



# County of Cumberland Virginia

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July 16, 2018

William H. Shewmake, Esquire  
Green Ridge Recycling and Disposal Facility  
919 East Main Street, 24<sup>th</sup> Floor  
Richmond, VA 23219

Subject: Conditional Use Permit Approval Letter

Dear Mr. Shewmake:

At a meeting of the Cumberland County Board of Supervisors on June 28, 2018, the Board approved your Conditional Use Permit CUP 18-06. The property is described as Tax Map Numbers 37-A-69, 44-A-20, 45-A-1, 45-A-7, 44-A-19A, 44-A-13, 44-A-14, 44-A-19, 44-A-22, 44-A-36, 45-1-41, 45-2-2A, 45-2-2B, 44-A-21, and 38-A-7. The property is located on the north side of Route 60 at the Cumberland/Powhatan line.

The following conditions were passed as a part of your Conditional Use Permit:

1. The applicant has submitted a conceptual site plan for the Facility prepared by Draper Aden Associates, entitled "Conceptual Facility Plan" dated May 22, 2018 and revised on June 11, 2018 (the "master plan"). The development of a sanitary landfill authorized to accept municipal solid waste, certain industrial wastes, institutional waste, approved special waste, and construction demolition debris as defined pursuant to the Virginia Waste Management ACT ("Act") (Va. Code §§ 10.1-1400 e.t. seq. and Virginia Solid Waste Management regulations (9VAC20-81) ("Regulations") and accessory and related uses ("Landfill" or "Facility") on the site, including without limitation, a convenience center, transfer station, and gas collection and conversion power plant, will be generally consistent with the master plan, but the location and dimensions of identified uses may differ from the master plan as may be required or permitted by the Virginia Department of Environmental Quality (VDEQ), Virginia Department of Transportation ("VDOT") and other governmental agencies, with the uses generally retaining the same relation to each other as reflected on the master plan subject to the approval of and to the extent permitted by VDEQ, VDOT and other applicable governmental departments and agencies.
2. Final site plans shall be submitted to the County Administrator, or designee, who shall review them for conformance with the County's zoning ordinance, the terms of this Conditional Use Permit and the master plan approved in connection with this Conditional Use Permit, and with such modifications as may be approved at the time of site plan review. As reflected on the master plan, the Facility may be designed, constructed, or modified using the current location of Route 654, or based on the relocation of Route 654 as generally depicted on the master plan, subject to approval of the Virginia Department of Transportation

("VDOT"). Permittee shall obtain approval of its final site plans prior to constructing any buildings or other improvements on the Facility Property and prior to commencing landfill operations at the Facility. Final site plans shall provide, at a minimum and consistent with the Zoning Ordinance, detailed information regarding:

- a. the location and design of planned improvements, including, but not limited to roads, staging areas, parking areas, lighting, buildings, and disposal cells;
  - b. the location of streams, creeks and delineated wetlands, the topography, floodplains, soil and groundwater conditions;
  - c. the buffers and any structures to be placed within the buffer areas adjoining the operational area (in accordance with the terms of this Conditional Use Permit) and the plans for landscaping and screening augmentation;
  - d. the steps to be taken to protect floodplains and water quality;
  - e. stormwater management and erosion control plans; and
  - f. a transportation phasing plan.
3. Permittee shall not commence operation of the Landfill until all applicable state and federal permits are obtained, and Permittee shall operate the Facility consistent with all applicable federal and state statutes and regulations and the terms and conditions of such permits issued for the Facility.
4. The Facility shall not accept for disposal in the Landfill any of the following ("Unacceptable Wastes"):
- a. Any material the disposal of which, at the time of acceptance, would violate any then existing federal or state laws, rules, regulations or permits pertaining to a Landfill;
  - b. 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 material" or identified as hazardous waste and described and regulated by VDEQ's Hazardous Waste Management Regulations; (iii) solid waste, which because of its quantity, concentration or physical, chemical or infectious characteristics may: (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health, the Landfill, or the environment when treated, stored, transported, disposed of, or otherwise managed; (iv) potentially infectious medical waste; (v) regulated levels of polychlorinated biphenyls as defined by the Toxic Substances Control Act, 15 U.S.C. § 2601-2629, or regulations adopted thereunder; and (vi) radioactive waste or low-level radioactive waste as defined by the Atomic Energy Act, 42 U.S.C. § 2011, et seq., or the Southeast Interstate Lo-Level Radioactive Waste Management Compact, or the implementing regulations of either;
  - c. Any nonhazardous domestic, irrigation return flows or industrial wastewater sludges not approved for disposal by the VDEQ 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);
  - d. Any nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923);

- e. Any material number of animal carcasses disposed of in a single day or, except as authorized by VDEQ, without specific written approval by the County.
  - f. Waste water treatment and industrial sludges.
  - g. Any recycled or processed construction and demolition debris (“Processed C&D”) from a Construction Demolition Debris Recycling Facility that Permittee knows at the time of Permittee’s acceptance of the material did not recycle out sheetrock. Before knowingly accepting material from a Construction Demolition Debris and Recycling Facility, Permittee will require the Construction Demolition Debris Recycling Facility to certify that it recycles out the sheetrock from its Processed C&D.
5. Copies of all applications and submittals for permits associated with the Facility, shall be provided to the County Administrator, or designee, upon request.
6. Ingress and egress to and from the Facility shall be by way of an access road connecting the Facility with State Route 60. Permittee will operate the Facility in such a manner as to avoid unreasonable traffic congestion involving company-controlled waste stream providers on County roads. If VDOT determines a signal and/or other road improvements are necessary at any new intersection with Route 60 and/or an intersection created at Route 685 or Route 654, such improvements shall be provided at Permittee’s expense. All VDOT permitting shall be completed by Permittee at its expense. At a minimum, it is anticipated that turn lanes at the new intersection of State Route 60 and the new entrance road into the Facility shall be provided at Permittee’s expense prior to commencing operations at the Facility. Further, subject to VDOT approval, street lights on either side of the entrance on Route 60 shall be installed, with the spacing and design of each street light along Route 60, as well as street lights at the intersection with Route 685 or 654, determined by VDOT and approved at the time of final site plan review.
7. All areas of the Landfill which are used for the disposal of waste shall at a minimum have buffers in accordance with and as defined by applicable VDEQ Regulations. Additionally, except for the entrance road property, at a minimum the Landfill property shall have a perimeter buffer of not less than 200 feet adjacent to properties with a residence that is not owned by Permittee or its subsidiary or affiliate. Provided, however, there will be a minimum 50 foot buffer on the entrance road property, identified on the master plan. The entrance road property may also include a convenience center, scales, scale house, hardware, gate and related uses and structures. There shall be a 100 foot buffer along any other portion of the perimeter of the Landfill property. The location of buffers are generally depicted on the master plan except minimum area of the buffers can be cleared for access roads, utility easements, monitoring wells and other environmental structures, and screening berms. Natural vegetation shall be maintained in such buffers and supplemented where necessary with evergreens to insure four season screening of operations. Additionally, the areas of the Landfill’s Disposal Unit Boundary as defined by VDEQ shall be sited:
- a. not less than 300 feet from the nearest residence, as of the date of the purchase of the site by Permittee (the “Purchase Date”);
  - b. not less than 500 feet from any well or spring being used for drinking water as of the effective date of the Host Agreement with the Cumberland County Board of Supervisors until the well or spring is no longer used for drinking water through no fault of the operation of the Landfill;
  - c. not less than 100 feet from any perennial stream or river as of the date of this Agreement, and

- d. not less than 50 feet from any public road as of the date of this Agreement.
8. The height of any buildings will not exceed forty (40) feet. The height of any appurtenant structures (such as leachate collection tanks) will not exceed fifty-five (55) feet above existing ground elevation unless otherwise approved by the County at the time of site plan review.
9. The Disposal Unit Boundary (that area of land upon which waste is directly deposited) of the Facility shall not exceed 650 acres.
10. Groundwater shall be monitored in accordance with VDEQ regulations as reflected in the approved Landfill permit. Copies of VDEQ monitoring reports shall be provided to the County Administrator, or designee. Permittee shall allow the County to install additional groundwater monitoring wells on, at or around the Facility under the direction of a "qualified groundwater scientist" as defined by VDEQ, at the County's expense of installing and monitoring. (If the additional wells are to be incorporated into the permitted groundwater monitoring system, the well construction and location are subject to the approval by VDEQ and a major modification filed with VDEQ for incorporation.)
11. All fuels stores at the Facility shall be maintained in approved corrosive-resistant, above ground storage tanks. Bulk fuels shall not be stored in buildings on the site. Fuel stores or other holding tanks at the Facility shall be noted on any site plan for approval by the County Administrator, or designee.
12. Pursuant to applicable state regulations, including 9VAC20-82-140, and prior to accepting waste, the Facility shall have an emergency management and contingency plan which delineates procedures for responding to fire and other emergency situations and Permittee shall submit such plan for County approval which shall not be unreasonably withheld.
13. The Facility shall comply with all applicable state and federal laws, and VDEQ Regulations relating to closure of the Facility and post-closure monitoring. As part of the post-closure plans for the Facility, a Final Use Plan shall be prepared at the end of the operating life of the Facility.
14. The Permittee shall employ persons to patrol the Facility and surrounding public property, including those public roads within one-half (1/2) mile of the new intersection of the access road and State Route 60 and at the intersection of Route 685, to collect litter.
15. Permittee shall implement and maintain all stormwater management and erosion control measures as required by applicable state regulations and local ordinances.
16. The County Administrator, or designee, shall have the right to inspect the Facility during operating hours.
17. Access Point(s) to the Landfill shall be equipped with a gate which shall be closed and locked during non-operating hours. A scale house attendant shall be present during operating hours to screen incoming waste. The attendant shall screen out unauthorized vehicles and vehicles with unauthorized cargo. Those vehicles not permitted into the Landfill will be turned away at that point. Access after operating hours will be allowed only to employees of Permittee and Landfill personnel. The regular Landfill operating hours shall be twenty-four (24) hours per day on weekdays (opening 6:00 a.m. Monday morning and closing 11:59 p.m. Friday evening) and 6:00 a.m. to 4:00 p.m. on Saturday. During other times, only trucks and vehicles owned and operated by Permittee shall be admitted to the solid waste management facility. The

Landfill personnel will remain onsite as long as necessary following primary disposal hours to complete the daily disposal of waste and to accomplish the necessary daily shut-down tasks.

At a minimum, Permittee shall employ appropriate supervisors, managers and mechanics, as well as equipment operators, laborers and office personnel. Permittee shall have sufficient equipment on site to ensure orderly operation of the Facility.

18. The Facility shall:

- a. Comply with VDEQ regulations pertaining to the placing of intermediate and final cover.
- b. Permittee shall manage all leachate at the Facility in accordance with applicable state regulations.
- c. Comply with VDEQ regulations relating to the monitoring and control of decomposition gases produced at the Facility.

19. Permittee shall have an inspection program of each truck to verify that all incoming waste is acceptable in content and origin. Records relating to waste accepted at the Facility shall be maintained and will be available for review at any time during operating hours by the County Administrator or his/her designee. Permittee shall train personnel employed at the Facility to identify unauthorized wastes, including familiarity with typical containers, markings, labels and placards that aid in recognizing unauthorized wastes.

- a. Non-Approved Waste. Permittee will maintain an active "Unauthorized Waste Screening Program," and all personnel involved in screening, shall be trained in this program. Signs shall be conspicuously posted informing users of acceptable and non-acceptable types of waste.
- b. Permittee shall implement a surface water monitoring plan for natural streams and other surface water bodies located on or adjacent to the Facility that conforms to applicable state requirements.

20. On-site permanent survey benchmarks for horizontal and vertical control will be established at the Facility. There will be annual topographic surveys of the active landfill which will be delivered to the County administrator or designee.

21. Roads within the Facility shall be graded as necessary to maintain smooth, well-drained surfaces. During dry periods, dust control shall be maintained. All roads necessary for the operation of the Facility shall be kept in passable condition and maintained after closure. Permanent unpaved roads shall be covered with gravel or other suitable material. Except for the incoming entrance road which shall be at least fifty (50) feet from adjacent property lines, roads will have a setback of at least one-hundred (100) feet from adjacent property lines of properties not owned by Permittee or its subsidiary or affiliate, except (i) as necessary to access the Facility, (ii) as contained in the approved VDEQ Part A and Park B permits, and/or (iii) as required by VDOT or as otherwise approved at the time of site plan review.

22. The entrance road from Route 60 to Route 685 (Miller Lane) shall be paved.

23. The sides of all borrow areas within the Facility shall be graded to prevent sudden changes in slopes. All stockpiles of overburden shall be graded to minimize erosion potential and to prepare the site for future uses in the final plan.

24. This Conditional Use Permit shall terminate if the Landfill does not commence operations within seven (7) years of this Conditional Use Permit and the rezoning of the subject property to M-2 being approved and the approvals becoming final and non-appealable. Following commencement of operations at the Facility, this Conditional Use Permit shall terminate if the Landfill ceases to operate and maintain the required state permits for four (4) consecutive years or more.
25. In lieu of the noise standards set forth in Section 74-588(a)(1) of the Zoning Ordinance, the following standard shall apply to the Facility: Any noise resulting from the Facility's operations, defined to include all aspects of Permittee's work once the Facility begins operations, shall not exceed sixty-seven decibels at the property line of the nearest residence currently sited on a residential lot. If the noise level at such line exceeds the permitted limit, the Company, after receiving written notice and a reasonable opportunity to cure, shall take corrective measures to eliminate such noise that exceeds the aforementioned threshold level. This noise restriction shall not apply at the entrance from Route 60 and the intersection with Route 685 (Miller Lane). Except for bird control, operations at the Facility shall not involve the use of any external speakers.
26. In lieu of the glare and lighting standards set forth in Section 74-588(a)(2) of the Zoning Ordinance, the following standard shall apply to the Facility: Once construction of the ancillary facilities located within the Facility are complete, the maximum illumination at the property lines of the Facility shall be limited to .5 foot candles. Permanent exterior lighting fixtures on the Facility property shall not exceed thirty (30) feet in height above grade level. The exterior lighting fixtures shall be "shoebox" or similar type capable of shielding the light source from direct view, except the lighting for the working area of the landfill disposal area. Provided, however, this condition 26 shall not apply to the lighting required for the entrance, or the intersections with Routes 685 or 654.
27. In lieu of the odor standards set forth in Section 74-588(a)(9) of the Zoning Ordinance, the following standard shall apply to the Facility: The Facility shall implement as needed a landfill gas management plan with an odor control and corrective measures plan ("OCCMP") component. The OCCMP shall consist of the following elements: 1) Objective, 2) Source Identification, 3) Reporting and Monitoring, 4) Operational Controls, and 5) Landfill Gas System. The plan shall comply with VDEQ regulations.
28. An active gas collection system shall be installed and operational within six (6) years of the commencement of the Landfill's operations.
29. As approved by VDEQ, fly ash may be accepted at the Landfill solely for use as cover, construction material or road bed material, and shall be managed in compliance with all applicable federal and state laws, regulations and permitted requirements.
30. Permittee shall operate scales at the Landfill as identified in the Landfill Permit and the Facility's Final Site Plan(s) to ensure the proper weighing of vehicles entering the Landfill. Scales will be of a type and quality customarily used in the industry and shall be properly maintained and operated.
31. Any Convenience and Recycling Center will be separated from the landfill disposal area and may be open to the public during posted hours.
32. Landfill Liaison.
  - a. During the operation of the Landfill, Permittee will reimburse the County up to a maximum of \$100,000 per annum, to defray costs and expenses of employing a County Landfill

Liaison, which includes benefits and any other related costs, including without limitations, uniforms, vehicle expenses, cellular telephone expense, and tools and equipment. The amount of reimbursement shall be adjusted annually in January of each year, based on the Consumer Price Index for all Urban Consumers (CPI-U), at a minimum of 1% a year but no more than 3% per year based on year-over-year changes in the CPI-U. The Landfill Liaison shall be a County employee or independent contractor and shall not be an employee or contractor of Permittee.

- b. The Landfill Liaison's duties shall include monitoring and inspection of waste disposal practices at the Landfill and monitoring all requirements of any Host Agreement and zoning (including the Conditional Use Permit). The Landfill Liaison shall have access to the Landfill at all times during operating hours, and at such other times, upon prior notification to Permittee, as may be reasonable and necessary to perform his duties.
- c. Subject to compliance with safety requirements prescribed by Permittee, which may include, without limitation, training, use of protective equipment and escort by Permittee's personnel, the Landfill Liaison shall have access to working areas of the Landfill to ensure compliance with the applicable Host Agreement and this Conditional Use Permit and with other applicable laws, regulations and permit requirements.
- d. The Landfill Liaison shall have access to Landfill records as necessary to ensure compliance with the Host Agreement, Conditional Use Permit and other applicable laws, regulations and permit requirements but shall not be entitled to review confidential business information.

### 33. Safety and Security.

Site Access and Traffic Flow. Access to the Landfill shall be limited to a single public access point from Route 60, and the access points that result from traversing Routes 685 and Route 654. These access points will be equipped with a gate which shall be closed and locked during non-operating hours. Access will be further controlled by personnel in the scale house. Permittee shall be responsible for initial screening of solid wastes entering the facility to determine the appropriate disposition within the landfill. As appropriate, sensors and video equipment, including radiation detection equipment, shall be used as part of the screening protocol.

All residential deliveries shall be directed to the Convenience Center. Only commercial vehicles and Permittee owned vehicles will be allowed in to the working area of the landfill.

- 34. The initial cell area to be used for landfill waste disposal shall be located on the western portion of the Property identified as Western Fill Area on the master plan. The area identified as Eastern Fill Area on the master plan shall not be used for the disposal of waste for a minimum of ten (10) years after the commencement of landfill operations at the Facility.
- 35. Permittee will sweep the entrance road from the scale house to Route 60, and the intersection with Route 685, daily, weather permitting, excluding Sundays and Holidays.
- 36. To the extent not already addressed by other conditions herein, Permittee shall comply with County Code § 74-583(3)(a-q) and will submit all plans required under § 74-583(3) to the County prior to the commencement of operations at the Landfill and will satisfy and comply with all other requirements of § 74-583(3)(a-q).

37. Landfill Site Closure, Final Plan and Completion.

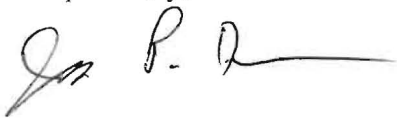
- a. Landfill Closure. The closure of the Landfill shall be in compliance with 9VAC20-81-160. No less than two years prior to the anticipated closure, Permittee shall develop a closure and post closure plan for review by the County. The final closure plan must be approved by VDEQ prior to initiating closure. Permittee shall work with engineers, landscape architects and other professionals at the end of the term of this Agreement regarding the use of the Landfill following closure, including for the possibility of constructing recreational park facilities, athletic fields or other public uses at the site of the Landfill.
- b. Post Closure Care. The post closure care for the Landfill shall be in compliance with 9VAC20-81-170.
  - i. As part of the closure and post closure plan for the final closure of the Landfill, Permittee will provide at least 25 acres of land to the County for public use at the site of the Landfill.

38. The service area for the Facility shall be limited to within 500 miles of the Facility as measured horizontally. Provided, however, the Facility may accept waste for disposal from the continental United States if that waste results or arises from a natural disaster and is considered "Acceptable Waste" under VDEQ requirements and have been approved for the Facility.

39. The Permittee shall comply with all provisions of the Host Agreement. The Board of Supervisors reserves the right to terminate this conditional use permit (CUP) upon noncompliance with any one or more provisions of the Host Agreement after an opportunity to cure the noncompliance in accordance with the applicable cure and tolling provisions of the Host Agreement, and the failure of the Permittee to cure the noncompliance as described and defined in the Host Agreement.

If you need additional information or have any questions, please do not hesitate to contact me.

Respectfully,



James P. Duncan  
Planning Director/Zoning Administrator  
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