



COMMONWEALTH OF VIRGINIA

HOUSE OF DELEGATES

RICHMOND

JEFFREY M. FREDERICK
POST OFFICE BOX 58
WOODBIDGE, VIRGINIA 22194

FIFTY-SECOND DISTRICT

COMMITTEE ASSIGNMENTS:
PRIVILEGES AND ELECTIONS
EDUCATION
HEALTH, WELFARE AND
INSTITUTIONS

April 15, 2004

The Honorable Jerry W. Kilgore
Attorney General
Commonwealth of Virginia
900 East Main Street
Richmond, Virginia 23219

RE: Potomac Landfill, Dumfries

Dear Attorney General Kilgore:

Since the early days of my campaign for the House of Delegates last year, I have come to be painfully aware of the Potomac Landfill ("Landfill") in Dumfries and the nuisance, problems, and harm it has caused the Town of Dumfries ("Town") and its residents. I have walked the Tripoli Heights neighborhood, which backs up to the landfill and have personally seen (and smelled) the effects firsthand: kids can't play in their backyards; residents can't open up their windows on a nice day; office buildings have been evacuated; and Town economic development efforts have been hindered.

I'm writing you today in the hope that you and those in your office will come to recognize a serious and lasting public health and safety matter located within this Town -- and move to act on our concerns.

The landfill, which operates under the authority of a Consent Agreement signed with the Town in 1987, and enforced by the Department of Environmental Quality ("DEQ"), emits an offensive odor caused by hydrogen sulfide gas -- a byproduct of the operation -- which is commonly known as "sewer" or "rotten egg" gas. Since the beginning of the operation, this odor has resulted in a significant public nuisance, as I've described above.

Local media have even done several reports on the Landfill. I'm including with this letter copies of some of these articles from both the *Washington Post*, and our local paper, the *Potomac News*.

More specifically, unbearable odors, leaking liquids, dirty water, dust, and the explosive nature of the gasses associated with the continued operation of the Landfill continue to exist in spite of numerous findings of violations. To name just a few:

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- On March 6, 2001, DEQ sent the Landfill a “Notice of Violation” of the facility’s permit and the Virginia Solid Waste Management Regulations (“VSWMR”).
- On April 3, 2001, DEQ sent the Landfill a “Notice of Violation”, also of the facility’s permit and the VSWMR.
- On December 10, 2002, DEQ sent the Landfill a “Warning Letter”.
- On November 24, 2003, DEQ sent the Landfill a “Notice of Violation”, again of the facility’s permit and the VSWMR.
- On March 15, 2004, DEQ sent the Landfill a “Notice of Violation” of the Emission Standards for Odor of the State Air Pollution Control Board (SAPCB) regulations of the State Air Pollution Control Law.
- On March 24, 2004, DEQ sent the Landfill a “Notice of Violation”, again of the facility’s permit and the VSWMR. A DEQ memorandum stated that hourly monitored test readings exceeded odor thresholds and that “a significant number of the individual hourly readings that make up these daily averages also exceeded the odor threshold by a significant margin.” The citations listed in this notice include:
 - objectionable odors
 - the frequency of these odor episodes
 - volatility of the hydrogen sulfide gas
 - lack of adequate training on site
 - illegal recycling facilities and operations

The Landfill has also been found in violation of both the Town of Dumfries Code of Ordinances and the 1987 Consent Agreement, which permits the Landfill’s operation, as enforced by DEQ.

It is my belief that the series of continued violations of Town ordinances, and of state law and regulations warrants significant action, including the possibility of a shut down of this construction debris facility. It is on behalf the citizens of the Town of Dumfries, of whom I represent, that I request your assistance in doing so.

I have a binder of documentation depicting the more tangible, technical nature of this ongoing problem, which I would be happy to forward to your office upon your request.

I am hopeful and confident that aggressive efforts from your office can do a great deal to expedite action in alleviating the problems I’ve described. Should you or anyone from your office have any questions, please do not hesitate to contact my aide, Matt

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Robbins, at (703) 929-0623, or the Mayor of the Town, Melvin Bray, at (703) 221-3400, extension #120.

Many thanks for your continued efforts on behalf of our Commonwealth, and for your assistance with this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Frederick". The signature is written in a cursive style with a large, stylized "J" and "F".

Jeff Frederick

cc: The Honorable Melvin Bray, Mayor, Town of Dumfries
The Honorable W. Tayloe Murphy, Jr., Secretary, Department of Natural
Resources
Mr. Robert Burnley, Director, Department of Environmental Quality
The Honorable Charles Colgan, Senate of Virginia
The Honorable Mark Warner, Governor
The Honorable Maureen Caddigan, Supervisor, Prince William County Board of
Supervisors
Mr. Donald S. Welsh, Regional Administrator, United States Environmental
Protection Agency