



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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Molly Joseph Ward
Secretary of Natural Resources

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Director

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**VIRGINIA WASTE MANAGEMENT BOARD
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
THE CFS GROUP DISPOSAL & RECYCLING SERVICES, LLC
FOR THE
TRI CITY REGIONAL LANDFILL
Solid Waste Permit No. 228**

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 10.1-1455, between the Virginia Waste Management Board, and The CFS Group Disposal and Recycling Services, LLC, regarding the Tri City Regional Landfill, for the purpose of resolving certain violations of the Virginia Waste Management Act and the applicable regulations. This Order supersedes and terminates the Consent Order issued to The CFS Group Disposal and Recycling Services, LLC on September 22, 2015.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Board" means the Virginia Waste Management Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and -1401.
2. "CCR" or "Coal Ash" means coal combustion residuals.
3. "CFS" means The CFS Group Disposal & Recycling Services, LLC, a corporation authorized to do business in Virginia and its affiliates, partners and subsidiaries. CFS is a "person" within the meaning of Va. Code § 10.1-1400.
4. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.

5. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
6. "Landfill" or "Facility" means the Tri City Regional Landfill located at 390 Industrial Drive in Petersburg, Virginia, which is owned and operated by CFS.
7. "MSE berm" means Mechanically Stabilized Earthen berm.
8. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 10.1-1455.
9. "Order" means this document, also known as a "Consent Order" or "Order by Consent."
10. "Permit" means Solid Waste Permit No. 228, which was issued under the Virginia Waste Management Act and the Regulations to The CFS Group Disposal and Recycling Services, LLC. The original permit was issued to the City of Petersburg on July 18, 1977, and transferred to CFS on September 1, 2009.
11. "PRO" means the Piedmont Regional Office of DEQ, located in Glen Allen, Virginia.
12. "Regulations" or "VSWMR" means the Virginia Solid Waste Management Regulations, 9 VAC 20-81-10 *et seq.*
13. "Va. Code" means the Code of Virginia (1950), as amended.
14. "VAC" means the Virginia Administrative Code.
15. "Virginia Waste Management Act" means Chapter 14 (§ 10.1-1400 *et seq.*) of Title 10.1 of the Va. Code. Article 2 (Va. Code §§ 10.1-1408.1 through 10.1-1413.1) of the Virginia Waste Management Act addresses Solid Waste Management.

SECTION C: Findings of Fact and Conclusions of Law

1. On July 18, 1977, the City of Petersburg was granted a Permit to operate a sanitary landfill by the Commissioner of the Virginia Department of Health, predecessor-in-interest to the Director of DEQ. The Permit allows for the disposal of municipal solid waste.
2. The Facility has been operated as a sanitary landfill since the Permit was issued. Operations at the Landfill are subject to the Virginia Waste Management Act, the Regulations, and the Permit.
3. CFS purchased the Landfill from the City of Petersburg and assumed the Permit and daily operations on September 1, 2009.
4. The Board entered into a previous order with CFS effective September 22, 2015, for failure to provide daily cover, failure to keep the working face of the Landfill as small as practicable, failure to keep internal and perimeter roads passable, and for a slope failure that caused a waste slide temporarily depositing waste off the landfill cell liner.

5. The 2015 Order required CFS to remediate the solid waste slide, reduce the size of the working face and provide the permitted amount of daily cover, clear the impassable roads, and grade the slopes to 2.5 to 1 in order to allow settlement to 3 to 1.
6. On January 29, 2016, CFS submitted to the Department a capacity report in accordance with the Permit's Site Specific Condition No. 9. Observations based on an aerial survey of the Landfill conducted December 10, 2015, indicate areas of the Landfill exceed the maximum allowed intermediate slope of 2.5 to 1.
7. On February 19, 2016, the Department issued a letter to CFS requesting documentation demonstrating compliance with the intermediate slopes and dimensions required by the Permit.
8. On March 10, 2016, CFS submitted a letter to the Department which documented that, based on a survey of the slopes, the Landfill has been constructed to exceed the approved engineered and permitted landfill dimensions. Approximately 68% of the slopes of Phase I and Cells D and E exceed the allowable intermediate grade of 2.5 to 1.
9. On March 21, 2016, DEQ staff conducted an inspection of the Landfill and confirmed that most of the slopes exceeded what was allowed by the Permit and the 2015 Order.
10. 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."
11. 9 VAC 20-81-130(P) states, "All landfills shall be constructed in accordance with approved plans, which shall not be subsequently modified without approval by the department."
12. 9 VAC 20-81-140(C)(1)(f) states, "Areas where waste has been disposed that have not received waste within 30 days will not have slopes exceeding the final cover slopes specified in the permit or 33%."
13. The 2015 Order requires CFS to establish exterior waste slopes at a 2.5 to 1 ratio to allow settlement to a 3 to 1 final configuration and, if at any time it is determined that placed waste would cause the permitted slopes and final elevations to not meet these requirements, the excess waste is to be transported to another permitted solid waste landfill for disposal.
14. VA Code § 10.1-1455(F) states that "With the consent of any person who has violated or failed, neglected or refused to obey any regulation or order of the Board or the Director, any condition of a permit or any provision of this chapter, the Board may provide, in an order issued by the Board against such person, for the payment of civil charges for past violations in specific sums, not to exceed the limits specified in this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under this section. Such civil charges shall be paid into the state treasury and deposited by the State Treasurer into the Virginia Environmental Emergency Response Fund pursuant to Chapter 25 of this title."

15. On June 10, 2016, the Department issued Notice of Violation (NOV) No. 2016-06-PRO-604 to CFS citing them for failure to comply with the approved engineered and permitted landfill dimensions and the 2015 Order issued by the Board.
16. On June 16, 2016, DEQ staff conducted an inspection of the Tri City Regional Landfill and observed the following:
 - An exposed area of waste larger than practicable to be a proper workface and greater than 0.24 acres. Exposed waste was observed from the southernmost part of Phase 2E, near the pipeline easement, extending along the western side of Phase 2 and spanning on top of the landfill where the trucks were unloading. There was no indication or evidence of adequate daily cover from the previous working day in these areas.
 - A waste obstructed stormwater drop inlet on the northwestern corner of Phase 2A. This drop inlet was also compromised and in need of repair.
 - Leachate was located in a stormwater ditch above the MSE berm along the southern slope of Cell E and ponded near the cleanout pipes at the northern end of Phase 2A. Leachate in the cleanout pipe area appeared to be bermed; however, leachate was observed escaping the bermed area and flowing into a drop inlet.
17. 9 VAC 20-81-140(B)(1)(a) states, “Unless provided otherwise in the permit, solid waste shall be spread into two-foot layers or less and compacted at the working face, which shall be confined to the smallest area practicable.”
18. 9 VAC 20-81-140(B)(1)(c) states, “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.”
19. 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).”
20. 9 VAC 20-81-130(H) states in part that run-off from the active portion of the landfill unit shall be handled in a manner that will not cause the discharge of pollutants into waters of the United States, including wetlands...and drainage structures shall be installed and continuously maintained to prevent ponding and erosion.
21. 9 VAC 20-81-210(F)(3) states, “Any leachate released outside the lined area permitted for waste disposal shall be properly collected and disposed.”
22. On July 11, 2016, the Department issued NOV No. 2016-07-PRO-601 to CFS for the violations observed during the June 16, 2016, inspection.

23. On July 11, 2016, the Department met with representatives of CFS to discuss compliance issues at the Landfill. CFS stated that they plan to conduct repairs to the slope at the southwest corner and wait for settling at the other slopes that were greater than 2.5 to 1. However, the Department made it clear that the 2.5 to 1 slope requirement is temporary and ultimately, the slopes need to be 3 to 1 as per the Permit and 2015 Order. CFS stated that before they put the final cover on, they will cut the slopes to 3 to 1 if necessary.
24. On September 30, 2016, DEQ staff conducted a focused compliance evaluation inspection of the Landfill. The Facility stockpiled coal ash over an approximately 3 acre area underlain by a sacrificial liner to temporarily stockpile and manage the coal ash. During a rain event on September 29, 2016, coal ash from the lined stockpile area mixed with stormwater discharged over the liner, flowed into the woods, reached the Appomattox River and inundated nearby wetlands with up to 10 inches of coal ash. The Facility calculated, and the Department concurred, that 50 cubic yards of coal ash was displaced from the lined area, and of that about 1 cubic yard entered into the Appomattox River directly. The area impacted was approximately 0.5 acres, of which an estimated 0.15 acres was open water and/or forested wetlands. Furthermore, coal ash mixed with stormwater from the stockpile entered into Sediment Basin No. 4. On November 15, 2016, DEQ staff conducted an inspection of the Landfill and collected a sample of the sediments on the bottom of Sediment Basin No. 4, and confirmed that layered coal ash was contained within the basin. The basin was not discharging at the time the sample was collected.
25. 9 VAC 20-81-140(A)(6) states Landfills shall not b) Cause a discharge of pollutants into waters of the United States, including wetlands, that violates any requirement of the Clean Water Act (33USC 1251 et seq.), including but not limited to, the VPDES requirements and the Virginia Water Quality Standards (9VAC25-260).
26. On October 4, 2016, DEQ staff conducted a focused compliance evaluation inspection of the Landfill and observed the ongoing coal ash discharge remediation. There was not adequate daily cover and the working face was not confined to the smallest area practicable.
27. On October 13, 2016, DEQ staff conducted a focused compliance evaluation inspection of the Landfill. Waste flagging was observed on the north slope of Phase 2 near the haul road to the working face, however, there was not adequate daily cover.
28. On October 18, 2016, DEQ staff conducted a focused compliance evaluation inspection of the Landfill. Waste flagging was still observed on the north slope of Phase 2 near the haul road to the working face and was not addressed since the previous inspection.
29. On October 25, 2016, DEQ staff conducted a focused compliance evaluation inspection of the Landfill. There was not adequate daily cover in the area of the workface at Phase 2D. It was noted that two piles of soil were placed on the western facing waste slope in the middle of the workface.
30. On October 28, 2016, DEQ staff conducted a focused compliance evaluation inspection of the Landfill. Adequate daily cover of the workface was not in place. Two piles of soil were observed on the western facing waste slope of Phase 2D, which were the same soil piles in the same

location, as noted in the previous inspection on October 25, 2016. A load of waste was observed being dumped outside of the working face and outside of a lined landfill cell.

31. For paragraphs C(29) through C(33) above, 9 VAC 20-81-140(B)(1)(c) requiring six inches of daily cover (see Section C.18) applies.
32. On November 3, 2016, DEQ staff conducted a focused compliance evaluation inspection of the Landfill. There was not adequate daily cover from the previous day. The stormwater conveyance pipe receiving runoff from Phase 1 and located near the scale house was observed to contain sediment obstructing flow to the man hole and Sediment Basin No. 5.
33. 9 VAC 20-81-140(A)(7) states, "Owners or operators shall maintain the run-on/runoff controls systems designed and constructed in accordance with 9 VAC 20-81-130.H"
34. On November 8, 2016, DEQ staff conducted a focused compliance evaluation inspection of the Landfill. The Facility did not apply adequate daily cover since the previous inspection. The working face size was greater than 1,350 square feet which was not as small as practicable. Facility records indicate that on the day of the inspection the landfill had received approximately 168 tons of waste by 2:00pm. The Facility operations manual states that the maximum working face size when accepting 0-250 tons per day shall be 1,350 square feet (approximately 37ft by 37ft). Leachate seeps along Phase 1 between the scale house and the materials recovery facility were observed. Leachate was observed in the ditch and it was entering into the concrete stormwater conveyance pipe that ultimately leads to Sediment Basin No. 5.
35. For paragraphs C(35) and C(37) above, 9 VAC 20-81-140(B)(1)(c) requires six inches of daily cover (see paragraph C(18)).
36. During the inspection on November 15, 2016, DEQ staff observed that the Facility's current Disclosure Statement information is materially incomplete as it does not include applicable violations or enforcement actions.
37. Va. Code §10.1-1408.1(C)(3) states, "every applicant shall update its disclosure statement quarterly to indicate any change of condition that renders any portion of the disclosure statement materially incomplete or inaccurate."
38. On December 27, 2016, the Department issued NOV 2016-12-PRO-603 to CFS for the violations observed in the September 20, September 26, September 30, October 4, October 13, October 18, October 25, October 28, November 3, November 8 and November 15, 2016, inspections.
39. Based on the results of the December 10, 2015, aerial survey, the January 29, 2016, capacity report from CFS, the March 10, 2016, letter from CFS, the March 21, June 16, September 20, September 26, September 30, October 4, October 13, October 18, October 25, October 28, November 3, November 8 and November 15, 2016, DEQ inspections, and the July 11, 2016 meeting, the Board concludes that CFS has violated 9 VAC 20-81-100(B), 9 VAC 20-81-130(P), 9 VAC 20-81-140(C)(1)(f), 9 VAC 20-81-140(B)(1)(a), 9 VAC 20-81-140(B)(1)(c), 9 VAC 20-81-140(A)(7), 9 VAC 20-81-140(A)(6), 9 VAC 20-81-130(H), 9 VAC 20-81-210(F)(3), Va.

Code §10.1-1455(F), and VA. Code §10.1-1408(1)(C)(3) as described in paragraphs C(6) through C(40), above.

40. In order for CFS to return to compliance, DEQ staff and representatives of CFS have agreed to the schedule of compliance, which is incorporated as Appendix A of this Order.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code § 10.1-1455 and upon consideration of Va. Code § 10.1-1186.2, the Board orders CFS, and CFS agrees:

1. To perform the actions described in Appendices A and B of this Order; and
2. To pay a civil charge of \$125,000 in settlement of the violations cited in this Order, to be paid as follows:
 - a. CFS shall pay \$35,000 of the civil charge within 30 days of the effective date of this Order. Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

- CFS shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Order to the Department of Law, CFS shall be liable for attorneys' fees of 30% of the amount outstanding.
- b. CFS wishes to perform an environmental enhancement project in the Tri-Cities community and thus shall satisfy \$90,000 of the civil charge by satisfactorily completing the Supplemental Environmental Project (SEP) described in Appendix B of this Order.
 - c. The net project costs of the SEP to CFS shall not be less than the amount set forth in Paragraph D.2.b. If it is, CFS shall pay the remaining amount in accordance with Paragraph D.2.a of this Order, unless otherwise agreed to by the Department. "Net project cost" means the net present after-tax cost of the SEP, including tax savings, grants, and first-year cost reductions and other efficiencies realized by virtue of project implementation. If the proposed SEP is for a project for which the party will receive an identifiable tax savings (e.g., tax credits for pollution control or recycling equipment), grants, or first-year operation cost reductions or other efficiencies, the net project cost shall be reduced by those amounts. The costs of those portions of SEPs that are funded by state or federal low-interest loans, contracts, or grants shall be deducted.

- d. By signing this Order CFS certifies that it has not commenced performance of the SEP.
- e. CFS acknowledges that it is solely responsible for completing the SEP project. Any transfer of funds, tasks, or otherwise by CFS to a third party, shall not relieve CFS of its responsibility to complete the SEP as described in this Order.
- f. In the event it publicizes the SEP or the SEP results, CFS shall state in a prominent manner that the project is part of a settlement of an enforcement action.
- g. The Department has the sole discretion to:
 - i. Authorize any alternate, equivalent SEP proposed by the Facility; and
 - ii. Determine whether the SEP, or alternate SEP, has been completed in a satisfactory manner.
- h. Should the Department determine that CFS has not completed the SEP, or alternate SEP, in a satisfactory manner, the Department shall so notify CFS in writing. Within 30 days of being notified, CFS shall pay the amount specified in Paragraph D.2.b, above, as provided in Paragraph D.2.a, above.

Both the Board and CFS understand and agree that this Order supersedes and terminates the Consent Order issued by the Board to CFS on September 22, 2015.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of CFS for good cause shown by CFS, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the Landfill; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, CFS admits to the jurisdictional allegations, and agrees not to contest, but does not admit, the findings of fact and conclusions of law in this Order.
4. CFS consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. CFS declares it has received fair and due process under the Administrative Process Act and the Virginia Waste Management Act and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any

administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.

6. Failure by CFS to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. CFS shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. CFS shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. CFS shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
 - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

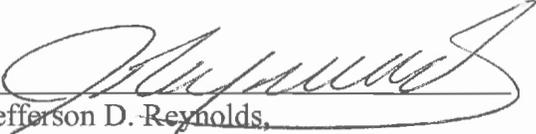
9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and CFS. Nevertheless, CFS agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until:
 - a. The Director or his designee terminates the Order after CFS has completed all of the requirements of the Order;

- b. CFS petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order;
or
- c. The Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to CFS.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve CFS from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

- 12. Any plans, reports, schedules or specifications attached hereto or submitted by CFS and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
- 13. The undersigned representative of CFS certifies that he or she is a responsible official or officer authorized to enter into the terms and conditions of this Order and to execute and legally bind CFS to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of CFS.
- 14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.
- 15. By its signature below, The CFS Group Disposal and Recycling Services, LLC voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 10th day of July, 2017.


Jefferson D. Reynolds,
Department of Environmental Quality
Enforcement Division Director

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The CFS Group Disposal and Recycling Services, LLC voluntarily agrees to the issuance of this Order.

Date: 5/24/17 By: [Signature], President & CEO
Name Title
The CFS Group Disposal and Recycling Services, LLC

Commonwealth of Virginia
City/County of CHESTERFIELD

The foregoing document was signed and acknowledged before me this 26 day of May,
2017, by Robert Guidry who is President/CEO of
The CFS Group Disposal and Recycling Services, LLC, on behalf of the company.

[Signature]
Notary Public
7331125
Registration No.

My commission expires: 4/30/18

Notary seal:



APPENDIX A SCHEDULE OF COMPLIANCE

CFS agrees to perform the following:

1. Exterior Slopes

a.) On or before June 30, 2018, all exterior waste slopes in Phase I and Cells D and E shall be no steeper than 2.5 to 1. As part of this requirement, CFS shall achieve an interim reduction of 35,000cy of overfill by December 31, 2017. If slopes are steeper than a 2.5 to 1 slope on June 30, 2018, within 30 days CFS shall provide to the Department a cut and fill plan certified by a professional engineer to reduce all exterior waste slopes in Phase I and Cells D and E slopes to no steeper than 2.5 to 1. Once approved by the Department CFS shall implement the cut and fill plan in accordance with its terms.

b.) Intermediate cover will be placed on areas as soon as the grading/disposal operations to the 2.5 to 1 slope for that area have been completed.

c.) Prior to placing the final cover on any Cell prior to closure, CFS shall cut slopes to 3 to 1.

d.) Within 60 days of the issuance of this Order and until the permitted 3 to 1 final grades are achieved, either maintain enough Financial Assurance for the off-site disposal of the overfill volume from Phase I and Cells D and E or maintain enough on-site reserve disposal capacity for the disposal of the overfill volume from Phase I and Cells D and E. A combination of both on-site reserve disposal capacity and Financial Assurance can be maintained to satisfy this condition. CFS shall update mileage and tipping rates on a semi-annual basis.

e.) On or before the 10th of each month submit a report to DEQ documenting the on-site reserve disposal capacity, available at the end of the previous month. An electronic tracking tool, acceptable to DEQ, will be used as the monthly report to measure the volume of the reserve disposal capacity.

f.) The Financial Assurance amount referred to in 1.d can be used for either off-site disposal or the construction, closure and post closure care of permitted but un-constructed on-site reserve disposal capacity. The Financial Assurance amount may be adjusted downward as the overfill volume decreases.

2. Coal Combustion Residuals (CCR)

a.) On or before August 1, 2017, update the groundwater monitoring plan to include the following constituents: Boron, Calcium, Chloride, Fluoride, Sulfate, and TDS. The updated groundwater monitoring plan and inclusion of those constituents shall begin upon Department approval and incorporation of the amended groundwater monitoring plan in the Landfill's Permit.

- b.) Immediately maintain cover and take other measures needed to properly maintain the CCR stockpile and materials.
- c.) Within 30 days of the issuance of this Order update the Landfill's fugitive dust control plan.
- d.) Within 60 days of the issuance of this Order, provide documentation to the Department demonstrating that CFS has either enough Financial Assurance for the off-site disposal of the 57,000 cubic yards of stockpiled CCR or enough on-site reserve disposal capacity for the disposal of 57,000 cubic yards. The Financial Assurance amount can be used for either off-site transportation and disposal or the on-site construction, closure and post closure care of permitted but un-constructed reserve disposal capacity. The Financial Assurance amount may be adjusted downward as the stockpile is used, following written approval by the Department. CFS shall update mileage and tipping rates on a semi-annual basis.

3. Surveys

In addition to the annual survey required in Permit 228, by June 30 of each year and until the Department determines it is no longer necessary to maintain the reserve disposal capacity, perform a separate topographic survey. This survey shall be certified by a professional engineer or certified land surveyor licensed in the Commonwealth of Virginia. The survey results shall be submitted to the DEQ Piedmont Regional Office Land Protection Program within 30 days of conducting the survey.

- 4. Respond to any Department correspondence requesting information within 10 days of receipt of the request.

APPENDIX B

CFS shall perform the SEP identified below in the manner specified in this Appendix.

1. The SEP to be performed by CFS is providing Clean Community Days for locations in the metropolitan Richmond area for the disposal of hazardous waste, tires and specific items such as household and white goods without charge. All materials collected must be handled and disposed by professionals qualified to handle the waste stream. In addition, all materials must be recycled or disposed of in a manner that is compliant with the Virginia Solid Waste Management Regulations, Virginia Hazardous Waste Management Regulations, and the Virginia Waste Management Act.
2. The SEP shall be completed by December 31, 2018.
3. CFS shall submit progress reports on the SEP on a quarterly basis, due the 10th day following the end of each calendar quarter.
4. CFS shall submit a written final report on the SEP, verifying that the SEP has been completed in accordance with the terms of this Order, and certified either by a Certified Public Accountant or by a responsible corporate officer or owner. CFS shall submit the final report and certification to the Department within thirty days from the completion of the SEP.
5. If the SEP has not or cannot be completed as described in the Order, CFS shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with the SEP. Such notification shall include:
 - a. an alternate SEP proposal, or
 - b. payment of the amount specified in Paragraph D.2 as described in Paragraph D.1.
6. CFS hereby consents to reasonable access by DEQ or its staff to property or documents under the party's control, for verifying progress or completion of the SEP.
7. CFS shall submit to the Department written verification of the final overall and net project cost of the SEP in the form of a certified statement itemizing costs, invoices and proof of payment, or similar documentation within thirty days of the project completion date. For the purposes of this submittal, net project costs can be either the actual, final net project costs or the projected net project costs if such projected net project costs statement is accompanied by a CPA certification or certification from CFS' Chief Financial Officer concerning the projected tax savings, grants or first-year operation cost reductions or other efficiencies.

Documents to be submitted by this Order to the Department, other than the civil charge payment described in Section D, shall be sent to: Frank Lupini, VA DEQ –Enforcement Division, 629 East Main Street, Richmond, Virginia 23219 or by e-mail to Frank.Lupini@deq.virginia.gov