

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF RICHMOND

THE COMMONWEALTH OF)
VIRGINIA,)

MICHAEL ROLBAND, in his official)
capacity as Director of the Department of)
Environmental Quality,)

Case No.: CL23000274-00

THE VIRGINIA WASTE)
MANAGEMENT BOARD, AND)

THE VIRGINIA AIR POLLUTION)
CONTROL BOARD,)

Plaintiff,)

v.)

THE CITY OF BRISTOL, VIRGINIA,)

Defendant.)

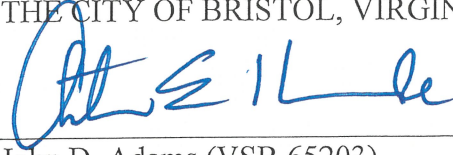
NOTICE

Pursuant to Section X(c) of the Consent Decree entered into by this Court on March 28, 2023, the Parties mutually submit the Letter Agreement attached as **Exhibit A** as a modification to one provision in Appendix A (Section 6 Intermediate Cover and EVOH Cover System, Number 4) and to one provision in Appendix B (Section 4 Grading, Geometric Configuration and Gas Expansion, Number 2) of the aforementioned Consent Decree.

Dated: March 21, 2024

Respectfully submitted,

THE CITY OF BRISTOL, VIRGINIA



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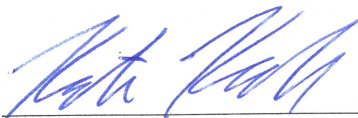
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*Counsel for Defendant, The City of Bristol,
Virginia*

SEEN AND AGREED:

THE COMMONWEALTH OF VIRGINIA,
MICHAEL ROLBAND, THE VIRGINIA'
WASTE MANAGEMENT BOARD, AND
THE VIRGINIA AIR POLLUTION CONTROL
BOARD



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EXHIBIT A

March 15, 2024

VIA ELECTRONIC DELIVERY

Ross Phillips
Katherine Kulbok
Office of the Attorney General
202 North 9th Street
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rphillips@oag.state.va.us
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Re: *The Commonwealth of Virginia et al. vs. The City of Bristol, VA*
Case No. CL230000274-00

Dear Mr. Phillips and Ms. Kulbok:

Pursuant to the terms of the Consent Decree, the City of Bristol Virginia worked with the Office of the Attorney General of Virginia ("OAG") and the Virginia Department of Environmental Quality ("VDEQ") to devise amended language to the Consent Decree entered into between the parties and incorporated into *The Commonwealth of Virginia et al. vs. The City of Bristol, VA*, Case No. CL230000274-00.

The City of Bristol requested extensions of time to two items in the appendices to the Consent Decree: (1) Appendix A, Section 6 Intermediate Cover and EVOH Cover System, Number 4; and (2) Appendix B, Section 4 Grading, Geometric Configuration and Gas Expansion, Number 2. The City worked with both the OAG and VDEQ to develop a satisfactory program and language to both amendments. By mutual agreement, the following language is being adopted and incorporated into the Consent Decree.

Appendix A, Section 6 Intermediate Cover and EVOH Cover System

4. Install the EVOH cover system once an acceptable rate of settlement has been reached, but not to exceed December 1, 2026. To determine an acceptable rate of settlement, Bristol shall conduct EVOH deployment suitability assessments ("Assessments") of SWP 588 based on the itemized settlement criteria listed

below. The first Assessment shall be completed by March 28, 2024, for the previous 90 days, and submitted to DEQ within 10 business days. Each subsequent Assessment of SWP 588 shall be repeated, beginning April 1, 2024, on a 90-day reporting period, and submitted to DEQ within 10 business days after the 90-day reporting period has ended, until an acceptable settlement rate for the EVOH cover system deployment is reached.

A cumulative summary of all the Assessments, to date, must be provided to DEQ for concurrence, prior to the determination to proceed with the deployment of the EVOH cover system. Bristol's cumulative Assessment summary shall include a determination, applying the itemized criteria below, on whether SWP 588 has reached an acceptable settlement rate to allow for safe and lasting deployment of the EVOH cover system. Determination that SWP 588 has reached an acceptable settlement rate shall require DEQ concurrence. Bristol shall properly deploy the EVOH cover system within 6 months of DEQ's concurrence, to be extended to a total of 9 months, if DEQ determines such extension is warranted. Bristol shall endeavor to properly deploy the EVOH cover system as soon as practicable. Prior to the proper deployment of the EVOH cover system, Bristol shall re-shape the existing interim cover surface of the landfill to direct storm water runoff to storm water management (SWM) basins located at appropriate points on the surface of the landfill.

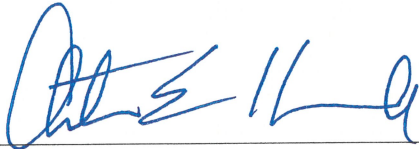
EVOH deployment suitability assessments of SWP 588 shall be based on the following settlement criteria:

- The rate of settlement of the waste has transitioned to a state of long-term secondary compression with the settlement varying approximately logarithmically with time;
- Strain rate at all settlement plates is less than 1% per year, or a rate identified as consistent with secondary compression of municipal solid waste. Strain rate is defined here as the ratio of the change in vertical elevation of the surface of the waste at a given location to the thickness of the waste at that location per unit time; and
- Surface cracks due to settlement having a width less than 1-inch.

Appendix B, Section 4 Grading, Geometric Configuration and Gas Expansion

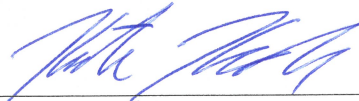
2. A certification by a VA-PE verifying that final closure has been completed in accordance with the Waste Regulations and verifying installation of a comprehensive GCCS in accordance with Federal and State Air regulations shall be submitted to DEQ no later than May 15, 2024.

By signatures below, the City of Bristol Virginia, the Virginia Department of Environmental Quality through the Office of Attorney General agree to the amendments to the Consent Decree:



Justin Howard
Erin Ashwell
Christian Henneke

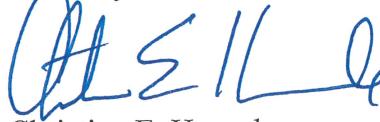
Attorneys for the City of Bristol, Virginia



A. Ross Phillip
Katherine Kulbok

Office of the Attorney General of Virginia

Sincerely,



Christian E. Henneke

Cc: Justin D. Howard, Esq.
Erin B. Ashwell, Esq.

CEH/tjp