



May 7, 2021

VIA ELECTRONIC DELIVERY

Carl Spadaro
Max Environmental Technologies, Inc.
233 Max Lane
Yukon, PA 15698

Re: Completeness Review
Phase I Application for Hazardous Waste Landfill No. 7
Max Environmental Technologies, Inc. – Yukon Facility
South Huntingdon Township
Westmoreland County
I.D. No. PAD004835146
Auth #1351675
APS #1912

Dear Mr. Spadaro,

The Department of Environmental Protection (Department) has conducted a review of the above referenced application to determine whether the necessary documents were submitted and were complete to allow a technical review to proceed. The Department has determined that the referenced application is administratively incomplete under 25 Pa. Code §270a.10. Therefore, this application is being returned to you for revision and resubmittal. Please address the following items:

1. 25 Pa Code §270a.10(c)(2) and 40 CFR §270.11: As Max Environmental Technologies, Inc. (Max) is a corporation, the application must be signed by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. The application was submitted as a Class 3 Modification to the existing hazardous waste treatment permit. The Max Environmental Technologies – Yukon Facility was never authorized to dispose of hazardous waste. As this application constitutes a new operation and proposes an increase in acreage, please provide justification including regulatory citations that would allow this to be considered a Class 3 Modification rather than a new permit.

3. The proposed permit boundary includes a portion of a public road. Please provide the precedence for including property not owned or under the control of Max within a hazardous waste permit boundary (Figure 2, General Site Arrangement).
4. Form HW-B Professional Certification Form (pages 43-45) has the following deficiencies:
 - a. Section A lists the site name as “Hazardous Waste Landfill No. 7” while the existing permitted site is named “Max Environmental Technologies, Inc. – Yukon Facility”. Is there a name change proposed with this application?
 - b. Section B, Activity: This section needs the boxes checked for all proposed hazardous waste disposal activities.
 - c. Section C: This may need to be changed pending clarification of whether this is a “Modification” as requested in Comment 1 above.
 - d. Section G did not contain a Professional Geologist Certification for the groundwater monitoring system even though information was submitted that would be used to determine adequacy of a water monitoring system.
5. Form HW-C, B.4: The response is “Undetermined” (page 58) while the standard would be a definitive response regarding ownership of subsurface areas within the proposed facility boundary.
6. Form HW-C, B.5: The response is “None of which MAX Environmental Technologies, Inc. is aware” (page 61) while the standard would be a definitive response regarding leasehold of surface and subsurface areas within the proposed facility boundary. If your answer is “none”, you will need to provide what was done to arrive at this response.
7. Form HW-C will need to be updated to include the most recent compliance information.
8. Figure 3, Module 9 Landfill No. 7 Existing Conditions, Legend, purple dashed line description: As this is a permit application for Hazardous Waste (HW) Landfill No. 7 (not No. 6) the HW Landfill boundary shouldn't be “preliminary” in a permit application. It is not possible to review a permit application that can be revised in the future. Once a determination is made on siting criteria in Phase I, features in proximity to facility boundaries will not allow for revision.
9. Exhibit 9-4.3, Summary of Public Water Supply Responses – Map provided (Exhibit 9-3.4, Figure 1, Well Locations) showing the ½ mile area from the facility and identified homes surveyed for private wells/public water supply: At least one respondent (180 – McGrath residence) within ½ mile of the proposed landfill with a private well, did not state they were connected to a public (alternate) water supply, according to the information provided in the table. Further information states that this is outside the ½

mile buffer from the facility site boundary, which is contrary to the information provided on Exhibit 9-3.4, Figure 1, Well Locations. Given this information, it is erroneous to check 'No' for Module 9, Section C, Question No.2for 269a.21(a)(3).

10. The Yukon Facility Site Plan, Figure No. 1, provided on page 41 of the permit application contains a great deal of information yet is largely limited to one page. The drawing is very busy and difficult to read. It is recommended that the Site Plan be divided into multiple drawings showing various layers (i.e. one drawing for Facility Site Plan, another for Inset 1, etc.).
11. The assorted boundaries and features on the maps are designated by different color schemes on different maps and figures throughout the submittal. These should be consistent and definitive. Notes and written designation need to be provided in a legible manner. The pink color used is not legible. The fuchsia colored lines for existing streams is too close to the purple color used to show the HW landfill boundary and should be altered to a different color, synonymous with water.
12. The Table of Contents should provide an overview and arrangement for the permit application documents. At a minimum, it should include all main sections, the title of each section and correct page numbers making it easy for reviewers to navigate, discuss and reference the extensive material.
13. Incomplete form; Phase II – Exclusionary Siting Criteria: This entire section was left blank. As the Completeness Review is to determine whether there is enough information to conduct a technical review, all forms need to be completed or removed and submitted for the appropriate Phase.
14. Module 9: The submission contains a note;

“Please note that throughout the remainder of this Module 9 submission (i.e., Attachments 9-2 through 9-4) various supporting documentation shows varying delineations of the Landfill No. 7 facility site boundary. This is a result of incorporating early considerations of the total possible development area for Landfill No. 7. This area has changed based on the results of the environmental siting criteria evaluations. As such, correspondence and reports prepared in conjunction with Attachments 9-2 through 9-4 of Module 9 may show different delineations for the Landfill No. 7 facility site boundary. However, the figures included in this Attachment 9-1 are intended to show the facility site boundary delineations for the proposed Landfill No. 7 resulting from the environmental siting criteria evaluations.”

As the Completeness Review is to determine whether a technical review can proceed, all information and attachments should contain the final, consistent boundaries of the proposed facility.

In addition, the Department will require two paper copies of all maps with each set sent to:

Gregory Holesh
Department of Environmental Protection
Waste Management Program
400 Waterfront Drive
Pittsburgh, PA 15222

And

Chad Clancy
Department of Environmental Protection
Office of Waste, Air, Radiation and Remediation
Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17101

15. Notices not submitted – Proof of Contiguous Landowner’s Notification - Not complete: Attachment 3 noted that this is “to be submitted at a later date.” Some of the mail receipts were provided on April 30, 2021, however the submission was not complete.

The Phase II – Environmental Assessment Criteria of the Module 9 was not completed. Max may choose to submit the Phase II Exclusionary Siting Criteria early as explained in the Guidance Manual for Permitting of Commercial Hazardous Waste Treatment or Disposal Facilities, pages 10-11. As the guidance states, submittal of the Phase II criteria application along with the Phase I application will provide the applicant with early indications of any Phase II criteria which cannot be mitigated or indications where significant efforts will be needed to mitigate adverse impacts. It is to the developer’s advantage to know this early in the siting process. As the Completeness Review is to determine whether a technical review can proceed, all forms need to be completed or removed and submitted for the appropriate Phase.

Please include the General Information Form (GIF) should you resubmit your application. Though some guidance suggests that the GIF could be submitted with a future Phase, this form allows the Department to determine whether other permits are required for this proposed activity.

As the Phase I application has been determined to be incomplete, we are “returning” the application with this notice of deficiency. If you decide to resubmit, please note that ALL public notifications must be repeated. When the application is resubmitted, proof of receipt of the public notices and proof of publication in the newspapers should be submitted with the application rather than one month later. If resubmitted, the Department will begin the completeness review process again.

If you have questions about your permit, please contact Gregory Holesh of this office at **412.442.4260** or gholes@pa.gov

Carl Spadaro

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May 7, 2021

Sincerely,

Gregory Holesh

Sharon Svitek

Gregory Holesh, P.E.
Environmental Engineering Manager
Waste Management Program

Sharon Svitek
Program Manager
Waste Management Program

cc: South Huntingdon Township
Westmoreland County
Tim Mitchell, CEC
C. Clancy, RCSOB
Sharon Svitek, SWRO
Facilities Section File
Region
Chron