submittals shall be in accordance with 9 VAC 20-80-310(A).

4. The County shall submit a copy of the contract it has for the maintenance of the final cover of the landfill.

5. The County shall submit a Corrective Action Plan, prepared in accordance with 9 VAC 20-80-310.B, **no later than 180 days from DEQ's notification to the County to prepare such a plan.** Upon approval by DEQ, the County shall implement the plan in accordance 9 VAC 20-80-310(C).

6. The County shall conduct post-closure care **until May 23, 2032**, unless the period of post-closure care is modified pursuant to 9 VAC 20-80-250(F)(2) or (3), or unless the period of post-closure care is extended to meet the requirements of corrective action.

7. **No later than 90 days after** completion of post-closure care, the County shall submit to DEQ the certification accompanied by an evaluation of the Robinson Road Sanitary Landfill's potential for harm to human health and the environment, as required by 9 VAC 20-80-250(F)(6).

8. Unless otherwise directed, all submissions required by Appendix A shall be sent to:

Jennifer Hoeffner
Enforcement Specialist, Sr.
VA DEQ – Piedmont Regional Office
4949-A Cox Road
Glen Allen, Virginia 23060
804-527-5123
804-527-5106 (fax)
jennifer.hoeffner@deq.virginia.gov

APPENDIX B
TABLE 1
Gin Hill GPS Exceedances

Groundwater monitoring Event Date	Well	Parameter
May 2007	GH-1	arsenic
		beryllium
		chromium
		lead
		thallium
		vanadium
	GH-4	arsenic
October 2007	GH-4	arsenic
May 2008	GH-1	arsenic
	GH-4	arsenic
October 2008	GH-1	arsenic
		thallium
	GH-4	arsenic
May 2009	GH-1	arsenic
		cobalt
	GH-3	cobalt
	GH-4	arsenic
		cobalt
November 2009	GH-1	arsenic
		cobalt
		lead
	GH-2	cobalt
	GH-3	cobalt
	GH-4	arsenic
		cobalt
	GH-5	arsenic
		cobalt
		lead

APPENDIX B
TABLE 2
Robinson GPS Exceedances

Groundwater monitoring Event Date	Well	Parameter
May 2007	RR-103	cobalt
	RR-106	arsenic
	RR-107	cadmium
October 2007	RR-103	cobalt
		dieldrin
	RR-104	dieldrin
	RR-106	arsenic
	RR-107	arsenic
		cadmium
May 2008	RR-103	cobalt
	RR-106	arsenic
	RR-107	cadmium
October 2008	RR-106	arsenic
	RR-107	cadmium
	RR-108	cadmium
		thallium
May 2009	RR-103	cobalt
	RR-104	cobalt
	RR-106	arsenic
		cobalt
		1,1-dichloroethane
	RR-107	arsenic
		cadmium
		cobalt
	RR-108	cadmium
		cobalt
	RR-109	cobalt
		1,1-dichloroethane
	RR-110	cobalt
November 2009	RR-103	cobalt
	RR-104	cobalt
	RR-106	arsenic
		cobalt
		1,1-dichloroethane
	RR-107	cadmium
		cobalt
	RR-108	cadmium
		cobalt
	RR-109	cobalt
	RR-110	cobalt