

COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF ENVIRONMENTAL PROTECTION (AGENCY)

\* \* \* \* \*

IN RE: NATIONAL POLLUTION DISCHARGE ELIMINATION  
SYSTEM (NPDES) RENEWAL PERMIT (PA0046680)

PUBLIC MEETING/HEARING

\* \* \* \* \*

BEFORE: MARIA D. BEBENEK

John Repetz

Dan Martin

Ed Boito

HEARING: Wednesday, October 4, 2023

6:00 p.m.

LOCATION: Lower Windsor Township Community

Center Gymnasium

2425 Craley Road

Wrightsville, PA 17368

WITNESSES: Jon Yinger, JoAnn Dietz, Jennifer Gunnet,

Glenn Rexroth, Junior, Lee Dietz, David Simon, Jen

Cristofoletti, Mark Ream, Ted Evgeniadis, Phil

Rohrbough, Lee Dietz, Shelby Ilgenfritz, Becky

Pfeiffer, Lonna Ashton, Carolyn Fetrow

Reporter: Sophia Mahoney

Any reproduction of this transcript is prohibited

without authorization by the certifying agency

A P P E A R A N C E S

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

NONE PRESENT

I N D E X

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

DISCUSSION AMONG PARTIES 5 - 48

E X H I B I T S

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

<u>Number</u>	<u>Description</u>	<u>Page</u> <u>Offered</u>
---------------	--------------------	-------------------------------

NONE OFFERED

## P R O C E E D I N G S

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

-----

MR. REPETZ: Okay. Good evening.

Thank you for coming.

My name is John Repetz. I am the regional communications manager for the Pennsylvania Department of Environmental Protection's South Central Regional office, which is located in Harrisburg.

Again, thank you all for coming this evening. And we want to thank Lower Windsor Township for allowing us to use this facility this evening for this proceeding.

This is going to be a public hearing to collect comment on the draft National Pollutant Discharge Elimination System, NPDES, renewal permit for Republic Services of Pennsylvania, LLC for the municipal landfill known as Modern Landfill located in Windsor Township and Lower Windsor Township, here in York County. The facility discharges treated industrial wastewater and treated groundwater to Kreutz Creek. It also discharges stormwater to unnamed tributaries of Kreutz Creek.

The draft NPDES renewal permit which authorizes these discharges was issued on August

1 10th, 2023 and was published in the Pennsylvania  
2 Bulletin on August 26th, 2023. The entire draft  
3 permit and the fact sheet explaining the development  
4 of the permit are available for review  
5 electronically on DEP's website of the South Central  
6 Region Community Information page.

7 DEP staff is here tonight to receive  
8 testimony from the public so that all relevant  
9 comments can be considered in the Department's  
10 review of the permit application and the draft  
11 permit for this proposed project. I would like to  
12 introduce other - some of my co-workers from DEP  
13 South Central Regional Office.

14 Maria Bebenek from our Clean Water  
15 Program. She is the Program manager.

16 And Mr. Dan Martin, he is the Clean  
17 water program permitting chief.

18 And also Ed Boito is our regional  
19 local government liaison.

20 In addition to providing oral  
21 testimony presented here tonight, members of the  
22 public may also submit written testimony. The  
23 typical 30-day public comment period has been  
24 extended by DEP until 4:00 p.m. next Tuesday,  
25 October 10th, 2023. Comments may be submitted via

1 email or postal mail. If you wish to submit written  
2 testimony, please see us afterwards and we will get  
3 you that contact information.

4 I want to remind everybody that DEP  
5 gives equal consideration to all public comments,  
6 regardless of whether a comment is received verbally  
7 here at this hearing tonight or in writing prior to  
8 the deadline.

9 Please note that our purpose for being  
10 here tonight is to listen to your comments and  
11 gather your input that may be useful during the  
12 permit review process. DEP staff members will not  
13 directly answer questions or respond to individual  
14 comments during this official proceeding. All  
15 testimony tonight, or provided in writing by the  
16 deadline, will be addressed at the future date in  
17 writing by DEP in what is called a Public Comment  
18 Response Document.

19 Finally, just to go over a few ground  
20 rules. We ask that you please turn off your cell  
21 phones or put them on vibrate. And if you have to  
22 take a call, please do that outside.

23 MS. DIETZ: Can you speak more loudly?  
24 Because that little rumbling noise is making it  
25 difficult to hear what you're saying clearly.

1                   MR. REPETZ: I will call on people in  
2 the order in which they preregistered and who will  
3 be the next speaker. When your name is called, we  
4 ask you to please come to the podium, say your name  
5 and spell it. Okay. And please speak loudly and  
6 clearly so that everyone can hear, okay, including  
7 our court reporter here, because a written  
8 transcript of this hearing will be produced.

9                   Each person will be allowed a maximum  
10 of three minutes to offer testimony. Now, we will  
11 be somewhat lenient, okay, but we ask speakers to  
12 please respect and observe that time limit as much  
13 as they can in order to keep the proceeding moving  
14 forward. I will be keeping time at the end of the  
15 table and will hold up a warning sign at one minute  
16 as the end of their time approaches. And we ask to  
17 please be respectful of everyone's opportunity to  
18 speak and be heard tonight. Please do not interrupt  
19 a speaker by clapping, booing or speaking out of  
20 turn.

21                   If you need to use the restroom, out  
22 the door down at the end of the hallway.

23                   Okay?

24                   And I thank you in advance for your  
25 cooperation at this proceeding tonight.



1                   So with that, we will get started with  
2 our first speaker. And the first on the list is Jon  
3 Yinger.

4                   Jon will be followed by JoAnn Dietz.

5                   MR. DIETZ: Can you turn that off?  
6 She can't hear she said.

7                   MS. DIETZ: Does anybody here from  
8 Lower Windsor that would know?

9                   MR. YINGER: I can give you one of my  
10 hearing aids.

11                   MS. GUNNET: You can move down front.

12                   MR. YINGER: Okay. Good evening. And  
13 thank you for convening this public hearing tonight.

14 My name is Jon Yinger and I'm with Tiger Trash. My  
15 name is spelled J-O-N, Y-I-N-G-E-R.

16                   Tiger is a locally owned and operated  
17 waste hauling and disposal company serving this area  
18 for over 20 years and up to 53 years, including  
19 Windsor and Lower Windsor Townships, where Modern  
20 Landfill is located. Our relationship with  
21 Republic, Modern Landfill goes back many years.  
22 Because of that, I want to say that Tiger and myself  
23 both support Modern Landfill, its employees, its  
24 business practices in the past and today and hope  
25 that DEP will give swift approval of this draft

1 NPDES permit.

2 I was involved with Modern Landfill  
3 years ago as a manager and other positions and back  
4 then, not really an engineered site at the time when  
5 we got involved, but more of a dump, if you will.  
6 And I've certainly - not a dump have seen and know  
7 what goes on at Modern every day. It's certainly  
8 not a dump anymore.

9 So, as you can see, Modern has come a  
10 long way in terms of safe, responsible operations  
11 with enhanced environmental controls to protect  
12 community health and environment, gas wells,  
13 treatment plants, other things that really make the  
14 site a real engineered site and not a dump.

15 Modern is not a dump. Modern is a  
16 highly engineered disposal site serving many  
17 entities, designed and constructed to remove liquid  
18 generated by waste and transfer to the onsite  
19 facility treatment. A \$23 million investment.  
20 Understanding the business that we're in - and  
21 believe me, the business has really changed over my  
22 50 some years. Regulatory, the requirements, the  
23 inspections, things like that, Modern Landfill is a  
24 vital resource. Improvements and investments.

25 Can you hear okay?

1 I think the big thing that really  
2 strikes me about Modern is the commitment. There's  
3 a commitment there to spend money. There's a  
4 commitment there to do things right and there's a  
5 commitment from their employees and the managers to  
6 do things right.

7 I want to thank you for giving me the  
8 time - I know we're on a limited schedule, just  
9 giving me the time in this very important issue and  
10 I ask that you approve Modern Landfill's draft NPDES  
11 permit. Thank you.

12 MR. REPETZ: Thank you, Jon.

13 Next will be JoAnn Dietz, followed by  
14 someone from Windsor Township, Jennifer or  
15 Catherine.

16 MS. DIETZ: Good evening. This is  
17 actually from Lee and myself, JoAnne Dietz. And I'm  
18 actually the one going to be reading it.

19 We are concerned citizens living in  
20 Lower Windsor Township. We live on Gun Club Road,  
21 approximately one and a half miles from Modern  
22 Landfill. In the late 1990s, there was a group  
23 formed called PAC, People Against Contamination. We  
24 had fought Modern Landfill, because it was found  
25 that the wells in and around the landfill were

1 contaminated and not fit to drink and bathe.  
2 Resulting from that fight, we had York Water Company  
3 run water to our neighboring communities. Sadly to  
4 say, we are the last home on Gun Club Road where  
5 they started - they ended the running of the water.  
6 Our neighbors down the road do not even have that  
7 option, currently. So as you can see, this is not a  
8 problem or - a new problem or concern. This has  
9 been an ongoing problem for many, many years.

10 In 2022, many concerned residents had  
11 their well water tested and we even had our own city  
12 water tested. I am sure DEP has received that  
13 information from Ted, the Riverkeeper. Those tests  
14 were very concerning. Now that brings us to the new  
15 renewal permit that is brought before us. As we  
16 understand, the Modern Landfill's permit expired  
17 January 31st, 2022. They have - were granted an  
18 extension and allowed the landfill to pay small  
19 fines in comparison to the extreme revenue they took  
20 in, all the while they exceeded the statutory limits  
21 allowed. It took until now to draft a renewal  
22 permit, one year and nine months later.

23 Modern Landfill should have been shut  
24 down at that time. Modern Landfill has shown us  
25 they cannot treat certain contaminants. Even with

1 their new treatment plan in place, toxins are still  
2 being discharged into Kreutz Creek. They should be  
3 shut down now. These contaminants are certainly  
4 affecting residents close to the landfill, but since  
5 these toxins are now known to be in Kreutz Creek, it  
6 affects a large range of citizens outside of even  
7 our township, not to mention the animals and birds  
8 that drink from that creek. These citizens may not  
9 even be aware of the creek having toxins in it,  
10 because there's no signage even posted to warn them.  
11 That should be a requirement.

12                   When is EPA stepping up to establish  
13 regulations for PFAS in drinking water and surface  
14 water? We realize that DEP cannot enforce those  
15 non-existing regulations until EPA does their job.  
16 So in the meantime, nothing is getting done and our  
17 water is contaminated with these toxins. And DEP is  
18 going to allow Modern Landfill to continue to put  
19 those toxic substances in our - into our  
20 environment. The logical solution is shut down  
21 Modern Landfill now.

22                   As part of the renewal permit, it  
23 would allow Conestoga Landfill to truck their  
24 leachate into Modern Landfill's treatment system  
25 which has been established as not being able to

1 control the pollutants already coming from their own  
2 landfill.

3                   Why is Lower Windsor Township being  
4 subjected to this? We are going to be exposed to  
5 the trucks who will be carrying those toxins to the  
6 site. We feel that DEP cannot be fair in  
7 representing the citizens living around the  
8 landfill, because they have a vested interest in the  
9 revenue coming from the landfill. The fact is, DEP  
10 receives income from every ton of trash that is  
11 placed in that landfill. Why would DEP stop that  
12 revenue from coming in? Modern Landfill - Modern  
13 Landfill should be required by DEP to stop accepting  
14 trash now, be capped, closed and concentrating on  
15 cleaning up the existing site. The residents of  
16 Lower Windsor Township have paid dearly over the 50-  
17 plus years that Modern Landfill has been in  
18 business. It should now come to a close and stop  
19 the harm it has caused to our health and  
20 environment.

21                   Respectfully submitted, Lee and JoAnne  
22 Dietz.

23                   MR. REPETZ: Thank you, JoAnne.

24                   Up next, Jennifer Gunnet. Jennifer?

25                   Then she will be followed by Glenn

1 Rexroth, Jr.

2 MS. GUNNET: Good evening. Thank you  
3 for the opportunity to speak tonight.

4 My name is Jennifer Gunnet. It's J-E-  
5 N-N-I-F-E-R, G-U-N-N-E-T. I'm the manager for  
6 Windsor Township. Simply, I encourage DEP to  
7 approve the NPDES permit renewal for Public  
8 Service's Modern Landfill.

9 You are aware that Modern Landfill  
10 operates in both Windsor and Lower Windsor Townships  
11 and has been a part of these communities for nearly  
12 half a century. Because most of Modern Landfill is  
13 in Windsor Township, about 70 percent, I've worked  
14 closely with the facility and its management teams  
15 over the years. The onsite leachate treatment  
16 plant, which has been operating for several decades,  
17 has undergone a number of significant upgrades over  
18 the years to meet increasing standards.

19 This isn't about a plant  
20 underperforming. This is about a plant that is now  
21 having to meet new and more stringent state and  
22 federal water quality standards. To do that, Modern  
23 Landfill is investing \$23 million to improve the  
24 facility so that it - so that it meets the  
25 requirements of this new NPDES permit.

1 I would recommend both DEP and Modern  
2 Landfill - excuse me, I would commend both DEP and  
3 Modern Landfill for their work on putting together  
4 this draft permit. It was no easy task. What is  
5 included in this NPDES permit continues the  
6 evolution of enhancing environmental controls and  
7 keeping our communities healthy while allowing for  
8 the safe operation of critical infrastructure.

9 Modern Landfill long has supported  
10 local government, community initiatives and safe and  
11 responsible operations, all for the benefit of  
12 residents, neighbors and our shared environment. I  
13 urge DEP to support this NPDES permit renewal so  
14 that those operations continue. Thank you.

15 MR. REPETZ: Thank you, Jennifer.

16 Next is Glenn Rexroth, Jr.

17 Followed by Jim Smith.

18 MR. REXROTH: Good evening, ladies and  
19 gentlemen. Thank you for allowing me to speak.

20 My name is Glenn Rexroth, Junior, G-L-  
21 E-N-N, R-E-X-R-O-T-H, Junior. I'm here from TriBoro  
22 Materials to support the NPDES permit renewal for  
23 Modern Landfill. By way of background, TriBoro has  
24 been a family owned and operated business since  
25 1974. We now have operations throughout Central



1 Pennsylvania.

2                   It is safe to say that we grew up  
3 around Modern Landfill, which has been in the  
4 community for nearly 50 years. The facility has  
5 been a partner in our success, as we are now one of  
6 the region's leading building material suppliers.  
7 Modern Landfill is central to what we do, so we have  
8 direct stake in decisions being made regarding its  
9 operations.

10                   With our former business, TriBoro  
11 Construction Supplies, we actually once supplied  
12 stormwater pipes, pumps and several erosion controls  
13 for the site. So it's safe to say we know the site  
14 firsthand. We know how important it is to manage  
15 every day, every aspect of this landfill to ensure  
16 the strongest possibility of environmental  
17 protection.

18                   Right now, TriBoro Materials hauls 90  
19 percent of the covered dirt used daily by the  
20 landfill. We also provide stone for the roadways,  
21 rental equipment, transport services, et cetera. So  
22 this NPDES permit not only affects how Modern  
23 Landfill works, but also how we work with Modern  
24 Landfill. And we believe the new permit is in line  
25 with what's needed to ensure safe, responsible

1 operations.

2                   Modern Landfill is currently finishing  
3 up their \$23 million investment on a new and  
4 improved wastewater treatment plant. This - that is  
5 a direct result of this NPDES permit, which will  
6 include more stringent regulations than previously  
7 required. Modern Landfill has - has already stepped  
8 up to meeting the challenge. I'm proud to be a  
9 partner with the company that is willing to invest  
10 so much in the community.

11                   It is important for me and my family,  
12 to be sure you know, we have engaged considerably  
13 over the years with the leadership, skilled workers  
14 at Modern Landfill. We've always found the men and  
15 women there to be professional, honest, transparent,  
16 not to mention conscientious of their neighbors and  
17 the way they do business. That remains the case  
18 today.

19                   I know this has been a long process. I  
20 appreciate the time DEP took to review and craft  
21 this NPDES permit and your careful consideration of  
22 all the issues to ensure the right decision is made  
23 for our community. And the right decision is to  
24 renew the permit.

25                   Thank you very much.

1                   MR. REPETZ: Thank you, Glenn.

2                   Next is Jim Smith. Jim has submitted  
3 some written testimony and offering that into record  
4 will be Lee Dietz.

5                   And Lee then will be followed by Dave  
6 Simon.

7                   MR. DIETZ: Lee Dietz, L-E-E, D-I-E-T-  
8 Z.

9                   This was written by Jim Smith. Jim,  
10 because of illness, wasn't able to be here tonight,  
11 so I get to read this. So bear with me on it.

12                   Everyone has seen legal advertisements  
13 for contaminated water at Camp Lejeune. And it's a  
14 shame that it took until 1985 to start corrective  
15 actions and another 35 years to pass legislation to  
16 start compensation for those affected. The primary  
17 toxin VOCs at Camp Lejeune, benzene, PCE, TCE and  
18 vinyl chloride, have also been found in the  
19 groundwater in Lower Windsor Township at levels well  
20 above acceptable levels. The chemicals have been  
21 linked to at least 16 types of cancers and life  
22 altering diseases.

23                   In 1988, we started noticing  
24 multicolored oil slick on the well water that had  
25 set for a few hours in the toilet and the dog dish.

1 A friend of a friend tested the water, and as part  
2 of his college internship, he came back with the  
3 warning, do not drink or bathe in the water. I  
4 mean, that's serious.

5 We notified DEP and they sent a fellow  
6 to our house. He stated, before he started drawing  
7 the water, that he doesn't know where the  
8 contamination is coming from, but it's not coming  
9 from the landfill. The test results from DEP  
10 confirmed the unofficial test and we were given the  
11 same warnings. They also sent a team of people to  
12 our property to find the source of contamination.  
13 The results of the inspection incorrectly noted that  
14 a can of asphalt sealant was found, but was not  
15 leaking. I have never owned asphalt sealant, as we  
16 do not have any asphalt. I later requested a copy  
17 of the document from DEP, who responded that my file  
18 was lost.

19 In 1993, our citizen group objected to  
20 Waste Management getting a permit for a medical  
21 waste - a medical waste incinerator and a 19 acre  
22 north expansion. The citizens group got the  
23 township to hire an environmental lawyer, and in the  
24 fourth day of the DEP hearing, the judge recommended  
25 that we and the landfill should negotiate a

1 settlement.

2                   The result of that, public water was  
3 to be brought to our area, if we stopped objecting  
4 to the expansion. In 1995, York Water Company ran a  
5 line to our property. The line only extended to a  
6 couple houses east of our house and did not extend  
7 west on Gun Club Road at all. No explanation for  
8 the limits of the work was given, nor were hydrants  
9 included.

10                   Spraying contaminated water into the  
11 air, releasing the VOCs to the atmosphere was  
12 permitted by DEP. Two air strippers were constantly  
13 spraying water, releasing carcinogens.

14                   At another time, neighbors complained  
15 about the sickening smell emanating from the  
16 landfill. I assumed that DEP approved the landfill  
17 to spray an overpowering cinnamon scent not on the  
18 trash, but on the neighbor's properties.

19                   In 2020, I held a lengthy telephone  
20 conference with EPA and DEP. Recorded notes from  
21 those conferences were distributed to participating  
22 participants. The focus was errors noted in the  
23 2020 five-year plan released by EPA, which was  
24 supposedly compiled from information provided by  
25 DEP. I believe the Riverkeeper reported that Kreutz

1 Creek has the highest contamination levels of PFAS  
2 in the country.

3                   The fine imposed by DEP, \$31,300, is a  
4 joke. Comparing to my gross income, the landfill  
5 would be - it would be like fining me \$0.26. It  
6 also represents about ten percent of my annual cost  
7 of cancer treatments. As there has been  
8 exceptionally high rate of different types of cancer  
9 in our area, I have repeatedly requested a state  
10 health assessment from DEP, EPA and our local  
11 elected officials, all to no avail.

12                   At what point can we expect DEP to  
13 follow their mission statement? And their mission  
14 statement is the Department of Environmental  
15 Protection's mission is to protect Pennsylvania's  
16 air, land and water from pollution and to provide  
17 for health and safety of its citizens through a  
18 cleaner environment. We will work as partners with  
19 individuals, organizations, governments and  
20 businesses to prevent pollution and restore our  
21 national resources.

22                   Jim Smith, 433 Gun Club Road.

23                   MR. REPETZ: Thank you, Lee.

24                   Next is Dave Simon, followed by Jen  
25 Cristofolletti.

1                   MR. SIMON: Thank you. My name is  
2 David Simon, S-I-M-O-N. And I'm the president of  
3 Metal Tech Recycling over on Mount Pisker Road and  
4 the president of Prospect -

5                   MS. DIETZ: We can't hear you.

6                   MR. SIMON: Oh, I'm sorry. I've had  
7 this respiratory thing. I'll try to do my best.

8                   I'm the President of Metal Tech  
9 Recycling over on Mount Pisker Road and the  
10 president of Prospect Metal over on Prospect Road.

11                   We've known the people at the landfill  
12 since about the early 2000s and always found them to  
13 be highly professional. They've definitely been  
14 following regulations to the T in terms of the  
15 requirements they have for us, the manifest,  
16 transportation, the documentation. And we do  
17 believe that the folks there have the utmost  
18 integrity and professionalism.

19                   I have full faith that the system  
20 they're going to put in is going to be engineered  
21 properly. Obviously, \$23 million, you know, one  
22 would expect to be so. And I don't think that's  
23 gone on the back of a napkin.

24                   So our facilities, we employ 25  
25 people. Metal Tech Recycling used to be the former

1 Waste Management, Merck where they recovered  
2 plastics, newspaper, bottles, et cetera. It was  
3 repurposed for our metal recovery plant. Our old  
4 plant was over at Prospect York - Prospect Road.  
5 It's a scrap yard and our old outdoor plant is  
6 there, as well. So our - our particular process is  
7 toward the end of the recycling chain. There's  
8 metal extraction occurring between the non-metallics  
9 and the non-ferrous metal.

10 Our plant separates out the - the  
11 insulated copper, the copper, aluminum, the brass,  
12 computer boards, stainless, all those items. That's  
13 then - it's then shipped either overseas or  
14 domestically for recycling. And then the remnants,  
15 leftovers, the upholstery waste with that, the  
16 glass, the rubber, et cetera, you know, from the  
17 process itself, that material goes over to landfill.  
18 And we rely on the landfill very heavily for our  
19 business. If the landfill wasn't there, then it's  
20 really unlikely that our business could continue at  
21 this location, a multi recycling on Mount Pisker  
22 Road.

23 It's not really humorous to me, sir.  
24 I'm sorry. I'm not supposed to address the crowd,  
25 but we put a lot of effort in working this plant.



1 Millions and millions of dollars. It's European  
2 technology put in. There's no chemicals added to  
3 what we do. It's all metal sortation, magnets,  
4 heavy current systems, air systems. Our stormwater  
5 from our plant is excellent and we do it right and  
6 we believe that Modern Landfill does it right, as  
7 well. So we do absolutely support their  
8 application. And certainly, from our perspective,  
9 it is vital to what we do. Thank you.

10 MR. REPETZ: Thank you, Dave.

11 Next is Jen Cristofoletti.

12 Followed by Mark Ream.

13 MS. CRISTOFOLETTI: My name is Jen  
14 Cristofoletti, J-E-N, C-R-I-S-T-O-F-O-L-E-T-T-I.  
15 Hopefully that didn't take up my three minutes.  
16 Okay.

17 MR. REPETZ: Didn't start it yet.

18 MS. CRISTOFOLETTI: All right.

19 My name is Jen Cristofoletti. I am  
20 the Community Services Division manager at the York  
21 County Solid Waste Authority. The York County Solid  
22 Waste Authority owns the York County Resource  
23 Recovery Center in Manchester Township. It's known  
24 to many in York County as the Incinerator. It's  
25 known to some as the dump. Okay.

1                   The York County Resource Recovery  
2 Center is a waste-to-energy facility. Most of York  
3 County's household waste and waste from businesses  
4 is processed at the York County Resource Recovery  
5 Center. The waste is combusted and using the heat  
6 from the combustion process, we produce electricity.  
7 A byproduct of burning York County's waste is  
8 combustion ash.

9                   The Authority currently has a contract  
10 with Modern Landfill to accept municipal waste  
11 combustion ash along with non-combustible waste and  
12 bypass waste. Bypass waste is waste that must be  
13 diverted to Modern Landfill due to various  
14 circumstances occurring at the York County Resource  
15 Recovery Center, including catastrophic events,  
16 capacity excesses or temporary shutdowns due to  
17 scheduled facility maintenance.

18                   The Authority sees a benefit to York  
19 County in the continued operation of Modern Landfill  
20 due to the proximity of Modern to the York County  
21 Resource Recovery Center, the capacity it provides  
22 for non-combustible York County waste and the  
23 existing established infrastructure. Having Modern  
24 Landfill in York County serves those entities  
25 generating non-combustible and non hazardous

1 industrial waste and reduces the impact of having to  
2 haul waste that cannot be processed at the Resource  
3 Recovery Center to a landfill outside of York  
4 County.

5           The Authority believes that the  
6 investment Modern Landfill has made to improve their  
7 wastewater treatment system shows their ongoing  
8 commitment to protect the environment and more  
9 importantly, its neighbors. This investment in  
10 advanced technology for the treatment of wastewater  
11 shows that Modern Landfill is committed to the  
12 future of responsible waste management in York  
13 County.

14           We're here today to express our  
15 support for the NPDES permit renewal. We have built  
16 a strong relationship with Modern Landfill through  
17 the years and know that it is an integral part of  
18 the integrated solid waste infrastructure in York  
19 County. Thank you for allowing the Authority to  
20 comment on this issue.

21           MR. REPETZ: Thank you, Jen.

22           Next is Mark Ream, followed by Ted  
23 Evgeniadis.

24           MR. REAM: Thank you. My name is Mark  
25 Ream, M-A-R-K, R-E-A-M.

1                   Thank you. My name is Mark Ream. My  
2 wife, family and I moved into the community in 2018.  
3 I knew about the landfill's existence and also knew  
4 it was long in the tooth and soon to be shuttered,  
5 or so I thought. The blatant propaganda and  
6 arrogance of the landfill soon quickly became  
7 displayed as they revealed they were planning to  
8 expand and create another landfill. I became an  
9 active attendee at the township meetings, doing my  
10 best to listen to the pros and cons of allowing  
11 another landfill to be built.

12                   There were no advantages. The scare  
13 tactics and underhanded attempts at persuasion were  
14 endless. I received their propaganda via email,  
15 postal mail and their slanted news editorials they  
16 advanced without real world community rebuttals.

17                   Knowing how the water and soil are  
18 polluted makes you question why or how they can stay  
19 in operation. Landfills and the pollutants they  
20 yield make no sense in this day and age. I attended  
21 many of the meetings and came to the conclusion my  
22 goal would be to thwart the expansion. Being at the  
23 meetings also allowed me to have my suspicions  
24 confirmed by those who monitored the pollutants of  
25 the air, soil and water that the landfill came in

1 contact with. Modern Landfill has polluted our  
2 groundwater and streams for almost 50 years. It has  
3 violated the discharge limits set by DEP and its  
4 permits for the last five years.

5 I want to know why is DEP issuing  
6 permits to allow Modern to stay in business? Modern  
7 Landfill has been in violation of the trust of the  
8 community and the wellness of our environment, yet  
9 they stay in operation. Modern Landfill should be  
10 required by DEP to stop accepting trash now, be  
11 capped and closed and concentrate on cleaning up the  
12 mess they've already caused without adding more to  
13 the mountain of trash that harms our health and  
14 pollutes our township and beyond.

15 I respectfully ask that the DEP do  
16 what it's supposed to do and protect our soil, air  
17 and water. Require Modern to cease taking in new  
18 trash and be the steward of the environment they  
19 purported to be and clean up the mess they have  
20 made, which will have an impact for years to come.  
21 I'm in favor of a plan to mitigate and remedy the  
22 existing water issues, but to allow more input to  
23 the problem is not reasonable or logical. Thank  
24 you.

25 MR. REPETZ: Thank you, Mark.

1 Next is Ted Evgeniadis.

2 Followed by Phil Rohrbough.

3 MR. EVGENIADIS: Ted Evgeniadis, T-E-  
4 D, last name is E-V-G-E-N-I-A-D-I-S.

5 So on behalf of the Lower Susquehanna  
6 Riverkeeper Association, I'm giving comments tonight  
7 related to the draft renewal permit for Modern  
8 Landfill owned and operated by Republic Services of  
9 Pennsylvania, located in Windsor Township and Lower  
10 Windsor Township, York County, Pennsylvania.

11 So for the - and these are a lot of  
12 technical comments. So these are a lot of technical  
13 comments that I'm going to suggest tonight. I'm  
14 addressing a couple of things within the permit. So  
15 there's a couple other toxics that are listed on  
16 pages 28 and 29. Republic may also be in  
17 compliance, but it - it apparently has not monitored  
18 for those pollutants, since the new RO system has  
19 become operational. A three-year compliance  
20 schedule should not be allowed unless and until  
21 Republic monitors the discharges from its new RO  
22 system and demonstrates that the new limits are not  
23 - not already being achieved.

24 So for PFAS, the draft permit is  
25 consistent with the December '22 EPA guidance

1 requiring quarterly monitoring and sample analysis  
2 using draft method 1633. But as DEP recognizes,  
3 Reverse Osmosis systems may achieve PFAS removal  
4 efficiencies of greater than - greater than 99  
5 percent, Fact Sheet page 41. It's important to note  
6 here, though, that the Reverse Osmosis treatment  
7 Republic has implemented is not achieving greater  
8 than 99 percent, per recent data provided by  
9 Republic and compared to data collected by citizens  
10 in 2022.

11                   So site specific technology based  
12 effluent limits, also known as TBELs for PFAS  
13 discharges developed on a professional judgment on  
14 best professional judgment basis, may be appropriate  
15 for facilities for which there are no applicable  
16 effluent guidelines. PA DEP should tailor the PFAS  
17 limits to the - to the removal rates achieved by the  
18 new RO system, if those limits would be more  
19 stringent than water quality based limits.  
20 Furthermore, there are already six months of data  
21 collected by Republic Services and that is  
22 sufficient to set a limit, based on the agency's  
23 best professional judgment on what that limit should  
24 be.

25                   Given there is still a discharge of

1 PFAS to Kreutz Creek and the Susquehanna Watershed  
2 going on as we speak, we advocate for additional  
3 PFAS treatment prior to discharge, which could  
4 include granular activated carbon, anion exchange or  
5 other methods. So PA DEP recognizes that RO systems  
6 generally generate a relatively large, concentrated  
7 stream which will contain PFAS as well as other  
8 rejected dissolved species which will require  
9 disposal or additional treatment, also listed on  
10 Fact Sheet page 41. However, the draft permit  
11 imposes no requirements to monitor PFAS in the - in  
12 the RO reject water and places no limits on how or  
13 where it can be disposed of.

14 Republic may be trucking and disposing  
15 of the RO reject water to publicly owned treatment  
16 works, which would then discharge the PFAS without  
17 adequate treatment back into surface waters. PA DEP  
18 must require monitoring of the PFAS in the RO reject  
19 water and prohibit it from being discharged directly  
20 or indirectly into surface water without further  
21 analysis of impacts on the existing Pennsylvania  
22 MCL's permit - on the MCL's maximum criteria limits  
23 permit imposition of an applicable permit limit or  
24 further treatment.

25 Otherwise, Republic would be



1 improperly transferring the PFAS from one - one  
2 waterway to another. Finally, given the estimated  
3 useful life left at Modern Landfill and public  
4 opposition against expansion - which is at a brand  
5 new site, not at the existing site - the landfill  
6 should be given a date certain for closure and  
7 capped. In addition, many other landfills around  
8 the country have implemented visual landscape  
9 synthesis plans, which creates habitat for local  
10 species and it's used for aesthetic purposes for all  
11 of us in this room, so we don't have to see a  
12 landfall. It should be a requirement that a visual  
13 landscape plan be designed and constructed prior to  
14 or immediately following the landfill's closure.

15                   And we - we do not support the draft  
16 permit as - as it is right now, specifically,  
17 looking at this reject water. We need to know where  
18 it's going, how it's being treated and there cannot  
19 be another permit issued unless we all know where  
20 that's going. And - and again, like I mentioned,  
21 it's going to require DEP to do something around  
22 that, which, again, we're not certain of right now.  
23 So that's one thing that's definitely something to  
24 look at. Thank you.

25                   MR. REPETZ: Thank you, Ted.

1 Next is Phil Rohrbaugh.

2 MR. ROHRBAUGH: Okay.

3 I'm Phil, P-H-I-L, Rohrbaugh, R-O-H-R-  
4 B-A-U-G-H.

5 Good evening, everyone. I'm Phil  
6 Rohrbaugh. I'm one of the three townships  
7 supervisors here in Lower Windsor Township. And I  
8 want to make just a few comments around this renewal  
9 of this permit. And really the testimony I'm going  
10 to give is to foreshadow some written testimony  
11 we'll provide to DEP by Tuesday.

12 As I sat through many, many township  
13 meetings since I became a township supervisor, there  
14 have been many comments expressed to us about health  
15 and safety around the landfill. And we've been  
16 consistent in our messaging to our community that  
17 say we have a high degree of reliance on DEP from an  
18 oversight and monitoring perspective. So consistent  
19 with that view and reliance on DEP, we intend to  
20 provide commentary on the proposed permit - or the  
21 renewal permit that's too extensive for us to cover  
22 in my oral testimony. And we'll provide that to you  
23 by Tuesday.

24 One thing I want to encourage DEP to  
25 do is to provide full response and clarity to the

1 comments we will make. And not provide them in any  
2 abbreviated fashion, because I think there's a real  
3 desire on the part of the community to want to  
4 understand certain things associated with the  
5 landfill.

6           But our comments will really run to  
7 four areas and a few other miscellaneous items. We  
8 want to understand more about sampling and the  
9 perspectives around sampling, both in terms of  
10 frequency and the components being sampled and the  
11 conclusions being reached. We'll have some specific  
12 questions around that area, but we have a point of  
13 view relative to how to think about sampling and  
14 what's being done if we're going to be effectively  
15 monitoring that. And we're placing reliance on DEP  
16 to do that.

17           The second area that we really want to  
18 understand better is putting leachate from another  
19 landfill, Conestoga, into this landfill, which goes  
20 through a certain - a treatment plan and fully want  
21 to understand a number of questions around that  
22 area, as well. And again, our community will  
23 understand our concerns, questions that we'll post  
24 to our website as part of the letter that we'll send  
25 to DEP. But again, I think fully understanding your

1 view around those issues would be helpful to our  
2 residents and our community.

3           Third, although I think Ted mentioned  
4 this, the interim period to meet fluid levels seems  
5 long, as we looked at it. And we'll have some  
6 observations for you around that area, because we've  
7 been challenged as recently as August with an NOV.  
8 So we want to understand exactly how this monitoring  
9 is occurring.

10           And then finally, with respect to the  
11 toxic reduction evaluation, we have a point of view  
12 it should apply to all toxic discharges and not to  
13 just a few. And if you have a view that's  
14 alternative to that, it'd be good to explain why  
15 those other areas are not being considered.

16           Again, I want to thank you for the  
17 opportunity to make these oral comments, but we will  
18 be following up with a much more lengthy written  
19 testimony. Thank you.

20           MR. REPETZ: Thank you, Phil.

21           That concludes the list of those who  
22 have pre-registered to speak tonight.

23           At this point, does anyone else wish  
24 to offer testimony here at this hearing? Going  
25 once?

1                   MR. DIETZ: May I offer some  
2 testimony? I mean, I was talking for Jim.

3                   Can I talk for myself?

4                   MR. REPETZ: Anyone else?

5                   Okay.

6                   MR. DIETZ: Lee Dietz, L-E-E, D-I-E-T-  
7 Z. Okay. I read this paper from Jim. Now it's  
8 time for me to speak.

9                   I was in business, much like the  
10 gentleman that came up and talked in favor of the  
11 landfill, in favor of Republic. And I understand  
12 where you people are coming from. However, you all  
13 said that you recommend that Republic get their  
14 permits and go about the way things are going now.  
15 You also all said that you think they're doing an  
16 excellent job. You also told us, in your own way,  
17 that you depend on them - your income depends on  
18 them.

19                   What you didn't tell us is - or  
20 mention anything about what they're putting into the  
21 creek. You didn't mention anything at all about how  
22 people are getting cancer and the things that are  
23 coming from the creek and from the wells that are in  
24 the area.

25                   So my question to you is, yes, I

1 understand it's a business. I understand Republic  
2 makes a lot of money here and things, but in what  
3 regards are you people thinking about the people  
4 that are coming in contact with those chemicals and  
5 things that are being leached into the creek and  
6 that it's proven - or mostly proven that the wells  
7 around there are being contaminated?

8 I don't - I didn't hear of anybody  
9 saying that about the testing that was done in the  
10 wells in the area of Gun Club Road. All the wells  
11 have the same chemicals that are coming from the  
12 landfill. Can we prove it? I don't know. If that  
13 chemical is here and my well is here (indicating),  
14 yes, I'd pretty much say that's what's happening.

15 So consider that. Consider the people  
16 that are downstream from the landfill. Consider the  
17 people that are - have livestock that are drinking  
18 that water from Kreutz Creek and these people that  
19 are eating that meat from that livestock. Consider  
20 the guys that have land right along the creek and  
21 are hunting and things and harvesting deer and  
22 they're eating them. So there's a lot more to it  
23 than these companies that spoke and said that they  
24 really think things are all well and good.

25 I'll tell you what I'll do here.

1 We'll make light of this. I will have a banquet for  
2 all the people that spoke tonight. And what we'll  
3 do, I have people in the area. We're going to - we  
4 have a guy that just got a deer yesterday or the day  
5 before and we're going to - we're going to make that  
6 for you. Now, that was right along the creek and  
7 the deer actually ran into the creek and died. But  
8 we'll serve that. We have a farmer that has cattle  
9 - beef cattle, right along Kreutz Creek who will  
10 provide steaks for us. We have a lady that makes  
11 the best lemonade and Kool-Aid. Unfortunately, her  
12 well's downhill from the landfill.

13                   You guys are all invited. If you will  
14 come, we'll serve you those things and we'll have a  
15 good time. Maybe we can get to know each other a  
16 little bit. That's pretty much it. I know I'm  
17 making a little bit light of it, but think about it.

18       These people who are eating that stuff every day,  
19 they have children and grandchildren. And think  
20 about your children and grandchildren that are  
21 playing in that creek in the summertime. There's a  
22 park in Hellam that that creek goes right down  
23 along. We've seen kids there in the creek playing.

24                   These businesses that talked, what do  
25 you think about those kids? What if your kids or

1 grandkids were playing there? What if they were  
2 drinking that water or that lemonade? That's a lot  
3 to think about and just allowing this to go on  
4 without better handling the contaminants that are  
5 coming from the land. I thank you for your time.  
6 Thanks.

7 MR. REPETZ: Thank you, Lee.  
8 Ma'am, would you like to say  
9 something?

10 MS. ILGENFRITZ: My name is Shelby, S-  
11 H-E-L-B-Y, Ilgenfritz, I-L-G-E-N-F-R-I-T-Z.

12 I spent the early parts of my years  
13 living down the road from the landfill when it was  
14 definitely a dump and our well water was bad then.  
15 My mom didn't understand why and that was probably  
16 because we didn't have access to the Internet and  
17 everything else that we have now. And she tried to  
18 blame it on the willow tree that was right over the  
19 well, but I am now really thinking that it was from  
20 the landfill.

21 Both my parents died in late '19 -  
22 2018 and early 2019 from different types of cancer  
23 and I'm wondering if some of that was because of the  
24 toxins that we were exposed to when I was a child.  
25 And then we lived down on Fake Hollow Road. I don't



1 know if any of that water from our well was from up  
2 here. I don't think so.

3                   But still, I had to breathe the air  
4 and the stink and deal with the traffic and the  
5 trucks. My aunt was hit by a Mack truck many years  
6 ago in Yorkana. It shattered her back and she has  
7 permanent disability because of that Mac truck  
8 hauling trash to the landfill. Okay. So this  
9 personally affects my family, too.

10                   I'm concerned now. I live on Gun Club  
11 Road and I don't have public water. It stopped a  
12 couple of doors up from me. And I purchased a  
13 house, and at the time, I was under the impression -  
14 I heard the rumors, probably, I suspect were spread  
15 by Modern that they were going to close. My mom  
16 heard at the time that they were going to close, so  
17 I thought, well, I'll buy it. They're going to  
18 close. They're going to go away.

19                   They're still here. And I had to  
20 spend \$4,000 to buy a reverse osmosis water cleaning  
21 system for my house to try and attempt to get rid of  
22 the PFAS and every other piece of junk that's in our  
23 water. And I - every time I - even with this thing  
24 that's supposed to clean my water, every time I turn  
25 on the tap, every time I get in the tub, I am

1 concerned that I'm going to get cancer, because that  
2 landfill is polluting our water. So what's more  
3 important? Clean air, clean water, clean earth.  
4 The water that goes down the creek is endangering  
5 the lives of the bog turtles that are endangered  
6 species. And what are we going to do, kill all the  
7 animals? Kill yourselves for money? Is that the  
8 answer? Money is more important than our health and  
9 well being. That's all I've got. Thanks.

10 MR. REPETZ: Thank you, Shelby.

11 Anyone else wish to make any comments?

12

13 Yes, ma'am.

14 MS. PFEIFFER: My name is Becky

15 Pfeiffer, B-E-C-K-Y, P-F-E-I-F-F-E-R.

16 I think that Modern Landfill does a  
17 real nice job around our area, keeping everything  
18 clean. I think you've done a great job doing what  
19 you've done and improving the area. We've been here  
20 40 years, 50 years dealing with the landfill. The  
21 \$23 million investment that you folks tout has been  
22 forced upon Modern Landfill. They've gone through  
23 numerous reviews where the leachate plant was not  
24 working and hasn't been working. The only reason  
25 that they're going to be able to do this is because

1 they're investing \$23 million and they have to  
2 invest that. If they cared about the community,  
3 this investment would have been made some time ago.

4           The people that are touting that are -  
5 that find the landfill advantageous, do not live in  
6 our community. They're from outside of the  
7 community and they benefit from dumping these things  
8 in our community. The trash that's being laid on  
9 top of the landfill is not soil. It's the  
10 automotive shredder dust that's being removed from  
11 Prospect Metal. It also comes probably from Redline  
12 Auto. So there are a lot of outside influences that  
13 are having an influence on our community.

14           I think that's pretty much all I  
15 really have to say is I think that you guys ought to  
16 think about it. It's not us here. It's outside  
17 influences that are - and they haven't built a new  
18 landfill in 25 years. If they put in a new landfill  
19 and if you let them have this permit, what stops the  
20 next permit? It's not an expansion - it's an  
21 expansion of their services, but if they put a new  
22 landfill there, they're going to put it in that  
23 basin if they can get it and we're going to start  
24 all over again.

25           If they close the landfill tomorrow,

1 it's a 30 year post closure process. We won't be  
2 able to put million dollar homes on that landfill.  
3 People seem to think you'll be able to put some big  
4 house up there. You'll never put a tree on that  
5 landfill. You'll never put big buildings on that  
6 landfill and it'll take 30 years before you put  
7 anything on that landfill. I'm 65 now. I'd like to  
8 walk on that landfill in 30 years and say, that's  
9 it. And I hope you guys let us do that. Thank you.

10 MR. REPETZ: Thank you.

11 Anyone else wish to offer testimony  
12 this evening?

13 MS. ASHTON: Okay. My name is Lonna  
14 Ashton. I'm from Windsor Township. L-O-N-N-A, A-S-  
15 H-T-O-N. Thank you.

16 Windsor Township, I'm not sure that we  
17 got enough information concerning this meeting to  
18 come, but my friend JoAnne Dietz had informed me  
19 about the meeting, so I came to get information  
20 tonight. And if I can offer a suggestion for the  
21 next time, sitting down there, we all cannot hear  
22 all of the comments to even form an opinion about  
23 what's happening tonight. So if you do have another  
24 meeting, it would be nice to have a microphone or  
25 something so we all could hear it.

1                   But I live in Windsor Township and  
2 it's kind of - its across from Locust Grove  
3 Elementary School. So when we bought the property,  
4 we couldn't see Modern Landfill at all from our  
5 property. Now, from our backyard, we have a nice  
6 visual of Modern Landfill.

7                   I took a class over at Millersville  
8 concerning - and we did environmental things and we  
9 took a tour of Modern Landfill at that time. And I  
10 wasn't here for the beginning, so I don't know if  
11 anybody's here from Modern Landfill. And I know I  
12 can't get this question answered, but we were told  
13 as a class at that time that Modern Landfill would  
14 not go any higher than the topography of the land  
15 around it. Well, obviously it has, because we can  
16 see it from our backyard now. So I don't know if  
17 anybody in the future - I have my email over there -  
18 can answer that question for me.

19                   And also I would like to know - I'll  
20 call my supervisors to see if we're having any  
21 meetings concerning this also.

22                   My husband also puts, from Starview  
23 Fish Association up in Starview - up around Mount  
24 Wolf. And they put trout - they raise trout and  
25 they put trout in that stream. And he goes down as

1 well as other people from Mount Wolf and Manchester  
2 area and fish. And it really concerns me tonight.  
3 I mean, love those trout and they come home - and he  
4 brings them home and we eat them. And now I'm a  
5 little concerned. And I'm going to have him bring  
6 that up at his Starview meetings as to maybe that  
7 water should be tested before any more of their fish  
8 are put in that stream.

9 I thank you for that time. And not  
10 being from Lower Windsor, I appreciate being allowed  
11 to get up and speak. Thank you.

12 MR. REPETZ: Thank you, Lonna.

13 Anyone else wish to offer any  
14 testimony this evening? Yes, ma'am.

15 MS. FETROW: Hello. Thank you for  
16 letting me speak.

17 My name is Carolyn, C-A-R-O-L-Y-N,  
18 Fetrow, F as in Frank, E-T-R-O-W. I live in Hellam  
19 Township. And as most of you know, Hellam Township  
20 is downstream of all of you and downstream of the  
21 landfill. One of the reasons that I'm here is  
22 because I represent the Hellam Township  
23 Environmental Advisory Council. And we have been  
24 listening to informational meetings about this issue  
25 for about a year - at least a year, maybe longer.

1                   In our township - in our - the EAC  
2 meetings, Ted has presented some information and  
3 we've also heard from some other business owners.  
4 And I, too, respect the business side of this. I  
5 know you have to make a living and that's important.

6                   However, I have a very personal side  
7 to this. I grew up along Kreutz Creek. My maiden  
8 name is Bear. Some of you might know where Bear's  
9 Mill is. We swam in Kreutz Creek all of my  
10 childhood. I now do not like my grandchildren to go  
11 into the creek, because I'm very nervous about them  
12 being in the water or having - you know, when you  
13 swim in it, you swallow some of it. And I don't  
14 want them to get sick. I don't want to get sick.

15                   So this is a very personal issue for  
16 me and I would recommend that if you do decide to  
17 renew the permit, you create a system of  
18 accountability that makes certain that the residents  
19 of Lower Windsor Township and Hellam Township are  
20 not being poisoned. That's it.

21                   MR. REPETZ: Thank you, Carolyn.

22                   Anyone else? Going once? Twice?

23                   Okay.

24                   Well, thank you very much. That will  
25 conclude, then, this evening's public hearing. A

1 reminder that DEP will accept written comments until  
2 4:00 p.m. next Tuesday, October 10th. And if you  
3 wish to submit written comments or questions, please  
4 see us for the proper contact information.

5                   With that, thank you for your  
6 attendance this evening. Thank you for all the  
7 comments that you've made. We appreciate your  
8 interest in this topic. Please have a safe trip  
9 home and have a good night. Thank you.

10                                   \* \* \* \* \*

11                                   HEARING CONCLUDED AT 7:05 P.M.

12                                   \* \* \* \* \*

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

## CERTIFICATE

I hereby certify that the foregoing proceedings, hearing held before Maria D. Bebenek, was reported by me on October 4, 2023 and that I, Sophia Mahoney, read this transcript, and that I attest that this transcript is a true and accurate record of the proceeding.

Date the 16 day of October, 2023



Sophia Mahoney,  
Court Reporter