



**COMMONWEALTH of VIRGINIA**

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

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*Mailing address:* P.O. Box 1105, Richmond, Virginia 23218

Fax: 804-698-4019

www.deq.virginia.gov

Matthew J. Strickler  
Secretary of Natural Resources

David K. Paylor  
Director

(804) 698-4020  
1-800-592-5482

October 16, 2019

Mr. Rob Guidry  
President and CEO  
The CFS Group Disposal and Recycling Services, LLC  
390 Industrial Dr.  
Petersburg, VA 23803

Certified Mail  
Return Receipt Requested

7001 2510 0005 3221 2265

Mr. Walter Hall, Jr.  
Director, President & Chief Operating Officer  
Meridian Waste Services  
1041 Village Park Dr., Suite 202B  
Greensboro, GA 30642

Certified Mail  
Return Receipt Requested

7001 2510 0005 3221 2258

C T Corporation System, Registered Agent  
The CFS Group Disposal and Recycling Services, LLC, and  
Meridian Waste Virginia, LLC  
4701 Cox Rd., Ste. 285  
Glen Allen, VA 23060

Certified Mail  
Return Receipt Requested

7001 2510 0005 3221 2241

**In re:           The CFS Group Disposal and Recycling Services, LLC**

Dear Mr. Guidry and Mr. Hall:

Enclosed are the Case Decision and Special Order issued by the Director of the Virginia Department of Environmental Quality ("DEQ") in the above matter. The effective date of both the Case Decision and Special Order is October 15, 2019. A Formal Hearing was held on June 19 and 20, 2019 at DEQ's Piedmont Regional Office in Glen Allen, Virginia before Hearing Officer Peter B. Vaden, as provided for in the March 5, 2019 Notice of Formal Hearing and March 26, 2019 Scheduling Order. After the Formal Hearing, the Hearing Officer submitted a recommendation to the Director.

The Case Decision issued by the Director in this matter revokes Solid Waste Facility Permit Number 228 (the "Permit") to operate the Tri-City Regional Disposal and Recycling Services facility (the "Facility"). Additionally, the Case Decision reissues the Permit for the limited purpose of closure and providing postclosure care of the Facility.

The Special Order issued by the Director pursuant to Va. Code § 10.1-1186, requires CFS Group Disposal & Recycling Services, LLC to comply with (1) the Case Decision issued in this matter, (2) the Virginia Waste Management Act, Va. Code §§ 10.1-1400 *et seq.*, and (3) the Solid Waste Management Regulations, 9 VAC 20-81-10 *et seq.* The enclosed Special Order contains the requirements and terms for compliance with the order. Please submit all requirements under the order to:

Carla Pool  
Division of Enforcement  
Department of Environmental Quality  
P.O. Box 1105  
Richmond, VA 23218

You have the right to appeal any part or all of this decision pursuant to Va. Code § 2.2- 4026 in the manner provided by Rule 2A:2 of the Rules of the Virginia Supreme Court. You have 33 days from the date of service of this decision within which to initiate an appeal. Rule 2A:2 also requires that “[t]he notice of appeal shall identify the regulation or case decision appealed from, shall state the names and addresses of the appellant and of all other parties and their counsel, if any, shall specify the circuit court to which the appeal is taken, and shall conclude with a certificate that a copy of the notice of appeal has been mailed to each of the parties.” A copy of Rule 2A:2 is enclosed with this letter. If you chose to appeal this decision, a Notice of Appeal must be directed to:

David K. Paylor, Director  
Department of Environmental Quality  
P.O. Box 1105  
Richmond, VA 23218  
Attention: Enforcement Division

Please be advised that separate injunctive relief and civil penalties apply for any violation of the Virginia Waste Management Act, any condition of a permit or certification, or any regulation or order of the Virginia Waste Management Board. Va. Code § 10.1-1455.

Failure to comply with Director's Special Order will result in DEQ instituting additional administrative action, judicial enforcement action, or taking other action to require compliance.

Sincerely,



Jeffery A. Steers  
Interim Director, Division of Enforcement

Enclosures

cc: Andrea Wortzel, Esq.  
Robert Angle, Esq.  
James Golden  
Justin Williams  
Carla Pool

RULES OF SUPREME COURT OF VIRGINIA  
PART TWO A  
APPEALS PURSUANT TO THE  
ADMINISTRATIVE PROCESS ACT

**Rule 2A:2. Notice of Appeal.**

(a) Any party appealing from a regulation or case decision shall file with the agency secretary, within 30 days after adoption of the regulation or after service of the final order in the case decision, a notice of appeal signed by the appealing party or that party's counsel. With respect to appeal from a regulation, the date of adoption or readoption shall be the date of publication in the Register of Regulations. In the event that a case decision is required by § [2.2-4023](#) or by any other provision of law to be served by mail upon a party, 3 days shall be added to the 30-day period for that party. Service under this Rule shall be sufficient if sent by registered or certified mail to the party's last address known to the agency.

(b) The notice of appeal shall identify the regulation or case decision appealed from, shall state the names and addresses of the appellant and of all other parties and their counsel, if any, shall specify the circuit court to which the appeal is taken, and shall conclude with a certificate that a copy of the notice of appeal has been mailed to each of the parties. Any copy of a notice of appeal that is sent to a party's counsel or to a party's registered agent, if the party is a corporation, shall be deemed adequate and shall not be a cause for dismissal of the appeal; provided, however, sending a notice of appeal to an agency's counsel shall not satisfy the requirement that a notice of appeal be filed with the agency secretary. The omission of a party whose name and address cannot, after due diligence, be ascertained shall not be cause for dismissal of the appeal.

(c) Any final agency case decision as described in § [2.2-4023](#) shall advise the party of the time for filing a notice of appeal under this Rule.

**Last amended July 1, 2014; effective July 1, 2014.**

**VIRGINIA:**

**IN THE DEPARTMENT OF ENVIRONMENTAL QUALITY**

**IN RE: CFS Group Disposal & Recycling Services, LLC**

**CASE DECISION**

This cause came to be heard on June 19 and 20, 2019, in the Department of Environmental Quality's Piedmont Regional Office, in Glen Allen, Virginia, before Hearing Officer Peter B. Vaden.

Pursuant to § 10.1-1409(A) of the Code of Virginia, "[a]ny permit issued by the Director pursuant to this article may be revoked" if "[t]he permit holder has violated any regulation or order of the Board, any condition of a permit, any provision of this chapter, or any order of a court, where . . . the violation is representative of a pattern of serious or repeated violations which, in the opinion of the Director, demonstrate the permittee's disregard for or inability to comply with applicable laws, regulations or requirements."

I have reviewed the Record, Exhibits, and the Hearing Officer's Findings, Conclusions and Recommended Decision in the above-referenced matter. Accordingly, I adopt the Hearing Officer's Findings, Conclusions, and Recommended Decision and incorporate it into this Order, except for the following recommended conclusions:

1. "While it is not disputed that [CFS Group Disposal & Recycling Services, LLC ("CFS")] exceeded the permitted grade for Cell D, I find that DEQ has not established that this was a violation of the 2017 Consent Order"<sup>1</sup>; and
2. "DEQ did not meet its burden of persuasion that CFS violated the agency's regulations for control of decomposition gasses."

In place of the above recommended conclusions, I conclude the following:

1. DEQ established, by a preponderance of the evidence, that CFS placed waste above the permitted vertical elevation on the top of Cell D in violation of Solid Waste Facility Permit Number 228 ("Permit"), Module I, Condition I(F)(9); and

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<sup>1</sup> The "2017 Consent Order" refers to the Order by Consent issued by the Virginia Waste Management Board to CFS on July 10, 2017 (Exh. 4).

2. DEQ established, by a preponderance of the evidence, that the concentration of methane gas migrating from the landfill exceeded the lower explosive limit for methane at the Facility<sup>2</sup> boundary, in violation of 9 VAC 20-81-200(A)(1)(b).

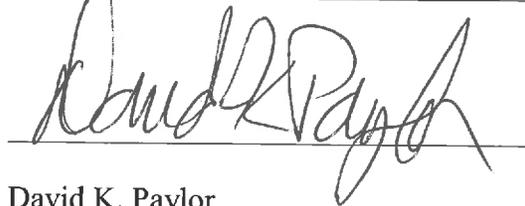
Based on the Record, Exhibits, and the Hearing Officer's Findings, Conclusions and Recommended Decision (with the exceptions noted above), I determine the following:

1. CFS has violated Permit, Module I, Condition I(F)(9) and the following regulations of the Virginia Waste Management Board: 9 VAC 20-81-140(A)(12), 9 VAC 20-81-140(B)(1)(c), 9 VAC 20-81-140(B)(1)(d), 9 VAC 20-81-200(A)(1)(b); and 9 VAC 20-81-210(F);
2. These violations, as well as violations previously determined in the Orders by Consent issued by the Virginia Waste Management Board to CFS on September 22, 2015 and July 10, 2017, are representative of a pattern of serious or repeated violations;
3. These serious or repeated violations demonstrate CFS's disregard for applicable laws, regulations, or requirements.

Therefore, I hereby revoke Solid Waste Facility Permit Number 228 to operate the Tri-City Regional Disposal and Recycling Services facility.

In light of the revocation of the Permit, I find that solid wastes are no longer permitted to be stored, treated, or disposed at the facility in accordance with the Department of Environmental Quality's regulations. Therefore, pursuant to 9 VAC 20-81-570(B), I reissue the Permit for the limited purpose of closure and providing postclosure care of the Tri-City Regional Disposal and Recycling Services facility, in accordance with 9 VAC 20-81-160 and 9 VAC 20-81-170 and the Special Order issued concurrently with this Case Decision.

Enter this Case Decision this 15 day of October, 2019.



David K. Paylor  
Director, Department of Environmental Quality

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<sup>2</sup> The "Facility" refers to the Tri-City Regional Disposal and Recycling Services Facility in the City of Petersburg.

**VIRGINIA:**

**IN THE DEPARTMENT OF ENVIRONMENTAL QUALITY**

**IN RE: CFS Group Disposal & Recycling Services, LLC**

**ORDER**

This cause came to be heard on June 19 and 20, 2019, in the Department of Environmental Quality's Piedmont Regional Office, in Glen Allen, Virginia, before Hearing Officer Peter B. Vaden.

Pursuant to § 10.1-1186 of the Code of Virginia, the Director of the Department of Environmental Quality ("DEQ") has the authority to issue special orders that may include injunctive relief and civil penalties.

Based on the Record, Exhibits, and the Hearing Officer's Findings, Conclusions and Recommended Decision in the above-referenced matter, I issued a Case Decision on October 15, 2019 revoking Solid Waste Facility Permit Number 228 (the "Permit") to operate the Tri-City Regional Disposal and Recycling Services facility (the "Facility") and reissuing the Permit for the limited purpose of closure and providing postclosure care of the Facility.

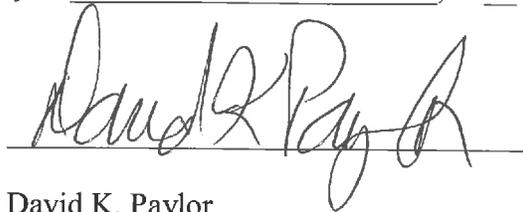
Pursuant to my authority under Va. Code § 10.1-1186, I order CFS Group Disposal & Recycling Services, LLC to comply with (1) the October 15, 2019 Case Decision, (2) the Virginia Waste Management Act, Va. Code §§ 10.1-1400 *et seq.*, and (3) the Solid Waste Management Regulations, 9 VAC 20-81-10 *et seq.*

Specifically, I order CFS Group Disposal & Recycling Services, LLC to complete the following with respect to the Facility:

1. Immediately cease landfill operations at the Facility, including accepting waste and building additional cells.
2. Immediately commence implementation of the Exterior Slope Compliance Plan. All overfill material must be removed from the Facility and lawfully disposed of offsite. The elevation on the top of Cell D must be reduced to the elevation shown in the final grading plan in the Permit. All exterior slopes must be reduced to no steeper than 3:1.
3. Within 30 days of the date of this Order, submit an updated Closure Plan for the Facility, reflecting the limitations on the final build-out of the Facility imposed by this order, the requirements of the Exterior Slope Compliance Plan, and a cover system meeting the requirements of 9 VAC 20-81-160. Should DEQ submit comments noting deficiencies with the updated Closure Plan, respond to DEQ's comments and revise the Closure Plan to correct such deficiencies within 14 days of the date of DEQ's comments.

4. Within 30 days of the date of this Order, submit an updated Postclosure Plan for the Facility that:
  - a. Satisfies the requirements of 9 VAC 20-81-170;
  - b. Reflects conditions of closure of the Facility,
  - c. Specifies a timeframe for the completion of maintenance repairs for the mechanically stabilized earthen berm identified during inspections, and
  - d. Provides for maintenance of third party liability insurance throughout the period of post-closure care.
5. Should DEQ submit comments regarding the updated Postclosure Plan, respond to DEQ's comments within 14 days of the date of such comments.
6. Within six months from the date of this order, complete closure activities in accordance with the closure plan unless a longer closure plan is approved by the DEQ Director.
7. Immediately upon completion of closure activities, commence postclosure care of the facility in accordance with 9 VAC 20-81-170 and the approved Postclosure Plan.
8. Within 30 days of completion of closure activities, submit a final survey of the Facility.

Enter this order this 15 day of October, 2019



David K. Paylor  
Director, Department of Environmental Quality