

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In The Matter Of:

Blythe Recycling and Demolition	:	Violations of the Solid Waste
Site Holdings, Inc.	:	Management Act – Municipal
1786 Salcman Road	:	Waste Violations
Waterloo, NY 13165	:	

CONSENT ORDER AND AGREEMENT

This Consent Order and Agreement is entered into this 27th day of April 2026, by and between the Commonwealth of Pennsylvania, Department of Environmental Protection (“Department”) and Blythe Recycling and Demolition Site Holdings, Inc. (“BRADS”).

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”); the Air Pollution Control Act of January 8, 1960, P.L. 2119, as amended, 35 P.S. § 4001 et seq. (“Air Pollution Control 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 (“rules and regulations”) promulgated thereunder.

B. BRADS is a Delaware business corporation which maintains an address of 1786 Salcman Road, Waterloo, New York 13165.

C. On October 28, 2022, the Department reissued Solid Waste Management Permit No. 101679, as amended, to BRADS for the operation of a solid waste disposal facility, to wit, a

municipal waste landfill located in Blythe Township, Schuylkill County, Pennsylvania (“Facility”).

D. On November 16, 2023, a representative of the Department’s Emergency Response Team performed an odor complaint investigation and detected hydrogen sulfide malodors at the residences of three complainants in St. Clair. The hydrogen sulfide odor was also detected at the main entrance to the Facility.

E. On December 27, 2023, the Department conducted an inspection at the Facility during which a failed valve at the sump area was observed to be discharging leachate which was running off the line disposal area and onto the ground adjacent to the lined area.

F. On December 28, 2023, BRADS provided information to the Department via email documenting that the violation described in Paragraph E, above, had been addressed.

G. On January 2, 2024, the Department issued a Notice of Violation to BRADS that documented the violations described in Paragraph D, above, and requested that BRADS submit a plan and schedule to address the correction and prevention of the violations.

H. On January 15, 2024, the Department received a written response from BRADS to the January 2, 2024 Notice of Violation. The response included measures already planned by BRADS and approved by the Department, including the installation of a 750-cfm utility flare and a larger blower skid. The response also identified the installation of additional landfill gas extraction wells and vacuum headers as planned measures to address the violations.

I. On March 11, 2024, the Department conducted an inspection at the Facility during which exposed waste was observed below the working face and on many other areas of the landfill, and excessive windblown litter was observed beyond the working face, including

off-site areas.

J. On March 18, 2024, the Department observed while driving by the Facility that large amounts of windblown waste remained on-site, and off-site litter had not been collected.

K. On March 22, 2024, the Department conducted an inspection at the Facility. During the inspection, the Department observed that while a significant amount of waste had been collected, litter remained scattered about the property. The Department also observed exposed waste in areas of intermediate cover as well as in areas where filling operations had not been conducted in several weeks.

L. On April 16, 2024, the Department issued a Notice of Violation to BRADS that documented the violations described in Paragraphs I through K, above, and requested that BRADS submit a plan and schedule to address the correction and prevention of the violations.

M. On April 16, 2024, the Department performed an odor complaint investigation and detected landfill gas odors on Burma Road and landfill gas malodors at the residences of two complainants in St. Clair.

N. On April 30, 2024, the Department received a written response from BRADS to the Notice of Violation dated April 16, 2024, which noted that there were multiple high wind events during the month of March 2024 and that BRADS employed a third-party contractor to expedite litter picking efforts. The response included measures already instituted by BRADS to address the windblown litter issue, including increased third-party assistance and the cessation of the tipper operation during high wind events. Photographs of the intermediate cover areas were also provided with the response.

O. On May 2, 2024, the Department conducted an inspection at the Facility during

which the Department conducted onsite monitoring with a Foxboro methane detector and a Jerome hydrogen sulfide meter and noted that the highest readings and odors were detected at the bottom of the intermediate slope of Cell 2 Phase 2 at the intermediate cover/protective cover interface. It was observed that the slopes were in a good overall condition with the majority of the slopes being covered so that no waste was protruding from the cover, and windblown litter was observed being collected along the litter collection fencing with a great reduction in windblown litter since the previous inspection. The Department determined that the violations described in Paragraphs I through K, above, had been corrected.

P. On May 8, 2024, the Department issued a Notice of Violation to BRADS that documented the violations described in Paragraph M, above, and requested that BRADS submit a plan and schedule to address the correction and prevention of the violations, specifically the control and minimization of landfill-associated odors, including information on BRADS' plan to address the area of concern identified during the May 2, 2024 inspection.

Q. On May 20, 2024, the Department received a written response from BRADS to the Notice of Violation dated May 8, 2024, which indicated that the approved 750-cfm utility flare and a larger blower skid had been delivered but were awaiting parts and materials for the installation. The response also included measures already planned by BRADS to expand the landfill gas collection system, including the installation of up to nine horizontal collectors along the North side of Cell 2 A.

R. On September 12, 2024, a representative of the Department's Emergency Response Team performed an odor complaint investigation and detected landfill gas odors on Burma Road and a landfill gas malodor at a residence of a complainant in St. Clair.

S. On September 30, 2024, the Department issued a Notice of Violation to BRADS that documented the violations in Paragraph R, above, and requested that BRADS submit a plan and schedule to address the correction and prevention of the violations. The Department further requested that BRADS specifically address the control and minimization of landfill-associated odors, including the identification of enhanced landfill odor control measures and a review and update of its Nuisance Minimization and Control Plan.

T. On October 15, 2024, the Department received a written response from BRADS to the Notice of Violation dated September 30, 2024. The response included measures already instituted by BRADS to address the violations, including the procurement and implementation of a temporary rental flare until the installation of the permanent 750-cfm utility flare was complete. The response also identified the installation of seven vertical landfill gas extraction wells as planned measures to address the violations.

U. On October 22, 2024, a representative of the Department's Air Quality Program performed an odor complaint investigation and detected landfill gas malodors at the residences of three complainants in St. Clair. The malodors were consistent with the odors detected at the main entrance of the Facility.

V. On October 29, 2024, the Department issued a Notice of Violation to BRADS that documented the violations in Paragraph U, above, and requested that BRADS submit an update on the implementation of the landfill odor control measures identified in the October 15, 2024 response to the Notice of Violation dated September 30, 2024.

W. On November 12, 2024, the Department received a written response from BRADS to the Notice of Violation dated October 29, 2024, which noted that the installation of

the 750-cfm utility flare and larger blower skid was scheduled for the week of November 18, 2024. The response included measures already instituted by BRADS to address the violations, including the installation of five horizontal landfill gas collectors along the North side of the lined disposal area and the utilization of a rental flare. The response also identified the installation of five vertical landfill gas extraction wells and one leachate cleanout extraction well as planned measures.

X. On December 10, 2024, the Department conducted an inspection at the Facility and noted that the 750-cfm utility flare had been operational since November 20, 2024, and six vertical wells had been drilled between November 4, 2024 and November 7, 2024. During the inspection, the Department observed exposed waste between Cell 2A and 1 where waste placement had not been conducted in over a week and areas throughout Cells 2A and 1 where intermediate cover did not meet grading requirements.

Y. On January 22, 2025, the Department issued a Notice of Violation to BRADS that documented the violations related to intermediate cover described in Paragraph X, above, and requested that BRADS submit a plan and schedule to address the correction and prevention of the violations.

Z. On February 6, 2025, the Department received a written response from BRADS to the Notice of Violation dated January 22, 2025, which noted that due to inclement weather, there were safety issues with having bulldozers on the outside slopes where flagging was observed in the intermediate cover. The response indicated that the intermediate cover concerns had been remedied, and BRADS planned to keep the working face as level as possible where bulldozers and haul trucks could access the active working face safely to place daily and intermediate cover.

AA. On February 12, 2025, the Department received a Form 37 Construction Certification from BRADS for the installation of the 750-cfm utility flare.

BB. On March 28, 2025, the Department approved the Form 37 Construction Certification for the installation of the 750-cfm utility flare.

CC. On May 5, 2025, the Department conducted an inspection at the Facility and determined that the violations described in Paragraphs D, M, R, U, and X, above, had been addressed.

DD. On September 22, 2025, the Department was formally notified by BRADS with an e-mail that a fire had occurred between BRADS Cell 1A and 1B on September 20, 2025. The Emergency Coordinator did not immediately notify the Department by telephone to report the details of the fire.

EE. On September 26, 2025, the Department received an incident report letter from BRADS noting the cause of the fire had not been determined.

FF. On October 23, 2025, the Department issued a Notice of Violation to BRADS that documented the violation described in Paragraph DD, above, and requested that BRADS submit a written response identifying the measures taken to prevent future violations of this nature.

GG. On October 27, 2025, the Department received a written response from BRADS to the Notice of Violation dated October 23, 2025, indicating that the emergency notification protocol was updated to ensure immediate telephone notification, all site personnel and emergency coordinators received refresher training, and a communication redundancy was established with a dual-notification system (telephone and e-mail).

HH. On November 13, 2025, the Department conducted an inspection at the Facility. During the inspection, signs of rill and gully erosion were observed in the same location on Cell 1 as observed during the Department's previous inspection. It was observed that vegetation had not been appropriately established within thirty days on most intermediate areas of the landfill, and no mulch had been applied.

II. On January 7, 2026, the Department issued a Notice of Violation to BRADS that documented the violations described in Paragraph HH, above, and requested that BRADS submit a plan and schedule to address the correction and prevention of the violations to include specific time frames for mulching and seeding all areas of intermediate cover that are currently not vegetated.

JJ. On January 20, 2026, the Department received a written response from BRADS to the Notice of Violation dated January 7, 2026, which included a corrective action plan and schedule to address the resolution of the violations described in Paragraph HH, above.

Applicable Law

KK. BRADS is a "person" as that term is defined by Section 103 of the Solid Waste Management Act, 35 P.S. § 6018.103.

LL. 25 Pa. Code § 123.31(b) states: "A person may not permit the emission into the outdoor atmosphere of any malodorous air contaminants from any source, in such a manner that the malodors are detectable outside the property of the person on whose land the source is being operated."

MM. 25 Pa. Code § 277.201(c) provides that a person or municipality that operates a construction/demolition 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.

NN. 25 Pa. Code § 277.217(a) states in part: “The operator shall implement fugitive air contaminant control measures and otherwise prevent and control air pollution under the Air Pollution Control Act (35 P. S. §§ 4001—4014), Article III (relating to air resources) and § 277.218 (relating to nuisance minimization and control).”

OO. 25 Pa. Code § 277.218(b)(1) states in part: “An operator shall implement the plan approved under § 277.136 (relating to nuisance minimization and control plan) to minimize and control public nuisances from odors.”

PP. 25 Pa. Code § 277.218(c) states: “An operator shall implement the plan approved under § 277.136 to minimize and control other conditions that are harmful to the environment or public health, or which create safety hazards, odors, dust, noise, unsightliness and other public nuisances.

QQ. 25 Pa. Code § 277.220(a) states: “The operator may not allow litter to be blown or otherwise deposited offsite.”

RR. 25 Pa. Code § 277.220(c) states: “At least weekly, litter shall be collected from fences, roadways, tree line barriers and other barriers, and disposed or stored in accordance with the act and the regulations thereunder, unless a greater frequency is set forth in the permit.”

SS. 25 Pa. Code § 277.232(b)(1) states in part: “The intermediate cover shall cover solid waste after it is placed without change in its properties and without regard to weather.”

TT. 25 Pa. Code § 277.232(b)(6) states in part: “The intermediate cover shall control

infiltration of precipitation and erosion and sedimentation.”

UU. 25 Pa. Code § 277.232(b)(7) states in part: “The intermediate cover shall be capable of supporting the germination and propagation of vegetative cover as required by §§ 277.234 and 277.235 (relating to revegetation; and standards for successful revegetation)...”

VV. 25 Pa. Code § 277.232(c) provides that intermediate cover shall meet the following design requirements:

- (1) If soil or soil-like, be at least 12 inches in thickness.
- (2) If soil or soil-like material is used, the layer shall be uniformly graded.

WW. 25 Pa. Code § 277.232(e) states: “If intermediate cover requires vegetation to meet the performance standards in subsection (b), the vegetation shall be established within 30 days.”

XX. 25 Pa. Code § 277.234(a) states: “Vegetation shall be established on land affected by a construction/demolition waste landfill.”

YY. 25 Pa. Code § 277.234(e) states: “Mulch shall be applied to regraded areas where necessary to control erosion, promote germination of seeds and increase the moisture retention of the soil.”

ZZ. 25 Pa. Code § 277.272(a) states: “Except as otherwise provided in this section, leachate shall be collected and handled by direct discharge into a permitted publicly owned treatment works, following pretreatment, if pretreatment is required by Federal, State or local law or by discharge into another permitted treatment facility.”

AAA. 25 Pa. Code § 277.303(b)(3) provides that during an emergency, the operator shall immediately telephone the Department and county emergency management agency, and report the following information:

- (i) The name of the person reporting the incident and telephone number where that person can be reached.
- (ii) The name, address and permit number of the facility.
- (iii) The date, time and location of the emergency.
- (iv) A brief description of the nature of the emergency, the type and quantity of the solid waste involved and what dangers to public health and safety, public welfare and the environment exist or may occur.
- (iv) The nature of injuries.
- (v) The parts of the contingency plan being implemented to alleviate the emergency.

BBB. Part II Section II Condition 7.a of the Permit states in part: “The operator shall implement fugitive air contaminant control measures and otherwise prevent and control air pollution under the Air Pollution Control Act (35 P. S. §§ 4001 — 4014), Article III (relating to air resources) and 25 Pa. Code § 277.218 (relating to nuisance minimization and control).”

CCC. Part II Section II Condition 8.b of the Permit states in part: “The operator shall implement its plan to minimize and control public nuisances from odors.”

DDD. Part II Section II Condition 8.e of the Permit states in part: “The operator shall also prevent and eliminate conditions that are harmful to the environment or public health, or which create safety hazards, odors, dust, noise, unsightliness and other public nuisances.”

EEE. Part II Section II Condition 10.a of the Permit states: “The operator may not allow litter to be blown or otherwise deposited off-site.”

FFF. Part II Section II Condition 10.c of the Permit states: “At least weekly, litter shall be collected from fences, roadways, tree line barriers and other barriers, and disposed or stored in accordance with the act and regulations.”

GGG. Part II Section III Condition 1.a of the Permit states in part: “The operator shall provide intermediate cover on lifts every 50 feet horizontally or at the end of each working week,

whichever comes first by placing a compact and uniform cover of at least 1 foot of cover on the working face and on the side slopes.”

HHH. Part II Section III Condition 1.b of the Permit states: “The intermediate cover shall:

- (1) If soil or soil-like, be at least 12 inches in thickness.
- (2) If soil or soil-like material is used, the layer shall be uniformly graded.

III. Part II Section III Condition 1.e of the Permit states: “If intermediate cover requires vegetation to meet performance standards in 25 Pa. Code § 277.232, the vegetation shall be established within 30 days.”

JJJ. Part II Section III Condition 3.a of the Permit states: “Vegetation shall be established on land affected by a construction/demolition waste landfill.”

KKK. Part II Section III Condition 3.e of the Permit states: “Mulch shall be applied to regraded areas where necessary to control erosion, promote germination of seeds and increase the moisture retention of the soil.”

LLL. Part II Section IX Condition 3.b.3 of the Permit provides that during an emergency, the operator shall immediately telephone the Department and county emergency management agency, and report the following information:

- (i) The name of the person reporting the incident and telephone number where that person can be reached.
- (ii) The name, address and permit number of the facility.
- (iii) The date, time and location of the emergency.
- (iv) A brief description of the nature of the emergency, the type and quantity of the solid waste involved and what dangers to public health and safety, public welfare and the environment exist or may occur.
- (v) The nature of injuries.
- (vi) The parts of the contingency plan being implemented to alleviate the emergency.

Unlawful Conduct

MMM. BRADS' failure to prevent the emission of a malodorous air contaminant from the Facility into the atmosphere in such a manner that the malodors were detectable outside the Facility where the malodors were generated, as described in Paragraphs D, M, R, and U, above, constitutes violations of 25 Pa. Code §§ 123.31(b) and 277.217(b).

NNN. BRADS' failure to prevent and control air pollution in accordance with the Air Pollution Control Act, Article III and § 277.218, as described in Paragraphs D, M, R, and U, above, constitutes violations of 25 Pa. Code §§ 277.201(c) and 277.217(a) and Permit Part II, Section II, Condition 7.a.

OOO. BRADS' failure to implement the Nuisance Minimization and Control Plan to minimize and control public nuisances from odors, as described in Paragraph D, above, constitutes violations of 25 Pa. Code §§ 277.201(c) and 277.218(b)(1) and Permit Part II Section II Condition 8.b.

PPP. BRADS' failure to implement the Nuisance Minimization and Control Plan to minimize and control other conditions that are harmful to the environment or public health, or which create safety hazards, odors, dust, noise, unsightliness and other public nuisances, as described in Paragraphs D and I, above, constitutes violations of 25 Pa. Code §§ 277.201(c) and 277.218(c) and Permit Part II Section II Condition 8.e.

QQQ. BRADS' failure to properly collect leachate as described in Paragraph E, above, constitutes violations of 25 Pa. Code §§ 277.201(c) and 277.272(a).

RRR. BRADS' failure to prevent litter from being blown or otherwise deposited off-site, as described in Paragraphs J and K, above, constitutes violations of 25 Pa. Code

§§ 277.201(c) and 277.220(a) and Permit Part II Section II Condition 10.a.

SSS. BRADS' failure to, at least weekly, collect litter from fences, roadways, tree line barriers and other barriers, and dispose or store in accordance with the act and regulations, as described in Paragraphs J and K, above, constitutes violations of 25 Pa. Code §§ 277.201(c) and 277.220(c) and Permit Part II Section II Condition 10.c.

TTT. BRADS' failure to place intermediate cover which meets the performance standard of covering solid waste after it is placed without change in its properties and without regard to weather, as described in Paragraphs I and X, constitutes violations of 25 Pa. Code §§ 277.201(c) and 277.232(b)(1).

UUU. BRADS' failure to meet the intermediate cover design requirements of being at least 12 inches in thickness and uniformly graded, as described in Paragraph X, constitutes violations of 25 Pa. Code §§ 277.201(c) and 277.232(c)(1) and (2) and Permit Part II Section III Condition 1.b.

VVV. BRADS' failure to telephone the Department during an emergency to report the details of the emergency, as described in Paragraph DD, constitutes violations of 25 Pa. Code §§ 277.201(c) and 277.303(b)(3) and Permit Part II Section IX Condition 3.b.3.

WWW. BRADS' failure to place intermediate cover material which meets the performance standard of controlling infiltration of precipitation and erosion and sedimentation, as described in Paragraph HH, constitutes violations of 25 Pa. Code §§ 277.201(c) and 277.232(b)(6).

XXX. BRADS' failure to place intermediate cover material which meets the performance standard of being capable of supporting the germination and propagation of

vegetative cover, as described in Paragraph HH, constitutes violations of 25 Pa. Code §§ 277.201(c) and 277.232(b)(7).

YYY. BRADS' failure to establish vegetation within 30 days, as described in Paragraph HH, constitutes violations of 25 Pa. Code §§ 277.201(c) and 277.232(e) and Permit Part II Section III Condition 1.e.

ZZZ. BRADS' failure to establish vegetation on land affected by a construction/demolition waste landfill, as described in Paragraph HH, constitutes violations of 25 Pa. Code §§ 277.201(c) and 277.234(a) and Permit Part II Section III Condition 3.a.

AAAA. BRADS' failure to apply mulch to regraded areas where necessary to control erosion, promote germination of seeds and increase moisture retention of the soil, as described in Paragraph HH, constitutes violations of 25 Pa. Code §§ 277.201(c) and 277.234(e) and Permit Part II Section III Condition 3.e.

BBBB. The violations described in Paragraphs MMM through AAAA constitute unlawful conduct under Section 610 of the Solid Waste Management Act, 35 P.S. § 6018.610, a statutory nuisance under Section 601 of the Solid Waste Management Act, 35 P.S. § 6018.601 and subject BRADS to civil penalty liability under Section 605 of the Solid Waste Management Act, 35 P.S. § 6018.605.

CCCC. The violation described in Paragraph MMM constitutes unlawful conduct under Section 8 of the Air Pollution Control Act, 35 P.S. § 4008, a statutory nuisance under Section 13 of the Air Pollution Control Act, 35 P.S. § 4013 and subjects BRADS to civil penalty liability under Section 9.1 of the Air Pollution Control Act, 35 P.S. § 4009.1.

ORDER

After full and complete negotiation of all matters set forth in this Consent Order and Agreement 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 BRADS as follows:

1. **Authority.** This Consent Order and Agreement is an Order of the Department authorized and issued pursuant to Section 602 of the Solid Waste Management Act, 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 BRADS and the Department, BRADS shall not challenge or deny the Department's assertion of the truth, accuracy, or validity of Paragraphs A through CCCC, above.

b. The parties do not authorize any other persons to use the findings in this Consent Order and Agreement in any matter or proceeding, and nothing in this Consent Order and Agreement constitutes an admission on the part of BRADS in any matter or proceeding not between BRADS and the Department.

3. **Corrective Action.**

a. Upon execution of this Consent Order and Agreement, BRADS shall confirm to the Department that it has regraded the area of Cell 1 depicted in yellow on the plan entitled "Cell 1 Regrading Area/Proposed Capping Schedule," dated February 2026 and prepared by Martin & Martin, which is Exhibit A attached hereto, and applied intermediate cover material to meet intermediate cover performance and design standards.

b. Upon execution of this agreement, BRADS shall begin conducting quarterly surface emissions monitoring (SEM) for hydrogen sulfide across all active disposal areas and areas with intermediate cover, including the northwest side of Cell 1 and Cell 2 and the southeast slope. BRADS shall document the monitoring results and identify any exceedances or elevated readings above 30 ppb and initiate corrective actions for any identified exceedances consistent with the modified Nuisance Minimization and Control Plan (“NMCP”) required in Paragraph 3.h.

c. By April 15, 2026, BRADS shall obtain a hydrogen sulfide meter with a detection limit of less than 10 ppb to be kept onsite for use as needed. BRADS shall have staff on site during normal business hours trained in the use of the meter.

d. Upon receipt of the hydrogen sulfide meter required in Paragraph 3.c, BRADS shall begin conducting daily site perimeter checks for hydrogen sulfide odors. If hydrogen sulfide odors are detected, BRADS shall attempt to identify the area(s) causing the odors with the hydrogen sulfide meter and implement corrective action consistent with the modified NMCP required in Paragraph 3.h. BRADS shall document the results of the daily perimeter checks along with any corrective actions taken. These records shall be made available to the Department upon request.

e. By April 15, 2026, BRADS shall submit a Minor Modification to allow temporary capping on that area of Cell 1 depicted in purple on Exhibit A. Within 60 days of approval of that modification by the Department, BRADS shall install the temporary capping authorized by that approval.

f. By April 17, 2026, the intermediate cover of Cell 1 in that area depicted in

yellow on Exhibit A shall be mulched and seeded.

g. Either: 1) by April 30, 2026, the leachate pipeline conveying leachate from Leachate Tanks 1 and 2 to the Schuylkill Valley Sewer Authority shall be fully operational and conveying all landfill leachate; or 2) by May 29, 2026, BRADS shall submit a Major Modification application to the Department to modify its Solid Waste Permit to permit the vehicular transportation of leachate from Leachate Tanks 1 and 2 to an off-site facility for treatment as the Facility's basic and primary treatment method.

h. Within 30 days of execution of this Consent Order and Agreement, BRADS shall submit to the Department a modified NMCP which incorporates procedures for odor mitigation efforts for any areas of the landfill which are identified as contributing to the potential of offsite hydrogen sulfide odors. BRADS shall specifically include Paragraphs 3.b, 3.c, and 3.d above, as well as the odor mitigation measures identified in BRADS March 11, 2026 email to the Department.

i. By September 30, 2026 and prior to waste disposal taking place in Cell 4, regrading and placement of final cover and revegetation of Cell 1 in that area depicted in brown on Exhibit A, as per the Minor Modification approved by the Department on April 30, 2025, shall be completed.

4. ***Submission of Documents.*** With regard to any document that BRADS is required to submit in Paragraph 3, above, of this Consent Order and Agreement, 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, BRADS shall submit a revised document to the Department that addresses the Department's concerns

within a reasonable time, as specified by the Department. Upon approval by the Department, the document, including any Department-approved implementation schedules, shall become a part of this Consent Order and Agreement for all purposes and shall be enforceable as such.

5. ***Civil Penalty Settlement.*** BRADS consents to the assessment of a civil penalty of ninety-six thousand, five hundred twenty-five dollars (\$96,525.00), which shall be paid in full upon signing. This payment is in settlement of the Department's claim for civil penalties for the violations set forth in Paragraphs MMM through AAAA, above, for the dates set forth in Paragraphs D, E, I, J, K, M, R, U, X, DD, and HH, 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.

6. ***Stipulated Civil Penalties.***

a. In the event BRADS fails to comply in a timely manner with any term or provisions of this Consent Order and Agreement, BRADS shall be in violation of this Consent Order and Agreement and, in addition to other applicable remedies, shall pay a civil penalty determined as follows:

- (i) For any violation of Paragraph 3.h, two hundred fifty dollars (\$250.00) per day for each violation.
- (ii) For any violation of Paragraphs 3.a through g and i, five hundred dollars (\$500.00) per day for each violation.

b. Stipulated civil penalty payments shall be payable monthly on or before the fifteenth day of each succeeding month and shall be made 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.

c. Any payment under this paragraph shall neither waive BRADS's duty to meet its obligations under this Consent Order and Agreement nor preclude the Department from commencing an action to compel BRADS's compliance with the terms and conditions of this Consent Order and Agreement. The payment resolves only BRADS's liability for civil penalties arising from the violations of this Consent Order and Agreement for which the payment is made.

d. Except for violations of Paragraph 3.h, stipulated civil penalties shall be due automatically and without notice. No stipulated civil penalty will be owed for violations of Paragraph 3.h if the violations are corrected within three (3) days of notice from the Department.

7. ***Additional Remedies.***

a. In the event BRADS fails to comply with any provision of this Consent Order and Agreement, the Department may, in addition to the remedies prescribed herein, pursue any remedy available for a violation of an order of the Department, including an action for civil penalties or an action to enforce this Consent Order and Agreement.

b. The remedies provided by this paragraph and Paragraph 6 (Stipulated Civil Penalties) are cumulative and the exercise of one does not preclude the exercise of any other. The failure of the Department to pursue any remedy shall not be deemed to be a waiver of that remedy. The payment of a stipulated civil penalty, however, shall preclude any further assessment of civil penalties for the violation for which the stipulated penalty is paid.

8. ***Reservation of Rights.*** The Department reserves the right to require additional measures to achieve compliance with applicable law. BRADS reserves the right to challenge any action which the Department may take to require those measures.

9. ***Liability of Operator.*** BRADS shall be liable for any violations of the Consent Order and Agreement, including those caused by, contributed to, or allowed by its officers, agents, employees, or contractors. Except as provided in Paragraph 10.c, BRADS also shall be liable for any violation of this Consent Order and Agreement caused by, contributed to, or allowed by its successors and assigns.

10. ***Transfer of Site.***

a. The duties and obligations under this Consent Order and Agreement shall not be modified, diminished, terminated or otherwise altered by the transfer of any legal or equitable interest in the Facility or any part thereof.

b. If BRADS intends to transfer any legal or equitable interest in the Facility which is affected by this Consent Order and Agreement, BRADS shall serve a copy of this Consent Order and Agreement upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the Northeast Regional Office of the Department of such intent.

c. The Department in its sole discretion may agree to modify or terminate BRADS's duties and obligations under this Consent Order and Agreement upon transfer of the Facility. BRADS waives any right that it may have to challenge the Department's decision in this regard.

11. ***Correspondence with Department.*** All correspondence with the Department concerning this Consent Order and Agreement shall be addressed to:

Roger Bellas
Waste Management Program Manager
Pennsylvania Department of Environmental Protection
2 Public Square
Wilkes-Barre, PA 18701-1915
Email: ra-epwm-nero@pa.gov
Phone: 570-826-2511
Fax: 570-826-2357

12. ***Correspondence with BRADS.*** All correspondence with BRADS concerning this Consent Order and Agreement shall be addressed to:

David Pannucci
Regional Engineer
Blythe Recycling and Demolition Site Holdings, Inc.
1786 Salcman Road
Waterloo, New York 13165
Email: david.pannucci@wasteconnections.com
Phone: 315-539-5624
Fax: 315-539-0653

BRADS shall notify the Department whenever there is a change in the contact person's name, title, or address. BRADS agrees that service of any notice, document, or any legal process for any purpose under this Consent Order and Agreement, including its enforcement, may be made electronically by email to the above email or by mailing a copy by first class mail to the above address.

13. ***Force Majeure.***

a. In the event that BRADS is prevented from complying in a timely manner with any time limit imposed in this Consent Order and Agreement solely because of a strike, fire, flood, act of God, or other circumstance beyond BRADS's control and which BRADS, by the

exercise of all reasonable diligence, is unable to prevent, then BRADS may petition the Department for an extension of time. An increase in the cost of performing the obligations set forth in this Consent Order and Agreement shall not constitute circumstances beyond BRADS's control. BRADS's economic inability to comply with any of the obligations of this Consent Order and Agreement shall not be grounds for any extension of time.

b. BRADS shall only be entitled to the benefits of this paragraph if it notifies the Department within five (5) working days by telephone and within ten (10) working days in writing of the date it becomes aware or reasonably should have become aware of the event impeding performance. The written submission shall include all necessary documentation, as well as an affidavit from an authorized individual specifying the reasons for the delay, the expected duration of the delay, and the efforts which have been made and are being made by BRADS to mitigate the effects of the event and to minimize the length of the delay. The initial written submission may be supplemented within ten working days of its submission. BRADS's failure to comply with the requirements of this paragraph specifically and in a timely fashion shall render this paragraph null and of no effect as to the particular incident involved.

c. The Department will decide whether to grant all or part of the extension requested on the basis of all documentation submitted by BRADS and other information available to the Department. In any subsequent litigation, BRADS shall have the burden of proving that the Department's refusal to grant the requested extension was an abuse of discretion based upon the information then available to it.

14. **Severability.** The paragraphs of this Consent Order and Agreement shall be severable and should any part hereof be declared invalid or unenforceable, the remainder shall

continue in full force and effect between the parties.

15. **Entire Agreement.** This Consent Order and Agreement shall constitute the entire integrated agreement of the parties. No prior or contemporaneous communications or prior drafts shall be relevant or admissible for purposes of determining the meaning or extent of any provisions herein in any litigation or any other proceeding.

16. **Attorney Fees.** The parties shall bear their respective attorney fees, expenses and other costs in the prosecution or defense of this matter or any related matters, arising prior to execution of this Consent Order and Agreement.

17. **Modifications.** No changes, additions, modifications, or amendments of this Consent Order and Agreement shall be effective unless they are set out in writing and signed by the parties hereto.

18. **Titles.** A title used at the beginning of any paragraph of this Consent Order and Agreement may be used to aid in the construction of that paragraph but shall not be treated as controlling.

19. **Decisions Under Consent Order.** BRADS waives its rights to appeal to the Environmental Hearing Board any decision that the Department makes under the provisions of this Consent Order and Agreement, including a notice that stipulated civil penalties are due, which rights may be available under Section 4 of the Environmental Hearing Board Act, the Act of July 13, 1988, P.L. 530, No. 1988-94, 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. Except as provided in Paragraph 10.c above, the Department agrees that any objection that BRADS may have to any such decision may be raised as a defense in any Court where the Department enforces this

Consent Order and Agreement.

20. **Termination.** The obligations of Paragraph 3 shall terminate when the Department determines that BRADS has complied with the requirements of Paragraphs 3.a through 3.i.

21. **Execution of Agreement.** This Consent Order and Agreement may be signed in counterparts, each of which shall be deemed to be an original and all of which together shall constitute one and the same instrument.

22. **Signatures.** This Consent Order and Agreement may be signed electronically in accordance with the Pennsylvania Electronic Transactions Act, Act 69 of 1999, 73 P.S. § 2260.301 et seq.

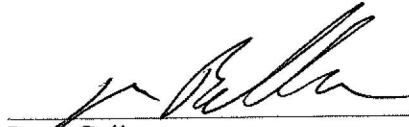
IN WITNESS WHEREOF, the parties hereto have caused this Consent Order and Agreement to be executed by their duly authorized representatives. The undersigned representatives of BRADS certify under penalty of law, as provided by 18 Pa. C.S. § 4904, that they are authorized to execute this Consent Order and Agreement on behalf of BRADS; that BRADS consents to the entry of this Consent Order and Agreement as a final ORDER of the Department; and that BRADS hereby knowingly waives its right to appeal this Consent Order and Agreement 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 BRADS's attorney certifies only that the agreement has been signed after consulting with counsel.

FOR BLYTHE RECYCLING AND
DEMOLITION SITE HOLDINGS, INC.:

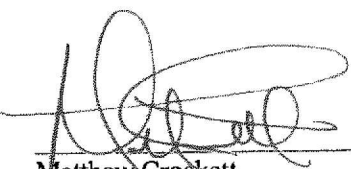


Scott Johnson
Region Vice President

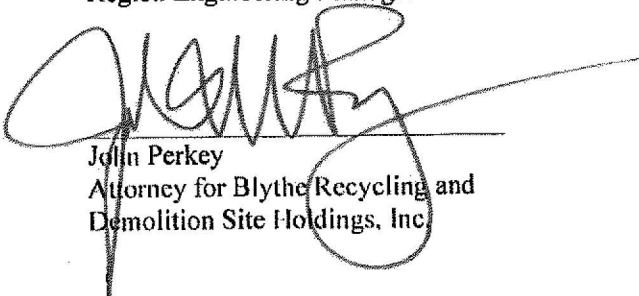
FOR THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION:



Roger Bellas
Waste Management Program Manager



Matthew Crockett
Region Engineering Manager



John Perkey
Attorney for Blythe Recycling and
Demolition Site Holdings, Inc.



David R. Stull, Esq.
Assistant Counsel

EXHIBIT A

WASTE CONNECTIONS

DATE	4/21/2026	CHECK NUMBER	5218965
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Invoice	Invoice Date	PO No.	Description	Net Amount
040926	4/9/2026	PO-6379-26-00239	PA DEP Consent Order and Agreement (see PDF page 19)	96,525.00

WASTE MANAGEMENT

APR 23 2026

Facility: _____
 County: _____
 File Code: _____

Vendor No.	U0001231	Pay To	COMMONWEALTH OF PENNSYLVANIA	Net Total	\$ 96,525.00
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FOLD

WLP5211VB28 2UP (1252)

FOLD

For Invoice payment status, please visit - <https://WasteConnections.InvoiceInfo.com>

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER, THERMOCHROMIC INK ON BACK.



WASTE CONNECTIONS
 3 WATERWAY SQUARE PLACE, SUITE 110
 THE WOODLANDS, TX 77380

BANK OF AMERICA 52-153/112 ME

*** PROTECTED BY POSITIVE PAY ***

WASTE CONNECTIONS
Connects with the Future

DATE	4/21/2026	CHECK NUMBER	5218965
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PAY Ninety-six thousand five hundred twenty-five and 00/100 US Dollars

TO THE ORDER OF
 COMMONWEALTH OF PENNSYLVANIA
 SOLID WASTE ABATEMENT FUND
 2 PUBLIC SQUARE
 WILKES BARRE PA 18701-1915
 USA

AMOUNT	\$ *****96,525.00
--------	-------------------

VOID AFTER 180 DAYS

Authorized Signature

Details on back. Security features included.

See Other Side For Opening Instructions



WASTE CONNECTIONS
 3 WATERWAY SQUARE PLACE, SUITE 110
 THE WOODLANDS, TX 77380

DEPARTMENT OF
 ENVIRONMENTAL PROTECTION

APR 23 2026

RECORDS MANAGEMENT

COMMONWEALTH OF PENNSYLVANIA
 SOLID WASTE ABATEMENT FUND
 2 PUBLIC SQUARE
 WILKES BARRE PA 18701-1915
 USA

Matulevich, Joshua

From: Matulevich, Joshua
Sent: Monday, April 27, 2026 1:11 PM
To: 'matthew.crockett@wasteconnections.com'; 'David Pannucci';
'john.perkey@wasteconnections.com'
Cc: Bellas, Roger; Miller, Rachel; Stull, David R.; 'Maryanne Garber'
Subject: Blythe Recycling And Demolition Site Holdings, Inc. COA Executed
Attachments: Blythe Recycling And Demolition Site Holdings, Inc. COA executed 2026-04-27.pdf

Dear Mr. Crockett:

Attached is an executed copy of the April 27, 2026 Consent Order and Agreement (COA) among the Pennsylvania Department of Environmental Protection and Blythe Recycling And Demolition Site Holdings, Inc. The Department has received your civil penalty payment in the amount of \$96,525.00.

If you have any questions, please contact me by e-mail at jmatulevic@pa.gov or by phone at 570-826-5488.

Respectfully,
-Joshua Matulevich

Joshua Matulevich | Environmental Protection Compliance Specialist
Department of Environmental Protection | Northeast Regional Office
2 Public Square | Wilkes-Barre, PA 18701-1915
Phone: 570.826.5488 | Fax: 570.826.5448
www.dep.pa.gov

Matulevich, Joshua

From: Matt Crockett <Matthew.Crockett@WasteConnections.com>
Sent: Monday, April 27, 2026 2:28 PM
To: Matulevich, Joshua; David Pannucci; John Perkey
Cc: Bellas, Roger; Miller, Rachel; Stull, David R.; Maryanne Garber
Subject: [External] RE: Blythe Recycling And Demolition Site Holdings, Inc. COA Executed

ATTENTION: This email message is from an external sender. Do not open attachments or click links from unknown senders. To report suspicious email, use the [Report Phishing button in Outlook](#).

Thank you.

Matt Crockett, PE
C: (303) 257-9309
mattc@wasteconnections.com



From: Matulevich, Joshua <jmatulevic@pa.gov>
Sent: Monday, April 27, 2026 1:11 PM
To: Matt Crockett <Matthew.Crockett@WasteConnections.com>; David Pannucci <david.pannucci@wasteconnections.com>; John Perkey <John.Perkey@WasteConnections.com>
Cc: Bellas, Roger <rbellas@pa.gov>; Miller, Rachel <rachmiller@pa.gov>; Stull, David R. <dastull@pa.gov>; Maryanne Garber <maryanne.garber@bipc.com>
Subject: Blythe Recycling And Demolition Site Holdings, Inc. COA Executed

Dear Mr. Crockett:

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If you have any questions, please contact me by e-mail at jmatulevic@pa.gov or by phone at 570-826-5488.

Respectfully,
-Joshua Matulevich

Joshua Matulevich | Environmental Protection Compliance Specialist
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2 Public Square | Wilkes-Barre, PA 18701-1915
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