

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In The Matter Of:

Keystone Sanitary Landfill, Inc.	:	Violations of the Solid Waste
249 Dunham Drive	:	Management Act-
Dunmore, PA 18512	:	Municipal Waste Violations

CONSENT ASSESSMENT OF CIVIL PENALTY

This Consent Order and Agreement is entered into this 5TH day of MARCH 2025, by and between the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department") and Keystone Sanitary Landfill, Inc. ("KSL").

The Department has found and determined the following:

A. The Department is the agency with the duty and authority to administer and enforce the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, *as amended*, 35 P.S. §§ 6018.101-6018.1003 ("Solid Waste Management Act"), Section 1917-A of The Administrative Code of 1929, Act of April 9, 1929, P.L. 177, *as amended*, 71 P.S. § 510-17 ("Administrative Code"); and the Rules and Regulations promulgated thereunder.

B. KSL is a Pennsylvania business corporation which maintains an address of 249 Dunham Drive, Dunmore, Pennsylvania 18512.

C. On or about March 31, 1982, the Department issued Solid Waste Management Permit No. 101247, as amended, to KSL for the operation of a solid waste disposal facility, to wit, a municipal waste landfill located in Dunmore and Throop Boroughs, Lackawanna County, Pennsylvania.

D. A review conducted in June 2024 of leachate storage amounts in the East and West lagoons and the "Former Dunmore Fuel Oil Tank" revealed that KSL stored leachate in excess of 25% of its total leachate storage capacity on a regular basis. Leachate storage amounts exceeded 25% of the total leachate storage capacity in each month from October 2023 up to June 2024.

E. On June 11, 2024, the Department issued a Notice of Violation to KSL that documented the violation in Paragraph D, above, and requested that KSL submit a plan and schedule to address the correction and prevention of the violation.

F. On June 21, 2024, the Department received a written response from KSL to the June 11, 2024 Notice of Violation. The response included measures already instituted by KSL to address the issue, including the utilization of temporary additional storage in aboveground storage tanks and off-site hauling of leachate to permitted treatment facilities, as well as planned

measures such as the installation of rain tarp to divert stormwater away from the leachate collection systems. The response also cited the implementation and continued practice of the March 29, 2024 Consent Order and Agreement corrective actions to help prevent stormwater infiltration into the leachate collection system.

G. The Department determined through a review of records that leachate storage was reduced to below 25% of the total storage capacity as of September 30, 2024.

Applicable Law

H. 25 Pa. Code § 273.201(c) provides that a person or municipality that operates a municipal waste landfill shall comply with the following:

- (1) The act, this article and other applicable regulations promulgated under the act.
- (2) The plans and specifications in the permit, the terms and conditions of the permit, the environmental protection acts, this title and orders issued by the Department.

I. 25 Pa. Code § 273.275(b) provides in relevant part that no more than 25% of the total leachate storage capacity may be used for flow equalization on a regular basis.

Unlawful Conduct

J. The storage of leachate in excess of more than 25% of the total leachate storage capacity for flow equalization on a regular basis, as described in Paragraph D, above, constitutes a violation of 25 Pa. Code §§ 273.201(c) and 273.275(b).

K. The violation described in Paragraph J, above, constitutes unlawful conduct under Section 610 of the Solid Waste Management Act, 35 P.S. § 6018.610, and a statutory nuisance under Section 601 of the Solid Waste Management Act, 35 P.S. § 6018.601, and subjects KSL to a claim for civil penalties under Section 605 of the Solid Waste Management Act, 35 P.S. § 6018.605.

ASSESSMENT

After full and complete negotiations of all matters set forth in this Consent Assessment of Civil Penalty and upon mutual exchange of the covenants herein, the parties desiring to avoid litigation and intending to be legally bound, it is hereby ASSESSED by the Department and AGREED to by KSL as follows:

1. **Assessment.** In resolution of the Department's claim for civil penalties, which the Department is authorized to pursue under Section 605 of the Solid Waste Management Act, 35 P.S. § 6018.605, the Department hereby assesses a civil penalty of fifteen thousand four hundred eighty-seven dollars and fifty cents (\$15,487.50), which KSL hereby agrees to pay.

2. **Civil Penalty Settlement.** KSL consents to the assessment of the civil penalty assessed in Paragraph 1, which shall be paid in full upon signing this Consent Assessment of Civil Penalty. This payment is in settlement of the Department's claim for civil penalties for the violation set forth in Paragraph J, above, for the dates set forth in Paragraphs E and G, above. The payment shall be by corporate check or the like, made payable to the Commonwealth of Pennsylvania - Solid Waste Abatement Fund, and sent to Pennsylvania Department of Environmental Protection, 2 Public Square, Wilkes-Barre, PA 18701-1915, Attn: Roger Bellas, Waste Management Program Manager.

3. **Findings.**

a. In any matter or proceeding between KSL and the Department, KSL shall not challenge or deny the Department's assertion of the truth, accuracy, or validity of Paragraphs A through K, above.

b. The parties do not authorize any other persons to use the findings in this Consent Assessment of Civil Penalty in any matter or proceeding.

4. **Reservation of Rights.** The Department reserves all other rights with respect to any matter addressed by this Consent Assessment of Civil Penalty, including the right to require abatement of any conditions resulting from the events described in the Findings. KSL reserves the right to challenge any action which the Department may take but waives the right to challenge the content or validity of this Consent Assessment of Civil Penalty.

IN WITNESS WHEREOF, the parties have caused this Consent Assessment of Civil Penalty to be executed by their duly authorized representatives. The undersigned representatives of KSL certify, under penalty of law, as provided by 18 Pa. C. S. § 4904, that they are authorized to execute this Consent Assessment of Civil Penalty on behalf of KSL; that KSL consents to the entry of this Consent Assessment of Civil Penalty as an ASSESSMENT of the Department; that KSL hereby knowingly waives any right to a hearing under the statutes referenced in this Consent Assessment of Civil Penalty; and that KSL knowingly waives its right to appeal this Consent Assessment of Civil Penalty, which rights may be available under Section 4 of the Environmental Hearing Board Act, Act of July 13, 1988, P.L. 530, 35 P.S. § 7514; the Administrative Agency Law, 2 Pa. C.S. § 103(a) and Chapters 5A and 7A; or any other provision of law. [Signature by KSL's attorney certifies only that the agreement has been signed after consulting with counsel.]

FOR KEYSTONE SANITARY
LANDFILL, INC.:

FOR THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION:

Sign: _____

Name (print): Louis DeNaples
Title (print): President

Roger Bellas

Waste Management Program Manager

Sign: Alan O'Brien
Name (print): Dan O'Brien
Title (print): Business Manager

Lance Zeyher
Lance Zeyher
Regional Counsel

Sign: Jeffrey Belardi
Name (print): Jeffrey Belardi
Attorney for Keystone Sanitary Landfill, Inc.