The Case Against

Shoosmith Quarry

Shoosmith Landfill
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Shoosmith Landfill and Continued Pollution

Executive Summary

Control of leaking leachate – pollutants, contaminants, carcinogens, etc--has only been conducted with honest effort since 1997, and then only in a perfunctory manner.

Colorado and Chesterfield bring different situations, problems and solutions to the fore. Frankly, we could learn a lot with a short study of the structure and reasons for the Animas River to repair itself. When the mines were spent they were tidied up and closed. Waste material was left behind. It was 1923.

The Gold King Mine in Colorado where the contaminated waste destined for the Animas River originated closed that year. At that time little if anything was known about the dangers of the escaping leachate. The landfill we suffer in Virginia is known as the Shoosmith Landfill. In the 1976 time frame, the Shoosmith Landfill had been established in a much smaller effort. This was the period known as start of the "cradle to grave" Resource Conservation and Recovery Act (RCRA) and the Shoosmith Landfill has survived on repeated Consent Decrees or Permits since. It has never been sold.

Throughout, the Shoosmith Dump and Chesterfield County have left open the question of how much control do they really provide. The overwhelming answer seems to be none. The control of coal ash is their primary focus. Waste is left to rot with a minimum amount of coverage. And, up until a short few years ago they refused to listen to our problems. The situation is exacerbated by the fact the "Stormwater Basins are independent of each other with a steep, broad open hillside placed at long horizontal distances between them.

There is little to no evidence of testing of the dump area within the Shoosmith Landfill. Moreover there is no record of independent and certified inspectors validating them. Swift Creek, the Appomattox River, the James River continue into the Chesapeake Bay adding to the regrowth problems being experience there. The pollution factor in the Chesapeake Bay receives "contributions" from the Shoosmith Dump causing this slow new growth of fish, crabs, sea grass, etc. before exiting the Bay at Norfolk and being faced with 200 miles of the Continental Shelf to navigate.

The vertical rise of the landfill starts virtually adjacent to Swift Creek leaving no room for flat retention following the lay of the land such as the ones available to the Animas River in Colorado. The stark differences have their validity in the failure of even one Stormwater Basin and the flow of its contents into Swift Creek less than 300 feet away.

Without definitive data to the contrary, it is broadly assumed the bottom of the quarry is below the mean surface level of the creek. The potential for leakage from the bottom of the quarry to the surface of the Swift Creek water table will always create an imbalance where the atmospheric pressure should be in equilibrium. The absence of any sort of independent inspection program in Swift Creek poses the significant question – what really is happening here?

File: Quarry-SwiftCreek-Water Transfer

The Quarry and Swift Creek

All measurements and inspections must be done by independent and certified inspectors. The inspectors must be experts in their fields and beholden to no one.

The water table is the surface where the water pressure is equal to the atmospheric pressure, i.e., where gauge pressure = zero. The potential for waste water and products to transfer from the inside of the quarry to Swift Creek outside the quarry is dictated by an imbalance of these pressures. For example, a leakage of contaminated waste from the landfill and down the slope approaching Swift Creek is usually caused by incomplete daily processing and coverage.

We note and request:

- The exact depth of the quarry in layman's terms at the deepest point and in 50 yard boxes starting at the center of the bottom and extending to the entire wall adjacent to Swift Creek
    - This information is also needed in fifteen degree directions around the whole of the quarry
    - Unfortunately, the consortium of the Shoosmith Landfill, the Chesterfield County government, and the Department of Environmental Quality has been largely non-productive
- The mean surface level of Swift Creek at which the ground beneath the surface is saturated with water
- The depth of the bottom of any aquifer below Swift Creek
- The presence of a potentiometric surface rather than a water table
    - In groundwater, a synonym defining the level to which water in a confined aquifer would rise were it completely pierced with wells
- The direction of flow of Swift Creek in no more than 15 degree increments
- The points where the water in Swift Creek moves to the next body of water either through direct contact or overland
    - Inspections for like water contamination beyond the adjacent shores of the waterways will be followed to their conclusion, including into the Atlantic Ocean and the outer edge of the Continental Shelf
- Measurements in layman's terms of the contaminants as defined in EPA documentation in Swift Creek and along the whole of its length
- Measurements in layman's terms of the contaminants as defined in EPA documentation beyond the extremes of Swift Creek for the distance it travels to the next bodies of water

Notes

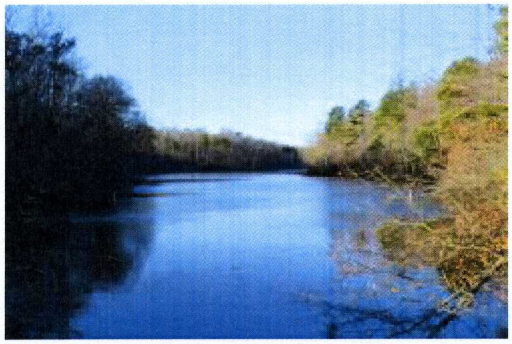
- Potentiometric – voltage divider; an instrument for measuring electromotive forces
- Swift Creek joins the Appomattox and James Rivers (don't know which comes first)
- Swift Creek is fed, in part, by Swift Creek Reservoir. The reservoir is situated to the NW of where Swift Creek passes by Shoosmith Landfill within 200 feet. This is on the vertical side of the landfill used to capture leaks

File: Quarry-SwiftCreek-Water Transfer

- In the past 20% of the water supply had been used for drinking the other 80% for recreation However, over the last two (2) years E.Coli has become a problem leading to the development of gastrointestinal problems
    - Of interest, Swift Creek is on DEQ's 2012 impaired waters list for E. coli
- It matters little what is sliding into Swift Creek, the problem remains contamination and pollution
    - Reportedly, the pollution levels in Swift Creek reservoir are higher than they were the last time they were tested
    - Waters that "follow the flow" end up going into the Appomattox River, the James River, the Chesapeake Bay, and out to sea at the Norfolk access
- The overwhelming presence of vultures is proof positive there is open waste (food) on the landfill. This will become open waste in the quarry
- The presence of any exposed food stuff – carcinogens, etc, is proof the process is broken. There are any number of reasons
    - The main reason is the employees not taking care of the waste left to rot overnight
    - Another with enormous implication is the failure to bury fly ash in accordance with the rules
- In a quarry it is a festering problem constantly attacking the water supply in the waterways around it, in this case Shoosmith and Swift Creek
- The depth of the quarry, particularly in reference to the water table and wall/bottom cracks leading to Swift Creek. Shoosmith and DEQ are guilty of not doing their respective jobs
- The Chesterfield County government goes along; after all, there are a lot of taxes in play here

Swift Creek Important to Chesterfield County

By Mark Battista
CONTRIBUTING WRITER

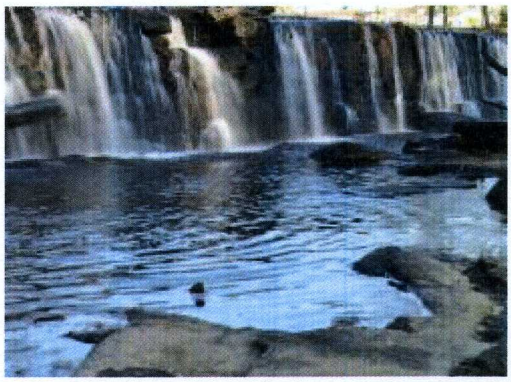


Like a chameleon, Swift Creek changes. It can morph into a trickle, form swamps and lakes, a tidal creek and more. Mark Battista /Chesterfield Observer

Swift Creek is a beautiful and storied waterway. It thrives as both a natural and historic resource, a fluid artery of tranquility and hidden treasure. "Swift Creek is approximately 40 river miles," says Weedon Cloe, senior water quality analyst for Chesterfield County Environmental Engineering. "It starts its journey at a small pond in Powhatan County and "crosses the county border one mile west of Mount Herman Road."

From there, it threads its way from the northwest corner of Chesterfield to its confluence with the Appomattox River at the opposite corner of the county.

Like a chameleon, Swift Creek changes. Sometimes, it's just a trickle. Sometimes it grows to form swamps and lakes. The Appomattox River at the opposite corner of the county.
Before it meets the Appomattox River, a tidal creek almost 100 yards wide.



As beautiful and important as Swift Creek is to the county, it is not without problems.

Near Genito Road, Swift Creek mingles with other small creeks, and together, they form the Swift Creek Reservoir.

"It [Swift Creek Reservoir] was constructed in 1965 for a public water supply," says George Hayes, assistant director of Chesterfield County Department of Utilities. "It's a 1700-acre impoundment, and the watershed is 61.9 square miles. The impoundment contains 5.2 billion gallons of water ... and it provides about 20 percent of the water supply."

Along with providing water for residents, the reservoir has become a playground for people with sailboats, pontoon boats, kayaks or just fishing rods. It's also a serene backdrop for the adjoining communities of Brandermill and Woodlake.

From the reservoir, Swift Creek heads southeast and slides unnoticeably under Route 360 and Bailey Bridge Road before it enters Pocahontas State Park and creates Swift Creek Lake.

Swift Creek Reservoir was constructed in 1965 as a public water supply. It's also a recreational area. John Beebe /Chesterfield Observer" The Swift Creek Lake was created by the CCC [Civilian Conservation Corps] in 1936," says Dan Quesenberry, park manager for Pocahontas State Park. "The lake was created for recreational purposes only, not for drinking water."

The lake was a popular area for swimming and boating. In 1978, high turbidity, the amount of suspended particles in the water, put an end to swimming in the lake, explained Quesenberry.

The park was designed to accommodate large city groups. It provided an escape to the outdoors for the people of Richmond, which, according to Quesenberry, was the second most populated city in Virginia in the 1930s.

Swift Creek continues its journey southeast through the rural part of Chesterfield County. It races under Beach Road, flows past the Highlands community and drifts under Bradley Bridge Road. Between Branders Bridge Road and the Boulevard, the waters are impounded again to form another lake also known as Swift Creek Lake, which borders Chesterfield County and Colonial Heights. According to a Department of Game and Inland Fisheries fact sheet, the 42-acre lake was created "to supply water to the tri-cities of Colonial Heights, Petersburg and Hopewell." The lake is now used for recreational activities and hydroelectric power generation.

The city of Colonial Heights Department of Parks and Recreation has established Lakeview Park along the shoreline of the lake. The small park provides a picnic shelter, a playground, fishing areas and access for non-motorized boats.

Swift Creek continues only a short distance beyond Lakeview Park before its waters are impounded again.

In 1663, the waters of Swift Creek were damned and harnessed to power the Swift Creek Mill, and according to the Swift Creek Mill Theatre website, the mill "is believed to be the oldest gristmill in the United States." The mill is on the National Historic Registry and now serves as a restaurant and theater.

After leaving the Swift Creek Mill Theatre, the waters run its final miles along the fall zone. About two miles upriver from Interstate 95, the waters turn tidal, then flow slowly to merge with the Appomattox River. In this tidal area, the waters course past White Bank Park in Colonial Heights and the Swift Creek Conservation Area in Chesterfield County.

As beautiful and important as Swift Creek is to Chesterfield County, the waterway does have its share of problems. "Swift Creek is on DEQ's (Virginia Department of Environmental Quality) 2012 impaired waters list for E. coli," says Cloe. E. coli, or Escherichia coli, is a bacterium that washes into waterways from wildlife or human wastes. If ingested, certain strains can produce abdominal pain and diarrhea.

According to Lorne Field, environmental outreach coordinator for Chesterfield County Environmental Engineering, the county is addressing the problem in two ways. County staff along with trained volunteers, known as Water Trends monitors, sample and test the waters at various streams throughout the county.

"Two years ago, they just started monitoring for E. coli., " says Field. "We do have monitors on Swift Creek and its tributaries who are actually monitoring for E. coli, and it's one of the ways that the county is trying to keep its tabs on what's happening in the watershed."

The county is also trying to control the problem through educational outreach and "by identifying infrastructure problems that may be contributing to it as well," says Field.

The Streams and Rivers of Chesterfield County

Chesterfield County is committed to protecting our waterways. They are an important part of our quality of life. In a domino like effect, we ultimately depend on the water quality in our streams and the in our rivers and reservoirs. As a bonus, streams also are recreational and visual resources for county residents. Water, like air is a required by every living creature. Because it is so common, it is easily taken for granted.

- How do streams work? A stream begins at its headwaters. It can be fed by an underground spring or by storm water (runoff from rain and melting snow). A stream and river is an ecological system consisting of a pattern of smaller streams, or tributaries, joining one another and flowing together to form the main stream or river. Distinguishing a stream from other waterways is a function of it year round flowing.
- Intermittent streams flow only part of the year, during the wet seasons, and are not usually given names. Still, they feed larger streams.
- In an ecological manner the smaller streams deliver most of the water and food to the bigger ones. Without feeder streams our rivers would not exist.

Moving a step up the ladder, there are two basic types of streams: Perennial streams flow all year long except in periods of extreme drought. Most streams that have been given names, like Swift Creek or Proctors Creek, are perennial streams. Intermittent streams flow only part of the year during the wet seasons; yet they feed larger streams. Natural streams often have both deep and shallow areas called pools and riffles.

Streams are constantly changing. Anyone who has watched a stream in different seasons or at different places along its course has seen this happen.

Streams are affected by changes in the weather, the seasons, the ground they flow over and man-made changes in the land around them. In response, a stream may scour away vegetation, flood the land, erode the landscape or carry and deposit soil. Where the stream is restricted it speeds up to compensate, eroding downstream banks or spreading out to flood the land around it.

There's more to a stream than rushing or meandering water. A stream corridor, or stream valley, is a complex and valuable ecosystem that includes the land, plants, animals, and network of streams within it.

Stream Corridor Restoration, Principles, Processes, and Watersheds.

The land area that drains into a stream, river or other body of water is called a watershed. The watershed may cover many square miles, stretching far beyond the bounds of a creek or the smell of damp earth at the water's edge. The water quality and other characteristics of a stream winding through the woods will be different from a stream that flows through industrial areas or farmland. Streams are affected both chemically and physically by changes in the watershed surrounding them.

Storm water washes pollutants, such as motor oil, pesticides and contaminated soil from construction sites into nearby streams. As forested or open land is paved or covered with buildings not as much storm water can soak into the ground through natural, porous surfaces. So, storm water flows into nearby streams. This increased flow will cause a stream to adjust its shape, widening or down-cutting the stream bed, eroding stream banks and degrading the habitat for the animals and plants that live there.

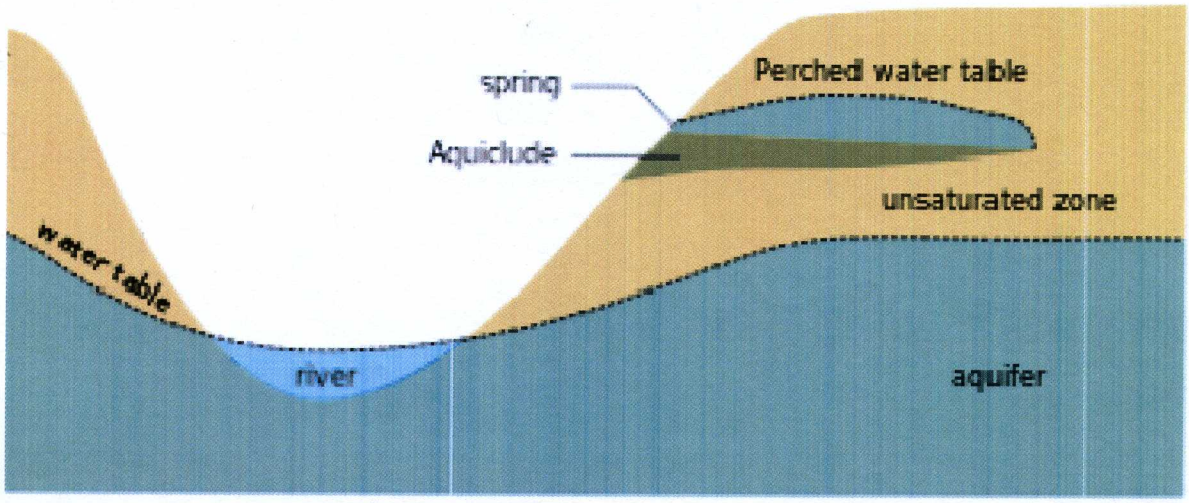
Life in a Stream.

A stream is made up of more than flowing water. It is home to many different plants and animals, e.g., fish, frogs, crayfish and small insects functioning as an important part of the food chain. Some are quite sensitive to pollution. The aquatic plants and animals living in a stream change from the upper reaches to broader stretches downstream.

The headwaters supply water and food for whatever lives in the entire stream system. Rivers cover 124 miles of riverfront along the Appomattox and James River Streams, 469 miles of perennial streams, 873 miles of intermittent streams, Swift Creek Reservoir with 1700 acres of water 65 miles square in the watershed, Falling Creek Reservoir 110 acres of water covering 53 square miles in watershed, and Lake Chesdin with 3060 acres of water on 1340 square miles in watershed.

This article is one of a series provided by the Chesterfield County Department of Environmental Engineering offices and is geared to preserving the natural resources of the County. There are a multitude of streams in the County with the largest being Swift Creek, bringing us full circle to the Shoosmith Landfill problem.

The Water Table



Cross section showing the water table varying with surface topography as well as a perched water table

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The **water table** is the surface where the water pressure head is equal to the atmospheric pressure (where gauge pressure = 0). It may be conveniently visualized as the "surface" of the subsurface materials that are saturated with groundwater in a given vicinity. However, saturated conditions may extend above the water table as surface tension holds water in some pores below atmospheric pressure.[1] Individual points on the water table are typically measured as the elevation that the water rises to in a well screened in the shallow groundwater.

The groundwater may be from infiltrating precipitation or from groundwater flowing into the aquifer. In areas with sufficient precipitation, water infiltrates through pore spaces in the soil, passing through the unsaturated zone. At increasing depths water fills in more of the pore spaces in the soils, until the zone of saturation is reached. In permeable or porous materials, such as sands and well fractured bedrock, the water table forms a relatively horizontal plane. Below the water table, in the phreatic zone, permeable units that yield groundwater are called aquifers. The ability of the aquifer to store groundwater is dependent on the primary and secondary porosity and permeability of the rock or soil. In less permeable soils, such as tight bedrock formations and historic lakebed deposits, the water table may be more difficult to define.

The water table should not be confused with the water level in a deeper well. If a deeper aquifer has a lower permeable unit that confines the upward flow, then the water level in a well screened in this aquifer may rise to a level that is greater or less than the elevation of the actual water table. The elevation of the water in this deeper well is dependent upon the pressure in the deeper aquifer and is referred to as the potentiometric surface, not the water table.

The water table may vary due to seasonal changes such as precipitation and evapotranspiration. In undeveloped regions with permeable soils that receive sufficient amounts of precipitation, the water table typically slopes toward rivers that act to drain the groundwater away and release the pressure in the aquifer. Springs, rivers, lakes and oases occur when the water table reaches the surface. Springs commonly form on hillsides, where the Earth's slanting surface may "intersect" with the water table. Groundwater entering rivers and lakes accounts for the base-flow water levels in water bodies.

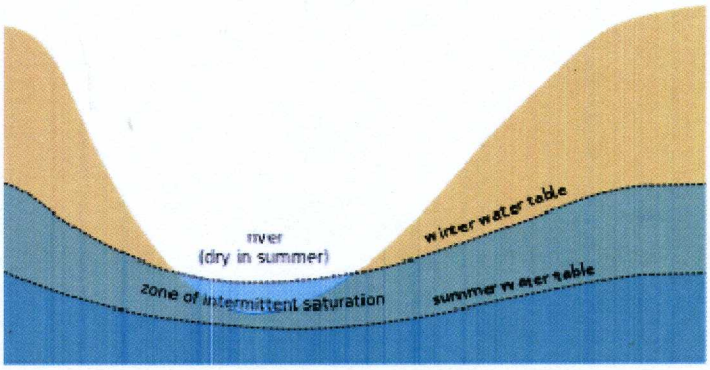
Surface topography

Within an aquifer, the water table is rarely horizontal, but reflects the surface relief due to the capillary effect in soils, sediments and other porous media. In the aquifer, groundwater flows from points of higher pressure to points of lower pressure, and the direction of groundwater flow typically has both a horizontal and a vertical component. The slope of the water table is known as the hydraulic gradient, which depends on the rate at which water is added to and removed from the aquifer and the permeability of the material. The water table does not always mimic the topography due to variations in the underlying geological structure (e.g., folded, faulted, fractured bedrock).

Perched water tables

A perched water table (or perched aquifer) is an aquifer that occurs above the regional water table, in the vadose zone. This occurs when there is an impermeable layer of rock or sediment (aquiclude) or relatively impermeable layer (aquitard) above the main water table/aquifer but below the surface of the land. If a perched aquifer's flow intersects the Earth's dry surface, at a valley wall for example, the water is discharged as a spring.

Fluctuations



Seasonal fluctuations in the water table. During the dry season, river beds may dry up.

Tidal fluctuations

On low-lying oceanic islands with porous soil, freshwater tends to collect in lenticular pools on top of the denser seawater intruding from the sides of the islands. Such an island's freshwater lens, and thus the water table, rises and falls with the tides.

Seasonal fluctuations

In some regions, for example, Great Britain or California, winter precipitation is often higher than summer precipitation and so the groundwater storage is not fully recharged in summer. Consequently, the water table is lower during the summer. This disparity between the level of the winter and summer water table is known as the "zone of intermittent saturation", wherein the water table will fluctuate in response to climatic conditions.

Long-term fluctuations

Fossil water is groundwater that has remained in an aquifer for several millennia and occurs mainly in deserts. It is non-renewable by present-day rainfall due to its depth below the surface, and any extraction causes a permanent change in the water table in such regions.

Effects on climate

Aquifer drawdown or over drafting and the pumping of fossil water may be a contributing factor to sea-level rise.

The News Media Jumps In

Recent and historical news media from coast to coast and through many states in both directions is packed with stories about the need to change power generation, usage and disposal. This will not happen overnight. But as page one stories in at least four diverse newspapers across the United States have shown over the past month, it will get the attention of the public. These simultaneous front page major stories covering this problem appeared in the Chesterfield Observer, the Richmond Times-Dispatch, the Washington Post, and the Wall Street Journal.

It is time to be done with this affront to our communities threatening the waterways into and beyond to the Atlantic Ocean. The time has come for the district leaders of Chesterfield County to get with the program.

Rather than pouring highly toxic garbage in the quarry, let's fill it up with clean waste and cap it off with a pond. The pond itself will help in the development of equilibrium at the water table surface. Then, let's build Chesterfield's version of Mount Trashmore. The Mount Transmore concept and execution have been an enormous and lasting success in Virginia Beach and the Tidewater areas. There is no reason the logic and outstanding execution wouldn't transfer to the Shoosmith Dump.

The train disaster in downtown Lynchburg was short lived. That won't be the case in the streams and rivers of Chesterfield County. Other disasters in the United States over the past few days like the Animas River flowing from the abandoned Gold King Mine in Colorado has spread hundreds of miles of water high in toxic contaminants containing heavy metals.

The Animas river water has turned orange in color and is impacting the drinking supply on the western edge of the Rocky Mountains. This water is threatening to impact streams and rivers for yet determined drinking water supplies including Lake Powell in Utah. Initial tests suggest the level of contamination has risen significantly. Fortunately the people who maintained the Gold King Mine in 1923 were more adept at controlling the situation than those at the Shoosmith Landfill. The Storm Basin arrangement at Shoosmith would be an abysmal failure in such an event.

Some of these are natural occurrences; others are the result of a lack of attention. The County versions are within a short drive of the Shoosmith Landfill, a reasonable bike ride or a weekend hike. Take a walk and check it out.

Government in Chesterfield County

We are dealing with several dangers the least of which is the explosive growth in Chesterfield. The multitude of streams and rivers within 300 yards of the Shoosmith Landfill would cause constant movement of water over the lands and into Swift Creek. What is our answer? Will we allow this landfill to constantly dump the pollutants and contamination in the quarry that causes these threats?

The water in Swift Creek flows out of the reservoir and directly past us no more than 300 yards away en-route the Appomattox and James Rivers. It then continues through the Chesapeake bay and out to sea at Norfolk where it goes an additional 200 miles to clear the Continental Shelf, polluting the waterways as it goes.

Now we contemplate dumping garbage and trash in an open quarry and haven't even determined the exact depths along the bottom for the expanse of contact between Swift Creek and Lake Chesdin. I challenge you to find an independent and qualified engineer who can/will conduct these measurements in less than 90 days, though it may take many more. My strong suspicions are the bottom of Swift Creek is above the bottom of the quarry, creating an unbalanced equilibrium and inviting the contaminated water to come over for a swim.

If so, the water below the Water Table creates a pressure differential causing waste to fill more pores in the soil until either the zone of saturation (equilibrium) is reached or the water in the quarry continues to push that in Swift Creek upwards in a never ending trade-off. Any change results in another upward shift from the quarry water.

We've got the cart before the horse and I suspect it is because neither DEQ, nor the Chesterfield government offices or Shoosmith want to face the truth.

Contamination in the Chesterfield Area
Bits and Pieces

Stony Creek
Dinwiddie County, VA

The contamination of Stony Creek in Dinwiddie County is a significant situation that needs to be addressed, according to DEQ. Within the past half-month part of the 16mile creek that runs through Dinwiddie County smelled "really bad" and had changed color. The health department issued a warning for people to avoid contact with the water due to fecal coliform from animal waste.

Investigators found one site where there was a problem. Now CBS 6 has learned that a slurry or grain by-product material is also part of the problem on the same property and DEQ is checking whether or not a slurry has been placed on other properties adjacent to Stony Creek.

A species of mussel may also be affected by the runoff into Stony Creek. The Federal Departments of Agriculture, US Wildlife, the Virginia Department of Game, and Inland Fisheries are also included in the investigation. So are Dinwiddie County officials.

Farmers are concerned since some pull water from the creek to use for irrigation. "I'm concerned about everything, the wildlife, the products, everything," said John Eubank, a Dinwiddie County farmer. Hunters are concerned about wildlife drinking from the water, along with fishermen who worry about what may happen to fish in the creek.

There is also concern because Stony Creek flows into the Nottoway River in Sussex County. We're scared to go back there with the dogs, we don't want them in the creek until we find out," said Bobby Perkins, who owns property next to Stony Creek. "We don't know if wildlife drinks out of the creek, is going to die, will be affected, or be safe to eat."

Appomattox River
Appomattox County, VA

The Appomattox River, a major tributary to the James River, flows out of Appomattox County towards Petersburg and Hopewell. Along its course it forms boundaries between such counties as Buckingham, Prince Edward, Cumberland, Amelia, Powhatan, Chesterfield, Dinwiddie and Prince George. Lake Chesdin just west of Petersburg is a major man-made impoundment on the river.

In addition to largemouth and smallmouth bass, the Appomattox is home to the Kentucky spotted bass. These fish were introduced into the Appomattox in the mid-1970s and they have moved throughout the river and into its major tributaries such as Briery Creek, Bush River and Buffalo Creek. Anglers are most

likely to catch spotted bass from just upstream of Farmville and down to the Amelia/Chesterfield county line at Route 360 west of Richmond.

The river also contains a wide range of species including redbreast sunfish, bluegill, flier, crappie, pickerel, and hard-fighting minnows. Striped bass and walleye running out of Lake Chesdin provide a seasonal fishery in the Appomattox. Access is mostly limited to bridge crossings. Numerous fallen trees cross the stream so anglers who don't mind pulling a canoe or johnboat across these trees can enjoy a quiet day on this river. Due to the remote nature of the river, only experienced boaters should try its waters.

Swift Creek
Chesterfield County, VA

After passing the Shoosmith Landfill, contaminates entering Swift Creek on their way to the Appomattox either go along for the ride or stay behind at the bottom and sides of the creek. (Remember what we said about equilibrium and contaminates along Swift Creek.)

Those that continue through the waterways deposit all manner of dangerous chemicals on their trip to the Appomattox and then on to the James River. The James River carries them into the Chesapeake Bay from where they kill a good deal of water borne wildlife, fish, etc., before being carried out the mouth of the Chesapeake into the Atlantic Ocean. The water along the local path will be contaminated by the Shoosmith Landfill so you need to take that from home.

Judge Reggie B. Walton
Speaks

Judge Walton's Consent Decree provides suggestions on what the EPA organization and the County officials can do to eliminate the coal ash situation enjoined by Shoosmith. With astuteness Judge Walton left open several avenues to address the problem attendant with decomposing garbage and contaminated waste.

Of note, Judge Walton's original Memorandum files October 29, 2013 required the parties to submit updated information within 60 days. That has not happened. The Consent Decree was filed by the EPA Administrator by December 19, 2014 to sign for publication in the Federal Register a notice taking final action. The rule was published in the federal register on April 17, 2015, and its effective date is October 17, 2015.

Over the years between the Memorandum Opinion Judge Walton signed on 29 October 2013 providing a period of sixty days to reach an agreement. However, the process continues. On 29 January 2014 Judge Walton filed a Consent Decree directing the EPA to promptly transmit the signed notice to the Federal Register. Further, the EPA was directed to provide the Parties with a copy of such notice taking final action within five business days of signature by the Administrator. The rule was published in the federal register on 17 April 2015 with an effective date of 17 October 2015.

Judge Walton further directed Plaintiffs' sole judicial remedy to address the merits of any final agency action taken by EPA pursuant to this Consent Decree is to file a new lawsuit to challenge such final action.

Summary Judgement

A summary judgement is a judgement entered by a court for one party and against another party summarily, i.e., without a full trial. Such a judgement may be issued on the merits of an entire case, or on discrete issues in that case. "Plaintiffs sole judicial remedy to address the merits of any final agency action taken by EPA pursuant to this Consent Decree is to file a new lawsuit to challenge such final action."

Circumventing like situations in the past and employing a Consent Decree issues in 1997, Shoosmith can be expected to enjoin the Chesterfield government into permitting the use of the quarry for contaminated waste such as coal ash. Remembering the community drinking water comes from Swift Creek, this places the contamination of Swift Creek up or down stream in a direct line of physical contact and would exacerbate the cycle of contaminating Swift Creek. Under the circumstances, i.e, the bottom of the quarry for an unknown number of feet would be under water and would come into direct play thereby being rendered invisible from visual sight. This danger is not specific to coal ash, rather it is the result of haphazard planning and execution.

Mount Trashmore Park
Virginia Beach, Virginia

World-renowned Mount Trashmore Park encompasses 165 acres and is comprised of two man-made mountains, two lakes, two playgrounds, a skate park and vert ramp, and multi-use paths. The main mountain, Mount Trashmore, now 60 feet in height and 800 feet long, was created by compacting layers of solid waste and clean soil. Recognized for its environmental feat, this former land fill features a water-wise garden that boasts xeriscaping which requires minimal water.

The park also features a smaller mountain, Encore Hill, and two lakes. Lake Windsor (located along South Blvd.) is brackish water fed by Thalia Creek. Lake Trashmore (located along Edwin Drive) is freshwater and hosts various species of fish.

Fishing is permitted from land only and requires a Virginia freshwater fishing license. Anglers must adhere to all State regulations regarding creel and size limits. No boats, swimming or wading is allowed in the lakes.

Amenities:

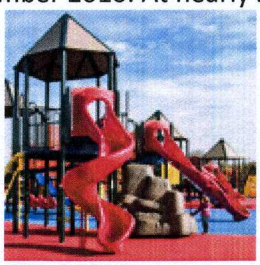
- Three Large Picnic Shelters with Charcoal Grills
- Two Medium Picnic Shelters with Charcoal Grills
- Six Mini Picnic Shelters with Charcoal Grills
- Two Volleyball Courts
- Horseshoe Pits
- Playgrounds
- Skate Park
- Shared-Use Path
- Vending Machines
- Public Restrooms
- Concessions (seasonal)
- Outdoor Fitness Stations

The following items can be checked out of the park office for free with a driver license or other form of photo identification: badminton equipment, corn hole boards and bags, footballs, frisbees, horseshoes, rubber playground balls, soccer balls, volleyballs, volleyball nets and wheelchairs.

For shelter reservations, please call 385-PARK.

Kids Cove Playground

The new Kids Cove Playground at Mount Trashmore Park opened in December 2010. At nearly 26,000



square feet, the playground is comprised of three distinct play areas built on a rubber surface: a giant play structure that includes a multitude of slides, elevated walkways, climbers and more; an area that has swings for all ages; and an area comprised of a variety of climbing structures. Benches and picnic shelters are available throughout the playground. The new play area is fully compliant with the Americans with Disabilities Act (ADA) and is barrier-free to accommodate all children. See what's in store for future phases in the Kids Cove Master Plan.

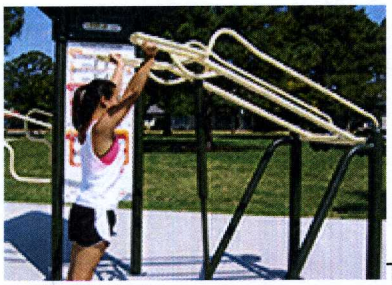
Mount Trashmore Skate Park

Mount Trashmore Skate Park opened in August 2003 and is a 24,000 square foot ~~ex~~tensive street course flowing from an aboveground, seven-foot deep bowl. The skate park components are framed with treated wood and completely covered with composite material. It boasts a Skatelite Pro skating surface that skateboarders, inline skaters, and BMX bikers can enjoy. Adjacent to the skate park is a competition-sized vert ramp that stands at a massive 13.5 feet tall and 40 feet wide. The vert ramp opened in February 2006.

All skate participants must sign-up for a FREE skate park pass. Industry Standard helmets are required and use of other protective pads are strongly recommended. Patrons are expected to follow posted rules and staff instructions.

Get complete skate park pass information, rules and regulations here.

Outdoor Fitness Stations

 Ten outdoor fitness stations are located along the perimeter trail around Lake Trashmore. Six LifeTrail stations are designed for active, older adults to help improve posture and balance as well as increase strength. One of the LifeTrail stations is specifically for wheelchair-accessible activities. Four Energi Prime stations create a total body fitness system to help you stretch and strengthen your muscles. Multiple activities are available at each station and exercises for all fitness levels are outlined on the instruction panels.

Hours of Operation:

General Park Hours

7:30 am - Posted Closing Time

Skate Park Hours

Day after Labor Day through June 15:

Monday - Friday* | 2 pm - 1/2 hour prior to posted park closing time

Saturday & Sunday | 10 am - 1/2 hour prior to posted park closing time

**Exceptions: During Virginia Beach City Public Schools' Spring Break & Winter Break, skate parks will open at 10 am.*

June 16 through Labor Day:

Monday - Sunday | 10 am - 1/2 hour prior to posted park closing time

Mount Trashmore Park is Sister Park to Haginodai Park in Japan.

Contact Information

Mount Trashmore Park

http://www.vbgov.com/government/departments/parks-recreation/parks-trails/city-parks/Pages/mount-trashmore-park.aspx