



September 11, 2020

VIA ELECTRONIC DELIVERY

Rich Walton
Westmoreland Sanitary
111 Connor Lane
Belle Vernon, PA 15012-4519

Re: Leachate Management Plan Revisions
Westmoreland Sanitary Landfill
Rostraver Township
Westmoreland County
I.D. No. 100277
APS No. 3107
Authorization No. 1306639

Dear Mr. Walton:

The Department of Environmental Protection (the Department) has reviewed the proposed financial assurance cost estimates submitted with the above referenced application for modification of Permit No. 100277 for revisions to the leachate management plan for the Westmoreland Sanitary Landfill. The total bond liability associated with this permit and calculated by the bond worksheets in accordance with 25 Pa. Code Section 271.331 is increased by \$6,073,723 from the currently posted \$17,128,993 to \$23,202,716.

The required bond forms that must be submitted relative to this matter and corresponding sample letters may be accessed from the 'eLibrary' on the Department's website at <http://www.dep.pa.gov> and must be completed in accordance with the following instructions. Both the completed bond forms and collateral/surety must be submitted and approved by the Department before the permit renewal can be issued.

All spaces requiring the applicant or permittee's name must contain the same name used on other forms in the permit application. In the case of corporations, the applicant or permittee's name must exactly be the same as the name that appears on the corporate seal, including abbreviations and punctuation.

Bonds may be submitted in the form of collateral or surety.

- a. Collateral bonds may be supported by the following types of securities: cash, certified checks, irrevocable bank letters of credit, automatically renewable certificates of deposit, or negotiable bonds of the types specified in Section 505(a) of the Act.

Total amount of bond liability must be submitted within thirty (30) calendar days of receipt of this letter and paid in full prior to permit issuance.

The wording and format of letters of credit must be identical to the sample letters of credit found in "eLibrary" at <http://www.dep.greenport.state.pa.us/elibrary/GetFolder?FolderID=3362>. Letters of credit cannot contain an expiration date unless such a date is followed by the phrase "...or annually thereafter if the credit is not terminated as provided herein."

Certificates of deposit must be accompanied by an assignment document (see DEP’s website). Certificates of deposit must be “automatically renewable” and this fact must be stated on the certificate. A certificate may not contain any language indicating it is “not transferable.” All such language must be deleted or changed to read as follows: “Not transferable except as recorded on the books of the bank.” Any deletions or typed additions to the Certificate must be individually and specifically acknowledged by the signature of an authorized bank official (see below).

In the case of corporations, all bond documents must be executed by two corporate officials. The only corporate officials who may execute a bond document are the president, vice-president, secretary of the corporation, assistant secretary of the corporation, treasurer or assistant treasurer. One corporate officer from each column below must execute the document. Appropriate titles of all signers must be on the document.

Column A
President
Vice-President

Column B
Treasurer
Assistant Treasurer
Secretary of the Corporation
Assistant Secretary of the Corporation

All assignment documents must be executed by two bank officials from those listed above (same as for corporations) with the addition of cashier or assistant cashier for national banks.

- b. Surety bonds executed by a permittee and a corporate surety licensed to do business in the Commonwealth are acceptable for purposes of bonding solid waste management facilities.

Such surety bond submittals shall be on forms provided by the Department (see DEP’s Website).

Required corporate signatures are the same as outlined in the columns above for collateral bonds, except that the surety company is required to supply an attorney in fact’s signature plus a “power of attorney” for the surety company. The date of the “power of attorney” must be the same as that of the surety bond.

When existing surety or collateral is replaced or when there is a change in the permittee, a new bond form will need to accompany the collateral/surety.

Please submit any documents pertaining to a surety or collateral bond within thirty (30) calendar days to the following address:

*Division of Contracts, Procurement and Bonding
Bureau of Office Services
Department of Environmental Protection
Attn: Tammy Jefferson
PO Box 8766
Harrisburg, PA 17105-8473*

If you do not submit the required financial assurance within thirty (30) calendar days of receipt of this letter, your application may be denied. If you have any questions regarding specific financial assurance requirements or bonding forms, please contact Tammy Jefferson by phone at 717.783.9707, or by email at tajefferso@pa.gov.

Sincerely,

Denis O. Strittmatter

Denis O. Strittmatter
Permit Reviewer
Bureau of Waste Management

cc: Civil Design Solutions
T. Jefferson
Region
Chron