



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

TIDEWATER REGIONAL OFFICE

5636 Southern Boulevard, Virginia Beach, Virginia 23462

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Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

Francis L. Daniel
Regional Director

June 10, 2010

Mr. Rowland L. Taylor
Executive Director
Southeastern Public Service Authority of Virginia
Regional Landfill
723 Woodlake Dr
Chesapeake, VA 23320

Letter of Agreement

**Re: Warning Letters dated February 24, 2010
Air Registration #61341**

Dear Mr. Taylor:

As we have discussed, this Letter of Agreement between Southeastern Public Service Authority of Virginia (SPSA) and the Department of Environmental Quality (DEQ) proposes a schedule to address alleged violations of Virginia Air Pollution Control Law. By signing both originals and returning one original to this office by **June 15, 2010**, you accept and agree to the terms of this Letter of Agreement.

I. Described below are the events leading up to this Letter of Agreement:

1. SPSA operates the permitted solid waste regional landfill at 1 Bob Foeller Drive, Suffolk. The landfill is in the vicinity to the northwest of Rt 337 Nansemond Parkway and bordered to the southeast by Rt 13/460 Portsmouth Blvd.
2. Complaints of objectionable odor have been received by DEQ since October 2009 from approximately 40 residents in the Nansemond Parkway area, including neighborhoods known as Woodlake, Woodlake North, Cedar Lake, and Beamon's Pond. The complainants described the odor as rotten egg, garbage, and plastic.

3. On February 3, 2010 and February 12, 2010, DEQ Tidewater Regional Office Staff conducted odor complaint investigations in the Nansemond Parkway area, including neighborhoods Woodlake, Woodlake North, Cedar Lake, and Beamon's Pond where the majority of the odor complaints have originated. During these investigations, DEQ staff encountered strong odors on Nansemond Parkway and neighborhoods that DEQ staff classified as objectionable.
4. Based upon the odor complaint investigations on February 3, 2010 and February 12, 2010, DEQ staff concluded by sense of smell that the SPSA Regional Landfill was the predominant source of the objectionable odors in the Nansemond Parkway area, including the neighborhoods known as Woodlake, Woodlake North, Cedar Lake, and Beamon's Pond.
5. The odor compliant investigations on February 3, 2010 and February 12, 2010 resulted in a Warning Letter being issued to SPSA on February 24, 2010. The Warning Letter advised SPSA of the observations made during the odor complaint investigations and regarding compliance with the Virginia Regulations for the Control and Abatement of Air Pollution regarding the standard for odor.
6. **Virginia Regulations for the Control and Abatement of Air Pollution 9 VAC 5-40-140 :**

Standard for Odor

No owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any emissions which cause an odor objectionable to individuals of ordinary sensibility.

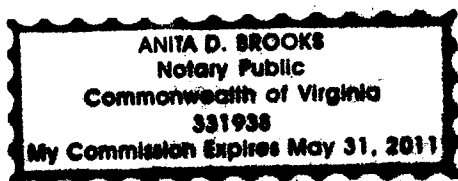
II. DEQ received a response letter on March 15, 2010 from SPSA to the February 24, 2010 Warning Letter. In the response letter, SPSA provided actions SPSA was taking to address the issues listed in the Warning Letter and to prevent future violations. To that end, SPSA and DEQ have agreed upon the following schedule of corrective action:

1. SPSA will follow the revised odor control plan, attached to this Letter of Agreement, enclosed with the March 15, 2010 SPSA response to the Warning Letter. With regard to the SPSA landfill gas collection systems, the vertical wells in Cell VI A will be installed and operational by October 1, 2010.
2. By June 15, 2010 submit a gas management plan update pursuant to the Solid Waste Management Regulations 9 VAC 20-80-280 and Solid Waste Permit #SWP 417.
3. SPSA will cover trash at a frequency and depth greater than required by Virginia Solid Waste Management Regulations (9 VAC 20-80 *et seq.*) until the wells described above in Section II(1) are operational.
4. SPSA will continue to operate with a reduced working face on Cell VI at until the wells described above in Section II(1) are operational.

5. SPSA will operate on an as needed basis an odor neutralizing system until the vertical wells described above in Section II(1) are operational.
6. After installation and operation of wells described in Section II(1) above, DEQ will re-evaluate the occurrence of objectionable odors emanating from the SPSA Regional Landfill. Based on the findings, (i) SPSA at DEQ's discretion shall install additional gas extraction wells in Cell VI B, and (ii) DEQ and SPSA shall consider additional actions that may be required.
7. In the event SPSA determines it will be unable to complete the actions as provided in the above paragraphs, or they are delayed, SPSA shall conduct the following:
 - a. Notify DEQ within 3 business days of this determination; and
 - b. Submit to DEQ within 7 business days of this determination a revised schedule for the actions provided in the above paragraph numbers 1 and 5.

This Letter of Agreement is neither a case decision under the Virginia Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, nor an adjudication.

Thank you for your cooperation. Please address any questions you have regarding this Letter of Agreement to me at (757) 518-2006.



Sincerely,

A handwritten signature in black ink, appearing to read "Troy D. Breathwaite".

Troy D. Breathwaite
Air Compliance & Monitoring Manager

Enclosure

cc: Milton Johnston, Waste Compliance Manager

File

Seen and agreed:

_____ Date

Commonwealth of Virginia

City/County of Chesapeake

A handwritten signature in black ink, appearing to read "Rowland Taylor".

_____ Name

The foregoing document was signed and acknowledged before me this 14th day of

June, 2010, by Rowland Taylor, who is

Executive Director on behalf of SPSA.
(Title)

Anita D Brooks
Notary Public

My commission expires: May 31, 2011