

COMMENT AND RESPONSE DOCUMENT

TRI-COUNTY LANDFILL, INC.

PLAN APPROVAL 43-292B

On May 30, 2020, the Department gave notice in the Pennsylvania Bulletin that it was our intent to issue a plan approval to Tri-County Landfill, Inc. Comment were received from Tri-County Landfill on June 29, 2020.

Comments from the public were received on October 21, 2020. Comments were received from the following individuals:

- Bill Pritchard President, CEASRA
225 Center Church Road
Grove City, PA 16124
bill@bpritchard.com

- Jane Cleary
25 Macrae Drive
Grove City, PA 16127
cleary2@zoominternet.net

The comments are discussed below.

1) Tri-County Comment #1: Owner should be listed as “Tri-County Landfill, Inc.”

Response: This has been corrected; the final issued Plan Approval lists the owner as Tri-County Landfill, Inc. as per the comment.

2) Tri-County Comment #2: Attachment 8 of the September 2019 Plan Approval application included several minor sources to be utilized for the operations at the landfill such as an emergency generator engine, crusher, tipper, etc. We did not see where these were addressed or included in the Plan Approval.

Response: As makes and models had not yet been determined, and vendor emissions data was not yet available, these sources were not evaluated as part of the Plan Approval review. Once this information is available, Tri-County may provide it to the Department, and the subject sources will be evaluated to determine if they can be exempted from plan approval requirements or required to obtain general permit(s) as appropriate.

3) Tri-County Comment #3: Given that this condition relates to monitoring the emissions, would it be more appropriate to list this condition under Section C.III, Monitoring Requirements, instead of under Section C.II, Testing Requirements?

Response: The subject requirement is applicable regardless of which section it is listed under. The requirement remains under “Testing Requirements”, as per the draft.

- 4) Tri-County Comment #4:** This condition requires “a daily visual inspection of the facility perimeter, during daylight hours, and while the facility is in operation.” We are concerned about complying with this condition the way it is worded because the bulk of our operations will occur at night (between one hour after sunset and one hour before sunrise). Some operations will occur during daylight hours, but there is the potential that they will not be daily. Can you please clarify the requirement as it applies to our specific situation?

Response: It is the Department’s intention to require a daily visual inspection during daylight hours, regardless of whether active disposal operations are occurring during that time. To clarify, the Department has removed the portion of the condition stating, “while the facility is in operation”.

- 5) Tri-County Comment #5:** TCL has invested significant time and effort in moving the bulk of our recordkeeping to an electronic database. Please confirm that electronic recordkeeping is acceptable as long as it can be made available to DEP personnel upon request.

Response: Electronic records are acceptable to the Department, as long as those records can be made available upon request as required by the Plan Approval.

- 6) Tri-County Comment #6:** The language “shall include one or more of the following” is misleading because it sounds like the requirements (1)-(9) that follow are optional, which they do not appear to be. TCL requests a change in language to “shall include the following” for clarity.

Response: The Department agrees that clarification is needed and the condition has been changed to read “shall include the following”, as per the comment.

- 7) Tri-County Comment #7:** This condition states that “an appropriate speed limit will be established within 120 days of the issuance of the Plan Approval and posted on all unpaved roadways within the MSW landfill.” Being that this is new construction, TCL does not feel it will be able to comply with the posting requirement within the specified time frame. Does the 120-day limit only apply to establishment of the speed limit? If not, please advise.

Response: The condition has been revised to clarify that the speed limit(s) shall be established within 120 days of issuance, and posted at such time that the unpaved roadways are constructed.

- 8) Tri-County Comment #8:** This condition states that “other haul roads inside the landfill shall be paved.” This is contrary to our operations plan for the landfill which allows for roadway surfaces to be constructed of pavement, aggregate, and shale, rock and/or earthen materials. Therefore, TCL is requesting a modification to this condition to allow for these alternate materials to be utilized and suggests the following language: “Parking lots/areas and the landfill access roadways from the public highway to the landfill and other haul roads inside the landfill shall be paved, gravel, rock, or other suitable surface. These areas shall be maintained and cleaned by vacuum sweeping, grading, brooming, water truck and/or any other approved means. Road maintenance shall be performed as necessary based on site conditions.”

Response: Emissions from unpaved roads inside the landfill were identified in the application. The Department agrees with the comment and the condition has been modified as per the comment.

- 9) Tri-County Comment #9:** TCL feels the requirement to water the public highway twice daily is unnecessary given the other dust control practices and may create other issues related to traffic and safety. We are requesting a revision to this condition so that it mimics the language in the Seneca Landfill Title V permit. Specifically, consider revising this condition to read, “All reasonable measures shall be taken to suppress fugitive dust emissions on access roadways or public highways for a distance of 500 feet in both directions from the landfill entrance(s) and exit(s), caused by landfill operations. When applicable, reasonable accommodations shall be made with the governmental entity with primary responsibility for public highway maintenance and care to ensure that any fugitive emissions in the area of the public highway denoted above, caused by landfill operations, are appropriately suppressed.”

Response: The Department agrees with the comment that mitigation measures do not need to be applied to the public road unless needed to suppress fugitive dust or carryout of material onto the public roadway. The condition has been modified as per the comment.

- 10) Tri-County Comment #10:** This condition establishes requirements based on 28 degrees Celsius (50.4 degrees Fahrenheit). If this is a direct conversion, shouldn't this read 82.4 degrees Fahrenheit?

Response: This conversion refers to a net temperature difference of 28°C (50.4°F), not an ambient temperature of 28°C (82.4°F). The conversion is correct.

- 11) Tri-County Comment #11:** What is the compliance date by which the SSM Plan is to be developed?

Response: SSM Plan(s) under the referenced requirement must be developed for any source operated prior to September 28, 2021. After September 28, 2021, the SSM provisions of Subpart A will no longer apply to this facility, and compliance with the operating standards of 40 CFR §63.1958 will be required at all times, including during periods of startup, shutdown & malfunction. Table 1 to 40 CFR 63 Subpart AAAA further discusses the applicability of various requirements before and after this cutoff date.

- 12) Pritchard Comment #1:** Page 6 of 7, of the General information Form 0210-PM-PIO0001 4/2018. Under Land Use Information item Question 15.0. Will your project include infiltration of storm water or waste water to ground water within one-half mile of a public water supply well, spring or infiltration gallery? The no block is checked and it is our opinion that the answer to this question is yes. It appears that the project may include “infiltration of storm water or waste water to ground water within one-half mile of a public water supply well, spring or infiltration gallery.” William Pritchard indicates that there is a spring on his property (inaccurately labeled as belonging to Cocco) as well as a spring on the landfill property.

Response: According to the Department's Waste Management program, erosion and sedimentation controls are designed to manage stormwater on the surface, and no discharge to the groundwater is expected.

13) Pritchard Comment #2: Report page 2 of Exhibit 2-2, Landgem Summary Report indicates 4,725,250 tons of total waste acceptance. The total includes 775,000 of existing waste noted under year 1990. This indicates that 3,950,250 of new waste will be accepted. Volume 3, Exhibit D-15.4, section VI. PA Act 90 Fund of Tri-County's landfill permit indicates that 6,756,691 tons of new waste space is available. The permit reports that the state's Stewardship fund will receive \$13,513,382 based upon 6,765,691 tons of new waste. The volume indicated in the landfill permit application is 170% greater than the Landgem input. The air quality permit does not represent Tri-County's reported economic intent. The volumes in the air quality permit appear to be understated. The model results and any conclusions may not be valid.

Response: Exhibit D-15-4, Section VI contains an old version of the Harms/Benefits analysis from 2004 that includes an airspace and fund amounts that are no longer accurate for this modification. Appendix D-15 contains the updated Harms/Benefits analysis that contains air space and fund amounts that match the Landgem input.

3) Pritchard Comment #3: Tri-County major permit modification is for a municipal waste landfill and construction waste landfill. We do not see any evidence that construction waste material is factored into the any calculations. The landfill permit Volume 1, Form R, documents the acceptance of municipal waste plus municipal solid waste sludge, municipal incinerator ash residue, residual ash, slag, foundry sand, various sludge, drilling fluids or residuals and auto shredder fluff. We do not see any evidence that these waste types are factored into any of the calculations. Construction and demolition wastes are considered a type of municipal waste.

Response: All the waste materials mentioned above are waste streams widely accepted at landfills throughout the commonwealth and are accounted for in the design variables used in calculations throughout the application including the stability analysis.

4) Pritchard Comment #4: The landfill permit application states that fracking waste from nontraditional gas well drilling will be used for daily cover. We do not see evidence that these waste types are factored into any of the calculations.

Response: Gas well drilling residuals are wastes commonly accepted at municipal waste landfills. The landfill design variables used in calculations throughout this application account for all types of waste commonly accepted at municipal waste landfills. The landfill has committed to monitoring the composition of the incoming waste. Should the composition of the incoming waste vary largely from the composition of waste typically accepted at landfills, Tri-County will have a professional engineer reevaluate the stability of the landfill.

5) Pritchard Comment #5: The structure for the flare, as documented in Section C – Air Cleaning Device, section 12, will be 50 feet high. Section F – Flue and Air Containment Emission, Section 2 reports “Stack height above grade (ft.) 50 ft. (est)”. The stack height is in violation of the zoning regulations in both Liberty and Pine Townships. Structures in both townships can be only 40 feet high.

Response: Pursuant to Paragraph 2.D of the Consent Agreement between Tri-County, the Mercer County Regional Planning Commission, and Pine and Liberty Townships that was lodged in the Mercer County Court of Common Pleas: “To the extent that the DEP shall require flare stacks and/or landfill gas wells to be located on the Landfill Site and the height of the flare stacks and/or landfill gas wells exceeds the mandated elevation in either municipality, the flare stacks and landfill gas wells shall be deemed to be in compliance with the height limitations of the municipality.” Stack height is a parameter integral to the design of the proposed flare. An appropriately designed stack height is key to the proper air dispersion of combustion products and has important safety considerations for ground personnel and nearby equipment.

6) Pritchard Comment #6: Attachment G(A)-1 Narrative Responses, Section 3.2 states “...actual PM10 emission rate is approximately 51.8 tons per year based on the conservative control efficiency rate of 75%”. Section 5 indicates that only speed limits and watering will be used. The Western Governor’s Association released the WRAP Fugitive Dust Handbook on September 7, 2006. The handbook’s unpaved road control measures effectiveness are as follows:

- a. Limit Speed to 25 MPH 44% effective
- b. Apply Water 10 – 74% effective

The reported 75% efficiency rate is not conservative but over-estimated. The 51.8 tons is may be significantly understated.

Response: Dust minimization controls utilized at the site include watering the roadways, sweeping the roadways, a tire wash, speed limits, and chemical dust suppressants if necessary. The application uses a 75% effectiveness rating based on results from mitigation practices at similar facilities and the information provided by Figure 13.2.2 of AP-42, which only accounts for watering of unpaved roadways. Considering the applicant has proposed to do more than just water the unpaved roadways and the information you supplied indicates the combination of limiting the speed limit and applying water is more effective than just watering the roadways, the use of 75% in the dust emission calculations is reasonable.

7) Pritchard Comment #7: Attachment 1, Plan Approval Narrative section 1.0 reports 1,550,000 cy of existing waste will be relocated. As this waste is uncovered it will be evaluated for hazardous content. The evaluation process calls for suspect waste to be set aside until analysis is completed. We do not see any evidence that either the exposed waste or the waste under evaluation are factored into any of the calculations.

Response: The waste to be relocated to the lined area is factored into the air space calculations for the landfill. The permittee’s calculations for landfill gas generation includes all existing waste proposed to be relocated.

8) Pritchard Comment #8: Tri-County’s landfill permit indicates that dozens of large temporary tarped cover containers will be used to hold waste waiting for placement. The waste may be held for days. We do not see any evidence that this waste storage is factored into any of the calculations.

Response: Bonding Worksheet A covers bond for up to 200 tons of candidate waste waiting to be disposed of. The permittee’s calculations for landfill gas generation includes all waste proposed to be disposed of at the facility.

9) Pritchard Comment #9: Tri-County landfill operate 24 hours per day and will have 125,804 annual vehicle movements related to tractor trailers, employee vehicles, dump trailers and facility operating trucks. In addition, dozens of other earth moving equipment will be operating. The vast majority of the equipment will burn diesel fuel. We do not see any evidence that high concentration of exhaust gas is addressed in the air quality application.

Response: The sources described are mobile sources, which the Department does not regulate through this landfill permit. However, applicable vehicles will be subject to the Department's Diesel-Powered Motor Vehicle Idling Act (Act 124 of 2008), which prohibits subject vehicles from idling for more than 5 minutes in any 60-minute period, except as provided in the Act as well as any applicable requirements for motor vehicles found in 25 Pa. Code Chapter 126.

10) Pritchard Comment #10: Tri-County's landfill application documents a long and sustained pattern of DEP waste violations. In 2014 the DEP fined Vogel Holding Inc. subsidiaries over \$1,200,000 for a variety of violations at their Seneca landfill and their waste transportation company. The Seneca landfill was cited in 2009 for odor complaints and other violations. Inspectors noted that the landfill failed to have adequate daily cover. The DEP NW regional director Kelly Burch stated "Seneca Landfill (Vogel Holdings) has been lax in following the environmental regulations that direct how municipal landfills are required to operate". In 2019 Tri-County was caught and reported for illegal waste tire storage. The efficiency percentage is greatly reduced when simple operating procedures are not followed. The company's consistent failure to follow standard operating procedures is not factored into any of the calculations. The stated efficiency standards may be overstated due to the high probability of plan deviation.

Response: The Department has evaluated the compliance history of Vogel Holdings and its related entities as part of the review of this application, and has determined that there have been no violations which have not been corrected to the satisfaction of the Department, and which would preclude issuance of this Plan Approval.

11) Pritchard Comment #11: Attachment G(A)-1, section 4.0, stationary Sources Standards, Question 1. Will the proposed solid waste facility dust emissions be visible off the permit boundary? The question was answered no. Tri-County failed to properly or reasonably answer this question. Dust emissions from the dozer operation in the building of The Legends land development were seen more than ¾ mile away and the PM-10 emissions were clearly visible as they accumulated on the vehicles within that radius and beyond.

Response: The landfill will be required to comply with the fugitive dust control provisions of the Department's landfill BAT guidance, which the Department has established as best practices for municipal solid waste landfills. These include watering of unpaved roadways, establishment of speed limits for vehicles, washing of vehicles, and sweeping of paved roadways.

In addition, pursuant to the waste management program's requirements, the applicant is required by 25 Pa Code § 273.217 to minimize the generation of fugitive dust emissions from the facility and to comply with the terms and conditions of the air quality plan approval and operating permit. Similar dust mitigation techniques proposed in this application have been effective at controlling dust emissions at

other landfills including Seneca Landfill, which is owned by Vogel Holdings Inc. In addition, there have not been any violations related to dust at the Tri-County Landfill Transfer Station, which uses the same access road. Additionally, the Department will periodically monitor the facility for dust emissions leaving the permit boundary and require Tri-County Landfill to implement additional mitigation measures as needed.

12) Cleary Comment #1: The cover letter from the DEP to Edward Vogel (September 30, 2019) states that if “not technically deficient” the DEP will make a decision within 180 days. Has the decision on this air permit already been decided?

Response: A final permitting decision is made with the issuance of this plan approval action.

13) Cleary Comment #2: Under Item #3.0, “Will your project ... have anything to do with a well related to gas production ... involve the waste from such a well ... “ the applicant replied “no” when the answer is “yes”. The landfill permit application states that fracking waste from non-traditional gas well drilling will be used for daily cover.

Response: Item number 3 on the GIF should have been answered “yes.” In the permit application itself, Tri-County did propose to accept gas drilling residuals meeting the requirements of Form Q(11) and 25 Pa Code § 273.232(b) to be used as an alternate daily cover. Tri-County will be required to obtain individual Form U approvals for each individual well site from which Tri-County intends to accept gas drilling residuals.

14) Cleary Comment #3: In the “Harms vs. Benefits” section of the landfill permit application, the applicant stated that recycling methane gas, to be used for the applicant’s fleet of trucks, would be a benefit to the community. Now the methane gas appears to be flared, causing even more pollution.

Response: During the course of the permit review, the facility has revised their proposals regarding beneficial reuse of the landfill gas and is now proposing to begin beneficial reuse when landfill gas generation reach levels sufficient to be technically feasible. The proposed flare will be used as primary control in the interim until sufficient methane is generated from the landfill to properly operate a highBTU landfill gas treatment plant. The flare will then remain onsite as backup control to the gas treatment plant. Appropriate conditions have been included in this permit to require the installation and operation of the gas treatment plant as methane quantities increase.

15) Cleary Comment #4: The structure for the flare will be 50 feet high – in violation of the zoning regulations in both Liberty and Pine Townships. Structures in both townships can be only 40 feet high.

Response: See response to Item #5.

16) Cleary Comment #5: Form Item #22.0 asks if there will be tanks on the premises containing “highly hazardous substances”. The applicant once again states “no” when the answer should be “yes”. As the EPA and TCL both have documented, the previous waste on site, which will be excavated and placed on the liner, contains highly hazardous compounds (the same compounds found in the Osborne Superfund Site, located four miles to the east). In addition, the fracking waste used for daily cover will

most likely be radioactive, given the nature of the fracking wastes in western Pennsylvania. Therefore, the leachate which will be in holding tanks on site will be containing highly hazardous substances.

Response: Item 22 of the GIF asks if the project involves the installation of any tanks greater than 1,100 gallons that will contain a highly hazardous substance. The landfill application does call for the installation of leachate tanks, however they will not hold highly hazardous substances. As described in Attachment 25-1 of the Waste Management program's landfill application, the applicant has supplied leachate sample results in Attachment 25-3 from both the unlined disposal area and from Seneca Landfill, which has moved similar old waste from an unlined area onto a lined area. None of the supplied samples indicate the leachate that will be collected would be considered a highly hazardous substance. Further, pursuant to Tri-County's Waste Relocation Operation Plan, individuals will be on site who are dedicated to monitoring the excavation and relocation of the historic waste for hazardous materials. If materials are suspected of being potentially unacceptable or special handling waste (i.e., drums filled with material, containers with Hazardous Waste labels, red or yellow bag waste (typically indicating medical or asbestos material, and automobile batteries). Any waste identified as potentially unacceptable or special handling waste will then be segregated. In the case of potential asbestos waste, it will be wetted and disposed of in the landfill in accordance with Attachment 14-3 (Operation Plan) of the permit. In all other cases, the suspect materials will be placed in a covered roll-off container until it is properly identified and disposed in accordance with a Department-approved plan.

17) Cleary Comment #6: In the section titled "Compliance Background", it appears that Vogel Holdings, Inc. has failed to document any "violations or enforcement actions" – at all. The DEP must be well aware that the DEP has assessed Mr. Vogel over a million dollars for violations. Why is this section blank?

Response: As stated in the instructions of Air Quality's Compliance Review Form, deviations previously reported to the Department in writing need not be included in the section referenced in the comment. The Department has evaluated the compliance history of Vogel Holdings and its related entities as part of the review of this application.