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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,)
)
THE VIRGINIA WASTE)
MANAGEMENT BOARD, AND)
)
THE VIRGINIA AIR POLLUTION)
CONTROL BOARD,)
)
Plaintiff,)
)
v.)
)
THE CITY OF BRISTOL, VIRGINIA,)
)
Defendant.)

Case No.: CL23000274-00-8

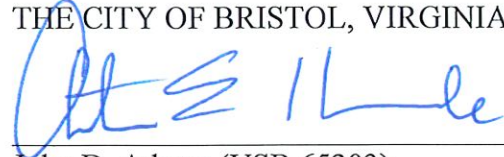
NOTICE

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 dated January 16, 2026 attached as **Exhibit A** as a modification to two provisions in Appendix A (Section 4 Leachate Extraction and Monitoring, Number 2; and Section 6 Intermediate Cover and EVOH Cover System, Number 4) and as a modification to Appendix B in the reporting requirements under Section 3 Gas Collection and Section 8 Progress Reports of the aforementioned Consent Decree.

Dated: January 16, 2026

Respectfully submitted,

THE CITY OF BRISTOL, VIRGINIA



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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

January 16, 2026

VIA ELECTRONIC DELIVERY

Katherine Kulbok
Office of the Attorney General
202 North 9th Street
Richmond, Virginia 23219
KKulkbok@oag.state.va.us

**Re: *The Commonwealth of Virginia et al. vs. The City of Bristol, VA*
 Case No. CL230000274-00**

Dear Ms. Kulbok:

Pursuant to the terms of the Consent Decree, the City of Bristol, Virginia (“Bristol”) 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. This request will be the 2nd amendment to the Consent Decree agreed to between the parties on March 28, 2023.

Bristol requested extensions of time to three items in the appendices to the Consent Decree: (1) Appendix A, Section 4 Leachate Extraction and Monitoring, Number 2; (2) Appendix A, Section 6 Intermediate Cover and EVOH Cover System, Number 4; and (3) Appendix B, reporting requirements under Section 3 Gas Collection and Section 8 Progress Reports. Bristol 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 to replace and supersede the prior Appendix A, Section 4 and Section 6 of the Consent Decree, including the Amendment of March 21, 2024.

Appendix A, Section 4 Leachate Extraction and Monitoring

ii. Beginning January 1, 2026, sampling and analysis of leachate from existing and any new dual-phase extraction wells will be conducted on a quarterly basis. A report on the analysis will be submitted to VDEQ within 10 days of the monitoring period. Sampling and analysis of leachate will transition to a semi-annual basis on January 1, 2027, and an annual basis on January 1, 2028. These transitions in frequency shall only occur with VDEQ concurrence. Bristol will

continue to sample and analyze under the procedure set forth in the November 1, 2022 sampling plan and the analysis will follow the same format that has appeared in every monthly Compliance Report submitted to VDEQ for SWP 588 since November 2022. The only alteration under this amendment is the frequency. Bristol shall submit to VDEQ an updated dual-phase landfill gas extraction well leachate monitoring plan, currently dated November 1, 2022, to memorialize the above changes.

Appendix A, Section 6 Intermediate Cover and EVOH Cover System

iv. Install an approved geomembrane system once an acceptable rate of settlement has been reached. To determine an acceptable rate of settlement, Bristol shall conduct geomembrane deployment suitability assessments (“Assessments”) of SWP 588 based on the itemized settlement criteria listed below. The Assessments shall initially follow a 90-day reporting period (January 1 to March 31, April 1 to June 30, July 1 to September 30, October 1 to December 31) and shall transition to a semi-annual reporting period (January 1 to June 30, July 1 to December 31) on January 1, 2026. Assessments will continue until the settlement rate is acceptable and the geomembrane is placed. Transitions in Assessment frequency shall only occur with VDEQ concurrence. Assessments are to be submitted to VDEQ within 10 business days after the reporting period has ended. Bristol shall submit to VDEQ an updated settlement monitoring and management plan, currently dated November 15, 2022, to memorialize the above changes.

A cumulative summary of all Assessments must be provided to VDEQ for concurrence, prior to the determination of the type of geomembrane to use as the cover for SWP 588 and the decision to proceed with the deployment of the selected geomembrane 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 deployment and lasting service of the geomembrane cover system. Determination that SWP 588 has reached an acceptable settlement rate shall require VDEQ concurrence. Rather than deploy a predetermined type of geomembrane, Bristol shall confer with VDEQ to determine the appropriate type of geomembrane for the landfill conditions. Bristol shall properly deploy the selected geomembrane cover system within 12 months of VDEQ’s concurrence, to be extended if VDEQ determines such extension is warranted. Bristol shall endeavor to properly deploy the geomembrane cover system as soon as practicable. Prior to the proper deployment of the geomembrane cover system, Bristol shall grade the interim cover surface of the landfill so that storm water runoff flows without build up and into storm water management (SWM) basins located at appropriate points on the surface of the landfill prior to and after placement of the geomembrane.

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

- The rate of settlement is steady or decreasing and the strain rate is no more than 1% per year. Strain rate is defined here as the ratio of the change in vertical elevation of the surface of the waste per unit time at a given location to the vertical thickness of the waste at that location at the time the settlement plate was installed.

- Differential settlement in the landfill surface is no greater than 1:20 (vertical: horizontal) in all locations and no visible alterations in surface grade exist due to differential settlement that preclude flow of surface water to SWM basins.
- Surface cracks due to settlement have a width less than 1 inch.

Bristol will meet with VDEQ each January to review and discuss the status of all actions in the Consent Decree.

Appendix B, Section 3 Gas Collection

ii. Bristol is no longer required to submit monthly wellhead monitoring data reports to VDEQ for Landfill 498 and Landfill 221, as required by the March 28, 2023, Consent Decree. This does not relieve Bristol from continuing to conduct wellhead monitoring and all obligations to comply with any statute, regulation, ordinance, permit condition, plan, order, certificate, certification, standard, or requirement otherwise applicable to the Facility.

Appendix B, Section 8 Progress Reports

i. Bristol is no longer required to submit monthly progress reports for Landfill 221 to VDEQ.

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:

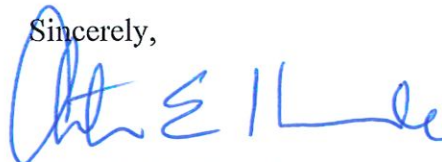


Justin Howard
Erin Ashwell
Christian Henneke
Attorneys for the City of Bristol, Virginia



Katherine Kulbok
Office of the Attorney General of Virginia

Sincerely,



Christian E. Henneke

Cc: Justin D. Howard, Esq.
Erin B. Ashwell, Esq.
CEH/tjp