

To: CVWMA Board of Directors/Alternates
From: Kim Hynes, Executive Director
Date: January 17, 2014
Subject: Consideration of Amendment to the Central Virginia Solid Waste Management Plan for the East End Landfill

As you know, The East End Landfill has submitted a request to amend Central Virginia Waste Management Authority's ("CVWMA's") existing Solid Waste Management Plan ("Plan") for purposes of expanding TEEL's existing Construction Demolition and Debris (CDD) landfill located at 1820 Darbytown Road in eastern Henrico. For your reference, a copy of the Plan can be found on our website at <http://cvwma.com/about-us/solid-waste-management-plan>.

The following summary of the Plan, its objectives, and the nature of the amendment sought by TEEL are provided for your reference. In considering TEEL's request for amendment, the CVWMA Board should consider whether or not the requested Plan amendment is consistent with the overall philosophy, goals and objectives of the Plan. If the Board approves the amendment, it will then be considered by the Richmond Regional and Crater Planning District Commissions and must be approved by all 3 bodies before submission to the DEQ for final approval.

In addition to the summary below, attached for your review is:

- TEEL's letter dated 9/6/13 requesting the amendment
- Comments received from the Public Hearing held 11/15/2013 at the CVWMA Board of Directors meeting and written comments received by CVWMA
- Amendment writeup (included in Richmond Regional PDC agenda)
- Aerial Maps of the site (2) – provided by RRPDC
- Map of CVWMA Service Area w/ Disposal Sites noted (from the Plan)
- History of Prior amendments
- Henrico County Board of Supervisors Resolution in Opposition
- Henrico County Position Statement and History
- Troutman Sanders Letter on behalf of TEEL – 1/3/14

Plan History and Purpose

The Plan was prepared by CVWMA for itself and the 13 local governments within CVWMA's service area in accordance with the requirements and provisions of Regulations for Solid Waste Management Plan (Va. Code Section 10.1-1411 and 9VAC20-130-10 et seq., Amendment 1). The Plan was submitted to and approved by the Virginia Department of Environmental Quality (DEQ) on August 20, 2004. There have been 1 minor and 5 major amendments to the Plan since that time. A listing of prior amendments is attached. In addition, a 5 year updated was conducted and approved by DEQ on July 23, 2009.

The Plan is intended to (See Plan Section 1):

- Define specific solid waste management objectives for the CVWMA service area that meet identified management needs and public policy objectives, including State mandated recycling goals;
- Provide an integrated management strategy for the CVWMA service area with supporting financial and implementation strategies to meet solid waste management objectives;
- Provide agreement on specific roles and responsibilities for the CVWMA and its member governments in the implementation of waste programs and services for meeting the region's waste management needs; and
- Establish specific milestones, responsibilities, and a schedule for meeting solid waste management objectives.

The Plan strives to provide a comprehensive, integrated solid waste management system for CVWMA's service area to achieve specific service, health and safety, financial, environmental and institutional objectives for each jurisdictional member while balancing these objectives from a regional perspective in order to benefit the service area and its citizenry as a whole.

CVWMA and the Plan do this by (See Plan Section 3 on Goals, Objectives and Policies):

1. Establishing and maintaining ongoing planning and plan implementation processes to meet current and future needs for the service area based on the state's adopted hierarchy of waste management strategies (reduction, reuse, recycling, resource recovery-waste to energy, incineration and landfilling).
2. Assisting in meeting the solid waste management needs of the CVWMA service area and its member jurisdictions through the year 2024 in an efficient, cost-effective, reliable and equitable manner, while providing adequate flexibility in meeting unforeseen needs and integrating new and innovative processes.
3. Continuing to meet or exceed the state mandated recycling goals.
4. Securing maximum public support for the regional solid waste planning and implementation process through public participation and education programs.

Existing Solid Waste Management System (See Plan Section 4):

Currently there are 15 landfills included in the Plan (See Table 2 in Plan Section 4). Ten of these are within CVWMA's jurisdictional boundaries. Of these ten, five are sanitary landfills and five are construction, demolition & debris (CDD) landfills. Except for Henrico's Springfield Road Sanitary Landfill (scheduled to close in 2015), these landfills are privately owned. According to the DEQ as of 1/1/13, the permitted sanitary landfills have an estimated remaining capacity of 24,823,000 tons, and a combined 82 years of life based on current intake levels and the permitted CDD landfills have an estimated remaining capacity of 19,838,000 tons, with an estimated 117 years of life. Refer to Map 3 attached and in the Plan for a map of disposal sites within the CVWMA service area.

Since the development of the Plan, recycling of C&D material has become more prominent. Companies such as Ace Recycling and SB Cox recycle this type of material and dispose of the residual in a CDD or sanitary landfill. Sanitary landfills are also authorized to accept CDD materials. The amount of CDD material generated has also fluctuated since the Plan's development, due to changes in the economy and the construction and real estate markets.

The CDD landfills located within CVWMA's service area have the following daily intakes and projected life based on DEQ's 2012 report. These numbers have and are expected to continue to fluctuate with the rises and falls in the economy and the construction industry:

Name	Location	Miles from TEEL	Permitted Avg. Daily Intake (tons)	Permitted Maximum Daily Intake (tons)	Current Avg. Daily Intake (tons)	Est. Remaining Life (yrs)
TEEL	Eastern Henrico	0	2,500	3,500	~750	3
Ashcake Road	Hanover County	20	300	500	~170	16
623 Landfill	Rockville (Goochland)	23	1,000	4,000	~960	33
SB Cox Taylor Rd	Western Chesterfield	33	800	1,000	~800	65
Skinquarter	Western Chesterfield	40			Not Developed	8

As discussed above, there are five additional landfills (all sanitary landfills) located outside of CVWMA's service area. However, these landfills were included in the Plan because three of them were and still are taking waste from the CVWMA service area and are viewed as potential waste disposal options. These sanitary landfills, have an estimated remaining capacity of 99,090,000 tons, approximately 285 combined years of life remaining.

TEEL's Requested Amendment

Primarily, TEEL's request would amend Section 4.2.3.1.1 Landfill and Transfer Station Facilities; Private Sanitary and C/D/D Landfills; Richmond Planning Subarea, The East End Landfill (See Plan, page 27) of the regional Solid Waste Management Plan to add Cell VII, increase the total acreage of the facility from 53.5 to 74.75 acres within the permitted

waste management unit boundary and increase the total design capacity from 4,854,500 cubic yards to 11,417,000 cubic yards. Based on an intake rate of 1,000 tons per day, the site life would be increased by about 12-14 years. Table 2 in the Plan document would also be updated to reflect the increased capacity. See the draft Amendment 7 Write Up for further details regarding the amendment.

Needs Assessment:

When evaluating the requested Plan amendment, CVWMA's board must assess the existing solid waste management system and evaluate the specific needs and goals that are addressed by the current Plan, as well as the needs that could be addressed by the amendment. The development of the original Plan incorporated an evaluation of the following factors:

- Capabilities of the region's recycling programs to continue to meet State mandated recycling goals;
- Consistency of existing waste management system with the State's waste management hierarchy and adopted Goal, Objectives and Policies of the Plan (see Plan section 3);
- Capacity and capability of the components of the waste management system to meet existing and projected waste collection, transportation, and disposal needs; and
- Environmental and other external impacts associated with existing waste management collection, transportation and disposal techniques.

CVWMA must perform its individual needs assessment based on the Plan's goals and objectives and solid waste management needs in the region. Henrico County has provided its perspective and opposition to TEEL's requested amendment, which is attached. In addition, TEEL has submitted its perspective in support of the amendment. We can anticipate further information from Henrico and TEEL.

As part of this assessment, the board may wish to consider:

- How does this facility currently fit in with the overall philosophy and purpose of the Plan?
- Whether/how this facility as expanded would fit in with the overall philosophy and purpose of the Plan?
- If TEEL's current facility is not expanded and closes in 3 years, where will/can the waste go? Is there adequate capacity in and outside the region to accommodate the waste? Is it economically feasible for other facilities to accommodate this waste?
- What is the impact, if any, on recycling if TEEL's facility is expanded or not? How does the facility (both expanded and not) fit in with the waste management hierarchy?
- What are the solid waste management/environmental impacts on the community and the region if the life of TEEL's existing landfill is extended by 15 years?
- What are the solid waste management/environmental impacts on the community and the region if the life of TEEL's existing landfill is not extended by 15 years?
- What are the financial/economic impacts on the community, region, businesses, etc. if the life of the landfill is or is not extended?
- How does the amendment impact the overall Plan and/or future needs in the region?



September 6, 2013

Golder Reference No.: 10396-885PA

Central Virginia Waste Management Authority
Interstate Center
2100 West Laburnum Avenue, Suite 105
Richmond, VA 23227

Attn: Mr. Bernard B. Harris, Director of Operations

**Re: The East End Landfill, Permit No. 524
Request for an Update to the Solid Waste Management Plan**

Dear Mr. Harris:

On behalf of The East End Landfill, LLC, Golder Associates Inc. (Golder) is submitting this letter to request a major amendment to the Central Virginia Waste Management Authority's (CVWMA) Solid Waste Management Plan (SWMP), in accordance with 9VAC20-130-175. As you are aware, an expansion is planned for The East End Landfill (TEEL), which necessitates the SWMP amendment.

On June 27, 2013, the Henrico County Board of Zoning Appeals approved the conditional use permit (CUP) for the expansion (see attached Exhibit B from the CUP application, showing the expansion area). The Notice of Intent (NOI) and Part A Application for the expansion will be submitted to the Virginia Department of Environmental Quality by September 25, 2013. In accordance with 9VAC20-81-450.B.3, the NOI must be accompanied by a signed Request for Certification (DEQ Form SW-11-1), which, among other things, requires an authorized representative of the CVWMA to certify that the proposed expansion is consistent with the SWMP, or that the SWMP is being amended for consistency. Accordingly, we are requesting an amendment to the SWMP for consistency with the County-approved expansion.

In Section 4 of the SWMP, entitled Existing Solid Waste Management System, we suggest the following addition (underlined) to the current TEEL-related text found on page 28:

Permit number 524 currently covers waste disposal for DRL Cells 1 and 2, and Cells I, II (and its subcells), III (and its subcells), IV, V, and VI. The total acreage of the facility is approximately 108 acres, of which 53.50 acres are within the permitted waste management unit boundary. The total permitted design capacity of TEEL is 4,854,500 cubic yards. Based on an intake rate of 1,000 tons per day, the site life is estimated at approximately 3 years (effective December 2012). The maximum daily intake is 3,500 tons per day. Permitting for an expansion (Cell VII) was initiated in 2013, and will increase the permitted waste management unit boundary to 74.75 acres, and the total permitted design capacity to 11,417,000 cubic yards.

In addition, Table 2 on page 30 in Section 4 of the SWMP should be updated to reflect the increased capacity (11,417,000 cubic yards), as described above.

Finally, the table of active solid waste facilities in Appendix D of the SWMP should be updated such that the Cox's Darbytown Road Landfill and Simon's Hauling facilities (landfill and permit-by-rule) are deleted, and The East End Landfill (Permit No. 524) is added.

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Richmond, VA 23227 USA
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Golder Associates: Operations in Africa, Asia, Australasia, Europe, North America and South America



Mr. Bernard Harris
CVWMA

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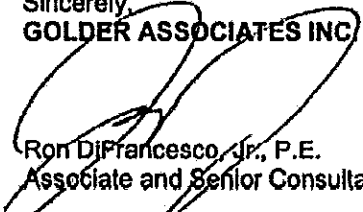
September 6, 2013
Project No. 10396-885PA

Please be advised that we will provide you with the DEQ Form SW-11-1 for signature by an authorized representative of the CVWMA, indicating that the SWMP amendment process has been initiated.

Should you have any questions, or require additional information, please contact TEEL (Darrin Hinderliter at 804-592-4887) or the undersigned at 804-358-7900.

Sincerely,

GOLDER ASSOCIATES INC



Ron DiFrancesco, Jr., P.E.
Associate and Senior Consultant



Terri C. Phillips, P.E.
Principal and Senior Consultant

Attachment: Exhibit B, Conceptual Site Plan, dated June 17, 2013

Cc: Mike Monroe, Chief Executive Officer, TEEL, mmonroe@wasteassociatesllc.com
Ernie DeCasper, Chief Operating Officer, TEEL, edecasper@wasteassociatesllc.com
Darrin Hinderliter, Director of Landfill Operations, TEEL, dhinderliter@theeastendlandfill.com
Harry Gregori, Chief Compliance Officer, TEEL, hgregori@wasteassociatesllc.com
Ben Blankinship, Zoning Division Manager, Henrico County, bla26@co.henrico.va.us
Mike Murphy, Regional Director, DEQ Piedmont Regional Office,
Michael.Murphy@deg.virginia.gov

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Excerpts from Minutes of CVWMA Board of Directors Meeting and Public Hearing held at 9:00am on November 15, 2013; 2104 W. Laburnum Avenue, Richmond 23227

Item No. 4: Public Hearing Period

Proposed Amendment #7 to the Central Virginia Solid Waste Management Plan – The East End Landfill Expansion in Eastern Henrico County

Mrs. Hynes, CVWMA Executive Director, reminded the Board that the CVWMA is the plan holder for the Central Virginia Solid Waste Management Plan (Plan). The Plan was developed in conjunction with the Richmond Regional and Crater Planning District Commissions. In accordance with the Virginia Solid Waste regulations, an amendment to the Plan is required for any increase in landfill capacity or formation of a solid waste facility in the region. To amend the Plan, the process includes a public hearing and approval from the Richmond Regional and Crater Planning District Commissions, as well as the CVWMA Board.

Mrs. Hynes informed the Board that The East End Landfill requested the Authority amend the Plan for an expansion of their landfill. She asserted that the public hearing is to allow comments to be heard regarding the Plan amendment. Mrs. Hynes provided the Board with a brief background of The East End Landfill. TEEL, located at 1820 Darbytown Road in eastern Henrico, is a permitted, privately owned, commercial construction/demolition/debris (CDD) landfill. TEEL is the result of the combination via acquisition of the original Simons Hauling CDD Landfill and the original S.B. Cox CDD Landfill. TEEL has submitted a Part A Application to the Department of Environmental Quality (DEQ) to add approximately 21 acres within the existing permitted waste management boundary. The information included in the amendment would add approximately 10-12 years of life to the landfill. Currently the estimated life is 2-3 years. The daily operations at the landfill are not expected to change with the permit amendment.

She instructed each person wishing to speak for or against the Plan amendment that each speaker will have 3 minutes to provide their comments and she asked that each speaker state their name, address and affiliation for the record. She indicated that the public hearing will begin with those that have signed up to speak and will then open it up for anyone who has not signed up. She then turned the floor over to the first speaker that signed up:

Ms. Terri Phillips, Principal and Senior Consultant for Golder Associates introduced herself and stated her address as 2108 W. Laburnum Avenue, Suite 200 Richmond 23327. Ms. Phillips indicated that Golder Associates filed a request for an amendment to the Solid Waste Management Plan on behalf of The East End Landfill L.L.C, known as TEEL. She passed out copies to the Board of the request dated September 6, 2013 and a site map. She indicated she wanted to quickly walk the Board through the request. There are three requested language changes to the Solid Waste Management Plan. The three changes are needed to make the Plan consistent with the Conditional Use Permit approved by the Henrico County Board of Zoning Appeals and issued by Henrico County in June.

Per Ms. Phillips, to make the Plan consistent with the County's approval and the pending solid waste permit from the DEQ, Golder is requesting three changes to the Plan:

First, in Section 4, entitled Existing Solid Waste Management System, Golder requests the addition of the one sentence to the TEEL related text on page 28. That sentence would be *"Permitting for an expansion (Cell VII) was initiated in 2013, and will increase the permitted waste management unit boundary to 74.75 acres, and the total permitted design capacity to 11,417,000 cubic yards."*

The second request is on Table 2 on page 3 in Section 4. The landfill capacity should be updated to reflect the new capacity she just mentioned.

Finally, Ms. Phillips stated that the third change requested is to update the table of active solid waste facilities in Appendix D of the Plan, to delete the two former landfills that have become TEEL and to add TEEL. Specifically, the Cox's Darbytown Road Landfill and Simon's Hauling facilities, should be deleted and The East End Landfill (Permit No. 524) should be added.

Concluding, Ms. Phillips commented that all three changes requested are needed to bring the Plan up-to-date to match the current zoning for the landfill, based on changes approved by the County in June. She indicated she'd be happy to answer questions. Mr. Chidsey asked if anyone had any technical questions for Ms. Phillips, to which there were none.

Mrs. Hynes called **Harry Gregori, Chief Compliance Officer** for The East End Landfill as the next speaker. Mr. Gregori wished the Chairman, members of the Board and staff a good morning and introduced himself as the Chief Compliance Officer for The East End Landfill, located at 1820 Darbytown Road, Henrico, also known as TEEL. He indicated that he began his work at TEEL in December 2011 when new management took over the operation. He further asserted that the proposed amendment incorporates updated information about TEEL, based on recent amendments to TEEL's Conditional Use Permit (CUP), approved by the Henrico County Board of Zoning Appeals on June 27, 2013. Mr. Gregori stated that TEEL is a construction and demolition debris (C&D) landfill operating under the provisions of the Virginia Department of Environmental Quality, permit 524, which is located in Eastern Henrico County. He added that C&D landfill activity has taken place at this location since 1975, and supports local and regional businesses including construction firms and construction/demolition support firms meeting the needs of Henrico County and the Richmond Region.

Continuing, Mr. Gregori commented that in addition to providing C&D disposal, TEEL plays an important role in achieving the region's recycling goals. He asserted that the majority of C&D waste coming to TEEL is from the materials recycling facilities. Mr. Gregori added that in June 2013, TEEL sought an amendment to its zoning approval from Henrico County to add in Simon's parcel and clarify the waste disposal boundaries at the facility (he referred to the map distributed to the Board). He added that Simon's parcel is zoned for landfill use and was previously permitted by DEQ as a landfill. Mr. Gregori noted the requested amendment was approved on June 27.

Mr. Gregori went on to say that on September 25, 2013, TEEL filed its Part A application with DEQ, to amend its permit in alignment to the approved zoning. He added that Henrico County certified that the application is consistent with local zoning requirements and the DEQ has determined that part A application is complete. Mr. Gregori informed the Board that the proposed amendment to the Solid Waste Management Plan will update the Plan, to include the approved changes to the landfill. He added that the Virginia Solid Waste Management Regulations require that solid waste management plans include accurate information about the solid waste management facilities in their region. In addition to capturing the updated information about TEEL, the proposed amendment is consistent with the existing Plan, which identifies C&D landfills located within the Plan area and notes that those landfills are expected to expand.

Concluding, Mr. Gregori commented that expanding existing C&D landfills eliminates the need for new locations, and, in fact, their expansion is consistent with the region's solid waste management goals because it preserves space in the region's municipal solid waste landfills. Mr. Gregori informed the Board that he has provided a detailed letter in addition to his verbal comments to be submitted for the record. He then concluded his remarks and indicated that he and others were available to answer questions.

Chairman Chidsey asked if any Board member had any technical questions for Mr. Gregori, to which there were none. Mr. Chidsey thanked Mr. Gregori.

Mr. Chidsey asked if there were any other individuals that wished to make comments during this public hearing. There being none, Chairman Chidsey closed the public hearing period.

***TEEL*LLC.**
The East End Landfill

November 15, 2013

Mr. Rich Nolan
CVWMA
2100 W. Laburnum Avenue
Suite 105
Richmond, VA 23227

Re: Regional Solid Waste Management Plan Amendment

Dear Mr. Nolan:

I am writing on behalf of The East End Landfill, LLC ("TEEL") in support of the proposed amendment to the Central Virginia Solid Waste Management Plan ("Plan"). The amendment provides updated information about the TEEL facility, incorporating information from a Conditional Use Permit ("CUP") approved by the Henrico County Board of Zoning Appeals ("BZA") on June 27, 2013 and issued by Henrico County on June 28, 2013.

The Plan is required to list "existing and planned solid waste collection, storage, treatment, transportation, disposal and other management facilities, their projected capacities, expected life and systems for their use." 9 VAC 20-130-120.C.4. The Richmond Planning District Commission and Crater Planning District Commission, in conjunction with the Central Virginia Waste Management Authority ("CVWMA") are tasked with putting together a solid waste management plan for the Richmond region, and with periodically updating that Plan.

Planning district commissions are charged with encouraging local government cooperation to address issues, such as solid waste management, on a regional basis. Va. Code § 15.2-4207. The idea is to ensure that such issues are addressed on a regional basis, rather than on a fragmented locality-by-locality basis. Va. Code § 15.2-4201. The Commissions must focus on the regional benefits of cooperation, rather than on the interests of any one member jurisdiction.

The East End Landfill is a construction, demolition and debris ("C&D") landfill that has been in operation since 1975. Information about the TEEL landfill has been included in the Plan since it was initially developed. Its inclusion in the Plan is a recognition of the regional need for and value added by the presence of the C&D landfill.

The TEEL landfill surrounds property known as the Simon's parcel. The Simon's parcel was previously zoned by Henrico County for a landfill operation; it also received a solid waste permit from the Virginia Department of Environmental Quality (Permit 523). TEEL plans to incorporate the Simon's parcel into its operation.

TEEL L.L.C.

The East End Landfill

The Henrico County BZA is the entity that has been delegated legislative authority by the Henrico County Board of Supervisors to issue conditional use permits. *See* Va. Code § 15.2-2309(6); Henrico Code §§ 24-109; 24-116(e). *See also National Memorial Park, Inc. v. Board of Zoning Appeals*, 232 Va. 98, 92 (1986) (“The decision to grant or deny a special use permit is a legislative, not an administrative function. . . . This is true whether the special use decision is made by the legislative body or pursuant to a delegation of power to a board of zoning appeals.”) (citations omitted). On June 27, 2013, the Henrico BZA heard extensive testimony about the TEEL landfill’s proposed expansion and voted to amend the CUP for the TEEL landfill to allow this consolidation and to further clarify the waste disposal boundaries on the property. The changes to TEEL’s CUP incorporate parcels that had previously been contemplated and approved for landfill operations. On June 28, 2013, Henrico County issued the amended CUP. The BZA decision was not appealed.

Following Henrico County’s approval of the CUP, TEEL filed a Part A permit application with DEQ incorporating the Simon’s parcel. As part of that application process, Henrico County certified that the changes to the landfill included in the application are consistent with all local requirements.

CVWMA has an obligation to ensure that the information in the Plan is accurate and updated regularly. Accordingly, the proposed amendment to the Plan updates the information about the TEEL landfill based on the CUP issued by Henrico County.

In addition to being consistent with the Henrico County CUP approval, the proposed amendment is consistent with the Plan itself. The existing Plan identifies C&D landfills located within the Plan and explains that the expansion of those landfills is beneficial. *See* Plan at p. 75. Expanding existing C&D landfills both preserves space in municipal solid waste landfills and also prevents the need to locate and construct alternative facilities.

The proposed amendment is also consistent with achieving the recycling goals of the Plan. TEEL supports the recycling operations of several material recovery facilities by receiving the C&D residuals from those sites after the recyclable material has been removed. TEEL itself recycles concrete and soil in its own operation to the extent possible.

TEEL is an important regional C&D landfill, providing support not only for the recycling facilities noted above, but also for many local and regional businesses including construction, demolition, and remodeling contractors.

The proposed amendment is necessary to update the information in the Plan about the TEEL landfill, consistent with the Henrico County CUP approved by the Henrico BZA on June 27, 2013 and issued by Henrico County on June 28, 2013.

Central Virginia Solid Waste Management Plan (Amendment 7):

Amendment 7 would amend the regional Solid Waste Management Plan as follows:

- **Section 4.2.3.1.1 Landfill and Transfer Station Facilities; Private Sanitary and C/D/D Landfills; Richmond Planning Subarea, The East End Landfill (Page 27)**

In Henrico County, there were two C/D/D landfill facilities known as the S.B. Cox Darbytown Road landfill and Simon's Debris Landfill (also located on Darbytown Road). Subsequent to original publication of this Plan both landfills (which are located next to each other on Darbytown Road) have been sold and are now operated as **The East End Landfill (TEEL)**.

The East End Landfill, (*section on TEEL revised January 2014*) is a non-captive construction/demolition/debris (CDD) landfill located in eastern Henrico County, Virginia, at 1820 Darbytown Road. This site is approximately 1.7 miles northwest of Laburnum Avenue, and approximately 1,000 feet north of Oakland Road, on the east side of Darbytown Road. Access to the site is by private road off Darbytown Road.

The landfill's regular hours of operation are from 7:00 a.m. to 6:00 p.m. when Daylight Savings Time is in effect and from 7:00 a.m. to 5:00 p.m. at all other times.

The landfill (TEEL) operates under Virginia Department of Environmental Quality (DEQ) Permit Number 524, which was originally issued by the State Health Department for Landfill Operations on July 26, 1988. The permit has been amended several times, including a major amendment that incorporated permit number 525 (former Cox's Darbytown Road Landfill [DRL]) into the TEEL permit. The former DRL was originally permitted by the Health Department as permit number 188, issued July 3, 1975, which was superseded by permit number 525 on June 20, 1989.

Permit number 524 currently covers waste disposal for DRL Cells 1 and 2, and Cells I, II (and its subcells), III (and its subcells), IV, V, and VI **and VII**. The total acreage of the facility is approximately 108 acres, of which **74.75** ~~53.50~~ acres are within the permitted waste management unit boundary. The total design capacity of TEEL is **11,417,000** ~~4,854,500~~ cubic yards. Based on an intake rate of 1,000 tons per day, the site life is estimated at approximately **15-17** ~~3~~ years (effective **January 2014** ~~December 2012~~). The maximum daily intake is 3,500 tons per day.

TEEL accepts CDD waste originating within 150 miles of the site. Construction Waste is defined as solid waste that is produced or generated during construction, remodeling, or repair of pavements, houses, commercial buildings and other structures. Construction waste includes lumber, wire, sheetrock, brick, shingles, glass, pipes, concrete, paving materials, non-friable asbestos-containing building materials and metal and plastic construction materials and containers. Demolition waste is solid waste that is produced by the destruction of structures and their foundations, and includes the same materials as construction waste. Debris waste results from land-clearing operations, and includes

stumps, wood, brush, leaves, soil and road spoils. TEEL does not accept municipal solid waste, hazardous waste, industrial waste (including coal combination residuals), friable asbestos, free liquids, semi-liquids, or compressed gases.

- Table 2 on Page 30 is revised as follows:

Table 2

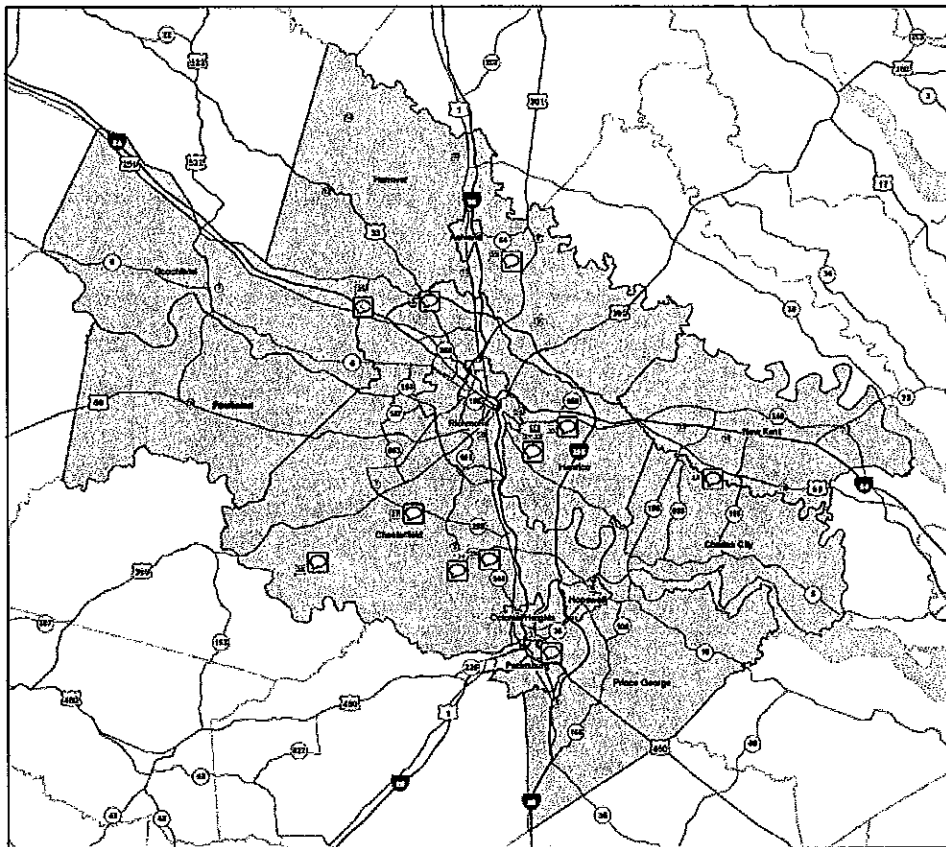
Active Sanitary and C/D/D Landfills Currently Utilized by CVWMA Localities

Landfill Name	Landfill Type	Public/Private	Jurisdiction	Capacity
623 C/D/D Landfill ¹	C/D/D	Private	Goochland	30,500,000 cu yds
Ashcake C/D/D Landfill	C/D/D	Private	Hanover	1,125,827 tons
Qualla Road Demo Landfill ²	C/D/D	Private	Chesterfield	96,670 tons
The East End Landfill ⁸	C/D/D	Private	Henrico	11,417,000 cu yds 4,854,500 cu yds
Taylor Road Landfill ¹	C/D/D	Private	Chesterfield	12,000,000 tons
Skinquarter Land, LLC Landfill ⁴	C/D/D	Private	Chesterfield	4,600,000 tons
Tri-Cities Regional Landfill ⁶	Sanitary	Private	Petersburg	4,000,000 cu yds
Shoosmith Sanitary Landfill ⁵	Sanitary	Private	Chesterfield	75,800,000 cu yds
Springfield Road Sanitary Landfill ³	Sanitary	Public	Henrico	550,000 tons
Charles City Landfill ⁵	Sanitary	Private	Charles City	24,000,000 tons
Old Dominion Sanitary Landfill ³	Sanitary	Private	Henrico	17,000,000 tons
King & Queen Sanitary Landfill ⁵	Sanitary	Private	King & Queen	31,500,000 tons
Atlantic Waste Disposal Sanitary Landfill ⁵	Sanitary	Private	Sussex	66,000,000 tons
Maplewood Recycling & Waste Facility ⁵	Sanitary	Private	Amelia	33,600,000 tons
King George County Landfill	Sanitary	Public	King George	18,500,000 tons
Middle Peninsula Sanitary Landfill	Sanitary	Private	Gloucester	23,500,000 tons

Source of Capacity Figures: Commonwealth of Virginia Department of Environmental Quality
Solid Waste Managed in Virginia During Calendar Year 2002 Report, June 2003

- ¹ Capacity Figures revised August 2005 Amendment 1
- ² Qualla Road Landfill is no longer accepting C/D/D and is closing.
- ³ Capacity Figure revised May 2006 Amendment 2
- ⁴ Added 2006, Amendment 3
- ⁵ Capacity Figure revised September 2006, Amendment 3
- ⁶ Capacity Increase, Name Change April 2010, Amendment 5
- ⁷ Capacity Increase, March 2011, Amendment 6
- ⁸ ~~Capacity Increase, January 2014, Amendment 7~~

Map 3 CVWMA Service Area Solid Waste Collection & Disposal Sites



 CVWMA Service Area

Landfills & Convenience Stations

-  Private Sanitary Landfill
-  Private Construction Demo & Debris Landfill
-  Convenience Center & Public Landfill
-  Convenience Center & Private Landfill
-  Convenience Center/Transfer Station

Highways

-  Interstate
-  US Highway
-  State Highway
-  Other Counties



20 Miles

CVWMA Central Virginia Waste Management Authority

Map 3 Key

CVWMA Service Area Solid Waste Collection & Disposal Sites

<u>No.</u>	<u>Waste Collection/Disposal Site Name</u>
1	Northern Area Convenience Center
2	Southern Area Convenience Center
3	Colonial Heights Convenience Center
4	Tri-Cities Landfill – Container First Services
5	Prince George Convenience Center
6	Hopewell Convenience Center
7	Goochland Convenience Center
8	Hanover County Convenience Center
9	Mechanicsville Convenience Center
10	Doswell Convenience Center
11	Elmont Convenience Center
12	Montpelier Convenience Center
13	Beaverdam Convenience Center
14	Charles City Road Public Use Area
15	Route 612 Convenience Center – New Kent County
16	Route 618 Convenience Center – New Kent County
17	Route 634 Convenience Center – New Kent County
18	Route 647 Convenience Center- New Kent County
19	Powhatan Convenience Center – New Kent County
20	Richmond Southside Transfer Station – Hopkins Road
21	East Richmond Road Convenience Center
22	Springfield Road Sanitary Landfill – Henrico County
23	Charles City Sanitary Landfill – Waste Management
24	Shoosmith Sanitary Landfill – Virginia Waste Services
25	623 C/D/D Landfill – Republic Waste Services
26	Ashcake road C/D/D Landfill - ARL
27	Taylor Road C/D/D Landfill – S.B. Cox
28	Skinquarter Land, LLC C/D/D Landfill – Yard Works LLC – Not open
29	Qualla Road C/D/D Landfill – Waste Management - Closed
30	Old Dominion Sanitary Landfill – Republic Waste Services
31,32	East End C/D/D Landfill

Central Virginia Solid Waste Management Plan Amendments to the Plan

Below are the 6 amendments to the regional solid waste plan previously approved by the CVWMA and ultimately the DEQ. With the exception of the first amendment, all were major amendments that required a public hearing and approval by both PDC's and the CVWMA. The first minor amendment happened fairly soon after the Plan was approved and preliminary information was included in the original Plan for each of the two facilities that were expanding.

Amendment 1 (minor): November 2005

- Simons Hauling CDD LF (since purchased by TEEL) – increased capacity to 2.4 million tons (from 240,000)
- S.B. Cox's Taylor Road LF in Chesterfield – increased capacity from 532,518 tons to 12,000,000 tons
- Henrico County's Springfield Road LF – increased daily average and maximum tons/day

Amendment 2 (major): March 2006

- Republic Old Dominion sanitary LF in eastern Henrico – expansion to include purchase of old Henrico Charles City Road LF (capacity 39,000,000 cubic yards)
 - RRPDC 2/2/06
 - Crater 3/9/06
 - CVWMA 3/17/06

Amendment 3 (major):

- Skinquarter CDD LF – new CDD LF in western Chesterfield – 4.6 million tons
 - RRPDC 9/14/06
 - Crater PDC 10/12/06
 - CVWMA 10/20/06

Amendment 4 (major): March 2007

- Environmental Solutions – tobacco composting facility in Enon, Chesterfield
 - RRPDC 12/14/06
 - Crater 1/11/07
 - CVWMA 1/19/07

Amendment 5 (major): April 2010

- Tri-Cities Regional sanitary LF in Petersburg – ownership change and increased capacity to 4 million cubic yards
 - Crater 2/11/10
 - RRPDC 3/11/10
 - CVWMA 3/19/10

Amendment 6 (major): May 2011

- Republic's 623 CDD LF in Goochland – increased capacity from 6.3 million to 30.5 million cubic yards
 - RRPDC 4/14/11
 - Crater PDC 4/14/11
 - CVWMA 4/15/11



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 244-13
Page No. 1 of 2

Agenda Title: RESOLUTION -- Opposition to Amendment of Central Virginia Waste Management Plan for Landfill Expansion by The East End Landfill, LLC

For Clerk's Use Only: Date: DEC 10 2013 ☒ Approved ☐ Denied ☐ Amended ☐ Deferred to:	BOARD OF SUPERVISORS ACTION Moved by (1) <u>Nelson</u> Seconded by (1) <u>O'Garra</u> (2) _____ (2) _____ RESOLUTION APPROVED	YES NO OTHER Gibson, R. ☒ _____ Kawachi, R. ☒ _____ Nelson, T. ☒ _____ O'Garra, F. ☒ _____ Thurston, F. ☐ <u>absent</u>
---	---	--

WHEREAS, Henrico County and 12 other area local governments established the Central Virginia Waste Management Authority ("CVWMA") in December 1990 to address the region's solid waste management needs; and,

WHEREAS, a vital function of CVWMA is the development and revision of the regional waste management plan in accordance with the requirements and provisions of Virginia administrative regulations for solid waste planning in 9VAC20-130-10 *et seq*; and,

WHEREAS, 9VAC20-130-120.C.4 requires regional waste management plans to list "existing and planned solid waste collection, storage, treatment, transportation, disposal and other management facilities, their projected capacities, expected life and systems for their use"; and,

WHEREAS, in 2004 CVWMA developed the current Central Virginia Waste Management Plan ("Plan") for Henrico County and the other member jurisdictions; and,

WHEREAS, under section 3.1 of the Plan, the Plan's goals include achieving "the specific service, health and safety, financial, environmental and institutional objectives for each member;" and,

WHEREAS, Henrico County has specific, significant, and particularized interests in landfill operations within its borders; and,

WHEREAS, 9VAC20-130-175.A.1.b provides that requests for any new increase in landfill capacity shall be treated as a "major" amendment to an approved solid waste management plan; and,

By Agency Head

Joseph P. Rymaszewski

By County Manager

[Signature]

Routing:

Yellow to:

Capt to:

Certified:

A Copy To:

Joseph B. Hudwig
County
12/11/2013

Date:

**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE**

Agenda Item No. **244-B**

Page No. 2 of 2

Agenda Title: RESOLUTION — Opposition to Amendment of Central Virginia Waste Management Plan for Landfill Expansion by The East End Landfill, LLC

WHEREAS, the CVWMA Board of Directors, the Richmond Regional and Crater Planning District Commissions, and the Virginia Department of Environmental Quality ("DEQ") must approve a major amendment before it becomes a part of the Plan; and,

WHEREAS, The East End Landfill, LLC ("TEEL") wishes to expand the boundaries and capacity of its landfill operations at 1820 Darbytown Road in Henrico County (the "Facility"); and

WHEREAS, the Facility opened in 1987 and operated without any significant problems before TEEL purchased the Facility in 2006; and,

WHEREAS, after assuming control of the Facility, TEEL was responsible for a series of serious violations of state and local law at the Facility; and,

WHEREAS, DEQ issued ten notices of violation of state law for TEEL's operations at the Facility between 2009 and 2011, and it required TEEL to pay \$150,000 in fines and undertake various corrective actions at the Facility; and,

WHEREAS, during the same time period, Henrico County issued notices of violation for TEEL's accumulation of coal fly ash, waste tires, and contaminated soil at the Facility in violation of the County's zoning ordinance, and TEEL not only continued but increased its violations of the Henrico County Code over a period of many months; and,

WHEREAS, although TEEL has changed its management team and corrected its violations of the Henrico County Code, expansion of the Facility would have a continuing negative impact on the adjacent neighborhoods for up to 17 additional years; and,

WHEREAS, these negative impacts include (1) up to 350 heavy truck trips per day to and from the Facility, (2) greater height and visibility of the landfill mound in the adjacent residential neighborhoods, (3) potential decrease in residential property values and community character in the area, and (4) potential continuation of odor problems in the surrounding area.

NOW, THEREFORE, BE IT RESOLVED that the Henrico County Board of Supervisors opposes amendment of the Central Virginia Waste Management Plan to recognize or allow expansion of landfill operations by The East End Landfill, LLC at 1820 Darbytown Road in Henrico County.

BE IT FURTHER RESOLVED that the Henrico County Board of Supervisors requests the Board of Directors of the Central Virginia Waste Management Authority and the Richmond Regional and Crater Planning District Commissions to reject the amendment in recognition of Henrico County's significant interest in operation of the Facility and its opposition to the amendment.

**Opposition of Henrico County to the
Central Virginia Waste Management Authority
Regional Solid Waste Management Plan Amendment:
The East End Landfill**

Before the Central Virginia Waste Management Authority, January 24, 2014

Henrico County opposes the application of The East End Landfill, LLC (TEEL) to amend the Regional Solid Waste Management Plan to allow expansion of its landfill at 1820 Darbytown Road. The reasons for Henrico County's opposition are summarized below.

History of State Enforcement Actions

- On August 24, 2009, the Virginia Department of Environmental Quality (DEQ) issued a consent order to resolve "noncompliant conditions" at the East End Landfill.
- Notwithstanding that consent order, DEQ issued nine notices of violation to TEEL and its parent LLC during 2010 and 2011.
- On February 10, 2012, DEQ, TEEL, and TEEL's parent LLC entered into an amended consent order to address the violations.
- In the amended consent order, DEQ ordered TEEL and its parent LLC to pay a civil charge of \$100,000, to provide \$50,000 to fund a DEQ compliance inspector, and to remove excess coal ash from the property and correct elevations and slopes.

History of County Enforcement Actions

- In 2009 and 2010, the County's Environmental Services Division gave TEEL several notices to comply and one stop work order because trucks exiting the landfill were tracking mud onto Darbytown Road.
- Although TEEL cleaned the road from time to time, mud tracking on the road remained an ongoing problem.
- On July 23, 2010, the Environmental Services Division notified TEEL that stockpiling coal ash was in violation of approved plans. TEEL submitted a revised plan seeking approval of the stockpile of coal ash.
- On November 1, 2010, the Director of Planning notified TEEL that using coal ash in the landfill for cover violated the conditions of the use permit granted by the Board of Zoning Appeals (BZA).
- TEEL submitted an application to revise the use permit. On December 16, 2010, the BZA denied TEEL's application.
- TEEL appealed the BZA's denial to Circuit Court, and TEEL continued to use coal ash on the property. In addition, TEEL brought waste tires and contaminated soil onto the property.

- On February 24, 2011, the Director of Planning issued a notice of violation and ordered TEEL to refuse all further shipments of coal ash and used tires.
- TEEL did not comply with the order, and it appealed the notice of violation to the BZA. The BZA ruled against TEEL. TEEL subsequently appealed the BZA's decision to Circuit Court.
- On May 11, 2011, the County sought a preliminary injunction to force TEEL to comply with the Planning Director's order because TEEL continued to disobey it.

Subsequent Approval of Use Permit by BZA

- While the litigation was pending, TEEL took steps to correct the violations and applied for a use permit to expand the landfill.
- On June 27, 2013, the BZA approved TEEL's use permit application.
- Although TEEL claims the BZA's approval of the use permit application is "binding" on Henrico County in this proceeding, the BZA has no role or authority to act for Henrico County with regard to amendment of the regional waste management plan. State law entrusts the governance of Henrico County to the Board of Supervisors — which unanimously opposes the amendment.
- In addition, the BZA's authority to act for the Board of Supervisors is limited by state law to zoning matters.
- Most importantly, the BZA's action does not eliminate the negative impacts of the landfill expansion on the surrounding neighborhoods.

Impacts of Expansion

- If the expansion is approved, the landfill would be allowed to receive up to 3,500 tons of waste per day. At 10 tons per truck, TEEL could generate as many as 700 truck trips per day (one entering and one exiting).
- The landfill mound is unsightly. It is already much taller (178 feet above grade) and more visually obtrusive than it was before TEEL took over the operation. Under the proposed expansion, it would be taller and much more visible from Darbytown Road. The tallest portion would move 600 feet closer to Darbytown Road, creating a greater visual impact on the nearby neighborhood.
- The proposed expansion area is toward the front of the operation where it would have the greatest impact on community character and property values. Another 8 – 10 acres of woods would be destroyed.
- There are 1,418 single-family dwellings within a one-mile radius of the landfill.
- Henrico County continues to receive complaints of odors in the area. TEEL representatives have said the odors are not caused by the landfill's operation, but no other source has been pinpointed.
- The residents of the area should not have to cope with the landfill for another 17 years. It is time for the landfill to fill to its permitted capacity and then close.

ANDREA W. WORTZEL
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TROUTMAN SANDERS

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January 3, 2014

Members of the Central Virginia
Waste Management Authority Board
C/O Kim Hynes, Director
CVWMA
2100 W. Laburnum Avenue, Suite 105
Richmond, Virginia 23227

Re: Preliminary Response to Henrico County Position Paper
Central Virginia Waste Management Authority Regional Solid Waste
Management Plan Amendment: The East End Landfill ("TEEL")

Dear Members of the Board:

The purpose of this letter is to provide accurate, factual information about TEEL's requested amendment to the Central Virginia Waste Management Plan, which comes before you on January 24, 2014. Henrico County has provided a position paper on the proposed amendment to the Central Virginia Waste Management Authority ("CVWMA") Regional Solid Waste Management Plan (the "Plan") for TEEL. Henrico County's Board of Supervisors has also issued a resolution opposing the requested amendment. Both of these documents include information that is not factually accurate and is incomplete. In addition to this preliminary response, TEEL will provide a more detailed response to these two documents, including supporting evidence, at the CVWMA Board meeting on January 24.

In the meantime, TEEL respectfully requests that you consider the following when reviewing the Henrico County position paper and resolution:

Scope of Amendment Request

The requested amendment would simply update the factual information provided in the Plan about the TEEL landfill by making the following three textual changes:

- Page 28 – in Section 4, entitled Existing Solid Waste Management System, add the following text in the section describing TEEL: *Permitting for an expansion (Cell VII) was initiated in 2013, and will increase the permitted waste management unit boundary to 74.75 acres, and the total permitted design capacity to 11,417,000 cubic yards. This is a factual statement that accurately describes the current status of TEEL.*
- Page 3 – update TEEL's capacity in Table 2 in Section 4 to reflect the landfill capacity applied for in the permit application. This is a factual change consistent with the current zoning for the landfill and the pending permit application.

ATLANTA BEIJING CHICAGO HONG KONG NEW YORK NORFOLK ORANGE COUNTY PORTLAND
RALEIGH RICHMOND SAN DIEGO SHANGHAI TYSONS CORNER VIRGINIA BEACH WASHINGTON, DC
2162765544 244121.009201

TROUTMAN SANDERS

Members of CVWMA
January 3, 2014
Page 2

- Appendix D - delete Cox's Darbytown Road Landfill and Simon's Hauling facilities, which no longer exist and add The East End Landfill (Permit No. 524). This is a factual correction to reflect the current landfill facilities in the region.
- None of these changes affects the goals, purposes, or strategies for solid waste management in the region.

Factual Corrections

- Henrico County, through its Board of Zoning Appeals ("BZA"), approved the zoning necessary for the expansion of the landfill. That decision was not appealed.
- The BZA considered all of the land use issues raised by Henrico County, and concluded that, as a result of the conditions imposed by the zoning, the expansion would not have any "substantial detrimental impact on neighboring property." See Letter from Henrico County transmitting approved Conditional Use Permit for the TEEL Expansion (copy attached).
- Henrico County signed a certification to the Virginia Department of Environmental Quality stating that the expansion is consistent with all Henrico County zoning ordinances and that an amendment to the CVWMA regional solid waste management plan had been initiated to incorporate the expansion.
- Henrico County filed joint motions with TEEL to dismiss all litigation between Henrico County and TEEL, and stating that the BZA action mooted the issues. In other words, the action taken by the BZA resolved all outstanding issues between the County and TEEL.
- No notices of violation ("NOVs") have been issued by either Henrico County or the DEQ since new management was installed in December 2011. All previous NOVs have been fully satisfied and TEEL is in compliance with all state and local requirements.
- TEEL has never received an NOV relating to odor and Rev. Nelson, the Board of Supervisors member for the district in which TEEL is located, testified during the BZA proceeding that he was not opposing the landfill based on odor because odor could have come from the municipal solid waste landfill located adjacent to the TEEL landfill. See Excerpt from Transcript of June 27, 2013 BZA Hearing (copy attached).

As explained in our November 15, 2013 comment letter, the requested amendment merely updates the information in the Plan about the existing TEEL landfill. The requested

**TROUTMAN
SANDERS**

Members of CVWMA
January 3, 2014
Page 3

amendment is consistent with both the existing Plan and the zoning approved by Henrico County. TEEL has installed new management and made a significant investment to ensure that the landfill operates in compliance with all state and local regulatory requirements. The track record of the new management team - with no notices of violation since it was installed - speaks for itself.

Henrico County has already approved the TEEL expansion. The CVWMA Board is now being asked to amend the Plan to reflect that approval.

Thank you for your consideration of this letter.

Sincerely,


Andrea W. Wortzel

lbt
Enclosure



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

BOARD OF ZONING APPEALS

R.J. Emerson, Jr., AICP
Director of Planning
(804) 504-4328

R. A. Wight, Chairman
J. V. Munnally, Vice Chairman
Gregory R. Baker
Geoffrey Bell
Helen E. Hanft

June 26, 2013

Gloria L. Freye, Esq.
McGuire Woods LLP
601 E Cary Street
Richmond, VA 23210

RE: CUP2013-00014: The East End Landfill requests a conditional use permit pursuant to Section 24-118(c)(3) of the County Code to expand the existing landfill at 1820 Darbytown Road (Parcels 80B-707-7024, 80B-705-6670 and 80B-707-1585), zoned B-3, Business District and M-2, General Industrial District (Marina).

Dear Ms. Freye:

The Board of Zoning Appeals, at its meeting on June 27, 2013, granted your application for the above-referenced conditional use permit. The Board granted the use permit subject to the following conditions:

1. This use permit is subject to all requirements of the County Code.
2. The applicant shall maintain Landfill Reclamation Bond #1020498 issued by Lexion Insurance Company in the amount of \$117,680, or equivalent financial guaranty that the land will be properly restored in accordance with all applicable regulations.
3. The applicant shall continuously maintain a complete erosion and sediment control (ESC) plan and bond as approved by the Henrico County Department of Public Works (DPW). Throughout the life of this use permit, the applicant shall continuously satisfy DPW that ESC procedures are in accordance with the approved ESC plan and are properly maintained. If also conditions change, an updated ESC plan and subsequent revised ESC bond may be required as determined by DPW.
4. The applicant shall obtain and maintain all applicable permits from the Virginia Department of Environmental Quality (DEQ).
5. The applicant shall comply with the Chesapeake Bay Preservation Act and all state and local regulations administered under such act applicable to the Property, and shall furnish to the Planning Department copies of all reports required by such act or regulations.
6. Hours of operation shall be limited to Monday through Saturday, from 7:00 a.m. to 6:00 p.m. when Daylight Saving Time is in effect, and from 7:00 a.m. to 5:00 p.m. at all other times.
7. No operations of any kind are to be conducted at the site on Sundays or national holidays.
8. All means of access to the Property shall be from the established entrance from Darbytown Road or such other entrance as may be approved in writing by the Planning

Department. Trucks entering or leaving the site shall not travel on Bickensstaff, Midview, Oakland or Old Oakland Roads.

9. The applicant shall erect and maintain gates at each entrance to the landfill. These gates shall be locked at all times except when authorized representatives of the applicant are on the Property.

10. The applicant shall post and maintain a sign at each entrance to the landfill stating the name of the operator, the use permit number, the DEQ permit number, and the telephone number of the operator. The sign shall be at least 12 square feet in area and the letters shall be at least three inches tall.

11. The applicant shall post and maintain "No Trespassing" signs every 250 feet along the perimeter of the Property. The letters shall be at least three inches tall. The applicant shall furnish the Chief of Police a letter authorizing the Division of Police to enforce the "No Trespassing" regulations and agreeing to send a representative to testify in court as required or requested by the Division of Police.

12. Standard "Trucks Entering Highway" signs shall be erected and maintained on Darbytown Road on each side of the entrance(s) to the Property. These signs will be placed by the County, at the applicant's expense.

13. The applicant shall post and maintain a standard stop sign at each entrance to the Property (for exiting traffic).

14. Whenever the Division of Police deems necessary, the applicant shall provide a flagman to control traffic from the landfill onto Darbytown Road, with the flagman yielding the right of way to the public road traffic at all times.

15. All roads used in connection with this use permit shall be effectively treated with calcium chloride or other wetting agents to eliminate any dust nuisance.

16. The operations shall be scheduled so that trucks will travel at regular intervals and not in groups of three or more.

17. The applicant shall maintain the Property, fences, and roads in a safe and secure condition so long as this use permit is in effect, or convert the Property to some other safe use.

18. If, in the course of its preliminary investigation or operations, the applicant discovers evidence of cultural or historical resources, or an endangered species, or a significant habitat, it shall notify appropriate authorities and provide them with an opportunity to investigate the site. The applicant shall report the results of any such investigation to the Planning Department.

19. If water wells located on surrounding properties are adversely affected, and the landfill operations on this site are suspected as the cause, the affected property owners may present to the Board of Zoning Appeals evidence that the landfill operation is a contributing factor. After a hearing by the Board, this use permit may be revoked or suspended, and the operator may be required to correct the problem.

20. The landfill shall only accept construction, demolition, and debris waste. All such waste shall originate within 150 miles of the site. No hazardous wastes as defined by the Virginia Hazardous Waste Management Regulations, nor any biodegradable material other than woody waste from construction, demolition and land clearing operations, shall be deposited in the

landfill or used as fill or cover material. In no event shall any coal combustion by-products or auto shredder residue be accepted by the facility. Tires shall not be stockpiled, shredded, or recycled on the Property.

21. A superintendent who shall be personally familiar with all the terms and conditions of this use permit shall be present at the beginning and conclusion of operations each work day to see that all the conditions of this use permit are observed.

22. Each day the applicant shall monitor and clean up any trash, dust or mud along any public road within 2,000 feet of each entrance to the site. A paved driveway to the landfill shall be maintained for a minimum of 400 feet from Darbytown Road. The applicant shall provide a wheel washing station in a location which requires trucks to travel a minimum of 400 feet of paved surface before exiting the site.

23. A progress report shall be submitted to the Board on or about April 30 of each year, detailing the total tonnage of waste received at the landfill; the average and maximum daily tonnage and number of truckloads of waste received at the landfill; the acreage of landfill cells that are reclaimed, open, under construction, and remaining to be opened; and an estimate of the remaining life of the landfill.

24. The edge of all waste disposal areas shall be set back a minimum of 350 feet from the eastern edge of the existing Darbytown Road right-of-way.

25. The existing 300-foot and 100-foot tree preservation areas shown on Exhibit B, the Conceptual Site Plan prepared by Golder Associates dated 6-17-2013, shall be preserved subject to stormwater management facilities; the necessary removal of vegetation pursuant to relocation of streams or waterways as may be approved by the US Army Corps of Engineers, DEQ, or the County; the installation and maintenance of site utilities which shall be designed in a manner which produces a direct line of sight through the tree preservation areas to the extent practicable; and the maintenance of the entrance road.

26. Within 90 days of the approval of this use permit, the applicant shall submit a detailed landscaping plan for review and approval by the Planning Department. The plan shall provide for a landscaped buffer a minimum of 100 feet in depth as measured from the eastern edge of the existing Darbytown Road right-of-way in the general area shown on Exhibit B. The materials shown on the approved plan shall be planted during the next planting season. All landscaping shall be maintained in a healthy condition at all times. Dead plant materials shall be removed within a reasonable time and replaced during the normal planting season.

27. The final elevation of the Property after completion shall not exceed 320 feet above mean sea level (MSL). Such final elevation point of 320 feet MSL shall be at least ¼ mile from any residence not owned by the applicant.

28. A video surveillance camera shall be provided at the scale house for the purpose of monitoring the waste entering the Property. Video recordings shall be retained for four months and copies shall be made available to Henrico County upon request.

29. The rate of waste intake shall be limited to 2,500 tons per day average and 3,500 tons per day maximum as approved by DEQ in 2009.

30. The Applicant shall comply with the Odor Management Plan as required and approved by DEQ on November 4, 2010 as it may be amended.

Gloria L. Freye, Esq.
June 28, 2013

CUP2013-00014
Page 4

31. No additional waste disposal areas shall be developed within the Property beyond those reflected on Exhibit B.

32. Wood shall not be stockpiled or shredded in the Dominion Virginia Power easement.

The Board granted the request because it found the proposed use will be in substantial accordance with the general purpose and objectives of Chapter 24 of the County Code and will not have any substantial detrimental impact on neighboring property.

The rules of the Board provide that this approval must be acted upon by June 27, 2014, or it becomes void. You may comply with this requirement by obtaining and diligently pursuing all necessary permits or approvals.

Approval of this use permit satisfies only the requirements of the section of Chapter 24 of the County Code cited above. No assumptions should be made about compliance with other sections of the Code, nor should any commitments be based on this approval until the development or use of the property is approved by all agencies that regulate it.

When applying for all necessary permits, please refer to the case cited above.

Sincerely yours,


Benjamin W. Blankinship, Atty
Secretary

pc: The East End Landfill LLC

1 MINUTES OF THE REGULAR MEETING OF THE BOARD OF ZONING
2 APPEALS OF HENRICO COUNTY, HELD IN THE COUNTY ADMINISTRATION
3 BUILDING IN THE GOVERNMENT CENTER AT PARHAM AND HUNGARY
4 SPRING ROADS, ON THURSDAY, JUNE, 27 2013 AT 9:00 A.M., NOTICE
5 HAVING BEEN PUBLISHED IN THE RICHMOND TIMES-DISPATCH JUNE 10,
6 2013, AND JUNE 17, 2013.

7 Members Present:

R. A. Wright, Chairman
James W. Nunnally, Vice Chairman
Greg Baka
Gentry Bell
Helen E. Harris

Also Present:

David D. O'Kelly, Jr., Assistant Director of Planning
Benjamin Blankinship, Secretary
Paul Gidley, County Planner
R. Miguel Madrigal, County Planner

8
9 Mr. Wright -

Mr. Blankinship, would you read our rules, please, sir.

10
11 Mr. Blankinship -

Good morning, Mr. Chairman, members of the Board, ladies and gentlemen. The rules for this meeting are as follows. Acting as secretary, I will announce each case. And as I'm speaking, the applicant should come up to the podium. Then we will ask everyone who intends to speak to that case to stand and be sworn in. Then the applicant will speak. Then anyone else who wishes to speak will be given the opportunity. And after everyone has had a chance to speak, the applicant and only the applicant will have an opportunity for rebuttal. After the Board has heard all the comments on the matter and asked any questions, they'll take that case under advisement and proceed with the next case on the agenda. They will render all of their decisions at the end of the meeting. So if you wish to know their decision on a specific case, you can either stay until the end of the meeting, or you can check the Planning Department website—we get it updated within about an hour of the end of the meeting—or you can call the Planning Department this afternoon.

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26 This meeting is being recorded, so we will ask everyone who speaks to speak directly into the microphone on the podium, state your name, and please spell your last name for us so we get it correct in the record.

27
28
29
30 And finally, there's a binder in the foyer containing the staff report for each case, including conditions that have been recommended by the staff. It's important to be familiar with those.

31
32
33
34 Mr. Wright -
35 withdrawals?

Mr. Blankinship. Are there any deferrals or

June 27, 2013

1915 staff has submitted. Can we get some clarification? Are you satisfied with that,
1916 Ms. Harris?

1917
1918 Ms. Harris - I think in every amendment that I questioned, we
1919 decided to go along with the County's proposal. So I don't see any difference,
1920

1921 Mr. Wright - So the County ones would be the ones we would
1922 consider.
1923

1924 Ms. Freye - Yes sir. The applicant has reviewed them and is in
1925 agreement with those.
1926

1927 Mr. Wright - Thank you. Any further questions of Ms. Freye? All
1928 right, Ms. Freye. Now we'll hear from the opposition. Does anyone here desire to
1929 speak in opposition to this request?
1930

1931 Mr. Nelson - Good morning, Mr. Chair and Board, Mr. Blankinship.
1932 My name is Tyrone Nelson, 1448 Village Field Drive, a resident of Varina District.
1933 I also serve on the Board of Supervisors for the Varina District as well.
1934

1935 I feel like maybe this is a moot point at this point. I feel like I'm at a big camp
1936 meeting and you are all ready to grab hands and sing Kumbaya. I am maybe one
1937 of the few people who does oppose this expansion. I want to read something out
1938 of the Henrico County code.
1939

1940 If it should find, after the hearing, that the proposed establishment
1941 or use will not adversely affect the health, safety or welfare of
1942 persons residing or working on the premises or in the
1943 neighborhood, nor unreasonably impair an adequate supply of light
1944 and air to adjacent property, nor increase congestion in the streets,
1945 nor increase public danger from fire or otherwise unreasonably
1946 affect public safety, nor impair the character of the district or
1947 adjacent districts, nor be incompatible with the general plans and
1948 objectives of the official land use plan of the county, nor be likely to
1949 reduce or impair the value of buildings or property in surrounding
1950 areas, but that such establishment or use will be in substantial
1951 accordance with the general purpose and objectives of this
1952 chapter, the board shall grant the exception and authorize the
1953 issuance, by the secretary of the board, of a special use permit.
1954

1955 That's Henrico County code's language. From what I understand today, we're
1956 here talking about expansion. As I think Ms. Harris indicated, and you guys have
1957 asked the question as well, there is different conversation as it relates to
1958 numbers. From what I understand, we're talking about expansion of the fillable
1959 space from 47 acres to 74 acres. I met with TEEL representatives, none of which
1960 are here today, a few days after being elected in November 2011 at Senator

1961 McEachin's office, who was our 9th District senator. He, myself, and about ten
1962 residents, and some TEEL representatives. And we had an opportunity to sit
1963 down and talk about many of the issues and concerns that have happened over
1964 the past two or three years. And we received from them—and this was in
1965 November 2011—pretty much a verbal confirmation that this landfill only had
1966 about three years of life expectancy left and that they were doing what they could
1967 to make sure that the site was cleaned up and would be a good neighbor. I think
1968 now we're talking about an expansion that, you know, from the words of
1969 Ms. Freye, could, at a minimum, expand ten years or, at a maximum, seventeen,
1970 eighteen years. So that's what I understand you guys to be here today seeking to
1971 approve.

1972
1973 My thought is before granting this type of conditional use permit, the BZA has to
1974 find that the proposed expansion would do four things. First of all, it would not
1975 adversely affect the public health, safety, or welfare. Second, will not increase
1976 congestion in the streets. Third, will not impair the character of the district or
1977 adjacent districts. Fourth, will not reduce the value of property in surrounding
1978 areas. We've heard justification for those who are in support of how these things
1979 will not adversely impact or increase or impair or reduce. Now I come to share a
1980 few things that I think may, on the opposition side, lead hopefully to some
1981 thought from your side.

1982
1983 First of all—and I've not heard this during this sharing. Between 2007 and 2011,
1984 this landfill pretty much was an environmental disaster area. The DEQ fined
1985 TEEL \$100,000, which is the maximum amount allowed by law. The County
1986 Environmental Services Division issued several notices to comply and one stop
1987 order. The TEEL group poured approximately 100,000 cubic yards of coal ash
1988 onto the property. They had permission from the state to use some small
1989 amounts, but they abused that permission and piled it up into a mountain, which
1990 I'm sure many—or at least a few of the residents who are here today, who will
1991 speak in opposition will speak about. Coal ash was allowed to blow in the wind,
1992 and no one knows to the extent that it contaminated the soil and the
1993 groundwater.

1994
1995 There were also complaints about odor, which needless to say we will—I'm not
1996 here to speak about the odor because clearly the odor could have come from the
1997 landfill not too far away from TEEL. But there was a fire that was not handled
1998 correctly, and there were some other violations.

1999
2000 Now, to their credit, I will say this, and I'll look these guys in the eye, I met with
2001 both of those guys. Since I started to serve in January 2012, I've been to the
2002 facility several times. We've met. I do think that over the last eighteen months
2003 they've done a great job of trying to correct or maintain the facility. So I want to
2004 let you know that we do appreciate that. You have over the last year and a half
2005 done the best that you can to be good neighbors. My question is for those—and I
2006 represent over 60,000 people—I can't stand here and say that one year of

