



August 31, 2023

Mr. William Rinaldi, President
North East Waste Transfer Systems, LLC
4000 4th Street
Moosic, PA 18507
via email: bill@billrinaldi.com

RE: Technical Deficiencies
North East Waste Systems Transfer Facility
Application #101731
APS #1080743, Auth #1429929
City of Hazleton, Luzerne County

Dear Mr. Rinaldi:

The Pennsylvania Department of Environmental Protection (DEP) has reviewed the above referenced application and has identified the following technical deficiencies. The deficiencies are based on applicable laws, regulations, and policies and this guidance sets forth DEP's preferred means of satisfying the applicable regulatory requirements.

Technical Deficiencies

a) Form D

1. Scenic Rivers Section B.6.: Although the closest scenic river (the Lehigh River) is more than 10 miles away, the railroad tracks lead there and travel along the river. While the response states the river is not along the proposed approach route to the transfer facility, the Lehigh River might be along the proposed outgoing route for rail. Therefore, the project could result in increased railroad traffic having an adverse impact upon a waterway designated as a Pennsylvania Scenic River (Lehigh River). The response should be revised to address this railroad traffic.
2. Scenic Rivers Section B.8.: The response should be revised to include impacts associated with railroad traffic along the Lehigh River.
3. Traffic: PennDOT was contacted to provide input on this section. Comments received from PennDOT state that the property owner has made their initial submission to PennDOT for development of this property. They will be required to submit a Transportation Impact Study (TIS) for review and approval and mitigate any deficiencies resulting from the development. The property owner must also secure a Highway Occupancy Permit (HOP) from PennDOT. The applicant should provide an update on the status of the TIS and HOP.

4. Traffic: The City of Hazleton zoning ordinance states the property shall contain a minimum of three access drives, each of which shall be not less than 24 feet in width, and all of which shall be improved in accordance with the City Subdivision and Land Development Ordinance (SALDO), and connect to a public street sufficient in size to accommodate the proposed traffic expected to be generated by the use. One of the access drives shall be restricted to use by emergency vehicles only and shall be clearly marked and identified. Please explain how the facility complies with this requirement.
5. Traffic Section J.2: Please provide details related to the rail traffic associated with the transfer facility. Specifically, how many rail cars are expected and how this will impact current rail schedules (e.g., more train traffic volume or just more cars on current trains or both). Furthermore, provide detail on the full route of the rail traffic similar to the PennDOT maps showing truck routes.
6. Traffic Section J.4: The response to this section states that field technicians were not present during the AM and PM peak times for review. At this time, analysis has not been conducted to determine any potential congestion or traffic impacts from the NEWT during the AM and PM peak times. The applicant should conduct an analysis of peak times to determine if there are sections of roadway along the approach routes that experience congestion that could be exacerbated by the transfer station operations and describe mitigation measures.
7. Traffic Section J.5: The response to this section identifies some uses along the approach routes; however, the response is clearly missing some significant buildings including Lackawanna College's Hazleton Center, Immanuel Christian School's Broad Street location, and Lehigh Valley Health Hazleton. Furthermore, the response does not describe the potential adverse impacts of increased facility traffic volumes and recommend countermeasures.
8. Traffic Section J.8: The response to this section indicates a total truck count of 186 trucks per day for the proposed transfer station; however, the response in Section J.2 indicates a truck count of 236 trucks per day. Please explain this discrepancy.
9. Traffic Section J.13: The response to this section states that school districts have been contacted for bus routes, but there has been no response by the date of this submission. If responses have been received, please provide an update.
10. Traffic Section J.16 does not address potential adverse impacts associated with exhaust fumes (emissions). The site has the potential to significantly increase the heavy truck traffic in the area which will result in increased exhaust fumes/emissions in the community. Furthermore, emissions from rail should also be considered and addressed in the response to this section.
11. Zoning and Land Use Section K.3. (b, d, and e): The response to this section states the property owner (Inter Port Commerce Center, Inc.) is in the process of securing all local zoning required for the development of a transfer facility on the subject property and will provide approvals upon receipt. Please provide an update on the status of all local approval(s) or copies of final approval(s) if completed.

12. Zoning and Land Use: The proposed facility does not appear to be in compliance with the City of Hazleton zoning ordinance. Specifically:

a) The ordinance states that a solid waste facility shall have a maximum total capacity to treat or dispose of 500 tons of waste per day; however, this application proposes a maximum daily waste acceptance of 700 tons/day.

b) The ordinance states that a solid waste facility shall have a minimum lot area of 15 acres and a maximum lot area of 20 acres. According to the Form E submitted with the application, the site consists of a 10 acre property that includes 4.4 acres of permit area.

c) The ordinance states that the premises of a solid waste facility shall be completely screened by a wall or fence not less than eight feet in height and a planting strip not less than 10 feet in depth, with shrubbery, plants or evergreen trees which are a minimum of eight feet in height at the time of planting. The application is proposing to limit the establishment of barriers to vehicle access controls along roadways that border the transfer facility.

d) The ordinance states that the days and hours of operation for a solid waste facility shall be limited to Monday through Friday from 7:00 a.m. to 5:00 p.m. and Saturday from 8:00 a.m. to 4:00 p.m. The proposed operating hours included in the application are from 6:00am to 4:00pm Monday through Saturday.

Please explain how the facility complies with the City zoning ordinance.

13. Section L. Planning: The response states as a transfer facility, the North East Waste Systems Transfer Facility would not be directly part of a County Plan due to its waste transfer nature and not the ultimate disposal facility (e.g. landfill). The Luzerne County Solid Waste Management Plan (SWMP) specifies that municipal waste generated in Luzerne County shall be taken to any permitted waste processing or disposal facility listed in the SWMP as a Designated Disposal Facility with a signed Agreement with the County. Waste processing by definition includes transfer stations and Luzerne County requires any transfer stations receiving municipal waste from Luzerne County to be part of the SWMP. Furthermore, transfer stations must take municipal waste to landfills specified in the county plan. As none of the landfills in the plan currently accept waste by rail, the applicant cannot transfer waste by rail until the destination landfill is added to the SWMP. The applicant should revise the answer to this section to indicate they will contact Luzerne County to become added to the SWMP prior to accepting any waste and to ensure all destination landfills are added to the plan before sending waste to them.

14. Air Quality Impacts Sections M.1 and 3 should also address the potential for dust from rail transport.

15. Air Quality Impacts Sections M.1 and 3 do not address asbestos containing waste; however, asbestos waste is included in the Form G(A) as a waste type that will potentially be received and handled at the facility. If asbestos containing waste is being proposed as a waste type for the transfer station, Sections M.1 and 3 need to address the potential impacts and mitigation associated with asbestos.

16. Section N. Benefits and Harms: The description for the harm of dust should also address dust from rail transport.

17. Section N. Benefits and Harms: The potential impact on property values was not identified as a harm by the applicant. DEP has received public comment that local residents are concerned that property values would decrease in the vicinity of the transfer station. The applicant should consider and define the potential impact the transfer station may have on property values and propose appropriate mitigation measures if necessary.

b) Form HW-C

1) Department records indicate that William Rinaldi had partial ownership in United Sand & Gravel, Inc. The February 3, 2023 Form HW-C does not contain any reference to that company. Please clarify whether William Rinaldi still has a relationship to United Sand & Gravel, Inc. If not, please identify when the relationship ended. Depending upon the answer, information on United Sand & Gravel, Inc. may need to be identified in Sections B.1.c and D, as United Sand & Gravel, Inc. does have compliance history within the past 10 years.

2) The February 3, 2023 Form HW-C indicates that William Rinaldi does not currently have beneficial interest, ownership, or management role in Hazleton Creek Properties, LLC ("HCP"). However, in recent interactions between the Department and HCP, William Rinaldi has been identified as a contact for HCP. Please explain the current relationship between William Rinaldi and HCP.

c) Bond Worksheets

Transport and Disposal Rates of \$26.67 cy (rail) and \$23.33 cy (truck) were used but written quotes and name of independent contractor(s) were not provided as verification. The disposal rates appear lower than current disposal rates being used by other facilities. Please provide quotes from contractors to verify these rates or provide other verification of rates such as RSMEANs or equivalent.

d) Form O – Transfer Facilities

Operating /loadout hours occurring 24 hours per day Mon.-Sat. - please provide more detailed operating information.

e) Revised Application Forms

Dependent upon information provided for the enclosed Form D deficiencies please be advised that the information may impact other forms provided with the application and information in them may need to updated as well.(Form A, O, G, etc.). If the permit application includes acceptance of asbestos containing waste, which is special handling waste, (25 Pa Code 279.201(c)) a Form R will need to be submitted.

You must submit a response fully addressing each of the technical deficiencies set forth above within 60 business days.

If you believe that any of the stated deficiencies is not significant, instead of submitting a response to that deficiency, you have the option of asking DEP to render a decision based on the information provided. If you choose this option, you should explain and justify how your current submission satisfies the deficiency(s). Please be advised if there is no response your application may be denied.

Should you have any questions regarding the identified deficiencies, please contact me at (570) 830-3111 and refer to Application No. 101731 to discuss your concerns or to schedule a meeting. You may also follow your application through the review process via *eFACTS on the Web* at: <http://www.ahs2.dep.state.pa.us/eFactsWeb/default.aspx>.

Sincerely,

David F. Matcho

David F. Matcho, P.E.
Environmental Engineer Manager
Waste Management Program

cc: BAI Group, LLC (via email: kfinlan@baigroupllc.com)
City of Hazleton (via email: sean@karpowichlaw.com and ematenkoski@cityofhazleton.org)
Luzerne County (via email: LCCM@luzernecounty.org)
Luzerne County Planning Commission (via email: matthew.jones@luzernecounty.org)