



November 21, 2023

VIA E-MAIL: dano@kslco.com

SUSPENSION OF SETTLEMENT ACCOMMODATION PLAN OPERATIONS

Mr. Dan O'Brien, Business Manager
Keystone Sanitary Landfill, Inc.
249 Dunham Drive
Dunmore, Pennsylvania 18512

Re: Keystone Sanitary Landfill, Inc.
PADEP Permit No. 101247
Dunmore and Throop Boroughs, Lackawanna County

Dear Mr. O'Brien:

As you have already been made aware, the Department of Environmental Protection ("DEP" or "Department") has recently received hundreds of odor complaints from residents in communities surrounding Keystone Sanitary Landfill, Inc. ("KSL"). DEP staff has determined the majority of these complaints were related to KSL operations. While responding to these complaints, DEP staff have routinely detected landfill-related odors off KSL's property. Specifically, moderate to strong landfill gas odors have been routinely detected along Marshwood Road, the Casey Highway, Interstate 81 and other areas surrounding KSL.

Given these complaints and DEP's confirmation of odors emanating from KSL, the Department conducted surface methane emission scans of several areas of the landfill during the Department's inspection of KSL on November 16, 2023. The intent of these scans was to attempt to determine the areas of the landfill primarily responsible for the offsite odors. During the scan of the portion of the Settlement Accommodation Plan ("SAP") areas where KSL is reclaiming lost air space due to settlement, the Department observed the following, as documented in the November 16, 2023 Inspection Report:

Upon entering this area DEP staff noted moderate to strong landfill gas odors. The landfill gas odors in this area differed dramatically from the landfill gas odors observed in the previous two areas that were scanned. The landfill gas in this area had a much more pungent component, similar to that of leachate. KSL representatives agreed that this area had a significantly different odor than the two areas previously scanned. KSL representatives informed DEP that the SAP area had not been utilized for waste placement for several weeks. KSL was making efforts to cap the intermediate slopes in this area. DEP staff noted high readings throughout the SAP area with numerous readings well above 500 ppm. Many of these high readings were located in newly established anchor trench resulting from the closure liner deployment in the SAP area.

DEP had granted KSL approval to implement the SAP through minor modification number 101247-A201 on February 17, 2021. Included in this approval was Condition 4, which states:

4. *While implementing the settlement accommodation plan, the facility must remain in overall operational compliance regarding landfill gas odors, surface emissions, leachate outbreaks, nuisance controls, etc. If the Department determines that the facility is unable to maintain overall operational compliance, the Department may suspend future Settlement Accommodation Plan (SAP) implementation.*

Based on the significant volume of odor complaints related to KSL received since September 2023, the routine confirmation of landfill gas odors offsite by DEP staff and the results of the Department's November 16, 2023 inspection, the DEP has determined that KSL has been unable to maintain overall operational compliance; specifically, with regards to adequately controlling landfill gas odors resulting from activities related to the SAP operations. Therefore, future SAP implementation under the February 17, 2021 minor modification number 101247-A201 is hereby suspended. This suspension specifically applies to the sections of the SAP that were implemented to reclaim air space lost due to settlement in areas that had previously achieved final grade and had been final capped ("SAP Areas").

The Department has determined that, even though KSL has ceased filling operations in these SAP Areas, these areas still appear to be the primary source of landfill gas odors detectable on and off the landfill property. Therefore, the Department is requesting a plan to mitigate and control the landfill gas odors emanating from these SAP Areas be submitted within ten (10) days of receipt of this letter.

Any person aggrieved by this action may appeal the action to the Environmental Hearing Board (Board) pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa. C.S. Chapter 5A. The Board's address is:

Environmental Hearing Board
Rachel Carson State Office Building, Second Floor
400 Market Street
P.O. Box 8457
Harrisburg, PA 17105-8457

TDD users may contact the Environmental Hearing Board through the Pennsylvania Relay Service, 800-654-5984.

Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at <http://ehb.courtapps.com> or by contacting the Secretary to the Board at 717-787-

3483. The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to the Board.

IMPORTANT LEGAL RIGHTS ARE AT STAKE. YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD AT 717-787-3483 FOR MORE INFORMATION. YOU DO NOT NEED A LAWYER TO FILE A NOTICE OF APPEAL WITH THE BOARD.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE FILED WITH AND RECEIVED BY THE BOARD WITHIN 30 DAYS OF RECEIPT OF NOTICE OF THIS ACTION.

If you have any questions regarding this matter, please contact Roger Bellas at (570) 826-2201 or at rbellas@pa.gov.

Sincerely,

Roger Bellas

Roger Bellas
Program Manager
Waste Management Program

cc: Dominick DeNaples, Keystone Sanitary Landfill, Inc. (via e-mail: dominickd@kslco.com)
Dunmore Borough (via e-mail: greg.wolff@dunmorepa.gov)
Throop Borough (via e-mail: lcimini@throopboro.com)