COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
NORTHERN VIRGINIA REGIONAL OFFICE
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VIRGINIA WASTE MANAGEMENT BOARD ENFORCEMENT ACTION
STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION

AMENDMENT TO
SPECIAL ORDER BY CONSENT

ISSUED TO

POTOMAC LANDFILL, INC.

FOR THE

POTOMAC CDD LANDFILL
(Solid Waste Permit No. 441)

SECTION A: Purpose

This is an Amendment to a Consent Special Order issued under the authority of Section 10.1-1455 of the Code of Virginia by the Virginia Waste Management Board and under the authority of Sections 10.1-1307D and 10.1-1185 of the Code of Virginia by the State Air Pollution Control Board to Potomac Landfill, Inc. on March 10, 2005, for the purpose of revising certain provisions of that Consent Special Order.

SECTION B: Basis for Amendment

1. A Consent Special Order was issued to Potomac Landfill, Inc. ("Potomac") on March 10, 2005 ("2005 Order") to resolve alleged violations of the Virginia Solid Waste Management Act and Regulations and the State Air Pollution Control Law and Regulations. Among other items that addressed the operation of the landfill, the 2005 Order required Potomac to stop landfilling incoming waste by January 1, 2007 and remove all the waste and close the landfill by December 31, 2010.

2. Under the terms of the 2005 Order, Potomac was to engage in landfill mining to recover recyclable/reusable materials and in materials recovery activities in connection with its incoming waste stream in accordance with 9 VAC 20-80-360. Potomac's plan was to remove all the solid waste from the landfill and develop the property so that it would become an economic asset to the Town of Dumfries ("Town"). The development plan and compliance dates in the 2005 Order were

reached through a collaborative effort between representatives from Potomac, the DEQ, and the Town.

3. To operate a materials recovery facility ("MRF") at the landfill as envisioned in the 2005 Order, Potomac was required to submit a notice of intent to obtain a Permit-By-Rule to DEQ by March 15, 2005. Potomac's notice of intent was submitted late to DEQ on August 19, 2005 and was deemed incomplete in accordance with 9 VAC 20-80-485 because it did not contain a local certification from the Town that the location and operation of the MRF at the landfill was consistent with all applicable local ordinances.

4. Potomac was unable to obtain the necessary certification from the Town because the Town's Zoning Ordinance did not allow for such a facility to exist. An amendment to the Town's Zoning Ordinance that would allow for a MRF to exist after obtaining a conditional use permit was drafted in June 2005. At that time, the Town lost its Town Manager and Zoning Administrator and the amendment could not proceed until those positions were filled. After filling the positions and holding two public hearings the Town Planning Commission recommended approval of the text amendment on December 12, 2005 along another amendment that would also allow for mining at the landfill after obtaining a conditional use permit. The Town Council approved the amendments on June 6, 2006.

5. Potomac submitted an application for the conditional use permits for mining and the construction and operation of two MRFs to the Town on July 18, 2006. As of this date, the Town is still processing the applications.

6. On October 18, 2006, Potomac filed a request with DEQ to amend the 2005 Order to extend the January 1, 2007 date to stop landfilling incoming waste and the December 31, 2001 date to remove all the waste and close the landfill. Potomac asserts that the dates in the 2005 Order cannot be met because those dates were contingent upon the operation of a MRF that would allow it to process the mined waste at the landfill until it was gone. Furthermore, Potomac asserts that it needs the revenue stream from processing the incoming waste at the MRF to fund capital costs and operational expenditures during the time the landfill is being mined and removed.

7. DEQ and Town representatives met on October 26, 2006 to discuss Potomac's extension request. After discussions with both the Town and Potomac's representatives, DEQ developed Appendix A of this Amendment.

SECTION C: Agreement and Order

Accordingly, the Virginia Waste Management Board, by virtue of the authority granted it in Va. Code §§ 10.1-1182 *et seq.* and §§ 10.1-1402, 10.1-1405, and 10.1-1455, and the State Air Pollution Control Board by virtue of the authority granted it in Va. Code § 10.1-1316 orders Potomac and Potomac voluntarily agrees that it shall:

1. Perform the actions described in Appendix A to this Amendment, which only supersedes and cancels Appendix A of the 2005 Order. The Virginia Waste Management Board, State Air Pollution Control Board, and Potomac all understand and agree that this Amendment does not alter, modify, or amend any other provision of the 2005 Order and that unmodified provisions remain in effect by their own terms.

And it is so ORDERED this day of _____, 2006.

_____
Jeffery A. Steers, Regional Director
Department of Environmental Quality
Northern Virginia Regional Office

Potomac Landfill, Inc. voluntarily agrees to the issuance of this Order.

By: Dennis Leake
Dennis Leake, President
Potomac Landfill, Inc.

Date: 12-15-06

Commonwealth of Virginia
City/County of Dumfries

The foregoing document was signed and acknowledged before me this 15 day of December, 2006, by Dennis Leake, who is President of Potomac Landfill, Inc., on behalf of said company.

Stanley S Bradburn
Notary Public

My commission expires: 4-6-2015

APPENDIX A
SCHEDULE OF COMPLIANCE

1. Potomac shall continue to implement the following measures to control odors:
   A. Apply cover to the working face weekly. Twelve inches of compacted soil that is primarily clay will be applied in two layers of six inches each. No processed waste or gypsum will be included in the cover material. If odors persist daily cover will be applied.
   B. The entire site will be inspected by landfill employees at least 3 times per day (between 4:00AM and 6:00AM, between 12:00PM and 2:00PM, and between 8:00PM and 10:00PM) for the presence of objectionable odors. Records of these inspections will be kept in the facility's daily operation logs including the name of the facility personnel conducting the inspection, time of inspection, and results.

2. Prior to excavating waste with respect to materials recovery activities, Potomac shall have an approved odor control plan in place from the Department.

3. Potomac will not engage in any materials recovery activity relating to incoming waste except in accordance with the facility's Solid Waste Facility Permit and the provisions of the 2005 Order.

4. Potomac will not operate the new MRF until all of the requirements of 9 VAC 20-80-485 are met.

5. Potomac will stop landfilling incoming waste within one-hundred eighty (180) days following the approval by the Town of the conditional use permits authorizing landfill mining and the operation of a MRF. Potomac shall provide written notification to DEQ within three (3) business days of the Town's approval.

6. Potomac will remove all waste and close the landfill in accordance with Potomac's closure plan within four (4) years following the date on which Potomac stops landfilling incoming waste. Potomac shall provide written notification to DEQ within three (3) business days of the date it stops landfilling incoming waste.