

# **Tri-County Landfill, Inc**

Re-opening of Existing Closed Municipal Waste Landfill

Liberty and Pine Township

Mercer County

NPDES Permit No. PA0263664

Comment and Response Document

March 6, 2023

## Industrial Waste NPDES Permit; Tri-County Landfill, Inc.

On September 18, 2019, Tri-County Landfill, Inc. applied to the Pennsylvania Department of Environmental Protection (Department) for a NPDES Permit to discharge industrial waste and stormwater associated with industrial activities from the proposed reopening of the existing closed municipal waste landfill known as Tri-County Landfill (Tri-County) in Pine and Liberty Townships, Mercer County. On November 28, 2020, the draft permit was posted in the PA Bulletin for a 30-day comment period, which was extended 15 additional days upon request. The Department received comments from the public and the permittee on the draft NPDES Permit. On April 15, 2021, a virtual public hearing was held where members of the public were permitted to provide testimony and comment on the application. This document contains the Department's summary of, and the Department's responses, to those comments and verbal and written testimony submitted subsequent to the public hearing.

Many of the comments received were similar and concentrated on a few major issues: radiological concerns related to the acceptance of oil and gas waste at the landfill, flooding concerns, impact from the industrial waste discharges to groundwater and water wells, human health, wildlife health, proposed permittee's compliance history, and submitted application data and information. Most of the comments were grouped into these categories prior to the Department's response. Comments related to the Solid Waste Permit, which was issued in December 28, 2020, were not addressed in this document.

A list of those providing comments and testimony is included in Appendix A. This list also identifies the category where each of the comment issues were grouped together. Draft comments, the public hearing transcript, and public hearing comments/testimony can be found in the Appendixes B, C, and D.

## **Radiological Concerns**

Numerous comments were received expressing concern over waste from oil and gas exploration and production activities being accepted for disposal at the landfill and the potential for these wastes containing radioactive constituents that may be discharged into the rivers and streams.

### **Department's Response**

The Department did not consider radiological parameters in the draft NPDES Permit because municipal waste landfills are not required to sample for them in NPDES Permit applications and the applicant did not propose acceptance of oil and gas wastewater (brine, production water) in the upcoming permit cycle. If the treatment plant did accept oil and gas wastewater in addition to treating leachate, the treatment plant would be classified as a Centralized Waste Treatment (CWT) facility, subject to 40 CFR Part 437 regulations and a different classification under 25 Pa. Code § 95.10. During the draft comment period, it was discovered that the pending Solid Waste Permit listed oil and gas waste (drilling mud) as being acceptable at the facility. Drilling mud is not considered oil and gas wastewater in regulatory terms.

The Solid Waste Permit issued in 2020 to Tri-County Landfill, Inc. authorizes the acceptance of waste from oil and gas activities for placement in the landfill and as alternative daily cover. All waste entering a municipal waste landfill must be examined for radiation in accordance with the facility's approved radiation protection plan. Each municipal waste landfill in the Commonwealth is assigned a monthly source term allocation each year that is calculated by the Department's Bureau of Radiation Protection for the amount of TENORM (technologically enhanced naturally occurring radioactive material) the landfill can receive. This monthly limit is calculated based on the size of the landfill and amount of waste received each year. Tri-County's compliance with the monthly limit will be monitored during the operation of the proposed landfill in accordance with Form X or the Solid Waste Permit.

In 2004, the Department began a study of the amount of tritium radiation being released in landfill leachate. This two-year study on each of the 54 landfills in the Commonwealth found the resulting concentrations of tritium were well below not only the United States Environmental Protection Agency (USEPA) maximum contaminant level (MCL) of 20,000 pCi/L for tritium in drinking water, but also well below 10% of that MCL. The Department has continued to require tritium sampling in landfill leachate as part of the annual analysis and sampling is required under the Solid Waste Permit.

After the draft comment period, the information contained in the Technologically Enhance Naturally Occurring Radioactive Materials (TENORM) Study Report (updated 5/18/2016), which can be found on DEP's website here (<https://www.dep.pa.gov/Business/RadiationProtection/Pages/TENORM.aspx>), was also considered. See Section 5 of the Report for the description of the landfill leachate data collected/locations; see also Section 9.1.3 (Landfill Observations); Section 9.2.3 (Landfill Recommendations). Based on the findings of this Report, the Department does not believe there will be any environmental or health impacts as a result of this proposed discharge.

However, due to public concern across the Commonwealth, a strategy to independently collect and analyze samples of leachate for Radium 226 and Radium 228 at existing landfills across the Commonwealth that discharge directly to surface waters was developed and implemented to further evaluate the presence of radiological pollutants. There is also an ongoing sampling effort between landfill owners and the Department's Waste Management Program to collect and analyze quarterly samples of untreated leachate for radiological parameters at all landfills in Pennsylvania. The Department initiated quarterly sampling of treated landfill effluent in 2022 at existing landfills. Since this landfill is not part of the current sampling effort, quarterly sampling for radium 226 and radium 228 will be included in the permit so that effluent quality can be evaluated alongside data collected from existing landfills to determine if any additional permitting requirements are necessary in the future based on recommendations from the Department's Radiation Protection Program. A special condition will be placed in the permit requiring that analysis for radium 226 and radium 228 be conducted using EPA Methods 903 and 904 (or equivalent), respectively. Using these methods (radiochemistry) will allow for a lower and more accurate detection limit to be achieved.

A reopener clause was also placed in Part C.VI. of the permit in the event the leachate discharge is found to have a detrimental impact on the environment or human health based on actual effluent quality when and if the treatment plant is put into operation.

### **Drinking Water Concerns**

Numerous comments were received regarding the potential impact of the treated leachate discharge to contaminate potable water supplies, both public water supplies (PWS) and private water wells.

### **Department's Response**

As stated in the Fact Sheet, the nearest downstream potable water intake (surface water intake) is the PA American Water Company – Ellwood District intake on Connoquenessing Creek, approximately 35.4 miles downstream. Consideration for the PWS was accounted for using the Toxics Management Spreadsheet (TMS) to determine reasonable potential to exceed PWS or Human Health Criterion (THH) at the PWS or 12 hour compliance time (whichever is reached first) for parameters in Pollutant Groups 1 through 6 listed in the application.

Due to comments raised about potential impacts to private water wells and public water supply wells, a licensed Professional Geologist with the Department rendered a professional opinion on locating any water supplies per the Safe Drinking Water (SDW) regulatory definition between Outfall 006 and the previously identified nearest downstream PWS that could potentially be impacted by the treated leachate discharge. In response, the Department's Professional Geologist investigated and provided their findings in a memo dated 2/15/2023 (See Appendix E). The investigation determined that there was one private water well that could possibly be impacted, and it was recommended that the Clean Water Program further evaluate to ensure this water supply (WOC 1) is protected under the NPDES Permit.



Private Water Well WOC 1 is located approximately 9.053 miles downstream on Wolf Creek from Outfall 006 and approximately 50 feet from the waterway. Travel time to WOC 1 is more than the compliance time upon which PWS and THH water quality criterion would be applied (12 hours). Therefore, the TMS model does not need to be rerun to account for this well to ensure protection from parameters in Pollutant Groups 1 through 6 as those criteria are already applied upstream. There is also no perceived impact to WOC1 from radium 226 and radium 228 and other radiological parameters due to the earlier-discussed reasons, the degree of treatment necessary (desalination) to meet proposed NPDES Permit limitations at Outfall 006, and the amount of dilution available in Wolf Creek in the general vicinity of the location of WOC1.

### **Human Health and Wildlife Exposure Concerns**

Several comments were received expressing concern about the potential effects from human exposure and wildlife exposure downstream of the treated leachate discharge.

#### **Department's Response**

As part of the Departments review, water quality modeling of toxic pollutants was done using the Department's WQM 7.0 model, Toxics Management Spreadsheet (TMS), and TRC Spreadsheet to evaluate pollutants, as discussed in the Fact Sheet that accompanied the draft NPDES Permit. These models apply 25 Pa. Code Chapter 93 criteria, upon which public water supply, livestock water supply, wildlife water supply, irrigation, boating, water contact sports, and esthetics uses are all protected by incorporation. Methodology in EPA's "Toxic Management Strategy" guidance document is utilized in the TMS to determine reasonable potential and calculate water quality-based effluent limits. All recommended effluent limits and monitoring from the TMS was placed in the NPDES Permit.

### **Flooding Concerns**

Comments were received regarding concerns of exasperated flooding issues in the receiving stream due to the proposed NPDES outfalls, particularly private properties and State Route 258.

#### **Department's Response**

The permittee submitted a plan to manage surface water and control erosion during all phases of construction and operation as part of their Solid Waste Permit application. 25 Pa. Code § 273.242 requires the landfill to submit a surface water management plan based on a 24-hour precipitation event expected to occur once in 25 years and meet the requirement of 25 Pa. Code Chapter 102. Among other things, part of Chapter 102 requires utilization of measures or controls that prevent or minimize the generation of increased stormwater runoff.

The submitted application for the Solid Waste Permit had a Soil Erosion and Sedimentation Control Plan that had calculated estimated peak stormwater discharges from the landfill based on a 25-year, 24-hour storm event that would yield 4.2 inches of rainfall. Temporary and permanent control measures such as culverts, silt fences, straw bales, sedimentation basins, and proper vegetation are proposed to properly manage and control

stormwater runoff. Therefore, stormwater runoff contribution to streams should remain the same, if not reduced, during and after construction of the landfill, as opposed to the current site conditions.

Outfall 006 has an estimated average flow rate of 0.031529 MGD with no sudden spikes in flows during storm events being expected due to stormwater having to leach through the waste, be collected by the leachate collection system and finally go through the treatment units. The Department does not believe that proposed flow from Outfall 006 will significantly exasperate flooding in the receiving stream at this discharge volume.

### **Inaccurate Characterization of the Untreated Leachate**

Comments were received indicating the application contains non-representative and/or outdated analytical data to characterize the leachate that would be generated at this facility.

#### **Department's Response**

Analytical data presented in the application to characterize the raw leachate which could be expected from this proposed landfill came from two sources: raw leachate from the Seneca Landfill NPDES Permit (PA0210196) renewal application (Butler County), and Piezometer 29 well samples collected onsite at the landfill.

The raw leachate samples at Seneca Landfill were collected between December 2016 and September 2017, with additional voluntary sampling for some parameters collected between May 2020 and July 2020. The Department found this analytical data to be representative of leachate from new residual waste accepted at the plant as most residual waste currently collected from the surrounding areas is sent to Seneca Landfill.

Analytical data from Piezometer 29 was collected on September 19, 1994 and May 5, 2000. The Department found this analytical data to be representative of the leachate from the landfill due to the landfill not accepting any new wastes for many years.

It should be noted that an NPDES Permit must be renewed every 5 years, at which time new sampling (influent and effluent) must be conducted with the renewal application. The Department will, at that time, reevaluate the need for effluent limits based on the data from actual landfill operation. The permittee will be required to meet effluent limits of any future permit renewals.

### **Compliance History**

Several comments were received expressing concerns with the compliance history of companies owned by Vogel Holding, Inc., the ultimate parent company of Tri-County Landfill, Inc.

#### **Department's Response**

In accordance with DEP's Clean Water Program standard operating procedures, an applicant's compliance history is considered prior to making a final decision on any permit application. There are currently no open violations listed by the Department in any Program for this client at any of their current permitted facilities as of 3/06/2023.

In regards to past compliance history of the client, the Department's Waste Management Program prior to issuing the Solid Waste Permit for this facility had the following response: "Section 503(c) of the Solid Waste Management Act provides the Department with discretion to deny a permit if it finds that the principal of an applicant corporation is also the principal of another corporation that committed past violations of the act. The Department used this discretion as one of the reasons for the September 2013 denial of a previous application to reopen Tri-County Landfill. Since that time Vogel Holding Inc. has hired new employees and worked to improve the company's compliance history. The result has been a decrease in the number of violations for the companies under Vogel Holding Inc. The recent compliance history is on a par with or better than other comparable facilities operating within the Commonwealth."

The Department sees no reason to deny this NPDES Permit due to Tri-County Landfill or any of its affiliated companies' compliance history. Based on this, there is no reason to believe that Tri-County Landfill will not abide by the terms of this NPDES permit willfully.

### **Inaccurate Outfall Coordinates**

A comment was received that stormwater outfall coordinates listed in the permit appeared to be incorrect as it correlated to locations far from the proposed facility.

#### **Department's Response**

In response to this comment, the Department reached out to the permittee and requested verification of outfall coordinates. In response they indicated that the outfall coordinates provided in the application were incorrect and provided the Department with revised outfalls on a revised Page 2 of the permit application. The incorrect coordinates did not impact the development of the effluent limits for the draft permit however because the correct stream codes and river mile indexes were used in their development. Revised outfall coordinates will be placed in the final NPDES Permit.

### **Proposed Leachate Treatment**

A few comments were received with concerns over the proposed treatment plant design not being disclosed as part of the NPDES Permit.

#### **Department's Response**

The Department generally doesn't request a Water Quality Management (WQM) Permit application be submitted for the construction and operation of a treatment facility until the Final NPDES Permit is issued. This is because the treatment plant design professional engineer must know the NPDES Permit effluent limits to appropriately design the necessary treatment which will need to be installed to meet the effluent requirements of the NPDES Permit.

Once a final NPDES Permit is issued, a WQM Permit must then be obtained from the Department's Clean Water Program for the construction and operation of wastewater treatment plant prior to a discharge of industrial waste to occur. Based on the current effluent limits in the proposed NPDES Permit, the treatment plant will need to be designed to treat for organics, metals, volatiles, semi-volatiles, and salts (TDS), which will require a high degree of treatment. The permittee did indicate in a 10/15/2020 email that chlorine disinfection would be utilized as part of the proposed treatment.

### **Public Access to Information**

A few comments were received asking if the public will be notified of any permit violations, enforcements, or eDMR reports

#### **Department's Response**

Discharge monitoring reporting, inspection, violation, and enforcement reports associated with the NPDES Permit can all be accessed at any time by going to Wastewater Reports on the Department's website at the following link:

<https://www.dep.pa.gov/Business/Water/CleanWater/Pages/Wastewater-Reports.aspx>.

### **Existing Stream Impairment**

A few comments were received regarding the receiving stream being listed as impaired, but cause unknown, source unknown from a 2006 biological stream survey. It was suggested that a new survey be conducted to determine a cause.

#### **Department's Response**

The last stream assessment was conducted on 12/22/2006 and listed on the (CWA) Section 303(d) list in 2008. At the time of the stream assessment a definitive source(s) or cause(s) could not be determined using the assessment protocols at that time. The tributary was found to be able to support aquatic life, as discussed in the POFU Study conducted in 2011.

There are over 23,000 river miles in Pennsylvania with which the Department is responsible for assessing. With limited Department resources/staff, there are still streams that have never been assessed, and only some that have been reassessed. Because the tributaries were found to be impaired, it is highly likely that they will be reassessed in the future to determine a cause and source for developing a TMDL to address the impairment(s).

### **a-Terpineol**

The permittee pointed out in their comment letter that there was a discrepancy in the Daily Maximum concentration limit for a-terpineol between the draft NPDES Permit / PA Bulletin Notice and the Fact Sheet.

### Department's Response

The a-terpineol Daily Maximum concentration limit was incorrect on the draft NPDES Permit, PA Bulletin and limits table of the Fact Sheet by a decimal place. The technology-based daily maximum concentration limit should be 0.033 mg/l instead of 0.33 mg/l. This change will be made to the final NPDES Permit.

### **Fact Sheet Comments**

Multiple comments on the Fact Sheet were made by CEARSRA, Inc. in an email dated 12/18/2020.

### Department's Responses

To topics not previously discussed above, the Department offers the following responses:

- 1) Streamflow for the stormwater outfalls on Page 3 were not researched as the Department does not conduct water quality modeling for stormwater outfalls.
- 2) The POFU study used guidance found in Appendix B of the Department's guidance document #391-2000-014, Policy and Procedures for Evaluating Wastewater Discharges to Intermittent and Ephemeral Streams, Drainage Channels and Swales, and Storm Sewers (revised April 12, 2008).
- 3) No flow is expected during low flow conditions upon which effluent limits are determined. Therefore, no design flow is placed on Page 6. No flow is expected at either outfall until 25-year, 24-hour storm event that would yield 4.2 inches of rainfall is surpassed.
- 4) In reference to the comment about no mass or concentration limits for Outfalls 004 and 005 on Pages 11 and 12, please refer to Page 6 of the Fact Sheet.
- 5) Slope was not entered into the WQM 7.0 Input, and instead the default of "0" is displayed. The reach length and elevation drop are used by the model to derive the slope found on the Hydraulic Output page. The "3.0" that was inputted is the calculated drainage area at the end of the reach.
- 6) Relevant baseline data, where known to exist, was used in the water quality models.

# Appendix A

## Tri-County Landfill Hearing Testimony and Comments

Name		Radiological Concerns	Water Supply	Flooding	Human Health	Compliance History	Wildlife Protection Concerns	Leachate Quality Representation	Public Hearing	Other
First	Last									
Sally	Archibald	X					X		X	
Raymond & Dawn	Baselj	X					X		X	
Linda	Wall								X	General Nuisances
Molly	Breakiron	X								General Nuisances
Ann	Stranahan	X		X	X		X		X	
Megan	Best	X			X		X		X	Radon
Rachel	Richardson	X			X		X		X	
Deb	Hickly	X			X					
Paula	Renninger					X			X	General Nuisances
Jennifer	Harris		X			X			X	General Nuisances,
Rebecca	Weikle				X				X	General Nuisances
Karen	Ketler					X			X	General Nuisances
Beverly	Graham	X	X		X				X	
Doris	Steppe	X			X				X	
Ryan	Kaldari	X							X	
Jane	Deitrick		X			X			X	General Nuisances
Lanie	Timko	X		X	X		X		X	
Sandra	Karcher	X		X					X	
Thomas	Todarelle								X	
Michele	Fetting	X	X		X				X	
Robert	Pebbles				X		X		X	General Nuisances

(Liberty Twp	Supervisors)									
Brenda	Eperthener	X		X	X		X		X	
Jennifer	Michel	X	X		X	X	X		X	
Todd	Burns	X		X					X	Other Leachate Disposal Options
William & Lisa	Pritchard							X	X	
Pine Twp	Supervisors								X	
Kathleen	Orr	X		X	X	X	X		X	
Jeff	Orr	X		X	X		X		X	
CEASRA		X							X	Fact Sheet Issues, 15-day comment period extension
Michael & Jane	Cleary	X		X	X			X	X	Other Leachate Disposal Options, General Nuisances 15-day Comment period extension
Elizabeth (Tri-County	Betha Industries)									Additional and more stringent effluent limits, Sampling Frequencies.
Timothy (State Rep)	Bonner	X		X	X	X	X	X	X	Public notification of effluent Violations, How will Company Be held liable.
Beverly	Holtgraver	X	X		X		X		X	
Michael & Chris	Brown	X		X	X		X		X	
David	Taylor	X	X	X	X		X		X	General Nuisances
<b>Public Hearing Testimony</b>										
Dawn	Baselj	X								
Jane	Cleary	X		X	X	X	X	X	X	Airport Issue
Lyndsay	Denny							X		Unequal Permitting Practices
Paula	Renninger	X			X	X				Oversight
James	Highland	X			X					
Bill	Pritchard	X			X					Treatability, Groundwater
Jennifer	Michel	X	X		X	X	X	X		Stream evaluation
Chris	Brown	X						X		Stream Evaluation
Barbara	Shafran	X			X					Treatability

Lisa	Pritchard	X								
Todd	Spears	X			X					
Dan	Biddle	X	X		X		X			General Nuisances
Mike	Brown	X						X		Use of chlorine, Application and Permit Questions
Jeff	Kremis	X					X			
Tim	McGonigle	X								
Justin	Nobel	X								
Marc	Valentine	X								Non-Point Source Water Pollution
Rick	Dillaman		X							Stormwater, General Nuisances
Melinda	Lenkner	X		X	X		X			General Nuisances
Leigh Ann	Gilmore	X		X				X		
Bob	Pebbles	X		X	X					
Anthony	Sunseri		X							Update Hydraulic study
Joe	Mathews	X			X		X			
<b>Public Hearing Comments</b>										
Ed & Cindy	Swearer, Jr.		X							General Nuisances, Traffic
Jane	Cleary									Pre-Hearing Q&A
Gillian	Graber	X	X							
Justin	Nobel	X								General Nuisances, Monitoring
Lyndsay	Denny					X	X			
Dawn	Basejl	X					X			
Todd	Spears	X								
Deb	Hickly	X								
Dan	Biddle	X		X	X	X				
Stone	Helsel	X		X		X	X			
Jeremy	Baker	X	X							
Shannon	O'Neil Baker	X	X							
Leigh Ann	Gilmore	X	X	X		X	X	X		Error in SW Outfall Coordinates Update hydraulic study
Mike	Brown	X		X	X			X		Use of chlorine, Application and Permit Questions
Joan	Allen/Wilson	X			X					



Jane	Cleary	X			X	X	X	X		
Justin	Noble									
Timothy	Bonner	X			X		X			Economic Issues
Dr. John (Duquesne)	Stolz University)	X								Treatability of leachate
Mindy	Littleton									General nuisances
Jennifer	Michel	X	X				X	X		
Joanie	Baumgartner	X								General nuisances
Patricia & Richard	Dillaman	X					X			Contaminated runoff, General nuisances
Angela (PennFuture)	Kilbert	X		X				X		Application technicalities.
Marc (CEASRA)	Valentine		X			X				Permit and Application Technicalities
Beth (SWPA Envi	Weinberger Health Proj)	X			X					

## **Appendix B**

### **Tri-County Landfill Draft Permit Comments**

**Dickey, Justin**

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**From:** Sally Archibald <sally.archibald64@gmail.com>  
**Sent:** Tuesday, December 1, 2020 7:47 PM  
**To:** EP, NPDES\_NWRO  
**Subject:** [External] Request for Public Hearing

**ATTENTION:** This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to [CWOPA\\_SPAM@pa.gov](mailto:CWOPA_SPAM@pa.gov).

Sally Archibald  
606 Stowe Street  
Grove City, PA December 1, 2020

DEP Northwest Regional Office  
230 Chestnut Street  
Meadville, PA 16335-3481  
[RA-epnpdes\\_nwro@pa.gov](mailto:RA-epnpdes_nwro@pa.gov)

Attention: John Holden and Adam Pesek  
Re: Tri-County Landfill, NPDES Application PA 0263664  
Dear Sirs:

We wish to request a public hearing regarding the Tri-County Landfill National Pollutant Discharge Elimination application. As residents of the Grove City area we are concerned about the radioactive leachate and its danger to animals and wildlife as well as the continued well being of Wolf Creek and other nearby tributaries.

Thank you for your consideration of this request and these concerns,  
Sally Archibald

Cc: [ceasra@zoominternet.net](mailto:ceasra@zoominternet.net)

**Dickey, Justin**

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**From:** Dawn Baselj <baze692003@yahoo.com>  
**Sent:** Wednesday, December 2, 2020 3:26 PM  
**To:** EP, NPDES\_NWRO; Ceasra  
**Subject:** [External] Fw: Request for public hearing  
**Attachments:** My DEP NPDES letter with cc.docx

***ATTENTION:** This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to CWOPA\_SPAM@pa.gov.*

I'm sorry, I attached the incorrect letter. Here is the correct letter for my husband and I requesting a public hearing. I have spoken at each public hearing and would do this at this hearing if you will grant us a hearing to protect out community.

God Bless,  
Dawn

Raymond & Dawn Baselj  
69 Blom Road  
Grove City, Pa. 16127

DEP Northwest Regional Office  
230 Chestnut Street  
Meadville, PA 16335-3481  
RA-epnpdes\_nwro@pa.gov

Attention: John Holden and Adam Pesek

Re: Tri-County Landfill, NPDES Application PA 0263664

Dear Sirs:

We wish to request a public hearing regarding the Tri-County Landfill National Pollutant Discharge Elimination application. As residents of the Grove City area we are concerned about how this effect our community and the surrounding communities. Dumping 85,000 gallons daily of radioactive leachate near Route 258 will have a negative effect on the wildlife as well as Black Run which runs into Wolf Creek.

Thank you for your consideration of this request and these concerns,

Raymond & Dawn Baselj

Cc: ceasra@zoominternet.net

**Dickey, Justin**

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**From:** Dawn Baselj <baze692003@yahoo.com>  
**Sent:** Tuesday, December 1, 2020 10:20 PM  
**To:** EP, NPDES\_NWRO; Ceasra  
**Subject:** [External] Request for public hearing  
**Attachments:** DEP NPDES letter with cc.docx

***ATTENTION:** This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to CWOPA\_SPAM@pa.gov.*

Please find attached our letter requesting a public hearing. I will also be mailing one to your office to make sure it was received.

God Bless,

Dawn & Raymond Baselj

(your address and date)

DEP Northwest Regional Office  
230 Chestnut Street  
Meadville, PA 16335-3481  
RA-epnpdes\_nwro@pa.gov

Attention: John Holden and Adam Pesek

Re: Tri-County Landfill, NPDES Application PA 0263664

Dear Sirs:

We wish to request a public hearing regarding the Tri-County Landfill National Pollutant Discharge Elimination application. As residents of the Grove City area we are concerned about ...

(Insert your own concerns here – flooding on Route 258, radioactive leachate, danger to workers onsite, danger to animals and wildlife, danger to children playing in Black Run, Wolf Creek, nearby tributaries, etc. )

Thank you for your consideration of this request and these concerns,

(your name)

Cc: ceasra@zoominternet.net

**Dickey, Justin**

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**From:** Linda Wall <rlwall@zoominternet.net>  
**Sent:** Wednesday, December 2, 2020 11:20 AM  
**To:** EP, NPDES\_NWRO  
**Subject:** [External] Leachate dumped near Rt. : 258

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We live near there and across from the Tri County Landfill. Please, please let us have a public hearing on this. It's bad enough that they are in a residential area let alone now dumping more waste into our water. Thank you. Linda and Robert Wall

Sent from my iPhone



**Dickey, Justin**

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**From:** Molly Breakiron <molly12222@gmail.com>  
**Sent:** Wednesday, December 2, 2020 12:28 PM  
**To:** EP, NPDES\_NWRO  
**Subject:** [External] Tri county in Grove City

**ATTENTION:** *This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to CWOPA\_SPAM@pa.gov.*

As a resident of Grove City and a fisherman and a mother I am deeply disturbed about the new idea of dumping liquid waste in our community. I ask you to reconsider.

Thank you,

Molly Breakiron

**Dickey, Justin**

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**From:** Ann Stranahan <sastranahan@me.com>  
**Sent:** Wednesday, December 2, 2020 12:33 PM  
**To:** EP, NPDES\_NWRO  
**Cc:** ceasra@zoominternet.net  
**Subject:** [External] Tri County Landfill, NPDES Application PA 0263664

ATTENTION: This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to CWOPA\_SPAM@pa.gov.

We request a public hearing regarding the Tri-County Landfill National Pollutant Discharge Elimination application. As residents of the Grove City area we are concerned about radioactive leachate, danger to workers, flooding on Rt. 258, danger to animals and wildlife, and danger to children playing in Black Run, Wolf Creek and nearby tributaries.

Thank you for your consideration.

Sylvia Ann Stranahan

## Dickey, Justin

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**From:** Megan Best <mraebest@gmail.com>  
**Sent:** Wednesday, December 2, 2020 2:06 PM  
**To:** EP, NPDES\_NWRO  
**Cc:** CEASRA@zoominternet.net  
**Subject:** [External] URGENT CONCERN

***ATTENTION:** This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to CWOPA\_SPAM@pa.gov.*

Megan R. Best  
218 East Pine Street  
Grove City, PA 16127

Attention: John Holden And Adam Pesek

Re: Tri-County Landfill, NPDES Application PA 0263664

Dear Sirs:

I wish to request a public hearing regarding the Tri-County Landfill National Pollutant Discharge Elimination application. As a resident of Grove City area, along with my family and 4 year old son, I am deeply concerned about the dumping of 85,000 gallons of fracking waste, or better yet, often times radioactive waste near Route 258. The high levels of radon in the Marcellus shale is profound. This is not only an environmental concern for our beautiful wildlife but also an extreme danger to workers. Among many other issues is health risks that should be taken and viewed in the highest regard for our residents and our children. I simply can't fathom this to be permissible in the town that I grew up in and am now raising my family in.

Thank you for your consideration in this request and the above mentioned concerns.

Sincerely,  
Megan R. Best

**Dickey, Justin**

---

**From:** Jim and Rachel Richardson <jimnrachel\_richardson@embarqmail.com>  
**Sent:** Thursday, December 3, 2020 6:38 AM  
**To:** EP, NPDES\_NWRO  
**Cc:** CEASRA  
**Subject:** [External] We need a public hearing

**ATTENTION:** *This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to CWOPA\_SPAM@pa.gov.*

To Whom It May Concern:

As a resident of Pine Township whose house is less than a half mile from the TCI Landfill, I am concerned with the request for a permit allowing the dumping of radioactive leachate at 85,000 gallons a day which in one year would be over 31 million gallons would adversely affect not only my health but the health friends and family living around this area as well.

Thank you for your time.

Rachel Richardson

**Dickey, Justin**

---

**From:** Deb Hickly <hicklys@zoominternet.net>  
**Sent:** Thursday, December 3, 2020 9:13 AM  
**To:** EP, NPDES\_NWRO; ceasra@zoominternet.net; Deb Hickly  
**Subject:** [External] Tri-County Landfill

**ATTENTION:** This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to [CWOPA\\_SPAM@pa.gov](mailto:CWOPA_SPAM@pa.gov).

I have recently learned that DEP has issued a notice that they tentatively plan to allow Tri-County Landfill to dump radio active leachate near Rte 258 in Grove City, PA.

I'm not only shocked, but alarmed at this information!!!

Our home is nearby this site and we live close to Wolf Creek, where I suspect this will leak into.

This is my HOME...this is my neighborhood...this is where I raise my children!!

I adamantly oppose dumping ANYTHING harmful into an area that is sooooo close to anything residential.

Please do not move forward with this!! This will directly impact my family and my town!!

Please have respect for the families who have lived here for YEARS and will continue to live here and raise their families here, and do not move forward with this unsafe and terrible plan!!

Surely you can find an alternative that would not negatively impact our town and our families.

Deb Hickly

**Dickey, Justin**

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**From:** Paula Renninger <paulad26.2@gmail.com>  
**Sent:** Thursday, December 3, 2020 10:02 AM  
**To:** EP, NPDES\_NWRO  
**Subject:** [External] Tricounty Grove City NPDES app 0263664

**ATTENTION:** This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to [CWOPA\\_SPAM@pa.gov](mailto:CWOPA_SPAM@pa.gov).

Dear Sirs:

I am writing to request a public hearing regarding Tri-County Landfill National Pollutant Discharge Elimination application (Tricounty in Grove City NPDES App PA 0263664). As a resident of Grove City, PA, I am very concerned about this waste being deposited in our peaceful little town and contaminating our natural water sources. Also, Tricounty has been trying to expand or utilize the landfill on Route 208 for years. Every time their motives have been questionable and not in the best interest of our community! We need to concern the impact this new application would have on our community.

Thank you for your time and consideration of my concerns and I hope you do hold a public meeting regarding this matter. And if COVID prevents a meeting at this time, you would postpone their application until the community has the ability to express their concerns.

Paula D. Renninger

Philippians 4:13 I can do all things through Christ who strengthens me.

**Dickey, Justin**

---

**From:** Paula Renninger <lifefitservices@gmail.com>  
**Sent:** Thursday, December 3, 2020 10:03 AM  
**To:** EP, NPDES\_NWRO  
**Subject:** [External] Tricounty in Grove City, NPDES App 0263664

**ATTENTION:** This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to [CWOPA\\_SPAM@pa.gov](mailto:CWOPA_SPAM@pa.gov).

Dear Sirs:

I am writing to request a public hearing regarding Tri-County Landfill National Pollutant Discharge Elimination application (Tricounty in Grove City NPDES App PA 0263664). As a resident of Grove City, PA, I am very concerned about this waste being deposited in our peaceful little town and contaminating our natural water sources. Also, Tricounty has been trying to expand or utilize the landfill on Route 208 for years. Every time their motives have been questionable and not in the best interest of our community! We need to concern the impact this new application would have on our community.

Thank you for your time and consideration of my concerns and I hope you do hold a public meeting regarding this matter. And if COVID prevents a meeting at this time, you would postpone their application until the community has the ability to express their concerns.

**Paula D. Renninger, M.S.**

**Paula Your Health and Wellness Coach, LLC**

**Keep your vitality. A life without health is like a river without water. Maxime Lagacé**

**Dickey, Justin**

---

**From:** Trent and Jennifer Harris <jahtrh@msn.com>  
**Sent:** Thursday, December 3, 2020 10:02 AM  
**To:** EP, NPDES\_NWRO  
**Subject:** [External] Tri-County landfill

ATTENTION: This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to CWOPA\_SPAM@pa.gov.

Dear Sirs:

I am writing to request a public hearing regarding Tri-County Landfill National Pollutant Discharge Elimination application (Tricounty in Grove City NPDES App PA 0263664). As a resident of Grove City, PA, I am very concerned about this waste being deposited in our peaceful little town and contaminating our natural water sources. Also, Tricounty has been trying to expand or utilize the landfill on Route 208 for years. Every time their motives have been questionable and not in the best interest of our community! We need to consider the impact this new application would have on our community. We live close to the landfill and have well water. We do not want this contaminating all the wells located close to the landfill.

Thank you for your time and consideration of my concerns and I hope you do hold a public meeting regarding this matter. And if COVID prevents a meeting at this time, you would postpone their application until the community has the ability to express their concerns.

Jennifer Harris



**Dickey, Justin**

---

**From:** Rebecca Weikle <bbweikle@gmail.com>  
**Sent:** Thursday, December 3, 2020 11:34 AM  
**To:** EP, NPDES\_NWRO  
**Subject:** [External] STOP Tri-County ~ no waste!

**ATTENTION:** This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to [CWOPA\\_SPAM@pa.gov](mailto:CWOPA_SPAM@pa.gov).

To Whom It May Concern,

As a resident of Grove City I respectfully request that the waste that Tri-County plans to begin depositing in our area be STOPPED! We live in a small quiet community, areas with wells, creeks, streams, and ponds. Please do not allow Tri-County Industries to dirty up our land and contaminate our water destroying our health and way of life. Please STOP the Tri-County Landfill National Pollutant Discharge Elimination application (Tricounty in Grove City NPDES App PA 0263664) at once. Tri-County is a big corporation and we are a small town filled with people of modest incomes. We can't stop this nonsense without your help. Tri-County does not have our best interest in mind but only ways to expand their big business and their monetary bottom line.

If nothing else, please consider a public hearing regarding this matter so that the voices of our small community can be heard and taken into consideration. If the current COVID situation prevents a public hearing then please postpone the approval of Tri-County Industries application until our voices can be heard. Don't let us become like Hinkley, California. Please do everything possible to keep our area clean and safe for our families for generations to come.

Thank you for your consideration to this matter,  
Rebecca Weikle

**Dickey, Justin**

---

**From:** Jim and Rachel Richardson <jimnrachel\_richardson@embarqmail.com>  
**Sent:** Thursday, December 3, 2020 9:18 PM  
**To:** EP, NPDES\_NWRO  
**Cc:** CEASRA  
**Subject:** [External] Public Meeting Please

**ATTENTION:** This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to [CWOPA\\_SPAM@pa.gov](mailto:CWOPA_SPAM@pa.gov).

Dear John Holden,

My husband and I live at 21 Hodil Road. Our house is less than a half mile from the TCI Landfill. I am concerned with the request for a permit for TCI Application #PA0263664 that would allow the dumping of radioactive leachate at 85,000 gallons a day. The yearly total would be over 31 million gallons and would adversely affect not only my health but also the health of family, friends, and the animals who call Pine, Liberty and Springfield Townships home. My phone number is 724-748-4115.

Thank you for your time.

Rachel Richardson

**Dickey, Justin**

---

**From:** Karen Ketler <karen.ketler@gmail.com>  
**Sent:** Thursday, December 3, 2020 10:07 PM  
**To:** EP, NPDES\_NWRO  
**Cc:** ceasra@zoominternet.net  
**Subject:** [External] Tri County Landfill

ATTENTION: This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to CWOPA\_SPAM@pa.gov.

Dear Sirs:

I am writing to request a public hearing regarding Tri-County Landfill National Pollutant Discharge Elimination application (Tricounty in Grove City NPDES App PA 0263664). As a resident of Grove City, PA, I am very concerned about this waste being deposited in our peaceful little town and contaminating our natural water sources. Also, Tricounty has been trying to expand or utilize the landfill on Route 208 for years. Every time their motives have been questionable and not in the best interest of our community! We need to consider the impact this new application would have on our community.

Thank you for your time and consideration. If a public hearing is not feasible at this time due to Covid, please consider postponing their application until the community has the ability to express their concerns.

Sincerely,

Karen Ketler

Sent from my iPhone

**Dickey, Justin**

---

**From:** bgs5@zoominternet.net  
**Sent:** Friday, December 4, 2020 9:32 AM  
**To:** EP, NPDES\_NWRO  
**Cc:** bill  
**Subject:** [External] Public Hearing

*ATTENTION: This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to CWOPA\_SPAM@pa.gov.*

DEP Northwest Regional Office  
230 Chestnut Street  
Meadville, PA 16335-3481

Attention: John Holden and Adam Pesek

Re: Tri-County Landfill NPDES Application PA 0263664

Dear Sirs:

The purpose of this email is to request a public hearing regarding the Tri-County Landfill NPDES application. As a resident of Liberty Township and a neighbor to Black Run and Wolf Creek, I am very concerned about what will be running past my house. I have read the permit and understand that fracking waste could be used as daily cover at the proposed landfill. This waste is radioactive and will create radioactive leachate. Our area is already home to two Superfund sites, and our cancer rates exceed those of other counties. This leachate will only increase the likelihood of more cancer. Will we be able to drink or bathe in our water? What will this do to recreation activities that currently take place in our area? We need answers to our questions, and a public hearing should be the way to get those answers.

Thank you for your consideration of this request.

Sincerely,  
Beverly Graham  
49 Kimberly Drive  
Grove City, PA 16127

Dickey, Justin

---

**From:** Doris Steppe <doris\_steppe@hotmail.com>  
**Sent:** Friday, December 4, 2020 10:46 AM  
**To:** EP, NPDES\_NWRO  
**Subject:** [External] Radioactive leachate

***ATTENTION:** This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to CWOPA\_SPAM@pa.gov.*

PA DEP:

I understand that you may allow Tri-County Landfill to dump 85,000 gallons of radioactive leachate near Route 258, daily. DAILY ?!?!?

Radioactive material is harmful to human health. **I urge you to hold a public hearing, both in-person and via Zoom**, about this plan and alternatives.

What is a safe way to dispose of radioactive material? Underground? Or just dump it in a field or in a waterway? What?

Doris A. Steppe  
101 Granite St  
Aliquippa, PA 15001

**Dickey, Justin**

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**From:** Ryan Kaldari <kaldari@gmail.com>  
**Sent:** Friday, December 4, 2020 11:42 AM  
**To:** EP, NPDES\_NWRO  
**Subject:** [External] Tri-county Landfill NPDES application PA 0263664

**ATTENTION:** *This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to CWOPA\_SPAM@pa.gov.*

To whom it may concern,

I would like to request a public hearing regarding the Tri-County Landfill National Pollutant Discharge Elimination application (PA 0263664). I am deeply concerned that the dumping of potentially radioactive leachate will contaminate Black Run and Wolf Creek near the dumping site. Please do not grant this permit without a public hearing.

Thank you for your time and consideration,  
Ryan Kaldari

**Dickey, Justin**

---

**From:** jadeitrick@zoominternet.net  
**Sent:** Saturday, December 5, 2020 12:54 PM  
**To:** EP, NPDES\_NWRO  
**Subject:** [External] Request public hearing regarding landfill

**ATTENTION:** This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to [CWOPA\\_SPAM@pa.gov](mailto:CWOPA_SPAM@pa.gov).

Dear Sirs:

I am writing to request a public hearing regarding Tri-County Landfill National Pollutant Discharge Elimination application (Tricounty in Grove City NPDES App PA 0263664). As a resident of Grove City, PA, I am very concerned about this waste being deposited in our peaceful little town and contaminating our natural water sources. Also, Tricounty has been trying to expand or utilize the landfill on Route 208 for years. Every time their motives have been questionable and not in the best interest of our community! We need to consider the impact this new application would have on our community.

Thank you for your time and consideration. If a public hearing is not feasible at this time due to Covid, please consider postponing their application until the community has the ability to express their concerns.

Sincerely,

Mrs. Jane Deitrick  
Pine Township resident

**Dickey, Justin**

---

**From:** lanie timko <ebtimko@gmail.com>  
**Sent:** Saturday, December 5, 2020 9:03 PM  
**To:** EP, NPDES\_NWRO  
**Subject:** [External] Fwd: ATTN: John Holden and Adam Pesek - Tri-County Landfill, NPDES Application PA 0263664

ATTENTION: This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to CWOPA\_SPAM@pa.gov.

>  
> Dear Sirs:  
> We wish to request a public hearing regarding the Tri-County Landfill National Pollutant Discharge Elimination application. As Residents of Grove City area we are concerned about flooding on Route 258, radioactive leachate, danger to onsite workers, danger to the children who play in wolf creek, and danger the animals.  
>  
> Thank you for your consideration of this request and these concerns.  
>  
> Sincerely,  
> Lanie Timko



**Dickey, Justin**

---

**From:** Sandra Karcher <sandrakarcher44@gmail.com>  
**Sent:** Sunday, December 6, 2020 1:34 PM  
**To:** EP, NPDES\_NWRO  
**Subject:** [External] Public Hearing Request for Tri-County Landfill, NPDES Application PA 0263664

ATTENTION: This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to CWOPA\_SPAM@pa.gov.

DEP Northwest Regional Office  
230 Chestnut Street  
Meadville, PA 16335-3481  
RA-epnpdes\_nwro@pa.gov

Attention: John Holden and Adam Pesek  
Re: Tri-County Landfill, NPDES Application PA 0263664

Dear Sirs:

I would like to request a public hearing regarding the Tri-County Landfill National Pollutant Discharge Elimination application noted above. As a resident of the Grove City area, living just a few miles from the proposed site, I have some concerns regarding issues that have been raised in our community, specifically, the volume of water that will be added to one of our streams and the potential for that water to contain high levels of radium isotopes. A public meeting to clearly address these issues would be greatly appreciated.

Sincerely,

Sandra Karcher  
392 N. Liberty Road  
Grove City, PA 16127

**Dickey, Justin**

---

**From:** thomas todarello <ttodarello@zoominternet.net>  
**Sent:** Monday, December 7, 2020 4:35 PM  
**To:** EP, NPDES\_NWRO  
**Subject:** [External] Tri- county hearing request  
**Attachments:** [External] Tri- county hearing request

ATTENTION: This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to CWOPA\_SPAM@pa.gov.

**Dickey, Justin**

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**From:** thomas todarello <ttodarello@zoominternet.net>  
**Sent:** Monday, December 7, 2020 4:35 PM  
**To:** EP, NPDES\_NWRO  
**Subject:** [External] Tri- county hearing request  
**Attachments:** CEASRA - DEP letter to request public hearing 2019.pages

***Was not able to open this file attachment. ".pages" file extension? -JCD 12/8/2020***

**Dickey, Justin**

---

**From:** Michele Fetting <mfetting@breatheproject.org>  
**Sent:** Tuesday, December 8, 2020 1:49 PM  
**To:** EP, NPDES\_NWRO  
**Subject:** [External] Attention: John Holden and Adam Pesek Re: Tri-County Landfill, NPDES Application PA 0263664

ATTENTION: This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to CWOPA\_SPAM@pa.gov.

Hello Mr. Holden and Mr. Pesek,

I am writing to ask if you would hold a public hearing regarding the Tri-County Landfill accepting radioactive fracking waste.

Would you please let me know if you are willing to consider this request and when the hearing may be scheduled?

As you know, radioactive leachate threatens the drinking water of everyone downstream and presents immeasurable health effects.

Thank you,

Michele Fetting



**LIBERTY TOWNSHIP, MERCER COUNTY**

**COMMONWEALTH OF PENNSYLVANIA**

2873 MERCER-BUTLER PIKE , Grove City, PA 16127

Phone: 724-794-1773

December 11, 2020

DEP Northwest Regional Office

230 Chestnut Street

Meadville, PA 16335-3481

[RA-epnpdes\\_nwro@pa.gov](mailto:RA-epnpdes_nwro@pa.gov)

Attention: John Holden and Adam Pesek

Re: Tri-County Landfill, NPDES Application

Dear Sirs:

Liberty Township is requesting a public hearing regarding the Tri-County Landfill National Pollutant Discharge Elimination application. As Township Supervisors and residents of the community, we would like for us, as well as our citizens, to have an opportunity to get clarification on the permit, voice concerns about the impact on the environment, personal health, and wildlife health this may bring, and any other concerns they may have.

Thank you for your consideration of this request and these concerns,

Robert Pebbles Chairman of the Board,

Liberty Township Supervisors

Attest:

"In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, age, disability, sex, and familial status.(Not all prohibited bases apply to all programs).

To File a complaint of discrimination, write to USDA, Director, Office Of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800)795-3272(voice) or (202) 720-6382 (TDD)."

"This institution is an equal opportunity provider, and employer."

**Dickey, Justin**

---

**From:** Subscriber Subscriber <baeperth@zoominternet.net>  
**Sent:** Wednesday, December 9, 2020 5:35 PM  
**To:** EP, NPDES\_NWRO  
**Cc:** CEASRA  
**Subject:** [External] NPDES Permit for Tri County Landfill

***ATTENTION:** This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to CWOPA\_SPAM@pa.gov.*

Brenda Eperthener  
220 N Liberty Plaingrove Rd  
Grove City, PA 16127

December 9, 2020

DEP Northwest Regional Office  
230 Chestnut Street  
Meadville, PA 16335-3481  
RA-epnpdes\_nwro@pa.gov

Attention: John Holden and Adam Pesek  
Re: Tri-County Landfill, NPDES Application

Dear Sirs:

We wish to request a public hearing regarding the Tri-County Landfill (TCL) National Pollutant Discharge Elimination application. As residents of the Grove City area we are concerned about radioactive leachate. The permit application states that TCL may use fracking wastes as daily cover. Runoff from the landfill through this daily cover could carry radioactive particles into the waterways they intend to dump in Black Run, which runs into Wolf Creek.

This would cause threats to wildlife and anyone fishing or trapping in these areas.

I am also concerned about flooding along State Route 258 and on Amsterdam Road. In normal rainy season, there is potential for flooding without adding 75,000 to 100,000 gallons of leachate.

Thank you for your consideration of this request and these concerns,

Sincerely,  
Brenda  
Eperthener

Jennifer Michel  
15 Sparks Lane  
Grove City, PA 16127  
12/11/2020

DEP Northwest Regional Office  
230 Chestnut Street  
Meadville, PA 16335-3481  
RA-epnpdes\_nwro@pa.gov

Attention: John Holden and Adam Pesek

Re: Tri-County Landfill, NPDES Application PA 0263664

Dear Sirs:

We wish to request a public hearing regarding the Tri-County Landfill National Pollutant Discharge Elimination application. As residents of the Grove City area we are concerned about public health, and toxic pollution to the environment.

I have been informed that radioactive leachate from fracking may be placed in this landfill. Vogel has incurred thousands of dollars in fines for improper handling. As a parent of two young children I am concerned about pollution to the groundwater and local streams. In his plan to dump waste water into Black Run an extremely small stream. Which runs into Slippery Rock Creek and then the Beaver River then into the Ohio River. Thus polluting a lot of drinking water and animal habitat.

Thank you for your consideration, my number is 724-748-6130.

Jennifer Michel



## Dickey, Justin

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**From:** my acct <penshockey07@gmail.com>  
**Sent:** Friday, December 18, 2020 1:06 PM  
**To:** EP, NPDES\_NWRO  
**Subject:** Re: [External] Hearing request for Vogel Disposal  
**Attachments:** DEP.docx

Dear John Holden and Adam Pesek,  
Attached is the letter that I sent on December 11, 2020. It have been transferred to word so you should be able to open it.  
Thank you,  
Jennifer Michel

On Tue, Dec 15, 2020 at 1:13 PM my acct <[penshockey07@gmail.com](mailto:penshockey07@gmail.com)> wrote:  
Sure

On Tue, Dec 15, 2020, 12:54 PM EP, NPDES\_NWRO <[RA-EPNPDES\\_NWRO@pa.gov](mailto:RA-EPNPDES_NWRO@pa.gov)> wrote:

Jen,

I am unable to open the document from Google Drive. Are you able to send the file as an email attachment rather than a link to Google Drive?

Thank you,

**Justin C. Dickey, P.E.** | Environmental Engineer Manager  
Department of Environmental Protection | Clean Water Program

Northwest Regional Office  
230 Chestnut Street | Meadville, PA 16335

Phone: 814.332.6352 | Fax: 814.332.6121  
[www.dep.pa.gov](http://www.dep.pa.gov)

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**From:** my acct <[penshockey07@gmail.com](mailto:penshockey07@gmail.com)>  
**Sent:** Friday, December 11, 2020 12:04 PM  
**To:** EP, NPDES\_NWRO <[RA-EPNPDES\\_NWRO@pa.gov](mailto:RA-EPNPDES_NWRO@pa.gov)>; CEASRA <[ceasra@zoominternet.net](mailto:ceasra@zoominternet.net)>  
**Subject:** [External] Hearing request for Vogel Disposal

**ATTENTION:** This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to [CWOPA\\_SPAM@pa.gov](mailto:CWOPA_SPAM@pa.gov).

Dear John Holden and Adam Pesek,

Attached you will find a letter requesting a hearing for Vogel disposal services planned landfill.

Sincerely,



[DEP NPDES letter with cc.docx](#)

Jen Michel

**Dickey, Justin**

---

**From:** Email Admin <burns\_60@hotmail.com>  
**Sent:** Monday, December 14, 2020 3:50 PM  
**To:** EP, NPDES\_NWRO  
**Cc:** ceasra@zoominternet.net  
**Subject:** [External] Tri County Landfill NPDES Application #PA 0263664

ATTENTION: This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to CWOPA\_SPAM@pa.gov.

Attention: John Holden and Adam Pesek

I am writing to join with so many of my fellow citizens in requesting a public hearing on the Tri-County Landfill National Pollution Discharge Elimination application. As someone who was raised in close proximity to this industrial site and who now lives in the Grove City area I am deeply concerned by constant changes in this project by Tri-County, a consistent and unparalleled polluter. Particularly I don't like that originally they were going to truck the leachate away and now they are going to release it into the local creek which then flows into Wolf Creek and then Slippery Rock Creek. Where is all of this water going to go. Do you have an engineering study from them concerning potential flooding? And what about the chemicals, including quite likely radioactive leachate.

You need to hold a public hearing and require them to explain to your staff and the local citizens how this doesn't harm the local environment.

Thank you for considering these important environmental issues.

Todd Burns  
Marsh View Farm  
814-786-9750

Sent from my iPad

225 Center Church Road  
Grove City, PA 16127  
724-992-2435

December 6, 2020

DEP Northwest Regional Office  
230 Chestnut Street  
Meadville, PA 16335-3481



Attention: John Holden and Adam Pesek  
Re: Tri-County Landfill, NPDES Application PA0263664

Dear Sirs:

We wish to request a public hearing regarding the Tri-County Landfill Inc.'s National Pollutant Discharge Elimination System application. As residents of Pine Township, we are concerned about the leachate quality assumptions used in this permit application. Tri-County's leachate management plan found in Volume 6, Form 25 of the permit documents that the waste streams in the existing closed municipal waste stream is similar to those found in Vogel Holding's Seneca Landfill. The closed municipal waste disposal area was used by municipalities and industrial waste generators. In 1997 the U. S. Environmental Protection Agency performed superfund classification testing at the Tri-County landfill. Information obtained under the Freedom of Information Act documents that ground water and surface water testing found toxic waste including organic chemicals, fly ash and bottom ash. The EPA's worksheet scores for surface and ground water were 25.45 and 34.09 respectively. Scores of 28.50 and above are generally high enough to be included on the Nation Priority List as a superfund site.

In 1998 the EPA conducted quarterly testing of 32 residential wells surrounding the landfill. The analytic summaries documented that sixteen families had nine contaminants in their water that were over the federal "risk-based concentration" levels (RBC). The contaminants included carcinogens such as lead, arsenic,



chloroform, bromodichloromethane, dibromochloromethane, and the contaminants of barium, and copper. Nickel was documented at the maximum contaminant level (MCL) and thallium at the removal action level (RAL). The EPA also documented arsenic (RBC) in a stream southeast of the landfill and thallium (MCL) and arsenic (RBC) in the Tri-County monitoring wells at this time. Ten years earlier the EPA had carried out a "Site Inspection of Tri-County Industries" and documented high levels of contaminants in the monitoring wells including lead at 540 ppb, arsenic at 63 ppb, antimony at 957 ppb, barium at 548 ppb, and copper at 303 ppb. Attached is a May 2000 Tri-County laboratory related to the existing waste. The report shows many hazardous chemicals in excess of EPA limits. Also attached is a map of well contaminations that border the existing waste. The Seneca Landfill waste stream is significantly different than the existing closed municipal waste stream and should not be allowed for NPDES permitting purposes.

Thank you for your consideration of this request and these concerns,

  
William C. Pritchard

  
Lisa L. Pritchard

## ANALYTICAL REPORT



**Centre Analytical  
Laboratories, Inc.**

Page: 7

3048 Research Drive, State College PA 16801 814-231-8032 FAX 814-231-1253

TRICOUNTY INDUSTRIES  
155 TCI Park Drive  
Grove City, PA 16127  
Account Number: 2039

Contact: TRICOUNTY LANDFILL

Date Received: 25-MAY-00  
Date Reported: 13-JUN-00

Invoice Number:

Date Collected: 24-MAY-00

Client ID: PZ-29

Lab ID: L27485-10

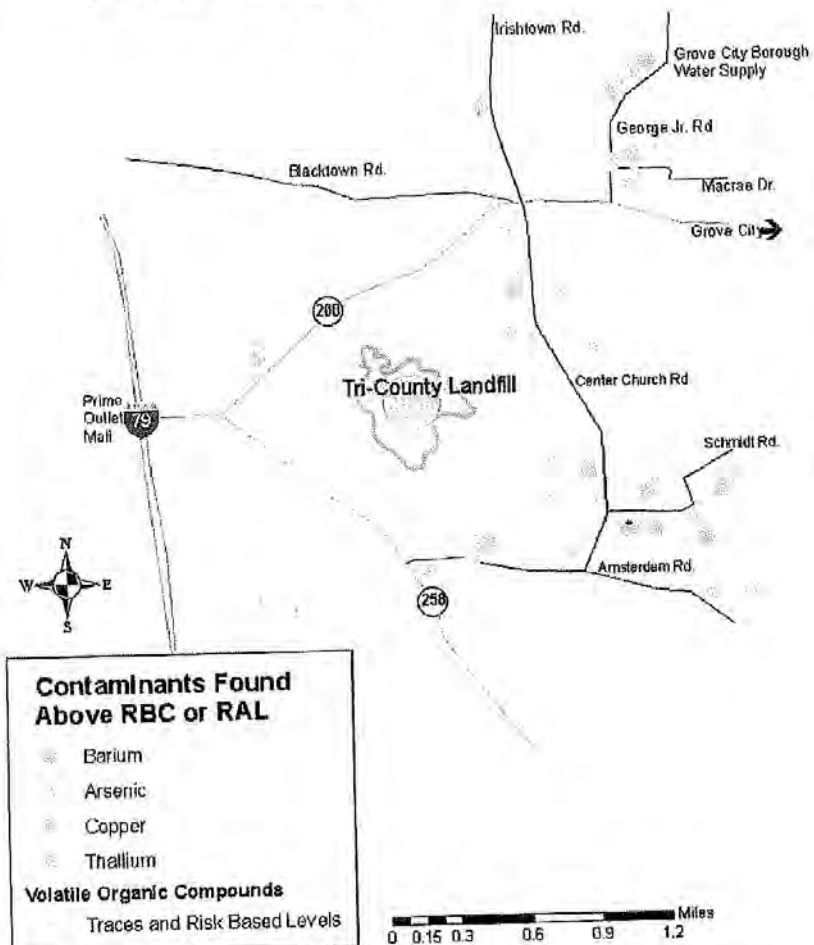
PIEZOMETER  
WELL IN WASTE PIT

PARAMETER	UNITS	RESULT	LIMIT OF QUANTITATION	TEST METHOD	TEST DATE	ANALYST
DIBENZ (A, H) ANTHRACENE	ug/L	< 10	10	EPA 8270	03-JUN-00	CS
BENZO (G, H, I) PERYLENE	ug/L	< 10	10	EPA 8270	03-JUN-00	CS
PYRIDINE	ug/L	< 10	10	EPA 8270	03-JUN-00	CS
2,3,6,6-TETRACHLOROPHENOL	ug/L	< 10	10	EPA 8270	03-JUN-00	CS
TOTAL DISSOLVED SOLIDS	mg/L	1520	1	EPA 160.1	10-MAY-00	ESM
TOTAL KJELDAHL NITROGEN	mg/L	213	2	EPA 351.2	13-JUN-00	JWH
ALLIUM-LOW LEVEL	mg/L	< .0002	.0002	EPA 200.8	14-JUN-00	JWH
ALLIUM-DISSOLVED-LOW LEVEL	mg/L	< .0002	.0002	EPA 200.8	14-JUN-00	JWH
TOTAL SUSPENDED SOLIDS	mg/L	247	1	EPA 160.2	25-MAY-00	ESM
VANADIUM-TOTAL	mg/L	< .01	.01	EPA 200.7	02-JUN-00	ESM
VANADIUM-DISSOLVED	mg/L	< .01	.01	EPA 200.7	02-JUN-00	ESM
VOLATILE ANALYSIS	ug/L	14	5	EPA 8260	25-MAY-00	JS
BENZENE	ug/L	< 5	5	EPA 8260	25-MAY-00	JS
1,2-DICHLOROETHANE	ug/L	< 5	5	EPA 8260	25-MAY-00	JS
1,1-DICHLOROETHANE	ug/L	< 5	5	EPA 8260	25-MAY-00	JS
1,2-DICHLOROETHANE	ug/L	< 5	5	EPA 8260	25-MAY-00	JS
CIS-1,2-DICHLOROETHENE	ug/L	< 5	5	EPA 8260	25-MAY-00	JS
TRANS-1,2-DICHLOROETHENE	ug/L	215	5	EPA 8260	25-MAY-00	JS
ETHYLBENZENE	ug/L	< 5	5	EPA 8260	25-MAY-00	JS
DICHLOROMETHANE	ug/L	< 5	5	EPA 8260	25-MAY-00	JS
TETRACHLOROETHENE	ug/L	.43	5	EPA 8260	25-MAY-00	JS
TOLUENE	ug/L	< 5	5	EPA 8260	25-MAY-00	JS
1,1,1-TRICHLOROETHANE	ug/L	< 5	5	EPA 8260	25-MAY-00	JS
TRICHLOROETHENE	ug/L	< 10	10	EPA 8260	25-MAY-00	JS
VINYL CHLORIDE	ug/L	377	5	EPA 8260	25-MAY-00	JS
M, P-XYLENE	ug/L	102	5	EPA 8260	25-MAY-00	JS
O-XYLENE	ug/L					

Please refer to the reverse side for our standard terms and conditions.

# Well Contaminants Above RBC or RAL Near Tri-County Waste Disposal

(EPA Residential Testing 1997-2000)





545 Barkelyville Road  
Grove City, PA 16127

PINE TOWNSHIP, MERCER COUNTY  
COMMONWEALTH OF PENNSYLVANIA  
[www.pinetownship.org](http://www.pinetownship.org)

Ph: (724) 458-7229  
Fax: (724) 458-4070

DEP Northwest Regional Office  
230 Chestnut Street  
Meadville, PA 16335-3481

Attention: John Holden and Adam Pesek

Re: Tri-County Landfill, NPDES Application PA0263664

Dear Sirs:

Pine Township requests a public hearing regarding the Tri-County Landfill National Pollutant Discharge Elimination Systems application. As the elected Pine Township officials we want our citizens to have the opportunity to better understand the permit, the related activity, ask questions and voice any concerns.

Thank you for your consideration this request.

Pine Township Supervisors



*"This institution is an equal opportunity provider, and employer."*



**Dickey, Justin**

---

**From:** Kathy <kporr13@gmail.com>  
**Sent:** Thursday, December 17, 2020 6:04 PM  
**To:** EP, NPDES\_NWRO  
**Subject:** [External] Tri County Landfill.

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Kathleen P Orr  
325 Amsterdam Rd  
Grove City, Pa 16127

DEP Northwest Regional Office  
230 Chestnut Street  
Meadville, PA 16335-3481  
[RA-epnpdes\\_nwro@pa.gov](mailto:RA-epnpdes_nwro@pa.gov)

Attention: John Holden and Adam Pesek  
Re: Tri-County Landfill, NPDES Application PA 0263664

Dear Sirs:

Black Run borders our property and we cannot sustain and hold the volume of water.

You are more than welcome to visit our property and see first hand the negative effects to the area. Please contact me anytime.

We wish to request a public hearing regarding the Tri-County Landfill National Pollutant Discharge Elimination application. As residents of the Grove City area we are concerned about ...  
– flooding on Route 258, radioactive leachate, danger to workers onsite, danger to animals and wildlife, danger to children playing in Black Run, Wolf Creek, nearby tributaries, etc. )

Thank you for your consideration of this request and these concerns,

Kathleen P Orr  
724-865-4598

Sent from my iPhone

**Dickey, Justin**

---

**From:** Kathy <kporr13@gmail.com>  
**Sent:** Thursday, December 17, 2020 5:57 PM  
**To:** EP, NPDES\_NWRO  
**Subject:** [External] Tri County Landfill.

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Kathleen P Orr  
325 Amsterdam Rd  
Grove City, Pa 16127

DEP Northwest Regional Office  
230 Chestnut Street  
Meadville, PA 16335-3481  
[RA-epnpdes\\_nwro@pa.gov](mailto:RA-epnpdes_nwro@pa.gov)

Attention: John Holden and Adam Pesek  
Re: Tri-County Landfill, NPDES Application PA 0263664

Dear Sirs:

Black Run borders our property and we cannot sustain and hold the volume of water.

You are more than welcome to visit our property and see first hand the negative effects to the area. Please contact me anytime.

We wish to request a public hearing regarding the Tri-County Landfill National Pollutant Discharge Elimination application. As residents of the Grove City area we are concerned about ...  
(Insert your own concerns here – flooding on Route 258, radioactive leachate, danger to workers onsite, danger to animals and wildlife, danger to children playing in Black Run, Wolf Creek, nearby tributaries, etc. )

Thank you for your consideration of this request and these concerns,

Kathleen P Orr  
724-865-4598

Sent from my iPhone

**Dickey, Justin**

---

**From:** Jeff Orr <jlorr07@gmail.com>  
**Sent:** Thursday, December 17, 2020 6:22 PM  
**To:** EP, NPDES\_NWRO  
**Cc:** CEASRA  
**Subject:** [External] PA 0263664

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325 Amsterdam Rd, Grove City, Pa. 16127

DEP Northwest Regional Office  
230 Chestnut Street  
Meadville, PA 16335-3481  
RA-epnpdes\_nwro@pa.gov

Attention: John Holden and Adam Pesek

Re: Tri-County Landfill, NPDES Application PA 0263664 Dear Sirs:

We wish to request a public hearing regarding the Tri-County Landfill National Pollutant Discharge Elimination application. As residents of the Grove City area we are concerned about flooding on Route 258, radioactive leachate, danger to workers onsite, danger to animals and wildlife, danger to children playing in Black Run, Wolf Creek, nearby tributaries, etc. Black Run creek runs through our property. Living here for forty years we have experience Black Run out of its banks after every heavy rain. Also, this creek is the home for wildlife and most recently river otters.

Thank you for your consideration of this request and these concerns,

Jeffrey Orr

Cc: ceasra@zoominternet.net

Sent from my iPhone

## Dickey, Justin

---

**From:** CEASRA <ceasra@zoominternet.net>  
**Sent:** Friday, December 18, 2020 7:50 AM  
**To:** EP, NPDES\_NWRO  
**Subject:** [External] Attention: John Holden and Adam Pesek - PA0263664  
**Attachments:** NPDES Taylor's review Edited.doc

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Re: PA0263664

Dear Mr. Holden and Mr. Pesek,

The Citizens' Environmental Association of the Slippery Rock Area (CEASRA, Inc.) is writing to you regarding the Tri-County Landfill NPDES permit application, #PA0263664. First, we wish to request a **public hearing** regarding this application, so that citizens in our community may address their concerns.

Secondly, the use of fracking wastes for daily cover will pose a serious danger, as fracking waste in western PA is often radioactive. We are requesting this oil and **gas drilling waste be removed as daily cover**, as listed in the main permit application.

Finally, we are asking for a **15 day extension to the 30 day public comment period**. We have not yet seen publication of this NPDES in our local paper, the *Allied News*. In addition, with this falling so close to the holidays, and with families disrupted with covid, we believe an extended response time would be appreciated by many.

**Attached please find a more detailed review of some of our concerns.**

Thank you for your attention to this matter,

Sincerely,

Bill Pritchard, President

Citizens' Environmental Association of the Slippery Rock Area, Inc.

**Review of:**  
**Tri-County Landfill, Inc.,**  
**NPDES PERMIT FACT SHEET**  
**INDIVIDUAL INDUSTRIAL WASTE(IW)**  
**AND IW STORMWATER**  
**(PERMIT NUMBER: PA0263664)**

**Dated September 18, 2019 (Received) Accepted September 24, 2019.**

**Pages 3 - 4:**

The datum for establishing "Unnamed Tributary Flow" has not been cited. The basis for statement made regarding stream flow rate must be presented.

Impairment of the perennial stream is likely a consequence of the unlawful re-channeling performed by Tri-County Industries, Inc. Tests should be taken to determine what toxins are in this perennial stream.

The Ellwood City Public Water Supply may not be the only municipal water supply affected. Radioactive leachate could also affect municipalities downstream along the Beaver River and the Ohio River.

**Page 4**

Examining a stream on one day - "A point of First Use (POFU) Study was conducted on the unnamed tributary on May 24, 2011" is not sufficient to establish a "perennial stream". Multiple tests are needed.

**Page 5:**

All information requested regarding "Treatment Plant Design" will be "based on effluent limits in this NPDES Permit when it is issued." It would seem that this "*places the cart before the horse*".

**Page 6:**

No estimate for design flow is given. Certainly reasonable upper and lower "Design Flow Limits" can be estimated. An estimated flow should be calculated.

A knowledge of climate records would allow making a reasonable estimate based on the area of the facility and  $\pm 2\sigma$  (~85%) of monthly or annual precipitation rates.

**Page 7:**

There does not appear to be an adequate understanding of the "industrial activities performed at the site". When the Osborne Superfund Site in Grove City was placed on the original national priorities list, the EPA found the same toxins in the Tri-County Landfill – often at higher levels. This is documented with EPA data which we can provide. (eg. in the Tri-County landfill application submitted in 2004, they included well data for PZ-29 which recorded ethylbenzene at 215 ug/L. and M,P-xylene at 377 ug/L.) TCL should be required to submit up to date samples of the leachate from Tri-County Landfill, not samples from Seneca Landfill. To our knowledge, Seneca Landfill does not accept fracking waste, so the sample submitted from there for this permit application is not representative, as TCL states.

**Page 10:**

**Stream Impairment**

The manner in which the stream (Unnamed Tributary) is impaired is neither defined nor specified. This could be remedied by a current Field Examination of the Stream. This data would be very important as a baseline.

**Page 11 - 12:**

“Proposed Effluent Limitations and Monitoring Requirements” for Outfalls 004 and 005, “Compliance Sampling Locations”, show no mass units per day or concentrations entered in the tables.

**Page 13 - 15:**

The main permit Application states that one of the daily covers will be “construction and demolition debris”, from which it is likely that lead could be leached. Lead should be added to the list.

Also deeply buried in that document was the likelihood that medical waste would be received. Therefore, nuclear medical diagnostic wastes should be added.

“Oil and Gas Drilling Wastes” will also be used as daily cover. The descriptive term “Oil and Gas Drilling Wastes” could and can encompass “drilling mud” and return fluids from fracking procedures. The so-called “Halliburton Amendment” has given all materials used in the petroleum/gas exploration and drilling industry proprietary protection from disclosing the identities of any materials before or after use in operations. In the absence of knowledge regarding chemicals contained in fracking waste, one can only depend upon journalists acting in the public interest. Justin Nobel has researched the oil and gas drilling fracking waste issue in western PA with respect to radioactivity.(1) The primary radioactive nuclides, as contained in fracking waste from the Marcellus and Utica shales, presenting a hazard are radium 226, an alpha emitter, and radium 228, a beta emitter. Neither of these two nuclides is referenced in the table on pages 13-14 – and they should be added. (Nobel, Justin, [America's Radioactive Secret](#) Rolling Stone, Feb 2020, issue 1336, pp. 74-94. )

Other elements present in fracking waste are bismuth, arsenic, barium, and strontium. Bismuth and strontium are toxic in high concentrations and should also be added to the list.

**Pages 15-1–15-3:**

Arsenic and barium are listed with discharge limits on page 15-1. Radium 226 and 228 and strontium are listed on page 15-3. Curiously, no maximum discharge limits are listed for these three nuclides as well as no discharge limits for Gross Alpha and Total Beta emitters. “Maximum Discharge Limits” should be added. If Oil/Gas Drilling/Fracking Waste will be used as “daily cover,” sampling for radio nuclides likely to be present in such wastes should be required.



## **Discharge Information**

### **Input Data WQM 7.0**

The pages are WQM (Water Quality Model?) runs for the 34302 tributary eventually emptying into Black Run. **Q7-10**, **Q1-10**, and **Q30-10** are sampling station numbers. Note that Input Data is quite frequently *ZERO*. Multiple samples should be taken for baseline data. Curiously, the slope, in feet per foot, is listed as 3.0000. This would seem to correspond to a waterfall. This must be an error.

### **WQM 7.0 Hydrodynamic Outputs (for the 34302 Tributary)**

Here the "Reach Slope" is more reasonably recorded as 0.00355 feet per foot.

## **OVERALL ASSESSMENT**

Much of this permit is a formality. Apparently, a permit application may be submitted with a limited amount of data, some application portions existing as models, and NO description of the materials which could, and would, contribute to landfill leachate. Given the likelihood of hazardous wastes being brought into Tri-County Landfill, which they will be unable to properly clean, this should not be allowed.

U.S. Fish and Wildlife's and, later, the US Army Corps of Engineers mapping indicate large areas of aquifer recharge zones in depressional wetlands that lie within the Black Run watershed. If and when leachate output exceeds the stream's capacity, there will be increased risk of ground water pollution.

Current samples from impaired tributaries and landfill pit samples should be taken to acquire baseline data.

Under any circumstances, as long as oil/gas drilling production waste can be applied as "daily cover", radiological monitoring, specifically targeting radionuclides harmful to humans, must be required.

Given all the serious hazards of radioactive fracking waste, it is our request that oil and gas drilling residuals be removed from the permit as daily cover

Citizens' Environmental Association of the Slippery Rock Area (CEASRA, Inc.)

Bill Pritchard, President

25 Macrae Drive, Grove City PA 16127

724-372-0482

With assistance from Dr. David C. Taylor, PhD. – CEASRA Member and retired Chemistry professor  
9 December 2020

25 Macrae Drive  
Grove City, PA 16127  
Phone 724-748-3044  
December 19, 2020

DEP Northwest Regional Office  
230 Chestnut Street  
Meadville, PA 16335-3481  
RA-epnpdes\_nwro@pa.gov

Attention: **John Holden and Adam Pesek**

Re: Tri-County Landfill, NPDES Application **PA 0263664**

Dear Sirs:

We wish to request a public hearing regarding the Tri-County Landfill (TCL) National Pollutant Discharge Elimination (NPDES) application. As residents of the Grove City area we are concerned about the following issues:

- “Gas Drilling Residuals” and other materials that are likely to be radioactive should be removed from the “Proposed Alternate Daily Covers” (Application, Section Q 11, page 1). In western PA oil and gas fracking wastes are often radioactive ([America's Radioactive Secret](#), Rolling Stone, Feb. 2020, pages 74-94)
- In the 2018 main application TCL lists 3 choices for disposing of the leachate. The first choice was for the Pine Township municipal sewer system, but Pine Township rejected that plan. Second choice was to ship the leachate to the Franklin Township Municipal Sanitary Authority in Murrysville. Why did that plan fall through? The Westmoreland Co. Sanitary Landfill has accepted fracking waste since 2010. However, in May 2020 a judge ordered the landfill to stop sending its radioactive leachate to the Belle Vernon sewage-treatment plant as it was killing the microbes needed to digest the sewage ([America's Radioactive Secret](#), page 26). We don't want this leachate destroying the health of our streams – and the health of our residents who boat, fish, and swim in these waters.
- The assumption throughout the application is that the leachate from Tri-County Landfill will be similar to leachate from the Seneca Landfill. This is vastly erroneous. TCL received the same hazardous wastes documented to be in the Grove City Osborne Superfund site. This is verified in numerous well water monitoring by TCL, and well as the EPA. Attached is one such record by Centre Analytical Laboratories in May 2000 showing a TCL well with Ethylbenzene=215, and M,P-Xylene=377. This was included in TCL's 2004 landfill application.



- Data submitted for this NPDES is 20 years old. New samples should be provided.
- Wolf Creek, which will be receiving the leachate, is a protected trout stream – just yet another way for folks to ingest radionuclides.
- Consultants for Liberty Township, where the leachate will be dumped, indicate there is a likely possibility that 85,000 gallons a day will cause flooding on State Route #258.
- The wetlands in the same area will most likely be damaged.

Thank you for your consideration of this request and these concerns,

Dr. Michael Cleary

Jane Cleary

Cc: ceasra@zoominternet.net



# Centre Analytical Laboratories, Inc.

Page: 7

3048 Research Drive, State College PA 16801 814-231-8032 FAX 814-231-1253

TRICOUNTY INDUSTRIES  
159 TCI Park Drive  
Grove City, PA 16127  
Account Number: 2039

Contact: TRICOUNTY LANDFILL

Date Received: 25-MAY-00  
Date Reported: 13-JUL-00

Invoice Number:

Date Collected: 24-MAY-00

Client ID: PZ-29

Lab ID: L27485-10

WELL IN WASTE PIT

PARAMETER	UNITS	RESULT	LIMIT OF QUANTIFICATION	TEST METHOD	TEST DATE	ANALYST
DIBENZ (A, H) ANTHRACENE	ug/L	< 10	10	EPA 8270	03-JUN-00	CS
BENZO (G, H, I) PERYLENE	ug/L	< 10	10	EPA 8270	03-JUN-00	CS
PYRIDINE	ug/L	< 10	10	EPA 8270	03-JUN-00	CS
2,3,5,6-TETRACHLOROPHENOL	ug/L	< 10	10	EPA 8270	03-JUN-00	CS
TOTAL DISSOLVED SOLIDS	mg/L	1520	1	EPA 160.1	30-MAY-00	ESM
TOTAL KJELDAHL NITROGEN	mg/L	213	2	EPA 351.2	13-JUN-00	JWR
ALLIUM-LOW LEVEL	mg/L	< .0002	.0002	EPA 200.8	14-JUN-00	JWR
ALLIUM-DISSOLVED-LOW LEVEL	mg/L	< .0002	.0002	EPA 200.8	14-JUN-00	JWR
TOTAL SUSPENDED SOLIDS	mg/L	247	1	EPA 160.2	26-MAY-00	ESM
VANADIUM-TOTAL	mg/L	< .01	.01	EPA 200.7	02-JUN-00	DEH
VANADIUM-DISSOLVED	mg/L	< .01	.01	EPA 200.7	02-JUN-00	DEH
VOLATILE ANALYSIS (EPA 8260)						
BENZENE	ug/L	14	5	EPA 8260	25-MAY-00	JS
1,2-DICHLOROETHANE	ug/L	< 5	5	EPA 8260	25-MAY-00	JS
1,1-DICHLOROETHANE	ug/L	< 5	5	EPA 8260	25-MAY-00	JS
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TRANS-1,2-DICHLOROETHENE	ug/L	< 5	5	EPA 8260	25-MAY-00	JS
ETHYLBENZENE	ug/L	215	5	EPA 8260	25-MAY-00	JS
DICHLOROMETHANE	ug/L	< 5	5	EPA 8260	25-MAY-00	JS
TETRACHLOROETHENE	ug/L	< 5	5	EPA 8260	25-MAY-00	JS
TOLUENE	ug/L	43	5	EPA 8260	25-MAY-00	JS
1,1,1-TRICHLOROETHANE	ug/L	< 5	5	EPA 8260	25-MAY-00	JS
TRICHLOROETHENE	ug/L	< 5	5	EPA 8260	25-MAY-00	JS
VINYL CHLORIDE	ug/L	< 10	10	EPA 8260	25-MAY-00	JS
M,P-XYLENE	ug/L	377	5	EPA 8260	25-MAY-00	JS
O-XYLENE	ug/L	102	5	EPA 8260	25-MAY-00	JS

Please refer to the reverse side for our standard terms and conditions.

## Dickey, Justin

---

**From:** jane cleary <cleary2@zoominternet.net>  
**Sent:** Saturday, December 19, 2020 11:40 AM  
**To:** EP, NPDES\_NWRO  
**Cc:** ceasra  
**Subject:** [External] Attention: John Holden and Adam Pesek, Re: Tri-County Landfill, NPDES Application PA 0263664  
**Attachments:** DEP NPDES letter from Clearys.docx; well data from 2004 permit application-3.jpg.png

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Dear Mr. Holden and Mr. Pesek,

Attached please find a letter to you both regarding our concerns about the Tri-County Landfill NPDES permit application, #0263664. In addition to our specific issues, we are requesting the following:

- Please grant the local citizens a public hearing regarding this permit application
- Please remove oil and gas fracking wastes from the main permit application
- Please grant a 15-day extension for folks to make public comment. We have not seen a public notice in our local newspaper, the *Allied News*, regarding this NPDES application. In addition, with the holidays and covid, most folks are unaware of this application.

Thanks to you both for all your time and attention to this application.

Sincerely,

Jane and Michael Cleary

25 Macrae Drive, Grove City, PA 16127

724-748-3044

**Pesek, Adam**

---

**From:** Elizabeth Bertha <ebertha@senecalandfill.com>  
**Sent:** Monday, December 21, 2020 12:26 PM  
**To:** Pesek, Adam; Dickey, Justin  
**Cc:** Alan Miller; DeLattre, Clement; David Smith; Eddie Vogel; Jim Echard; Lvallett@baigroupllc.com  
**Subject:** [External] re: Tri County Landfill (NPDES Permit No. PA0263664 - Auth ID No. 1288854)

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Adam,

Thanks for the call this morning. I understand that the additional limits can be attributed to multiple factors, including: hardness-based parameters, additional water quality criteria resulting from DEP's triennial reviews, and discharge modeling. Additionally, the sampling frequencies are derived from Table 6.4 of the Permit Writer's Manual (Technical Guidance Document No. 362-0400-001). Based on our discussion, Tri-County has no additional questions or comments.

Further, you stated that DEP had received multiple comments from the public. One of the concerns repeatedly mentioned is the possibility of radiation in the discharge. We discussed the multi-layer approval and monitoring process established in conjunction with the Bureau of Waste Management and the Bureau of Radiation Protection beginning with the Form U waste approval process, followed by scanning of each load for radiation and the TENORM Monthly Disposal Balance calculations. If you need additional information on any of these measures, let me know. As far as wastewater discharge analysis for radium, this is not a parameter that Seneca Landfill is required to test for. The only test results I could find were submitted to DEP with Seneca Landfill's 2012 NPDES Permit Renewal Application. If you need me to forward this information to you, let me know.

I also understand from our discussion that DEP has received 2 requests for a 15-day extension to the public comment period and numerous requests for a public meeting/hearing. Please keep us apprised of DEP's decisions related to these requests.

Thanks,  
Liz

**Elizabeth R. Bertha**, EHS Director  
Vogel Holding Companies  
P.O. Box 1080, Mars, PA 16046  
Mobile: (724) 816-6149  
<http://www.vogelholdinginc.com/>

On Friday, December 18, 2020 3:23 PM, Elizabeth Bertha wrote:

Adam,



Thank you for the opportunity to comment on the draft NPDES Permit No. PA0263664 for the Tri-County Landfill. Upon review, there are a few items that we would like to bring up as points of discussion:

1. In comparison to the draft NPDES permit for this facility from 2011, there are several new parameters for Outfall 006 with established limits: Color, Chromium III, Dissolved Iron, Lead, Manganese, Selenium, Thallium, alpha-Endosulfan, Ethylbenzene, Methylene Chloride, Naphthalene, Total Phenolics, Toluene, and Vinyl Chloride. We understand that based on the WQBEL/Pentox modeling it was determined that these several additional parameters met the criteria for limits, but we're curious as to why there are more parameters now than in 2011. These parameters were included in the application in 2009 and had detections, but didn't trigger effluent limits. What changed?

2. There are two parameters that have significant changes to the effluent concentration limitations (by an order of magnitude) between the draft in 2011 and this NPDES draft. Can you explain the reason for the difference?

- Total Cadmium in 2011 Monthly Average – 0.012 mg/L; and 2020 Monthly Average – 0.0012 mg/L
- Benzene in 2011 Monthly Average – 0.023 mg/L; and 2020 Monthly Average – 0.0025 mg/L

3. In addition, there are significant differences in the monitoring frequencies between the 2011 and 2020 draft permits for the following parameters: DO, TRC, O&G, Fecal Coliform, Total Zinc, Phenol, a-Terpineol, Benzoic Acid, and p-Cresol. Can you provide justification for the increased monitoring frequencies for these parameters and the "new" parameters referenced in Comment 1, or is there some leeway?

4. Is there a typographical error in the Daily Maximum concentration limit for a-Terpineol? Part A, Condition I.C of the permit and the Public Notice both list the limit as 0.33 mg/L, but the TBEL from the fact sheet has the limit listed as 0.033 mg/L.

As most of these comments request clarification in lieu of action, I thought an email more appropriate to initially present our comments. If you prefer a letter, please let me know.

If you have any questions or would like to schedule a call to discuss our comments further, please let me know.

Thanks,  
Liz

**Elizabeth R. Bertha**, EHS Director  
Vogel Holding Companies  
P.O. Box 1080, Mars, PA 16046  
Mobile: (724) 816-6149  
<http://www.vogelholdinginc.com/>

On Monday, November 09, 2020 1:29 PM, Pesek, Adam wrote:

Mr. Vogel,

Thank you for emailing me to confirm that electronic documents are acceptable. Please find attached the draft permit documents for the NPDES permit application for the Tri County Landfill facility that you submitted to the Department of Environmental Protection on September 18, 2019, for the facility located at 159 TCI Park Drive, in Liberty Township, Mercer County (NPDES Permit Number PA0263664 – Auth 1288854). The attached documents include the Cover Letter, draft NPDES permit, Fact Sheet with attachments, and the Public Notice. Please review all documents carefully including public posting requirements. The draft permit notification should be published in the November 21, 2020 edition of the Pennsylvania Bulletin commencing the 30- day public comment period. Please confirm receipt of this email and attachments. A hardcopy of these documents will not be sent unless requested.

If you have any questions or need additional information, please call or email me.

Adam J. Pesek, E.I.T. / Environmental Engineer  
Department of Environmental Protection / Clean Water Program  
230 Chestnut Street, Meadville, PA 16335  
Phone: 814.332.6331 / Fax: 814.332.6121

**\*\*\*Disclaimer\*\*\***

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Attention: John Holden and Adam Pesek

December 18, 2020

Re: Tri-County Landfill, NPDES Application PA 0263664

Dear Mr. Holden and Mr. Pesek:

Black Run runs through our property and we cannot sustain and hold the volume of water planned from the Tri County Land fill proposition. This is alarming to our community. How dare Mr. Vogel and his employees consider DUMPING their dangerous output into OUR community. The DEP's mission statement and I quote:

"The Department of Environmental Protection's mission is to protect Pennsylvania's air, land and water from pollution and to provide for the health and safety of its citizens through a cleaner environment. We will work as partners with individuals, organizations, governments and businesses to prevent pollution and restore our natural resources"

**You are more than welcome to visit our property and see first-hand the negative effects to the area. Please contact me anytime.**

I am an employee of a Long-Term Care Facility; our guidelines are strict; we take our responsibility to safeguard our residents seriously. The DOH closely monitors; routinely visit and enforces all policies and procedures.

Looking at Mr. Vogel's history and poor management, how can you in good conscience support his decision to pollute our land and air for generations to come? Mr. Vogel provides little follow up and little regard for the community he owns property in. He is not a resident of Liberty/Pine townships, yet he insists making decisions that negatively affect these residents.

I wish to request a public hearing regarding the Tri-County Landfill National Pollutant Discharge Elimination application. As a resident of the Grove City area I are concerned about flooding on Route 258, radioactive leachate, danger to workers onsite, danger to animals and wildlife, danger to children playing in Black Run, Wolf Creek, nearby tributaries, etc.

Best regards,



Kathleen P Orr  
325 Amsterdam Road  
Grove City, Pa 16127  
724-865-4598



JD  
AP

Attention: John Holden and Adam Pesek

December 18, 2020

Re: Tri-County Landfill, NPDES Application PA 0263664

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Best regards,



Kathleen P Orr  
325 Amsterdam Road  
Grove City, Pa 16127  
724-865-4598





**Timothy R. Bonner, Member**  
8<sup>th</sup> Legislative District

234 West Pine Street  
Grove City, PA 16127  
724-458-4911 Phone  
724-450-4104 Fax

150-A East Wing  
Harrisburg, PA 17120  
717-783-6438 Phone  
717-782-2943 Fax



**House of Representatives**  
Commonwealth of Pennsylvania

**COMMITTEES**

Children & Youth  
Commerce  
Health  
Human Services

Email: [tbonner@pahousegop.com](mailto:tbonner@pahousegop.com)

Web: [www.RepBonner.com](http://www.RepBonner.com)

December 15, 2020



✓ Mr. John Holden  
Mr. Adam Pesek  
Department of Environmental Protection  
230 Chestnut Street  
Meadville, PA 16335-3481

RE: Tri-County Landfill, NPDES Application PA 0263664

Dear Sirs:

I am writing to you in my capacity as a Pennsylvania State Representative regarding the application of the Tri-County Landfill for a water permit to allow for the discharge of treated wastewater from the waste site into an adjacent tributary of Black Run. The citizens of the Grove City area have many questions and many concerns regarding the request for a water permit to allow wastewater to be discharged into the Black Run tributary. Therefore, on behalf of the many citizens who have serious concerns about the issuance of a water permit, and my concerns as a State Representative, I would request a public hearing be held to fully explore the necessity and the wisdom of issuing such a permit.

Some of the concerns of the citizens are as follows:

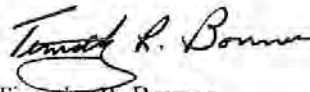
1. Does the wastewater discharge contain radioactive leachate? If so, why is that being allowed?
2. What will be the expected chemical make-up of the wastewater being discharged into the tributary?
3. What will be the monitoring requirements for the wastewater discharged into the tributary?
4. How quickly will a violation of the wastewater discharge be detected and how quickly can Tri-County be stopped from further discharge if such occurs?
5. How quickly will the area residents be made aware of any improper wastewater discharges?

6. Under what circumstances can the wastewater discharge be suspended or permanently stopped?
7. In light of the past history of violations, why is DEP believing that Tri-County will comply with the required regulations?
8. What are all of the potential dangers which citizens, workers, animals, wildlife and properties must consider by such wastewater discharges from the dump site?
9. What liability insurance and/or bond will Tri-County be required to have in order to be granted a water discharge permit?
10. What is the volume of wastewater discharged into the tributary expected to be and how will the amount be monitored?

These are just a few of the questions that need to be answered through the permitting process. A public hearing is essential, then, for a thorough and diligent review of the water discharge permit request. The citizens have the right to ask such questions at a public hearing and to present counter-evidence at the hearing for the Department's consideration before granting such a permit. Public light at a public hearing must be shined upon this permit request for the health and safety of our community.

Thank you for your consideration of my request. I look forward to your response. If you have any further questions or I can be of further assistance, please contact me.

Respectfully yours,



Timothy R. Bonner  
State Representative, 8<sup>th</sup> District

**Dickey, Justin**

---

**From:** Beverly Holtgraver <beverly.holtgraver@gmail.com>  
**Sent:** Monday, December 21, 2020 5:37 PM  
**To:** EP, NPDES\_NWRO  
**Cc:** ceasra@zoominternet.net  
**Subject:** [External] Tri County Landfill, NPDES Application PA 0263664

**ATTENTION:** *This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to CWOPA\_SPAM@pa.gov.*

Attention: John Holden and Adam Pesek

I wish to request a public hearing regarding the Tri-County Landfill National Pollutant Discharge Elimination application. As a resident of the Grove City area, I am concerned about radioactive leachate and possible contamination of Black Run and Wolf Creek. This could be dangerous for the employees, residents, animals and wildlife and possibly contaminate the water table and local well water.

Thank you for your consideration of this request and these concerns.

Beverly Holtgraver

**Dickey, Justin**

---

**From:** Michael Brown <mjbrown@zoominternet.net>  
**Sent:** Monday, December 21, 2020 9:59 PM  
**To:** EP, NPDES\_NWRO  
**Subject:** [External] Tri-County Landfill NPDES public hearing request  
**Attachments:** DEP NPDES letter (1).pdf

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40 Schmidt Road  
Grove City, PA. 16127  
December 21, 2020

DEP Northwest Regional Office  
230 Chestnut Street  
Meadville, PA 16335-3481  
RA-epnpdes\_nwro@pa.gov

Attention: John Holden and Adam Pesek  
Re: Tri-County Landfill, NPDES Application Permit # PA0263664

Dear Sirs:

We wish to request a public hearing regarding the Tri-County Landfill National Pollutant Discharge Elimination application. As residents of the Grove City area in close proximity to the proposed landfill, we are concerned about the use of fracking waste as daily cover and the radioactive leachate that will result. The leachate will be discharged into Black Run, which runs through much swamp-land and has the potential to cause flooding, destroy animal habitats, and pose health risks to those who live in and visit our area .

Thank you for your consideration of this request and these concerns,

Sincerely,

Mike and Chris Brown  
(724) 748-4170

311 Harmony Road  
Slippery Rock, PA 16057  
11 December 2020  
724-794-4805  
pilottaylor@pathway.net, AB3MO

DEP Northwest Regional Office  
230 Chestnut Street  
Meadville, PA 16335-3481  
RA-epnpdes\_nwro@pa.gov

Attention: John Holden  
Re: Tri-County Landfill, NPDES Application  
**PERMIT NUMBER: PA0263664**

Dear Sirs:

I wish to request a public hearing regarding the Tri-County Landfill National Pollutant Discharge Elimination application cited above. As a resident of the Grove City area I am concerned about the potential for radioactive material being used as daily cover OR actual landfill waste, potential flooding on Route 258, radioactive leachate transported to public water supplies downstream, onsite danger to workers, danger to animals and wildlife, and danger to children playing in Black Run, Wolf Creek, etc.)

Simultaneously, with the potential for more stringent restrictions because of increasing rampant COVID-19 spread AND the occurrence of the holiday season, I'd like to request that the proposed date of the hearing be delayed at least 15 days beyond the customary, earliest possible date in January.

Thank you for your consideration,

Sincerely yours,

*David C. Taylor*

David C. Taylor



## **Appendix C**

### **Tri-County Landfill Public Hearing Transcript**

## COMMONWEALTH OF PENNSYLVANIA

## DEPARTMENT OF DEP-MEADVILLE

\* \* \* \* \*

IN RE: TRI-COUNTY LANDFILL NPDES PERMIT APPLICATION

## PUBLIC MEETING

\* \* \* \* \*

BEFORE: THOMAS DECKER, Coordinator

Darek Jagiela, Member

Aram Pesek, Member

Eric Kicher, Member

HEARING: Thursday, April 15, 2021

6:03 p.m.

LOCATION: ZOOM CONFERENCE

Reporter: Shannon C. Fortsch

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Sargent's Court Reporting Service, Inc.  
(814) 536-8908



1 WITNESSES: Dawn Baselj, Jane Cleary, Lyndsay  
2 Denny, Paula Renninger, James Highland, Bill  
3 Pritchard, Jennifer Michel, Chris Brown, Paula  
4 Renninger, Barbara Shafran, Lisa Pritchard, Todd  
5 Spears, Dan Biddle, Mike Brown, Jeff Kremis, Tim  
6 McGonigle, Gillian Graber, Justin Nobel, Marc  
7 Valentine, Rick Dillamen, Melinda Lenkner, Leigh  
8 Ann Gilmore, Bob Pebbles, Anthony Sunseri, Joe  
9 Matthews

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By Eric Kicher 8 - 11

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## E X H I B I T S

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

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COORDINATOR THOMAS DECKER: Hello and welcome, my name's Tom Decker. I'm the Community Relations Coordinator for the Pennsylvania Department of Environmental Protection for the West Region. I'll serve as the moderator for today's hearing. The topic of the hearing is a draft National Pollutant Discharge Illumination System or NPDES, Permit Number PA0263664 for discharges from the Tri-County Landfill.

DEP has been currently reviewing the application and has not made a final decision on this permit.

I want to thank you for your interest on this issue. As you all know these hearings are typically held in person in the area where the proposed activity is to take place. However, in accordance with Governor Tom Wolf's emergency disaster declaration, and sound advice from Pennsylvania's Department of Health designed to mitigate the spread of the Coronavirus. We're holding this event virtually to receive your testimony.

Unlike a public hearing or informal

1 public conference whether it's back and forth  
2 question and answer format, this public hearing is  
3 designed for the DEP to receive your testimony. DEP  
4 will not respond to questions during this hearing.  
5 Rather DEP will review all comments received and  
6 provide responses through an addendum to the draft  
7 permit that serves as a comment and response  
8 document.

9                   Comments provided in writing will be  
10 given equal consideration to those provided orally.  
11 Please know that this hearing will be recorded for  
12 transcribing purposes. By participating in this  
13 call you are agreeing to be recorded.

14                   All participants will be muted until  
15 you're called upon. If you use threatening or  
16 offensive language you will forfeit your time to  
17 speak and be potentially removed from this event.

18                   You'll have three minutes to provide  
19 your testimony. The topic of this hearing is to  
20 specifically discuss the NPDES permit. Comments  
21 concerning anything else related to other permits  
22 that have been issued will not be taken into  
23 consideration for this permit application.

24                   We are not using the chat  
25 functionality to submit questions or comments and

1 ask that you please limit the chat box to letting us  
2 know if you have any technical issues that you may  
3 be having. We will not be allowing for participants  
4 to share their screens either.

5 If you provide comments during today's  
6 event or submit them afterwards, please know that  
7 all comments carry equal weight and consideration of  
8 the meeting.

9 We're providing with the contact  
10 information to submit comments when you register.  
11 We'll repeat those instructions at the conclusion of  
12 today's event.

13 To that end I'll start by introducing  
14 Eric Kicher. He's DEP's acting Clean Water Manager  
15 of the Northwest Region. He will provide a little  
16 more information of the application and DEP's  
17 appeal. He will also introduce the DEP staff who  
18 are on the line to listen to testimony. Eric, go  
19 ahead.

20 MR. KICHER: All right, thanks, Tom.  
21 Can you hear me?

22 MR. DECKER: Yes, sir.

23 MR. KICHER: Great, okay. And I'd  
24 like to thank everyone who's taking the time to  
25 participate in this hearing tonight. We're looking

1 forward to hearing your comments and concerns on the  
2 draft NDPES permit.

3 The permit staff from the Clean Water  
4 Program that are going to be participating tonight  
5 include myself, Justin Dickey who's the manager for  
6 the Clean Water Engineering Section and Adam Pesek,  
7 who's the lead permit reviewer on the NPDES permit  
8 application.

9 Just to provide a little background  
10 the draft limits - the draft effluent limits for the  
11 NPDES permit were published. They were in the  
12 Pennsylvania Bulletin on November 28, 2020. As Tom  
13 noted, this permit has not been issued and it's  
14 currently pending.

15 The NPDES would authorize discharges  
16 of stormwater and treated industrial wastewater from  
17 the Tri-County Landfill to an unknown tributary to  
18 Black Run. Specifically, there are three proposed  
19 discharge outfalls associated with this permit  
20 application which are highlighted in red on the map.

21 Outfalls form five are associated with  
22 discharges of stormwater from sedimentation basins  
23 that would collect stormwater during the  
24 construction of landfill cells. Outfall six would  
25 receive flows of up to 85,000 gallons per day from a



1 proposed industrial wastewater treatment plant that  
2 would be designed to collect and treat landfill  
3 leachate. Transfer station wastewater, draft wash  
4 water, stormwater runoffs and its sanitary  
5 wastewater.

6 Outfalls one, two and three which are  
7 shown on the right side of the map are existing  
8 stormwater outfalls for the site that were  
9 authorized under an NPDES stormwater general permit  
10 issued in 2016. These outfalls are pre-existing and  
11 are not associated to this particular permit  
12 application.

13 All proposed effluents limits and  
14 monitor requirements included in the draft permit  
15 were developed to ensure that existing end stream  
16 uses and the level of water quality necessary to  
17 protect the existing uses are maintained and  
18 protected.

19 The draft NDPES permit relates only to  
20 the new proposed discharges to the unnamed tributary  
21 to Black Run. The permit team will be required to  
22 obtain a separate water quality management permit  
23 for construction and operation of the wastewater  
24 treatment plant itself prior to constructing the  
25 actual plant and discharging to outfall 006.

1                   MR. DECKER: All right, thank you so  
2 much, Eric.

3                   I know we have some folks on the line  
4 who are registered to provide comments. I will call  
5 on people in the order they've registered and note  
6 the next speaker on deck.

7                   Please state your first and last name  
8 before you begin your testimony. And again, if you  
9 joined through your computer you'll see there's a  
10 three-minute timer on the right side of the screen.  
11 I will alert you when you have 30 seconds.

12                   So as you can see from the list here  
13 we have Dawn up first and Jane. I'll be calling for  
14 Derrick who's helping us out with this Webex to -  
15 he'll be the one unmuting, so if I say Derrick can  
16 you please unmute Dawn for us? And Dawn, let me  
17 know when you can hear me and then you can speak.

18                   MS. BASELJ: Okay, I can hear you.  
19 Can you hear me?

20                   MR. DECKER: Yep, we're all good. Go  
21 ahead. Thank you.

22                   MS. BASELJ: Okay, thank you. Hello,  
23 my name is Dawn Baselj and I lived in Pine Township  
24 for the last 30 years. I am a retired teacher and I  
25 do want to ask for some grace in pronouncing some of

1 the words in my testimony. The research is - you  
2 know we have some heavy words in there, so I'm going  
3 to do the best I can with pronouncing some of the  
4 things.

5 The national pollution discharge  
6 elimination system would lead one to believe that we  
7 are dealing tonight with a plan organized by our  
8 settled government to protect us from pollution.  
9 However, the reality is just the opposite.

10 Back in 1980 the Environmental  
11 Protection Agency created an exemption for the oil  
12 and gas industry regarding the waste brought to the  
13 surface of the earth during extraction and  
14 production.

15 The Benzyl and Benzoyl B Bill  
16 amendments to the Resource, Conservation and  
17 Recovery Act basically stated that to formally label  
18 the billions of barrels of waste as hazardous would  
19 cause a severe economic impact on the industry.

20 Effectively the EPA determined that  
21 for the industry to flourish its hazardous waste  
22 should not be defined as hazardous. So  
23 responsibility for this has been largely left up to  
24 the states.

25 Although DEP's own 2016

1   technologically enhanced naturally occurring  
2   radioactive material or TENORM I think it's or  
3   TENORM (changes pronunciation) report conveys that  
4   the leachate from oil filled waste landfills is  
5   radioactive. Tri-County is still planning to dump  
6   this fracking waste in Grove City in a residential  
7   area.

8                   A 40-year veteran of the Youngstown  
9   Fire Department and a hazardous materials specialist  
10   with the Ohio Hazmat weapons of mass destruction  
11   adversary committee once said, if we caught some  
12   ISIS terrorist cells dumping this leachate into our  
13   waterways, they would be tried for terrorism for the  
14   use of weapons of mass destructions on U.S.  
15   citizens. However, the fracking industry is given a  
16   pass on all of this.

17                   The Pennsylvania state representatives  
18   - our Pennsylvania state representatives in Amario  
19   Marto currently has legislation that would improve  
20   the safe disposal of any radioactive fracking waste.  
21   The legislation being considered would require a  
22   facility to test municipal waste or residual waste  
23   at the time that it enters the facility.

24                   In addition, it would require testing  
25   leachate prior to discharge through gamma rays,

1 spectrometry, using high purity germanium and  
2 lithium drifted germanium relating to analytical  
3 methods for radioactivity, checking for the presence  
4 of all naturally occurring radionuclides such as  
5 uranium, thorium and - I'm sorry, uranium, thorium  
6 and radium.

7 The radioactive brine at a drilling  
8 site averages around 9,300 picocuries per liters.  
9 The high radioactivity in the soil at some of these  
10 sites will stay forever. For example, radium 226  
11 has a half life of 1,600 years.

12 MR. DECKER: Dawn, sorry to interrupt  
13 you. Can you finish this comment and we have to  
14 move on. And I just want to remind everybody if we  
15 don't get through everything you want to say by all  
16 means send me an e-mail with your comments and it'll  
17 carry exactly the same weight. So go ahead and  
18 finish up there.

19 MS. BASELJ: Yes, I'm almost done.  
20 Since the state may soon require the DEP to monitor  
21 incoming and outgoing fracking waste at landfills,  
22 we are asking you to be preemptive. Given the high  
23 probability that the fracking waste will be  
24 radioactive. Please add testing for radioactivity in  
25 the Tri-County leachate.

1           If you're not willing to take this  
2 reasonable step, we the people of Grove city and  
3 surrounding areas who will be adversely affected by  
4 Tri-County's actions ask that you remove fracking  
5 waste from the permit.

6           MR. DECKER: Fantastic. Thank you so  
7 much, Dawn.

8           MS. BASELJ: You're welcome.

9           MR. DECKER: You are all encouraged  
10 that once you're done with your comment if you want  
11 to send those comments to me if you got a word  
12 document or a PDF please feel free to send it to my  
13 e-mail address. The address that we'll provide at  
14 the end.

15           Up next we have Jane Cleary followed  
16 by Lyndsay Denny. Jane, are you ready?

17           MS. CLEARY: Yes, can you hear me?

18           MR. DECKER: Yes, ma'am. Thank you.  
19 You have three minutes.

20           MS. CLEARY: Okay. Hello, my name is  
21 Jane Cleary and I'm a resident of Pine Township.  
22 First I'd like to thank the DEP for arranging this  
23 public hearing tonight.

24           I had it explained to me that the  
25 Department of Environmental Protection's really the

1 Department of Environmental Regulation which can  
2 only enforce the regs that you guys are given.  
3 However, many of us know that you have turned down  
4 the Tri-County permit application several times.

5 In your denial of 2001 you overlooked  
6 the six-mile Federal limitation regarding proximity  
7 to an airport because in 2000 the DEP grandfathered  
8 Tri-County on this issue.

9 So you continue to review the  
10 application but eventually denied it because there  
11 was still an overarching serious threat to aircraft.  
12 The DEP did not deny the permit because of the  
13 technical six-mile limit, but because the harms  
14 would outweigh the benefits.

15 We know that the EPA in 1980 decided  
16 to label fracking waste not - as not hazardous to  
17 encourage the oil and gas industry. They virtually  
18 left the monitoring up to the states in  
19 Pennsylvania. Also an industry with gas industry  
20 decided to go along with those regs.

21 However, we all know that in the  
22 Marcellus Shale the level of naturally occurring  
23 radioactivity is the highest in the nation. The  
24 average brine tanker headed to Tri-County will  
25 register 9,300 picocuries. Nuclear regulatory



1 agency which can only regulate manmade radium only  
2 allows 60 picocuries in a lab setting.

3 So you all know that the fracking  
4 waste being delivered to Tri-County will most likely  
5 be radioactive. Yet you can and maybe will follow  
6 the regs suggested by the EPA and ignore this  
7 reality.

8 You are not requiring Tri-County to do  
9 tests on the leachate for radioactivity although you  
10 could.

11 Last weekend I traveled the path that  
12 the radioactive leachate will take after 85,000  
13 gallons of it being dumped into the tiny tributary  
14 to Black Run. After it crosses Route 258 it will  
15 flow to a new business in Grove City, the Big Rail  
16 Brewery.

17 Those owners have outdoor seating on a  
18 rise of land overlooking the tributary which will  
19 soon be overflowing its banks and radioactive. But  
20 residents won't know about their exposure until  
21 years down the road.

22 Next the tributary flows through the  
23 Keystone Safari Wild Animal Park the children  
24 swinging on the zipline also are going close to this  
25 tributary.



1                   MR. DECKER: Thirty seconds.

2                   MS. CLEARY: Emus and zebras can walk  
3 right down to the tributary and drink. They will  
4 probably feel the impact of the radioactivity sooner  
5 than the children as they will be drinking directly.  
6 So the DEP has some choices. You can delay the  
7 NPDES permit until Tri-County has tested the  
8 impaired waterways, conducted the required impact  
9 studies and produces up-to-date leachate samples.

10                   You could also deny the permit because of  
11 the poor compliance history and uncertainty that TCL  
12 can handle the dangerous environment of radioactive  
13 waste.

14                   At the very least you should require  
15 the leachate to be sampled for radioactivity in each  
16 monitoring event. You could also remove fracking  
17 waste from the permit altogether.

18                   If the DEP gives Tri-County the  
19 permits to reopen, you may be in compliance with the  
20 outrageous EPA regs, but you will be complicit in  
21 the radiation of Grove City and many of the  
22 waterways downstream.

23                   MR. DECKER: Thank you very much,  
24 Jane. I appreciate it. Next we have Lyndsay Denny  
25 followed by Paula Renninger. Lyndsay, are you ready

1 to go? Lyndsay?

2 MS. DENNY: Can you hear me?

3 MR. DECKER: Yep, we're all good. Go  
4 ahead when you're ready.

5 MS. DENNY: Okay.

6 MR. DECKER: Thank you.

7 MS. DENNY: Hello, my name is Lyndsay  
8 Denny and I've been a resident of Pine Township for  
9 three and a half years now. Thank you for this  
10 hearing,

11 Last year I tried to get a septic  
12 permit on our private land so that we could put a  
13 modular home on our lot for my mother and 34-year-  
14 old autistic brother so that they could be close to  
15 us for long term care.

16 After failed perk tests done  
17 throughout our five acres the only option we had  
18 left was to put in a slow flow treatment facility  
19 but only if we got permission from all the  
20 landowners that were downstream which required them  
21 to sign and notarize a legal document stating they  
22 allowed it.

23 Since the last person downstream did  
24 not agree to allow us to do this, the permit was  
25 denied. We were devastated after all the time spent

1 to get this permit and the cost.

2 There are no other options available  
3 from the DEP even though this slow flow system would  
4 be processing residential waste and releasing liquid  
5 clean enough to drink into the stream on our  
6 property, which also required testing that we would  
7 have to pay for and then provide results to the DEP  
8 and Pine Township.

9 Why doesn't commercial waste for a  
10 business have the same restrictions for a permit  
11 that would be releasing commercial waste into a  
12 public stream? Why aren't the landowners downstream  
13 given the say just as they are when a resident needs  
14 a septic permit from the DEP?

15 If nothing else why isn't testing  
16 required so that we're sure that the commercial  
17 waste isn't a harm? How come we rely on a money-  
18 making business to be honest and transparent with  
19 the community if it is not being monitored in any  
20 way?

21 This would be happening where we live.  
22 The over 7,000 men, women and children of Grove  
23 City. The Department of Environmental Protection  
24 should be protecting the thousands of residents and  
25 the ecosystem here in Grove City by requiring

1 transparency so that we know our waterways are not  
2 being poisoned or altered in any way that could  
3 destroy our economy, property values and beautiful  
4 environment.

5 I oppose this permit along with many  
6 others in Pine Township and Grove City, so I ask  
7 that the DEP requires the same procedures for  
8 businesses that they do for residents who are  
9 looking to dump waste into the land that surrounds  
10 our homes, our schools, and our businesses in the  
11 beautiful state of Pennsylvania.

12 All of our lives depend on it.

13 MR. DECKER: Thank you very much,  
14 Lyndsay. And again, I'll just remind everybody we  
15 will unmute your mikes so you don't have to worry  
16 about that at all. And then we will mute then again  
17 when you're done. So looks like up next is we have  
18 Paula Renninger followed by James Highland. And  
19 Paula, I can see I have you listed at number nine as  
20 well, but you only need to speak once. How's that  
21 work?

22 MS. RENNINGER: Sounds good to me.

23 MR. DECKER: All right. You can start  
24 when you're ready.

25 MS. RENNINGER: Hello, my name is

1 Paula Renninger and I'm running for Pine Township  
2 supervisor. My question to the DEP is, if I become  
3 Pine Township supervisor how can I make sure that  
4 Tri-County follows the guidelines outlined by DEP  
5 and our township to ensure our safety and TCL's  
6 adherence to proper procedures? Local holdings has  
7 a history of violations that have resulted in over  
8 one million dollars in fines to DEP. Simply put,  
9 our community cannot trust Tri-County to not be  
10 violating policies with this new permit of toxic  
11 industrial waste coming to his landfill and our  
12 town.

13 If I become Pine Township supervisor  
14 I would like to partner with DEP and know the  
15 regulations for the potentially radioactive landfill  
16 so that as a supervisor I can make certain that they  
17 are handling the toxic industrial waste properly and  
18 not polluting the landfill waste stream, and  
19 subsequently the water in our community.

20 As a potential leader in the township  
21 I would like to better communicate with the DEP so  
22 permits such as this one and others that cannot be  
23 awarded to TCL. These permits destroy our health,  
24 our property values and our revenue. And they're  
25 awarded to entities with known violations.

1 I would like for DEP to inform me on  
2 how to best monitor TCL code compliance. And if I  
3 do not become township supervisor, how can I as a  
4 resident of Pine Township and everyone else that's  
5 concerned tonight have confidence that our health in  
6 water is being protected by DEP.

7 I have voiced my concerns along with  
8 many others in our town for over 20 years, yet DEP  
9 is still choosing to give TCL a permit. How can I  
10 make sure the DEP is hearing our concerns and  
11 putting our health first when the approval of this  
12 permit was granted with no regard to our concerns?

13 I would not have any concerns if EPA  
14 regulations were written to protect citizens.  
15 Unfortunately, EPA regulations have failed us in the  
16 past. As Jane Cleary referenced, the 1980 exemption  
17 that said fracking waste does not have to be handled as  
18 hazardous waste. Many reports have noted that the  
19 waste is in fact hazardous.

20 March 2021 a new study found evidence  
21 of harmful chemicals accumulating in the bodies of  
22 children and their families living near where  
23 fracking has occurred. Their levels were up to 91  
24 times higher than the average American. Arguably  
25 these toxic chemicals will also be coming to Tri-

1 County. How can we effectively monitor so this  
2 toxic industrial waste does not adversely affect our  
3 children?

4 Furthermore, radioactive testing  
5 measures are failing. Tri-County Landfill has no  
6 plan in place to test for radium, strontium and  
7 uranium, so how can I as a potential township  
8 supervisor and/or citizen be assured that Tri-County  
9 and the DEP are doing everything possible to protect  
10 us from the adverse effects of having a potentially  
11 radioactive and for certain toxic 40-foot high trash  
12 mountain in our residential area?

13 I urge you to end this permit and to  
14 remove the fracking residual waste from the permit  
15 so it's not part of our leachate.

16 MR. DECKER: Thank you so much, Paula.  
17 I appreciate your comments. Up next we have James  
18 Highland followed by Bill Pritchard. James, are you  
19 ready to go?

20 MR. HIGHLAND: I'm ready. Can you  
21 hear me?

22 MR. DECKER: Yes, sir. Have at it.

23 MR. HIGHLAND: Thank you. I'm a  
24 resident of the Borough of Grove City. I grew up  
25 here and I'm raising my kids here. I am very



1 concerned about the quality of their health because  
2 of what TCL is doing.

3 Since the leachate from the proposed  
4 TCL landfill would contain chemicals from fracking  
5 residuals or fracking waste that's a by-product of the  
6 fracking process, the environment including streams,  
7 lakes and other waterways must be protected from these  
8 dangerous chemicals while focused only on the many  
9 chemicals that track the residuals from the Marcelles  
10 Shale and have been found to contain - and I can send  
11 you a reference to Dr. John Stolz, Duquesne University  
12 geology department and the studies that he has done.

13 The current proposal is to have  
14 fracking waste so far into each layer of the landfill  
15 as a cover. The normal cover is defined as dirt.  
16 Since radioactivity cannot be removed from the  
17 leachate by ordinary means, that leachate should be  
18 sent to facilities and I believe they're in Utah where  
19 radioactivity products can be treated.

20 By allowing the leachate from the  
21 fracking waste to remain in the TCL Landfill, the  
22 Department of Environmental Protection risks the lives  
23 of everyone in our area, including law enforcement,  
24 firefighters and other first responders that would be  
25 called upon when leachate from the landfill floated



1 onto nearby roadways. A new study needs to be  
2 conducted and there needs to be signage so that when  
3 people, including first responders, encounter a  
4 flooded area that would have this radioactive  
5 leachate, people will have proper warning of the  
6 dangers.

7                   With the current proposal, law  
8 enforcement would have no knowledge of the great  
9 danger to themselves and their families by stepping  
10 into this radioactive leachate when it floods the  
11 roadways. They step into it and they will track it  
12 into their cars and potentially their homes.

13                   The leachate when it dries out becomes  
14 part of the dust and then eventually becomes airborne  
15 and is breathed in.

16                   As you know the alpha red radiation  
17 from this leachate does not attach into skin. But  
18 when you breathe it in it gets into your body that  
19 way, settles in the bone and might lead to bone  
20 cancer.

21                   According to representative Sara  
22 Innamorato a Pennsylvania legislator, the oil and gas  
23 wastewater contained proprietary chemical additives,  
24 hydrocarbons, heavy metals and salts that can be toxic  
25 to humans and the environment.

1                   Recently researchers discovered  
2 accumulations of radium up to 650 times higher than  
3 river sediments, where treated conventional oil and  
4 oil and gas wastewater was discharged and that level  
5 is detected at sampling locations directly upstream.

6                   That's from a legislative memo that  
7 Representative Sara Innamorato put out in December of  
8 2020. So if you care about the health of the citizens  
9 and law enforcement you need to either require proper  
10 testing throughout the radiation and proper treatment  
11 and signage or deny the permit because of this grave  
12 danger to everyone's health. Thank you.

13                   MR. DECKER: Thank you so much, James.  
14 We appreciate the comments. Up next we have Bill  
15 Prichard followed by Jennifer Michel. Bill, are you  
16 ready?

17                   MR. PRITCHARD: Hello?

18                   MR. DECKER: Yes, sir, we hear you.  
19 You can start when you're ready.

20                   MR. PRICHARD: My name is Bill  
21 Prichard. I live at 225 Center Church Road in Pine  
22 Township. I am a Pine Township supervisor and this  
23 testimony is being presented on behalf of our  
24 residents.

25                   Tri-County's landfill permit allows

1 the facility to accept oil and gas waste. Therefore I  
2 request and must demand that any NPDES permit prohibit  
3 Tri-County from accepting any oil and gas waste to  
4 protect the public from radiation known to be  
5 contained in the treated leachate.

6 Tri-County is not required to test or  
7 treat for leachate, for radioactive materials before  
8 it is discharged into our streams, backyards and water  
9 tables. The DEP must prevent a legacy of fracking-  
10 related radium which will create exposure pathways for  
11 centuries and public water sediment.

12 Dr. John Stolz, who is Duquesne  
13 University's director for the center of environmental  
14 research and education, has stated landfills are no  
15 place to bring waste that contain toxic metals,  
16 organics and radioactive materials. The leachates  
17 from these landfills are so toxic it kills the  
18 microbes whose job it is to treat.

19 The Pennsylvania House of  
20 Representatives received expert testimony in October  
21 2020 which confirmed the radiation hazards of oil and  
22 gas waste. House Bill 2927 has been entered and is to  
23 keep radium out of our drinking water. The Marcellas  
24 Shale's estimated to contain 10 to 100 parts per  
25 million of uranium, up to 33 times the national

1 average.

2                   This unique geology means that rocks  
3 brought to the surface during fracking operations  
4 likely have high levels of radiant 226. The DEP  
5 allows drilling waste both solids and liquids to be  
6 taken to sanitary landfills. The solids such as drill  
7 cuttings are buried along with municipal waste and are  
8 often used as daily cover.

9                   Although the solid waste coming in in  
10 containers are screened for radioactivity when they  
11 arrive, the sheer volume accumulated over time has  
12 elevated levels of radium and radon gas. Leachate  
13 treatment does not remove radiant 226 and downstream  
14 drinking water will be impacted.

15                   Duke University professor Avner  
16 Vengosh has stated that when Pennsylvania accepts  
17 fracking waste radioactive materials pulled from the  
18 earth's core some of which are carcinogens it contains  
19 - contaminates the landfill leachate.

20                   The DEP conducted a study of facilities  
21 who accepted the TENORM from fracking. They detected  
22 radiation in their leachate. In one location radiant  
23 226 was measured in leachate at 378 picocuries per  
24 liter. The safe drinking water levels set by the EPA  
25 is five picocuries per liter.

1                   The Westmoreland Sanitary Landfill  
2 where the fracking industry has deposited 160,000 tons  
3 of drilling cuttings, mud and other fracking  
4 materials, waste in 2018 has proven that radioactive  
5 threat is real. The wastewater treatment authority  
6 reported that the leachate was killing bacteria  
7 intended to treat the wastewater. Tests in the  
8 Monongahela River near the plant showed radium levels  
9 at eight picocuries per liter. Since then the  
10 landfill has been forced to truck its contaminated  
11 leachate to an out-of-state facility.

12                   MR. DECKER: Just finish -.

13                   MR. PRICHARD: I'm closing, yes. In  
14 closing, radioactive hazards associated with oil and  
15 gas waste is known, accepted and well-documented. The  
16 DEP cannot ignore this hazard and duty to protect Tri-  
17 County - to prohibit Tri-County to accepting this  
18 waste under any circumstances.

19                   The NPDES permit can only be issued if  
20 oil and gas waste is banned from Tri-County's  
21 facilities, because once the radiation genie is out it  
22 cannot be put back in the bottle or eliminated. Thank  
23 you.

24                   MR. DECKER: Thank you so much, Bill.  
25 Up next we have Jennifer Michel followed by Chris

1 Brown. Jennifer, are you ready to go?

2 MS. MICHEL: Yes.

3 MR. DECKER: Okay, when you're ready.

4 MS. MICHEL: My name is Jennifer  
5 Michel. I lived in Liberty Township for about 10  
6 years and my property also goes into Pine Township.  
7 We are in very close proximity to the landfill. I can  
8 see lights through the trees at night and I can also  
9 hear people talking during the day at the landfill if  
10 the wind is blowing their voices.

11 There are many problems with the NPDES  
12 application which demonstrates their sloppy and/or  
13 careless operation of local holdings company were an  
14 intent to hide important information. Here are a few  
15 of the problems we have seen.

16 An unnamed tributary is documented to  
17 be impaired, but neither defined nor specified. This  
18 could be mediated by a turnfield examination of the  
19 stream. This data would be very important for a  
20 baseline.

21 Impairment of a perennial stream is  
22 likely a consequence of unlawful rechanneling  
23 performed by TCI years ago. Tests should be taken to  
24 determine what toxins are in the stream. This could  
25 also affect the Owens City Public water supply. It

1 could also affect other wild air supplies in the  
2 Beaver and Ohio Rivers. Radioactive leachate could  
3 also affect fish and other wildlife along the stream.

4 I know as the owner of a small  
5 sporting goods store our official guides are simply  
6 given chlorinated water. Leachate samples from Tri-  
7 County are nine years old. Current samples should be  
8 done. EPA testing is more than 20 years old. And  
9 documented the same toxins that were in the Osborne  
10 Superfund site in Grove City.

11 The waste permit that the DEP has  
12 given TCL states in volume A form Q11 page one that  
13 TCL will be putting gas drilling residuals in a  
14 convert - conversation with one of the DEP engineers  
15 monitoring the NPDES. This information was a surprise  
16 maybe, do the engineers overseeing the NPDES know that  
17 fracking waste is coming in. Why else would you not  
18 require the leachate to be tested for radioactivity?

19 As Dave also stated radioactivity is  
20 very harmful to children. I currently have two  
21 children and a third on the way. We ask that all  
22 pollutants in radioactive group seven be added to  
23 regular monitoring before the leachate is dumped into  
24 the tributary in Black Run.

25 I know my time is up. In conclusion,



1 this is an incomplete and a flawed application. TCL  
2 should not be trusted with this very complicated and  
3 dangerous management of radioactive material. We ask  
4 the DEP to prohibit TCL from accepting oil and gas  
5 waste. Thank you, Jennifer Michel.

6 MR. DECKER: Thank you very much for  
7 your comments. Up next is Chris Brown followed by  
8 Barbara Shafran. Chris, are you ready?

9 MS. BROWN: I am.

10 MR. DECKER: All right, you can  
11 begin.

12 MS. BROWN: I'll focus my comments on  
13 some of the less technical aspects of the NPDES  
14 permit. The fact that the receiving waters for  
15 outfall 004 and 006 are listed as being impaired. And  
16 the cause and source of impairment are both listed as  
17 unknown is of great concern to me.

18 How can DEP in good conscience issue a  
19 permit to an applicant who plans to put leachate and  
20 other wastewater into an impaired waterway? If it is  
21 impaired how can the study conducted by the applicant  
22 determine that it is capable of supporting existing  
23 and designated uses as defined by the Pennsylvania  
24 Code.

25 In addition, the data source for



1 determination of the perennial stream is listed as  
2 5/24/2011. That data is 10 years old. Is that  
3 acceptable? In the DEP response to report one of the  
4 43rd statewide investigating grand jury report  
5 requested by the Pennsylvania Attorney General, on  
6 page 108, paragraph one, the DEP claimed that the  
7 report, quote, presents an inaccurate and incomplete  
8 picture of Pennsylvania's regulatory program and how  
9 it is being implemented today.

10           The report relies on unidentified  
11 witness snapshots, in some cases from 10 to 15 years  
12 ago. A good bit of the information the NPDES permit  
13 application is not only old data, but it relies on  
14 information from the Seneca Landfill.

15           This landfill is not the same as the  
16 landfill in Grove City which contains old waste from  
17 industrial activities and needs to be relocated during  
18 the life of the Tri-County operations. This old waste  
19 showed some of the same toxins found at the Osborne  
20 Superfund site in Grove City.

21           If DEP approves this permit  
22 application it's proving the information presented in  
23 the report indicating that maybe the report has more  
24 merit than DEP wants to admit.

25           Tri-County Landfill is also proposing

1 to accept fracking waste at this municipal waste  
2 landfill. Fracking waste has been a hot topic in  
3 Pennsylvania in recent years because of the radiant  
4 226 and 228 and other radioactive substances it  
5 contains. Yet the NPDES application on page 34 lists  
6 radium, strontium and gross alpha and beta particles  
7 in the table marked pollution group seven not  
8 applicable.

9                   Once again the DEP response to the  
10 aforementioned grand jury report on page 146 states in  
11 response to recommendation five regarding  
12 transportation of unconventional gas drilling waste  
13 and waterway, quote, under Pennsylvania's regulatory  
14 framework this waste constitutes residual waste.

15                   Contrary to what the report suggests,  
16 the classification of waste as residual waste does not  
17 mean that the waste is handled carelessly, or could be  
18 disposed of at a municipal waste facility, end quote.  
19 Yet that's what's being proposed. And if this NPDES  
20 application is approved, that's exactly what will  
21 happen despite DEP's denial in its statements to the  
22 grand jury.

23                   Your mission statement says that you  
24 will partner with individuals, organizations, and  
25 governments to prevent pollution and restore our

1 natural resources. So I ask you to partner with the  
2 citizens of Grove City area, a thriving residential  
3 community to protect our waterways. At the very least  
4 I respectfully request that oil and gas drilling  
5 residuals be removed from the permit that is daily  
6 cover. Thank you.

7 MR. DECKER: Thank you so much, Chris.  
8 Next we have Barbara Shafran followed by Lisa  
9 Prichard. Barbara, are you on?

10 MS. SHAFRAN: I am here. My name is  
11 Barbara Shafran. I'm a former resident of Grove City.  
12 I used to fish in the strip-mine where adjacent to the  
13 landfill, and I also work part-time at a salon in  
14 Grove City.

15 I'm involved in the struggle because I  
16 became aware that over 80 children in Westmoreland,  
17 Fayette, Greene, and Washington counties have been  
18 exposed to radium and have bone cancer. And when I  
19 saw that this landfill was going to accept oil and gas  
20 drilling residual up in Mercer County I cannot stand  
21 by and yet let another county have sick children.

22 I want to just add one thing to Jim  
23 Highland's speech about the way this is supposed to be  
24 done. The way frack brine is supposed to be handled  
25 is supposed to be in a vinyl lined pond. It's

1 supposed to be evaporated. Then the salts, the  
2 radioactive salts are supposed to be trucked to the  
3 only landfill in the United States in Utah that can  
4 handle this radioactive waste.

5                   And that costs approximately \$1,500 a  
6 pound - a ton. Where when we drop it into landfills,  
7 the 33 landfills where it's going now and Tri-County  
8 will be 34, that costs about \$50 per ton. And it's a  
9 well-known fact that if the frackers had to dispose of  
10 their waste the way I said by shipping it - the  
11 radioactive parts to Utah, fracking wouldn't be  
12 feasible. It wouldn't be profitable. And it's barely  
13 profitable now.

14                   I would also look for everybody to the  
15 public herald the way that you Google public herald  
16 leachate and read about how the state is not telling  
17 us where 66 percent of this radioactive leachate is  
18 going.

19                   I would challenge the DEP to answer  
20 the following question as a result of this hearing. I  
21 would like to know how you could allow 33 landfills to  
22 be receiving leachate containing radium, knowing that  
23 you don't make it mandatory for them to go measuring  
24 it. You just sit by as human beings and let your  
25 humanities be poisoned. What is wrong with you?

1 I'm done.

2 MR. DECKER: Thanks, Barbara, we  
3 appreciate your comments. Up next we will have Lisa  
4 Pritchard followed by Todd Spears. Lisa, are you  
5 ready?

6 MS. PRICHARD: I'm ready.

7 MR. DECKER: You can begin.

8 MS. PRICHARD: Hi, my name is Lisa  
9 Livingston Prichard and I live at 225 Center Church  
10 Road in Grove City. And my neighbor is local  
11 industries.

12 I'd like to tell you a true story  
13 about a truck driver who hauls fracking waste brine  
14 near our Ohio border. At most fracking sites there is  
15 about 10 times as much brine as oil or gas which  
16 returns from the fracking as waste. It collects in  
17 tanks and is hauled away in 5,000 gallon tankers.

18 I have a true story about Peter who  
19 gets a whole \$16 an hour to haul away this brine. One  
20 day in 2017 Peter pulled up to an injection well in  
21 Cambridge, Ohio. A worker walked around his truck  
22 with a handheld radiation detector. Peter says, he  
23 told him he was carrying one of the hottest loads he  
24 had ever seen.

25 It was the first time peter had heard

1 any mention of the brine being radioactive. The earth  
2 has radioactive elements deep underground, and then  
3 it's in oil and gas layers which radioactivity is  
4 often pulled to the surface when oil and gas is  
5 extracted and carried largely in the injection brine.

6                   He says he wasn't given any safety  
7 instructions on radioactivity. He wasn't required to  
8 wear a respirator or dulcometer to measure his  
9 radioactivity exposure. And the rest of the uniform  
10 offers no protection from brine. It's all over your  
11 hands, inside your boots and on the cuticles of your  
12 toes, and any cuts you have. You're soaked, he says.

13                   When Peter demanded his supervisor  
14 told him what he was being exposed to his concerns  
15 were brushed off. Peter's experience he had regular  
16 headaches, nausea, numbness in fingertips and face and  
17 joint point like fire. He says a lot of guys are  
18 coming up with cancer or sores or skin inflammations  
19 that take months to heal.

20                   So Peter started quietly taking  
21 samples of the brine he hauled, filling up old soda  
22 bottles. Eventually he had more than 40 samples. He  
23 says 10 or 15 years down the road if I get sick I want  
24 to be able to prove this.

25                   Peter was able to transfer 11 samples

1 of brine to the Center for Environmental Research and  
2 Education at Duquesne University which had them tested  
3 in a lab at the University of Pittsburgh. The results  
4 were striking.

5 Radium typically the most abundant  
6 radionuclide in brine is often measured in picocuries  
7 per liter and it's incredibly dangerous. The most  
8 common isotopes are radiant 226 and radiant 228. And  
9 the Nuclear Regulatory Commission requires industrial  
10 discharges to remain below 60 for each. Four of  
11 Peter's samples had combined radium levels over 3,500  
12 and one was more than 8,500 picocuries.

13 It's ridiculous that these drivers are  
14 not being told what's in their trucks as John Stolz  
15 used to pay his environmental synografter.

16 Truckers don't know that they're being  
17 exposed - if they are being exposed to radioactive  
18 waste, nor are they being provided with protective  
19 clothing. And the workers at the Tri-County Landfill  
20 will most likely won't have the protective clothing  
21 either as neither the DEP or TCL is acknowledging that  
22 the fracking waste will be radioactive.

23 This is some of the Marcellas Shale  
24 people. DEP is not even requiring that the leachate  
25 be treated for radioactivity before being dumped into



1 our creeks.

2 In some parts of the country the  
3 fracking waste may not be radioactive. However again,  
4 we're in the Marcellas Shale. It has the highest  
5 level of radioactivity and our workers are very  
6 vulnerable. Therefore, we all ask you to remove oil  
7 and gas waste from this permit.

8 And I just want to tell you this  
9 information comes from the article America's  
10 Radioactive Secret by Justin Nobel, Rolling Stone,  
11 February 20 issue 1336 pages 74 through 94.

12 And again I reiterate, please at the  
13 very least remove fracking waste from the Tri-County  
14 permit, because once this is in our water systems it  
15 just can't be taken back. It's in our ecosystems,  
16 it's in our backyards, it's in our families. Fracking  
17 waste in our water is for the benefit only to Tri-  
18 County. This is about money and it's -.

19 MR. DECKER: Lisa, I'm going to stop  
20 you right there. I appreciate it though, I appreciate  
21 your comments. If you have more to say by all means  
22 shoot me an e-mail, but we're going to move along  
23 here. Todd Spears is up next followed by Dan Biddle.  
24 Todd, are you available?

25 MR. SPEARS: Ready. Can you hear me?



1                   MR. DECKER: Yes, sir, go when you're  
2 ready.

3                   MR. SPEARS: Okay. My name is Todd  
4 Spears and I lived in Pine Township for eight years.  
5 And I want to talk about the health effects from  
6 radioactive dust from leachate. John Stolz who is a  
7 very popular guy, a professor from Duquesne  
8 University's environmental center director says,  
9 breathing in the radioactive dust and ingesting it are  
10 the worst types of exposure for irrigating it in your  
11 tissues from the inside out, radioactive particles  
12 from radium can be blocked by the skin but radium  
13 rarely attaches to dust.

14                   If you accidentally inhale or ingest,  
15 it's inside the body, it's - it's exposure and causes  
16 lung cancer and bone cancer. When investigation  
17 involving hundreds of areas with scientists,  
18 regulators, workers, the Rolling Stone magazine found  
19 a sleeping arc of contamination.

20                   Oil and gas waste spilled and dumped  
21 across America with environment department - excuse  
22 me, employees. There's little awareness of this waste  
23 stream. The disposal of which presents dangers at  
24 every step. Being transported along the highways in  
25 unmarked trucks by landfill workers who are often

1 misinformed and then they're dumped into waterways  
2 like Black Run and Wolf Creek squirting dust like Tri-  
3 County that are not equipped to contain the toxicity.

4           The extent of any health impacts are  
5 unknown mostly because there hasn't been much testing.  
6 Many doctors just aren't aware of the risks.

7           Recent legal cases show a direct  
8 connection to the dangers of exposure. Expert  
9 testimony and lawsuits by dozens of Louisiana oil and  
10 gas industry workers going back decades and settled in  
11 2016 found that pipe cleaners to direct man and truck  
12 drivers hauling dirty pipes and sludge to the  
13 landfills all were exposed to radioactivity without  
14 their knowledge and suffered many deadly cancers.

15           The CDC determined that the cancers  
16 were exposure to radioactivity on the job, mainly  
17 inhaling dust and radioactivity. And in close, even  
18 licking your lips or eating lunch had exposure.

19           One expert witness says that in every  
20 case the workers won the industry settled. Louisiana  
21 the levels of radium on oil pipes measured as much as  
22 20,000 times the limit set by EPA at uranium known  
23 sites. Researchers found that workers who are  
24 cleaning oil filled piping are being coated in  
25 radioactive dust and breathing it in. One man they

1 tested had radioactivity all over his clothes, his  
2 car, his footsteps, even on his newborn baby.

3           The landfill workers in our community  
4 go out to lunch. Are they going to carry this stuff  
5 into the Burger King or the Main Street diner? Is the  
6 dust going to be taken airborne to Center Church?  
7 Folks living at the Legends, the kids soccer field.  
8 Will fishing and boating on Wolf Creek carry this  
9 radioactive leachate home with them?

10           We ask you again, just deny this  
11 permit but if nothing else remove the radioactive  
12 fracking waste from this permit. Thank you very much.

13           MR. DECKER: Thank you so much, Mr.  
14 Spears. Up next we have Dan Biddle followed by Mike  
15 Brown. Dan, are you on?

16           MR. BIDDLE: I am.

17           MR. DECKER: All right, we're ready  
18 when you are.

19           MR. BIDDLE: Thank you. Thank you,  
20 Tom. I'm Dan Biddle and I live about a half mile as  
21 the crow flies from the proposed landfill site in  
22 Liberty Township. And therefore, I have a vested  
23 interest in how this project would affect my property  
24 and my water well and my family.

25           What I'm opposed to is the reopening

1 of the landfill in general. I'm most concerned  
2 tonight about the inclusion in the permit of the  
3 residual waste and fluids from fracking operations. I  
4 spent around 25 years of my career involved in the oil  
5 and gas drilling arena and though certainly I'm not an  
6 expert, I know enough about the drilling and fracking  
7 process and chemicals to heighten my concerns.

8 I know that the chemicals used in  
9 fracking are substantial and strong enough to crack  
10 and disrupt the subterranean formations. There's  
11 certainly enough to cause havoc with surface water and  
12 foliage in both human and wildlife health and welfare.

13 I'll use as my platform tonight a  
14 recent article that appeared on April 1st in the  
15 Sharon Herald entitled New Report on Fracking Begs  
16 State Response. The article was especially timely  
17 given the DEP tentative inclusion of these fracking  
18 waste materials in the Tri-County Landfill list of  
19 approved substances.

20 The article reported on a study  
21 conducted by environmental health news where samples  
22 of air, water and urine were collected from families  
23 that live within two to five miles of gas drilling and  
24 fracking operations in southwestern Pennsylvania.

25 From those samples the study reported

1 that the toxic chemicals found in the bodies of  
2 children living near fracking wells were up to 91  
3 times as high as the average American.

4           For those of us who live within those  
5 same two to five-mile radius of the proposed landfill  
6 we're not interested in adjusting benzene, styrene or  
7 toluene into our bodies now or in the future.

8           There are currently 2,236 children  
9 registered in the Grove City School District in grades  
10 K through 12 and another 550 children not yet old  
11 enough for school for a total of 2,786 children all of  
12 which would be schooled within that same two to five-  
13 mile radius of the Tri-County Landfill site. It seems  
14 pretty obvious to me that none of these 2,800 children  
15 deserve to have toxic chemical levels in their bodies  
16 91 times the norm.

17           The reason the frack waste in the Tri-  
18 County landfill is a chemical disaster waiting to  
19 happen and one that won't necessarily be immediately  
20 apparent. To me the numbers to remember in this  
21 decision are 91 times toxicity, two to five-mile  
22 radius and 2,786 children.

23           For those of us who will live nearby  
24 with the consequences the elimination of these toxic  
25 frack-related chemicals from the approved waste train

1 is vitally important. The landfill mountain will be  
2 damaged enough to those who live nearby. A mountain  
3 full of life-threatening chemicals is an unacceptable  
4 risk of all us in the entire Grove City community.

5 Thanks again, Tom, for letting me talk  
6 tonight.

7 MR. DECKER: Thank you, Dan, we  
8 appreciate your comments. Up next Mike Brown followed  
9 by Jeff Kremis. Mike, are you on?

10 MR. BROWN: Yes.

11 MR. DECKER: All right, we're ready  
12 when you are.

13 MR. BROWN: Okay. On page 34 of the  
14 September 2019 NPDES permit says any radiation sources  
15 and included in group one shows no data for radiation.  
16 Yet as we know the uranium most definitely is present  
17 in fracking waste planned for use at this site.

18 TENORM materials from fracking waste  
19 contain radiant 224 has a half-life of 3.66 days, 228  
20 has a half-life of 5.75 years and 226 has 1,600 year  
21 half-life. Why on earth would we want to not include  
22 the information - this information in permit  
23 application known to destructive properties of  
24 fracking waste.

25 Also missing from this permit



1 application are many details like plans for effluents  
2 coming from the hazardous waste presumed of the  
3 unearthed old dump materials. Have any core samplings  
4 been done to date to understand what is buried there.  
5 It is disingenuous to compare this landfill to the  
6 Seneca Landfill.

7                   Part A, the foreign limitations, et  
8 cetera, number three specifically states the permittee  
9 may not discharge substances in concentrations are  
10 amounts sufficient to be inimical or harmful to the  
11 water uses to be protected or to human, animal, plant  
12 or aquatic life. In an October 2020 e-mail from the  
13 Tri-County consultant it states they will use chlorine  
14 disinfection as part of the proposed treatment.  
15 However, EPA recently stated chlorinating effluents  
16 are ineffective as a purification technique.

17                   Also in Part A, Section C3A double ii2  
18 says you don't need to know what's in the frack  
19 wastewater for the first 30 days of the well site.  
20 Why? And how do we know which tankers are within that  
21 30-day window?

22                   The Pittsburgh Tribune article from  
23 April 23rd, 2013 about fracking waste states that  
24 hazardous waste site in Southampton rejects trucks if  
25 they are greater than 10 micrograms. There is no

1 detail about radiation limitations in this plan.  
2 There is enough current information for the DEP to  
3 require this.

4 Another example of missing information  
5 the public needs to know and fully understand it. In  
6 my faith we define that as sin of omission. The  
7 maximum amount of effluent for outfall six is 85,000  
8 gallons per day for 59.03 gallons per minute, or no  
9 more than 11 tankers a day. That's with an 8,000  
10 gallon average load. How will that be monitored?

11 In Part B Section 4 annual fees, if  
12 the effluent limit is 85,000 gallons per day why on  
13 earth are they showing fees from nature IW facility  
14 charges for 250 million gallons a day and greater.  
15 Does this indicate this site will grow? Thank you.

16 MR. DECKER: Thank you so much Mike,  
17 we appreciate it. Up next we have Jeff Kremis  
18 followed by Tim McGonigle. Jeff, are you ready?

19 MR. KREMIS: Yes, I'm here.

20 MR. DECKER: Okay, you may begin.

21 MR. KREMIS: Good evening. My name is  
22 Jeff Kremis and I am the president of the Neshannock  
23 Chapter of Trout Unlimited, and I'm speaking on behalf  
24 of our 250 plus members that are mostly in Mercer and  
25 Lawrence County. If you're not familiar with Trout



1 Unlimited, our mission statement is to conserve,  
2 protect and restore trout and salmon in their  
3 habitats.

4                   With that being said our major concern  
5 is with water quality from the outflow of the  
6 landfill. The fracking waste is accepted. The  
7 radioactive leachate will have a detrimental effect on  
8 the water quality and all life within the watershed.  
9 As they say we all live downstream from somebody.

10                   The leachate may first run into this  
11 unnamed tributary of Black Run, but from there it'll  
12 go into Black Run which is considered a cold water  
13 fishery. After that it'll enter Wolf Creek and then  
14 Slippery Rock Creek which are both designated as  
15 approved trout waters by the Pennsylvania Fish and  
16 Boat Commission.

17                   For that reason, our chapter we are  
18 saying we are opposed to the granting of the permit in  
19 general or at least we encourage the DEP to prohibit  
20 the acceptance of fracking waste at the landfill.  
21 Thank you.

22                   MR. DECKER: Thank you very much,  
23 Jeff. Up next we will have Tim McGonigle and then  
24 it's going to be Justin Nobel. I know Gillian Graber  
25 is listed, but we don't see her right now. Gillian,

1 if you happen to call in with a number that we're  
2 unaware of, please use - provide us that number in the  
3 chat. We'll circle back to you at the end.

4 Tim, are you ready?

5 MR. MCGONIGLE: Can you hear me?

6 MR. DECKER: Yes, sir, we're ready to  
7 go.

8 MR. MCGONIGLE: Okay. Hi, everybody.  
9 Tim McGonigle, Mercer County Commissioner and Director  
10 of the Mercer County Conservation District. I should  
11 say one of them.

12 I'll get right to it. The  
13 Westmoreland County sanitary landfill located just  
14 south of Pittsburgh, according to the DEP they  
15 accepted oil and gas drilling residuals, fracking  
16 waste, just like Tri-County Landfill will be  
17 accepting.

18 They're facilities that treat drill  
19 cuttings and sludges. Down bleeding is what it's  
20 called.

21 And just to shorten this up what I  
22 want to say is that the down bleeding that takes place  
23 is much less expensive after the - the waste is much  
24 less expensive to get away in the regional landfills  
25 as it would be to send it to a, you know, a facility

1 that treats radioactive treatment in our waste in  
2 places such as Utah which is halfway across the  
3 country.

4 I just traveled there a couple months  
5 ago. It's very expensive to drive out there.

6 Eight and a half years ago a study co-  
7 authored by Marvin Resnikoff, a nuclear physicist and  
8 radioactive waste specialist, calculated the spending  
9 on solid oil and gas waste like drill cuttings to a  
10 low level radioactive waste facility costs as much as  
11 100 times more than taking it to a local landfill.  
12 But, you know, nevertheless that's the responsible  
13 action the oil and gas industry should take.

14 In April of 2019 a whistleblowing  
15 employee of Westmoreland Landfill stated that there  
16 were numerous overlooked DEP violations dumping of  
17 frack water, materials, sludge in excess of legal  
18 limits. Tri-County Landfill is going to be joining 24  
19 other PA landfills that accept this fracking waste  
20 which is often radioactive due to the high level of  
21 radioactivity in the Marcellas Shale.

22 The Westmoreland County Landfill sent  
23 its leachate to the Bell Vernon Sewage Treatment  
24 Plant, but a superintendent there said the leachate  
25 was killing all the microbes needed to digest the

1 sewage.

2           He also had tried for months to get  
3 the Southwest Regional DEP to act on the problem, but  
4 to no avail. His facility like all typical sewage  
5 treatment plants has no ability to remove  
6 radioactivity and so the radioactivity liquid that  
7 left his plant flowed downstream into one of our three  
8 beautiful rivers in Pittsburgh, the Monongahela. This  
9 loophole which EPA created by labeling fracking waste  
10 as non-hazardous back in 1980 is simply a permit to  
11 pollute.

12           Treatment plants don't test for  
13 radioactivity. So this NPDES permit application still  
14 is, Tri-County will not test for radioactivity either.  
15 Only the pollutant groups one through six excluding  
16 group seven which includes radioactive elements.

17           So at the very least we want the DEP  
18 to hear us and add group seven to the pollutant  
19 identification analysis and require TCL to regularly  
20 monitor the leachate for radioactivity before it gets  
21 dumped back into Black Run.

22           Folks, we at the conservation district  
23 across Pennsylvania we spend millions of dollars in  
24 cleaning up our waterways and this is going to destroy  
25 our efforts and we have to be responsible.

1 I'll end with saying what I said at  
2 the last hearing, you show me a community and how they  
3 care for their land, water and citizens I will measure  
4 with mathematical exactness the future of that  
5 community. So let's hope they get this one right.  
6 Thank you very much.

7 MR. DECKER: Thanks so much for your  
8 comments. Justin Nobel, we're going to go with you  
9 next followed by Marc Valentine. Justin, are you  
10 ready?

11 MR. NOBEL: Yeah, I'm ready.

12 MR. DECKER: All right, take it away.

13 MR. NOBEL: Thank you so much, Tom.  
14 My name is Justin Nobel. I have a Master's degree in  
15 Journalism, a Master's degree in Earth and  
16 Environmental Science.

17 I've spent the last three years  
18 researching and reporting on the topic of the  
19 radioactivity brought to the surface in oil and gas  
20 production, and the many different pathways of  
21 contamination posed to industry workers, the public  
22 and communities and the environment. And I'm  
23 presently writing a book on these issues for Simon and  
24 Schuster.

25 So many great comments already this

1 evening, so I want to make just two points to build on  
2 earlier comments. One, section five of DEP's own  
3 highly promoted 2016 TENORM report conveys that radium  
4 226 in the leachate in nine landfills selected based  
5 on volume of oil and gas waste accepted range from 67  
6 to 378 picocuries per liter.

7               These levels are all above the health-  
8 based limit of 60 picocuries per liter that the  
9 Nuclear Regulatory Commission has set for facilities  
10 that it oversees such as nuclear power plant.

11              So I really want to hit this point  
12 make it clear, the Nuclear Regulatory Commission would  
13 prevent a nuclear power plant from discharging waste  
14 with radium 226 at these levels into the environment,  
15 but the DEP is saying that it is fine to discharge  
16 waste with radium 226 at these levels right into  
17 Pennsylvania creeks and rivers where Commonwealth  
18 residents fish, kayak, swim and draw their drinking  
19 water from. So how could a health limit be okay for  
20 one industry and not for another? That's not science.  
21 That doesn't make sense.

22              Second point, DEP's TENORM report also  
23 showed elevated levels of radium at the outfalls where  
24 landfills discharge to the environment when given the  
25 states own data shows radium is present in the

1 leachate at high levels. This is really not  
2 surprising but it's very concerning because I visited  
3 many of these outfalls. There are no signs at the  
4 outfalls indicating there is elevated levels of radium  
5 in the discharges.

6                   There is nothing as you have been  
7 discussing tonight in the permits indicating there is  
8 radium in the discharges and yet I've seen them with  
9 my own eyes evidence of Pennsylvania kids fishing  
10 right there. Because the discharge creates a nice  
11 little pocket in the creek and that's a great place  
12 for trout to hide.

13                   So really in conclusion here I just  
14 want to say DEP's own data shows Pennsylvania  
15 landfills that accept oil-filled waste are inherently  
16 taking in material that is radioactive of background,  
17 producing leachate that is radioactive and introducing  
18 additional radioactivity into a portion of the  
19 Pennsylvania environment that's well-used by human  
20 beings.

21                   My opinion is that an independent  
22 study examining these matters must be conducted before  
23 any new permits such as this one are issued. To not  
24 do so would be derelict of DEP's mission and the data  
25 which they hold in their very own hands. Thank you.



1                   MR. DECKER: Thank you so much,  
2 Justin. We appreciate the comments. Up next we have  
3 Marc Valentine followed by Rick Dillamen. Marc, are  
4 you ready?

5                   MR. VALENTINE: Yes, can you hear me?

6                   MR. DECKER: Yes, sir, we're ready to  
7 go.

8                   ATTORNEY VALENTINE: First of all I am  
9 an attorney for not only Pine Township but Liberty  
10 Township and also the citizens group CEASRA.

11                   My concerns and I echo all the  
12 concerns that have been voiced already which deal  
13 mainly with not only the receiving stream, what seems  
14 to be a lack of attention to the receiving stream and  
15 the burden further down in the receiving stream, but  
16 also the unnamed tributaries.

17                   And the larger part of my concern is  
18 on not only the wetland areas that encompass this  
19 permitted area, but also the streams that are attached  
20 and are hydraulically connected to those wetland  
21 areas. In the draft NPDES permit it does not appear  
22 to address any non-point - non-point source water  
23 pollution.

24                   It addresses the outfalls which it  
25 does not account for the radioactivity and some of the



1 other issues that have showed up. But not to belabor  
2 any of my points I will be submitting a written  
3 statement to DEP through the e-mail that you have  
4 indicated, to give a better description of what my  
5 points are. But those are my concerns. Thank you.

6 MR. DECKER: Thank you very much,  
7 Marc. Next, we have Rick Dillamen followed by Melinda  
8 Lenkner. Rick, are you ready? Rick, can you hear me?

9 MR. DILLAMEN: Tom, I'm here, can you  
10 hear me?

11 MR. DECKER: Yes, sir, we're ready  
12 when you are.

13 MR. DILLAMEN: Sorry about that. I  
14 had to move. All right, my name is Rick Dillamen. I  
15 reside with my wife at 1692 - 1692 South Center  
16 Street, Grove City. My residence is approximately  
17 1,495 feet from the proposed landfill. My residence  
18 is served by an onsite well. I own property at 1691  
19 South Center Street. That is about 1,283 feet from  
20 the landfill. That property is served by an onsite  
21 well.

22 Additionally, I own property, my wife  
23 and I at 1743 South Center Street, which is 726 feet  
24 from the proposed landfill. The property is served by  
25 an onsite natural spring and has 10 acres cultivated

1 farm property. Our property, public water's not  
2 available in our area.

3           Page three of the narrative indicates  
4 that sanitary sewage wastewater will be treated at the  
5 proposed plant. Page four of the narrative indicates  
6 sanitary sewage wastewater will be treated.

7           On page five or question number eight on page  
8 five reads general information form contained in the  
9 application in my opinion should be checked yes for  
10 sanitary sewage wastewater treatment. Farmland at  
11 1743 South Center Street currently receives stormwater  
12 runoff from the closed capped landfill.

13           My wife and I are opposed to the NPDES  
14 permit under consideration. The stormwater collection  
15 control measures are prone to failure. That failure  
16 would allow leaked waste and stormwater to enter our  
17 farmland at 1743 South Center Street. In close  
18 proximity of odors from the sanitary waste treatment  
19 plant will cause harm to enjoyment to our residents in  
20 the community.

21           I would like to talk quickly about some  
22 confusion and contradiction from DEP in recent years.  
23 I was an elected official in Springfield Township.  
24 And during my time as a supervisor I dedicated several  
25 years to bring additional sewage capacity, public

1 sewage capacity to the area around the outlet mall.

2                   During that time, I learned that the  
3 local communities including Pine, Liberty and  
4 Springfield Township had current Act 537 plans. 537  
5 plans for the sewage facility programs overseen by the  
6 DEP. The current Act 537 plans and any amendments  
7 within Springfield Township contain intermunicipal  
8 agreements that dictate that any sewage generated must  
9 be disposed of by a treatment - wastewater treatment  
10 plant.

11                   I believe the Act 537 plans that cover  
12 Pine and Liberty Township include the same type of  
13 inter-municipal agreements that would require any  
14 sewage generated must be disposed of by the public  
15 waste treatment system.

16                   DEP has approved - has reviewed and  
17 approved the Act 537 plans that are currently in  
18 effect. In my capacity as a public official and my  
19 past capacity, I engaged with DEP on many sewage  
20 disposal operated expansion considerations for the  
21 local area.

22                   DEP repeatedly indicated that it was  
23 their position to have fewer consolidated wastewater  
24 treatment plants. Ultimately, the local community  
25 invested millions of dollars in just the past three

1 years into the public waste disposal system. DEP's  
2 consideration of this treatment plant seems  
3 detrimental to the existing public waste system.

4 DEP's consideration of the treatment  
5 plant appears in contradiction to the Act 537 plans  
6 that have been reviewed and approved by DEP. I end  
7 with that.

8 MR. DECKER: Thank you so much, Rick.  
9 We really appreciate it. Looks like Gillian Graber  
10 has joined us, so we're going to go to Gillian now  
11 followed by Melinda. Gillian, are you ready?

12 MS. GRABER: Yes, can you hear me?

13 MR. DECKER: Yes, ma'am. You can  
14 start when you're ready.

15 MS. GRABER: Thank you so much. I'll  
16 be submitting this comment on behalf of members of our  
17 organization. Our organization is Protect PT, Penn  
18 Trafford, Route 3344 Route 130 and that's Harrison  
19 City, Pennsylvania 15636.

20 And we're submitting a comment on  
21 behalf of our members as well as downstream neighbors  
22 that are residents of Pennsylvania who have the right  
23 to clean air and pure water for generations yet to  
24 come. Under Article one Section 27 of the  
25 Pennsylvania Constitution and protected to - committed

1 to ensuring the safety, security and quality of life  
2 for community members.

3           And we would like to - we are  
4 concerned about the acceptance of the NPDES permit  
5 application submitted by Tri-County Landfill for the  
6 reopening of the existing municipal waste landfill  
7 called Tri-County Landfill in Liberty, Pine Township,  
8 Mercer County.

9           The acceptance of the oil and gas  
10 waste at the landfill will contaminate the landfill  
11 causing the surrounding population and groundwater  
12 sources through the inevitable discharge of improperly  
13 treated water and leachate as a result of the mixing  
14 of sanitary waste with the land - with the oil and gas  
15 waste.

16           Shale drilling waste is known to  
17 contain radioactive elements, metals, metalloids,  
18 arsenic, selenium, iron, strontium and brine salts  
19 just to name a few of the volatile compounds as well  
20 as benzene, toluene and xylene.

21           And the environmental health hazards  
22 concentrated by landfills like this one such as the  
23 Westmoreland Sanitary Landfill are primary examples of  
24 what could happen at Tri-County if this permit is  
25 accepted.

1                   Similar to Tri-County permit  
2 application, WSL which is Westmoreland Sanitary  
3 Landfill uses fracking waste as a cover and increased  
4 levels of radioactivity that will eventually percolate  
5 through the landfill and result in radioactive toxic  
6 leachate as happened at WSL.

7                   This leachate is notoriously difficult  
8 to process and has been the cause of harm to the  
9 public surrounding WSL. Allowing the other landfills  
10 like Tri-County to do the same thing exacerbates a  
11 problem that PA - that we have here in PA of how to  
12 properly dispose of radioactive oil and gas waste.

13                   WSL started accepting this oil and gas  
14 waste in 2010 piping their leachate directly into the  
15 Bell Vernon municipal authority and then in 2019  
16 district attorney from Washington and Fayette Counties  
17 obtained a court order on behalf of the Bell Vernon  
18 municipal authority to stop accepting that leachate.

19                   Because of its inability to process  
20 the water correctly under their NDPES permit in April  
21 of 2019 Dr. John Stolz, a researcher from Duquesne  
22 University analyzed the leachate at the water  
23 authority and concluded that the leachate was  
24 radioactive and indicated high levels of oil and gas  
25 lease contamination.

1                   And so in August of 2019 the DEP and  
2 WSL collaborated to solve this issue by proposing a  
3 leachate evaporation project to handle the landfill's  
4 excessive radioactive leachate problem. And then in  
5 2020 Protect PT learned of this process and made a  
6 comment to PA DEP.

7                   Our greatest concern is based on the  
8 analysis from Dr. John Stolz the concentration of  
9 radioactivity at the landfill is because the permit  
10 seeks permission to allow 45,000 gallons per day of  
11 leachate evaporation.

12                  Tri-County permit lacks an adequate  
13 plan to test for this radioactive material and similar  
14 to Westmoreland Sanitary Landfill may have unforeseen  
15 consequences of accepting oil and gas waste.

16                  MR. DECKER: Gillian, I'm sorry to  
17 interrupt you. I'm going to have to cut you off. I  
18 greatly appreciate it. If you got a lot more by all  
19 means ship me an e-mail and I will give that to -.

20                  MS. GRABER: I will submit my comment.  
21 Thank you so much.

22                  MR. DECKER: Thanks. We appreciate  
23 it. All right, Melinda Lenkner, next followed by  
24 Leigh Ann Gilmore. Melinda, are you ready?

25                  MS. LENKNER: I am ready. Do you hear



1 me?

2 MR. DECKER: Yes, ma'am, thank you.

3 MS. LENKNER: Yes. Hi, I'm Melinda  
4 Lenkner. I'm a resident of Liberty Township for going  
5 on 11 years. And I want to thank the DEP for  
6 arranging this meeting tonight.

7 I am speaking tonight over the  
8 proposed fracking wastewater to be brought to Tri-  
9 County Landfill. Taken from C & M February 6th, 2018  
10 radium levels in sediments downstream of plants that  
11 treat oil and gas wastewater such as this site on the  
12 Allegheny River in Franklin, Pennsylvania are up to  
13 650 times as great as an upstream sediment.

14 Sorry, I lost my place here. Duke  
15 University geochemist Avner Vengosh calls the levels  
16 of radium in this sediments mind-blowing. That was  
17 his exact quote. During both fracking and  
18 conventional oil and gas production saline water  
19 enriched in naturally occurring radium nuclides is  
20 exacted from rock formations and flows to the surface  
21 as wastewater.

22 Some major areas of concern that I  
23 have, we have high water - a high water table in our  
24 area. Prior to moving to this residence, there have  
25 been flooding here, so it was probably over 10 years

1 ago. And what I would like to know are there  
2 currently flood studies done and are there at least  
3 two current leachate samples from Tri-County?

4 I ask that you please deny all oil and  
5 gas fracking waste from this permit. We the people  
6 are relying on you to protect us, to keep our water  
7 clean, protect our ecosystem, the wildlife, keep our  
8 families and future generations safe and healthy.  
9 Thank you.

10 MR. DECKER: Thank you so much,  
11 Melinda. We appreciate it. Up next we're going to  
12 have Leigh Ann Gilmore, followed by Bob Pebbles.  
13 Leigh Ann, Are you ready?

14 MS. GILMORE: I am, can you hear me?

15 MR. DECKER: Yes, ma'am, you can  
16 start.

17 MS. GILMORE: Okay, great. Thank you  
18 again. Thank you for allowing us to speak today. My  
19 name is Leigh Ann Gilmore. I live in Grove City, PA.  
20 I work at Slippery Rock University. I just wanted to  
21 add the following comments to what's already been  
22 presented.

23 In completing this NPDES application  
24 Tri-County demonstrated a carelessness by actually  
25 omitting or misrepresenting important information.

1 For example, when giving the latitude and longitude  
2 coordinates of the outfalls at Tri-County which will  
3 carry away the stormwater, a consistent error placed  
4 these outfalls 15 miles to the west flowing into  
5 Neshannock Creek.

6                   This is obviously an error indicative  
7 of the slipshod nature of this application. In  
8 addition to concerns about the creeks becoming  
9 radioactive which many have represented today, many  
10 are concerned about the flooding on Route 258 where up  
11 to 85,000 gallons of daily leachate will be dumped  
12 into a tributary to Black Run.

13                   We understand that a hydraulic impact  
14 study of the discharge volume on the receiving stream  
15 was not included with the current application  
16 documents. As part of the 2009 application review and  
17 draft permit process the applicant's consultant did  
18 complete a study in 2013 called analysis of Tri-County  
19 Landfill Proposed Outfall 006 to cause or contribute  
20 to downstream flooding conditions.

21                   This document was associated with the  
22 previous application and draft permit and is not  
23 included in the current on-line application documents.  
24 This is typical of Tri-County to include data that is  
25 eight to 10 years old or just to leave out the

1 important data altogether.

2                   We ask that Tri-County submit a  
3 current hydraulic impact study to address the concerns  
4 of flooding on Route 258. A statement in the NPDES  
5 indicates that the stream still has some assimilated  
6 capacity. How was this determined?

7                   Depending on the flow and how the  
8 creek responds increases in flow could cause increased  
9 velocities in the creek that could cause erosion of  
10 the channel. This could be concern for downstream  
11 bridges and sensitive ecosystems.

12                   Have there been any studies to  
13 determine the connectivity between the discharge  
14 location and the water aquifers? Many people in this  
15 community use the aquifer as a drinking water  
16 resource. And depending on how the aquifer is  
17 recharged could be hydrologically much closer  
18 connected to the outflow than Ellwood City.

19                   We believe a decision on these NPDES  
20 should be delayed until Tri-County Landfill submits  
21 the complete and current information required for a  
22 full assessment.

23                   And I just want to add that as a  
24 community member, as a mom, as an environmentalist and  
25 someone who has made the sustainability commission,

1 the present commission on sustainability as you are  
2 aware - I see I'm out of time - this concern I will be  
3 actively looking to see what is happening on this  
4 front. And I really appreciate your time listening to  
5 these concerns. Thank you.

6 MR. DECKER: Thank you so much, Leigh  
7 Ann. We really appreciate you, too. Bob Pebbles will  
8 be up next followed by Anthony Sunseri. Bob, are you  
9 ready?

10 MR. PEBBLES: Yep.

11 MR. DECKER: All right, we're ready  
12 for you.

13 MR. PEBBLES: Okay. This is Bob  
14 Pebbles, I'm the chair of Liberty Township with Tri -  
15 to enforce the regulations for the health and safety  
16 of our and the nearby communities with little help  
17 from our local government funded organizations.

18 According to zoning the TLC dump is  
19 where it's permitted to be, so we can only try to  
20 protect our residents and natural resources by  
21 enforcing regulations and the laws to its fullest  
22 extent.

23 It seems some of Pennsylvania and  
24 federal laws have been overlooked or forgotten as far  
25 as health, safety and welfare. The idea of discharge

1 - of the discharge from TLC into our waterways is  
2 unacceptable. There are options to truck away to  
3 injection wells that was designated for this purpose  
4 is still viable.

5                   Maybe not financially for TLC finance  
6 is not our concern. Our children and their children  
7 are. Even if all the well drilling waste is not  
8 allowed including the fracking waste, the impact of  
9 the total eliminated estimated discharge will create  
10 erosion in our small windy tributaries and waterways.

11                   There is no up-to-date hydraulic  
12 reports or studies for this amount of discharge  
13 including how much more impervious areas have  
14 developed in the last 10 years which needs to be taken  
15 into account.

16                   We need to protect our environment  
17 including humans and animals. I hope this - I hope  
18 these statements and opinions do not fall on deaf  
19 ears. We live in this environment and it's our job to  
20 protect it. Thank you.

21                   MR. DECKER: Thank you so much, Bob.  
22 We appreciate your comments. Anthony Sunseri is next  
23 followed by our final speaker Joe Matthews. Anthony,  
24 are you ready?

25                   MR. SUNSERI: Yes.

1                   MR. DECKER: You can take it away.

2                   MR. SUNSERI: Yes, My name is Anthony  
3 Sunseri. I live within a mile of the landfill. In  
4 light of the water table in the area, I believe the  
5 hydrology study should be performed before granting  
6 the NPDES permit.

7                   Residents of Liberty Township and  
8 surrounding areas rely on water wells for their water  
9 supply and their drinking water. And your decisions  
10 and actions in this matter will cause unresolvable  
11 issues for the residents of our community.

12                   Please deny this permit. Thank you.

13                   MR. DECKER: Thank you so much  
14 Anthony. Joe, you're our final speaker this evening.  
15 We're ready when you are.

16                   MR. MATTHEWS: Okay. Yes, my name is  
17 Joe Matthews. I'm one of the Liberty Township  
18 supervisors. I live pretty much right along Wolf  
19 Creek. Most of the topics I wanted to discuss have  
20 already been mentioned. There are a couple items that  
21 I'd like to bring up here.

22                   So there are a lot of businesses  
23 downstream from Tri-County. Well, just in around the  
24 area where they want discharge as well as downstream.  
25 Some of these businesses rely on that water to help



1 with their business. Whether it's agricultural or in  
2 their business itself.

3               So these businesses are going to be  
4 negatively impacted by the radioactive waste that's  
5 being discharged. So one thing to point out is why  
6 are these businesses' profits that could suffer being  
7 put behind one business's profits at hand - that will  
8 - the profits of one business.

9               The second thing I'd like to point out  
10 is that this area is abundant in wildlife. Deer,  
11 small game, some bear, geese and fish. The discharge  
12 of this radioactive waste will impact the wildlife,  
13 and a lot of this wildlife is game that people hunt.

14              So this radioactive waste can break one  
15 of the links in the food chain or travel up the food  
16 chain. A lot of people rely on this game to help  
17 supplement their family's food which will impact them  
18 through the food chain. So not only just from the  
19 water that's going to be around, but also from the  
20 food they maybe eat.

21              So we ask the DEP to consider and  
22 reject the permit for fracking waste in order to  
23 protect wildlife, businesses, livestock and residents,  
24 not only in and around Tri-County, but all the way  
25 downstream. Thank you.

1                   MR. DECKER: Thank you so much. We  
2 really appreciate it. That's going to conclude  
3 today's virtual public hearing. We will continue to  
4 accept comments on this proposed permit until close of  
5 business on April 30th. You can please e-mail any  
6 additional comments to the address you see on your  
7 screen now. Or if any of you have already been e-  
8 mailed me I would be glad to take any comments and  
9 give them to the permit department here.

10                   You can also mail your comments to the  
11 DEP's Northwest Regional Office. It's at 230 Chestnut  
12 Street in Meadville, PA 16325. And again thank you  
13 for being here tonight and for your participation. A  
14 lot of great comments were delivered and the DEP  
15 greatly appreciates all your feedback on this process.

16                   So again, thanks and have a wonderful  
17 evening. We appreciate it.

18                   \* \* \* \* \*

19                   HEARING CONCLUDED AT 7:26 P.M.

20                   \* \* \* \* \*

21  
22  
23  
24  
25

## CERTIFICATE

I hereby certify that the foregoing proceeding was reported by me on 4/15/2021 and that I, Shannon C. Fortsch, read this transcript, and that I attest that this transcript is a true and accurate record of the proceeding. This notarial act involved the use of communication technology.

Dated the 25<sup>th</sup> day of May, 2021



Court Reporter

Shannon C. Fortsch

## **Appendix D**

### **Tri-County Public Hearing Comments/Testimony**

## Dickey, Justin

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**From:** Kicher, Eric  
**Sent:** Tuesday, April 13, 2021 8:03 AM  
**To:** Dickey, Justin  
**Cc:** Pesek, Adam  
**Subject:** FW: [External] Proposed grove city landfill Tri county

Comment on Tri-County below. I expect we'll see more by the end of the comment period.

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**From:** Decker, Tom <thomadecke@pa.gov>  
**Sent:** Tuesday, April 13, 2021 7:57 AM  
**To:** Kicher, Eric <ekicher@pa.gov>  
**Subject:** FW: [External] Proposed grove city landfill Tri county

Eric, I am forwarding you a comment I received on the Tri-County permit. We are now up to 17 people speaking at the hearing. Thanks.

**Tom Decker** | Community Relations Coordinator  
Department of Environmental Protection | Northwest Region Office  
400 Market Street | Harrisburg, PA 17105  
Phone: 814.332.6615 | Mobile: 814.573.3709 | [Twitter](#): @PennsylvaniaDEP  
<http://www.dep.pa.gov/>

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**From:** Ed Swearer <[ed54sunsets.beaches@yahoo.com](mailto:ed54sunsets.beaches@yahoo.com)>  
**Sent:** Monday, April 12, 2021 9:32 PM  
**To:** Decker, Tom <[thomadecke@pa.gov](mailto:thomadecke@pa.gov)>  
**Subject:** [External] Proposed grove city landfill Tri county

**ATTENTION:** This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to [CWOPA\\_SPAM@pa.gov](mailto:CWOPA_SPAM@pa.gov).

Dear Mr. Decker, we just heard their is a virtual meeting scheduled for concerns of the tri county proposed land fill on 4-15-21.

My wife and I totally oppose this landfill.

We our wondering why their is not a public hearing at the high school as they did before.

These out of towners, who want to destroy our town our just in needing of some jail time.

Our old water lines, just as rusty as they are, will not keep out the harm, these people want to place so close to our town. I sure don't want to see a 160' high garbage dump.

And in thinking, who paid off who, to let this sham go on.

Hope to hear from someone, on a public hearing, this time, I feel the whole town will show up.

We oppose and do not support this landfill!!!!!!!!!!!!

Sincerely,

Ed and Cindy Swearer, Jr.

108 Barr Ave.

Grove city, Pa 16127

cell 814-591-1370



## Dickey, Justin

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**From:** jane cleary <cleary2@zoominternet.net>  
**Sent:** Monday, April 12, 2021 8:09 PM  
**To:** Dickey, Justin  
**Cc:** Pesek, Adam  
**Subject:** Re: [External] Tri-County Landfill maps for the NPDES

Mr. Dickey,

Thank you for this information. I appreciate your time and that of Adam Pesek.  
Jane

On 4/12/2021 12:47 PM, Dickey, Justin wrote:

Ms. Cleary,

In response to your questions about the Tri-County Landfill draft NPDES permit, I recommend that you review the application documents and draft permit documents found at:

<https://www.dep.pa.gov/About/Regional/NorthwestRegion/Community-Information/Pages/Tri-County-Landfill.aspx>

We appreciate your interest in this draft permit and we will do what we can to answer your questions. A response to your most recent questions is below in *RED*. However, please note that Adam has a large workload and many other people inquiring about permit applications, draft permits, etc. Again, we will do what we can to answer your questions but you should be able to find the answers to many of your questions in the permit application and draft permit documents found at the link above.

- In looking at the "Fact Sheet" it appears that TCL will not be required to test for any pollutants in Group 7, which includes the radioactive elements. Is this correct, or am I once again overlooking something? *Pollutant Group 7 sampling was not required for this application.*
- can you tell me which DEP staff members will be present at the NPDES virtual hearing this Thursday? *The hearing will provide an opportunity for the public to provide testimony on the draft NPDES permit. Many DEP staff may be observing the hearing but will not be actively participating. DEP participation will generally be limited to the introduction of the hearing and I believe that will be limited to Eric Kicher (Acting Program Manager) and Tom Decker (Community Relations Coordinator).*
- Is it correct that the treatment plant is still "proposed"? *Yes.* Will there be another permit required for the plant? *A Water Quality Management (WQM) permit application will be required for the construction and cooperation of any wastewater treatment facilities.*
- What is the deadline for written comments concerning the NPDES? *April 30<sup>th</sup>. Please note that you send us your written thoughts/comments in addition to what you say at the hearing. All questions and comments stated at the hearing as well as all written comments will be addressed in a comment response document.*
- has there been a discharge volume impact study or load limit calculation for the leachate? If I have again missed this, please let me know the page number. *A hydraulic impact study of the discharge volume on the receiving stream was not included with the current application documents. As part of the 2009 application review and draft permit process, the applicant's consultant did complete a study in 2013 called "Analysis of Tri-County Landfill Proposed Outfall 006 to Cause or Contribute to Downstream Flooding Conditions" but this document was associated with the previous application and draft permit and is not included in the current online application documents. In terms of pollutant load evaluations to the receiving stream, all water quality modelling information can be found in the Fact Sheet document*



*found at the above link. Page 7 of the Fact Sheet document starts the discussion about the development of effluent limitations. Page 15 of the Fact Sheet document starts the model output files including the calculation of water quality based effluent limitations.*

**Justin C. Dickey, P.E.** | Environmental Engineer Manager  
Department of Environmental Protection | Clean Water Program  
Northwest Regional Office  
230 Chestnut Street | Meadville, PA 16335  
Phone: 814.332.6352 | Fax: 814.332.6121  
[www.dep.pa.gov](http://www.dep.pa.gov)

---

**From:** jane cleary <[cleary2@zoominternet.net](mailto:cleary2@zoominternet.net)>  
**Sent:** Monday, April 12, 2021 9:32 AM  
**To:** Pesek, Adam <[apesek@pa.gov](mailto:apesek@pa.gov)>  
**Subject:** Re: [External] Tri-County Landfill maps for the NPDES

Adam,

Thank you so much. Very helpful - don't know how I missed these.

I do have a few more questions -

1. In looking at the "Fact Sheet" it appears that TCL will not be required to test for any pollutants in Group 7, which includes the radioactive elements. Is this correct, or am I once again overlooking something?
2. can you tell me which DEP staff members will be present at the NPDES virtual hearing this Thursday?
3. Is it correct that the treatment plant is still "proposed"? Will there be another permit required for the plant?
4. What is the deadline for written comments concerning the NPDES?
5. has there been a discharge volume impact study or load limit calculation for the leachate? If I have again missed this, please let me know the page number.

Thanking you in advance,

Jane

On 4/12/2021 8:59 AM, Pesek, Adam wrote:

Jane,

The figures can be found on pages 63-65 of the online application.

Adam J. Pesek, E.I.T. / Environmental Engineer  
Department of Environmental Protection / Clean Water Program  
230 Chestnut Street, Meadville, PA 16335  
Phone: 814.332.6331 / Fax: 814.332.6121

---

**From:** jane cleary <[cleary2@zoominternet.net](mailto:cleary2@zoominternet.net)>  
**Sent:** Monday, April 12, 2021 8:02 AM  
**To:** Pesek, Adam <[apesek@pa.gov](mailto:apesek@pa.gov)>  
**Subject:** [External] Tri-County Landfill maps for the NPDES

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Hello Adam,

I am hoping you may provide some information for me regarding the Tri-County Landfill NPDES application.

1. It appears that TCL supplied inaccurate coordinates for Outfall 4 and Outfall 5. The coordinates they supplied indicate stormwater will be about 15 miles away, west of Route 19, flowing into Neshanock Creek,
2. the online application does not provide a map, indicating Outfalls #4, #5, nor #6. While the Table of Contents for the application notes "Figures" are provided, no page number is given, and I find no "map", "site plan", nor "flow diagram"

If I am in error, please direct me to the correct page number to locate these maps. If they are missing, could you please send me an electronic copy of these maps, as well as the correct coordinates, and add them to the DEP's online NPDES.

Many thanks,  
Jane Cleary

## Dickey, Justin

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**From:** Decker, Tom  
**Sent:** Wednesday, April 14, 2021 10:08 PM  
**To:** EP, NPDES\_NWRO  
**Subject:** FW: [External] Tri County NPDES Permit application

Hey there, just forwarding along a comment to be considered for this NPDES hearing.

**Tom Decker** | Community Relations Coordinator  
Department of Environmental Protection | Northwest Region Office  
400 Market Street | Harrisburg, PA 17105  
Phone: 814.332.6615 | Mobile: 814.573.3709 | [Twitter](#): @PennsylvaniaDEP  
<http://www.dep.pa.gov/>

---

**From:** Ed Swearer <ed54sunsets.beaches@yahoo.com>  
**Sent:** Wednesday, April 14, 2021 10:05 PM  
**To:** Decker, Tom <thomadecke@pa.gov>  
**Subject:** [External] Tri County NPDES Permit application

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Dear Tom Decker,

I will not be able to do the virtual meeting, but ask that you present this email as evidence for the application process.

A recent accident involving a Tri county garbage truck, car, and school bus were involved near Pine Grove F.D.

That roadway has so much traffic, and do not want to see endless trucks 24/7.

We do not want to see a 160' or higher pile of garbage.

We do not want to have the stench and smell of more garbage in the Grove city area.

2019 when I viewed a water and gas line dug up in the city of grove city, the water line was so rusty. I just don't want any more bad seeping in our water lines. Just do not want our soil contaminated.

We moved to Grove City for a nice town, now to be faced with a mountain of garbage!!

And for our property values to go down, well tell these out of towners who want to destroy our town, take the out of town garbage in their back yard.

We really do not want anymore out of state garbage hauled in to the Grove city area.

Sincerely  
Ed and Cindy Swearer, Jr.  
108 Barr ave  
Grove city Pa 16127  
814-591-1370

## Dickey, Justin

---

**From:** Gillian Graber <gillian@protectpt.org>  
**Sent:** Thursday, April 15, 2021 7:20 PM  
**To:** EP, NPDES\_NWRO  
**Subject:** [External] Tri-County Landfill Comment  
**Attachments:** Tri-county comment to PA DEP.pdf

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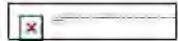
To whom it concerns,

Please accept my attached comment for the National Pollutant Discharge Elimination System (NPDES) permit application submitted by Tri-County Landfill, Inc. for the proposed re-opening of the existing closed municipal waste landfill called Tri-County Landfill in Liberty and Pine townships, Mercer County.

Kind regards,

*Gillian Graber*

*Executive Director*



(724) 392-7023

[www.facebook.com/ProtectPT](https://www.facebook.com/ProtectPT)

Twitter: [@ProtectPT](https://twitter.com/ProtectPT)





3344 Route 130, PO Box 137  
Harrison City, PA 15636

April 15, 2021

*Submitted by Email & Given Testimony*

Pennsylvania Department of Environmental Protection  
Northwest Regional Office  
230 Chestnut Street  
Meadville, PA 16335

Dear Permitting Manager,

We are submitting this comment on behalf of the members of our organization living downstream and all residents of Pennsylvania who have a right to "*clean air and pure water... for generations yet to come*" under Article 1 Section 27 of the Pennsylvania Constitution. Protect PT (Penn-Trafford). Protect PT is committed to ensuring that the safety, security, and quality of life of community members are protected from the adverse effects of unconventional gas development. We are concerned with the acceptance of the National Pollutant Discharge Elimination System (NPDES) permit application submitted by Tri-County Landfill, Inc. for the proposed re-opening of the existing closed municipal waste landfill called Tri-County Landfill in Liberty and Pine townships, Mercer County.

The acceptance of oil and gas waste at the Tri-County Landfill will contaminate the landfill causing harm to the surrounding population and groundwater sources through the inevitable discharge of improperly treated water and leachate as a result of mixing sanitary waste with oil and gas waste. Shale drilling waste which has been known to contain '*radioactive elements, metals/metalloids Arsenic (As), Selenium (Se), Iron (Fe) and Strontium (Sr), and brine salts*' (Chen, Season S., et al) as well as Volatile Organic Compounds (VOCs) such as Benzene, Toluene, and Xylene (Appendix A: Chemicals Identified.) The environmental and health hazards created by the Westmoreland Sanitary Landfill (WSL) are primary examples of what could happen at Tri-County Landfill if this permit is accepted.

Similar to the Tri-County permit applications, WSL uses fracking waste as a cover, increasing the level of radioactivity that will eventually percolate through the landfill and result in radioactive toxic leachate. This leachate is notoriously difficult to process and has been the cause of harm to the public surrounding the Westmoreland Sanitary Landfill. Allowing other landfills, like Tri-County Landfill, to do the same thing

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[info@protectpt.org](mailto:info@protectpt.org) / (724) 392-7023 / [www.protectpt.org](http://www.protectpt.org)

Page 1

exacerbates the current problem in PA of how to properly dispose of radioactive oil and gas waste.

WSL started accepting oil and gas waste in 2010, piping their leachate water directly to the Belle Vernon Municipal Authority (BVMA). In 2019 District Attorneys from Washington and Fayette Counties obtained a court order on behalf of the Belle Vernon Municipal Authority to stop accepting leachate from WSL due to the inability to process the water correctly under their NPDES permit. In April 2019, Dr. John Stolz, a researcher at Duquesne University, analyzed WSL's leachate at the Belle Vernon Municipal Authority (BVMA). Dr. Stolz's analysis concluded that the leachate was radioactive and indicated high levels of oil and gas waste contamination and he will testify tonight on what he found.

In August 2019, the Pennsylvania Department of Environmental Protection (PADEP) and WSL collaborated to solve this issue by proposing a leachate evaporator project to handle the landfill's excessive radioactive leachate production. In May 2020, Protect PT learned of WSL's plans for a leachate evaporation system and began organizing with partner organizations, local residents, and experts to formally oppose permit issuance by PADEP. Our greatest concern, based on the analysis from Dr. Stolz, is the concentration of radioactivity at the landfill because the permit seeks permission to allow 45,000 gallons per day of leachate evaporation. The Tri-County permit lacks an adequate plan to test for radioactivity and similar to the Westmoreland Sanitary Landfill, may have unforeseen consequences of accepting oil and gas waste.

The application for the Tri-County Landfill for a National Pollutant Discharge Elimination System (NPDES) permit should be rejected until the Waste Permit is modified to prohibit the acceptance of oil and gas waste. The landfill's plans to accept oil and gas waste and use this waste as a cover will contaminate the landfill and cause harm to surrounding communities and groundwater. Furthermore, the leachate that will be created from this site will cause contamination of local water sources because of its projected levels of toxicity. Radioactivity does not disappear. This contamination will impact communities and water sources for generations to come violating our constitutional rights. Thank you for your time.

Sincere Regards,



Gillian Graber  
Executive Director



## Dickey, Justin

---

**From:** Decker, Tom  
**Sent:** Thursday, April 15, 2021 7:30 PM  
**To:** EP, NPDES\_NWRO  
**Subject:** FW: [External] Looking to Speak At Thursday evening's DEP public hearing on the Tri-County Landfill (TCL) NPDES permit  
**Attachments:** TriCounty NPDES Permit Comments\_Justin Nobel, 4\_15\_2021.docx

Comments From Hearing.

**Tom Decker** | Community Relations Coordinator  
Department of Environmental Protection | Northwest Region Office  
400 Market Street | Harrisburg, PA 17105  
Phone: 814.332.6615 | Mobile: 814.573.3709 | [Twitter: @PennsylvaniaDEP](https://twitter.com/PennsylvaniaDEP)  
<http://www.dep.pa.gov/>

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**From:** Justin Nobel <justinnobel@gmail.com>  
**Sent:** Thursday, April 15, 2021 7:18 PM  
**To:** Decker, Tom <thomadecke@pa.gov>  
**Subject:** Re: [External] Looking to Speak At Thursday evening's DEP public hearing on the Tri-County Landfill (TCL) NPDES permit

Tom,

Thank you for hosting this event. The comments I presented are below, and also attached:

Thank you so much Tom. My name is Justin Nobel, I have a master's degree in journalism, a master's degree in earth and environmental science, I have spent the past three years researching and reporting on the topic of the radioactivity brought to the surface in oil and gas production and the many different pathways of contamination posed to the industry's workers, the public and communities, and the environment, I'm presently writing a book on these issues for Simon & Schuster. Some great comments already this evening so I will make just two points here to build on earlier comments:

One, Section 5 of DEP's own highly promoted 2016 TEORM Report conveys that radium-226 in the leachate in nine landfills selected based on volume of oil and gas waste accepted ranged from 67 to 378 picocuries per liter. These levels are all above the health-based limit of 60 picocuries per liter that the Nuclear Regulatory Commission has set for facilities that it oversees, such as a nuclear power plant. So let me really hit this point, the Nuclear Regulatory Commission would prevent a nuclear power plant from discharging waste with radium-226 at these levels into the environment, but the DEP is saying that it is fine to discharge waste with radium-226 at these levels right into Pennsylvania creeks and rivers where Commonwealth residents fish, kayak, swim and draw their drinking water. How could a health limit be okay for one industry, but not for another? This is not science. This makes no sense.

Two, DEP's TENORM report also showed elevated levels of radium at the outfalls where landfills discharged to the environment. Given, that the state's own data shows radium is present in the leachate at high levels this is no surprise. But it is very concerning, because I have visited many of these outfalls. There are no signs at the outfalls indicating there is elevated levels of radium in these discharges, there is nothing in the permits indicating there is radium in these discharges, and yet I have seen with my own eyes evidence of Pennsylvania kids fishing right there, because the discharge creates a nice little pocket in the creek, a great place for trout to hide.

In conclusion, DEP's own data shows that Pennsylvania landfills that accept oilfield waste are inherently taking in material that is radioactive well above background, producing leachate that is highly radioactive, and introducing additional radioactivity into a portion of the Pennsylvania environment highly used by human beings. My opinion: An independent study examining these matters must be conducted before any new permits like this are issued. To not do so would be derelict of DEP's mission and the data which they hold in their very own hands.

Sincerely,  
Justin Nobel

On Wed, Apr 14, 2021 at 9:49 AM Decker, Tom <[thomadecke@pa.gov](mailto:thomadecke@pa.gov)> wrote:

Hi Justin, thanks so much for reaching out. Please click on the link at the bottom of the attachment to complete your registration. You will then get a confirmation email with the link you will use tomorrow. If you need anything else please let me know. Thanks.

**Tom Decker** | Community Relations Coordinator  
Department of Environmental Protection | Northwest Region Office  
400 Market Street | Harrisburg, PA 17105  
Phone: 814.332.6615 | Mobile: 814.573.3709 | [Twitter](#): @PennsylvaniaDEP

<http://www.dep.pa.gov/>

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**From:** Justin Nobel <[justinnobel@gmail.com](mailto:justinnobel@gmail.com)>  
**Sent:** Wednesday, April 14, 2021 9:46 AM  
**To:** Decker, Tom <[thomadecke@pa.gov](mailto:thomadecke@pa.gov)>  
**Subject:** [External] Looking to Speak At Thursday evening's DEP public hearing on the Tri-County Landfill (TCL) NPDES permit

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Dear Mr. Decker,

I am a science journalist and author presently writing a book to be published with Simon & Schuster on the issue of the radioactivity brought to the surface in oil and gas development and the many different pathways of contamination posed to the industry's workers, the public and communities, and the environment. In my research and reporting I have gained insight into Pennsylvania landfills that accept oil and gas waste and I am emailing you to request a slot to speak at DEP's upcoming hearing for Tri-County. Please advise.

Thank you so much.

Sincerely,

Justin Nobel

--  
Justin Nobel  
985-415-5891  
[www.justinnobel.com](http://www.justinnobel.com)

--  
Justin Nobel  
985-415-5891  
[www.justinnobel.com](http://www.justinnobel.com)

Justin Nobel – Science Journalist & Author  
www.justinnobel.com justinnobel@gmail.com 985-415-5891

Thank you so much Tom. My name is Justin Nobel, I have a master's degree in journalism, a master's degree in earth and environmental science, I have spent the past three years researching and reporting on the topic of the radioactivity brought to the surface in oil and gas production and the many different pathways of contamination posed to the industry's workers, the public and communities, and the environment. I'm presently writing a book on these issues for Simon & Schuster. Some great comments already this evening so I will make just two points here to build on earlier comments:

One, Section 5 of DEP's own highly promoted 2016 TEORM Report conveys that radium-226 in the leachate in nine landfills selected based on volume of oil and gas waste accepted ranged from 67 to 378 picocuries per liter. These levels are all above the health-based limit of 60 picocuries per liter that the Nuclear Regulatory Commission has set for facilities that it oversees, such as a nuclear power plant. So let me really hit this point, the Nuclear Regulatory Commission would prevent a nuclear power plant from discharging waste with radium-226 at these levels into the environment, but the DEP is saying that it is fine to discharge waste with radium-226 at these levels right into Pennsylvania creeks and rivers where Commonwealth residents fish, kayak, swim and draw their drinking water. How could a health limit be okay for one industry, but not for another? This is not science. This makes no sense.

Two, DEP's TENORM report also showed elevated levels of radium at the outfalls where landfills discharged to the environment. Given, that the state's own data shows radium is present in the leachate at high levels this is no surprise. But it is very concerning, because I have visited many of these outfalls. There are no signs at the outfalls indicating there is elevated levels of radium in these discharges, there is nothing in the permits indicating there is radium in these discharges, and yet I have seen with my own eyes evidence of Pennsylvania kids fishing right there, because the discharge creates a nice little pocket in the creek, a great place for trout to hide.

In conclusion, DEP's own data shows that Pennsylvania landfills that accept oilfield waste are inherently taking in material that is radioactive well above background, producing leachate that is highly radioactive, and introducing additional radioactivity into a portion of the Pennsylvania environment highly used by human beings. My opinion: An independent study examining these matters must be conducted before any new permits like this are issued. To not do so would be derelict of DEP's mission and the data which they hold in their very own hands.

-- END --



## Dickey, Justin

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**From:** Decker, Tom  
**Sent:** Thursday, April 15, 2021 7:31 PM  
**To:** EP, NPDES\_NWRO  
**Subject:** FW: [External] Re: Grove City, Vogel Industries, Re-opening of Landfill  
**Attachments:** Testimony - Lyndsay Denny.rtf

Comments from Hearing.

**Tom Decker** | Community Relations Coordinator  
Department of Environmental Protection | Northwest Region Office  
400 Market Street | Harrisburg, PA 17105  
Phone: 814.332.6615 | Mobile: 814.573.3709 | [Twitter](#): @PennsylvaniaDEP  
<http://www.dep.pa.gov/>

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**From:** Lyndsay Denny <lyndsay.denny@yahoo.com>  
**Sent:** Thursday, April 15, 2021 6:48 PM  
**To:** Decker, Tom <thomadecke@pa.gov>  
**Subject:** [External] Re: Grove City, Vogel Industries, Re-opening of Landfill

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Hello Mr. Decker,

Thank you for having another hearing. I've attached my testimony from this 4/15/21 hearing regarding the waste being dumped in Grove City by Vogel Industries aka Tri-County. Please let me know if you have any trouble opening it. You'll also find my previous email to you if you scroll up which has my testimony from the 2019 hearing. It tells you that we were applying for a septic permit then, which has since been denied because ONE person opposed it. Everything I said in that testimony still applies *because* they're still speeding on my road and everywhere else in Grove City. Please refer to the accident on 208 just other day between a Tri-County truck, school bus and sedan pulling into the COVID vaccine clinic. They're completely and utterly negligent so I will never in any way believe that they would make sure that they weren't poisoning our waterways. Please do *something* about this! Please!

Thank you,

Lyndsay Denny  
(412) 735-2900

On Wednesday, October 16, 2019, 05:17:14 PM EDT, Lyndsay Denny <[lyndsay.denny@yahoo.com](mailto:lyndsay.denny@yahoo.com)> wrote:

Thank you to Mr. Decker and all of the DEP members for calling this hearing. I am *grateful* that we are able to be heard.

I am a resident of Grove City for two years now, and I can honestly say that I love it here as much as where we used to live, which was Ligonier, PA. My favorite thing about this town is the bird populations! We have Bald Eagles, Great Horned Owls, Red-Tail Hawks, Coopers Hawks, Barred Owls, Blue Herons, Wood Ducks, Wood Thrushs, Red Bellied Woodpeckers, the list goes on and on of birds I see often and frequently. I hope that *EVERYONE* understands how important it is to take care of the bird populations *here*, in Grove City. I grew up right outside of Pittsburgh and you know what birds I see there? Turkey Vultures. Everywhere. There is literally garbage all over the place. I walk around Grove City and see how everyone is really trying to do their part to clean up this town. Then I see Tri-County doing 40 mph on my 25 mph road with garbage flying right out of these enormous trucks they're driving. I quickly picked up on Tri-County's

negligence after I called their customer service the first time to notify them that major speeding was happening on our road with their trucks. That kids are in the area and for everyone's safety, to please slow down. I was not given any kind of "customer service" but was told, "Oh okay, I'll let them know", and absolutely nothing has changed. This last week when I saw garbage flying out all over the road, that myself and the other residents try to keep clean, I called customer service and left a message again. With every story that I hear about Tri-County, the more concerned I am that they exist at all. Another landfill for them is not the answer. When I hear that an employee goes in their landfill with a living animal, that was found on their property, to be left for dead instead of taking that animal to the shelter, I can no longer see them the same. I chose to have Brocklehurst Drop Boxes as our residential waste collector because all of my neighbors were very happy with their service. Our rates with them just increased \$7 (\$12 in the last two years), however, I am willing to pay \$85 quarterly for service that is overall, way safer. This is all just based on my experience for the last two years here as a resident of Grove City.

I oppose this landfill because of the increase in traffic on I-79, I-80 and 208. Not only will the drastic increase of traffic have an effect on my daily life, but it will also drastically decrease the bird population in this area, that we should ALL consider so very precious to have. We already struggle with it. Last month I picked up a dead Great Horned Owl on the on-ramp of I-80 West, who was hit the night before, likely by a very large truck. I took the gorgeous creature to the Tamarack Wildlife Center where it was reported and taken care of. I know the airport is right next door to this proposed landfill and that they are bringing in life to the community. This reopening would absolutely effect them the most. We could lose so much from the reopening of this landfill, yet Tri-County would gain millions of dollars. Here is where we rely on you all to make the best decision for this entire community while hearing our voices. Our day to day is within this town so there is no other way than to take this but personal.

I know you all will do the right thing. My family and I are also in the process of applying for a permit to put a slow-flow system on our property so we can put a trailer here for my mom and 33 year old autistic brother (the land did not pass a percolation test). We understand the rules and regulations necessary to do this right and are willing to wait the year we were told it would take to get an approval or denial for this permit. We are grateful for these rules for the protection of the environment, which also means protecting humans. I am confident you will do the right thing. Again, I thank you for having this hearing and I wish you all great rest before making your decision for Grove City and all of the life within it.

Lyndsay Denny

Hello, my name is Lyndsay Denny and I have been a resident of Pine Township for three and a half years now.

Thank you for this hearing.

Last year I tried to get a septic permit on our private land so that we could put a modular home on our lot for my mother and 34 year old autistic brother so that they could be close to us for long term care.

After failed perc tests done throughout our 5 acres, the only option we had left was to put in a slow flow treatment "facility" but only if we got permission from all of the landowners that were downstream which required them to sign and notarize a legal document stating they allowed it.

Since the last person down stream did not agree to allow us to do this, the permit was denied.

We were devastated after all of the time spent to get this permit and the cost.

There were no other options available from the DEP even though this slow flow system would be processing residential waste and releasing liquid clean enough to drink into the stream on our property which also required testing that we would have to pay for and then provide results to the DEP and Pine Township.

Why doesn't commercial waste for a business have the same restrictions for a permit that would be releasing commercial waste into a public stream?

Why aren't all the land owners down stream given a say just as they are when a resident needs a septic permit from the DEP?

If nothing else, why isn't testing required so that we're sure that the commercial waste is of no harm?

How can we rely on a money making business to be honest and transparent with the community if it is not being monitored in any way?

This would be happening where we live, the over 7,000 men, women and children of Grove City.

The Department of Environmental Protection should be protecting the thousands of residents and the ecosystem here in Grove City by requiring transparency so that we know our waterways are not being poisoned or altered in any way that could destroy our economy, property values and beautiful environment.

I oppose this permit, along with many others in Pine Township and Grove City. So I ask that the DEP requires the same procedures for businesses that they do for residents who are looking to dump waste into the land that surrounds our homes, our schools and our businesses in the beautiful state of Pennsylvania.

All of our lives depend on it.



## Dickey, Justin

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**From:** Decker, Tom  
**Sent:** Thursday, April 15, 2021 7:31 PM  
**To:** EP, NPDES\_NWRO  
**Subject:** FW: [External] Wishing to speak at April 15th meeting  
**Attachments:** NPDES Public Hearing - EPA Has Failed Us.docx

Comments from hearing.

**Tom Decker** | Community Relations Coordinator  
Department of Environmental Protection | Northwest Region Office  
400 Market Street | Harrisburg, PA 17105  
Phone: 814.332.6615 | Mobile: 814.573.3709 | [Twitter](#): @PennsylvaniaDEP  
<http://www.dep.pa.gov/>

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**From:** Dawn Baselj <baze692003@yahoo.com>  
**Sent:** Thursday, April 15, 2021 6:16 PM  
**To:** Decker, Tom <thomadecke@pa.gov>  
**Subject:** Re: [External] Wishing to speak at April 15th meeting

I have attached my testimony. However, I wrote quite a few words they way I had to say them.

God Bless,  
Dawn

On Thursday, April 15, 2021, 10:39:12 AM EDT, Decker, Tom <[thomadecke@pa.gov](mailto:thomadecke@pa.gov)> wrote:

I wish I knew, lol. You should receive a confirmation email within 15 minutes which will have a link that you will use tonight. Try and log in 15 minutes in advance incase you have any issues, we can try and get them figured out ahead of time. Glad your in though.

**Tom Decker** | Community Relations Coordinator  
Department of Environmental Protection | Northwest Region Office  
400 Market Street | Harrisburg, PA 17105  
Phone: 814.332.6615 | Mobile: 814.573.3709 | [Twitter](#): @PennsylvaniaDEP  
<http://www.dep.pa.gov/>

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**From:** Dawn Baselj <[baze692003@yahoo.com](mailto:baze692003@yahoo.com)>  
**Sent:** Thursday, April 15, 2021 10:37 AM  
**To:** Decker, Tom <[thomadecke@pa.gov](mailto:thomadecke@pa.gov)>  
**Subject:** Re: [External] Wishing to speak at April 15th meeting

I figured out how to register, but it was not very easy and sort of hidden. I went through the Pittsburgh event. Why was it not listed with simple links?

God Bless,  
Dawn

On Thursday, April 15, 2021, 10:15:23 AM EDT, Decker, Tom <[thomadecke@pa.gov](mailto:thomadecke@pa.gov)> wrote:

Hi Dawn, I have noticed that you have not registered for our hearing tonight. I did have you as the first speaker. Please use the link at the bottom of this attachment to complete the registration. Once you do, you will receive an email with the link for tonight's hearing. If you have any issues please let me know.

**Tom Decker** | Community Relations Coordinator  
Department of Environmental Protection | Northwest Region Office  
400 Market Street | Harrisburg, PA 17105  
Phone: 814.332.6615 | Mobile: 814.573.3709 | [Twitter](#): @PennsylvaniaDEP

<http://www.dep.pa.gov/>

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**From:** Dawn Baselj <[baze692003@yahoo.com](mailto:baze692003@yahoo.com)>  
**Sent:** Tuesday, March 23, 2021 10:59 AM  
**To:** Decker, Tom <[thomadecke@pa.gov](mailto:thomadecke@pa.gov)>  
**Subject:** [External] Wishing to speak at April 15th meeting

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Good Morning Tom,

I would like to sign up to speak my 3 minutes at the April 15th meeting on Tri-County. Is there anything I need to do except email you this request?

God Bless,

Dawn K. Baselj

724-967-6971

69 Blom Road

Grove City, Pa. 16127

## The EPA Has Failed Us

Hello, my name is Dawn Baselj, and I have lived in Pine Township for 30 years. I am a retired teacher. I do want to ask for some grace in pronouncing some of the words in my testimony.

The National Pollution Discharge Elimination System would lead one to believe that we are dealing tonight with a plan, organized by our federal government to protect us from pollution. However, the reality is just the opposite.

Back in 1980 the Environmental Protection Agency created an **exemption** for the oil and gas industry regarding the wastes brought to the surface of the earth during extraction and production. The Bentsen and Bevill amendments to the Resource Conservation and Recovery Act basically stated that to formally label the "billions of barrels of waste" as hazardous would "cause a severe economic impact on the industry". Effectively, the EPA determined that for the industry to flourish, its hazardous waste should not be defined as hazardous.

So, responsibility has been largely left up to the states. Although DEP's own 2016 Technologically Enhanced Naturally Occurring Radioactive Material, or TENORM report conveys that the lee-chate from oilfield waste landfills is radioactive, Tri-County is still planning to dump this fracking waste in Grove City, in a residential area.

A 40-year veteran of the Youngstown fire department and a hazardous-materials specialist with the Ohio Hazmat Weapons of Mass Destruction Advisory Committee said "If we caught some ISIS terrorist cells dumping this lee-chate into our waterways, they would be tried for terrorism for the use of a Weapon of Mass Destruction on U.S. citizens. However, the fracking industry is given a pass on all of this."



Pennsylvania State Representative Innamorato currently has legislation that would improve the safe disposal of any radioactive fracking wastes. The legislation being considered would require a facility to test municipal waste or residual waste at the time that it enters the facility. In addition, it would require testing lee-chate prior to discharge, through gamma-ray *spec-trom-ity* using high-purity *ger-manium* and lithium-drifted *ger-manium* relating to *an-a-lytical* methods for radioactivity, checking for the presence of all naturally occurring *radi-ona-glides* such as uranium, thorium, and radium.

The radioactive brine at a drilling site averages around 9,300 *pee-co-curie* per liter. The high radioactivity in the soil at some of these sites will stay forever. For example, Radium-226 has a half-life of 1,600 years.

Since the state may soon require the DEP to monitor incoming and outgoing fracking wastes at landfills, we are asking you to be preemptive. Given the high probability that the fracking waste will be radioactive, please **add testing for radioactivity in the Tri-County lee-chate. If you are not willing to take this reasonable step, we the people of Grove City and surrounding areas who will be adversely affected by Tri-County's actions, ask that you remove fracking waste from the permit.**

Thank you for listening to me today.

Information in this testimony came from "America's Radioactive Secret", by Justin Nobel, *Rolling Stone*, Feb 2020, Issue 1336, pp74-94.

## Dickey, Justin

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**From:** Todd Spears <todd.spears@mining.komatsu>  
**Sent:** Thursday, April 15, 2021 7:32 PM  
**To:** EP, NPDES\_NWRO  
**Cc:** jane cleary  
**Subject:** [External] FW: [EXTERNAL]Re: Thursday public hearing  
**Attachments:** NPDES Public Hearing - Health effects of leachate and waste daily cover.docx

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Attached is a written copy of the presentation given by Todd Spears at the Thursday hearing – this was actually put together by Jane Cleary.

**Todd Spears**  
Senior Software Engineer  
**Komatsu Mining Corp. Group**  
40 Pennwood Place  
Warrendale, PA 15086  
United States  
Office +1 724 772 9240  
Mobile +1 724 813 2912



---

**From:** jane cleary <cleary2@zoominternet.net>  
**Sent:** Tuesday, April 13, 2021 4:14 PM  
**To:** Todd Spears <todd.spears@mining.komatsu>  
**Subject:** [EXTERNAL]Re: Thursday public hearing

**Use caution with links and attachments**

Hi Todd,

See what you think of the attached. I read it in 3 minutes and 30 seconds. Feel free to cut parts or make changes. Do you know what number you will be speaking?

Thanks,

Jane

On 4/13/2021 11:31 AM, Todd Spears wrote:

Hey Jane,  
Do you have the text of what you want said for my topic at the public hearing?  
Thanks,  
Todd

**Todd Spears**

Senior Software Engineer

**Komatsu Mining Corp. Group**

40 Pennwood Place

Warrendale, PA 15086

United States

☎ +1 724 772 9240

📠 +1 724 813 2912

**KOMATSU**





## Health Effects from Radioactive Dust and Leachate

Hello – My name is Todd Spears and (I live...work...whatever you want to say)

"Breathing in radioactive dust and ingesting it are the worst types of exposure," says John Stolz, professor and Duquesne University's Environmental Center Director. "You are irradiating your tissues from the inside out." The radioactive particles from radium can be blocked by the skin, but radium readily attaches to dust, making it easy to accidentally inhale or ingest. Once inside the body, its effects accumulate with each exposure. It is known as a "bone seeker" because it goes into the skeleton and causes bone cancers. It also decays into a series of other radioactive elements, called "daughters." The first one for radium-226 is radon, a radioactive gas and the second-leading cause of lung cancer in the U.S. Radon has also been linked to chronic leukemia. "Every exposure results in an increased risk."

In an investigation involving hundreds of interviews with scientists, regulators, and workers, *Rolling Stone* magazine found a sweeping arc of contamination — oil-and-gas waste spilled and dumped across America, with risks to the environment, the public, and the industry's employees. There is little awareness of this huge waste stream, the disposal of which presents dangers at every step — from being transported along the highways in unmarked trucks; handled by landfill workers who are often misinformed and underprotected; dumped into waterways like Black Run and Wolf Creek; and stored in dumps like Tri-County that are not equipped to contain the toxicity.

The extent of any health impacts are unknown, mostly because there hasn't been enough testing. Many doctors just aren't aware of the risks. For a time, in Pennsylvania, doctors were even banned from discussing some toxic fracking exposures with patients — the "medical gag rule" was struck down by the PA Supreme Court in 2016.

But recent legal cases show a direct connection to disease and exposure to fracking waste. Expert testimony in lawsuits by dozens of Louisiana oil-and-gas industry workers going back decades and settled in 2016 show that pipe cleaners,

derrickmen, and truck drivers hauling dirty pipes and sludge to landfills all were exposed to radioactivity without their knowledge and suffered many deadly cancers. The CDC determined that the cancers came from exposure to radioactivity on the job, including inhaling dust and radioactivity." Their own clothes, and even licking their lips or eating lunch, added exposure. Marvin Resnikoff, a nuclear physicist and radioactive-waste specialist who served as an expert witness, says that in every case the workers won or the industry settled.

In Louisiana the levels of radium on oil pipes had registered as much as 20,000 times the limits set by the EPA for topsoil at uranium-mill waste sites. Researchers found that workers who were cleaning oil-field piping were being coated in radioactive dust and breathing it in. One man they tested had radioactivity all over his clothes, his car, his front steps, and even on his newborn baby.

When the landfill workers go out for lunch are they going to carry this dust into the Burger King or the Main Street Diner? Is the dust going to be taken airborne to Center Church, the folks living at the Legends, the kid's soccer field? Will those fishing and boating in Wolf Creek carry this radioactive leachate home with them? We ask you again, please remove radioactive fracking waste from this permit.

Thank you.

Information in this testimony came from "America's Radioactive Secret", by Justin Nobel, *Rolling Stone*, Feb 2020, Issue 1336, pp74-94.

## Dickey, Justin

---

**From:** Decker, Tom  
**Sent:** Friday, April 16, 2021 8:00 AM  
**To:** EP, NPDES\_NWRO  
**Subject:** FW: [External] Tri-County Landfill

Comments for NPES Permit.

**Tom Decker** | Community Relations Coordinator  
Department of Environmental Protection | Northwest Region Office  
400 Market Street | Harrisburg, PA 17105  
Phone: 814.332.6615 | Mobile: 814.573.3709 | [Twitter](#): @PennsylvaniaDEP  
<http://www.dep.pa.gov/>

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**From:** Deb Hickly <hicklys@zoominternet.net>  
**Sent:** Thursday, April 15, 2021 10:48 PM  
**To:** Decker, Tom <thomadecke@pa.gov>  
**Subject:** [External] Tri-County Landfill

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Good Evening

I was unable to attend the virtual meeting this evening, but wanted to express great concern at the proposed landfill.

Grove City is my home. I have lived here for 21 yrs.

Using our town as a dumping ground for fracking waste is unconscionable. This is a residential area! Families live here! Children live here. People have businesses, and colleges and homes here. Allowing this area to be used as a fracking waste deposit is putting our health and lives in danger.

Dumping such waste in a residential community puts people's health at risk.

Please do not allow Tri-County to continue to move forward with this. Please consider the wellbeing of the residents of this area. Please put yourself in our shoes and be honest. Would you want this waste in your neighborhood? Would you want your children, business and family subjected to this. If you lived in Grove City and the surrounding area would you be on board with this. Be very very honest with yourself when you think about allowing this to move forward. If it wouldn't be acceptable for you and your family, why is it acceptable for mine?

Do the right thing and deny Tri County.

Thank you,

Deb Hickly



## Dickey, Justin

---

**From:** Dan Biddle <[dbiddle777@gmail.com](mailto:dbiddle777@gmail.com)>  
**Sent:** Friday, April 16, 2021 9:14 AM  
**To:** Decker, Tom; EP, NPDES\_NWRO  
**Subject:** [External] Hearing Comments Re: NPDES # PA023664, D. Biddle  
**Attachments:** Landfill Letter Sharon Herald April 12 2021.pdf; Herald Article April 1 2021 New Report on Fracking....pdf

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Tom,

Thanks again for allowing me to be part of the speaker group during the Tri-County Industries landfill application hearing. I appreciated your consideration, and as requested, following are my written thoughts from my portion of the meeting, along with the attachment of the Sharon Herald article I referenced in my remarks.

Best regards,

Dan Biddle  
14 Schmidt Rd., Grove City, PA 16127  
[dbiddle777@gmail.com](mailto:dbiddle777@gmail.com)  
Cell 412-979-9198

Mr. Decker, thank you for the opportunity to voice my opinion and concerns regarding the Tri-County landfill application in Grove City. My name is Dan Biddle, and I live in Liberty Township less than a half mile as the crow flies from the proposed landfill site, and therefore have a vested interest in how this project would affect my property, my water well, and my family. Though I'm opposed to the reopening of the landfill in general, I'm most concerned tonight about the inclusion in the permit of residual waste and fluids from fracking operations. I've spent about 25 years of my career involved in the oil and gas drilling arena, and though I'm certainly not an expert, I know enough about the drilling and fracking process and chemicals to heighten my concerns. I know that if the chemicals used in fracking are substantial and strong enough to crack and disrupt the subterranean formations, they're certainly enough to cause havoc with surface water and foliage, and both human and wildlife health and welfare.

I'll use as my platform tonight a recent article that appeared on April 1st in the Sharon Herald entitled "New Report on Fracking Beggars State Response." The article is especially timely given the DEP tentative inclusion of these fracking waste materials in the Tri-County landfill list of approved substances at the Grove City site. The article reported on a study conducted by Environmental Health News, where samples of air, water, and urine were collected from families that live within 2 to 5 miles of gas drilling and fracking operations in southwestern Pennsylvania. From those samples, the study reported that the toxic chemicals found in the bodies of children living near fracking wells were up to 91 times as high as the average American. For those of us who live within that same 2 to 5 mile radius of the proposed landfill, we are not interested in ingesting benzene, styrene, or toluene into our bodies, now or in the future. There are currently 2,236 children registered in the Grove City School district in grades K through 12, and another 550 children not yet old enough for school, for a total of 2,786 children - all of which would be schooled within that same 2 to 5 mile radius of the Tri-County landfill site. It seems pretty obvious to me that none of these 2,800 children deserve to have toxic chemical levels in their bodies 91 times the norm. The inclusion of frac waste in the Tri-County permit is a chemical disaster waiting to happen, and one that wouldn't necessarily be immediately apparent. These chemicals are harsh enough to fracture the earth thousands of feet beneath the surface, and they won't magically go away even when encapsulated in

a landfill liner, or diluted and allowed to percolate into local streams and tributaries, and ground water and drinking wells.

I'm discouraged that after over a decade of failed applications for this landfill, along with an extensive history of Tri-County and Vogel Holding violations and fines, that this reopening project is being allowed to move forward. To me, it would be unreasonable to expect a different practice in the execution of the pending landfill contract. The previous applications have been denied for a wide variety of health, safety, dust, bird, traffic, airport, noise, property values, and environmental reasons, and though the DEP has built in a variety of purported protective measures into the new contract, the local community will bear the brunt of future violations in real time as they occur. It seems important to note that none of the Tri-County owners or executives, nor anyone in the DEP decision-making process, live within the critical 2 to 5 mile circle of the Grove City site. To me, the numbers to remember in this decision are: 91 times toxicity, 2 to 5 mile radius, and 2,786 children. For those of us who will live nearby with the consequences, the elimination of these toxic and radioactive frack-related chemicals from the approved wastestream is vitally important. The 40 + foot high landfill mountain will be damage enough to those of us who live nearby. A mountain full of life-threatening chemicals is an unacceptable risk to all of us in the entire Grove City community.

Thanks again, Mr. Decker, for the chance to talk about my concerns tonight, and I would welcome any chance to continue the conversation in the future. Thank you.



## begs state response

A newly released report is raising new concerns about the effects of hydraulic fracturing on public health and Gov. Tom Wolf should waste little time using the findings as a platform for further study and, if necessary, reform.

The two-year pilot study was conducted by Environmental Health News and what it lacked in samples size it more than made up for in specificity. Researchers spent nine weeks collecting air, water and urine samples from five families in southwestern Pennsylvania — three who live within two miles of active fracking operations and two who live more than five miles from the nearest well pad.

What it discovered was shocking.

"We found chemicals like benzene and butylcyclohexane in drinking water and air samples, and breakdown products for chemicals like ethylbenzene, styrene, and toluene in the bodies of children living near fracking wells at levels up to 91 times as high as the average American," the researchers recounted. "The chemicals we found in the air and water — and inside of people's bodies — are linked to a wide range of harmful health impacts, from skin and respiratory irritation to organ damage and increased cancer risk."

Multiply potentially affected families by the 12,400 or so fracking wells estimated to be active in the state and the math becomes downright frightening.

Of course, none of this should be surprising to state leaders. The state's Office of Attorney General released a wide-ranging report just last summer that outlined extensive environmental, public health and oversight problems related to the fracking industry. The state departments of Environmental Protection and Health both came in for criticism for failing to protect Pennsylvania's citizens, often by embracing policies that placed profits above public health.

"When it comes to fracking, Pennsylvania failed," state Attorney General Josh Shapiro said in unveiling the report. The EHN report adds yet another big red "F" to the state's hydrofracking report card.

It has also added urgency to stage lawmakers' insistence that Pennsylvania respond. Nearly three dozen state senators and representatives have written to Wolf, urging his "immediate action in response to the ongoing harm to the public's health and well-being due to hydraulic fracturing."

Ongoing, indeed. As the law-

makers — all, like Wolf, Democrats — point out elsewhere in their letter, "This study adds to an ever-growing mountain of evidence ... that demonstrate a connection between a person's proximity to shale gas development and a host of negative human health conditions, significant ecological impacts, and dire economic projections for the affected individuals."

There's no argument here. Wolf acknowledged this reality just last month when he joined fellow members of the Delaware River Basin Commission in voting to ban hydrofracking throughout the 13,500-mile watershed.

Focus is now needed specifically in the state. The EHN pilot study findings are concerning, but are they representative? In writing to Wolf, the 35 state lawmakers urged replicating the EHN research on a broader scale.

The effects of fracking are already widely known — from the financial and job-creation benefits on the "credits" side of the ledger to the environmental degradation in the "debits" column. Granular information on specific health impacts will no doubt add to the latter. There is no point, however, in waiting another two years to gather that information before acting to mitigate the effects.

By all means, conduct expanded studies, but there is sufficient information on the public-health costs of hydrofracking — the 2020 attorney general's report, for starters — to require the governor to respond to the question with which his colleagues ended their letter: "Does this administration honestly believe that fracking is safe for our families?"

If the answer is "no," urgent action on new safety measures must follow.

York Dispatch | AP



**Pennsylvania Attorney General Josh Shapiro holds a jar of discolored tap water last year during a news conference.**

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## FEATURED LETTER

# Fracking waste in Grove City-area landfill is unacceptable risk

By **DAN BIDDLE**  
Grove City

Thank you for the Guest View article "New report on fracking begs state response" that appeared in the April 1 edition of *The Herald*. This article and fracking study are especially timely, given the pending Pennsylvania Department of Environmental Protection approval of the landfill reopening in Grove City that would include fracking residuals and fluids.

The study conducted by Environmental Health News reported on air, water, and urine samples collected from families who live within 2 to 5 miles of gas drilling and fracking oper-

ations in southwestern Pennsylvania. The toxic chemicals found "...in the bodies of children living near fracking wells at levels up to 91 times as high as the average American..." would also be included in the fracking waste and fluids tentatively approved for disposal at the Tri-County Industries landfill site. For those of us who live within that same 2-



**Biddle**

to 5-mile radius of the proposed landfill, we are not interested in ingesting benzene, styrene, and toluene into our bodies, now or in the future.

It is not a coincidence that

the owner and upper management of Tri-County Industries do not live within the 2-to-5-mile range of the Grove City landfill site, yet are willing to risk the health and safety of those of us that do. The Pa. DEP approved the landfill reopening application on Dec. 28, 2020, but will hold a virtual public hearing at 6 p.m. Thursday to hear concerned citizens' testimony regarding the inclusion of these dangerous crack-waste chemicals in the proposed landfill waste stream.

Interested individuals wishing to join the meeting must register in advance by contacting Tom Decker, DEP community relations coordinator, at

814-573-3709 or [thomadecke@pa.gov](mailto:thomadecke@pa.gov) to receive a link to the meeting.

The history of landfill violations in the past by Tri-County Industries and Vogel Holding Inc. is considerable, resulting in over \$1 million of DEP non-compliance fines. It would be unreasonable to expect a different practice in the future during the execution of this new project. Though the DEP has built a variety of purported protective measures into the new contract, the community will bear the brunt of future violations in real time as they occur.

After more than a decade of failed landfill reopen ap-

plications for a wide variety of health, safety, dust, bird, traffic, airport, noise, property values, and environmental reasons, it now appears that the project is destined to proceed per the December DEP approval. To those of us who will live nearby with the consequences, the elimination of these toxic and radioactive fracking-related chemicals from the approved waste stream is vitally important.

The 160-foot-high landfill mountain will be damage enough to those of us who live nearby. A mountain full of life-threatening chemicals is an unacceptable risk to all of us in the entire Grove City community.

## The Herald

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## Dickey, Justin

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**From:** Decker, Tom  
**Sent:** Friday, April 16, 2021 4:41 PM  
**To:** EP, NPDES\_NWRO  
**Subject:** FW: [External] 2021 Tri-County NPDES Permit Public Comments  
**Attachments:** DEP TCI Landfill 2021 NPDES Permit Testimony.pdf

Forwarding Hearing Comments.

**Tom Decker** | Community Relations Coordinator  
Department of Environmental Protection | Northwest Region Office  
400 Market Street | Harrisburg, PA 17105  
Phone: 814.332.6615 | Mobile: 814.573.3709 | [Twitter](#): @PennsylvaniaDEP  
<http://www.dep.pa.gov/>

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**From:** Stone Helsel <shelsel.lh@gmail.com>  
**Sent:** Friday, April 16, 2021 1:49 PM  
**To:** EPNPDES\_NWRO@pa.gov  
**Cc:** Decker, Tom <thomadecke@pa.gov>; Yeakle, Kimberly <kyeakle@pa.gov>  
**Subject:** [External] 2021 Tri-County NPDES Permit Public Comments

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Dear Mr. Decker,

Attached is a PDF file with my testimony regarding the NPDES application.

My contact information is:

Mr. Stone R. Helsel  
609 Millburn Road,  
Mercer, PA 16137

(724)-893-4107

[shelsel.lh@gmail.com](mailto:shelsel.lh@gmail.com)

Please ensure I receive the public comment response document and all other notices regarding Tri-County landfill. I am on Kim Yeakle's stakeholder list.

As a local government official, I want to thank DEP for all the good work it does to ensure that our Commonwealth is a healthier and safer place to live and work.

Thank you!

Sincerely,

Stone R. Helsel

Chairman,  
Planning Commission,  
Springfield Township, Mercer County

*April 16, 2021*

**To:** Pennsylvania Department of Environmental Protection {Mr. Thomas Decker}  
**Re:** Public testimony regarding Tri-County Industries' NPDES Permit Application

---

Dear Sir,

I am hereby submitting my written testimony into the record for the April 15, 2021, public hearing relating to the pending NPDES permit application of Vogel Holding Inc.

“Tri-County Industries (TCI)’s request to obtain a National Pollutant Discharge Elimination System (NPDES) permit which would be located in the township of Liberty, Mercer County is a matter of serious environmental concern. As a resident of the adjacent municipality of Springfield Township, I am indirectly impacted by any action taken by TCI. Additionally, I currently serve as the Chairman of the township’s Planning Commission. The Planning Commission is empowered by the Pennsylvania Municipalities Planning Code (Act of 1968, as amended) to promote public well-being and to preserve the environmental health of a community. In accordance with this duty, I believe that the proposed NPDES permit for this landfill will lead to a host of negative consequences for my community and constituents.

To begin with, the Black Run tributary, the site for discharge for this permit would be adversely affected. This waterway is a vital part of the local ecosystem and provides a recreational use for the many fishers who traveled from Pittsburgh, the Mahoning Valley, and Erie to fish there. Consequently, this recreation promotes local tourism due to the need for lodging and meals (restaurants), and the proximity to the Grove City Premium Outlets. Our hospitality industry, particularly in Springfield Township, has been struggling this past year due to the economic effects of the statewide public health mitigation strategies. The discharge of potentially hazardous chemicals may endanger the local wildlife and deprived the tributary of its plentiful trout population.

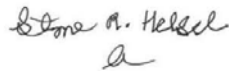
Furthermore, there has been considerable debate in the local public discourse if Tri-County will discharge possible radioactive waste from fracking. I support the recommendation of an independent study to examine if these claims are true. Especially given Tri-County’s record of past violations, the concept of self-reporting its compliance with the Department’s conditions bewilders the mind. With all of these factors being considered, I would recommend in my professional opinion as a Planning Commissioner to at least pause consideration of this permit until further analysis is completed. The burden of proof regarding the ability to meet the conditions imposed by the Department lies with the applicant. Such

evidence has not been presented by Vogel Holdings Inc., to ensure that the physical and economic health of the community will be safeguarded.”

I hereby declare that the details furnished above are true and correct to the best of my knowledge and belief and I undertake to inform you of any changes therein, immediately.

Thank you,

Sincerely,

A handwritten signature in cursive script, appearing to read "Stone R. Helsel", with a small flourish underneath.

Stone R. Helsel

Chairman,  
Planning Commission,  
Springfield Township, Mercer County



**Dickey, Justin**

---

**From:** Jeremy Baker <jjbaker21@gmail.com>  
**Sent:** Friday, April 16, 2021 5:51 PM  
**To:** Decker, Tom  
**Cc:** EP, NPDES\_NWRO  
**Subject:** [External] NPDES Permit Tri County Landfill, Inc

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DEP,

My name is Jeremy Baker, and I am a resident in Grove City. I live on 44 Black Run Rd, which is very close to the proposed landfill that Tri County Landfill is trying to open. Likewise, I live in close proximity to the proposed Outfall 006, which is planned to discharge into Black Run. Black Run is located about 50 yards from my front door and 30 yards from the site of my water well. I'd rather not have to worry about my well water being contaminated by industrial waste/radioactive leachate and the health of my family. I am vehemently against the NPDES permit for Tri County Landfill.

Sincerely,

Jeremy Baker



**Dickey, Justin**

---

**From:** Shannon O'Neil Baker <shannoneoneil@gmail.com>  
**Sent:** Friday, April 16, 2021 6:03 PM  
**To:** Decker, Tom  
**Cc:** EP, NPDES\_NWRO  
**Subject:** [External] NPDES Permit Number: PA0263664

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DEP,

My name is Shannon Baker, and I am a resident in Grove City. I live on 44 Black Run Rd, which is very close to the proposed landfill that Tri County Landfill is trying to open. Likewise, I live in close proximity to the proposed Outfall 006, which is planned to discharge into Black Run. Black Run is located about 50 yards from my front door and 30 yards from the site of my water well. I'd rather not have to worry about my well water being contaminated by industrial waste/radioactive leachate and the health of my family. I am vehemently against the NPDES permit for Tri County Landfill.

Sincerely,

Shannon Baker

NPDES Permit Number: PA0263664

## Dickey, Justin

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**From:** Decker, Tom  
**Sent:** Monday, April 19, 2021 7:54 AM  
**To:** EP, NPDES\_NWRO  
**Subject:** FW: [External] Meeting tonight  
**Attachments:** NPDES Public Hearing - More Omissions and Flaws with the NPDES Application.docx

Forwarding hearing comment.

**Tom Decker** | Community Relations Coordinator  
Department of Environmental Protection | Northwest Region Office  
400 Market Street | Harrisburg, PA 17105  
Phone: 814.332.6615 | Mobile: 814.573.3709 | [Twitter](#): @PennsylvaniaDEP  
<http://www.dep.pa.gov/>

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**From:** Leigh Ann Gilmore <[leighanngilmore1@gmail.com](mailto:leighanngilmore1@gmail.com)>  
**Sent:** Saturday, April 17, 2021 6:18 AM  
**To:** Decker, Tom <[thomadecke@pa.gov](mailto:thomadecke@pa.gov)>  
**Subject:** Re: [External] Meeting tonight

Hi Tom,

Thank you so much for allowing me to provide testimony last minute; I really appreciate it. Attached as per your request is the testimony in writing. This information was gathered by CEASRA members and presented by myself at the public hearing on 4/15/21. Thank you, Leigh Ann Gilmore

On Thu, Apr 15, 2021 at 2:51 PM Leigh Ann Gilmore <[leighanngilmore1@gmail.com](mailto:leighanngilmore1@gmail.com)> wrote:

Thank you so much! I registered. Thank you!

On Apr 15, 2021, at 2:33 PM, Decker, Tom <[thomadecke@pa.gov](mailto:thomadecke@pa.gov)> wrote:

Leigh Ann, I will add you to the list so you can testify. Please make sure you are registered. Thanks.

Get [Outlook for iOS](#)

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**From:** Leigh Ann Gilmore <[leighanngilmore1@gmail.com](mailto:leighanngilmore1@gmail.com)>  
**Sent:** Thursday, April 15, 2021 1:27 PM  
**To:** Decker, Tom  
**Subject:** Re: [External] Meeting tonight

Hi Tom,

I'm so sorry. Is it still possible to present testimony? I talked to my friend and am able to present. If it is too late no problem. Thank you.

On Thu, Apr 15, 2021 at 12:38 PM Decker, Tom <[thomadecke@pa.gov](mailto:thomadecke@pa.gov)> wrote:

Sure thing Leigh Ann. Just make sure you register. Once you do you will get a confirmation email with the link for tonight.

**Tom Decker** | Community Relations Coordinator  
Department of Environmental Protection | Northwest Region Office  
400 Market Street | Harrisburg, PA 17105  
Phone: 814.332.6615 | Mobile: 814.573.3709 | [Twitter](#): @PennsylvaniaDEP  
<http://www.dep.pa.gov/>

---

**From:** Leigh Ann Gilmore <[leighanngilmore1@gmail.com](mailto:leighanngilmore1@gmail.com)>

**Sent:** Thursday, April 15, 2021 12:23 PM

**To:** Decker, Tom <[thomadecke@pa.gov](mailto:thomadecke@pa.gov)>

**Subject:** Re: [External] Meeting tonight

Ok great thank you! I would still like to attend as well to listen please. Thank you!

On Apr 15, 2021, at 10:11 AM, Decker, Tom <[thomadecke@pa.gov](mailto:thomadecke@pa.gov)> wrote:

Leigh Ann, you can certainly send me your statement and I will make sure it gets to the right person. All written statements carry the same weight as if you would actually be speaking at tonight's hearing. Thank you.

**Tom Decker** | Community Relations Coordinator  
Department of Environmental Protection | Northwest Region Office  
400 Market Street | Harrisburg, PA 17105  
Phone: 814.332.6615 | Mobile: 814.573.3709 | [Twitter](#): @PennsylvaniaDEP  
<http://www.dep.pa.gov/>

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**From:** Leigh Ann Gilmore <[leighanngilmore1@gmail.com](mailto:leighanngilmore1@gmail.com)>  
**Sent:** Thursday, April 15, 2021 10:11 AM  
**To:** Decker, Tom <[thomadecke@pa.gov](mailto:thomadecke@pa.gov)>  
**Subject:** Re: [External] Meeting tonight

Thank you Tom. Sorry for the delay; I was checking with a friend to formulate my question. Would it be possible to submit a statement? Thanks so much.

On Thu, Apr 15, 2021 at 8:40 AM Decker, Tom <[thomadecke@pa.gov](mailto:thomadecke@pa.gov)> wrote:

Leigh Ann, I didn't hear back from you on whether or not you wanted testify or not so I am assuming you will be listening in. If this changes you need to let me know ASAP so I can get you on the list to speak which has now closed. Complete your registration using the link at the bottom of this attachment. You will then receive a confirmation email which will contain the link to log in tonight. If you have any issues please let me know. Thanks.

**Tom Decker** | Community Relations Coordinator  
Department of Environmental Protection | Northwest Region Office  
400 Market Street | Harrisburg, PA 17105  
Phone: 814.332.6615 | Mobile: 814.573.3709 | [Twitter](#): @PennsylvaniaDEP

<http://www.dep.pa.gov/>

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**From:** Leigh Ann Gilmore <[leighanngilmore1@gmail.com](mailto:leighanngilmore1@gmail.com)>

**Sent:** Wednesday, April 14, 2021 5:33 PM

**To:** Decker, Tom <[thomadecke@pa.gov](mailto:thomadecke@pa.gov)>

**Subject:** [External] Meeting tonight

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Good afternoon!

I was hoping to join the meeting tonight to address Tri County landfill. I am in CEASRA and I was provided this email address. Thank you very much!

Leigh Ann Gilmore



### More Omissions and Flaw with the NPDES Application - Flooding

Hello, my name is Leigh Ann Gilmore and I live in Grove City, PA, Pine Township. I work at Slippery Rock University.

In completing this NPDES application, TCL demonstrated a carelessness by omitting or misrepresenting important information

- When giving the latitude/longitude coordinates of the outfalls at Tri-County which will carry away the stormwater, a consistent error placed these outfalls 15 miles to the west, flowing into Neshannock Creek. This is obviously an error, indicative of the slipshod nature of this application.
- In addition to concerns about the creeks becoming radioactive, many people are concerned about flooding on Route 258, where up to 85,000 gallons of daily leachate will be dumped into a tributary to Black Run. We understand that a hydraulic impact study of the discharge volume on the receiving stream was not included with the current application documents. As part of the 2009 application review and draft permit process, the applicant's consultant did complete a study in 2013 called "Analysis of Tri-County Landfill Proposed Outfall 006 to Cause or Contribute to Downstream Flooding Conditions" but this document was associated with the previous application and draft permit and is not included in the current online application documents. This is typical of TCL to include data that is 8-10 years old – or to leave out the important data altogether. We ask that TCL submit a current hydraulic impact study to address the concerns of flooding on Route 258.
- A statement in the NPDES indicates that the "stream still has some assimilative capacity". How was this determined? Depending on the flow and how the creek responds, increases in flow could cause increased velocities in the creek that could cause erosion and scouring of the channel. This could be a concern for downstream bridges and/or sensitive ecosystems.
- Have there been any studies to determine the connectivity between the discharge location and the water aquifers? Many people in this community use the aquifer as a drinking water source and depending on how the aquifer is recharged, could be hydrologically much closer connected to the outflow than Elwood City.
- We believe a decision on this NPDES should be delayed until Tri-County Landfill submits the complete and current information required for a reasonable assessment.

I am a concerned mom and environmentalist, and I will be watching closely in terms of the response in this situation that will prove to be an environmental and health tragedy if the application is approved in its current state. I have also made the President's Commission for Sustainability at SRU aware of my concerns.

Thank you.



**Dickey, Justin**

---

**From:** Michael Brown <mjbrown@zoominternet.net>  
**Sent:** Wednesday, April 21, 2021 10:06 PM  
**To:** EP, NPDES\_NWRO; Decker, Tom  
**Subject:** [External] Public hearing testimonies  
**Attachments:** Mike NPDES Hearing.pdf; NPDES testimony to DEP Chris.pdf

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To Whom It May Concern:

Thank you very much for holding the public hearing regarding Tri-County Landfill's NPDES permit application on April 15, 2021. Please find attached our testimonies from the public hearing. Please do not hesitate to contact us if you have any questions or concerns.

Thank you,

Mike & Chris Brown

## DEP Public Hearing - Tri-County NPDES Permit

Listed below are a few of the deficiencies in the NPDES permit.

On p. 34 of the Sept. 2019 NPDES permit application, it says NA for radiation sources and Pollutant Group I shows no data for radiation, yet, as we've heard, it most definitely is present in the fracking waste, planned for use at this site.

TENORM materials (fracking wastes) contain Radium 224 (3.66 day half life), 228 (5.75 year half life) and 226 (1600 year half life). Why on earth would Tri-County want to NOT include this information in the permit application knowing the destructive properties of fracking waste? Could they be hoping that the folks reviewing the NPDES permit will have no idea that this type of waste will be accepted at the landfill, per the permit that has already been approved?

Also missing from this permit application are many details like plans for effluents coming from the hazardous wastes (presumed) of the unearthed old dump materials. Have any core samplings been done to date to understand what is buried there? It is disingenuous to compare this landfill to the Seneca Landfill.

Part A - Effluent Limitations, etc, #3 specifically states, "The permittee may not discharge: "Substances in concentration or amounts sufficient to be inimical or harmful to the water uses to be protected or to human, animal, plant or aquatic life." Fracking waste has been found at other landfills in PA to cause problems for wastewater treatment plants and those who drink the water.

In a 10/15/2020 email from Tri-County's consultant, it states they will use chlorine disinfection as part of the proposed treatment. However, EPA recently stated chlorinating effluents are INEFFECTIVE as a purification technique.

Also in Part A, Section C, 3, a (ii)(2) says you don't need to know what's in the frack wastewater for the first 30 days of a well site. Why? And how do we know which tankers are carrying waste within that 30 day window?

A Pittsburgh Tribune article from 4/23/13 about fracking waste states that a hazardous waste site in South Hampton rejects trucks if they are greater than 10 urem. There is no detail about radiation limitations in the current NPDES plan. There is enough current information for the DEP to require this, another example of missing information the public needs to know to fully understand what types of waste will be coming to their community. In my faith, we define that as a "sin of omission."

The maximum amount of effluent for outfall 006 is 85,000 gallons per day or 59.03 gallons per minute, or no more than 11 tankers a day (8,000 gallon average load). How will that be monitored?

In Part B, Section 4 Annual Fees: If the effluent limit is 85,000 gallons per day, why are you showing fees for Major IW Facility charges for 250 MGD and greater? Does this indicate this site will grow?

Mike Brown  
724-498-7274  
mjbrown@zoominternet.net

## Tri County Landfill NPDES Permit Public Hearing comments 4/15/21

Because I am not a technical person, by nature, I will focus my comments on some of the less technical aspects of the NPDES permit. The fact that the receiving waters for outfall 004 and 006 are listed as being "impaired" and the cause and source of impairment are both listed as "unknown" is of great concern to me. How can DEP in good conscience issue a permit to an applicant who plans to put leachate and other wastewater into an "impaired" waterway? What is the cause of the impairment? If it is impaired, how can the study conducted by the applicant determine that it is capable of supporting existing and designated uses as defined in the PA Code? In addition, the Data Source for determination of the "perennial stream" is listed as 5/24/11. That data is 10 years old! Is that acceptable? In the DEP response to Report 1 of the 43rd Statewide Investigating Grand Jury report requested by the PA Attorney General (p. 108 paragraph 1), the DEP claimed that the report "presents an inaccurate and incomplete picture of Pennsylvania's regulatory program and how it is being implemented today. The report relies on unidentified witness snapshots, in some cases from 10-15 years ago." Hmmmm, a good bit of the information in the Tri-County NPDES permit application is not only old data, but it relies on information from Seneca Landfill operated by the Vogel family. This landfill is not the same as the landfill in Grove City which contains old waste from industrial activities, which is to be relocated during the life of the Tri-County landfill operations. This old waste showed some of the same toxins found at the Osborne superfund Site in Grove City. If DEP approves this permit application, it is proving the information presented in the report is actually true, indicating that maybe the report has more merit than DEP wants to admit.

Tri-County Landfill is also proposing to accept fracking waste at this municipal waste landfill, yet there is no mention of the contents of fracking waste in the NPDES application. Fracking waste, especially that from the Marcellus Shale, has been a hot topic in Pennsylvania in recent years (no pun intended) because of the radium 226 and 228, and other radioactive substances it contains. Yet, the NPDES application on p. 34 lists radium, strontium, and gross alpha and beta particles in the table marked "Pollution Group 7 - Not Applicable." Once again, the DEP response to the

aforementioned grand jury report on P. 146 states in response to Recommendation 5 (regarding the transportation of unconventional gas drilling waste and wastewater) "Under Pennsylvania's regulatory framework, this waste constitutes residual waste. Contrary to what the report suggests, the classification of waste as residual waste does not mean that the waste is handled carelessly or could be disposed of at a municipal waste facility." Yet, that is what is being proposed, and if this NPDES application is approved, that is exactly what will happen, despite DEP's denial in its statements to the grand jury.

The DEP Mission Statement states: The Department of Environmental Protection's mission is to protect Pennsylvania's air, land and water from pollution and to provide for the health and safety of its citizens through a cleaner environment. We will work as partners with individuals, organizations, governments and businesses to prevent pollution and restore our natural resources.

I ask you to partner with the citizens of the Grove City area, a thriving, residential community, to protect our waterways. At the very least, I respectfully request that oil and gas drilling residuals be removed from the permit as daily cover.

Chris Brown  
724-421-4638  
mjbrown@zoominternet.net

**Dickey, Justin**

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**From:** Joan Allen <jmma5479@hotmail.com>  
**Sent:** Thursday, April 22, 2021 9:44 PM  
**To:** EP, NPDES\_NWRO  
**Subject:** [External] FW: DEP letter  
**Attachments:** April 23 letter.docx

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Dear DEP Officials:

Please see the attached letter voicing concerns about Tri-County's NPDES permit with regard to the fracking leachate.

Thank you,  
Joan Wilson  
188 Sunset Road  
Grove City, PA 16127

Sent from [Mail](#) for Windows 10

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**From:** [Wilson, Joan M](#)  
**Sent:** Thursday, April 22, 2021 9:37 PM  
**To:** [jmma5479@hotmail.com](mailto:jmma5479@hotmail.com)  
**Subject:** FW: DEP letter



April 23, 2021

Tom Decker  
Community Relations Coordinator  
Department of Environmental Protection  
Northwest Region Office  
400 Market Street  
Harrisburg, PA 17105

Re: NPDES permit – Tri-County Landfill, Grove City, PA 16127

Dear Mr. Decker,

Article 1, Section 27 of the Pennsylvania State Constitution states “The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania’s public natural resources are the common property of all the people, including generations yet to come.”

In reference to Tri-County’s NPDES permit, the DEP should do the right thing and follow the above guidelines to protect the citizens of this state from the dangerous chemicals that can be present in oil and gas fracking leachate. Chemicals such as Benzene, Toluene, Xylene, Barium, Fluoride, Chloride, Arsenic, Selenium, Ammonia, Radium 228 and Radium 226 are unsafe and harmful! Radium can cause various types of cancer, such as bone and lung cancers, anemia, fractured teeth, other illnesses and even death. With a half life of 1,600 years, we do not want to leave Radium 226 to our grandchildren and the next thousand generations to clean up. Once it is released into the environment, it would be nearly impossible to remove. Why would anyone want to risk it? Especially considering Tri-County’s past track record of violations. Tri-County/Vogel Holdings has proven that they are not responsible enough to adhere to state regulations or that they care about the community’s health and welfare. They should not be granted permission to engage in such a risky activity that could potentially be detrimental to so many people.

It was abundantly clear at last week’s virtual meeting that the residents of Grove City, Pine Township and Liberty Township are not in favor of Tri-County’s NPDES permit to include fracking oil and gas residual waste as part of the leachate released into an unnamed tributary of Black Run.

My family and I have been residents of Liberty Township for nearly 25 years. I grew up in Slippery Rock prior to moving to Grove City. During my childhood, I spent many summer days at Wolf Creek enjoying the beauty and tranquility of the pristine environment. I still frequent the Wolf Creek trails on property owned by Slippery Rock University and the Pennsylvania Conservancy. The potentially affected waterway, Black Run, flows into Wolf Creek and Wolf Creek flows into Slippery Rock Creek. As many know, Slippery Rock Creek flows through McConnell’s Mill State Park. McConnell’s Mill State Park has approximately 400,000 visitors each year. My family, friends and I kayak Slippery Rock Creek and visit McConnell’s Mill often. It would absolutely break my heart to know that the very agency established to protect our environment, air and water would allow fracking leachate to be dumped into these valued waterways.

In February 2021, natural gas drilling and fracking was permanently banned within the four state watershed of the Delaware River and its tributaries. This watershed supplies the drinking water for more

than 13 million people in Pennsylvania, Delaware, New Jersey and New York. The Grove City area residents should be afforded the same right to clean water. Dumping potentially harmful fracking leachate into our streams and creeks should never be the answer for the fracking industry. Until Science discovers a safe way to perform fracking activities, it should be put on hold.

Today, Earth Day, April 22, 2021, I have watched several news stories of many people and small companies going to great lengths, to try and make a difference by cleaning up our world. It is obvious to most people that climate change is a real concern. Having clean air and water is also a growing concern. But people everywhere are rallying to clean our planet, recycle as much as possible, and stop purchasing products that harm the earth. We are trying to do the right thing for us and for future generations. I am asking. My neighbors, friends and family are asking. The residents of Grove City, Liberty and Pine Townships are asking. We are all asking, pleading with the DEP to do the right thing. Remove fracking, oil and gas residual waste, from Tri-County's permit so it will not be part of the leachate stream.

Thank you for your time.

Sincerely,

Joan Wilson  
188 Sunset Road  
Grove City, PA 16127

**Dickey, Justin**

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**From:** jane cleary <cleary2@zoominternet.net>  
**Sent:** Friday, April 23, 2021 2:34 PM  
**To:** EP, NPDES\_NWRO  
**Subject:** [External] Testimony Regarding Tri-County Landfill NPDES Permit NO: PA0263664  
**Attachments:** NPDES Public Hearing Jane.docx

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Please find attached the testimony I presented April 15, 2021 in opposition to the DEP NPDES permit for Tri-County Landfill, permit NO: PA0263664.

Thanks you,

Jane Cleary

Hello, my name is Jane Cleary, and I am a resident of Pine Township.

First I'd like to thank the DEP for arranging this public hearing tonight.

I have had it explained to me that the Department of Environmental Protection is really the Department of Environmental Regulation – that you can only enforce the regs you are given. However, many of us know that you have turned down the Tri-County permit applications several times. In your denial of 2001, you overlooked the 6 mile federal limitation regarding proximity to an airport, because in 2000 the DEP “grandfathered” TCL on this issue. So you continued to review the application, but eventually denied it because there was still an overarching serious threat to aircraft. The DEP did not deny the permit because of the technical 6 mile limit – but because the “harms would outweigh the benefits”.

We know that the EPA in 1980 decided to label fracking waste as “not hazardous” to encourage the oil and gas industry. They virtually left the monitoring up to the states and Pennsylvania, also wanting to favor the gas industry, decided to go along with those regulations. However, we all know that in the Marcellus shale, the level of natural occurring radioactivity is the highest in the nation. The average brine tanker headed to Tri-County will register 9,300 picocuries. The Nuclear Regulatory Agency, which can only regulate man-made radionuclides, allows only 60 picocuries in a lab setting.

So, you all know that the fracking waste being delivered to Tri-County will most likely be radioactive. Yet, you can and maybe will “follow the regs” suggested by the EPA and ignore this reality. You are not requiring TCL to test the leachate for radioactivity, although you could.

Last weekend I traveled the path the radioactive leachate will take after 85,000 daily gallons of it get dumped into the tiny “tributary to Black Run”. After it crosses Route 258, it will flow through a new business in Grove City – The Big Rail Brewery. Those owners have outdoor seating on a rise of land, overlooking the tributary, which will soon be overflowing its banks and radioactive. But

residents won't know about their exposure until years down the road. Next, the tributary flows through the Keystone Safari Wild Animal Park. The children swinging on the zip line also are very close to the tributary. The buffalos, emus, and zebras can walk right down to the tributary and drink. They will probably feel the impact of the radioactivity sooner than the children, as they will be drinking it directly.

So the DEP has some choices. You can delay the NPDES permit until TCL does baseline testing of the already impaired waterways coming out of the landfill, conducts the required impact studies to determine if Route 258 will be flooded, and produces up to date leachate samples.

You could also deny the permit because of the poor compliance history and uncertainty that TCL can handle the dangerous environment of radioactive fracking waste.

At the very least, you should require the leachate to be sampled for radioactivity in each monitoring event. You could also remove fracking waste from the permit altogether. If the DEP gives TCL the permits to reopen you may be in compliance with the outrageous EPA regs – but you will be complicit in the radiation of Grove City, and many of the waterways downstream.

<https://www.keystonesafari.com/zipline-adventure-course>

Click on link to view “tributary to Black Run” as it flows through the wild animal park.

**Dickey, Justin**

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**From:** jane cleary <cleary2@zoominternet.net>  
**Sent:** Friday, April 23, 2021 3:06 PM  
**To:** EP, NPDES\_NWRO  
**Subject:** [External] Fwd: Testimony Regarding Tri-County Landfill NPDES Permit NO: PA0263664  
**Attachments:** NPDES Public Hearing Faulty Testing.docx

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To Whom it May Concern:

I would like to submit the attached testimony regarding the Tri-County Landfill NPDES Permit NO: PA0263664.

Sincerely,

Michael J. Cleary

25 Macrae Drive

Grove City, PA 16127



### Problems with Present Testing

- Different equipment needed for alpha vs. beta particles
- Metal trucks can screen some particles – need to release brine from spout to test
- Oil drillers are doing the self testing – they have the least incentive to report
- Transportation Department has authority to placard hazardous trucks – but they are not doing the testing
- At the landfill testing should be done on all incoming vehicles, but once again, they will lose money if they turn trucks away
- Westmoreland County Landfill had all these precautions in place, however their acceptance of high levels of radioactive waste is now documented, and they are legally no longer permitted to take leachate to Westmoreland County Waste Water Treatment facility

## Dickey, Justin

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**From:** Justin Nobel <justinnobel@gmail.com>  
**Sent:** Friday, April 23, 2021 3:09 PM  
**To:** EP, NPDES\_NWRO  
**Subject:** [External] Attached is Testimony for Tri-County Landfill NPDES Permit – Permit No. PA0263664  
**Attachments:** TriCounty NPDES Permit Comments\_Justin Nobel, 4\_15\_2021.docx

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Dear DEP, The testimony is pasted below and attached. Please let me know if you have any questions. Thank you. Sincerely, Justin Nobel

Thank you so much Tom. My name is Justin Nobel, I have a master's degree in journalism, a master's degree in earth and environmental science, I have spent the past three years researching and reporting on the topic of the radioactivity brought to the surface in oil and gas production and the many different pathways of contamination posed to the industry's workers, the public and communities, and the environment, I'm presently writing a book on these issues for Simon & Schuster. Some great comments already this evening so I will make just two points here to build on earlier comments:

One, Section 5 of DEP's own highly promoted 2016 TEORM Report conveys that radium-226 in the leachate in nine landfills selected based on volume of oil and gas waste accepted ranged from 67 to 378 picocuries per liter. These levels are all above the health-based limit of 60 picocuries per liter that the Nuclear Regulatory Commission has set for facilities that it oversees, such as a nuclear power plant. So let me really hit this point, the Nuclear Regulatory Commission would prevent a nuclear power plant from discharging waste with radium-226 at these levels into the environment, but the DEP is saying that it is fine to discharge waste with radium-226 at these levels right into Pennsylvania creeks and rivers where Commonwealth residents fish, kayak, swim and draw their drinking water. How could a health limit be okay for one industry, but not for another? This is not science. This makes no sense.

Two. DEP's TENORM report also showed elevated levels of radium at the outfalls where landfills discharged to the environment. Given, that the state's own data shows radium is present in the leachate at high levels this is no surprise. But it is very concerning, because I have visited many of these outfalls. There are no signs at the outfalls indicating there is elevated levels of radium in these discharges, there is nothing in the permits indicating there is radium in these discharges, and yet I have seen with my own eyes evidence of Pennsylvania kids fishing right there, because the discharge creates a nice little pocket in the creek, a great place for trout to hide.

In conclusion, DEP's own data shows that Pennsylvania landfills that accept oilfield waste are inherently taking in material that is radioactive well above background, producing leachate that is highly radioactive, and introducing additional radioactivity into a portion of the Pennsylvania environment highly used by human beings. My opinion: An independent study examining these matters must be conducted before any new permits like this are issued. To not do so would be derelict of DEP's mission and the data which they hold in their very own hands.

--

Justin Nobel  
985-415-5891  
[www.justinnobel.com](http://www.justinnobel.com)

Justin Nobel – Science Journalist & Author  
www.justinnobel.com justinnobel@gmail.com 985-415-5891

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-- END --

**Dickey, Justin**

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**From:** Dawn Baselj <baze692003@yahoo.com>  
**Sent:** Monday, April 26, 2021 2:38 PM  
**To:** EP, NPDES\_NWRO  
**Subject:** [External] Testimony  
**Attachments:** My NPDES Public Hearing EPA Has Failed Us.docx

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Here is a copy of my testimony.

God Bless,

Dawn Baselj  
69 Blom Road  
Grove City Pa. 16127



## The EPA Has Failed Us

Hello, my name is Dawn Baselj, and I have lived in Pine Township for 30 years. I am a retired teacher. I do want to ask for some grace in pronouncing some of the words in my testimony.

The National Pollution Discharge Elimination System would lead one to believe that we are dealing tonight with a plan, organized by our federal government to protect us from pollution. However, the reality is just the opposite.

Back in 1980 the Environmental Protection Agency created an **exemption** for the oil and gas industry regarding the wastes brought to the surface of the earth during extraction and production. The Bentsen and Bevill amendments to the Resource Conservation and Recovery Act basically stated that to formally label the "billions of barrels of waste" as hazardous would "cause a severe economic impact on the industry". Effectively, the EPA determined that for the industry to flourish, its hazardous waste should not be defined as hazardous.

So, responsibility has been largely left up to the states. Although DEP's own 2016 Technologically Enhanced Naturally Occurring Radioactive Material, or TENORM report conveys that the lee-chate from oilfield waste landfills is radioactive, Tri-County is still planning to dump this fracking waste in Grove City, in a residential area.

A 40-year veteran of the Youngstown fire department and a hazardous-materials specialist with the Ohio Hazmat Weapons of Mass Destruction Advisory Committee said "If we caught some ISIS terrorist cells dumping this lee-chate into our waterways, they would be tried for terrorism for the use of a Weapon of Mass Destruction on U.S. citizens. However, the fracking industry is given a pass on all of this."

Pennsylvania State Representative Innamorato currently has legislation that would improve the safe disposal of any radioactive fracking wastes. The legislation being considered would require a facility to test municipal waste or residual waste at the time that it enters the facility. In addition, it would require testing lee-chate prior to discharge, through gamma-ray *spec-trom-ity* using high-purity *ger-manium* and lithium-drifted *ger-manium* relating to *an-a-lytical* methods for radioactivity, checking for the presence of all naturally occurring *radi-ona-glides* such as uranium, thorium, and radium.

The radioactive brine at a drilling site averages around 9,300 *pee-co-curie* per liter. The high radioactivity in the soil at some of these sites will stay forever. For example, Radium-226 has a half-life of 1,600 years.

Since the state may soon require the DEP to monitor incoming and outgoing fracking wastes at landfills, we are asking you to be preemptive. Given the high probability that the fracking waste will be radioactive, please **add testing for radioactivity in the Tri-County lee-chate. If you are not willing to take this reasonable step, we the people of Grove City and surrounding areas who will be adversely affected by Tri-County's actions, ask that you remove fracking waste from the permit.**

Thank you for listening to me today.

Information in this testimony came from "America's Radioactive Secret", by Justin Nobel, *Rolling Stone*, Feb 2020, Issue 1336, pp74-94.



**Dickey, Justin**

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**From:** Dawn Baselj <baze692003@yahoo.com>  
**Sent:** Monday, April 26, 2021 2:40 PM  
**To:** EP, NPDES\_NWRO  
**Subject:** [External] Permit No. PA0263664,  
**Attachments:** My NPDES Public Hearing EPA Has Failed Us.docx

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My testimony

God Bless,  
Dawn Baselj

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Thank you for listening to me today.

Information in this testimony came from "America's Radioactive Secret", by Justin Nobel, *Rolling Stone*, Feb 2020, Issue 1336, pp74-94.

**Dickey, Justin**

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**From:** Laura Moore <Lmoore@pahousegop.com>  
**Sent:** Tuesday, April 27, 2021 3:08 PM  
**To:** EP, NPDES\_NWRO  
**Subject:** Tri County  
**Attachments:** Landfill exceptions.docx

Hello,

Attached please find the letter of Rep. Tim Bonner regarding the TCI landfill.

*Laura B. Moore*  
District Office Manager  
Rep. Timothy R. Bonner  
234 West Pine Street  
Grove City, PA 16127  
(724) 458 4911

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April 27, 2021

Pennsylvania Department of Environmental Protection  
230 Chestnut Street  
Meadville, PA 16335

Email @ [RA-EPNPDES\\_NWRO@pa.gov](mailto:RA-EPNPDES_NWRO@pa.gov)

RE: Tri-County Industries (TCI)  
Liberty & Pine Townships Landfill  
Mercer County, Pennsylvania

Dear Madam/Sir:

Please be advised that I am the State Representative for Pennsylvania House District 8 which includes eastern Mercer County and, more specifically, Liberty and Pine Townships, the host sites for the TCI landfill. I am also a resident of Pine Township.

Grove City is a small-town which has economically struggled over the past forty (40) years losing much of its industrial base including Cooper-Bessemer Industries, General Electric and Satec. We have survived as a small town by promoting Grove City Outlets, a large retail outlet mall, by developing and investing in our small airport to handle jet traffic, by revitalizing our downtown, by merging our community hospital into the Allegheny Health Network and by supporting Grove City College, an outstanding small college institution. We are a town, then, of small business centers.

Much of our development and planning in the Grove City community was with the thought that the Tri-County landfill would continue to function as a transfer station and not be permitted to permanently accept additional waste at the landfill. Significant residential and commercial development occurred over the past several decades near the landfill with no thought that the landowners would soon be confronted with a reopening of the landfill to permanently store additional solid waste. Our community has been shocked by your decision to reopen the landfill to accept solid waste at the site after decades of serving as a transfer station.

As you well know, small towns across America have struggled over the past 50 years with population and economic growth primarily occurring in large urban areas. Your decision to reopen the Tri-County landfill will set back the Grove City area for decades to come. Our town should not bear the "trash" burden of urban growth and economic development elsewhere which has by-passed our community at a time when we are beginning to rebuild. Please reconsider your decision and give our community a chance to rebound and redevelop without the stigma of being a "trash" site.

Frankly, landfills should be placed in rural areas completely away from populated areas or placed in large urban areas where the larger populations have generated the greatest amount of waste. The Pine Township landfill was developed by mere chance and not by good urban planning decades ago and should not be reopened now simply because it is a relic of the past. The DEP owes Pennsylvania and its citizens a much more thoughtful and wiser approach than what was permitted decades ago. If anything, the Grove City community has carried its burden of solid waste for decades and should not be asked to carry this burden anymore. The permit to Tri-County Industries to reopen the landfill in Pine Township should be denied.

If the landfill in Pine Township is reopened, then “gas drilling residuals” as allowed in the permit should be excluded if they pose any hazard to the health and safety of our residents or our waterways. As you are aware, numerous individuals have testified that fracking waste has radioactive components that present a clear and present danger to our population and our waterways. As the primary governmental agency charged with the responsibility to protect our citizens and environment from sources of contamination, if you share the opinion of these testifiers, you should then prohibit the deposit of such wastes at a landfill located in a residential community with waterways nearby. If you are uncertain whether the fracking waste presents such a threat, you should prohibit the deposit of such waste at the Pine Township landfill until you have completed your analysis and made an informed decision. If you do not believe that the fracking waste poses a threat to the health and safety of our community, you should explain in detail why you disagree with this concern. Regardless, you should mandate monitoring of the Liberty and Pine Township landfill for radioactive discharge so our community knows for certain whether we are being exposed to unlawful and dangerous levels of radioactive materials. We cannot accept the presence of this potential health and safety hazard without a compelling explanation which we expect will be addressed in your answer. The people of the Grove City community deserve no less than your vigorous protection of the environment and their health and safety, the very minimum for which you have been charged to protect and enforce by law.

Thank you for the opportunity to express my concerns to you on this compelling issue. I truly wish that DEP would have required such landfills to be located in more remote areas of Pennsylvania or in areas where the waste is mostly generated rather than in small towns which already have borne their share of the waste product and are now trying to rebuild after decades of economic struggles. If we must continue to bear this burden, however, I would ask that you make certain that every potential health hazard is identified, monitored and addressed to ensure the well-being of our residents and our environment.

Respectfully yours,

Timothy R. Bonner  
Pennsylvania State Representative  
8<sup>th</sup> District



**Dickey, Justin**

---

**From:** Dr. John Stolz <stolz@duq.edu>  
**Sent:** Tuesday, April 27, 2021 4:53 PM  
**To:** EP, NPDES\_NWRO  
**Subject:** [External] Testimony regarding Tri County Landfill NPDES permit #PA0263664  
**Attachments:** TriCountyLandfillPermitTestimony-Stolz.pdf

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Dear Mr. Holden,

Please find attached my testimony regarding the Tri County Landfill NPDES permit #PA0263664. If you have any questions, I can be reached at this email address or at the phone numbers below.

Thank you for your time.

Dr. Stolz

John F. Stolz, Ph.D.  
Professor, Biological Sciences  
215 Mellon Hall  
phone: 412 396 6333 fax: 412 396 5907

Director, Center for Environmental Research and Education  
332 Fisher Hall  
Duquesne University  
Pittsburgh PA 15282  
phone: 412 396 4367 fax: 412 396 4092



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FAX 412.396.4092

[www.duq.edu/environmental-science](http://www.duq.edu/environmental-science)

April 27, 2021

Mr. John Holden, P.E.  
Regional Clean Water Program Manager  
Northwest Regional Office  
Pennsylvania Department of Environmental Protection  
230 Chestnut Street  
Meadville, PA 16335

Dear Mr. Holden,

I am submitting this testimony to express my concerns over the NPDES permit #PA0263664 for the proposed expansion of the Tri County Landfill in Grove City, PA. The permit is for three different sources Outfall 004 (stormwater runoff), Outfall 005 (stormwater runoff) and Outfall 006 (landfill leachate, transfer station wastewater, truck wash, contaminated stormwater runoff, and sanitary wastewater). Outfalls 004 and 005 only require monitoring for pH, COD, TSS, Ammonia-Nitrogen and Iron. For Outfall 006 additional testing is required: "Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply". While this list is considerable, it does not include testing for bromide, as well as strontium, and radionuclides (i.e., radium 226, radium 228, pollutant group 7).

According to an article published in the Pittsburgh Post Gazette, December 28, 2020, the land fill will accept oil and gas waste, using the cuttings for cover. Pennsylvania currently allows sanitary landfills to take in up to 80% volume per day in these wastes. This includes not just drill cuttings and solids, but also liquid wastes, such as drilling fluids and produced water, that have been immobilized. However, recent analysis of leachate from a landfill taking such waste has revealed it to be significantly impacted. Leachate I have obtained and analyzed from a landfill in Westmoreland County, was found to have the same constituents of produced water, with high levels of salts, namely chloride (4,487 mg/L) and bromide (16.7 mg/L), and heavy metals, as well as the radionuclides Radium 226 (120 pCi/L) and Radium 228 (250 pCi/L). While PA DEP records indicated the landfill's daily intake was below the maximum allowed, mass ratio analysis clearly showed the signature of oil and gas waste. Initially the landfill used the Belle Vernon waste water treatment plant to dilute the waste and discharge it into the Monongahela River. But the leachate was so toxic, it compromised the functioning of the plant, resulting in exceedance of their NPDES permit. At the behest of the waste treatment facility manager, I took samples of

their discharge and the dried sludge. The discharge had TDS of 1,430 mg/L and contained both bromide (1.6 mg/L) and Radium 226 (20 pCi/L). The dried sludge was found to contain 1.63 pCi/g of radium 226 and 1.92 pCi/g of radium 228. Clearly the waste water treatment plant had been contaminated by the leachate. Once the injunctions had been filed that prevented the leachate being piped to the waste treatment plant, the latter returned to compliance (as determined by my follow up visit a month later). The landfill is currently considering different means of disposing of its leachate, including an evaporation system to reduce the volumes, but all are being complicated by its toxicity and radioactivity.

The point here is that should the Tri County Landfill take drilling wastes, it is highly likely that the leachate would become contaminated with the salts, heavy metals, and radionuclides from them. The permit application predicts the landfill will produce almost 29,000 gallons of leachate per day but possibly up to 64,000 gpd. During the public hearing on April 15, 2021, the number 85,000 gpd was mentioned. What was not mentioned was the plans to build a facility to hold up to 2 million gallons. All that leachate will be contaminated by toxic and hazardous waste and should not be discharged into any surface waters of Pennsylvania.

It's also unclear as to why the facility has submitted the NPDES permit application. According to the NPDES Permit Fact Sheet, "The permittee is concurrently considering alternatives for handling the facility's process water such as tie-in to an off-site Publicly Operated Treatment Plant (POTW). If these plans do not materialize in a timely matter, the permittee plans to construct a wastewater treatment facility onsite for discharge".

Whatever the case, the facility should be denied the discharge permit until it is documented how the leachate will be treated to remove the residual oil and gas waste contamination, including Radium 226 and Radium 228, prior to discharge into any surface waters of Pennsylvania.

I thank you for your time and consideration.



John F. Stolz, PhD

**Dickey, Justin**

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**From:** Mindy Littleton <mlittleton246@gmail.com>  
**Sent:** Wednesday, April 28, 2021 7:33 AM  
**To:** EP, NPDES\_NWRO  
**Subject:** [External] Permit No. PA0263664

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I am a resident of grove city. I do not agree or approve of the tri county intent to dump commercial waste into black run. I am concerned of the extra pollution and run off that has the potential of poluting people's water over time and harming the environment and also the extra harm it could cause years to come ! I am not okay with this being passed and I object to supporting said permit and Bill.  
Thank you for your time

**Dickey, Justin**

---

**From:** my acct <penshockey07@gmail.com>  
**Sent:** Thursday, April 29, 2021 3:31 PM  
**To:** EP, NPDES\_NWRO; Decker, Tom  
**Subject:** [External] Testimony from DEP Hearing

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Dear DEP,

Attached is my testimony from the DEP hearing.

Thank you,

Jennifer Michel



NPDES Public Hearing - Problems with the Applic...

## Problems with the NPDES Application -#1

Hello,

My name is Jennifer Michel I reside at 15 Sparks Lane, Grove City, PA 16127 my property is so close to the landfill that I can see the light at night through the trees. I have 2 young children and a 3rd due July 24,2021. I am very concerned about the various water supplies in the area. In particular the fact that the Borough of Grove City Water supply is within 4 miles of the radioactive landfill. My next concern is for nearby marine life and local streams and creeks as this radioactive leachate will be dumped into them. As both a local fishmener and owner of a local bait shop I understand how delicate fish and other marine life can be.

There are many problems with the NPDES application, which demonstrate either the sloppy and careless operation of the Vogel Holdings Company or an intent to hide important information. Here are a few of the problems we have seen –

- An “unnamed tributary” is documented to be “impaired” but neither defined nor specified. This could be remedied by a current Field Examination of the stream. This data would be very important as a baseline.
- Impairment of the “perennial stream” is likely a consequence of the unlawful rechanneling performed by TCI years ago. Tests should be taken to determine what toxins are in this perennial stream.
- The Ellwood City Public Water Supply may not be the only municipal water supply affected. Radioactive leachate could also affect municipalities downstream along the Beaver River and the Ohio River.
- Leachate samples from TCL are 9 years old. Current samples, from more than one location in the pit, might give a more accurate idea of what is



contained there. EPA testing from 20 years ago documented the same toxins that were in the Osborne Superfund Site in Grove City were in the TCL – often at higher levels. Maybe submitting samples from the Seneca Landfill are not the most representative.

- The waste permit that the DEP has given TCL states in Volume 8, Form Q(11), page 1 that TCL will be bringing in “gas drilling residuals”. In a conversation with one of the DEP engineers monitoring the NPDES, this information was a surprise. Maybe none of the engineers overseeing this NPDES know that fracking waste is coming in. Why else would you not require the leachate to be tested for radioactivity? We ask that all pollutants in the Radioactive Group 7 be added to the regular monitoring, before the leachate is dumped into the tributary to Black Run.

In conclusion, as this incomplete and flawed application demonstrates, TCL should not be trusted with the very complicated and dangerous management of radioactive material. We ask the DEP to prohibit TCL from accepting oil and gas waste.

Thank you.

## Dickey, Justin

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**From:** my acct <penshockey07@gmail.com>  
**Sent:** Thursday, April 29, 2021 7:56 PM  
**To:** EP, NPDES\_NWRO; Decker, Tom  
**Subject:** [External] Re: Testimony from DEP Hearing

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Hello,

In my first email I forgot to reference permit number PA0263664 Tri-County.

Thank you,

Jennifer Michel

On Thu, Apr 29, 2021, 3:30 PM my acct <[penshockey07@gmail.com](mailto:penshockey07@gmail.com)> wrote:  
Dear DEP,

Attached is my testimony from the DEP hearing.

Thank you,

Jennifer Michel



NPDES Public Hearing - Problems with the Applic...

**Dickey, Justin**

---

**From:** Joanie Baumgartner <mail4joanie@gmail.com>  
**Sent:** Thursday, April 29, 2021 8:28 PM  
**To:** EP, NPDES\_NWRO  
**Subject:** [External] Opposition to Permit No. PA0263664

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I would like to make known my strong opposition to the Tri-County landfill's intention to dump commercial waste into Black Run. Our community does not need a radioactive waste dump that will further drive much needed commerce and development away from this area. This trash mountain will destroy our beautiful community!

When DEP granted the permit, they did not actively and adequately seek to hear the voices of the members of this community. We don't want this waste dumping here, period! We made that clear when this issue was last raised, and we don't appreciate that during the covid-19 pandemic, this permit was quietly slipped through without much public attention when everyone has been so consumed and concerned with other matters of life and death, health and safety. That stinks as much as the waste they think they need to dump here.

I vehemently oppose this permit being granted and ask that it be revoked and/or not given final approval to protect the environment, quality of life and the health and wellness of Grove City area citizens of all ages.

Sincerely,

Joanie Baumgartner  
507 Lincoln Ave  
Grove City, PA 16127

## Dickey, Justin

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**From:** Decker, Tom  
**Sent:** Friday, April 30, 2021 8:05 AM  
**To:** EP, NPDES\_NWRO  
**Subject:** FW: [External] Tri-County Hearing  
**Attachments:** Dillaman letter to DEP-TCI wastewater applicaiton .docx

Comment on NPDES permit.

**Tom Decker** | Community Relations Coordinator  
Department of Environmental Protection | Northwest Region Office  
400 Market Street | Harrisburg, PA 17105  
Phone: 814.332.6615 | Mobile: 814.573.3709 | [Twitter](#): @PennsylvaniaDEP  
<http://www.dep.pa.gov/>

---

**From:** Rick Dillaman <radillaman@zoominternet.net>  
**Sent:** Friday, April 30, 2021 8:04 AM  
**To:** Decker, Tom <thomadecke@pa.gov>  
**Subject:** RE: [External] Tri-County Hearing

Good Morning Mr. Decker:

My parents, Patricia & Richard Dillaman, have asked that I forward the attached letter to you. They ask that the letter be considered as their testimony related to the recent TCI landfill NPDS permit hearing.

My parents do not utilize email.

My parents reside at 125 Pine Rd, Grove City, PA. There phone number is 724-748-6606

Cheers  
Rick Dillaman  
724-967-4215c

---

**From:** Decker, Tom <[thomadecke@pa.gov](mailto:thomadecke@pa.gov)>  
**Sent:** Wednesday, April 14, 2021 8:06 PM  
**To:** [radillaman@zoominternet.net](mailto:radillaman@zoominternet.net)  
**Subject:** RE: [External] Tri-County Hearing

Sounds good Rick. Please do me a favor and finish the registration process using the link at the bottom of this attachment. You will get a confirmation email which will contain the link you will use tomorrow. Also, please let your family know that they don't have to testify tomorrow to have their voices heard. They can email their comments or questions to us and it carries the same weight as if they had said it at the hearing. Just wanted to let you know that. If you need anything else please let me know. Thanks.

**Tom Decker** | Community Relations Coordinator  
Department of Environmental Protection | Northwest Region Office  
400 Market Street | Harrisburg, PA 17105  
Phone: 814.332.6615 | Mobile: 814.573.3709 | [Twitter](#): @PennsylvaniaDEP  
<http://www.dep.pa.gov/>

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**From:** [radillaman@zoominternet.net](mailto:radillaman@zoominternet.net) <[radillaman@zoominternet.net](mailto:radillaman@zoominternet.net)>  
**Sent:** Wednesday, April 14, 2021 6:28 PM  
**To:** Decker, Tom <[thomadecke@pa.gov](mailto:thomadecke@pa.gov)>  
**Subject:** RE: [External] Tri-County Hearing

Tom, I would like the option to testify

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**From:** Decker, Tom <[thomadecke@pa.gov](mailto:thomadecke@pa.gov)>  
**Sent:** Wednesday, April 14, 2021 6:08 PM  
**To:** [radillaman@zoominternet.net](mailto:radillaman@zoominternet.net)  
**Subject:** Re: [External] Tri-County Hearing

Hi Rick, do any of you plan to testify or will you just be listening in?

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**From:** [radillaman@zoominternet.net](mailto:radillaman@zoominternet.net) <[radillaman@zoominternet.net](mailto:radillaman@zoominternet.net)>  
**Sent:** Wednesday, April 14, 2021 5:57:36 PM  
**To:** Decker, Tom <[thomadecke@pa.gov](mailto:thomadecke@pa.gov)>  
**Subject:** [External] Tri-County Hearing

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Tom:

My Parents, Richard and Patricia Dillaman, wish to join the Tri-Count hearing this week. My parents own land adjacent to the proposed landfill. They resided at 125 Pine Rd. Grove City, PA . My Parents are elderly and do not have computer access. They will join either via phone, or computer with me.

Additional, My wife Kathy and I wish to join the hearing as well. We own property at 1691 S. Center St. Grove City. And we reside at 1692 S. Center St. Grove City

Thank You  
Rick Dillaman  
724-967-4215



Dear Pennsylvania Department of Environmental Protection:

April 28, 2021

My name is Patricia Dillaman, my husband is Richard L. Dillaman. We resided at 125 Pine Rd. Grove City, PA. 16127 We own and farm a 25-acre parcel of land (Parcel ID 29 217 019 004) adject and contiguous to the proposed TCI landfill. I am writing in opposition to TCI NPDES permit #PA0263664.

Our land is very fertile, the spring fed lake has fish and frogs, and the natural spring flows onto the farm land. The spring and lake water is used for the crops and wildlife. My husband plants corn, potatoes, garlic and other vegetables on the fields. We rent some of the fields to our neighbor who farms sweet corn, cucumbers, squash, pumpkins and hay. My husband and I, as well as our family and the community rely on the vegetables. My husband, son, and grandson all hunt deer and wildlife from the property.

At the last hearing, my grandsons and I told you about the retirement dream home that we plan to build on the corner of our fields. We will raise our chickens near the new home. Our plan is to pump drinking water from the spring or drill a well. There is no city water nearby.

We have spent a lot of time planning and cutting the brush for our dream home, but have some delayed due to health issue. Now the scare of DEP allowing the land fill to be built and this stormwater and leachate application has us worried about what to do. At the last hearing, I told DEP about our dream home plans and no one from DEP talked with us or came to look at the issue.

Since our fields are at a lower elevation than the existing closed landfill, storm water presently runs off of the landfill onto our property. If you allow this NPDES permit, then future storm water will continue to run off onto our property and into our fields, lake, and spring. The storm water and leachate will bring with it all the contaminates, hazards, and smells that will flow with the runoff. I think this would be both legally and morally wrong.

I read that DEP will allow radioactive fracking waste to be put on the landfill. Radioactive and other contaminates that may leak onto property will destroy our farm fields, the lake, and the spring. PLEASE, do not allow any radioactive or contaminates to come close to our fields, lake, spring, or our new dream home.

Since there is ample vacant land nearby for a new landfill, where no homes or active farming would be affected, I see no moral justification for DEP to approve this NPDES permit.

Thank You

Patricia & Richard Dillaman  
125 Pine Rd.  
Grove City, PA 16127



**Dickey, Justin**

---

**From:** Angela Kilbert <kilbert@pennfuture.org>  
**Sent:** Friday, April 30, 2021 3:23 PM  
**To:** EP, NPDES\_NWRO  
**Subject:** [External] PennFuture's Comments on Tri-County Landfill Inc.'s NPDES Permit Application  
**Attachments:** 2021.04.30 PennFuture's Comments on TriCounty Landfill NPDES Permit.pdf

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Dear Pennsylvania Department of Environmental Protection:

PennFuture submits the attached comments on Tri-County Landfill Inc.'s NPDES Permit Application (PA0263664). Please contact me with any questions regarding these comments.

Sincerely,  
Angela Kilbert

---

**Angela M. Kilbert**  
Staff Attorney | PennFuture  
200 First Avenue, Suite 200  
Pittsburgh, PA 15222  
412.760.8495  
she/her/hers  
[kilbert@pennfuture.org](mailto:kilbert@pennfuture.org)  
[www.pennfuture.org](http://www.pennfuture.org)



April 30, 2021

Sent via Email

Pennsylvania Department of Environmental Protection  
Northwest Regional Office  
230 Chestnut Street  
Meadville, PA 16335  
[RA-EPNPDES\\_NWRO@pa.gov](mailto:RA-EPNPDES_NWRO@pa.gov)

**Re: PennFuture's Comments on Tri-County Landfill's NPDES Permit Application to Discharge to State Waters (PA0263664)**

Dear Pennsylvania Department of Environmental Protection:

Citizens for Pennsylvania's Future ("PennFuture") submits the following comments on behalf of the organization and its members on the Tri-County Landfill Inc.'s (the "Applicant") Application for a National Pollutant Discharge Elimination System ("NPDES") discharge permit (PA0263665), (the "Application") put out for public comment by the Pennsylvania Department of Environmental Protection (the "Department").

PennFuture is a Pennsylvania-statewide environmental organization dedicated to leading the transition to a clean energy economy in Pennsylvania and beyond. PennFuture strives to protect our air, water, and land, and to empower citizens to build sustainable communities for future generations. A main focus of PennFuture's work is to improve and protect water quality across Pennsylvania through public outreach and education, advocacy, and litigation.

The proposed Tri-County Landfill facility plans to reopen an existing onsite landfill located in Grove City, Pennsylvania by constructing a municipal solid waste landfill with a high density polyethylene liner. *See* NPDES Permit Fact Sheet at 1. The Applicant has an existing NPDES General Permit for stormwater discharges associated with industrial activities. *Id.* The Applicant is requesting a permit for two additional stormwater discharges from stormwater control structures associated with the proposed landfill (Outfalls 004 and 005), and a discharge of treated industrial waste from a proposed wastewater/leachate treatment facility into an unnamed tributary of Black Run (Outfall 006). *See* Tri-County Landfill NPDES Application at 1.

PennFuture has significant concerns about the Application, particularly in light of the fact that the proposed landfill will be accepting wastes from oil and gas operations. For the following reasons, we respectfully request that the Department deny the Tri-County Landfill NPDES Permit Application.

*Northwest:* 425 Carlton Road  
Suite 1  
Mount Pocono, PA 18344

*Southwest:* 1429 Walnut Street  
Suite 400  
Philadelphia, PA 19103

*Central:* 610 North Third Street  
Harrisburg, PA 17101

*South:* 200 First Avenue  
Suite 200  
Pittsburgh, PA 15222

Website: [www.pennfuture.org](http://www.pennfuture.org)



We offer the following comments on the Application and may supplement our comments in the future based on new information.

### Radioactive Discharges

The Clean Water Act prohibits the discharge of any pollutant into waters of the United States. 33 U.S.C. § 1311(a). The NPDES permitting program is a limited exception to that prohibition, and discharges under the program cannot be approved unless an applicant adequately discloses them in a NPDES permit application. *See In re Ketchikan Pulp Co.*, 7 E.A.D. 605, 621, 623-25 (EPA May 15, 1998) (emphasizing “the importance of accurate disclosures by permittees regarding the presence of either toxic pollutants or conventional and nonconventional pollutants in discharges to receiving waters.”). The Clean Water Act’s definition of pollutant includes radioactive materials. 40 C.F.R. § 122.2. Pennsylvania’s Clean Streams Law similarly includes the discharge of radioactive substances in its definitions of pollution and industrial waste. 35 P.S. § 691.1.

Oil and gas waste is known to have radioactive properties and can endanger public health when discharged into waterways. Oil and gas waste may contain radioactive compounds such as Radium-226, exposure to which is known to cause organ and bone cancers.<sup>1</sup> The U.S. Environmental Protection Agency (“EPA”) has documented the impacts of produced water from oil and gas activities, and found radioactive materials exceeding the thresholds for human and aquatic health downstream of Centralized Waste Treatment facilities accepting such waste.<sup>2</sup> Measurable impacts were still documented even when the produced water was treated before discharge. *See id.* In 2016, the EPA banned the disposal of unconventional oil and gas wastes into Publicly Owned Treatment Works (“POTWs”) due to the inability of POTWs to treat it and the potential for harmful untreated discharges. *See* 40 C.F.R. Part 135. However, an EPA study found no significant difference between produced water from conventional and unconventional sources.<sup>3</sup> A recent Duke study of three Western Pennsylvania waterways concluded that the recent disposal of conventional oil and gas waste is the source of high radium concentrations in stream sediments downstream of waste treatment plants accepting the waste.<sup>4</sup> The study found radium levels up to 650 times those found upstream of the waste treatment plants. *Id.*

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<sup>1</sup> See Southwest Pennsylvania Environmental Health Project, *Risks from Liquid, Sludge and Solid Waste from Shale Gas Development*, at 2 (May 2019) (available at <https://www.environmentalhealthproject.org/sites/default/files/assets/resources/ehp-solid-waste.pdf>).

<sup>2</sup> See Clean Water Action, *Clean Water Act Regulation of Oil and Gas Wastewater Discharges*, at 5 (Jan. 2020) (available at <https://www.cleanwateraction.org/publications/report-clean-water-act-regulation-oil-and-gas-wastewater-discharges>).

<sup>3</sup> See Clean Water Action, at *Clean Water Act Regulation of Oil and Gas Wastewater Discharges*, at 11.

<sup>4</sup> See Reid Frazier, *Conventional Drilling Waste Responsible for Radioactivity Spike in Rivers, Study Shows*, The Allegheny Front, Jan. 25, 2018 (available at <https://www.alleghenyfront.org/study-conventional-drilling-waste-responsible-for-radioactivity-spike-in-rivers/>) (article discussing Duke study on radioactivity in Southwestern Pennsylvania rivers).

These studies and others show that facilities that accept either unconventional and conventional oil and gas waste may have radioactive waste materials in their discharges, leading to contamination of waterways. This resulting contamination is dangerous to public health and the environment. These studies also demonstrate how difficult it is to treat these radioactive wastes and the damaging discharges that can result even after treatment. A landfill that accepts oil and gas wastes will produce leachate that is contaminated by the pollutants from these wastes. The Westmoreland Sanitary Landfill in Southwestern Pennsylvania is an example of a landfill that accepts oil and gas wastes which results in the production of radioactive leachate. The Department is well aware of the problems that have plagued that facility and its surrounding environment as a result of the radioactive leachate produced.

Here, it is clear from the waste permit that was issued by the Department in December 2020 to the Tri-County Landfill that the facility will be accepting oil and gas waste. The Solid Waste Disposal permit lists “Non-Coal Mining Wastes, Oil and Gas, and Other Well Drilling Wastes” as a general waste category that the Tri-County Landfill may accept. Tri-County Solid Waste Disposal Permit at 18-19. The permit also lists “Gas drilling residuals containing at least 16.5% solids” as a material that may be utilized for daily cover. *Id.* at 26. Despite this, the draft NPDES permit for the Tri-County Landfill does not impose limits on or require testing for radioactive pollutants. *See* Draft Tri-County Landfill NPDES Permit at 4-6. This violates the Clean Water Act and Clean Stream Law’s prohibitions on the discharge of radioactive materials, and it ignores the significant documented evidence of radioactive discharges from facilities accepting oil and gas waste, and the damaging results.

Additionally, the application instructions for a NPDES Individual Permit to Discharge Industrial Wastewater, the type of permit sought by the Applicant here, requires that the applicant check the box for “Group 7” in the “Summary of Required Analysis” section if “[t]he facility receives wastewater resulting from oil and natural gas extractions . . . and those wastewaters discharge to the identified outfall.”<sup>5</sup> Here, despite the fact that the landfill plans to accept oil and gas waste, the Applicant did not select Group 7 in its Summary of Required Analysis for Outfall 006. *See* Tri-County Landfill NPDES Application Form at 10. Group 7 includes required testing for radioactive pollutants such as Radium 226/228. *See* PADEP NPDES Application for Individual Permit to Discharge Industrial Wastewater Instructions (3800-PM-BCW0008a) at 30. Accordingly, the samples from the Seneca Landfill reference site and the closed municipal site used for the leachate quality predications were not tested for the radioactive pollutants in Group 7. *See* Tri-County Landfill NPDES Application Form at 23, 34.<sup>6</sup>

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<sup>5</sup> *See* PADEP NPDES Application for Individual Permit to Discharge Industrial Wastewater Instructions (3800-PM-BCW0008a) at 11, (available at <http://www.depgreenport.state.pa.us/elibrary/GetFolder?FolderID=3671>).

<sup>6</sup> Additionally, it is not clear whether the Seneca Landfill accepted oil and gas waste at the time of the sample. A landfill that does not accept oil and gas waste would not be an appropriate sample to use for a leachate quality prediction because the leachate would not be comparable.



This facility plans to accept oil and gas waste. Oil and gas waste is known to result in radioactive landfill leachate and the potential for radioactive discharges into surface waters. Accordingly, the Department must require testing, treatment, and monitoring of radioactive parameters. As discussed above, it is difficult to treat oil and gas waste, making it all the more imperative that the leachate from this waste is treated and monitored for radioactivity. The Clean Water Act requires permit writers to establish technology-based effluent limits as a minimum level of pollution control. *See* 33 U.S.C. § 1311(b)(1)(A). Because Tri-County Landfill may be discharging radioactive material, the Department must implement technology-based effluent limits for that discharge.

### **Lack of Information on Leachate Disposal**

In its application, Tri-County Landfill is applying for a discharge permit from a proposed wastewater (primarily leachate) treatment facility. Tri-County Landfill NPDES Application at 1. However, the application makes it clear that this proposed treatment facility is the backup plan. *Id.* The application “is concurrently considering alternatives for handling the facility’s process wastewater such as a tie-in to an off-site POTW.” *Id.* In which case, the treatment facility and Outfall 006 would not be needed. “However, in the event that these plans do not progress in a timely manner, Tri-County will construct a wastewater treatment facility onsite for discharge.” *Id.*

This alternative approach demonstrates that Tri-County Landfill has no concrete plan for how it intends to treat and dispose of the radioactive leachate that will result from the construction of this facility. The Department should not authorize the discharge of wastewater from a treatment facility on the basis of such limited information and contingent plans. The Applicant does not appear to specify a planned POTW for its favored disposal plan. As discussed above, POTWs are not equipped to handle and treat the radioactive wastewaters from oil and gas wastes. Moreover, the Department knows based on its experience with the Westmoreland Sanitary Landfill that when a POTW attempts to treat leachate from a landfill that accepts oil and gas waste, disastrous results follow. The Department should not issue this permit without more information and a finalized plan for leachate disposal.

### **Flooding**

The proposed draft permit does not impose limits on the volume of flow into the unnamed tributary of Black Run. *See* Tri-County Landfill Draft NPDES Permit at 4. The NPDES application indicates an average estimated flow of 28,804 gallons per day of leachate. Tri-County Landfill NPDES Application at 2. Applicants estimate that the flow of the discharge from the proposed wastewater treatment facility at Outfall 006 will be 31,256 gallons per day. *Id.* at 4. The effluent limitations for Outfall 60 were determined using an effluent discharge rate of 85,000 gallons per day. Tri-County Draft NPDES Permit at 8.

There is no way of knowing whether this stream has the capacity to accept the proposed discharge. The application does not appear to provide any information regarding the receiving stream and its hydrologic status. If the stream does not have the capacity to absorb the



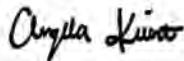
discharge, the watershed's hydrologic balance will be disrupted. This disruption could result in, for example, increased erosion of the stream banks as well as potential flooding. Without any information about the stream and associated watershed, the Department is unable to impose potential conditions, such as a maximum discharge amount, that may help to mitigate these problems.

The receiving stream is also indicated to be impaired, though the source and cause are unknown, and is also classified for aquatic life use as CWF, or Cold Water Fishes. NPDES Permit Fact Sheet at 4. According to the draft permit fact sheet, the Department determined that the stream was perennial and capable of supporting this existing use. *Id.* The anti-degradation requirements mandate that any permit issued include adequate protections to maintain this existing use. While the Department concludes in the permit fact sheet that existing uses will be maintained, there is very little information available regarding the potential impacts on the stream from this discharge on which to base that conclusion. The Department should require the Applicant to provide more information regarding the receiving stream and the watershed before issuing this permit and should consider placing additional flow limitations on the permit as a result of that information.

\*\*\*

We appreciate the opportunity to submit these comments on Tri-County Landfill Inc.'s NPDES application. For the reasons noted herein, this NPDES permit application should be denied. Please contact the undersigned if you have any questions or wish discuss these comments.

Sincerely,



Angela Kilbert  
Staff Attorney, PennFuture  
kilbert@pennfuture.org

cc:

Patrick McDonnell, Secretary of Pennsylvania Department of Environmental Protection





## Dickey, Justin

---

**From:** Decker, Tom  
**Sent:** Monday, May 3, 2021 9:17 AM  
**To:** EP, NPDES\_NWRO  
**Subject:** FW: [External] TriCounty NPDES  
**Attachments:** NPDES 4-30-2021.pdf

Gentlemen, this came in before the deadline for the comment period ended.

**Tom Decker** | Community Relations Coordinator  
Department of Environmental Protection | Northwest Region Office  
400 Market Street | Harrisburg, PA 17105  
Phone: 814.332.6615 | Mobile: 814.573.3709 | [Twitter](#): @PennsylvaniaDEP  
<http://www.dep.pa.gov/>

---

**From:** Jagiela, Darek <[djagiela@pa.gov](mailto:djagiela@pa.gov)>  
**Sent:** Saturday, May 1, 2021 1:39 PM  
**To:** Decker, Tom <[thomadecke@pa.gov](mailto:thomadecke@pa.gov)>  
**Subject:** FW: [External] TriCounty NPDES

Can you send this along?

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**From:** Marc Valentine <[marcvaltax@gmail.com](mailto:marcvaltax@gmail.com)>  
**Sent:** Friday, April 30, 2021 10:21 PM  
**To:** Jagiela, Darek <[djagiela@pa.gov](mailto:djagiela@pa.gov)>  
**Subject:** [External] TriCounty NPDES

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Attached are the concerns and objections for Liberty Twp, Pine Twp, Ceasra and the Pritchards concerning the NPDES permit for Tri County.

—  
Sincerely,

Marc T. Valentine, Esq.

Phone: 814-701-2835  
Fax: 814-701-2590

Marc Thomas Valentine, Esquire  
Marc T. Valentine and Associates, P.C.  
PO Box 192  
118 North Center Avenue  
Somerset, Pa 15501

Admitted to:

Supreme Court of Pennsylvania  
United States District Court for the Western District of Pennsylvania  
United States District Court for the District of Maryland  
United States Court of Appeals 3rd Circuit  
United States Tax Court

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# MARC T. VALENTINE AND ASSOCIATES, P.C.

PHONE: 814-701-2835 FAX: 814-701-2590

EMAIL: MARCVALTAX@GMAIL.COM

April 30, 2021

PA DEP  
Bureau of Waste Management  
Northwest Regional Office  
230 Chestnut Street  
Meadeville, Pa 16335

RE: Tri County NPDES

Dear PA DEP,

I represent the following groups and parties with respect to the Tri County Landfill:

Liberty Township  
2873 Mercer-Butler Pike  
Grove City, Pa 16127

Pine Township  
545 Bakeysville  
Grove City, Pa 16127

**Main Office**

118 N. Center Ave.  
Somerset, PA 15501

William C. Pritchard  
225 Center Church Road  
Grove City, Pa 16127

**By Appointment  
Only**

- 1434 Springs Rd.  
Salisbury, PA 15558

- 411 Grant Street  
Meyersdale, PA  
15552

Lisa L. Pritchard  
225 Center Church Road  
Grove City, Pa 16127

CEASRA  
40 Schmidt Road,  
Grove City, PA 16127

SERVING IN PA, US DISTRICT COURT OF MARYLAND, US DISTRICT COURT OF THE WESTERN DISTRICT OF PA, US TAX  
COURT AND US 3<sup>RD</sup> CIRCUIT COURT OF APPEALS

The aforementioned Parties and Groups have the following concerns and objections.

- A. The NPDES Permit does not take into account the degradation that will be caused to the wetland area adjacent to the landfill permit area.
- B. The NPDES Permit does not take into account the degradation of the public water wells and the public drinking water sources and systems owned by Grove City Borough located adjacent to the landfill permit area.
- C. The NPDES Permit does not take into account the permitting of a landfill within the wellhead protection area.
- D. The NPDES Permit does not take into account the permitting of a landfill to located adjacent to wetlands located along an existing Public Water Source.
- E. The NPDES Permit does not take into account the permitting of a landfill to Wetlands that are located in or along the floodplain of the reach of a wild trout stream or waters listed as exceptional value under Chapter 93 (relating to water quality standards) and the floodplain of streams tributary thereto, with respect to Pine Run designated as Wild Trout Stream.
- F. The NPDES Permit does not take into account 25 P.S. § 105.17(1)(i), for the permitting of a landfill to Wetlands which serve as habitat for fauna or flora listed as “threatened” or “endangered” under the Endangered Species Act of 1973 (7 U.S.C.A. § 136; 16 U.S.C.A. §§ 4601-9, 460k-1, 668dd, 715i, 715a, 1362, 1371, 1372, 1402 and 1531—1543), the Wild Resource Conservation Act (32 P. S. § § 5301—5314), 30 Pa.C.S. (relating to the Fish and Boat Code) or 34 Pa.C.S. (relating to the Game and Wildlife Code).
- G. The NPDES Permit does not take into account 25 P.S. § 105.17(1)(ii), for the permitting of a landfill to Wetlands that are hydrologically connected to or located within 1/2-mile of wetlands identified under subparagraph (i) and that maintain the habitat of the threatened or endangered species within the wetland identified under subparagraph (i).

- H. The NPDES Permit does not take into account 25 P.S. § 105.17(1)(iii), for the permitting of a landfill without first meeting the criteria and approvals under the Endangered Species Act of 1973 (7 U.S.C.A. § 136; 16 U.S.C.A. § § 4601-9, 460k-1, 668dd, 715i, 715a, 1362, 1371, 1372, 1402 and 1531—1543), the Wild Resource Conservation Act (32 P. S. § § 5301—5314), 30 Pa.C.S. (relating to the Fish and Boat Code) or 34 Pa.C.S. (relating to the Game and Wildlife Code), for the location, identification and other required steps with respect to habitat, fauna, wildlife and other protected organisms that are threatened or endangered.
- I. The NPDES Permit does not take into account *Payne v. Kassab*, 312 A.2d 86 (1973) by issuing a permit that has potential to decimate the entire public water supply.
- J. The NPDES Permit does not take into account *Payne v. Kassab*, 312 A.2d 86 (1973) by issuing a permit that is located in the Source Water Protection Area and Wellhead Protection Zones.
- K. The NPDES Permit does not take into account Article I Section 27 of the Pa Constitution by not considering that this permit is located in the Source Water Protection Plan and Wellhead Protection Zones.
- L. The NPDES Permit does not take into account Article I Section 27 of the Pa Constitution by not considering that this permit adversely impacts wetlands, wild trout streams, surface and subsurface water sources and other streams and tributaries.
- M. The NPDES Permit does not take into account *Payne v. Kassab*, 312 A.2d 86 (1973) by issuing a permit in which the risk to wetlands, wild trout streams, surface and subsurface water sources and other streams and tributaries outweighs the reasons for issuing a permit.
- N. The NPDES Permit does not take into account 25 Pa. Code § 287.125, for the permitting of a landfill in which the owner and related parties have an egregious history of violations under the Solid Waste Management Act.

- O. The NPDES Permit does not take into account *Payne v. Kassab*, 312 A.2d 86 (1973) by issuing a permit in which the risk due to the egregious history of violations under the Solid Waste Management Act outweighs the reasons for issuing a permit.
- P. The NPDES Permit does not take into account 25 Pa. Code § 287.127, for the permitting of a landfill without first meeting the criteria and approvals under the Endangered Species Act of 1973 (7 U.S.C.A. § 136; 16 U.S.C.A. § § 4601-9, 460k-1, 668dd, 715i, 715a, 1362, 1371, 1372, 1402 and 1531—1543), the Wild Resource Conservation Act (32 P. S. § § 5301—5314), 30 Pa.C.S. (relating to the Fish and Boat Code) or 34 Pa.C.S. (relating to the Game and Wildlife Code) and other requirements therein, for the location, identification and other required steps with respect to habitat, fauna, wildlife and other protected organisms that are threatened or endangered.
- Q. The NPDES Permit does not take into account *Payne v. Kassab*, 312 A.2d 86 (1973) by issuing a permit in which the risk due to the violation of 25 Pa. Code § 287.127 outweighs the reasons for issuing a permit.
- R. The NPDES Permit does not take into account Article I Section 27 of the Pa Constitution by not considering that this permit is in violation of 25 Pa. Code § 287.127.
- S. The NPDES Permit does not take into account 25 Pa. Code § 288.131 for permitting nuisance minimization and control plan that does not employ current studies, the safety and health issues with the airport, the nuisance caused to the adjacent country club and bodies of water, the impacts upon wetland, wild trout streams and other surface and subsurface water sources, courses and bodies.
- T. The NPDES Permit does not take into account 25 Pa. Code § 288.131 for permitting a litter control plan that does not employ current studies, the safety and health issues with



the airport, the nuisance caused to the adjacent country club and bodies of water, the impacts upon wetland, wild trout streams and other surface and subsurface water sources, courses and bodies.

- U. The NPDES Permit does not take into account 25 Pa. Code § 288.131 and 25 Pa. Code § 288.131 with respect to the remediation and recovery of the prior landfilled and deposited waste that does not employ current studies, the safety and health issues with the airport, fire safety, emergency preparedness planning the nuisance caused to the adjacent country club and bodies of water, the impacts upon wetland, wild trout streams and other surface and subsurface water sources, courses and bodies.
- V. The NPDES Permit does not take into account 25 Pa. Code § 288.13, 25 Pa. Code § 288.131, 25 Pa. Code § 288.131 and 25 Pa. Code § 288.123 with respect to the remediation and recovery of the prior landfilled and deposited waste and current landfilling that does not employ current studies, the safety and health issues with the airport, fire safety, emergency preparedness planning the nuisance caused to the adjacent country club and bodies of water, the impacts upon wetland, wild trout streams and other surface and subsurface water sources, courses and bodies.
- W. The NPDES Permit does not take into account 25 Pa. Code § 288.123, Phase Three monitoring that does not take into account the public water sources, wetlands, wild trout stream, to the adjacent country club and bodies of water, and other surface and subsurface water sources, courses and bodies.
- X. The NPDES Permit does not take into account 25 Pa. Code § 288.131 with respect to the remediation and recovery of the prior landfilled and deposited waste and current landfilling that does not employ current studies, the safety and health issues with the airport, fire safety, emergency preparedness planning the nuisance caused to the adjacent country club and bodies of water, the impacts upon wetland, wild trout streams and other surface and subsurface water sources, courses and bodies.

- Y. The NPDES Permit does not take into account 25 Pa. Code § 288.131 and 25 Pa. Code § 288.131 with respect to the remediation and recovery of the prior landfilled and deposited waste and current landfilling that does not employ current studies, the safety and health issues with the airport, fire safety, emergency preparedness planning the nuisance caused to the adjacent country club and bodies of water, the impacts upon wetland, wild trout streams and other surface and subsurface water sources, courses and bodies.
- Z. The NPDES Permit does not take into account 25 Pa. Code § 298.1 with respect to permitting the disposal of liquid wastes that meet the definition of Liquid Wastes and the EPA requirement, but are mixed with other wastes or materials on site to change the state of said waste.
- AA. The NPDES Permit does not take into account 25 Pa. Code § § 288.193. Plan for other special handling wastes with respect to permitting the disposal of liquid wastes that meet the definition of Liquid Wastes and the EPA requirement, but are mixed with other wastes or materials on site to change the state of said waste.
- BB. The NPDES Permit does not take into account Article I Section 27 of the Pa Constitution issuing a permit that will have adverse and direct effects and impacts on the environment.
- CC. The NPDES Permit does not take into account 25 Pa. Code § 288.136, 25 Pa. Code § 288.137, 25 Pa. Code § 288.141, 25 Pa. Code § 288.134, 25 Pa. Code § 288 concerning: cover and vegetation, water quality protection and monitoring, emergency procedures, closure and special handling wastes and air resource protections under the permit, with respect to the remediation and recovery of the prior landfilled and deposited waste and current landfilling that does not employ current studies, the safety and health issues with the airport, fire safety, emergency preparedness planning the nuisance caused

to the adjacent country club and bodies of water, the impacts upon wetland, wild trout streams and other surface and subsurface water sources, courses and bodies.

DD. The NPDES Permit does not take into account all references and citations to Residual Waste and Residual Waste Landfills incorporate by reference as though fully set forth in detail, the corresponding Municipal Waste and Municipal Waste Landfill legal citations and code references to each and every issue on aforementioned.

EE. The NPDES Permit does not take into account the Municipal and Residual Waste regulations and code sections pertaining to the disposal of radioactive waste with respect to fracking, gas well and other similar wastes that contain radioactive materials that are not permitted by said sections or the permit as issued.

FF. The NPDES Permit does not take into account Permit was issued as Modification of an existing permit when no lawfully licensed or permitted landfill was operating at the proposed site nor can the modification be based on the Transfer Station permit. As such, there is no permit to legally modify to allow said permit to be issued.

GG. The NPDES Permit does not take into account the point and nonpoint source pollution with respect to all above and aforementioned concerns.

Sincerely,

/s/ Marc T. Valentine, Esquire  
Marc T. Valentine, Esq

**Dickey, Justin**

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**From:** Beth Weinberger <bweinberger@environmentalhealthproject.org>  
**Sent:** Friday, April 30, 2021 2:43 PM  
**To:** EP, NPDES\_NWRO  
**Subject:** [External] Permit #PA0263664  
**Attachments:** Tri-County Landfill Comments 04.30.21 FINAL.pdf

**ATTENTION:** *This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to CWOPA\_SPAM@pa.gov.*

Please find the SWPA Environmental Health Project's comments on the Tri-County Landfill, Permit #PA0263664.

Sincerely,

Beth Weinberger

Beth Weinberger, MPH, PhD  
Director of Research & Policy  
SWPA Environmental Health Project  
[www.environmentalhealthproject.org](http://www.environmentalhealthproject.org)  
[bweinberger@environmentalhealthproject.org](mailto:bweinberger@environmentalhealthproject.org)  
203.530.3436

April 28, 2021

To the Permit Manager,

The Southwest Pennsylvania Environmental Health Project (EHP) is a public health organization that provides frontline communities with air and health monitoring, data and research interpretation, and guidance related to shale gas development. We are becoming increasingly concerned about the role of municipal landfills in the UOGD waste stream. Our comments here are specifically aimed at Permit #PA0263664 for the Tri-County Landfill.

We believe that a commitment to public health would mean preventing, halting or mitigating the risks to the community by preventing or reducing exposure to air and water contamination from oil and gas waste. That waste can include (among others) radioactive elements (Radon and Radium-226), metals, VOCs, and brine salts.

Radium-226 dissolves easily in water and is brought to the surface in produced water as part of the liquid waste that returns to the surface with the gas. The decay process gives off unstable atoms in the form of alpha, beta, and gamma radiation. Alpha and beta particles are dangerous when inhaled or ingested. Radioactive compounds with longer half-lives will remain in the body causing cell abnormalities. They can cause cancer in organs or bones.<sup>1</sup> Radium-226 is known to cause lymphomas, leukemia, and bone cancer. Its structure is similar to calcium and the body easily incorporates it into bone tissue. Unstable byproducts of Radium include Polonium-210 and lead-210, which are also carcinogenic. Accepting waste that includes such material, is a legitimate risk that community members fear.

Current federal and state regulations and their implementation are not strong enough to ensure the safety of those in the area. The only way to truly protect the public from radioactive waste is to completely isolate and contain it, and this can't effectively be done at a municipal landfill. Liners, Covers, and Leachate Pipes: The equipment at landfills used to contain waste are not suitable for harmful products. Covers and liners can wear out after years of use, and runoff pipes can clog and cause backups of toxic liquids. In addition, according to the "Subtitle D Rule" of the Hazardous and Solid Waste

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<sup>1</sup> "17.3: Types Of Radioactivity: Alpha, Beta, And Gamma Decay". Chemistry Libretexts, 2018, [https://chem.libretexts.org/Bookshelves/Introductory\\_Chemistry/Map%3A\\_Introductory\\_Chemistry\\_\(Tro\)/17%3A\\_Radioactivity\\_and\\_Nuclear\\_Chemistry/17.03%3A\\_Types\\_of\\_Radioactivity%3A\\_Alpha%2C\\_Beta%2C\\_and\\_Gamma\\_Decay](https://chem.libretexts.org/Bookshelves/Introductory_Chemistry/Map%3A_Introductory_Chemistry_(Tro)/17%3A_Radioactivity_and_Nuclear_Chemistry/17.03%3A_Types_of_Radioactivity%3A_Alpha%2C_Beta%2C_and_Gamma_Decay). Accessed 15 Feb 2019.



Amendments of 1984, companies are only required to maintain inactive landfills for thirty years after closure. This regulation was made despite the EPA's knowledge that landfill liners, covers, and leachate pipes, were only meant to last a few decades at most.<sup>2</sup>

We understand that each PA landfill is equipped with a drive-through radiation detector for waste entering the site; however, these detectors only detect gamma radiation, not alpha or beta radiation. Because of this, substances that emit alpha and beta radiation can enter landfills and may eventually enter the environment. When radiation levels are high, further laboratory testing can be done, but these methods can give false readings when levels of salt and organic compounds are present, as is the case with waste from shale gas.<sup>3</sup> Monitoring leachate, in particular, would have to be a top priority.

Before a permit is granted for the Tri-County Landfill National Pollutant Discharge Elimination System, a number of questions should be answered. These include:

- What radioactive compounds will be accepted and what is the possible accrual of radioactive material over time?
- What other toxics will be brought in as UOGD waste?
- Can containment plans be truly protective?
- Can discharge plans be truly protective?
- What soil and water monitoring plans can be put in place to ensure that risks are not introduced?
- Will a thorough study of potential harm from flaring be conducted?
- Given the risks introduced by oil and gas waste, is the site at a health-protective distance from homes, schools, elderly care facilities and workplaces?
- Have chronic and episodic exposure risks to children been addressed? Have health risks to adults been addressed?

Until these questions can be adequately answered in a way that protects the residents in the area, as well as those further out who may experience downstream exposures, we urge you not to authorize permit #PA0263664.

Sincerely,

Beth I Weinberger  
Director of Research & Policy  
bweinberger@environmentalhealthproject.org

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<sup>2</sup> "Landfill Leachate, Landfill Groundwater Contamination, Impacts Of Landfill Groundwater." beyondlandfilling.org, 2019, <http://www.beyondlandfilling.org/landfill-groundwater-impacts.html>.

<sup>3</sup> Ibid.



## **Appendix E**

### **Tri-County Landfill PWS Memo 2/15/2022**

**MEMO**

**TO** Adam Pesek, E.I.T.  
Environmental Engineer  
Clean Water Program

**THRU** Justin C. Dickey, P.E.  
Environmental Program Manager  
Clean Water Program

**THRU** Charles E. Byham *Charles E. Byham*  
Environmental Group Manager  
Environmental Cleanup and Brownfields Program

**FROM** John Morettini, P.G. *John Morettini*  
Licensed Professional Geologist  
Environmental Cleanup and Brownfields Program

**DATE** 2/15/2023

**RE** Tri-County Landfill, Mercer County

Mr. Pesek,

Per the request of the Clean Water Program, I have reviewed the potential pathways to water supplies, both public and private, that are located downstream of the proposed treated leachate discharge point from Tri-County Landfill (TCL) which is located at the coordinates 41° 8' 22" Latitude and -80° 8' 29" Longitude.

The investigation started at the TCL discharge point and continued to the first public water supply surface water intake point at PA American Water in Ellwood City (PAWE). This covers approximately 35 miles of waterways. Information for permitted public water supply wells was collected from the PA Department on Environmental Protection (PADEP) E-Map system. Information for private water wells was collected from the PA Department of Conservation and Natural Resources (PADCNR) PAGWIS system.

**Public Water Supplies:**

In a review of the identified waterways between the TCL discharge point and the PAWE intake point, a search area of approximately ½ mile on either side of the waterway was used to narrow the investigation. A ½ mile area was chosen as that is the distance identified in the PADEP Safe Drinking Water Program (SDW) Wellhead Protection Program as the Zone of Diversion or capture zone. Within this area, seven active public water suppliers (PWS) with at least one well have been identified.

System Name	Source Name	Well Depth
Amsterdam Estates	Well #1	130'
Amsterdam Estates	Well #2	200'

Keystone Safari	Well #1	152'
Liberty Acers MHP	Well #1	118'
Slippery Rock Municipal Authority	Well #3	300'
Slippery Rock Municipal Authority	Well #4	348'
Slippery Rock Campground Association	Well #1	280'
Slippery Rock Campground Association	Well #2	225'
Slippery Rock Campground Association	Well #3	225'
McConnells Mill State Park	Well #1	166'
Sarah Heinz House Association	Well #1	192'

The SDW, who permits all PWS, has regulations for the physical construction of all water wells that must be met before water can be used for public consumption. These regulations are to minimize the potential for contaminants to be drawn into the water system. The SDW also utilizes Surface Water Identification Protocol (SWIP) to determine if a well is receiving groundwater or if it is under the direct influence of surface water.

Based on the depths of the wells, the (SDW) construction regulations, and the SDW Surface Water Identification Protocol (SWIP), there should be no risk to these sources by current regulated contaminants from a permitted regulated discharge.

#### **Private Water Wells:**

In a review of the identified waterways between the TCL discharge point and the PAWE intake point, once again a search area of approximately ½ mile on either side of the waterway was used to narrow the investigation. Within this area, five private water wells have been identified as a well of concern (WOC) (see Figure 1). Private wells in Pennsylvania do not have regulations to dictate construction standards, nor are they evaluated by the SDW SWIP. An evaluation of the geology, age of well, well depth, static water levels, and distance to the waterway (approximation by satellite images) were all used in the screening of these WOC.

Well	Latitude	Longitude	Construction Date	Well Depth	Well Yield	Static Water Level	Distance to Waterway
WOC 1	41.07666	-80.07438	1986	27'	15 gpm	5'	50'
WOC 2	41.03833	-80.12000	1957	51'	unknown	9'	235'
WOC 3	41.03314	-80.14569	2013	43'	25 gpm	5'	484'
WOC 4	41.03346	-80.14462	2018	37'	15 gpm	8'	207'
WOC 5	41.03333	-80.14501	2010	40'	7 gpm	7'	298'

The drillers log for WOC 1 states that it is drilled into a gravel while the other four WOC's are drilled into a clayey sand and gravel mixture. The clayey sand and gravel mixture is indicative of the glacial deposit Kent Till, whereas the gravel is likely a depositional feature of the waterway and more likely to be hydraulically connected to the flow of the waterway.

#### **Recommendation:**

WOC 1 should be further evaluated via a contaminant concentrations calculation in the waterway at the point nearest to WOC 1. This is due to WOC 1 being a shallow well with a shallow static water level, being drilled into a gravel layer, and having a close distance to the waterway. These conditions make it the most susceptible private well identified in the search.

**Figure 1**

