BEFORE THE OFFICE OF DEPARTMENT OF
ENVIRONMENTAL PROTECTION

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IN RE: MAX ENVIRONMENTAL TECHNOLOGIES, INC.'S PHASE ONE
EXCLUSIONARY SITING CRITERIA APPLICATION FOR A PROPOSED
HAZARDOUS WAST LANDFILL NO. 7

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BEFORE: LAUREN CAMARDA, Chair
HEARING: Thursday, December 1, 2022
7:15 p.m.
LOCATION: Yukon Volunteer Fire Department
124 Highway Street
Yukon, PA 15698

WITNESSES: William Krance, Ashley Funk, Craig Zafaras,
Misty Springer, Diana Steck, Katie Cross, Eric Harder,
Rose Dzubak, Tina Curry, Joanne Hall, Catherine
Anderson, Heaven Sensky, Seth Lovato, Ted Grice,
Melissa Marshall, Fernando Soriano, Doug Macpherson,
Stacey Magda

Reporter: Deanna Heckel

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CHAIR: We're just trying to accommodate the greatest number of people who are interested in speaking, so we have given each individual three minutes to speak. You can't relinquish or share your time with someone else and we did ask that the organizations designate one person to speak on their behalf.

A few grounds rules, basically, you can read them on the poster and we just - our goal is to hear what you have to say, so we expect that people will treat the speaker who is providing testimony with respect and not talk over them. We - our goal and for our stenographer, to make sure we can a hear the person speaking. I'll call on those who have registered to come up to the microphone and provide testimony. I'll also announce the next on-deck speaker so you can prepare yourself.

When it's your turn, we just ask that you clearly state your name. The three minutes to provide your testimony, if you are getting close to a minute, I'll kind of motion and say you have got a minute left and when you reached the time limit, I'll say time. We ask that there be no interruptions so
that person can fully participate and speak and not cut
into somebody else's time.

   If you have a copy of your written
testimony, we ask that you put them in the box, again,
just to reiterate that this is held in addition to an
open public comment period. So if you provide
testimony this evening, you are not limited. You can
still provide written comments to DEP at any point or
multiple points until January 20.

   When you come up and you clearly say
your first and last name, we ask that you also spell
it, if you have not signed in. If you have signed in,
we can provide that to the stenographer, but we just
want to make sure we get everyone's proper spelling.
So we're going to call up the first couple people.
Give me one second. So first up I have a William
Krance followed by Ashley Funk.

   MR. KRANCE: Okay. My name is William
K-R-A-N-C-E and I have been here for 83 years and I
lived right beside MAX Gate and a gentleman said that
he didn't know how many mines was there. There was
five mines, I'll name them. Hukon, Wino, Descala and -
well there was five mines. That is why they picked
that site because if water were to go down the mines,
from there it would go to Hutchinson, from Hutchinson
it would go into the Yough River. And I worked at Westinghouse when they had the meltdown, Joanne over there worked there too with the crapped up water, meal service took it and tank trucks all night long took it up there until they built an evaporator.

And as far as Millbell Road, that is the first place that floods. And if you believe these people, DEP, you believe in Santa Clause. Because all they do is lie. We are in the most cropped, crooked state in the union. And the puppet like that over there on the end. He is supposed to be a lawyer, all he uses are a bunch weasel words. I had enough of your bullshit.

CHAIR: Next up is Ashley Funk followed by Craig Zafaras.

MS. FUNK: Hi, my name is Ashley A-S-H-L-E-Y F-U-N-K. I am the director of Mountain Watershed Association and we work to protect, preserve and restore the Auburn Watershed, which is the Sewickley Creek and major tributary and we have been doing this for 26 years.

Our prior director had actually been involved in supporting people who were being impacted by mill service whenever the facility was mill service. So we have experience working on it. I am also
speaking as an individual with family who has lived here, my great grandpa in Yukon for the past seven generations and I take this matter very seriously because I have seen firsthand the impacts this had on peoples lives and many people here today hearing them everyday.

So for the past five years, Mountain Watershed has been diligently monitoring the site. We started that monitoring after we received complaints from community members who were wondering if the high rates of cancers and other serious illnesses were attributed to the facility and from our monitoring and our experience here, we have seen what we believe that MAX labs has the ability to manage the existing site and that DEP has failed to hold them accountable.

I can go on about all of the instances in which this has happened, one particular example that was recently is that in the last public hearing that we had, MAX actually admitted that, historically, 75 percent of their waste came from the oil and gas industry. Research has shown that oil and gas waste has extremely high levels of radio activity, levels that are thousands of times higher than what is safe for human exposure.

In response to this, we have conducted
extensive radiation sampling around MAX, also throughout the Southwestern Pennsylvania region, and we found elevated levels of radioactive lead within peoples backyards who are avoiding the MAX facility. We reported this information to DEP, DEP did nothing. They said you have to give us certified response - results before we ever take action on this. But we're working with the lab and a research group who has had decades of experience in sampling for radiation and analyzing these results and DEP still not taken action on that. One minute, dang. Okay.

This has been shown time and time again for air monitoring, residents have filed complaints about air complaints and all the DEP was to put a stick on the cup and said that the air that MAX was in compliance with their permit, but we were actually able to install purple air monitors throughout the facility - throughout the community, and we have shown that there have been several instances of air pollution that are beyond what is safe for human exposure and human health, in the purple range of the air quality index.

And now MAX is proposing to expand even closer to peoples homes even closer to Sewickley Creek in the area that had historically been considered a hundred year floodplain, before they changed it just
last year. And this comes at a time of flooding in region and the impacts of the facility have already been so detrimental to the health of the community here and this expansion has the potential to harm even more residents when its pollution moves downstream.

Simply put, I do not believe that DEP has the capacity or expertise to regulate this type of facility, let alone permit the expansion and given that, I believe that it is unconscionable for the agency to approve this expansion in Yukon. Peoples lives are on the line, you have heard them today, their lives are on the line and it's time to say enough is enough.

CHAIR: Next is Craig Zafaras followed by Misty Springer.


CHAIR: Yeah.

MR. ZAFARAS: Okay. This is the picture of my granddaughter. She was born Fathers day. Her name is Abigail Virginia. They live out in Indiana. She is pretty handsome. My daughter, I sent her through law school at Duquesne and she has informed me, because of MAX, there is a nice video here when I am cutting the fields. There it is. See the dirt? Can
you see that? You can't even see the house. All right. They have a hydration problem where they can't control the dust on their facility.

By the time I make a call, it's all gone. The rain washes it into the ground. When they want to check my wells, they want to use an outside contractor. I won't let them on my property. If you guys want to come dig holes, test the water, I'd be willing to entertain that thought.

So, I bought my farm in May of '98 and at the time, Harry Flemming was the supervisor and I went over, I talked to him and I actually did a phase three environmental, cost me thousands of dollars, and I felt confident in what they did over there that bought the farm. Since then, they changed what they brought, you guys give them a permit because it was grandfathered in, the township fought it, I testified for two years and when it was all over, they got fined and they got a permit.

The township got a check, they bought a new grader and I still got crap on my farm. You guys are like - you are going to go home tonight, your wife is going to make you something to eat and everything is going to be groovy. But I got to live there and I got an investment, and like Ms. Tina said, nothing is going
to change. No people here don't have no faith in you people and it's no disrespect, I am in business.

I have been in business almost 40 years and you have to follow through, your word is your bond. And too many of you cats come out here and promise and promise and then just go home. And Mr. Brian says I should forward the video. Well, yeah like the 20 other ones and nothing gets done. Nothing gets done. And that is why these people are upset and me, I hate to say this, it's so far away from my property, but my damage is already done. I don't know. That is about all I got to say. Thank you.

CHAIR: Next is Misty Springer followed by Diana Steck.

MS. SPRINGER: Hello. Misty Springer. S-P-R-I-N-G-E-R. I live right at the bottom of landfill 6 where all of it runs right down into my yard with my beautiful children and myself and my animals and you have heard all of my health conditions.

My question that I do want answered, when you reply, is how many people on your block have cancer? How many people in your town, because I bet your town is bigger than mine and I bet you my town has more people with cancer than yours. Not only that, the miscarriage rate is really high. I told you how many I
suffered. Not fun going through one, but 6 of them, it's fucking hell, just so you know.

To lose one child, but to lose 6, it is really a lot. I don't know, I don't think you care about our health because if you did, this wouldn't be here. There is ordinances against it, there is a lot of stuff against it. I don't - I don't think you care about us. Thank you.

CHAIR: Next is Diana Steck followed by Jessie Cross.

MS. STECK: My name is Diana Steck D-I-A-N-A S-T-E-C-K. I live in North Huntingdon, Pennsylvania. But I am here tonight because I use to live here. I lived in Yukon from 1978 to 1986 and excuse me, I do get emotional because since I lived here, my life has been hell and excuse my French.

My house is up there, my former house, on the corner of Main and CFU street. Approximately a quarter mile downwind from MAX. Formerly known as mill service. I am here tonight to plead with all of you at the front table. You people at DEP need to deny the request for MAX to build hazardous landfill number 7. It's unconscionable that over 50 years of permitting this facility to dump millions of tons and gallons of toxic chemicals into the ground that they're even being
considered to expand.

MAX and their predecessor, mill service, has a long history of environmental crimes and pollution. It's been said earlier, the site's over former coal mines, abandoned mines, the pollution has contaminated the air, the soil, the mine aquifers, the ground and surface waters. During the 1980s, while living here, I spoke with somebody at the EPA asking for help and I was told that Yukon has been deemed a sacrifice zone. The waste has to go somewhere. The 1,000 or so residents living around the facility have been determined to be expendable. This goes beyond being an environmental catastrophe. This is a moral issue.

I urge you, at DEP, that as you deliberate over the merits of this permit application that you make your decisions as if you and your family were living in this community. This is about much more than a consideration of where to dump waste. It's about the human impact. And you just heard what Misty and her family have gone through. My family is reminded daily about our time living in Yukon. While living here, we developed health issues. Rashes, sores and blisters in our noses and throats. Which I am getting again just being here for
this short time. Asthma, breathing problems, frequent and recurring infections. My young daughter used to have choking episodes where she would not be able to breathe and turn blue. They only occurred when we were here, never at anyone else's house. My young son developed hepatitis of an unknown origin. He had urinary tract infections and our whole family had recurring blood in our urine.

I developed muscle weakness, joint pains and blood dyscrasias that led to eventually becoming disabled and diagnosed with a neuromuscular disease called myasthenia gravis. I later developed breast cancer, my husband developed kidney cancer, autoimmune diseases plague our family. My son and daughter and me have hashimoto's thyroiditis, my husband has Sjogren's and interstitial lung disease and we believe that the toxics - that the exposure to the toxic brew here in Yukon waste pits weakened our immune system and led to our problems.

And I certainly feel Misty's pain, my daughter also has had multiple miscarriages and infertility issues and it's very painful. My family is not alone and during the 1980s the local citizens fought long and hard to end this toxic nightmare. The health concerns have been well documented.
Unfortunately, most of the nearly 500 members of our original citizens group are sadly not here today to share their stories. They're no longer living.

You will hear the stories of current residents who sadly are detailing many of the same health issues now that were prevalent in the '80s and '90s. Yet, little has been done to address this situation or to do a comprehensive analysis of the off-site contamination and long-term effects this site poses to public health. I say, enough. MAX has a proven track record of violation and noncompliance.

Deny their request to expand. Toxic and hazardous chemicals should not be permitted to be dumped so near to people's homes. This facility should never have been built over abandoned mines in the first place. MAX landfill 7 should not be permitted to be built over more abandoned mine areas or adjacent to Sewickley Creek, the tributary of the Yough river. Even though MAX successfully petitioned to drop the hundred year floodplain designation from the new proposed site.

In my lifetime, I have seen flooding in this area. The nearby Lions ballfield and over Long Creek Road have all been flooded on multiple occasions. Siting landfill number 7 adjacent to the creek is
risking catastrophe. MAX admitted 2.491 tons of lead pollution in 2019 alone. The highest single source of lead pollution in the state and yet, DEP has allowed them to continue. Now, DEP wants to reward this criminal activity by granting MAX a permit to dump untreated hazardous waste.

MAX has violated their NPDES permit on an ongoing basis but DEP, you guys, allow this to continue. Monetary fines are the cost of doing business for MAX. They do nothing to protect the public health and environment. I take little comfort in hearing about the impermeable liner that will also be under the plan number 7 landfill. The liner in landfill 6 leaked within days of that impoundment opening.

If MAX is permitted as the only hazardous waste dump in the state, Westmoreland County and all of Western Pennsylvania, are at risk from hazardous waste traveling through our communities and this is an unacceptable risk. DEP, I implore you, do the right thing. Deny this application and require MAX to remedial action to protect the public health and environment. Yukon has suffered enough.

CHAIR: Next is Jessie Cross followed by Katie Cross.
MS. CROSS: Hi. My name is Katie Cross and this is my twin Jessie Cross. We live on Millbell Road and I can speak for everyone here today, nobody wants to live near a toxic landfill. My twin has been diagnosed multiple sclerosis, my dad had throat cancer, his brother died from lung cancer and he lived right across the road from us. Our neighbor, Stanley Serosac, just recently passed from fluid in his lungs and a blood infection and then my grandmother just died in September from COPD.

So a lot of death has surrounded us and not very good diagnosis. So, I really do not think this is okay to live next to and I can certainly say that anyone in this room would not want to live near it.

So, clearly, today we have learned that clearly its 900 feet from five people, so it should be denied and what happens if it isn't denied? Are you guys accountable for breaking the law and not doing your job right? That's all.

CHAIR: Next is Eric Harder followed by Rose Dzubak.

MR. HARDER: Eric Harder. H-A-R-D-E-R. My job title is the Youghiogheny Riverkeeper and I'm one of maybe 300 different water keepers in the United
States and our job is basically to protect a certain area and the water that is in that area. So obviously the Youghiogheny River is my jurisdiction. Sewickley Creek is unfortunately the most polluted tributary that we have in the watershed and part of it is to blame on MAX.

For 15 years they had a permit that did not monitor arsenic quantities going into Sewickley Creek. It was only after we pointed out through our monitoring that arsenic was flowing into Sewickley Creek unregulated and unmonitored. And so there are other constituents that come out of MAX's discharge.

If you have never been to the discharge one, I will be happy to take you there, it's right on Sewickley Creek. It's easy access, you can actually walk to it. I know I talked to Jim Stewart, who is one of the on-site inspectors. Invited them to be here tonight because I believe they have some of the most experience with the site and some of the issues that go on there.

Every time I go out to do sampling, the pipe is not always running. Sometimes it's completely dry, so that means MAX has control of when this water reaches the creek. And they also know through their testing, or they should know through testing and
monitoring, whether or not that water is safe to dump into the creek or if it meets their regulated amounts. So, sometimes I go there and the water is not running. But every time I go there, the water is running, it is a very odd color. It's yellow, it's red at the bottom of the discharge pipe, you will see a lot of foam pile building up and these are all - it's never clean. The water is never clean when I'm there.

And so, to think that the company, MAX here, is doing everything they can to treat that water up to the best standard, is completely a lie. They have had more discharge monitoring reports, noncompliance issues, we filed complaints based on our sampling. The DEP has done their own sampling. But this happens every time I am there. There is dirty looking water every time I am there. When we do get it analyzed, sometimes it is within their permit requirements and sometimes it's outside of that. When it's outside of that, we send those results to the DEP for them to - Jim, I can't remember exactly who all else gets them, but then that is when you guys go out and monitor again.

So we would love more realtime monitoring and I'm not talking about landfill 7, because right off-the-bat we should say no to MAX at
landfill 7. But we need more monitoring at landfill 6. They're attempting to close that right now. The only way to know if they have reached on their vertical height is on their reporting at the end of the year. So, at the end of the year, their waste report says oh our pile of garbage is this high, we have this much more time left in this many months left in our capacity.

So, if they're the ones doing that once a year, how do we know that the amount of waste that they're putting in is actually what their reporting. When we know that some of the other processes on the facility are not being maintained like they should, like the airborne dust emissions. These are all conditions that not only affect the community, but downstream resources as well. I know Westmoreland County has shown concerns about the discharge and some of the constituents that come out of this landfill. So, I'm going to repeat, say no to MAX landfill 7 and thank you.

CHAIR: Next is Rose Dzubak followed by William Dzubak.

MS. DZUBAK: My name is Rose Dzubak D-Z-U-B-A-K. I am not here for me, I am here for my grandchildren. And hopefully some day great
grandchildren. I babysit my granddaughter and I am the last house on the road on Millbell Road. I could be sitting out on the porch with her playing and you could see the dust just flying in the air and I'm pretty sure there is a law that says you have to wet that down and they don't. So, that just floats right down into the yard.

Then, there is the noise, that is mostly acceptable, but her ears are very sensitive and she always comes up running to me crying that it's hurting her ears. You know, a three-year-old, what do you expect? And as far as the water, I don't know about that so much but we're half afraid to drink the water from the tap because there has been places where the lines have broke and if that stuff is seeping out and before you can get a line fixed, you are telling me that can't get into our water system.

That is all I have to say. Thank you.

CHAIR: Next is Tina Curry followed by Joanne Hall.

MS. CURRY: So, we know about what MAX is called. It's not MAX, MAX is just the name of the business. Karl is the one who runs the business. Right, Karl? Okay. So to be clear on that. What can DEP do to help prevent some of this happening within
the community?

For example, Mrs. Dzubak was saying about the dust, there is a fence that MAX could put up; correct? That does control that; right? I mean - it's just, sorry. And that was one preventative action I believe MAX should be able to take without a doubt.

And I think that DEP should consider seriously implementing that into the permit. For example, it says in the other permit that it is thriving. I no longer live here. I can tell you that while I did live here, it was daily that there was always instances that there were violations.

This is a file of violations, just some of them. These are ones I got letters. This isn't the ones that inspectors would hang up on me and every two years it would get a new inspector. This is ongoing and really troubling to this neighborhood as the Cross sisters were saying, their dad had throat cancer, I was the one that went to the hospital with him, I was the one sitting next to the bedside with him for three months. Their uncle who passed away, I was the one sitting with him being his chemo buddy. Do you understand me? It's very hard on the community.

The community, it's barely there now. There is barely a community here. You guys really need
to take into consideration. I mean this is serious stuff here. This is peoples lives, how would you feel if this was any of your families or you, yourselves? It's not good at all, you guys keep writing these and giving them permits, but here is the thing, you can't regulate the permits they have. I'll bet you a hundred bucks any one of you know about the permits, any one of you do, guaranteed, I do. Guarantee, hands down I do. I don't get paid for this. This has become part of my life. Do you understand that? It's part of my life now. I can't walk away and I won't walk away. Just regulate it better because it's going to be there. Just put more rules into it to protect everybody. It's the decent thing to do. I'm good. Thank you.

CHAIR: Next is Joanne Hall followed by Catherine Anderson.

MS. HALL: Joanne Hall, H-A-L-L. I am a resident of West Newton, a nearby community on the Youghiogheny River and the Great Allegheny Passage bike trial. This trail towns economic future depends on recreational dollars that are generated by the million visitors who use the GAP trail and the Youghiogheny River every year.

In 2020, America rivers named the lower
Youghiogheny among the most in the endangered rivers in the United States. We depend on pristine natural resources to continue to attract visitors to this area. This landfill contributes to this threat by leeching toxic substances into Sewickley Creek, a major tributary to the Youghiogheny. Liners fail and there is insufficient information on the long-term failure rate of liners.

The research article titles Superfund remediation by on site RCRA landfills in adequacies in providing ground water quality protection identifies that the structural and geological pressures that degrade liners and cause leachate to flow into the surrounding environment. The bottom layer of the landfill will deteriorate over time and leachate will transport out of the unit. The EPA, as part of developing de-regulations states that even the best liner and leachate collection system will ultimately fail due to natural deterioration.

How will the DEP monitor of the integrity of the liner overtime? Will water quality be continuously monitored in Sewickley Creek? A DEP technical deficiency letter to MAX environmental dated November 2, 2022 identifies a wetland area north of the leachate storage tank that is in violation of 25 PA
code 26981, which would stop the permit from being
issued. You must consider this.

   And according to this letter, MAX
environmental has failed to complete additional
delineation studies of the sites wetland that they
committed to do in May 2019 over three years ago. The
DEP is to base their permit decision on geology, soil
formation, siting criteria and compliance history.
This company does not demonstrate that they can be
compliant. How will the DEP monitor and inspect the
landfill and make sure that MAX environmental is
continually compliant. I ask you to deny this permit.

   The wetlands and waters of Sewickley
Creek and Youghiogheny River will be threatened by
contaminated leachate, surface water contamination,
dust and radio active particles that will escape into
the air and migrate to the water. The health of the
residents and the environment should be your most
important consideration.

   CHAIR: Next is Catherine Anderson
followed by Heaven Sensky.

   MS. ANDERSON: My name is Catherine
Anderson A-N-D-E-R-S-O-N. I live in one of those
downstream communities less than a half mile from the
Yough. I have many concerns about this landfill,
including the underlining, and in fact it appears the risk of subsidence is very significant as the area's completely mined out with no pillars underneath.

I am very concerned about the use of liners when they deteriorate, which they certainly will. There will be no replacing them. A portion of this landfill is located in a floodplain. The air quality around the facility is frequently poor. There are occupied dwellings within 900 feet. There are numerous issues, but what probably concerns me the most is the states inability to follow through with its responsibility to regulate these types of industries.

This week I became aware of the settlement that Cabot Oil and Gas paid out to PA American Water to install public water system in a town. That settlement of $16.29 million unfledged to cover the residents the water bills for 75 years was a result of Cabot destroying residents drinking water supplies and water wells. As stated by Attorney General, Josh Shapiro, quote, the regulators whose job it is to set the boundaries for industry to operate and failed. Unquote.

Shapiro pointed the finger at the Department of Environmental Protection for lack of action. To me, this is very concerning. MAX has had
apparently over 300 violations and entered into multiple consent order agreements. This fact seems to demonstrate to me that they are not compliant and they don't seem to be able to protect - to operate without constant deficiencies.

So why should they be granted more room to operate? Will regulatory agencies, such as yours, actually do their job in a timely manner and properly regulate this facility? We are talking about a toxic waste dump next to Sewickley Creek, which flows into the Yough, and eventually supplies drinking water for thousands of people downstream. I strongly suggest you deny this permit.

CHAIR: Next is Heaven Sensky followed by Seth Lovato.

MS. SENSKY: Thank you. My name is Heaven Sensky, H-E-A-V-E-N S-E-N-S-K-Y. I am here today as organizing director as the center for coalfield justice which works just across Monongahela river in Washington and Green County. I live just across the river in the most heavily fracked county of the state and I find it my moral duty to be here today to discuss the impacts on public health that is associated with oil and gas waste.

As they continue to frack in my
community, they need somewhere to send all of that waste and that is why we're here today. I am a graduate of Canon-McMillan High School, a school of which you may have heard in the news in the past few years because we have a very high rate of very rare childhood cancers, specifically known as Ewing sarcoma. I lost a friend to this rare cancer and I have had several friends diagnosed since.

And I, too, live in a small town and it is very, frankly sickening that the people of Southwestern Pennsylvania continue to pay the price while we are distracted from - and sacrificed. In 2019, I supported the mothers of my friends who were sick in going to Harrisburg and asking governor Tom wolf to look at what was going on and start looking into why my friends were getting sick and why we have seen such an increase in sarcoma cancers in our communities since the fracking.

The parents and myself asked the state to halt additional permits and conduct a study. The study has yet - the study is being conducted. The results have yet to be released but here we are, looking at an expansion of a facility that will absolutely pose the public health harms and the decision making entity that decides whether or not goes
up against your homes doesn't have a single physician
or anybody that can speak to public health harms. Oil
and gas waste definitively is so highly concentrated in
radium that Guy Krupa, not far from here in Belle
Vernon, had so much radioactive waste in his municipal
authority facility, that it was considered so harming
that they had to alert the nuclear commission.

It is absolutely unconscionable that a
decision making entity gets to protect a wetland more
than they protect people. And it's horrible. And so,
we of course are all here asking you not to allow this
expansion. I don't know how you could ever in good
conscious expand a hazardous waste facility while there
are people here pleading to you that they already know
their health is being impacted. Without even anybody
on the panel they have any idea of how betadine
actually affects people or their children.

I live in a place where we are looking
at studies that show that children living near oil and
gas development have personagens in their blood higher
than 90 percent of the average American. So who is
going to be liable for all these folks here attest to
blood test. That is on your conscience. I understand
the law is written a certain way but I think somebody
has to do something about this.
And so while we all make the sacrifice for what we are being told is energy production, the shell cracker plant makes minerals and plastic and at what cost. Please deny the expansion on behalf of these folks. And consider this when you go home to your families this holiday season, that people are afraid for the lives of their children.

CHAIR: Next is Seth Lovato followed by Ted Grice.

MR. LOVATO: Good evening. Thank you for inviting me to this meeting and hearing in regards to MAX proposed hazardous waste landfill number 7. My name is Seth Lovato, L-O-V-A-T-O and I am not only a resident of Yukon, I am also a property owner and landlord. The property I speak of on Stone Lane specifically 108 A, 108 B and 109 are well within the 900 feet proposal and are the reasons for my plea tonight.

I say reasons plural because I have three beautiful families that I am here representing, protecting, advocating for, yes. I am their landlord and they are my tenants. They are also the families that help make up our wonderful community of Yukon. Ordinance 26 states every business that is a creator, storer or depositor of waste within the Township of
South Huntingdon shall not locate any aspect of their operation which creates, stores or deposits waste within 900 feet of an occupied dwelling.

This hazardous waste landfill will put my tenants, all three families in direct, imminent danger. I will state the obvious, because it must be said loud and clear. There are consequences for putting hazardous waste into our ecosystem, pollution, contamination and leachate will undoubtedly have negative impacts on our environment which in turn affects my property, and most importantly, my families, their health and their prosperity.

Stacy, Matt and Ashley, Barb and their family members, have been here for many years like our lifelong residents of Yukon. Stone Lane is their home. Yukon is their home and this landfill of hazardous waste will most definitely effect our soil, our air, our water and the list goes on. The Sewickley Creek does reach flood stages and when it crests, as it did in recent past, my tenants experienced four feet of flood waters.

This disaster set them back in all facets. Financially, emotionally, physically. Usually September and October are months of low flood water, flow. With the movement of the grounds for landfill
number 7 in conjunction with precipitation increase.
What should the residents of Yukon expect to happen?
What are you going to do to protect our land, our soil, our water, our air? Which, in turn, will protect our families, myself and the community of Yukon.

I'll close with this, my final request.
Please do not decrease the value of our land and the health of the residents of Yukon and specifically, those on Stone Lane. Because of your inability to see their worth. An open heart is an open mind. Thank you.

CHAIR: Next is Ted Grice followed by Ginny and Charles Baker.

MR. GRICE: Thank you. There are already issues in violations with MAX environmental across their locations and issues in landfill number 6. It is against the very reason why the Department of Environmental Protection exists, to prove a new site, as MAX has already shown problems in its previous sites in protecting air, water, and the health of people, this effect should be DEP's responsibility.

In a technical deficiency letter, the letter clearly states that lands that are going to be used for this landfill number 7, before its construction, are not completely under MAX
environmental's ownership. But equally important, wetland areas that are involved are also in this construction area and should be considered. That is what was in November 2nd deficiency notice that was given.

This is the only facility that has an RCR and Class C hazardous waste landfill in the entire State of Pennsylvania has stated that will allow direct deposit without any worry about cleaning up beforehand into a different state. You have never approved a site in PA that can take public waste directly without first treating it. It was said tonight that radiation determination will be determined in how we handle in about year and it won't be finalized until much later after that.

You say that you were just following the law when you do these things and the different levels of faces that this goes through, but when you don't have a policy in place, there really are no laws in place for this to even be considered.

This facility could go through DEP approval and you can accept waste into this facility before you even have a waste policy and radiation levels that would be accepted.

Then I am sure there will be a legal
argument that these things should be grandfathered in, they were already being deposited before any policies were in place.

There is no policy in place to say other items that would be accepted into this facility. You have never approved any facility like this and you don't have rules in place now in how to handle it. The fact that this process is going through the ten-month phase process for approval when you don't even have a process in place of what it's going to handle is inherently wrong.

You say soil samples presently in landfill 6 don't have to be taken because you know what is being brought in because of their documentation but without testify - attesting it by yourself you only know what MAX has said. You have not sampled groundwater this year and so the records from them, again, is only what they say. The violations that they have acquired are not their only violations. It's only what they have gotten caught with.

So, the levels of problems that they have is much greater than what has been documented. MAX has over 300 permit violations from 2009 to present of over a million dollars. Again, additional waste types are going to be accepted before you even have a
policy in effect and approving this phase one now should not be done and should already be denied at this place. The coal mines that fit under it is one of the reasons to deny, similar to what you have for item number five.

The number of violations that was said could be in consideration, but usually isn't, should be a consideration because this being the only facility of its type in the State of Pennsylvania to be considered make this beyond usual.

The number of homes that were within the buffer zone that isn't stated some many times, needs to be considered. The wetlands issue, which is issue number three in your list of reasons to deny, should be considered. The fact that they don't own all the land that this is going to be used on, is something in their deficiency letter for a reason, that you should deny.

Several people say you have already decided to approve this, but I have hope. I want to tell you this is the time that you can step up and you can show that you are doing your due diligence and you are doing your job and you can take everything that has been said tonight and say this has been denied at phase one and don't give them this permit.

CHAIR: Thank you. Next is Ginny or
Charles Baker. Ginny or Charles?

Next is Melissa Marshall followed by Fernando Soriano.

MS. MARSHALL: Hello. My name is Melissa Marshall and I am an attorney and community advocate with Mountain Watershed Association. I wanted to talk, briefly, about the issue of how public participation processes are being handled with this permit. So, as we have established this type of permit is different than anything we have ever seen before and I feel like, especially based on everything we have seen here tonight, should be given more than the minimum recommendation, not less.

So I reviewed the Department's policy on public participation in terms of the policy today and the recommendation is that there is an informational meeting held and then 30 days later, or even a month-a-half later, there is a hearing so that you all can go home, think about what you have heard today, put together materials that you know are proving it. Like, for example, records of flooding, which I think are really crucial, I'll get to it in a second and then be prepared to give testimony later on.

And instead, what were seeing here today, is you have no opportunity to do that and the
The department is saying it's equivalent because they're giving you time to submit a written comment.

We can't see each other's written comments. We can only share that information if we're in the room together. DEP has the technology for this type of thing, correct me if I'm wrong, I - there is no way for us all to know what each other shared. The whole purpose of these public meetings is not to give DEP information, it's to educate the public.

So, you are really undermining the entire purpose of the public participation process here and I think you absolutely have to, at the least, give these people another opportunity for a hearing so that they can bring documentation, evidence of flooding issues back to you, hear what each other has to say again and have the opportunity for continued education and I think you should do it immediately and I - we have asked before and we were denied. We were told by the Department that they would not do that.

So, I encourage all of you out to echo that request as well and I think you should seriously consider. It would be an injustice to not give these people another chance to share this information and do the job of educating the public, like you are suppose to.
I want to briefly touch also upon the issue of clay. We're preparing an expert technical report, which we will submit in writing later, but some of the things that our expert has found already in the hydrology and floodplains is that in the information that MAX submitted to FEMA to have the site no longer designated to be in the 100 year floodplain, there is no information about storm water record, despite that we have had the most rainfall here over the last 180 years, have occurred in the last 20 years.

There is no rainfall data, no storm event data, they also - so that is one thing that you all can do as well as to help prove that flooding is an issue in the area because the standard is not just the 100 year floodplain but also that there has been a flood record so they didn't look in the record. So if you all have records on that, I encourage you to submit that, to pictures, photos, any types of records of flooding in the area.

They also failed to include any evidence that they considered the tributary right next to the site at all. So, nothing about stream conditions, nothing about flow. So, it seems pretty evident that, at least based on what they have shared, they have wildly underestimated the likelihood of flooding in the
next 100 years and we will go more into that as well. I just wanted to share that and encourage you all to share information as well.

CHAIR: Next is Fernando Soriano followed by Douglas Macpherson.

MR. SORIANO: Hi. My name is Fernando Soriano. I stand before you today as a concerned citizen, friend and family member of Westmoreland County. I implore you to deny MAX environmental services proposal for hazardous landfill waste site number 7. I believe everyone has the right to live decent, dignified lives with clean air and water.

Our state Constitution asserts the peoples right to clean air, water and preservation of the natural, scenic, historic and aesthetic values of the environment. But for too long, the people who have lived in the presence of MAX environmental technologies has suffered the consequences of its negligence wrongdoing. We can not allow our people, and our environment, to continue to paying the price for MAX environmental's mismanagement.

Allowing MAX environmental yet another means to fail its duties and obligations is dangerously irresponsible. We know for a fact already that MAX has chronically failed to abide by the rules and
regulations asserted with the waste that it is
responsible for. Having accrued hundreds of violations
statewide, and civil penalties totaling over a million
dollars. Is this company truly trustworthy to maintain
the site which is adjacent to hundreds of peoples homes
and schools.

We know it's been a repeated violation
of measures meant to keep people safe. And this is
besides the fact of whether or not the regulations and
laws that we currently have in place are even
sufficient to keep people safe even if they are calling
to the letter. MAX environmental would like to have us
believe that they are doing their best, but it appears
that their best is nowhere near enough. While they
have been repeatedly investigated, sued and fined for
their violations, its attempts at remediation are
lacking and residents are left to pay the price. Even
when MAX environmental appears to be trying do the
right thing, it's difficult to believe this to be
sincere.

For example, MAX environmental offered
to power wash peoples houses. They encouraged those
residents to waive their ability to publicly comment
and otherwise infer or discuss that the cleaning was
associated with the consequences of MAX facility
operations. Further, in cases where MAX environmental had no choice but to accept responsibilities to pay fines, it opts to pay its fines in small increments to the point where they pay their fines in the periods of time over 30 years. $25 at a time.

MAX environmental services would like us to believe that they would do the right thing. But if anything has been shown so far, they will do the absolute bare minimum in taking accountability for their actions, if at all. Especially when they continue to stand in violation for the same repeated issues they are flagged and fined for. It is unconscionable to allow a company like MAX environmental to continue its operations, let alone expand as is. I beg of you, do not allow this company to continue prioritizing over people and its pervasive negligence and wrongdoing.

CHAIR: After Doug Macpherson is Stacey Magda.

MR. MACPHERSON: I am not so much - so sure that this testimony in my part but what it is is that if the DEP fails to provide remedy to this whole situation, as you have all pointed out, it should be obvious to you guys, there is just no way you can do this. Not in good conscience.
If it's going to happen, what I recommend the community, we all get together and create a class action lawsuit and if anybody knows a good lawyer, you all know what that is. Contact me and I'll help organize that because I think that is the next thing. Naming, you guys, as defendants, as well as MAX, if you make this possible. Thank you.

CHAIR: And lastly is Stacey Magda.

MS. MAGDA: Good evening, my name is Stacey Magda I am a community organizer with Mountain watershed association. S-T-A-C-Y M-A-G-D-A. To the community and attendants, rising for your very right to exist without exploitation. I see you, we all see you. To the DEP staff, I hope you have taken time to pause and hear these people. This isn't even half of them that are concerned. Over hundreds of people didn't take the time to show up tonight because they have been exploited for decades. They're exhausted and they have been pushed into submission satisfied with the state of their loss.

I truly hope you understand the absolute magnitude of the issue at hand. All of the facts that have been presented to you tonight. All of the issues associated with this phase one siting application. MAX knows about all of that. And they still had the gull
to submit this permit. My shirt is covered with the violations that MAX is aware of their noncompliance and they still submitted their application.

The issue at hand, MAX environmental, a hazardous waste facility shoved in the backyards of small town Yukon Pennsylvania actively operating in noncompliance, written all over my shirt. An everyday mockery of the people of Yukon. We see you smiling. A scar on the integrity of the DEP and the number one air-polluter in the Commonwealth. MAX is filing to expand in more backyards pushing the appropriate paperwork to redesignate a historic floodplain, and not just any expansion on that floodplain, but the first hazardous waste landfill in the State of Pennsylvania to sit on top of abandoned mines where there is high risk of subsidence, that would damage the landfill and the areas ground water resources.

In MAX's permit they submitted, incorrectly, that the mines are separate. You all know this. Mines are connected. We're all connected by water. If all of that isn't absurd enough, this landfill is proposed within one mile of 485 homes. One mine. Two and a half miles from Yough Area school and as you heard tonight there are at least nine occupied dwelling within 900 feet of the proposed expansion.
That is the violation of the township ordinance. Residents in the area, as you have heard tonight, have spent decades fighting to close the existing landfill, due to concerns which include the laundry list of horrifying and devastating health impacts and environmental health impacts. Part of our work at Mountain watershed is to help those same people on how to advocate and join the public process. I have seen that Yukon has an incredible amount of heart and fight. I have also seen that these people have been forced into that submission by over site and a gross lack of representation. Not only by the operator of MAX, who is the failure of an operator and a bad neighbor. But also by DEP who has failed to respond to complaints and is under prepared to oversee permits of this magnitude.

Some residents are so used to being shoved aside. When I talk to them about tonights hearing saying, you got to come, you got to do something to protect yourselves. They shrug and had they said oh we're use to it. My kids, they're used to it. They know we just have inside only days. Speaking of inside only days, when each of you leave here tonight, accept for you, Lauren, step outside, stand tall and a take a deep breath. I choked in ten
seconds. I ride my bike 500 miles a year and don't typically choke over air quality. In Yukon, I do.

Now is the time for Yukon to be heard. And now is the time for DEP for MAX for the EPA to take care of the existing issues at hand. Not to create more issues for yourselves or for the people, to take care of the damage done and don't further degrade the community of Yukon. For profits, for regulations, for paperwork.

Tonight, we urge you to say no to MAX's landfill 7. Say no to locating the proposed expansion on banks of Sewickley creek and up the noses of Yukon. On a final note, you stated at the beginning of this hearing that there should be at least one public hearing opportunity. I know you can't answer me, but do you understand the magnitude of this? Why on earth would you do the least you could do for these people to express their concerns?

Please issue a second public hearing and schedule it immediately. There are more opportunities to get more people here to understand this. And listen to them closely. Look them in the eyes and understand the magnitude and by all means, say no to landfill 7. Thank you.

CHAIR: Thank you for everyone who
provided testimony.

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HEARING CONCLUDED AT 8:24 P.M.

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CERTIFICATE

I hereby certify that the foregoing proceedings, hearing held before Chair Camarda, was reported by me on December 1, 2022 and that I, Deanna Heckel, read this transcript, and that I attest that this transcript is a true and accurate record of the proceeding.

Dated the 5 day of January, 2023

Deanna Heckel,
Court Reporter