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**From:** Justin Brown  
**Sent:** Thursday, September 17, 2020 2:00 PM  
**To:** 'jerry.cifor@myfairpoint.net'  
**Cc:** 'Johnson, Brent'; 'Steven.A.Vanderploeg@usace.army.mil'  
**Subject:** Request for Additional Information: 20-1619 Green Ridge Recycling and Disposal Facility  
**Attachments:** 2020-09-17 20-1619\_DEQ VWP Additional\_Information\_Request.pdf; VWP Permit Program Property Access Agreement.docx

Mr. Cifor,

Please find my request for additional information attached. A hard copy will also be sent.

Thanks,

***Justin Brown, PWD***

*Environmental Specialist*

Virginia Water Protection Program

Department of Environmental Quality | Piedmont Region

4949-A Cox Road | Glen Allen, VA 23060

P: (804) 527 - 5054 | F: (804) 527 - 5106 | E: Justin.Brown@deq.virginia.gov

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*Commonwealth of Virginia*

***VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY***

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Regional Director

September 17, 2020

Green Ridge Recycling and Disposal Facility, LLC

Attn: Jerry Cifor

12230 Deergrove Road

Midlothian, VA 23112

VIA EMAIL: [jerry.cifor@myfairpoint.net](mailto:jerry.cifor@myfairpoint.net)

Return Receipt Requested

RE: Joint Permit Application Number 20-1619  
Green Ridge Recycling and Disposal Facility, Cumberland County, Virginia  
Additional Information Request Letter

Dear Mr. Cifor:

The Virginia Department of Environmental Quality (DEQ) received your application for the above-referenced project on September 2, 2020. DEQ finds that your project qualifies for authorization under the Virginia Water Protection (VWP) Permit in accordance with 9 VAC 25-210-10 et seq; however, the following information is required to complete your application under the VWP Permit Program.

1. Please complete and return the attached Property Access Agreement for all property owners within the proposed project area and proposed permittee responsible mitigation (PRM) area.
2. In accordance with 9 VAC 25-210-80 A, please submit a complete application on the most recent version of the joint permit application form.
3. In accordance with 9 VAC 25-210-80 B 1.d, please provide the proposed project schedule.
4. It doesn't appear that the purpose of this project has been clearly defined. The information provided to demonstrate the need appears to rely partially on metrics that are driven by regulatory requirements and other metrics that were developed by the applicant and it is unclear how either relate to the purpose of this proposed project. In accordance with 9 VAC 25-210-80 B 1.f, please clearly define the proposed projects purpose and

then succinctly demonstrate the need for the proposed project and how this project will meet that need.

5. In accordance with 9 VAC 25-210-80 B 1.g, please elaborate on the evaluation of the off-site properties. Please identify the specific criteria used to evaluate the suitability of the properties identified for the proposed project. Please ensure the criteria directly relates to the project purpose and need and is consistently evaluated for all properties. Please include potential surface water impacts in your evaluation for each property.
6. DEQ recognizes that the application indicates that the project has undergone revisions that have reduced surface water impacts associated with the project. However, it is not clear that the project has avoided and minimized impacts to the maximum extent practicable. In accordance with 9 VAC 25-210-80 B 1.g, please elaborate on the on-site measures evaluated to first avoid and second minimize surface water impacts. Please demonstrate how the project has avoided a minimized surface water impacts to the maximum extent practicable. This should also relate the project's purpose and need.

For your reference, please find 9 VAC 25-210-80 1.g below:

“An alternatives analysis for the proposed project detailing the specific on-site and off-site measures taken during project design and development to first avoid and then minimize impacts to surface waters to the maximum extent practicable in accordance with the Guidelines for Specification of Disposal Sites for Dredged or Fill Material, 40 CFR Part 230. Avoidance and minimization includes, but is not limited to, the specific on-site and off-site measures taken to reduce the size, scope, configuration, or density of the proposed project, including review of alternative sites where required for the project, which would avoid or result in less adverse impact to surface waters, and documentation demonstrating the reason the applicant determined less damaging alternatives are not practicable. The analysis shall demonstrate to the satisfaction of the board that avoidance and minimization opportunities have been identified and measures have been applied to the proposed activity such that the proposed activity in terms of impacts to state waters and fish and wildlife resources is the least environmentally damaging practicable alternative.”

Please use this as a guide for your response and ensure your response includes all of the required information.

7. In order to clearly understand the proposed project and in order to streamline the permitting process, in accordance with 9 VAC 25-210-80 B 1.h, please provide an impact table that contains only the following information:
  - Unique designations for impacts per Cowardin class and stream segment
  - Real square footage of each impact
  - Cowardin classification for each impact (Please resolve the inconsistency between the table and figures)
  - Linear footage of stream impact
  - Stream impacts summed in linear feet per Cowardin class

Please ensure that all names and impact information match impact drawings and compensatory mitigation plans.

8. In accordance with 9 VAC 25-210-80 B1.h, please update the specific narrative description for each impact to surface waters. Please indicate whether all utility impacts and stormwater infrastructure impacts have been accounted for with this proposed plan. Please indicate whether all impacts associated with security for the site have been accounted for by the proposed plan.

It appears that the surface waters downstream of “Stream Reach 2”, “Stream Reach 5”, “Stream Reach 6”, “Stream Reach 7”, “Stream Reach 9”, and “RR3” will be secondarily impacted by the redirection of surface water away from these areas. Please demonstrate how hydrology will be maintained downstream of these impacts. If hydrology cannot be maintained, please provide a justification for the impact, how the project has avoided and minimized the impact, and provide a compensatory mitigation plan for these impacts.

9. In accordance with 9 VAC 25-210-80 B 1.h(4), please provide a copy of the approved jurisdictional determination when available, or when unavailable, (i) the preliminary jurisdictional determination from the U.S. Army Corps of Engineers (USACE), U.S. Department of Agriculture Natural Resources Conservation Service (NRCS), or DEQ or (ii) other correspondence from the USACE, NRCS, or DEQ indicating approval of the boundary of applicable jurisdictional surface waters, **including wetlands data sheets** if applicable.
10. In accordance with 9 VAC 25-210-80 B.1.i, please ensure that plan view drawings are updated based on comments made above.  
Please ensure that all proposed contours are shown.  
Please ensure the limits of proposed surface water impacts are clearly depicted.  
Please ensure the location of all existing and proposed infrastructure is shown, including stormwater infrastructure.  
Please ensure the entire project area, including any off site utility corridors, is shown on the map.  
Please ensure the limits of any area under a protective instrument are shown.
11. In accordance with 9 VAC 25-210-80 B.1.j, please provide cross-sectional and profile drawing or drawings. Cross-sectional drawing or drawings of each proposed impact area includes at a minimum a graphic scale, existing structures, existing and proposed elevations, limits of surface water areas, ebb and flood or direction of flow (if applicable), ordinary high water mark in nontidal areas, tidal wetland boundary, mean low water and mean high water lines in tidal areas, impact limits, and location of all existing and proposed structures. Profile drawing or drawings with this information may be required on a case-by-case basis to demonstrate minimization of impacts. Any application that proposes piping or culverting stream flows shall provide a longitudinal profile of the pipe or culvert position and stream bed thalweg, or shall provide spot elevations of the stream thalweg at the beginning and end of the pipe or culvert, extending to a minimum of 10 feet beyond the limits of the proposed impact.
12. In accordance with 9 VAC 25-210-80 B 1.l, please provide an assessment of potential impacts to federal and state listed threatened or endangered species, including any

correspondence or documentation from federal or state resource agencies addressing potential impacts to listed species. It appears that only information regarding federally listed species was provided with the application.

13. The scores presented on the submitted USM forms do not appear to be justified by the description and photos provided. DEQ would like to schedule a site visit to evaluate the scores for the project. In accordance with 9 VAC 25-210-80 B.1.m, please provide more information to justify the assigned USM scores. Please update the compensatory mitigation plan to reflect any changes made in response to comments above.
14. Based on the information provided in the application, it appears that there are sufficient stream bank credits and in-lieu fee credits to service the project. In accordance with 9 VAC 25-210-116 C.1, “the purchase of mitigation bank credits and in-lieu fee program credits when available shall in most cases be deemed the ecologically and environmentally preferable form of compensation for project impacts. However, permittee-responsible compensatory mitigation may be considered when the applicant satisfactorily demonstrates that permittee-responsible compensatory mitigation is ecologically and environmentally preferable in accordance with subdivision B 1 (9 VAC 25-210-116 B.1) of this section.” In accordance with 9 VAC 25-210-80 B.1.m, please provide a narrative describing how the permittee responsible mitigation (PRM) site achieves no net loss of stream functions and water quality benefits. Please provide the information described in 9 VAC 25-210-116 B.1 which is as follows: “An analysis shall be required to justify that permittee-responsible compensatory mitigation is ecologically and environmentally preferable to the purchase of mitigation bank credits or in-lieu fee program credits, if such credits are available in sufficient quantity for the project at the projected time of need. The analysis shall address the ability of the permittee-responsible compensatory mitigation sites to replace lost wetland acreage and functions or lost stream functions and water quality benefits. The analysis comparing the impacted and compensation sites may use a method that assesses water quality or habitat metrics, such as that required by [9VAC25-210-80 C](#), or a method that assesses such criteria as water quality benefits, distance from impacts, hydrologic source and regime, watershed, vegetation type, soils, constructability, timing of compensation versus impact, property acquisition, and cost.”
15. If the project would like to pursue the PRM site and can satisfactorily provide the information requested above, in accordance with 9 VAC 25-210-80 B.1.m (2) & (3), please ensure the plan includes the following:
  - (2) If permittee-responsible compensation is proposed for stream impacts, a conceptual stream compensatory mitigation plan shall be submitted in order for an application to be deemed complete and shall include at a minimum (i) the goals and objectives in terms of water quality benefits and replacement of stream functions; (ii) a detailed location map including the latitude and longitude to the nearest second and the fourth order subbasin, as defined by the hydrologic unit boundaries of the National Watershed Boundary Dataset, at the center of the site; (iii) a description of the surrounding land use; (iv) the proposed stream segment

restoration locations including plan view and cross-section drawings; (v) the stream deficiencies that need to be addressed; (vi) data obtained from a DEQ-approved, stream impact assessment methodology such as the Unified Stream Methodology; (vii) the proposed restoration measures to be employed including channel measurements, proposed design flows, types of instream structures, and conceptual planting scheme; (viii) reference stream data, if available; (ix) inclusion of buffer areas; (x) schedule for restoration activities; and (xi) measures for the control of undesirable species.

(3) For any permittee-responsible compensatory mitigation, the conceptual compensatory mitigation plan shall also include a draft of the intended protective mechanism or mechanisms, in accordance with [9VAC25-210-116](#) B 2, such as, but not limited to, **a conservation easement (This is DEQ's preference)** held by a third party in accordance with the Virginia Conservation Easement Act (§ [10.1-1009](#) et seq. of the Code of Virginia) or the Virginia Open-Space Land Act (§ [10.1-1700](#) et seq. of the Code of Virginia), a duly recorded declaration of restrictive covenants, or other protective instrument. The draft intended protective mechanism shall contain the information in subdivisions (a), (b), and (c) of this subdivision B 1 m (3) or in lieu thereof shall describe the intended protective mechanism or mechanisms that contain or contains the information required as follows:

- (a) A provision for access to the site;
- (b) The following minimum restrictions: no ditching, land clearing, or discharge of dredge or fill material, and no activity in the area designated as compensatory mitigation area with the exception of maintenance; corrective action measures; or DEQ-approved activities described in the approved final compensatory mitigation plan or long-term management plan; and
- (c) A long-term management plan that identifies a long-term steward and adequate financial assurances for long-term management in accordance with the current standard for mitigation banks and in-lieu fee program sites, except that financial assurances will not be necessary for permittee-responsible compensation provided by government agencies on government property. If approved by DEQ, permittee-responsible compensation on government property and long-term protection may be provided through federal facility management plans, integrated natural resources management plans, or other alternate management plans submitted by a government agency or public authority.

Please provide enough information in order for DEQ to verify the amount of proposed credits that are to be generated by the conceptual mitigation plan. This will include more detail where and how structures will be implemented, clearly defining buffer sections and adding labels so that data sheets, tables, and plans can be easily cross-referenced. DEQ would like to set up a site visit to proposed mitigation site once more information is provided.

Additionally, it appears as though the proposed preservation areas associated with ST8 R1 and R2 and ST9 may be secondarily impacted by the construction of the landfill. Please explain how these reaches are appropriate as compensatory mitigation areas.

16. In accordance with 9 VAC 25-210-80 B 1.n, please provide a jurisdiction determination for the proposed PRM project area.
17. In accordance with 9 VAC 25-210-80 B 1.p, a permit application fee is required to complete the application. Once the proposed impact information has been determined, DEQ will notify you of the fee amount.

The 120-calendar day processing period for authorization of the VWP Individual Permit will not commence until you provide the above requested information. Please submit the information to my attention by November 2, 2020 so that DEQ can continue to process your application. Please be advised that upon receipt of the requested information, additional information may still be required for DEQ to reach a permit decision.

Please contact me by phone at (804) 527-5054 or by email at [justin.brown@deq.virginia.gov](mailto:justin.brown@deq.virginia.gov) if you have any questions or concerns regarding this request. Thank you for your cooperation in this matter.

Respectfully,



Justin Brown, PWD  
VWP Permit Writer

Encl: Property Access Agreement

cc: Brent Johnson, KBJW – VIA EMAIL  
Steven Vanderploeg, U.S. Army Corps of Engineers – VIA EMAIL



*Commonwealth of Virginia*

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**Virginia Water Protection Permit Program Property-Access Agreement**

**[PROPERTY OWNER NAME(S) – must include ALL]** (“Owner”) who own[s] the property located at **[ADDRESS and/or DEED BOOK INFORMATION and/or TAX PARCEL #]** (“Property”) hereby authorizes the Department of Environmental Quality, its employees, agents, and contractors (“Authorized Parties”) the right of entry to the Property to conduct inspections necessary to evaluate the application for and ensure compliance with **[PERMIT NUMBER]** (“VWP Permit”).

For the purpose of this section, the time for inspection shall be deemed reasonable during regular business hours. Nothing contained herein shall make an inspection time unreasonable during an emergency.

Inspections may include but are not limited to the following activities:

1. Enter upon the property, and have access to, inspect and copy any records that required as part of the VWP permit;
2. Inspect any facilities, operations or practices (including monitoring and control equipment) regulated or required under the VWP permit; and
3. Sample or monitor any substance, parameter, or activity for the purpose of ensuring compliance with the VWP permit or as otherwise required by law.

The Owner understands that access to the Property is a requirement pursuant to 9VAC25-210-90 and the VWP Permit. The DEQ may enforce the provisions of this agreement utilizing all applicable procedures and authorities under Va. Code §§ 62.1-44.15 and 10.1-1186.

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|                            |                                 |              |             |
|----------------------------|---------------------------------|--------------|-------------|
| <b>Property Owner Name</b> | <b>Property Owner Signature</b> | <b>Title</b> | <b>Date</b> |
| <b>(Print)</b>             |                                 |              |             |

[Include Title for owners who are not individual persons.]

[Insert additional signature lines for each individual owner listed on property record.]