



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

PIEDMONT REGIONAL OFFICE

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November 1, 2021

Mr. Bruce Coble, Operations Manager
Shoosmith Bros., Inc.
Shoosmith Sanitary Landfill
11800 Lewis Road
Chester, VA 23831

NOTICE OF VIOLATION

RE: **NOV No. W2021-11-P-0001**
Shoosmith Sanitary Landfill
VPDES Stormwater Industrial General Permit No. VAR051684 (Reissued November 25, 2019;
effective July 1, 2019)

Dear Mr. Coble:

This letter notifies you of information upon which the Department of Environmental Quality (Department or DEQ) may rely in order to institute an administrative or judicial enforcement action. Based on this information, DEQ has reason to believe that Shoosmith Bros., Inc. may be in violation of the State Water Control Law and Regulations at the Shoosmith Sanitary Landfill located at 11800 Lewis Road in Chesterfield County, Virginia.

This letter addresses conditions at the facility named above, and also cites compliance requirements of the State Water Control Law and Regulations and VPDES Permit VAR051684. Pursuant to Va. Code § 62.1-44.15(8a), this letter is not a case decision under the Virginia Administrative Process Act, Va. Code § 2.2-4000 *et seq.* (APA).

OBSERVATIONS AND LEGAL REQUIREMENTS

Shoosmith Sanitary Landfill received coverage under VPDES Permit No. VAR051684 (Permit) effective July 1, 2019 for discharges of stormwater from the facility. A compliance inspection conducted by a representative of the DEQ's Piedmont Regional Office on June 21, 2021, as well as a review of DEQ files has revealed the following:

- a) **Observation:** During a recon inspection on June 21, 2021, landfill gas condensate was observed discharging from an adjacent landfill cell into Sediment Basin 8 via a four-inch pipe identified as landfill gas transfer piping. Sediment Basin 8 was discharging via Outfall 008 to Swift Creek. As part of the incident response, DEQ collected samples of the discharge and

receiving stream while onsite. Elevated BOD5, TSS, ammonia, color, odor and specific conductivity were observed in the receiving stream consistent with landfill wastewater.

Legal Requirement: Part I.B.1 of the VPDES Permit states, “Except as provided in this section or in Part IV (9VAC25-151-90 et seq.), all discharges covered by this permit shall be composed entirely of stormwater.” Exceptions identified in Part I.B.1 do not include landfill gas collection condensate, or leachate.

Part IV.B of the VPDES Permit states, “In addition to the general nonstormwater prohibition in Part I B 1, the following discharges are not covered by this permit: leachate, gas collection condensate, drained free liquids, contaminated ground water, laboratory wastewater, and contact washwater from washing truck, equipment, and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility.”

9VAC25-31-50.A of the VPDES Permit Regulation states, “Except in compliance with a VPDES permit, or another permit, issued by the board or other entity authorized by the board, it shall be unlawful for any person to 1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances”.

ENFORCEMENT AUTHORITY

Va. Code § 62.1-44.23 of the State Water Control Law provides for an injunction for any violation of the State Water Control Law, any State Water Control Board rule or regulation, an order, permit condition, standard, or any certificate requirement or provision. Va. Code §§ 62.1-44.15 and 62.1-44.32 provide for a civil penalty up to \$32,500 per day of each violation of the same. In addition, Va. Code § 62.1-44.15 authorizes the State Water Control Board to issue orders to any person to comply with the State Water Control Law and regulations, including the imposition of a civil penalty for violations of up to \$100,000. Also, Va. Code § 10.1-1186 authorizes the Director of DEQ to issue special orders to any person to comply with the State Water Control Law and regulations, and to impose a civil penalty. Va. Code §§ 62.1-44.32(b) and 62.1-44.32(c) provide for other additional penalties.

FUTURE ACTIONS

DEQ staff wishes to discuss all aspects of their observations with you, including any actions needed to ensure compliance with state law and regulations, any relevant or related measures you plan to take or have taken, and a schedule, as needed, for further activities. In addition, please advise us if you dispute any of the observations recited herein or if there is other information of which DEQ should be aware. In order to avoid adversarial enforcement proceedings, Shoosmith Bros., Inc. may be asked to enter into a Consent Order with the Department to formalize a plan and schedule of corrective action and to settle any outstanding issues regarding this matter, including the assessment of civil charges.

In the event that discussions with staff do not lead to a satisfactory conclusion concerning the contents of this letter, you may elect to participate in DEQ’s Process for Early Dispute Resolution. Also, if informal discussions do not lead to a satisfactory conclusion, you may request in writing that DEQ take all necessary steps to issue a final decision or fact finding under the APA on whether or not a violation has occurred. For further information on the [Process for Early Dispute Resolution](http://www.deq.virginia.gov/Programs/Enforcement/LawsRegulationsGuidance.aspx), please see Agency Policy Statement No. 8-2005 posted on the Department’s website under “Programs,” “Enforcement,” and “Laws, Regulations, & Guidance” (<http://www.deq.virginia.gov/Programs/Enforcement/LawsRegulationsGuidance.aspx>) or ask the DEQ contact listed below.

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Please contact Aree Reinhardt, at (804) 527-5079 or Aree.Reinhardt@deq.virginia.gov **within 10 days** to discuss this matter.

Sincerely,



Kyle Ivar Winter, P.E.
Deputy Regional Director

cc: A. Bilalagic- PRO Water Planning and Permit Manager (electronic copy)
H. Deihls – PRO Water Compliance Manager (electronic copy)
H. Weimer – PRO Water Compliance Tech Reviewer (electronic copy)
B. Ricks – PRO Multimedia Compliance Inspector (electronic copy)
File/ECM