

Second Amendment Sanctuary

Proposed Resolution

RESOLUTION
DECLARING LUNENBURG COUNTY
AS A
SECOND AMENDMENT SANCTUARY

WHEREAS, the Second Amendment of the United States Constitution reads: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed," and,

WHEREAS, Article 1, Section 13, of the Constitution of Virginia provides "that a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state, therefore, the right of the people to keep and bear arms shall not be infringed; that standing armies, in time of peace, should be avoided as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power;" and,

WHEREAS, certain legislation introduced in the 2019 session of the Virginia General Assembly, and certain legislation introduced in the current session of the United States Congress could have the effect of infringing on the rights of law-abiding citizens to keep and bear arms, as guaranteed by the Second Amendment of the United States Constitution; and,

WHEREAS, the current Governor of Virginia has stated that he intends to endorse and pass into law legislation that is unconstitutional as it pertains to the rights enumerated in the US & Virginia Constitution.

WHEREAS, the Lunenburg County Board of Supervisors is concerned about the passage of any bill containing language which could be interpreted as infringing the rights of the citizens of Lunenburg County to keep and bear Arms or could begin a slippery slope of restrictions on the Second Amendment rights of the citizens of Lunenburg County, and,

WHEREAS, the Lunenburg County Board of Supervisors wishes to express its deep commitment to the rights of all citizens of Lunenburg County to keep and bear Arms; and,

WHEREAS, the Lunenburg County Board of Supervisors wishes to express opposition to any law that would unconstitutionally restrict the rights under the Second Amendment of the citizens of Lunenburg County to bear arms; and,

WHEREAS, the Board wishes to express its intent to stand as a Sanctuary County for Second Amendment rights and to oppose, within the limits of the Constitution and the laws of the United States and the Commonwealth of Virginia, any efforts to unconstitutionally restrict such rights, and to use such legal means at its disposal to protect the rights of the citizens of Lunenburg County, Virginia, to keep and bear arms, including through legal action, petition for redress of grievances, and not enforcing any law ruled unconstitutional.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF LUNENBURG COUNTY, VIRGINIA, that:

1. Lunenburg County is hereby declared a Second Amendment Sanctuary County, wherein the rights of law abiding citizens to keep and bear arms for the purposes of lawful self-defense, community defense, sport shooting, game hunting, and gun collecting as protected by the United States and Virginia Constitutions, is part of the fabric of the community since before the founding of the Republic, and is and must be respected, celebrated, and upheld; and,
2. Lunenburg County urges the General Assembly, the United States Congress, and other agencies of State and Federal government not to adopt, accept, or enact any provision, law, or regulation that may infringe, have the tendency to infringe, or place any additional burdens on the rights of law abiding citizens to bear arms; and
3. Lunenburg County expresses its intent to continue to take lawful actions to protect and support the rights of its citizens to keep and bear arms as guaranteed by the United States and Virginia Constitutions, and not to aid in unconstitutional efforts to restrict these rights; and,
4. Lunenburg County opposes, in particular, any provision, law or regulation that may impose additional regulatory burdens on its citizens or result in mandates, whether mandatory or practical, to expend additional public funds on enforcement or administration of such laws, or to require the constitutional officers of the locality to do so; and,
5. The County Administrator is directed to cause true copies of this resolution to be forwarded to the County's representatives in the General Assembly and the United States Congress and to the Governor of Virginia; and,
6. This resolution is effective upon adoption.

Adopted this _____ day of _____, 2019.

BY:

 Charles R. Slayton, Chairman
 Lunenburg County Board of Supervisors

ATTEST: _____

	Aye	Nay	Abstain	Absent
Charles R. Slayton	—	—	—	—
Robert Zava	—	—	—	—
Edward Pennington	—	—	—	—
Wayne Hoover	—	—	—	—
Frank Bacon	—	—	—	—
Alvester Edmonds	—	—	—	—
Mike Hankins	—	—	—	—

BOARD OF SUPERVISOR MEETING
LUNENBURG COUNTY CONCERNED CITIZEN
SECOND AMENDMENT SANCTUARY RESOLUTION REQUEST

December 5, 2019

RECAP OF SANCTUARY RESOLUTION REQUEST

On November 14, 2019, the Board of Supervisors (BOS) held its regularly scheduled meeting at the Lunenburg County Courthouse on the 2nd floor at 6pm. During the meeting several citizens including Mr. Terry Rutledge, Mr. Joseph Pascal and Mr. Jeff Watts made statements in support of a request to make Lunenburg County a Sanctuary County of the 2nd Amendment as reports of other counties have adopted such a resolution.

Mr. Rutledge made an impact statement on upcoming/proposed gun control legislation as it pertains to the 2nd Amendment and what he believes it means for the citizens of Rural America. He began by stating as of November 5, 2019, when the Democratic Party gained control of the General Assembly and Governor Northam proposed plans to reintroduce gun control; the government was trying to take away the right to bear arms. He recited the following proposed items:

1. Background Checks for selling or trading fire arms
2. Legislature on banning dangerous weapons to include assault weapons
3. Banning bump-stocks in the south
4. Legislature to reinstate VA law of one hand gun purchase in a 30 day period
5. Legislature requiring lost and stolen weapon to be report to the police within 24 hours.
6. Legislature creating an extreme risk protection order allowing law enforcement and the courts to temporary separate a person from the fire arm if that person exhibits dangerous behavior or represents an immediate threat to self or others
7. Legislature for punishment for allowing access to an unsecured fire arm by a child from Class 3 misdemeanor to a Class 6 Felony and that raises the age of child from 14 to 18.
8. Legislature to regulate fire arms in municipal buildings libraries and government facilities.

He stated after reading the above "if any of these proposed items would keep a gun out of a criminal's hand he would be in favor of them, these do nothing except infringe on the law." He stated criminals don't follow the law and it's his hope that Lunenburg would vote to adopt the Sanctuary Resolution presented by him as it has been by other counties.

Mr. Joseph Pascal then followed with a statement of **"Folks make no mistake tyranny is coming. I also urge the citizens in this room to form Lunenburg militia because I feel we may soon be called to defend these rights"** and **"as for me give me liberty or give me death"**.

Mr. Jeff Watts reiterated Mr. Rutledge's statement the "Governor plans to move forward to disarm this nation." He believes the 2nd amendment protects citizens from the government. He further went on to say "No law abiding citizen has ever committed murder, if you want to put an end to gun violence lock up that criminal"

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OBSERVATIONS AND CONCERNS

I stand opposed to adopting/approving the proposed resolution to make Lunenburg County a Sanctuary County for the 2nd Amendment. The information presented at the meeting in reference to law abiding citizen vs. citizens that intentionally commit crimes and the intention of the proposed legislation on gun control was skewed. We are a county in Virginia that is a part the Unites States of American and the Constitution is a governing document created during the founding years of this country. We are required to follow, uphold and adhered to the laws, policies and codes set forth by our governing body. We will be required to do so if and when any legislation of gun control is adopted and set as law.

It is unnerving to hear the misrepresentation of information on the intention of the proposed legislation for gun control. It has been presented as an attack on the citizens of this state. In today's society the turn of events with gun violence has taken on a new meaning that has introduced the following law abiding citizens turning criminal by one act or more:

1. Children killing children school shooting and public places (criminal)
2. Suicide adult and children (criminal)
3. Mentally challenged citizens known and unknown use of fire arms (criminal)
4. Perfect law abiding citizen reacting impulsively to negative events (criminal)
5. Referred language criminal: those who intentionally plan/committed a crime in the commission of using a handgun/firearm (emphasized by speaker criminal)

When the gentlemen stated take the guns from the criminals that commit crimes law abiding citizens were not taken into consideration. The issue includes all citizens and not just people we dub as "criminals." It will not be resolved by targeting a specific group of citizens.

Mr. Pascal gives me cause to pause, in his statement to incite a revolution encouraging the citizens to start a militia in Lunenburg County. This type of rhetoric has a cause and effect that we are not positioned to handle if citizens of Lunenburg turn on other citizens of the county. I personally take it as a threat to my way of living and safety. Why would the BOS consider this message to be reasonable or responsible as elected official that serve to represent and ensure the safety of all county residents. I witness some of the members of the board in favor of possibly break the law and go against the Constitution in which they took an oath to uphold and obey the law and abide by the Constitution and governing bodies.

I recognized several of the BOS members were quick to acknowledge support the resolution without consideration of the legal ramifications for our county and our residents. I am disappointed in the lack of consideration of all citizens and due process of gathering more information prior to responding in acknowledgement of support of this resolution. Mr. Rennie made the soundest suggestion to review the language and to confirm legal ramifications prior to discuss or making a decision on the resolution.

Mr. Bacon as my representative I impress upon you to vote no on the adoption of this request.

Below I have listed the upcoming proposed legislation for gun control for your viewing and to ensure you have the correct information on the intent the legislation.

Thank you for reviewing this information and for considering my stand on this proposed request.

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CURRENT STATE LEGISLATURE

- **SB 13** Capitol Square; possessing or transporting a weapon within Square, penalty.
 - **SB 14** Trigger activators; prohibition, penalty.
 - **SB 15** Weapons; carrying into building owned or leased by the Commonwealth, penalty.
 - **SB 16** Assault firearms and certain firearm magazines; prohibiting sale, transport, etc., penalties.
 - **SB 18** Firearms; criminal history record information checks, age requirement, penalty.
 - **SB 70** Firearm transfers; criminal history record information check, penalty.
 - **SB 71** Firearms; possession on school property.
 - **SB 75** Minors; allowing access to firearms, penalty.
 - **SB 76** Protective orders; possession of firearms, penalty.
-

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**Conditional Use Permit Modification -
CFS/Meridian Waste Landfill C.U.P.**

CONDITIONAL USE PERMIT

I. Concerns from Public:

1. Health issues: working with DEQ and County to insure no health issues for public and employees.
2. Safety concerns: Intersection of Hardy Road and Route 40/49 at Courthouse. County will work with VDOT to improve intersection, including flashing lights.
3. Recycling: P.42 of Host Agreement – Recycling will be made available to County residents at landfill and at all convenience sites.
4. Hazardous waste collection: None allowed by CUP and Host Agreement.
5. Odor management: Daily cover will resolve this issue.
6. Financial concerns: Performance of CUP and Host Agreement guaranteed by Bond and Meridian Waste.
7. Origination of Waste: Same as in current CUP: VA, NC, MD, NJ, PA, and DE (household trash only from PA, NJ and DE).

II. Patricia Tunley: Answers to questions in her letter to Board of Supervisors

1. The current CUP was developed in 2013 and modified in 2015. The vast majority of the conditions for the 2019 CUP stay the same. It is estimated that 95% of the 2013 CUP will be the same as for the 2019 CUP.
2. The Host Agreement has guarantees of performance which is backed up by a Performance Bond with a nationwide bonding company and a cash bond that will be capitalized at \$1.5M. Also, the county performs inspections 3-4 times per week and the Virginia DEQ inspects once a month for compliance.
3. The new landfill cell will be “piggybacked” with another cell to maximize the life of the landfill to 30 years.
4. The leachate plan is prepared by CFS and administered and enforced by DEQ.
5. The leachate report is generated by CFS and provided to Virginia DEQ and Lunenburg County.

6. CRT is considered a hazardous substance and is not accepted at landfill.
7. Leachate storage is provided by CUP and Host Agreement. Read ¶ 2.7.8 on P. 12—CUP. A leachate tank is ordered and should arrive soon.
8. Air quality is monitored 3-4 times per week by Lunenburg liaison and each month by Virginia DEQ. Additionally, the CUP calls for daily cover to minimize smell and vectors.
9. The County will monitor/inspect the landfill 3-4 times per week using the County landfill liaison employee (Carl Ashworth). This monitoring is done by a Lunenburg employee and will continue through the life of the landfill.
10. There is no county height ordinance for waste height.
11. The County will work closely with DEQ to insure compliance is met.
12. There is a county wide disaster plan in place in coordination with the fire and rescue services in Lunenburg.
13. Additional waste will come from same places as found in the current CUP.

III. Abernathy and Deborah Gibbs:

1. Environmental issues: Violations of state and county environmental regulations will be enforced by County and DEQ officials. A bond and corporation guaranty has been put in place to ensure strict performance of all county and DEQ regulations.
2. Road Maintenance: Road maintenance and debris cleanup is directed in the CUP. This must be coordinated with VDOT.
3. Daily Cover: The CUP has a mandatory daily cover of all waste. This will prevent vectors and smell from being an issue at the landfill.
4. Property Devaluation: Property devaluation is all addressed as a remedy in the CUP. Available to any landowner within ½ mile of the landfill.
5. Water Testing: Water quality testing can be initiated by the landowner. Changes have been made to CUP to address this issue.
6. Hazardous Waste: There is no hazardous waste accepted at the landfill. This is monitored by CFS staff, the County staff and DEQ.

IV. Mr. Francis:

1. Overnight Parking: No parking overnight in Lunenburg County except on Landfill property.
2. Hazardous Waste: Trash coming in is monitored and inspected. No hazardous waste is accepted at the landfill.
3. Mud and Littering: New paved road going into landfill will reduce or eliminate mud or dirt on roadway.
4. Petersburg Landfill: Petersburg landfill issues will not occur at Lunenburg because Bond and Corporate Guaranty will insure performance of Conditional Use Permit and DEQ regulations.
5. Parking in Road: No parking in road or contractor will be ticketed by Sheriff and State Police. Nothing has been reported recently.
6. Dumpster at Landfill: County will work with CFS to have dumpster available during times landfill is open Monday-Saturday and on Sunday. This is a requirement of the CUP.
7. Queuing at Landfill: No queuing on public property, public roadways or private property.

LUNENBURG COUNTY CONCERNED CITIZENS PETITION AGAINST
PLANNED LANDFILL EXPANSION

Board of Supervisors Meeting

November 19, 2019

ISSUE OF CONCERN

On November 14, 2019, the Board of Supervisors held its regularly scheduled meeting at the Lunenburg County Courthouse on the 2nd floor at 6pm. During the meeting a report was given by Mr. Rennie, county attorney on the CFS/Meridian Conditional Use Permit request and proposed modifications to the current agreement. During his report the following information was provided.

CFS has had full ownership and operation of the site since February 2013 working under a host agreement with the county. The agreement allows CFS to bring in rubbish from Delaware, New Jersey, and Pennsylvania. CFS has requested a modification to both the permit (which deals with the rules and regulation from the county stand point) and host agreement (which deals with the financial aspects.)

Mr. Rennie advised he would provide information only to the proposed modification as per the landfill committee which consists of Mr. Zava, Mr. Edmonds, Mr. Slayton, Mr. Millican and Mrs. Gee. The group has met at least 10 times with CFS/Meridian to discuss the proposed modification. Those modifications which consist of the following:

Permit Modifications

1. Increase current amount of tonnage from 1,000 tons daily to 1,500 tons daily
2. Increase current hours of operation by one hour in the evening from 6am – 6pm to 6am – 7pm
3. Increase current pile size of 584ft to 790ft and additional 206ft

Host Agreement Modification (50-60 page document)

4. Increase current tonnage fee from \$1.14 per ton to \$2.00 per ton
5. Add a provision that within two years CFS/Meridian may request to increase tonnage from proposed 1,500 to 2,000 at an additional cost of a onetime payment of \$100,000 (for the roads) and a tonnage fee increase of proposed amount of \$2.00 to \$2.50
 - a. Upon review of compliance, Conditional use Permit, timely payments and Community donation.
6. CFS/Meridian proposes to cover legal cost of creating documents for the county up to \$60,000
7. Annual contributions currently at \$50,000.00 will increase to \$75,000.00 if the tonnage is increased to 2,000 tons.
8. County will increase insurance to meet the insurance requirement placed by DEQ
9. Establish and publish routes considered to lessen the amount of traffic via Crewe/Kenbridge and those routes will be published. (Traffic count conducted by VDOT on Orals Oaks Road and Old Mansion Road has shown little increase.)
10. There will be no overnight parking unless on landfill grounds

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IMPACT STATEMENT

I stand opposed to the modifications of the conditional use permit and host agreement as currently proposed with increased daily tonnage and height increase. I have the following concerns, but not limited to: health issues, air quality, odor control, road erosion, unknown hazardous waste, server compliance issue per DEQ from previous site. In regards to my statement I strongly urge the Board of Supervisors and the Planning Commission to keep the current agreement in place until CFS/Meridian has resolved their issue with the previous site and DEQ.

In addition to the listed concerns I have the following questions in reference to the proposed modifications.

QUESTIONS

1. Why modify the existing permit instead of presenting a new Conditional Use Permit?
2. What measures are being added to the host agreement to ensure policies and regulations will be enforced?
3. Why is there a need to increase the pile height?
4. What is the current leachate plan for the site and how will the new modification effect the plan required by Virginia Code 9VAC20-18-210?
5. Was there a report provided on the anticipated leachate generation at the end of five year increments of operation as it has been a seven year operation as required by Virginia Code 9VAC20-18-210.
6. Are cathode ray tubes (CRT) being accepted at the site and if so, is there a CRT recycling program set up at the site
7. Is there a plan for onsite leachate storage or treatment systems including system appurtenances for storage, pretreatment or treatment of leachate from the facility as required by Virginia Code 9VAC20-18-210?
8. If the height of the pile is allowed, how will the air quality be monitored?
9. How often will the site be monitored by the county and are there resources (manpower/funding) to monitor the site for the duration of the host agreement?
10. Does the county have a height ordinance and if so, would the increased height meet that requirement?
11. Will the county work closely with DEQ to ensure compliance is met?
12. What provisions have been discussed or made for disaster / health concerns?
13. Where will the additional rubbish come from as we currently receive rubbish from three other states?
14. What does CFS/the County offer the residents that live adjacent to the facility for property damage?

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LUNENBURG COUNTY LANDFILL
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CONDITIONAL USE PERMIT FOR LUNENBURG COUNTY LANDFILL

1.0 PERMIT BACKGROUND AND DESCRIPTION

RWG5, LLC (“Permittee”) owns and operates the Lunenburg County Landfill, identified as Sanitary Landfill Permit Number 544 (“Landfill”), by the Virginia Department of Environmental Quality, Department of Land Protection and Revitalization. (“VDEQ”). The property owned and operated by Permittee includes all previously filled areas, currently permitted areas, and any future operations permitted with VDEQ. For the Permittee, to operate the Landfill, the Permittee must obtain a Conditional Use Permit (“CUP”).

The Permittee is currently operating under a CUP dated February 14, 2013, with modifications made August 13, 2015 issued by the Lunenburg County Board of Supervisors (“Lunenburg”). In 2019, Permittee made application to Lunenburg to modify the 2013 CUP (and associated modifications). This CUP is intended to replace the 2013 CUP (and associated modifications).

The Permittee also has entered into various Agreements with Lunenburg County, including a Host Agreement in 2013, and a revised Host Agreement in conjunction with the application for this 2019 CUP. All requirements as set forth in those Agreements shall be complimentary to and not in contradiction with the requirements and conditions contained herein.

In addition, the Permittee is performing certain responsibilities relative to waste collections and recycling in the County. These responsibilities are identified below.

The following document outlines the requirements of the CUP.

1.1 Location

The Landfill is in Lunenburg County, Virginia (“the County”) located on Route 659 (Old Mansion Road), approximately 4.5 miles south of the Town of Victoria and approximately 7 miles southwest of the Town of Kenbridge. Coordinates for the facility are as follows: Latitude 36°55’29”N and Longitude 78°14’40”W.

1.2 Permit Background and Existing Conditional Use

The Lunenburg County Landfill occupies approximately 196.87 acres per Lunenburg County Online Tax Parcel System, or approximately 199.29 acres per boundary survey performed by Lowe Engineers, dated November 2, 2018. The property is comprised of three parcels (045-0A-0-36, 045-06-0-5A). The existing landfill is located on property zoned A-1 (agricultural district) and the property has operated as a municipal solid waste (MSW) landfill for over 40 years when Solid Waste Permit No. 227 was initially issued to Lunenburg County on July 1, 1977. The Solid Waste Permit was re-issued in 1992 as Permit No. 544, which incorporated Permit No. 227, RWG, LLC took over operation of the landfill from the County in February 2013.

The existing CUP approves the entire 199 acres within the property boundary for waste disposal and landfill support operations, including buffers, sediment ponds, leachate storage, and borrow areas, among others. Currently, approximately 100 acres of the total 199 acres are already developed for waste disposal and landfill support operations. Once the site is fully developed, approximately 135 acres will be dedicated for waste disposal. Key components of the permit and full documents may be reviewed at the County offices or obtained through VDEQ upon filing the appropriate Freedom of Information Act request.

1.3 Conformance to the Solid Waste Management Plan

The County has an approved Solid Waste Management Plan (Plan). Increases in capacity and changes in daily tonnages and/or other material changes to the solid waste system in the County require that the plan will be updated. The County, as the planning region, will hold the Plan as a public document. Revisions to the Plan require public comment. The County shall have the authority to review and approve the changes to the Plan. Failure of approval of the Plan may delay permit approval by VDEQ.

1.4 Accessory Uses

The primary focus of the CUP is the operation and post closure care of a sanitary landfill as defined by 9VAC20-81. No accessory uses shall be allowed at the Landfill unless specifically outlined in this CUP or as may be approved by the County at a later date. The Permittee may use the Landfill property for the following uses provided that all appropriate permits (including County site plan approval) are received for the operations:

- ◆ Placement of signs to direct operations and traffic flow;
- ◆ Maintenance facilities of up to 5 bays with appropriate vehicle storage facilities and fluids management;
- ◆ Wastewater treatment facility to handle leachate from the Landfill (no other wastewaters may be treated in this facility);
- ◆ Constructed wetlands for storm water management;
- ◆ Landfill gas to energy system or active gas collection and flare system; and/or
- ◆ Recycling collection center or material recovery facility.

2.0 LANDFILL OPERATIONS

Landfill operations as used in this CUP include design and permitting, construction, environmental compliance, closure and post closure care, financial assurance obligations and all other activities associated with the ownership and operation of a sanitary landfill. These activities are regulated under the Virginia Solid Waste Management Regulations (9VAC20-81 et seq) which are overseen by the Virginia Department of Environmental Quality, Division of Land Protection and Revitalization (VDEQ). These regulations are based on the Federal Regulations (aka Subtitle D) and Title 40, Code of Federal Regulations (CFR). As such the Virginia regulations can be more stringent but not less stringent than the federal regulations. In addition, if the federal regulations are revised, the VSWMR will also be revised. Hence the Permittee is governed by the VSWMR and Title 40, CFR as well as a host of additional regulations which

support landfill operations. The term "Regulations" will be used to address all laws and regulations associated with any aspect of the operation of a landfill in Virginia or ancillary facilities and is therefore global in context. As the Regulations are updated, modified, renumbered and revised, the updated Regulation shall supercede any Regulation quoted in this Conditional Use Permit. **Any violation of these Regulations shall be considered a violation of this Conditional Use Permit.**

The County may add its own restrictions or conditions to the requirements of landfill operation. These restrictions may be more stringent than the Regulations. The County's modification of one section of a Regulation does not impact the other Regulations which will remain in full force.

2.1 Compliance

The Permittee shall at all times maintain compliance with all governing regulations and with additional conditions of this CUP in order to be considered to be in compliance with the CUP. Failure to comply with the regulations or this CUP will subject the Permittee to the enforcement provisions of this CUP.

2.2 Waste Requirements

2.2.1 Acceptable Waste

Permittee has obtained the necessary state and federal permits to accept "municipal solid waste," "agricultural waste," "debris," "construction waste," "demolition waste" and "inert waste" as such terms are defined by VDEQ. Permittee is not obligated to accept for disposal any material not allowed for disposal by its permits from VDEQ. Permittee may refuse to accept any waste which does not conform to any applicable law, regulation, rule or permit condition, or that is hazardous or toxic, even if only part of the waste load is nonconforming. Acceptable waste shall include:

- ◆ "Industrial waste" as such term is defined by VDEQ; provided, however, that such industrial waste accepted in any one day does not exceed 500 tons (not including industrial waste originating in Lunenburg).
- ◆ Waste that has originated in (i) Virginia, North Carolina, the District of Columbia and the Maryland suburbs of the District of Columbia, namely Prince George's, Charles, Frederick, Howard and Anne Arundel counties; and (ii) curbside trash or municipal solid waste that has originated from accounts serviced by Container First Services (or their affiliates) in Delaware, New Jersey and Pennsylvania. This material will be non-hazardous and contain no regulated medical waste.

2.2.2 Unacceptable Waste

- ◆ Permittee shall not accept for disposal in the landfill any of the following Unacceptable Wastes ("Unacceptable Wastes"):
 - Any solid waste not within the categories above;
 - Any "infectious waste" or "radioactive waste," as such terms are defined by federal and state statutes and regulations;
 - Any material which is toxic, pathological, highly flammable,

- explosive or otherwise reasonably determined to be dangerous;
- Any material the disposal of which in the landfill would violate applicable federal or state laws, rules, regulations or permits;
- Any “hazardous waste” which shall be deemed to be: (i) any waste defined as “hazardous waste” by Section C of the Resource Conservation and Recovery Act, (ii) any waste defined as “hazardous waste” by DEQ’s Hazardous Waste Management Regulations, or (iii) solid waste, which because of its quantity, concentration, or physical, chemical or infectious characteristics, in the reasonable opinion of qualified health officials may cause or significantly contribute to an increase in serious irreversible or incapacitating reversible illness or pose a substantial present or potential hazard to human health, the landfill or the environment when treated, stored, transported, disposed of or otherwise managed;
- Any non-hazardous domestic irrigation return flows or industrial wastewatersludges not approved for disposal by DEQ regulations or industrial discharges which are point sources subject to permits under §402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880);
- Any nuclear or nuclear by-product material as defined by the Atomic Energy Act of 1954, as amended (86 Stat. 923), and
- Any material number of animal carcasses disposed of in a single day or any petroleum contaminated materials, without specific written approval by the County Administrator or her designee.
- No sludge (as defined by VDEQ regulations) will be accepted except for sludge that is currently accepted from the Towns of Victoria and Kenbridge.

2.3 Waste Generated in Lunenburg County

2.3.1 Residential Solid Waste

Permittee shall dispose of, without charge or cost to the County or its residents, all residential solid waste generated within the County by residents of the County and the Towns located within the County, which is delivered to the Landfill by individuals, by contractors hired by the County for collection from collection stations or by private haulers who certify that they have picked up only waste which is entitled to be disposed of without charge, pursuant to the above-stated conditions, or delivered by residents of the County to any of the collection stations to accept solid waste.

2.3.2 County Facility Generated Solid Waste

Permittee shall dispose of, without charge or cost to the County or its schools, all solid waste generated within the County by the County, its agencies, courts or offices or its public schools within the County, but not including Unacceptable Waste or waste which Permittee is entitled to refuse. This includes waste delivered to the Landfill by individuals or by private haulers who

certify that they have picked up only waste which is entitled to be disposed of without charge pursuant to the above-stated conditions.

2.3.3 Minimum Disposal Area for County's Solid Waste

Permittee shall maintain a prepared disposal area in the landfill sufficient to dispose of the County's solid waste required to be disposed of by Permittee.

2.3.4 Schedule

2.3.4.1 Permittee is currently obligated to accept the County's solid waste as described above and for the minimum disposal area.

2.3.4.2 Permittee's obligations to accept the solid waste described above shall terminate upon the last to occur of (i) Thirty (30) years from the effective date of this Conditional Use Permit or (ii) the date the life of the landfill has been exhausted.

2.4 **County Landfill Representative**

The County shall designate one or more County employees or contractors to be the County Landfill Representative(s) ("Landfill Liaison"), who shall have access to the Landfill and all operations as outlined below:

2.4.1 Access

Landfill Liaison shall have access to the landfill including all portions of the landfill and building thereon, at reasonable times and with reasonable notice while the landfill is in operation, during all construction and compliance activities, during the post closure care period and at any other times deemed to be in the best interest of the County. Landfill Liaison shall also be on site in response to any threat to human health or the environmental and will observe all actions taken by the Permittee to address the same.

2.4.2 Inspection of Incoming Loads

Permittee shall allow the Landfill Liaison to stop any vehicle entering the landfill and to inspect the same. Waste shall be delivered to the site in a form that allows inspection. Baled waste must either have the bales broken at the working face to allow for inspection or be certified to meet the acceptable waste criteria by the Permittee.

2.4.3 Inspection of Working Face and Operations

Permittee shall allow the Landfill liaison to inspect any face of any cell and to review all work undertaken at the landfill.

2.4.4 Record Review

Permittee shall provide to and allow review by the Landfill liaison all books, records, and logs kept in the landfill operating record relating to the operation of the landfill (except for financial records). Reasonable notice (not less than 2 hours) shall be given by the Landfill Liaison prior to review.

2.4.5 Compliance Monitoring

Landfill liaison shall observe all compliance monitoring events including but not limited to groundwater, storm water/surface water and landfill gas monitoring activities. This will include observation of all routine and scheduled events as well as any additional events required for compliance. The Landfill Liaison may determine that the County will obtain its own set of samples for verification testing. If such a determination is made, the Permittee will be notified 24 hours before the County will take such samples.

2.4.6 Waste Monitoring

Landfill liaison may take samples of waste proposed for disposal in the landfill at the gatehouse or on the face of the landfill at any time, without advance notice to Permittee.

2.5 Notifications, Record Keeping and Reporting Requirements

2.5.1 Notifications by Permittee

Landfill liaison shall be promptly notified by the Permittee if the Permittee is notified of its violation of any applicable law, regulation or permit condition.

2.5.2 Record Keeping

In addition to whatever records the Permittee must keep per the Regulations and/or for its business operations, the Permittee shall maintain the following records and make such available to the Inspector upon request: Type, weight and source of all solid waste received at the facility; deviations made from the plan of operation; construction certification documents; weekly fill plans for the landfill operations; any other records determined to be in the best interest of the County to verify compliance. Financial records shall not be required to be made available to the County.

All records shall be maintained for a minimum of 3 years or longer if required by Regulations.

2.5.3 Report Submittals

2.5.3.1 Reports as outlined below shall be submitted to the County's Landfill liaison in both hard copy and electronic format within 7 calendar days of the end of the reporting period.

2.5.3.2 Monthly record submittals: Monthly the Permittee shall provide the County with the following information:

- ◆ Copies of all of Permittee's inspection reports (VDEQ, self-inspection, or others);

- ◆ Monitoring data (as available including but not limited to leachate flows and qualitative data, groundwater monitoring data, gas monitoring data and storm water/surface water data);
- ◆ Special waste requests, approvals(if appropriate) from VDEQ and test data;
- ◆ Records of ash received at the landfill including daily tonnage, origin of ash, and all testing results;
- ◆ Records of industrial waste received at the landfill from outside of Lunenburg County including daily tonnage, origin of waste and all testing results;
- ◆ Disposal arrangements for all loads rejected at the gate or removed from the site.

2.5.3.3 Quarterly reports: Quarterly (based on calendar year), the Permittee shall provide a summary of the information requested under 2.2.6 above.

2.5.3.4 Annual reports: Annually the Permittee shall provide the County with a summary of the quarterly reports.

2.5.3.5 Certification of tonnage: No later than March 1 of each year, the Permittee shall deliver to the County a certificate of an officer of the Permittee certifying the previous year's tonnages by type of material and location of origin.

2.5.3.6 Public information: all reports received from the Permittee shall be public information subject to the normal disclosure laws of the Commonwealth of Virginia.

2.5.4 Certification

For each truck load of solid waste originating outside the County, Permittee shall provide a gatelog certified by the Landfill manager or other designated representative, that each load was inspected by Permittee either upon entry to the landfill or on the face of the landfill and that to the best of the Permittee's knowledge, the load does not contain any hazardous wastes or other unacceptable materials.

In lieu of such certification, Permittee may provide a certificate that the load was inspected at the origin or transfer station.

2.6 **Meetings**

2.6.1 Monthly Operations Meeting

Monthly, while the landfill is in operation, the Permittee shall meet with the Board of Supervisors or their representative to discuss the landfill operations, all issues or non-compliance reports, complaints and their resolution and other items as requested by the County. Permittee shall meet with the County's Landfill liaison as frequently as necessary for Landfill liaison to perform the duties assigned, but no less frequently than once a week.

2.6.2 Citizen Advisory Committee

The County has established an informal Citizen Advisory Committee (CAC) which includes one representative from the Permittee that has authority to speak on behalf of the Permittee. The CAC will meet monthly or as decided by the County to review the landfill operations. The Permittee shall be present at these meetings which will be open to the public. The Permittee shall use its best efforts to address all reasonable concerns or suggestions voiced by members of the CAC.

2.7 Specific Landfill Requirements

2.7.1 Solid Waste Management Plan

The County has an approved Solid Waste Management Plan (Plan). The change in ownership of the landfill, increases in capacity, changes in daily tonnages, modifications to the service area, revisions to the collection system, revisions to the recycling system, revisions to the mandated recycling requirements, and/or other material changes to the solid waste system in the County require that the plan will be updated. The Permittee will pay all costs associated with modifications to the Plan. The County as the planning region will hold the Plan as a public document. Revisions to the Plan shall require public comment and will be approved by the County. Failure of approval of the Plan may delay permit approval by VDEQ. The County assumes no risk or liability associated with failure of approval of the Plan.

2.7.2 Siting and Buffers

The siting of expansion areas at the Landfill shall be in compliance with 9VAC20-81-120 unless otherwise required by the County. Areas that have been previously permitted by VDEQ shall be allowed to maintain the buffers and setbacks identified in the current permit documents. Screening requirements will be as identified below. The County is requiring the following items in addition to or in lieu of those included in the Regulations:

- ◆ **Setback from residences and other facilities:** No disposal unit or leachate storage unit shall be closer than 500 feet of a residence, church, school, or recreational area as of the date of transfer of the facility to the Permittee. Current VSWMR state a minimum of 200 feet.
- ◆ **Screening along Old Mansion Road:** The Permittee shall provide adequate screening of the landfill operations from Old Mansion Road and is responsible for maintenance of the screen including but not limited to re-planting dying or dead plants, painting structures, and/or mowing/raking/pruning to maintain a healthy screen. Additional screening is proposed as part of this amendment. The adequacy of the screening shall be determined by the County.

2.7.3 Design and Construction

The design and construction of the Landfill currently is in compliance with 9VAC20-81-130 and all other Regulations unless otherwise required by the County. The County is requiring the following items in addition to or in lieu of those included in the Regulations:

- ◆ **Height restrictions:** Height of the landfill is limited to elevation 790 feet MSL.

- ◆ **Design Plan:** The Permittee shall provide the County with a full sized set of all Part B design plans and construction plans for the County's review for conformance with the requirements of this CUP. Discrepancies between the Permit Drawings, Construction Drawings and CUP will be resolved in favor of the CUP requirements. The Permittee will have 30 days to resolve any such discrepancies noted and to make appropriate submittal to VDEQ of any changes. All plans will be recorded at the Lunenburg County Courthouse.
- ◆ **Phasing Plan:** A phasing plan of sufficient detail shall be provided to the County for their use in verification of the construction sequencing, use in public discussions and verification of the life of the facility and compliance with the CUP relative to such.
- ◆ **Truck handling on site:** Permittee shall design and construct appropriate truck storage and queuing facilities at the landfill entrance. At no time shall truck traffic back up onto Old Mansion Road. Should this occur, it will be considered an immediate violation of this CUP. Truck parking or holding cannot occur within the buffer area. Turning lanes from Route 659 into the Landfill shall be constructed by Permittee to improve traffic flow.
- ◆ **New scale house:** The Permittee will design and construct a new scale house within 180 days of CUP approval.

The County will review all permit amendments, modifications and/or any other permit submittals prior to submittal to DEQ.

2.7.4 Operation

The operation of the Landfill shall be in compliance with 9VAC20-81-140 unless otherwise required by the County. The following conditions are in addition to or in lieu of those included in the Regulations:

- ◆ **Daily disposal limit:** Permittee will submit an application to DEQ to increase the daily disposal limit as defined by DEQ up to 2,000 tons per day, six days per week. Upon issuance of the Permit, the Permittee will be authorized to accept up to 2,000 tons per day by the County subject to the provisions of Sections 5 and 12 of The Modified Host Agreement entered into by the Permittee and the County, which sections limit the acceptable volume to 1,500 tons per day until subsequent increases are approved by the Board of Supervisors.
- ◆ **Days of operation:** Landfill shall be open Monday through Saturday except for New Year's Day, Thanksgiving Day, and Christmas Day.
- ◆ **Hours of operation:** Landfill shall be open a maximum of 13 hours per day Monday through Friday and 10 hours on Saturday subject to the Landfill permit, but not earlier than 6:00 a.m. Changes to the hours must be with the consent of the County.
- ◆ **Weighing of vehicles:** All vehicles using the landfill must be weighed and accurate weight counts maintained.
- ◆ **Operations manual** shall be submitted to the County for review and approval for conformance with the CUP requirements. The operations manual shall clearly denote any and all operational requirements for which the Permittee is requesting an exception from the VDEQ. Discrepancies between the Operation Manual and CUP

will be resolved in favor of the CUP requirements. The Permittee shall have 30 days to resolve any such discrepancies notes and to make appropriate submittal to VDEQ of any changes.

- ◆ **Annual aerial survey:** Annually, the Permittee shall complete an aerial survey of the landfill property and shall provide the survey to the County with the following items indicated on the drawing: property boundary, limits of all liners and caps as constructed (as-built locations), limits of waste, all compliance monitoring points and outfalls, roads, buildings etc. In addition, the County shall be provided with a comparison of the new survey with the previous year's survey with cut and fill marks and a comparison of the new survey with the permitted closure grade indicating, respectively, the amount of fill placed in the previous year and the amount of landfill capacity remaining. The landfill utilization factor (tonnage placed divided by volume used) shall be calculated and provided to the County to be used in assessing operations.
- ◆ **Litter control:** In addition to the regulatory requirements for litter control within the landfill property, the Permittee shall be responsible for preventing trash or debris from blowing onto adjoining properties and shall have all litter along Hardy Road, Old Mansion Road, and Oral Oaks Road and one half of a mile beyond the landfill entrance picked up at the end of each day of operation. Litter control shall be extended for .5 miles beyond the land fill entrance and along Hardy Road, Old Mansion Road and Oral Oaks Road.
- ◆ **Mud and debris on roads:** Permittee will be responsible for controlling all mud and debris on the roads and take any and all actions needed to prevent this from happening and to clean up the roads when mud or debris is deposited by vehicles using the Landfill.
- ◆ **Hauling route:** Permittee shall require all hauling trucks over which it has control, either by contract or ownership, to follow the routes listed below:

From Crewe: (Route 360)

49 South towards Victoria through the stoplight in Victoria
Right onto Railroad Ave/Route 661 (beside Subway) **.1 mile**
Right onto Tidewater Avenue/Route 1024 **.4 miles**

Left onto Courthouse Road/Route 49 **.3 miles**
Left onto Hardy Road/Route 675 **.5 miles**
SPEED LIMIT from this point until a truck reaches the side is 45 M.P.H.
Left onto Old Mansion Road (Route 659) **3.7 miles**
Right onto Landfill Road

From Kenbridge:

40 West towards Victoria
Left onto Oral Oaks Road/Route 635 **3.3 miles**
SPEED LIMIT from this point until a truck reaches the side is 45 M.P.H.
Right onto New Grove Road/Route 643 **.3 miles**
Right onto Old Mansion Road/Route 659 **1.3 miles**

Left onto Landfill Road

Haul trucks may not park overnight anywhere in the County except on Landfill property. Permittee shall work with all haulers to meet this requirement.

- ◆ **Traffic regulation and traffic Count:** Excluding truck traffic from waste generated by Lunenburg County, truck traffic from Permittee and its contractors shall not cause the traffic count to increase on Old Mansion Road (Route 659) and Oral Oaks Road by more than 50% per day as determined by the Virginia Department of Transportation traffic counts on record as established by the 2019 traffic count on these roads. Any increase over 50% must be approved by the Board of Supervisors, VDOT and Lunenburg County, and must be accompanied by road improvements (as described herein) to accommodate such increased traffic flow. Traffic count on Old Mansion Road and Oral Oaks Roads was established by the 2019 traffic count on these roads.
- ◆ **Parking:** No parking earlier than 6:00 a.m. shall be allowed for any waste hauling trucks or vehicles any place within the County other than on Landfill property
- ◆ **Vectors:** Permittee shall provide for the control of all vectors by taking such actions as are necessary to prevent the attraction or introduction of the same to the Landfill. Cover of material shall be prompt in order to discourage vectors. Because of specific concerns regarding birds which may be attracted to the area, Permittee shall take such special measures as are necessary (but not the ash or asbestos cells) to prevent large flocks of birds from gathering around the working areas of the Landfill.
- ◆ **Dust:** Permittee shall control dust from the site by spraying roads and unvegetated areas of the landfill to reduce dust. Permittee shall promptly seed all unvegetated areas except for the stockpile area and areas where already constructed cells or other improvements preclude dust.
- ◆ **Noise:** Permittee shall take such steps as are necessary to prevent noise levels associated with operations on the site from exceeding 67 decibels (not including ambient noise) when measured at the property line of the landfill site (not including the normal sounds of trucks entering the site). No external speakers shall be used at the Landfill.
- ◆ **Lighting:** Any and all outside lighting shall be designed so that there is no material increase in ambient light conditions when measured at the facility property line.
- ◆ **Debris:** Permittee shall take such steps as are necessary to prevent trash or debris from blowing from the landfill onto adjoining properties, and shall have all litter along Hardy Road, Old Mansion Road, and Oral Oak Road and one half of a mile beyond the landfill entrance picked up at the end of each day of operation during the last four hours of the day.
- ◆ **Sweeping:** Permittee agrees to sweep Old Mansion Road from the landfill 0.5 miles on either side of the entrance on the state route on a daily basis, weather permitting. Permittee shall not wash such areas of road unless weather conditions permit the same without danger of freezing according to VDOT regulations. Old Mansion Road shall be swept .5 miles on either side of the entrance on a daily basis according to VDOT regulations.

- ◆ **Cover:** All solid waste shall be compacted as soon as practical after it is unloaded on the site. Cover material shall be applied daily in accordance with the landfill permit. The working area will be kept as small as possible to minimize the potential for blowing debris.
- ◆ **Odor management plan:** As required by the Regulations, the Permittee shall have an Odor Management Plan. County shall be provided with a copy of this plan prior to submittal to DEQ to review for adequacy in addressing complaints, monitoring activities and schedule for addressing complaints. Any odor complaint shall be immediately addressed and resolved, and shall be forwarded to VDEQ and to the County for monitoring. Continued violations of odor control will be considered a violation of the CUP.
- ◆ **Weather records:** The Permittee shall maintain a weather station at the facility and collect daily weather data at a minimum on the maximum and minimum temperatures, precipitation and average wind speed and direction.
- ◆ **Complaints:** All complaints received by the County or its Board of Supervisors will be directed to the Permittee which shall give them prompt and courteous attention. All complaints shall be addressed and resolved within 30 days. Monthly the Board will be informed of all complaints and their resolution.

2.7.5 Closure Requirements

The closure of the Landfill shall be in compliance with 9VAC20-81-160 unless otherwise required by the County. The County is requiring the following items in addition to or in lieu of those included in the Regulations:

- ◆ **Plan development:** No less than two (2) years prior to anticipated closure, Permittee shall develop a closure and post closure plan for review by the County. It is recognized that the final closure plan must be submitted and approved by VDEQ prior to initiating closure. The purpose of the plan requested above is to provide the County with information on closure to use during public informational meetings.

2.7.6 Post Closure Care

The post closure care of the Landfill shall be in compliance with 9VAC20-81-170 unless otherwise required by the County. The County is requiring the following items in addition to or in lieu of those included in the Regulations:

- ◆ None.

2.7.7 Control of Decomposition Gases

The control of decomposition gases at the Landfill shall be in compliance with 9VAC20-81-200 unless otherwise required by the County. The County is requiring the following items in addition to or in lieu of those included in the Regulations:

- ◆ County shall be notified at same time any notifications are provided to VDEQ.

2.7.8 Leachate Control

The leachate control at the Landfill shall be in compliance with 9VAC20-81-210 unless otherwise required by the County. The County is requiring the following items in addition to or in lieu of those included in the Regulations:

- ◆ **Leachate handling:** The Permittee shall provide the County with information on leachate handling including the following: identification of the receiving facility and their testing requirements; hauling company and contractual requirements (exclusive of financial arrangements) for emergencies and accidental releases; daily flows; testing results; complaints by residents of any odors or spills; summary of any releases or accidents or rejected load from receiving facility; verification that leachate was delivered and treated by the receiving facility. Leachate storage shall be in covered tanks only.

2.7.9 Groundwater Monitoring Program

Groundwater monitoring at the Landfill shall be in compliance with 9VAC20-81-250 unless otherwise required by the County. The County is requiring the following items in addition to or in lieu of those included in the Regulations:

- ◆ County reserves the right to collect a sample of groundwater, surface water, well sediment, soil, bedrock or overburden, vegetation or other environmental media at a location or locations of its choosing within the Landfill facility boundary or to split samples with Permittee.
- ◆ Permittee shall provide the County with a minimum of one week notice prior to the Permittee or its representative collecting samples of groundwater, surface water or other environmental media.
- ◆ Permittee shall provide the County with a copy of all correspondence (including but not limited to letters, facsimiles, electronic mail, hard copy and digital images, laboratory data, field data, data analysis, reports, well logs, permits and permit amendments) when submitted to the VDEQ and received from the VDEQ.
- ◆ Permittee shall provide the County with a minimum 30 days' notice prior to installation or abandonment of a groundwater monitoring well or piezometer, and potential disruption to buffer areas.

2.7.10 Replacement Wells

The Permittee shall offer, at its expense, a replacement drinking water well to all existing owners of property that are located within 3,000 feet of the Landfill property boundary where a private residential drinking water source is completed to a depth of 100 feet or less below ground surface.

- ◆ The well will be installed to a depth that encounters the next deeper groundwater production zone below 100 feet in vertical depth below ground surface and which has sufficient yield and water quality for the intended use.

2.7.11 Residential Water Supply Monitoring

Permittee shall implement a residential water supply monitoring program at all drinking water supplies located within 3,000 feet of the facility boundary utilizing the following requirements:

- ◆ The Permittee will contact owners of property(ies) located within 3,000 feet of the Landfill to offer to collect the water samples from the drinking water well, and to request authorization from the property owner to allow for the well to be accessed and sampled.
 - All water supply samples shall be collected annually or at the request of the property owner upstream of any household water treatment or conditioning systems.
 - Property owners will be given a minimum of 72 hours notice prior to the sampling event. The County's Landfill liaison will be present during annual sampling of each water supply.
 - Within 10 days of receipt from the laboratory, Permittee shall provide the property owner with a copy of the laboratory data for their specific water supply(ies) including a cover letter identifying the findings of the laboratory analyses. The Permittee will also provide a copy of the letter and data for each water supply to the County and will retain this record as part of its operating record.
 - Property owner and/or County may collect a duplicate sample at the time of the Permittee's water supply sampling event and have the sample(s) independently analyzed.
- ◆ Based on the data collected under the residential water supply sampling program or based upon complaints made by a property owner, or should it be concluded that a well has been or may have been impacted by the Landfill, the following actions will be taken by the Permittee at no expense to the County or property owner:
 - Notify VDEQ of potential impact.
 - Provide temporary alternative water supply to the property owner(s) that is suitable quality for human consumption (per Virginia Department of Health criteria) until a permanent supply is established. Water supply shall be of sufficient quantity to serve all activities originally supplied by the impacted well.
 - Evaluate the impacted well and identify the source of contamination.
 - If source of contamination is determined to be a release from the Landfill, Permittee shall provide a permanent water supply to the property owner. Such permanent supply could include construction of a new well.
- ◆ Permittee will notify all owners of properties located within 3,000 feet of the steps to be taken relative to the residential water supply sampling program and the procedures to be implemented if they think their water supply has been impacted by the Landfill.
- ◆ Permittee will notify the County whenever a complaint has been received from a property owner regarding well water that may have been impacted by the Landfill.

2.7.12 Corrective Action Program

Corrective action at the Landfill shall be in compliance with 9VAC20-81-260 unless otherwise required by the County.

2.7.13 Surface Water Management

Surface water management is regulated by various state and federal regulations. The County is requiring the following conditions in addition to those included in the state and federal regulations:

- ◆ Natural surface water bodies that flow through or adjoin the landfill property shall be sampled quarterly by the Permittee for flow rate, and for water quality parameters discussed below:
 - Regulated outfalls associated with storm water management program will be sampled according to governing regulations. In addition, the Permittee will sample these outfalls on a quarterly basis for water quality parameters discussed below.
 - All other natural surface water bodies that are not included in the regulated storm water monitoring program will be sampled on a quarterly basis at the point where surface water flows onto the landfill property at the property boundary, and at the point where flow encounters the downstream property boundary.
- ◆ Water quality data from the additional quarterly sampling events shall be compared to the Surface Water Quality criterion for human health, public water supply (9VAC25-260-140.B).
- ◆ If the surface water results for any quarterly monitoring event, and any sampling location, demonstrate exceedances(s) of these criterion(ia), the Permittee will have 30 days to provide the County with a remediation plan and 30 days from the date of submittal of the plan to implement the plan.
- ◆ The laboratory(ies) used by the Permittee for water sample analyses shall be VELAP-accredited for the selected analytical methods.
- ◆ Permittee will maintain the water quality data as part of its operating record.
- ◆ Permittee shall provide the County with a copy of all correspondence (including but not limited to letters, facsimiles, electronic mail, hard copy and digital images, laboratory data, field data, data analysis, reports, permits and permit amendments) when submitted to the VDEQ and when received from the VDEQ.
- ◆ County reserves the right to collect a sample of surface water at a location or locations of its choosing within the Landfill facility boundary.

2.8 **Financial Assurance**

Financial Assurance at the Landfill shall be in compliance with 9 VAC20-70 et seq unless otherwise required by the County. The County is requiring the following requirements in addition to or in lieu of those included in the Regulations:

- ◆ Annually the County will have a third party engineer review the financial assurance estimates for closure, post closure care and corrective action to verify that the estimates adequately reflect the actual estimated cost to complete the work. If the

third party review indicates that the Permittee has insufficient funding to address these activities the County shall notify DEQ of such and shall require the Permittee to modify their financial assurance mechanism within 30 days to increase the funding.

2.9 Bonding Requirements

- ◆ All obligations of Permittee as set forth in this permit shall be enforced by a Performance Bond (the "Bond") that is approved by Lunenburg County. This Bond shall be in a form approved by the County Attorney and shall be annually reviewed and approved by Lunenburg County. This Bond shall be issued by entity or an institution approved by the County and shall be effective for the life of this permit, or thirty (30) years, whichever is the last to occur. Any change in ownership or operation of the landfill from Permittee, shall include the continued enforcement of this Bond.
- ◆ This Bond shall be used to pay for mitigation and remediation as may be reasonably necessary hereunder or as a result of the operation of the Landfill upon Permittee's failure to promptly undertake the same, as described herein.
- ◆ The Bond shall be used also to pay claims as provided in the Mitigation Plan entered into between the Permittee and the County, as described in the Host Agreement. If there is a question of whether any particular situation should be remedied by this Bond, that determination will be made by a third party specialist in the manner provided in the Mitigation Plan.
- ◆ The County shall also be entitled to draw upon the Bond in the event of any material contamination of the Landfill site or release of contaminants therefrom in the event the same is not promptly remediated by Permittee in accordance with applicable state and federal statutes and regulations. The County shall use any funds withdrawn from such Bond for remediation and/or mitigation of such contamination or release, and the County shall only withdraw amounts sufficient to cover such remediation and/or mitigation. Any funds withdrawn by the County shall be reimbursed by Permittee within six (6) months of such withdrawal.
- ◆ In the event that any federal or state agency or authority shall require Permittee to maintain a similar Bond for the Landfill during the term of this Agreement, Permittee shall be permitted to submit this Bond for satisfaction of such requirements and the County shall agree to reasonable modifications of the fund or Bond, provided its rights are not materially reduced thereby.
- ◆ The requirements of this section shall be assumed by any entity which may assume ownership or operation of the Landfill from Permittee.
- ◆ As a supplement to a Performance Bond, Permittee or its successors shall establish a cash fund (the "fund") sufficient to supplement this Bond. If the election is made to provide a cash fund, details of such fund shall be governed by the Host Agreement entered into by the Parties.

2.10 Insurance Requirements

Permittee obtained and maintains in effect comprehensive general liability insurance and pollution/environmental liability insurance with minimum coverage limitations of \$5,000,000 per occurrence and \$10,000,000 in the aggregate; employer's liability/workers' compensation insurance with a minimum coverage limitation of \$1,000,000; and, such insurance for the Landfill as may be required by law. The County and its employees or agents are listed as additional insureds on any policy of insurance. The County may review and approve all insurance policies.

2.11 Payment Assurance

All Host Fee payments required by the Host Agreement to be paid by Permittee will be due and received by Lunenburg County Administration on or before the ^hlast day of the month following the quarter for which the Host Fee is due. As an example, the Host Fee for the first quarter of the year will be received by the County Administration on or before April 30.

All payments by Permittee that are called for in the Conditional Use Permit and in the Host Agreement (and associated documents and side agreements) will be due on the date so noted in those documents. Any payment that is not received by the County on the due date will be subject to a late fee and interest. Any tax payment that is not received by the County when due will be subject also to late fees and payments.

Permittee will pay attorney's fees that Lunenburg County incurs as a result of any collection efforts on any payments that have not been made by Permittee or received by the County when due.

All amounts due to the County, including tax payments, will be paid before this CUP will be effective. Failure to pay any financial obligation to Lunenburg County shall be considered a violation of the Conditional Use Permit.

3.0 RECYCLING ACTIVITIES

3.1 Recycling Facility at Landfill

3.1.1 Facility Design and Operation

Permittee shall design, permit (if applicable), construct, operate and maintain a recycling drop off center at the Landfill for use by citizens when Landfill is in operation and on Sundays from 1:00 PM – 4:00 PM at no cost to the County. Permittee assumes all responsibilities for collection of recyclables, marketing of the materials, and transport of the materials.

Design of the facility will be approved by the County and should address traffic flow, material storage and handling, future expansion, and storm water management. The design must be approved by the County through its site plan review process.

The Facility shall be staffed at times agreed upon by Permittee and County.

Permittee agrees to cooperate in good faith with the County to take such other steps as are necessary for the County to comply with § 10.1-1411 of the Virginia Code.

3.1.2 Materials to be Collected

Permittee shall collect at a minimum: newspaper, cardboard, mixed paper, beverage and food cans, plastics (Number 1 and 2 minimum), ferrous and non-ferrous metals, and white goods.

3.1.3 Revenues

All revenues from the recyclables shall be shared with the County as provided in the Modified Host Agreement.

3.1.4 Reporting

Recyclables delivered from outside of the County shall be tracked separately. Annually (no later than February 1) the Permittee shall provide the County with a comprehensive report on the recycling activities suitable for use in preparation of the annual recycling report to VDEQ. The information must divide the recyclables in to the categories as outlined in 9 VAC20-130 (and current reporting form) as may be modified by VDEQ or Virginia Law and shall distinguish between recyclables from generated within Lunenburg County and those materials from outside the County.

3.2 Other Recycling Collection Sites

In addition to the facility at the Landfill, the Permittee shall provide for recycling at all staffed waste collection sites in the County. These facilities shall collect at a minimum the following materials: newspaper, cardboard, beverage cans (all metal types), and No. 1 and No. 2 plastics.

Recycling facilities at waste collection sites may be subject to the County's site plan review process and erosion and sediment control requirements. Records shall be kept and provided to the County on materials quantities by type collected at each site.

3.3 Education

The Permittee shall provide to the County a comprehensive recycling education program in the County school system, the County administrative offices and for the citizens of Lunenburg County. The County will work with Permittee in this educational program.

4.0 WASTE COLLECTION AND HAULING ACTIVITIES

4.1 General Permittee Obligations

The Permittee shall provide for solid waste collection for Lunenburg County at no charge to the County via a system of collection sites and stations as outlined below. In addition, the Permittee shall provide solid waste collection for all County administrative offices and the County School System at no charge to the County or its agencies. This obligation to provide hauling service shall continue for the life of the Landfill and shall be a condition for the continued operation of the Landfill.

4.2 Landfill Convenience Site

The Permittee shall maintain a waste collection convenience site at the Landfill for use by the citizens of the County. Commercial and industrial waste generators or private haulers will not use this site. Permittee shall make such improvements to the existing site as may be needed to provide adequate traffic flow, leachate management, storm water handling.

4.3 Other Waste Collection Sites and Hauling in County

- ◆ The County will, at such times as it chooses, provide up to nine (9) parcels of land and Permittee shall provide one parcel at the Landfill, for the establishment of solid waste collection stations for use by Lunenburg residents (but not commercial or industrial solid waste generators) within the County, without charge. Each site shall be of a nature and design that is reasonably acceptable to Permittee and the County and sufficient to accommodate the waste delivered to such site.
- ◆ Permittee shall provide disposal services for these nine (9) collection stations and up to 10 dump sites including collection and transportation (hauling) of solid waste from these sites to the Landfill at no charge to the County. Pickup at the collection stations shall be as necessary to prevent overflow, but in any event not less than twice per week. Should Permittee transfer ownership or operation of the Landfill to another entity, this obligation shall be a requirement of continued use of the Landfill.
- ◆ Permittee shall obtain all necessary permits and approvals for the operation of such collection stations and shall operate them in accordance with all applicable federal, state and local statutes, ordinances and regulations.
- ◆ Permittee's obligations to accept the solid waste described herein, shall commence upon Permittee's obtaining all the necessary permits and approvals to operate the Landfill. Permittee's obligations to accept the solid waste described herein shall terminate upon the last to occur of (i) the passage of thirty (30) years from the date Permittee's obligation began or (ii) the date the life of the Landfill has been exhausted. Should Permittee transfer ownership or operation of the Landfill to another entity, this obligation shall be a requirement of continued use of the Landfill.

5.0 INDEMNIFICATION

The Permittee hereby agrees to indemnify and hold harmless the County from all claims, demands and actions, legal or equitable, costs, liabilities and expenses (including court costs and reasonable attorney's fees) (the "Costs") arising from or in connection with the Landfill or the Permittee's design, construction, operation, maintenance, monitoring and closure thereof, or otherwise in connection with this Agreement or the County's enforcement thereof. The Permittee further agrees to indemnify and hold harmless the County from any action brought by any landowner seeking damages for any reason as a result of the landfill, including personal injury, property taking, property damage, (and) or inverse condemnation. However, the Permittee shall not be liable for Costs arising out of willful acts or omissions of the County, its

officers, agents, servants, employees and residents. On all policies of insurance that Permittee maintains, the County will be an additional insured.

Liability for all conditions, past present and future at the Landfill shall be assumed by Permittee. The County shall not be liable for any condition which pre-dates or post-dates the date that Permittee assumes ownership and operation of the Landfill. Permittee shall indemnify and hold County harmless for any condition existing before or after the date that Permittee assumes ownership and operation of the Landfill; including any and all costs associated with such conditions. Permittee shall maintain insurance which will cover all conditions and events occurring at the Landfill and the County will be made an additional insured on such insurance policies.

6.0 ENFORCEMENT

6.1 Federal and State Enforcement

The Permittee is subject to the enforcement provisions of all Laws and Regulations of the United States of America and the Commonwealth of Virginia. Costs incurred under enforcement actions shall be borne by the Permittee. The County shall be notified immediately of any federal or state enforcement action against the Permittee and all remedies imposed on the Permittee including fines, schedule for action or other requirement.

6.2 Lunenburg County

6.2.1 General

The Permittee is subject to the enforcement provisions of all ordinances, permits or other regulatory programs overseen and enforced by Lunenburg County.

6.2.2 Conditional Use Permit

In addition to any and all enforcement rights the County may have with regard to violations of its zoning ordinance or the terms of this Conditional Use Permit at law or equity, the County shall have the following enforcement rights:

Operations and Closure Violations

In the event that Permittee (i) fails to promptly dispose of leachate in accordance with this Conditional Use Permit or (ii) permits the disposal of wastes in the landfill other than those wastes permitted under this Conditional Use Permit or (iii) fails to construct or close any segment of the disposal area according to the applicable design criteria, or (iv) commits any other violations of this Conditional use Permit, then the County shall notify Permittee in writing of such violation and the same shall be cured by Permittee within 15 days. Such cure period may be extended by the County in its sole discretion so long as Permittee is diligently and continuously using its best efforts which will reasonably lead to cure of the violation within a reasonable period of time. There shall be no extension for cure of a violation which endangers the health or safety of the public or threatens to cause material environmental damage unless

sufficient actions have been taken to protect the public and the environment within such 15-day period. The occurrence of two "15 day" violations within a 12-month period or a violation that is not cured within a 15-day period shall entitle the County to cancel this Conditional Use Permit upon discovery of such violation and delivery of notice to Permittee.

6.2.2.1 Time for Cure

In the event of a violation of this Conditional Use Permit that has not been cured within 15 days of written notice to Permittee by the County, the County may cancel this Conditional Use Permit by notice to Permittee. The period for cure of the violation may be extended in the sole discretion of the County so long as Permittee is diligently and continuously using its best efforts which will reasonably lead to cure of the violation within a reasonable period of time. There shall be no extension for cure of a violation which endangers the health or safety of the public or threatens to cause material environmental damage unless sufficient actions have been taken to protect the public and the environment within the 15-day period. Nothing herein shall prevent the County from terminating this Conditional Use Permit for violations that the County deems to present an imminent danger to the County or its residents.

6.2.2.2 Fines

In addition to any remedy of specific performance or injunction, any violation of this Conditional Use Permit not cured within 15 days of written notice to Permittee by the County shall be subject to a fine of \$1,000 for each day of violation following the cure period, provided that the County shall provide Permittee with a second notice not less than 5 business days before such fine shall apply. The period for cure of the violation may be extended at the sole discretion of the County and no fine applied so long as Permittee is diligently and continuously using its best efforts which will reasonably lead to cure of the violation within a reasonable period of time.

6.2.2.3 Additional Remedies Allowed

No cure period set forth in this Conditional Use Permit shall be deemed to preclude the County from proceeding with any other remedies the County may have at law or equity.

6.2.3 Lapse of Conditional Use Permit

This Conditional Use Permit shall expire if the use or operation of the Landfill ceases for two (2) years or more.

6.2.4 Transfer or Assignment

This Conditional Use Permit shall not be transferred or assigned and shall be deemed to expire upon any transfer of title to the property to which it applies, unless a variance and approval by the Board of Supervisors has first been obtained.

6.3 Guaranty of Performance

Permittee and its parent organizations including The CFS Group, LLC, The CFS Group Disposal & Recycling Services, LLC, and Meridian Waste Virginia, LLC shall provide County with a guarantee of performance of each condition contained in this Conditional Use Permit in a form acceptable by the County and with an entity acceptable by the County.