

# **EXHIBIT 21**

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
(Abingdon Division)**

THE CITY OF BRISTOL, TENNESSEE,

Plaintiff,

Civil Action No.: \_\_\_\_\_

v.

THE CITY OF BRISTOL, VIRGINIA,

Defendant.

**DECLARATION OF DR. ANNETTE TUDOR**

I, Annette Tudor, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury on this 18<sup>th</sup> day of May, 2022, that I have personal knowledge of the following matters, and that they are true and correct:

1. I am a resident of the State of Tennessee. I am above the age of eighteen (18) and competent to testify to all matters contained herein.

2. I have served as Director of Schools for the City of Bristol, Tennessee (“Bristol, TN”) since February 2020. I have worked in various other positions in Bristol, TN school system for approximately twenty-two years. I live and work in Bristol, TN.

3. Since the fall of 2021, I have often smelled what I assume to be the odors coming from the landfill in Bristol, Virginia, which is located at 2125 Shakesville Road, Bristol, Virginia 24201 (the “Landfill”). I smell the odors from the Landfill when I am at home, when I am driving to work, and when I am in my office, which is located less than two miles from the Landfill. Though it is hard to describe, the odors from the Landfill have a chemical, rotten type smell that

varies in intensity from day to day. Sometimes I feel that I can even taste the smell, and sometimes the smell makes me want to gag.

4. In my position as Director of Schools, I participate in monthly meetings of the teacher advisory council. During these meetings, teachers have complained of pungent odors from the Landfill, and how the odors cause complaints from or even affect students and teachers. I spend on average one hour each week addressing concerns and complaints caused by the odors from the Landfill.

3. Additionally, there are three other school supervisors who are addressing Landfill-related issues. These supervisors address concerns raised by parents, monitor the impacts at the affected schools and advise on potential changes in procedures, and gather data regarding the impact on students. School principals also have had to address concerns from parents and students regarding what I believe are Landfill odors and change operating procedures, including how arrivals happen on days when the odors from the Landfill are particularly noxious.

4. These impacts and changes were and are occurring at a time when, due to COVID-19 concerns, recommendations are to open more windows, promote more air circulation, and hold lunch and recess outside. Many times the impacted schools have been unable to implement many of these recommended actions due to the issues caused by the odors from the Landfill.

5. To the best of my knowledge, The Bristol, TN schools most affected by the odors from the Landfill include the Bristol Tennessee Middle School, the Fairmont Elementary School, the Bristol Tennessee High School, and Holston View Elementary School. I base this on concerns I have fielded and data I have gathered. I am aware of At least one student whose family contemplated moving out of their home and transferring out of our district due to odors in and

around their home. At least one teacher relocated to a camper in an area where she cannot smell the odors from the Landfill.

6. To mitigate odors from the Landfill, we have instituted a procedure where teachers notify building maintenance staff each day regarding the severity of odors in their classrooms and/or other school areas. Building maintenance then adjusts air intake to reduce the odors. We are also keeping doors in our school buildings and individual classrooms tightly closed to prevent the odors from penetrating the schools.

7. We also installed air purifiers in classrooms at a cost of around \$6,000, and will incur additional maintenance cost every six months.

8. The odors from the Landfill are requiring us to adjust our practices. We are asking parents to let us know if a child did not sleep due to the odors so we can support the child at school. We are also asking parents to report if a child needs to be absent from school due to possible Landfill impacts.

9. At the suggestion of some parents and staff, we have contemplated closing schools on days when the odors from the Landfill are particularly noxious, but at this point, we have decided that it is best for children to receive educational services even on those days. Instead, we are working to adjust the air intake to mitigate the impact of any odors.

10. To the best of my knowledge, in 2021, we recorded two missed days from our teachers as a result of the reported impact of the odors from the Landfill.

11. To the best of my knowledge, In 2021, there were 41 absences attributed to students whose parents reported they were unable to attend school due to the impacts of the odors from the Landfill. Approximately four students were tardy due to reported impacts of the odors from the

Landfill. Additionally, on a number of occasions, we received reports from parents that their child was unable to sleep well during the night due to the odors from the Landfill.

12. In 2021, there were 36 student clinic visits related to odors from the Landfill.

[Signature on the Following Page]

I declare under the penalty of perjury that the foregoing is true and correct to the best of my information and belief.

A handwritten signature in blue ink, appearing to read "Annette Tudor", written over a horizontal line.

Dr. Annette Tudor,  
Director of Schools for Bristol, TN

124122571v1

# **EXHIBIT 22**

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
(Abingdon Division)**

THE CITY OF BRISTOL, TENNESSEE,

Plaintiff,

Civil Action No.: \_\_\_\_\_

v.

THE CITY OF BRISTOL, VIRGINIA,

Defendant.

**DECLARATION OF ED DEPEW**

I, Ed DePew, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury on this 19 day of May, 2022, that I have personal knowledge of the following matters, and that they are true and correct:

1. I am a resident of the State of Tennessee. I am above the age of eighteen (18) and competent to testify to all matters contained herein.

2. I serve as Supervisor of Facilities and Maintenance for School System of Bristol, Tennessee ("Bristol, TN"). I have been in this position for the last 19 years. I live and work in Bristol, TN.

3. In the last nine months, I started noticing pungent odors emanating from the landfill in Bristol, Virginia, located at 2125 Shakesville Road, Bristol, Virginia 24201 (the "Landfill"). I smell the odors coming from the Landfill at my house in Bristol, TN. I also smell the odors at my office located at 100 Tremont Avenue in Bristol, TN, and also inside the Tennessee Middle and Fairmont Elementary schools, which I service. My office and the two schools are located approximately 1.5-2 miles from the Landfill.



4. I supervise 18 staff members, several of which live in the Fairmount area. Those staff members that live in the Fairmount have complained to me a number of times about the noxious odors coming from the Landfill. In conversation with some Fairmount Elementary School Teachers, the teachers told me they have students that complain of noxious odors and some of the students have experienced frequent nosebleed and headaches reportedly caused by exposure to the Landfill odors.

5. Because of the growing health concerns from the Landfill odors, the administration determined that we needed to analyze our indoor air to make sure the odor attributed to the Landfill did not have contaminants that were unhealthy to staff or students. I engaged a third-party contractor to sample indoor air in school buildings for contaminants such as Benzene, Sulfur Dioxide, Methane, VOCs, and others. Bristol, TN expended over \$5,100 for this testing.

6. To mitigate the impact of the odors from the Landfill in schools, Bristol, TN decided to make changes to how we maintain and operate school buildings. My department spent a significant amount of time developing these procedures and adjusting the HVAC equipment to maintain the best indoor air quality.

7. Under the new procedures, each day school staff report to the school administration if their classrooms and/or other portions of the building are affected by the odors from the Landfill. Based on these reports, my staff will adjust operation of air systems to minimize intake of odorous air to impacted classrooms and/or school areas. I have dedicated two full-time HVAC technicians to this task, one per school, each of whom spends at least one hour a day on this task when the odor is not bad, and two-three hours a day when the odor is bad. My staff also inspect the doors inside the school buildings more frequently to ensure they are closed tightly throughout the day, to keep the odors from the Landfill from penetrating the buildings.

8. I spend between three and four hours a week addressing the impacts, complaints, and issues related to odors from the Landfill.

9. To mitigate the impact that the odors have on Bristol, TN schools, in January 2022, I approved the purchase 60 air purifiers with HIPPA carbon filters and installed them in each classroom. Bristol, TN expended approximately \$6,000 for these units. It will cost an additional \$1,800 to replace the filters every six months, in addition to staff time to change them.

10. I anticipate we will need to purchase carbon filters for our HVAC units in near future, which will result in additional expense to Bristol, TN.

[Signature on the Following Page]

I declare under the penalty of perjury that the foregoing is true and correct to the best of my information and belief.

*Edward W. DePew 5/19/22*

Ed DePew  
Supervisor of Facilities and Maintenance for  
School System of Bristol, TN

124087058

# **EXHIBIT 23**

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
(Abingdon Division)**

THE CITY OF BRISTOL, TENNESSEE,

Plaintiff,

Civil Action No.: \_\_\_\_\_

v.

THE CITY OF BRISTOL, VIRGINIA,

Defendant.

**DECLARATION OF TERRY NAPIER**

I, Terry Napier, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury on this 19 day of May, 2022, that I have personal knowledge of the following matters, and that they are true and correct:

1. I am a resident of the State of Tennessee. I am above the age of eighteen (18) and competent to testify to all matters contained herein.

2. I have served as Director of Parks and Recreation for the City of Bristol, Tennessee (“Bristol, TN” or the “City”) since 2019. I have occupied various positions with the City for 31 years.

3. In my role as Director of Parks and Recreation, I oversee management of the City assets and facilities such as the community center, City Hall, fire stations, and various public projects.

4. Slater Community Center, which is located at 325 McDowell Street in the City, is approximately 1.4 miles from the landfill in Bristol, Virginia, which is located at 2125 Shakesville Road, Bristol, Virginia 24201 (“Landfill”). The community center is a three-story building with a

basement and a gym. The center is open daily on weekdays from 7:30 am to serve the needs of senior citizens of Bristol, TN. Fourteen staff members work at the community center.

5. Since the fall of 2020, I have experienced overwhelming, nauseating odors coming from the Landfill while working at the community center. I smell the odors the moment I enter the community center in the morning. I can describe these odors as oily, chemical smells that are so pungent that they take my breath away.

6. The odors from the Landfill penetrate each level of the community center, including the gym and the basement. Some days, I have to hold my breath to enter the basement because of the odors from the Landfill. I can smell the odors from the Landfill outside the community center in the parking lot.

7. The odors from the Landfill adversely impact my health such that I have been experiencing frequent headaches. On occasion, the odors make me want to throw up.

8. My staff at the community center have also complained to me about the nauseating odors from the Landfill. Many of them have also reported to me that they have suffered headaches and vomiting due to the odors.

9. The odors from the Landfill also been affecting the seniors at the community center. The odors settle in the gym and prevent some seniors from using the gym to exercise. Some seniors have even threatened to stop using the center if the odors persist.

10. The worst odors from the Landfill that I have experienced occurred on January 4, 2022. On that day, members of my staff reported having headaches, and at least two seniors experienced nose bleeds. On that day, some of the instructors at the community center were using multiple face masks to protect themselves from the odors. These dramatic impacts on these individuals and the community center caused me to obtain a permission to close the center that

day. Several of the regular participants in the senior center programs indicated that they would not come back unless something could be done about the odors from the Landfill.

11. On January 4, 2022, I also obtained permission to order twelve air purifiers for the community center at a total cost of \$1,278. It will cost approximately \$25 to replace each filter.

12. On January 13, 2022, we ordered two additional small air purifiers at a cost of \$101.17 each and five larger units at a cost of \$247.00 each. The larger units have been placed in the main hallways of the community center. It will cost approximately \$50 on an annual basis to replace the filters for each of the larger units.

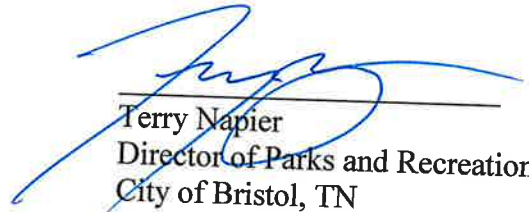
13. On February 9, 2022, we ordered two additional large air purifiers at a cost of \$234.65 each. These units have been placed in the cafeteria of the community center where the seniors regularly meet.

14. I have also received complaints that the odors from the Landfill are impacting City Hall. The City Hall is equipped with rooftop HVAC units that use economizers to mix outside air into the system. At the end of January 2022, to mitigate the impact of the odors from the Landfill, I made the decision to turn off the economizers, which will prevent outdoor air from entering City Hall. As long as the odors persist, I plan to keep the economizers turned off. This will lead to additional costs for the City, especially as we head into the warmer months.

15. While installation of air purifiers has helped to mitigate the impact of the odors to some extent, they continue to persist and affect me, City employees, and seniors at the community center.

[Signature on Following Page]

I declare under the penalty of perjury that the foregoing is true and correct to the best of my information and belief.



Terry Napier  
Director of Parks and Recreation,  
City of Bristol, TN

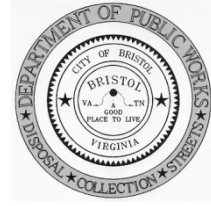
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# **EXHIBIT 24**



**CITY OF BRISTOL, VIRGINIA**  
**Public Works Department**  
**Bristol, Virginia 24201**



Street Maintenance Division  
2103 Shakesville Road  
Phone: (276) 645-7360  
FAX: (276) 645-7235

Engineering Division  
300 Lee Street  
Phone: (276) 645-7360  
FAX: (276) 645-7365

Collection Division  
2125 Shakesville Road  
Phone: (276) 645-7380  
FAX: (276) 645-3781

Disposal Division  
2125 Shakesville Road  
Phone: (276) 645-3791  
FAX: (276) 591-5237

**August 27, 2021**

Ms. Crystal C. Bazyk  
Enforcement and Compliance Monitoring Manager  
Virginia Department of Environmental Quality  
Southwest Regional Office  
355-A Deadmore Street  
Abingdon, Virginia 24210

RE: NOV No. ASWRO001691-002  
Bristol Virginia Integrated Solid Waste Facility  
2125 Shakesville Rd, Bristol, Virginia, 24201  
Registration No. 11184

Sent Via: E-mail to: [crystal.bazyk@deq.virginia.gov](mailto:crystal.bazyk@deq.virginia.gov)

Dear Ms. Bazyk:

The City is in receipt of the Notice of Violation (NOV) issued by your office on August 20, 2021 regarding the operation of and reporting requirements for the Gas Collection and Control System (GCCS) in 2020. The observations included in the NOV are based on a DEQ review of the 2020 landfill gas well monitoring data submitted on July 9, 2021. The July 9<sup>th</sup> submittal was intended to replace the Annual 2020 NSPS Report submitted by the City on February 26, 2021. The City offers the following discussion concerning the observations provided in the NOV. Summaries of all three observation in the NOV are provided first followed by the City's response; as the City's response for each observation is similar.

- *Observation No. 1 – Gas Well Head Temperatures – In 2020 gas well GW #47 operated with monitored temperatures over 131°F for periods greater than 15 days on two occasions: July 20 and October 28, 2020. Actions were taken to lower the well temperatures and compliance was reached within 27 days. As the temperature was exceeded for at least 15 days and the active gas collection system was not expanded as required by 40 CFR 60.755(a)(5), the corrective action requirements for high temperatures were not met and the landfill gas well temperature operational standard was exceeded.*
- *Observation No. 2 – Gas Well Oxygen Concentrations – During 2020 there were 141 instances of measured gas well oxygen concentrations which exceeded at least 15 days. As the active gas collection system was not expanded as required, the corrective action*

*requirements for high oxygen concentrations were not met and the landfill gas well oxygen operational standard was exceeded.*

- *Observation No. 3 – Gas Well Head Pressures – During 2020 there were 36 instances of gas wells which had measured positive system pressures for at least 15 days. As the active gas collection system was not expanded as required, the corrective action requirements for positive system pressures were not met and the landfill system pressure operational standard was exceeded.*

The Bristol Virginia Integrated Solid Waste Facility is committed to ensuring that all future required submittals will be accurate and provide complete information, in accordance with its permit. Accordingly, the City has taken the following actions:

- Starting in January 2021, City staff and our consultant SCS significantly upgraded and expanded the gas collection system. The upgrades included:
  - The installation of 800 linear feet of a 4-inch horizontal gas collection header in the southern end of the quarry landfill enabling more landfill gas to be collected.
  - The installation of two new vertical 6-inch main gas headers and a 12-inch main gas header which connects the gas collection system in the quarry landfill with the main gas header system on top of the quarry rim. This will increase the effectiveness of landfill gas removal from the landfill
  - The expansion of the condensate collection and removal system. This more effective removal of condensate from the gas collection system has better enabled the Facility to maintain a vacuum at each well in the quarry landfill.
  - Connection of the southern cleanouts to the gas collection system enabling more landfill gas to be collected.
- On July 2, 2021, the City submitted to the DEQ a request to be allowed to operate gas wells GW #40,46, and 47 at temperatures above 131°F. These wells are located in an area of the quarry landfill in which a high temperature subsurface reaction is believed to be occurring. It is unknown when the temperatures of these wells will attain compliance again.
- As you are aware the Facility is expanding the gas collection system this year. Up to seventeen vertical gas wells will be installed in the quarry landfill. Drilling is expected to start in early September and these wells will be connected to the existing gas collection system by the end of November 2021.
- The City is in the process of hiring additional personnel to ensure the proper operation, maintenance, and monitoring of the gas collection system and has contracted with Draper Aden Associations to assist with the drafting of the Semi-Annual and Annual NSPS reports.

We look forward to continuing to work with your department to ensure that the Bristol Virginia Integrated Solid Waste Facility operates in full compliance with all required regulations. However, as the above actions will take time to completely implement the City will note that the 2021 First Half Semi-Annual NSPS Report will again include instances of the three types of exceedances included in the NOV.

Ms. Crystal Bazyk  
August 27, 2021  
Page 3

If you have any questions or require additional information, please contact me at (276) 645-7300 or at [CityManager@bristolva.org](mailto:CityManager@bristolva.org).

Sincerely,



Randall C. Eads  
City Manager, Bristol VA

CC: Jeff Hurst – Regional Director



Blalock, Susan <susan.blalock@deq.virginia.gov>

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**FW: 8.20.21 NOV Response**

1 message

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**Crystal Bazyk** <crystal.bazyk@deq.virginia.gov>

Mon, Aug 30, 2021 at 9:51 AM

To: "Bowers, Stacy" <stacy.bowers@deq.virginia.gov>, "Blalock, Susan" <susan.blalock@deq.virginia.gov>, Jeffrey Hurst <jeff.hurst@deq.virginia.gov>

*Crystal C. Bazyk*

*Enforcement and Air Compliance/Monitoring Manager*

*Virginia Department of Environmental Quality*

*Southwest Regional Office*

*355-A Deadmore Street*

*Abingdon, VA 24210*

*(276) 676-4829*

*[crystal.bazyk@deq.virginia.gov](mailto:crystal.bazyk@deq.virginia.gov)*

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**From:** Randall Eads <[CityManager@bristolva.org](mailto:CityManager@bristolva.org)>

**Sent:** Friday, August 27, 2021 2:43 PM

**To:** Crystal Bazyk <[crystal.bazyk@deq.virginia.gov](mailto:crystal.bazyk@deq.virginia.gov)>

**Cc:** Wallace McCulloch <[wallace.mcculloch@bristolva.org](mailto:wallace.mcculloch@bristolva.org)>; Sam Hess <[sam.hess@bristolva.org](mailto:sam.hess@bristolva.org)>; Zac Mitchell <[zac.mitchell@bristolva.org](mailto:zac.mitchell@bristolva.org)>; Ernie Hoch ([ehoch@daa.com](mailto:ehoch@daa.com)) <[ehoch@daa.com](mailto:ehoch@daa.com)>; Don Marickovich <[dmarickovich@daa.com](mailto:dmarickovich@daa.com)>; Cynthia Garrett <[cgarrett@daa.com](mailto:cgarrett@daa.com)>

**Subject:** 8.20.21 NOV Response

Crystal,

Please see the City's response to the NOV that was issued on 8.20.21.

Thank you,

Randy

Randall C. Eads

City Manager

City Attorney

300 Lee Street

Bristol, VA 24201

(276) 645-7333

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**LTR - 21 0827 - Bristol Response to 21 0820 NOV (0000002).pdf**  
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