

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

In the Matter of:

Prince William County  
1 County Complex Ct.  
Woodbridge, VA 22192

Respondent.

PROCEEDING UNDER:

Sections 113(a)(3) and 114 of the  
Clean Air Act, 42 U.S.C.  
§§ 7413(a)(3) and 7414

DOCKET NO: CAA-03-2003-0323DA

I hereby certify that the  
within is a true and correct copy  
of the original ADMIN ORDER  
filed in this matter.

  
Attorney for EPA

**ADMINISTRATIVE COMPLIANCE ORDER BY CONSENT**

The purpose of this Administrative Compliance Order ("Order") is to ensure that Prince William County ("Prince William" or "Respondent") is in compliance with the Standards of Performance for Municipal Solid Waste Landfills, 40 C.F.R Part 60, Subpart WWW (the "Landfill NSPS"), promulgated pursuant to Section 111 of the Clean Air Act ("CAA" or the "Act"), as amended, 42 U.S.C. § 7411, at its municipal solid waste landfill located at 14811 Dumfries Road, Manassas, Virginia (the "Facility").

**I. STATUTORY AUTHORITY**

This Order is issued pursuant to Sections 113(a)(3) and 114 of the Clean Air Act, 42 U.S.C. §§ 7413(a)(3) and 7414. Under Section 113(a)(3) of the Act, the Administrator of the United States Environmental Protection Agency ("EPA" or "the Agency") has the authority to issue Orders requiring persons to comply with the Standards of Performance for Municipal Solid Waste Landfills promulgated under Section 111 of the Act, 42 U.S.C. § 7411. Under Section 114 of the Act, the Administrator has the authority to require persons to establish and maintain records; to make reports; to install, use and maintain monitoring equipment and use audit procedures or methods; to sample emissions; to keep records on control equipment parameters, production variables, or other indirect data; to submit compliance certifications; and to provide such other information as the Administrator may reasonably require for the following purposes: to develop implementation plans, standards of performance, emission standards, or regulations for solid waste combustion; to determine compliance with such standards; or to carry out any provision of the CAA. The Administrator has delegated her authority to issue Orders within the geographical jurisdiction of EPA Region III to the Regional Administrator of EPA Region III,

and the Regional Administrator has re-delegated this authority to the Director of Region III's Air Protection Division. The geographical jurisdiction of EPA Region III includes the Commonwealth of Virginia

## **II. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. Prince William County owns and operates Prince William County Landfill ("PWCL"), located at 14811 Dumfries Road, Manassas, Virginia, where it is engaged in the business of landfilling municipal solid waste.
2. Respondent is a "person" as that term is defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e), and within the meaning of Section 113(d) of the CAA, 42 U.S.C. § 7413(d).
3. Pursuant to 40 C.F.R. § 60.750(a), an affected facility is a municipal solid waste landfill that commenced construction, reconstruction or modification on or after May 30, 1991.
4. Pursuant to 40 C.F.R. § 60.751, "municipal solid waste landfill" or "MSW landfill" means an entire disposal facility in a contiguous geographical space where household waste is placed in or on land.
5. PWCL is a municipal solid waste landfill as defined by 40 C.F.R. § 60.751.
6. PWCL consists of: an old landfill which collected waste from 1968 until it closed in 1971; an existing landfill which collected waste from 1971 until it closed in 2002; Phase I, consisting of Parts 1, 2, 3, and 4 which piggyback on the existing landfill and which collect waste in succession, Phase I, Part 2 representing the active working face of the landfill; and planned Phases II, III and IV.
7. PWCL's permitted volume increase and subsequent construction of Phase I constituted a "construction, reconstruction or modification after May 30, 1991" as this phrase is used in 40 C.F.R. § 60.750(a).
8. PWCL is an affected facility as designated by 40 C.F.R. § 60.750(a).
9. Pursuant to 40 C.F.R. § 60.2, "owner or operator" means any person who owns, leases, operates, controls, or supervises an affected facility or a stationary source of which the affected facility is a part.
10. Prince William County is an owner and operator as defined by 40 C.F.R. § 60.2.

11. Pursuant to 40 C.F.R § 60.752(b), each owner or operator of an MSW landfill having a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters and a nonmethane organic compound (“NMOC”) emission rate of 50 megagrams per year or greater shall design, install and operate a landfill gas collection and control system in accordance with § 60.752(b)(2).
12. PWCL’s design capacity is greater than 2.5 million megagrams and 2.5 million cubic meters.
13. PWCL’s NMOC emission rate in excess of 50 megagrams per year.
14. Respondent designed, installed and operates a landfill gas collection and control system in the ‘existing’ and ‘Phase I, Part 1’ sections of PWCL.
15. Pursuant to 40 C.F.R § 60.752(b)(2)(iv), Respondent must operate the landfill gas collection and control system in accordance with §§ 60.753, 60.755 and 60.756.
16. Pursuant to 40 C.F.R § 60.753(d), landfill gas collection systems must be operated so that the methane concentration is less than 500 parts per million above background at the surface of the landfill (the “surface methane operational standard”).
17. Pursuant to 40 C.F.R §§ 60.753(d) and 60.755(c)(1), compliance with the surface methane operational standard is determined by monitoring the surface concentration of methane around the perimeter of the collection area, along a pattern that traverses the landfill at 30 meter intervals, and where visual observations indicate elevated concentrations of landfill gas, such as distressed vegetation and cracks or seeps in the cover.
18. Prince William County operates a stormwater drainage system consisting of pipe gutters, located along diversion berms, which are connected to pipe downchutes. The downchutes are surrounded by gravel packing and penetrate the surface of the landfill.
19. Prince William County operates a leachate collection system which includes a system of trenches, sumps, piping, and risers.
20. On December 16-17, 2002, duly authorized representatives of the EPA and the Virginia Department of Environmental Quality (“VADEQ”) inspected PWCL for compliance with the Landfill NSPS.

21. Based on the December 16-17, 2002 inspection and subsequent communications with Prince William County, EPA learned that Prince William County had not been monitoring:

- a. the surface concentration of methane at points along PWCL's stormwater drainage system unless such points were located 30 meters from the nearest monitored point, or cracks were detected near storm water drainage structures; or
- b. the surface concentration of methane at points along PWCL's leachate collection system located within the perimeter of the collection area, unless such points were located 30 meters from the nearest monitored point.

22. EPA believes that the visible physical features of PWCL's stormwater drainage system indicate a potential for elevated concentrations of landfill gas. During the December 16-17, 2002 inspection, EPA inspectors detected exceedances of the surface methane operational standard at several locations along PWCL's stormwater drainage system located on the 'existing' and 'Phase I, Part 1' sections of the landfill. Prince William County did not believe that the physical features of PWCL's stormwater drainage system alone indicated a potential for elevated concentrations of landfill gas.

23. EPA believes that the visible physical features of PWCL's leachate collection system indicate a potential for elevated concentrations of landfill gas. Prince William County did not believe that the visible physical features of PWCL's leachate collection system alone indicated a potential for elevated concentrations of landfill gas

24. By failing to specifically monitor the surface concentration of methane at stormwater drainage system structures that collect stormwater from sections of the landfill for which a landfill gas collection and control system is required and that are located within the perimeter of the waste disposal area, EPA believes that Prince William County failed to comply with the surface monitoring requirements of 40 C.F.R §§ 60.753(d) and 60.755(c)(1). Prince William County believed that its surface monitoring program was in compliance with 40 C.F.R §§ 60.753(d) and 60.755(c)(1).

25. By failing to specifically monitor the surface concentration of methane at leachate collection system components that collect leachate from sections of the landfill for which a landfill gas collection and control system is required and that are located within the perimeter of the waste disposal area, EPA believes that Prince William County failed to comply with the surface monitoring requirements of 40 C.F.R §§ 60.753(d) and 60.755(c)(1). Prince William County believed that its surface monitoring program was in compliance with 40 C.F.R §§ 60.753(d) and 60.755(c)(1).

### **III. ORDER TO COMPLY**

EPA hereby issues this Order to address the alleged violations of the Landfill NSPS in Section II. Findings of Fact and Conclusions of Law. Prince William County does not admit nor deny the findings of fact and conclusions of law above. However, Prince William County agrees to undertake the actions specified below:

26. Beginning the Third Quarter of 2003, Prince William County must conduct surface monitoring pursuant to 40 C.F.R §§ 60.753(d) and 60.755(c)(1), by monitoring the surface concentration of methane

- a. around the perimeter of the collection area;
- b. along a pattern that traverses the landfill at 30 meter intervals; and
- c. where visual observations indicate elevated concentrations of landfill gas, including
  - (i) points along the storm water drainage system to the extent such structures collect storm water from sections of the landfill for which a gas collection and control system is required and are located within the perimeter of a waste disposal area, including all drop inlets, points in and around pipe down chutes and adjacent pipe gutters;
  - (ii) points along the leachate collection system to the extent such components collect leachate from sections of the landfill for which a gas collection and control system is required and are located above the landfill surface and within the perimeter of a waste disposal area; and
  - (iii) any points located within the perimeter of a waste disposal area where visual observations may indicate elevated concentrations of landfill gas.

27. Beginning the Third Quarter of 2003, Prince William County shall submit its quarterly Surface Methane Monitoring Reports to EPA and to VADEQ. Prince William County shall also submit quarterly Surface Methane Monitoring Reports to EPA and VADEQ for the Fourth Quarter of 2003, the First Quarter of 2004, and the Second Quarter of 2004.

28. For any detected exceedance of the 500 parts per million surface methane operational standard, Prince William County shall take corrective action in accordance with 40 C.F.R §§ 60.755(c)(4)(i)-(v).

29. Within thirty (30) days of the effective date of this Order, Prince William County must submit to VADEQ, with a copy to EPA, information necessary to effect changes to the surface monitoring requirements of the Title V permit, Permit No. NVRO72340, to implement the provisions of 40 C.F.R §§ 60.753(d) and 60.755(c)(1), and this Order.

#### **IV. PARTIES BOUND**

30. This Order shall apply to and be binding upon Respondent, its agents, successors, and assigns and upon all persons, contractors and consultants acting under or for the Respondent, or persons acting in concert with Respondent who have actual knowledge of this Order or any combination thereof with respect to matter addressed in this Order. No change in ownership or corporate or partnership status will in any way alter the status of the Respondent or its responsibilities under this Order.

31. No change in ownership of the Facility or any property covered by this Order shall in any way affect Respondent's obligations and responsibilities under this Order.

32. In the event of any change in ownership or control of the Facility, Respondent shall notify the EPA in writing at least thirty (30) days in advance of such change and shall provide a copy of this Order to the transferee-in-interest of the Facility, prior to any agreement for transfer.

33. Respondent shall provide a copy of this Order to all contractors, subcontractors, laboratories and consultants retained to conduct or monitor any portion of the Order to Comply portion of this Order, and shall condition all such contracts on compliance with the terms and conditions of this Order.

**V. RESPONSES TO ORDER**

34. Information required to be submitted to EPA under this Order must be sent to:

Bruce J. Augustine  
Air Protection Division (3AP12)  
U.S. Environmental Protection Agency  
1650 Arch Street  
Philadelphia, PA 19103-2029  
(215) 814-2131

Copies shall be sent to:

Jennifer M. Abramson, Esq.  
Office of Regional Counsel (3RC10)  
U.S. Environmental Protection Agency  
1650 Arch Street  
Philadelphia, PA 19103-2029  
(215) 814-2066

35. Information required to be submitted to the VADEQ under paragraph 27. of this Order must be sent to:

Mr. Charles Forbes  
Virginia Department of Environmental Quality  
Northern Virginia Regional Office  
13901 Crown Court  
Woodbridge, VA, 22193

36. Information required to be submitted to the VADEQ under paragraph 29. of this Order must be sent to:

Terry H. Darton  
Virginia Department of Environmental Quality  
Northern Virginia Regional Office  
13901 Crown Court  
Woodbridge, VA 22193

## **VI. EFFECT OF COMPLIANCE ORDER**

37. The compliance measures ordered herein address the violations alleged in Section II. Findings of Fact and Conclusions of Law only. As set forth in Section 113(a)(4) of the CAA, 42 U.S.C. § 7413(a)(4), nothing in this Administrative Compliance Order shall prevent EPA from assessing any penalties, or otherwise affect or limit the United States' authority to enforce other provisions of the CAA, or affect any person's obligations to comply with any Section of the CAA, or with any regulation, term or condition of any permit, or applicable implementation plan promulgated, issued or approved under the CAA. Further, nothing in this Order shall limit or otherwise preclude the United States from taking criminal or additional civil judicial or administrative enforcement action against the Respondent or any third parties with regard to the Facility pursuant to any federal or state law, regulation or permit condition. Nothing in this Order shall limit or otherwise preclude the United States from taking criminal or additional civil judicial or administrative enforcement action against the Respondent for Respondent's failure to comply with any of the requirements of this Order.

## **VII. ENFORCEMENT**

38. Failure to comply with this Order may result in a civil judicial action for an injunction and/or civil penalties of up to \$27,500 per day of violation, pursuant to Section 113(b) of the CAA, 42 U.S.C. § 7413(b), the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461, *et seq.*, as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, *et seq.*, and the Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Parts 19 and 27. EPA retains full authority to enforce the requirements of the Act, 42 U.S.C. 7401-7642, and nothing in this Order shall be construed to limit this authority.

## **VIII. EFFECTIVE DATE AND SUBSEQUENT MODIFICATION**

39. Respondent has exercised its opportunity to confer in negotiating this Order. This Order shall be effective five (5) days after receipt by the Respondent.

40. Any reports, plans, specifications, schedules, or other submissions required by this Order are, upon acceptance by EPA, incorporated into this Order. Any non-compliance with such EPA-accepted reports, plans, specifications, schedules, or other submissions shall be considered non-compliance with the requirements of this Order. Determinations of non-compliance will be made by EPA.

41. No informal advice, guidance, suggestions or comments by EPA or VADEQ regarding reports, plans, specifications, schedules, or other submissions by the Respondent or the

requirements of this Order will be construed as relieving the Respondent of its obligation to obtain formal acceptance when required by this Order, and to comply with the requirements of this Order unless formally modified.

42. This Order may be modified or amended in writing by the Regional Administrator of EPA Region III (or delegate of the Regional Administrator). Such modifications or amendments shall be effective on the date they are signed by the Regional Administrator (or delegate thereof) or such other date as set by the Regional Administrator (or delegate thereof). Minor modifications to the Order to Comply, and or schedule may be approved by the EPA Officials specified in paragraph 34.

#### **IX. CALCULATION OF TIME**

43. Any reference to "days" in this Order shall mean calendar days, unless otherwise specifically provided herein. Any reference to "business days" shall mean every day of the week except Saturdays, Sundays and federal holidays.

#### **X. FAILURE TO PERFORM/PERFORMANCE EVENTS**

44. In the event of an inability or anticipated inability on the part of Respondent to perform any of the actions required by this Order in the time and manner required herein, the Respondent shall notify EPA orally within twenty-four (24) hours of such event (or, if the event occurs on a Friday or Saturday, Sunday, or legal holiday, no later than the following business day) and in writing as soon as possible, but in no event more than three (3) days after such event. Such notice shall set forth the reason(s) for, and the expected duration of, the inability to perform; the actions taken and to be taken by Respondent to avoid and mitigate the impact of such inability to perform; and the proposed schedule for completing such actions. Such notification shall not relieve Respondent of any obligation of this Order. Respondent shall take all reasonable actions to prevent and minimize any delay.

45. Failure by Respondent to carry out any requirement of this Order in accordance with the terms and conditions specified herein may result in the initiation of an enforcement action against Respondent to require Respondent to perform such actions, in addition to any other relief that may be available to EPA pursuant to applicable law.

46. Nothing in this Section or any other provision of this Order shall be construed so as to limit any powers EPA may have under the CAA or any other law or regulation, nor shall they be construed so as to limit any defenses Prince William County may have under the CAA or any law or regulation.

**XI. SEVERABILITY**

47. If any provision or authority of this Order, or the application of this Order to any party or circumstances, is held by any judicial or administrative authority to be invalid, the application of such provisions to other parties or circumstances and the remainder of the Order shall remain in full force and not be effected thereby.

**XII. TERMINATION AND SATISFACTION**

48. The provisions of this Order shall be deemed terminated upon Respondent's completion of all actions specified in Section III. Order to Comply. Termination of this Order shall not, however, terminate Respondent's obligation to comply with any continuing obligations of any federal, state or local law, statute, ordinance, rule or regulation, and all continuing obligations shall continue as they did before the termination of the Order.

**XIII. COPIES OF ADMINISTRATIVE ORDER**

50. Copies of this Order will be provided to: Mr. Charles Forbes, Virginia Department of Environmental Quality, Northern Virginia Regional Office, 13901 Crown Court, Woodbridge, VA, 22193; and to Ms. Alice Nelson, Virginia Department of Environmental Quality, P.O. Box 1009, Richmond, VA, 23240.

**FOR PRINCE WILLIAM COUNTY:**

DATE: 12/16/03

  
\_\_\_\_\_  
Mr. Craig Gerhart  
County Executive

**FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY:**

DATE: 12/18/03

  
\_\_\_\_\_  
Judith M. Katz, Director  
Air Protection Division  
U.S. EPA, Region III

CERTIFICATE OF SERVICE

I hereby certify that the original and one copy of the foregoing Administrative Compliance Order by Consent was hand-delivered to and filed with the Regional Hearing Clerk, EPA, Region III, and that a true and correct copy was mailed via certified mail, return receipt requested, postage prepaid, to the following:

Mr. Craig Gerhart  
County Executive  
Prince William County  
1 County Complex Ct.  
Woodbridge, VA 22192

DEC 22 2003

Date: \_\_\_\_\_

  
Jennifer M. Abramson  
Assistant Regional Counsel