

February 8, 2024

VIA E-MAIL: david.pannucci@wasteconnections.com

NOTICE OF VIOLATION

Mr. David Pannucci, Regional Engineer
Bethlehem Landfill Company
2335 Applebutter Road
Bethlehem, Pennsylvania 18015

Re: Bethlehem Landfill Company
Solid Waste Management Permit No. 100020
Lower Saucon Township, Northampton County

Dear Mr. Pannucci:

The Pennsylvania Department of Environmental Protection (“Department”) conducted a routine inspection on January 11, 2024 at the above-referenced facility and odor complaint investigations on January 27, 2024 and January 30, 2024 and has determined that Bethlehem Landfill Company (“BLC”) was in violation of the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, No. 97, 35 P.S. Sections 6018.101 et seq., and the Air Pollution Control Act of January 8, 1960, P.L. 2119, as amended, 35 P.S. § 4001 et seq., the rules and regulations promulgated thereunder, and the facility permit conditions.

On January 11, 2024, a representative of the Department’s Waste Management Program conducted a routine inspection at the BLC facility. During the inspection, it was noted that landfill gas monitoring revealed elevated methane gas readings, fissures and leachate seeps were observed in the Southeast intermediate cover area, and BLC had failed to implement corrective action to address intermediate cover concerns and resulting odors which have been documented since January 2022. The Department has determined the following violations:

1. BLC failed to promptly address and correct problems and deficiencies discovered in the course of inspections performed under 25 Pa. Code § 273.218(b)(2), in violation of 25 Pa. Code §§ 273.201(c) and 273.218(b)(3) and Solid Waste Management Permit No. 100020 Part II Section II Condition 8.b.
2. BLC failed to maintain intermediate cover that prevented odors, in violation of 25 Pa. Code §§ 273.201(c) and 273.233(b)(1) and Solid Waste Management Permit No. 100020 Part II Section III Condition 3.

On January 27, 2024, a representative of the Department’s Emergency Response Team conducted an odor complaint investigation and detected persistent landfill gas odors, consistent with those that have been detected at the BLC facility, on Johnston Avenue, Madison Avenue,

Main Street, and Riverside Drive, including odors detected at the residences of two complainants. The Department has determined the following violation:

1. BLC failed to maintain intermediate cover that prevented odors, in violation of 25 Pa. Code §§ 273.201(c) and 273.233(b)(1) and Solid Waste Management Permit No. 100020 Part II Section III Condition 3.

On January 30, 2024, a representative of the Department's Emergency Response Team conducted an odor complaint investigation and detected persistent landfill gas odors, consistent with those that have been detected at the BLC facility, on Applebutter Road, Johnston Avenue, Madison Avenue, Main Street, Mixsell Avenue, Riverside Drive, and Saucon Avenue, including odors detected at the residences of three complainants and a malodor detected at the residence of another complainant. The Department had also detected a landfill gas odor during an odor patrol on Applebutter Road at the entrance to the BLC facility. The Department has determined the following violations:

1. BLC permitted the emission of a malodorous air contaminant from the landfill into the outdoor atmosphere in such a manner that the malodors were detectable outside the landfill where the malodors were generated, in violation of 25 Pa. Code §§ 123.31(b), 127.444, and 273.217(b) and Title V Permit No. 48-328-008 Section C Site Level Requirement Number 001.
2. BLC failed to prevent and control air pollution in accordance with the Air Pollution Control Act, Article III (relating to air resources) and § 273.218 (relating to nuisance minimization and control), in violation of 25 Pa. Code §§ 273.201(c) and 273.217(a) and Solid Waste Management Permit No. 100020 Part II Section II Condition 7.a.
3. BLC failed to maintain intermediate cover that prevented odors, in violation of 25 Pa. Code §§ 273.201(c) and 273.233(b)(1) and Solid Waste Management Permit No. 100020 Part II Section III Condition 3.

Within fifteen (15) days of the receipt of this notice, please submit to the Department a proposed plan and schedule that addresses the correction and prevention of the above violations. The response should be submitted by e-mail, as an attachment, to this resource account: ra-epwm-nero@pa.gov.

You are hereby notified of both the existence of the violations as well as the need to provide for prompt correction. Under the Solid Waste Management Act and the Air Pollution Control Act, each day a violation continues is considered a distinct and separate offense. The violations noted herein may result in an enforcement action under the Solid Waste Management Act or the Air Pollution Control Act.

This Notice of Violation is neither an Order nor any other final action of the Department. It neither imposes nor waives any enforcement action available to the Department under any of its statutes. If the Department determines that an enforcement action is appropriate, you will be notified of the action.

If you have any questions regarding this letter, then please contact me through e-mail at jmatulevic@pa.gov or by telephone at 570.826.5488.

Sincerely,

Joshua Matulevich

Joshua Matulevich
Environmental Protection Compliance Specialist
Waste Management Program

cc: Lower Saucon Township (via e-mail: manager@lowersaucontownship.org)