



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Regional Director

February 22, 2024

Mr. Ernie Hoch
TRC Companies
2200 S. Main Street, Suite A
Blacksburg, VA 24060
ehoch@trccompanies.com

Subject: Proposed Carbo Landfill
Notice of Intent
Russell County, Virginia

Dear Mr. Hoch:

The Virginia Department of Environmental Quality (DEQ) Southwest Regional Office (SWRO) is in receipt of a Notice of Intent (NOI) dated February 14, 2024. The submittal was prepared on behalf of The NOVA Company of Virginia by TRC Companies.

The NOI was reviewed for administrative completeness in accordance with § 9 VAC 20-81-450.A, B, and C, § 9 VAC 20-81-460, and § 9 VAC 20-81-120 of the Virginia Solid Waste Management Regulations (VSWMR, 9 VAC 20-81-10, *et seq.*) and found to be **administratively incomplete**. The following items need to be addressed in a subsequent revision:

1. Please refer to LPR-SW-S1-01 Submission Instruction 01 - Procedural Requirements for a New or Modified Solid Waste Management Facility Application.
This may be found at <https://townhall.virginia.gov/L/ViewGDoc.cfm?gdid=2126>
Section III, Items A-H delineate the requirements for the Notice of Intent
2. LPR-SW-SI-01 clarifies the Virginia Solid Waste Management Regulations which may be found here: <https://law.lis.virginia.gov/admincode/title9/agency20/chapter81/>

3. Per the above, you are required to submit the following items, in addition to the Cover Letter and Area Map and Site Location Map provided, in order to be considered administratively complete:

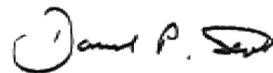
- Disclosure Statements
- Local Government Certification
- Public Participation Documentation
- Disposal Capacity Guarantee
- Host Agreement
- Demonstration of Need
- SCC Certification

4. A copy of the NOI Checklist and the Disclosure Statement Checklist are included for your use and reference when preparing your revised NOI submission.

Please note that the conclusions presented in this letter are based solely on information supplied by the addressee or their environmental representative. The resulting review of this information was undertaken in accordance with applicable law, regulations, and Department guidance. This letter does not make or imply a final determination of compliance, nor does it constitute a “case decision,” as defined by Virginia Code § 2.2-4001, regarding any of the actions undertaken as discussed in this letter. Pursuant to Virginia Code § 2.2-4001, a “‘case’ or ‘case decision’ means any agency proceeding or determination that, under laws or regulations at the time, a named party as a matter of past or present fact, or of threatened or contemplated private action, either is, is not, or may or may not be (i) in violation of such law or regulation or (ii) in compliance with any existing requirement for obtaining or retaining a license or other right or benefit.”

If you have any questions about this letter or the application review and approval process, in general, please contact me by telephone at (276) 698-7546, and/or by e-mail at daniel.scott@deq.virginia.gov.

Sincerely,



Daniel P. Scott, PE
Environmental Engineer Senior

Enc:

- NOI Checklist
- Disclosure Checklist

c: Jeff Hurst – DEQ-SWRO – Regional Director
Stacy Bowers – DEQ-SWRO – Land Protection Manager
Jenny Poland – DEQ-CO – Solid Waste Coordinator
Ernie Hoch – TRC Companies (ehoch@trccompanies.com)
John Matney – The Nova Company of Virginia (via TRC Companies)
File PAA247 – Part A – Carbo Landfill

Completeness Review - 1

Notice of Intent / Part A Application: Carbo MSW Landfill, Permit No. XXX	Provided (y/n)	Complete (y/n)	Date NOI Received: 2/14/24 Date Part A Received: _____ Comments:
NOTICE OF INTENT (§ 9 VAC 20-81-450.B)			
A. Cover Letter, PTA Attachment I, (§ 9 VAC 20-81-450.B.1)		Y	Cover letter indicates John Matney NOVA Company and TRC Companies Consultant
A.1 Area Map		Y	No information for contact otherwise
A.2 Site Location Map		Y	
B. Disclosure Statement, PTA Attachment II, (§ 9 VAC 20-81-450.B.2 and § 10.1-1408.1. B.2; DEQ Forms DISC-01 and 02)		N	
C. Local Government Certification for Consistency with all Applicable Ordinances for Location and Operation and local SWMP developed and approved pursuant to § 10.1-1411, PTA Attachment III, (§ 9 VAC 20-81-450.B.3; § 10.1-1408.1. B.9; and DEQ Form SW-11-1)		N	
D. Public Comment Steps, PTA Attachment IV, (§ 9 VAC 20-81-450.B.4, § 10.1-1408.1. B.4 (Privately owned), and § 10.1-1408.1. B.5 (Owned by local govt. or public authority - New Sanitary LF and Transfer Station Only, Not Expansions)			
D.1 A (signed) statement describing the steps taken by the applicant to seek the comments of the residents of the area where the sanitary landfill or transfer station is proposed to be located		N	
D.2 Publication of public notice once a week for 2 consecutive weeks (450.B.4.a)		N	
D.2.a Site location (450.B.4.b.(2))		N	
D.2.b The date, time, and location of public meeting in public notice (450.B.4.b.(3))		N	
D.2.c Contact Person's name, address and telephone number in the ad (450.B.4.b.(4))		N	
D.3 First publication of the public notice was at least 14 days prior to the public meeting (450.B.4.c)		N	
D.4 (§ 10.1-1408.1.B.5 - For Local govt. or public authority owned) Formation of citizens' advisory group to assist the locality or public authority with the selection of a proposed site for the sanitary landfill or transfer station.		N/A	
E. Disposal Capacity Guarantee/Reserve Capacity, PTA Attachment V, (§ 9 VAC 20-81-450.B.5 and § 10.1-1408.1. B.6.) - New or Expansion of Sanitary Landfill Only			
E.1. (Locality-owned and locality-operated sanitary landfill) Provide a signed statement specifying the proposed sanitary landfill is locally-owned and locally-operated and will only accept waste generated within the member jurisdictions		N/A	
E.2. (Privately-owned sanitary landfill) Provide a signed statement guaranteeing that sufficient disposal capacity will be available in the facility to enable localities within the Commonwealth to comply with their Solid Waste Management Plans developed pursuant to 9 VAC 20-81-130 and certifying that such localities will be allowed to contract for and reserve disposal capacity in the facility. Other documents such as a typical letter and a contract form that were sent to the localities as well as a list of the localities contacted should also be provided.		N	
F. Host Agreement, PTA Attachment VI, (§ 9 VAC 20-81-450.B.6 and § 10.1-1408.1.B.7) or Discussion of Disposal Limits/Service Area (§ 9 VAC 20-81-450.B.7.) - For New or Expansion of Sanitary Landfill Only		N	

Completeness Review - 1

Notice of Intent / Part A Application: Carbo MSW Landfill, Permit No. XXX	Provided (y/n)	Complete (y/n)	Date NOI Received: 2/14/24 Date Part A Received: _____ Comments:
F.1 Private Facilities (10.1-1408.1 B.7) - a certification from the local governing body (DEQ Form SW-11-2) must be provided indicating that a host agreement has been reached between the applicant and the host government or authority		N	
F.2 Locally Owned and Operated Facilities (450.B.7) Provide the following information:		N	
F.2.a The daily routes and traffic volumes (450.B.7.a)		N	
F.2.b The daily disposal limit (450.B.7.b), and		N	
F.2.c The anticipated service area of the facility (450.B.7.c)		N	
G. Demonstration of Need, PTA Attachment VII, (§ 9 VAC 20-81-450.B.8 and § 10.1-1408.1 D.1, All Landfills) - If the application is for a new solid waste management facility or an amendment allowing a facility expansion or an increase in capacity, the director shall evaluate whether there is a need for the additional capacity in accordance with § 10.1-1408.1.D.1(ii) of the Code of Virginia. The information in either subdivision 8 a or 8 b must be provided with the notice of intent to assist the director with the required investigation and analysis. Based on the information submitted, the owner or operator will demonstrate how the additional capacity will be utilized over the life of the facility.			
G.1. Demonstration based on 9 VAC 20-81-450.B.8.a. (All Landfills) - Provide information demonstrating that there is a need for the additional capacity, to include:			
G.1.a Anticipated area to be served (450.B.8.a.(1));		N	
G.1.b Similar or related WMFs that are located in the same service area and could impact the proposed facility, and the capacity and service life of those facilities (450.B.8.a.(2));		N	
G.1.c Present quantity of waste generated within the proposed service area (450.B.8.a.(3));		N	
G.1.d The disposal needs specified in the local solid waste plan (450.B.8.a.(4));		N	
G.1.e Projected future waste generation rates for the anticipated area to be served during the proposed life of the facility (450.B.8.a.(5));		N	
G.1.f Recycling, composting or other waste management activities within proposed service area (450.B.8.a.(6));		N	
G.1.g The additional SW disposal capacity that the facility would provide to the proposed area of service (450.B.8.a.(7));		N	
G.1.h Information demonstrating that the capacity is needed to enable localities to comply with solid waste plans developed pursuant to 10.1-1411 of the Code of Virginia (450.B.8.a.(8));		N	
G.1.i Any additional factors that provide justification for additional capacity provided by the facility (450.B.8.a.(9)).		N	
G.2. Demonstration based on 9 VAC 20-81-450.B.8.b. (Sanitary Landfills Only) - Based on current or projected disposal rates, provide information demonstrating there is less than 10 years of capacity remaining in the facility and information demonstrating either of the following:			
G.2.a Available disposal capacity for the state is < 20 years based on the most current reports submitted pursuant to the Waste Information and Assessment Program in § 9 VAC 20-81-80 or		N	
G.2.b The available permitted disposal capacity is < 20 years in either:		N	
G.2.b.(1) The planning region, or regions, immediately contiguous to the planning region of the host community		N	
G.2.b.(2) The facilities within a 75 miles radius of the proposed facility		N	
G.3. Director's Determination based on § 10.1-1408.1 D.1 (Both for 450.B.8.a and 450.B.8.b)			
G.3.a. The proposed facility, expansion or increase protects present and future human health and safety and the environment (1408.1 D.1(i))		N	
G.3.b. There is a need for the additional capacity (1408.1 D.1(ii))		N	
G.3.c. Sufficient infrastructure will exist to safely handle the waste flow (1408.1 D.1(iii))		N	
G.3.d. The increase is consistent with locality-imposed or state-imposed daily disposal limits (1408.1.D.1(iv))		N	

Completeness Review - 1

Notice of Intent / Part A Application: Carbo MSW Landfill, Permit No. XXX	Provided (y/n)	Complete (y/n)	Date NOI Received: 2/14/24 Date Part A Received: _____ Comments:
G.3.e. The public interest will be served by the proposed facility's operation or the expansion or increase in capacity of a facility (1408.1.D.1(v))		N	
G.3.f. The additional capacity is consistent with regional and local SWMPs developed pursuant to §10.1-1411 (1408.1.D.1(vi))		N	
H. SCC Certification, PTA Attachment VIII, (§ 9 VAC 20-81-450.B.10) - Certification from the State Corporation Commission that the business entity (both owner and operator, if separate) - not required for those facilities owned or operated solely by governmental units		N	

Disclosure Statement Review Checklist (to be used internally, in conjunction with the Disclosure Statement Instructional Guide)

Permit Writers review DISC Forms submitted with permit applications/modifications; Inspectors review quarterly DISC updates

DISC-01 FORM	Yes/No/NA	Comments
Applicant/permittee submitted new DISC-01 Form (revised 9/30/2020)		
If non-gov't owner/operator, applicant/permittee business entity name matches SCC certification		
ALL required entities listed as Key Personnel in DISC-01 table (<i>See Instructional Guide, p. 1-2</i>)		
<ul style="list-style-type: none"> Applicant/permittee itself (must list separately, even if the entity is a company and not an individual person) Applicant/permittee's managers and discretionary decision makers regarding waste operations in VA If required, applicant/permittee's officers, directors, or partners (may include Board members as applicable) If required, individuals/parent corporations holding 5% or more of the applicant/permittee's equity or debt If required, parent corporations' key personnel If gov't agency, CEO of agency or political subdivision (Co Admin, City/Co Manager, Mayor, etc.) If gov't agency or owner contracts out facility operations, all key personnel of contracted facility operator 		
If waste operations regulated outside of VA in past 10 years, agencies and permits/licenses disclosed		
Equity interest information disclosed, as applicable		
Organizational and/or corporate structure attached		
Signed by responsible official (defined by 9VAC20-81-10)		

DISC-02 FORM	Yes/No/NA	Comments
Applicant/permittee submitted new DISC-02 Form (revised 9/30/2020)		
DISC-02 Form submitted for EACH Key Personnel listed in DISC-01 table		
Separate DISC-02 Form submitted for the applicant/permittee itself (even if not an individual person)		
All required information disclosed by each Key Personnel (<i>See Instructional Guide, p. 3-5</i>)		
Other DEQ SW & HW permits held by applicant/permittee in past 10 years listed on applicant/permittee's DISC-02		
At least 1 Key Personnel is a licensed WMFO (not required for facilities only in post-closure care)		
10-year waste NOV & enforcement history (except dereferred NOVs), including at other facilities, if applicable		
Equity interest information disclosed, as applicable		
Signed by responsible official (defined by 9VAC20-81-10) or Key Personnel		

DISC-03 FORM	Yes/No/NA	Comments
Applicant/permittee submitted new DISC-03 Form (revised 9/30/2020)		
Updates submitted quarterly or within 3 months of material changes		
DISC-02 Form submitted when adding new Key Personnel		
Signed by responsible official (defined by 9VAC20-81-10)		