

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In The Matter Of:

Westmoreland Sanitary Landfill, LLC	:	
d/b/a Westmoreland Sanitary Landfill	:	
111 Conner Lane	:	
Belle Vernon, PA 15012	:	Solid Waste Management Act
	:	
Rostraver Township	:	
Westmoreland County	:	
ENF. ID No. <u>443306</u>	:	

CONSENT ASSESSMENT OF CIVIL PENALTY

This Consent Assessment of Civil Penalty (“CACP”) is entered into this 24th day of June, 2025, by and between the Commonwealth of Pennsylvania, Department of Environmental Protection (“Department”) and the Westmoreland Sanitary Landfill, LLC. (“Sanitary Landfill”).

The Department has found and determined the following:

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

B. Sanitary Landfill is a Delaware limited liability company with a business address of 111 Conner Lane, Belle Vernon, PA 15012, and a “person” as that term is defined in Section 103 of the Solid Waste Management Act, 35 P.S. § 6018.103

C. Sanitary Landfill operates a Residual/Municipal Waste Landfill (“Landfill”) at 111 Conner Lane, Belle Vernon, PA 15012 in Rostraver Township, Westmoreland County pursuant to

Waste Management Permit No. 100277 issued by the Department (“Waste Permit”)

D. Leachate, generated by Sanitary Landfill, is “solid waste” and “municipal waste” as those terms are defined by Section 103 of the Solid Waste Management Act, 35 P.S. § 6018.103, and the Department’s regulations, and 25 Pa. Code § 271.1.

E. On April 2, 2025, the Department received a phone call from Sanitary Landfill to report an accidental leachate release that resulted from a packer-style truck hitting a leachate cleanout pipe, near the leachate load-out area, north of the scale house.

F. On April 30, 2025, the Department issued a Notice of Violation (“NOV”) to Sanitary Landfill for the unlawful dumping of waste.

G. The dumping or depositing of solid waste, in the form of leachate, onto the Site constituted “disposal” as that term is defined in section 103 of the SWMA, 35 P.S. §6018.103.

H. Sanitary has caused, allowed, or permitted the discharge of solid waste onto the Site, in violation of 25 Pa Code § 273.201, and Section 201(a) of the SWMA, 35 P.S. §§ 6018.201(a).

I. The violations described in Paragraph H, above, constitutes unlawful conduct under Sections 610(4) and (9) of the Solid Waste Management Act, 35 P.S. §§ 6018.610(4) and (9); a public nuisance pursuant to Section 601 of the Solid Waste Management Act, 35 P.S. §6018.601; and subjects Sanitary Landfill to civil penalty liability 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 Sanitary Landfill 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 **FIVE THOUSAND DOLLARS (\$5,000.00)** which Sanitary Landfill hereby agrees to pay.

2. **Civil Penalty Settlement.** Sanitary Landfill 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 violations set forth in Paragraph H, above. The payment shall be by corporate check or the like, made payable to "Commonwealth of Pennsylvania, Solid Waste Abatement Fund" and sent to Compliance Specialist, Waste Management, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

3. **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 I, 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. **Remedies.** In the event Sanitary Landfill fails to make any payment required by this Consent Assessment of Civil Penalty, all remaining payments shall be immediately due and payable. In that event, the Department may pursue any remedy available for failure to pay a civil penalty, including an action for breach of contract or the filing of this Consent Assessment of Civil Penalty as a lien in any county in this Commonwealth.

5. **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. Sanitary Landfill 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 Sanitary Landfill 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 Sanitary Landfill, that Sanitary Landfill consents to the entry of this Consent Assessment of Civil Penalty as an ASSESSMENT of the Department; that Sanitary Landfill hereby knowingly waives any right to a hearing under the statutes referenced in this Consent Assessment of Civil Penalty; and that Sanitary Landfill 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 Sanitary Landfill's attorney certifies only that the agreement has been signed after consulting with counsel.)

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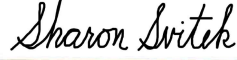
[SIGNATURES ON FOLLOWING PAGE(S)]

**FOR WESTMORELAND SANITARY
LANDFILL, LLC.:**



Signature _____
Name (print) Alexander Sulkauskis
Authorized Representative

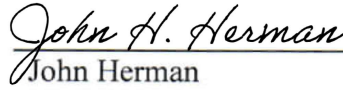
**FOR THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION:**



Signature _____
Sharon Svitek
Regional Program Manager



Signature _____
Name (print) _____
Attorney for Sanitary Landfill (or initials
indicating waiver of right to attorney review)



Signature _____
John Herman
Regional Counsel