

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In The Matter Of:

Westmoreland Sanitary Landfill, LLC	:	
d/b/a Westmoreland Sanitary Landfill	:	
111 Conner Lane	:	Solid Waste Management Act
Belle Vernon, PA 15012	:	Clean Streams Law
	:	Air Pollution Control Act
Rostraver Township	:	
Westmoreland County	:	
ENF. ID No. <u>421388</u>	:	

FIRST AMENDMENT TO 2023 CONSENT ORDER AND AGREEMENT

This First Amendment to the Consent Order and Agreement dated November 1, 2023 (“First Amendment”) is entered into this 2nd day of June, 2026 (the “First Amendment Effective Date”) by and between the Commonwealth of Pennsylvania, Department of Environmental Protection (“Department”) and the Westmoreland Sanitary Landfill, LLC (“Sanitary Landfill”), (collectively, the “Parties”).

The Department has found and determined the following:

A. On November 1, 2023, the Parties entered into a Consent Order and Agreement (the “2023 COA”) concerning the Westmoreland Sanitary Landfill located in Rostraver Township, Westmoreland County, Pennsylvania (the “Site”).

B. Among other things, the 2023 COA requires Sanitary Landfill to properly permit, install, and operate leachate treatment units and perform certain Environmental Audit and Environmental Management System (“EMS”) activities, as set forth in Paragraphs 3 through 10 of the 2023 COA.

C. Pursuant to Paragraph 5.b. of the 2023 COA, Sanitary Landfill completed the Pond C Improvements as detailed in the approved February 2021 Revised Corrective Action Plan. On

December 28, 2023, Sanitary Landfill submitted to the Department a letter confirming the work had been completed.

D. Pursuant to Paragraph 7 of the 2023 COA, Sanitary Landfill submitted a minor permit modification to the Department, to add the interim leachate holding tanks to the facility's leachate management plan and PPC plan. The Department approved of and issued the minor permit modification to Sanitary Landfill on October 31, 2024.

2023 COA: Environmental Audit and Environmental Management System

E. Pursuant to Paragraph 8 of the 2023 COA, Sanitary Landfill conducted an Environmental Audit at the facility. The purpose of the Environmental Audit was to conduct an evaluation of the facility's compliance with applicable regulatory requirements and provide recommendations for any non-compliance or areas of concern. Sanitary Landfill submitted the Interim and Final Audit Reports to the Department on July 20, 2024, and which were subsequently approved by the Department on September 24, 2024, after being revised. Based upon information reviewed by the Department, all outstanding compliance items or areas of concern identified in the Final Audit Report have been completed at this time.

F. Pursuant to Paragraph 9 of the 2023 COA, Sanitary Landfill contracted with an Environmental Management System ("EMS") consultant to develop a facility wide EMS and manual. The purpose of the EMS was to develop and plan for achieving and maintaining environmental compliance at the facility. The Department approved a revised EMS for Sanitary Landfill on July 1, 2024.

G. Pursuant to Paragraph 10 of the 2023 COA, Sanitary Landfill contracted with a third-party consultant to conduct an audit of the approved EMS Manual. The purpose of the EMS audit was to determine the adequacy of the previously developed EMS Manual. The EMS Audit

Report was submitted to the Department on May 27, 2025. The Department requested an updated EMS Manual and Planning Tool to address recommendations presented in the EMS Audit Report in a letter dated July 2, 2025 to satisfy Paragraph 10.e of the 2023 COA and Paragraph H below. On November 21, 2025, the EMS consultant submitted a revised EMS Manual and EMS Planning Tool to the Department.

H. Pursuant to Paragraph 10.e. of the 2023 COA, Sanitary Landfill shall make full implementation of all recommendations from the EMS Audit Report within 180 (one hundred eighty) calendar days from receiving the EMS Audit Report. Sanitary Landfill has represented to the Department that as of November 21, 2025, Sanitary Landfill has fully implemented all recommendations from the EMS Audit Report.

Discharge Authorization Requests

I. Sanitary Landfill had previously sought and obtained partial Department approval to manage leachate generated at the landfill through use of an evaporator. However, Sanitary Landfill later requested that the Department terminate the Air Quality Plan Approval Application (PA-65-00767C) for the leachate evaporator equipment, and the Department subsequently terminated the plan approval.

J. Sanitary Landfill has recently sought approval from the Department to pursue two means of leachate management, treatment, and disposal.

K. On June 27, 2024, Sanitary Landfill submitted a National Pollutant Discharge Elimination System (“NPDES”) application to the Department to authorize the discharge of leachate from the Site to the Monongahela River following treatment.

L. On July 8, 2024, The Department received a letter from Sanitary Landfill requesting to construct and operate a leachate pre-treatment demonstration project aimed at improving the quality of landfill leachate prior to conveyance to a treatment facility or discharge.

M. On December 5, 2024, Sanitary Landfill submitted a Revised Corrective Action Plan, which was originally required by an October 7, 2020 COA. The Revised Corrective Action Plan included an explanation of the long-term improvements that Sanitary Landfill says it has made to mitigate mud tracking sufficiently enough to be able to continue to use the current entrance road.

N. On February 3, 2025, a draft NPDES permit (to authorize the discharge of leachate from the Site to the Monongahela River following treatment) was published in the Pennsylvania Bulletin for public comment.

O. On February 13, 2025, Sanitary Landfill submitted an application for a Minor Permit Modification (“Leachate Pre-Treatment Trial Permit Modification”) to conduct a 24-month trial project for onsite leachate treatment aimed at improving the quality of landfill leachate prior to conveyance to a publicly owned treatment facility (“Leachate Pre-Treatment Trial”).

P. On May 5, 2025, the Department accepted the Leachate Pre-Treatment Trial Permit Modification Application as administratively complete.

Q. On November 19, 2025, the Department approved the Leachate Pre-Treatment Trial Permit Modification Application.

R. On January 16, 2026, Sanitary Landfill and the Department participated in a telephone meeting to discuss recent mud tracking concerns from the entrance road onto Tyrol Boulevard. Sanitary Landfill had previously submitted a minor permit modification for a new entrance road as required by the February 2021 CAP-R but subsequently withdrew the permit with

the consent of the Department as entrance road conditions improved and mud tracking incidents decreased following other Site enhancements. During the January 16, 2026 telephone meeting, the Department and Sanitary Landfill discussed the submission of a new minor permit modification for a new entrance road.

S. Paragraph 24 of the 2023 COA authorizes the Parties to make changes, additions, modifications, or amendments to the 2023 COA, and provides that such changes, additions, modifications, or amendments shall be effective if set out in writing and signed by the Parties.

T. The Parties believe it appropriate to modify and amend the 2023 COA to (i) identify those obligations of Sanitary Landfill under the 2023 COA which have been performed and completed, and those obligations that are no longer applicable and deemed null and void, (ii) update the current proposed leachate pre-treatment system at the Site with new technology and otherwise replace the concept of and obligations with respect to leachate evaporation as a method of disposal with the Leachate Pre-Treatment Trial, and (iii) provide for certain obligations of Sanitary Landfill with respect to the permitting of a new entrance road, all as follows herein below.

After full and complete negotiation of all matters set forth in the First Amendment and upon mutual exchange of covenants contained herein, the Parties desiring to avoid litigation and intending to be legally bound, it is hereby ORDERED by the Department and AGREED to by Sanitary Landfill that the 2023 COA is hereby modified and amended as follows:

I. Authority. This First Amendment is an Order of the Department authorized and issued pursuant to Section 602 of the SWMA, 35 P.S. § 6018.602; and Section 1917 A of the Administrative Code, 71 P.S. § 510-17.

2. Findings.

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

b. The parties do not authorize any other persons to use the findings in this First Amendment in any matter or proceeding.

3. Paragraphs 3, 4, 5.b, 7, 8, 9.a-c., and 10 of the 2023 Consent Order and Agreement have been complied with by Sanitary Landfill. The requirements of Paragraphs 5a, 5.c., 6, 9.d., and 13 of the 2023 COA, to the extent not previously completed, remain in effect.

4. Sanitary Landfill shall complete construction of the Leachate Pre-Treatment facilities within eighteen (18) months of execution of this First Amendment, shall submit to the Department a Construction Certification within thirty (30) days after completion of construction of the Leachate Pre-Treatment facilities, and shall initiate the Leachate Pre-Treatment Trial in accordance with the approved authorizations within thirty (30) days of the Department's approval of the Construction Certification. Within five (5) calendar days of initiation of the Leachate Pre-Treatment Trial, Sanitary Landfill shall submit notification to the Department of the actual start-up. Sanitary Landfill shall operate the Leachate Pre-Treatment Trial system for twenty-four (24) months unless a shorter time frame is approved by the Department. Within ten (10) days of completion of the Leachate Pre-Treatment Trial or such earlier date as may be mutually agreed to by the parties, Sanitary Landfill shall submit a report to the Department with the findings of the trial, a summary of the results of Sanitary Landfill's consultations with local publicly owned treatment facilities (POTW) regarding acceptance of the landfill's pre-treated leachate, and a determination as to whether it is practicable, in accordance with 25 PA Code Section 273.272(b)

for the landfill leachate to be accepted at a local POTW via direct pipeline (“Leachate Pre-treatment Trial Report”). In the event that Sanitary Landfill determines that the Leachate Pre-Treatment Trial is completed prior to the twenty-four (24) month period provided for in the Leachate Pre-Treatment Trial Permit Modification, Sanitary Landfill may provide notice thereof to the Department and together with the Leachate Pre-treatment Trial Report. For greater clarity and the avoidance of doubt, a POTW’s acceptance of the landfill’s pre-treated leachate on a trial basis, pilot basis, or other temporary-type basis shall not be deemed conclusive as to whether it is practicable, in accordance with 25 PA Code Section 273.272(b), for the landfill leachate to be accepted at a local POTW via direct pipeline.

In addition to and notwithstanding the foregoing provisions of this Paragraph 4, Sanitary Landfill may, for good cause or good reason, at any time near the completion of the twenty-four (24) month on-site leachate treatment trial project period, request approval from the Department for an extension of such twenty-four (24) month period, if Sanitary Landfill has demonstrated good cause or good reason for an extension.

5. In the event that the Pre-Treatment Trial demonstrates to the Department’s satisfaction that it is practicable, in accordance with 25 PA Code Section 273.272(b), for the landfill leachate to be accepted at a local POTW via direct pipeline, then Sanitary Landfill shall:

a. Within thirty (30) calendar days of submitting the Leachate Pre-Treatment Trial Report (or such other date if approved in writing by the Department), submit to the Department an application for a major modification to Waste Management Permit 100277 for the required changes to currently authorized leachate management, treatment, and disposal. The application shall include an executed Disposal Agreement from a local POTW for disposal of landfill leachate.

b. Within forty-five (45) calendar days of Department issuance of the major modification to Waste Management Permit 100277 (or such other time period as approved by the Department in writing), Sanitary Landfill shall begin pre-treatment and conveyance of leachate to the approved POTW according to the modified permit.

6. In the event that the on-site leachate treatment trial project does not result in landfill leachate that is practicable, in accordance with 25 PA Code Section 273.272(b), to send to a local POTW via direct pipeline, Sanitary Landfill shall:

a. Continue to maintain compliance with the currently approved Form 25 for Leachate Management.

b. Within forty-five (45) days of the Department's response to the Leachate Pre-treatment Trial Report, Sanitary Landfill shall submit to the Department an application for a major modification to Waste Management Permit 100277 for the change to leachate management, treatment, and disposal authorizing treatment and direct discharge to the Monongahela River. The Waste application shall include a detailed explanation as to why direct discharge to a POTW is not practicable, and Sanitary Landfill shall not initiate direct discharge to the Monongahela River unless and until the Department has issued a major modification to Waste Management Permit 100277 for the change to leachate management authorizing such discharge.

c. No later than forty-five (45) days after the receipt of an NPDES Permit authorizing direct discharge to the Monongahela River and the Department's concurrence that the landfill's direct discharge of its treated leachate to a local POTW is not practicable, Sanitary Landfill shall submit a Water Quality Management ("WQM") permit application to the Department. The WQM permit application shall include a proposed design for the treatment facility with a proposed construction schedule. Sanitary Landfill may pursue this WQM permit

on a parallel path as the on-site leachate treatment trial project to avoid prolonged transportation of leachate by tanker trucking on the public roadways of the Commonwealth in the event the trial project is not effective.

d. Submit a plan and schedule for obtaining any other permits or authorizations needed to complete the treatment system, discharge pipeline, and outfall to the Monongahela River. Sanitary Landfill shall not commence leachate discharge to the Monongahela River unless and until it has obtained WQM permit authorization to do so, and obtained all other required authorizations.

e. Within one hundred eighty (180) calendar days of issuance of the major modification of Waste Management Permit 100277, the NPDES permit for direct discharge to the Monongahela River, the WQM permit for the construction and operation of the treatment system, and all other permits and authorizations needed to complete the treatment system, discharge pipeline and outfall to the Monongahela River, whichever is last, Sanitary Landfill shall complete construction of the treatment system and begin discharge to the Monongahela River in accordance with all authorizations issued by the Department.

7. Prior to commencement of construction or installation of any proposed pre-treatment systems, either pre-treatment for a direct discharge to a POTW or treatment for a direct discharge to a Water of the Commonwealth, Sanitary Landfill shall submit a Bureau of Air Quality Request for Determination of Changes of Minor Significance and Exemption from Plan Approval/Operating Permit under 25 Pa. Code §127.14 or §127.449 (“RFD”). If not first submitted prior to the First Amendment Effective Date, Sanitary Landfill shall submit the completed RFD using the Department’s ‘GreenPort’ portal. Sanitary Landfill shall not commence construction or

installation of the proposed treatment systems unless and until the Request for Determination is approved or Sanitary Landfill obtains a plan approval authorizing the construction.

8. In the event that Sanitary Landfill intends to modify its current landfill leachate transportation practices (including any change to the currently utilized facilities), it shall submit notification of such plans, including the details of any modifications, to the Department at least five (5) days prior to any modification taking place. Sanitary Landfill shall not dispose of landfill leachate at any location in the Commonwealth not specifically listed in Form 25 (Leachate Management), without prior written approval from the Department.

9. Within thirty (30) days of the First Amendment Effective Date, Sanitary Landfill shall submit a minor permit modification to the Department as well as all other necessary authorization/permit requests proposing a new entrance road to the Site. Sanitary Landfill shall complete construction of the new entrance road within one hundred eighty (180) days of the later to occur of (a) approval of the minor permit modification by the Department and (b) Sanitary Landfill's receipt of all other required permits, approvals and authorizations (the "New Entrance Completion Deadline"). Notwithstanding the foregoing, in the event that the last of the items described in the foregoing clauses (a) and (b) are received by Sanitary Landfill on or after November 1 and before February 28, then the New Entrance Completion Deadline shall be extended on a day-for-day basis equal to the number of days from the date that the last of the items described in the foregoing clauses (a) and (b) are received and February 28. By way of example, if the last of the items described in the foregoing clauses (a) and (b) are received by Sanitary Landfill on December 15, then the one hundred eighty (180) day period shall be extended by seventy-five (75) days so that Sanitary Landfill shall complete construction of the new entrance road within two hundred fifty-five (255) days of the later to occur of (a) approval of the minor

permit modification by the Department and (b) Sanitary Landfill's receipt of all other required permits, approvals, and authorizations.

10. Submission of Documents. With regard to any document that Sanitary Landfill is required to submit pursuant to this First Amendment, the Department, will review the document and will approve or disapprove the document, or any portion thereof, in writing. If the document, or any portion thereof, is disapproved by the Department, Sanitary Landfill shall submit a revised document to the Department that addresses the Department's concerns within a reasonable time, as specified by the Department.

11. Paragraph 12.a. of the 2023 Consent Order and Agreement is hereby replaced with the following:

12.a. Stipulated Civil Penalties

In the event that Sanitary Landfill fails to comply in a timely manner with any term or provision of the First Amendment (including the continuing provisions of the 2023 COA), Sanitary Landfill shall be in violation of this First Amendment and, in addition to other applicable remedies, shall pay a civil penalty in the amount of \$2,000 per day for each violation of Paragraph 9 of this First Amendment, and \$1,000 per day per violation for any other violation.

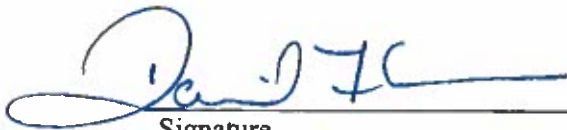
12. Except as expressly set forth herein, there are no other changes to the 2023 COA, which remains in full force and effect, as amended and modified hereby. All defined terms in this First Amendment that are not defined herein shall have the same meaning ascribed to them in the 2023 COA. All future references to the 2023 COA shall be deemed to refer to the 2023 COA, as amended and modified by this First Amendment. In the event of any conflict or inconsistency

between the terms and provisions of the 2023 COA and the terms and provisions of this First Amendment, the terms and provisions of this First Amendment shall govern, supersede and control.

IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to be executed by their duly authorized representatives. The undersigned representatives of Sanitary Landfill certify under penalty of law, as provided by 18 Pa. C.S. §4904 that they are authorized to execute this First Amendment on behalf of Sanitary Landfill; that Sanitary Landfill consents to the entry of this First Amendment as a final ORDER of the Department; and that Sanitary Landfill hereby knowingly waives all rights to appeal this First Amendment and to challenge its content or validity, 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 provisions of law. Signature by Sanitary Landfill's attorney certifies only that this First Amendment has been signed after consulting with counsel.

**FOR WESTMORELAND SANITARY
LANDFILL, LLC:**

**FOR THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION:**



Signature

Name (print) David Florence



Sharon Svitek

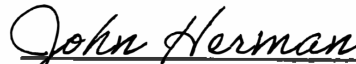
Southwest Program Manager
Waste Management



Signature

Name (print) KIT F. PETTIT

Attorney for Westmoreland Sanitary Landfill,
LLC (or initials indicating waiver of right to
attorney review)



John H. Herman

Regional Chief Counsel