

**FORM 46
RELATIONSHIP BETWEEN
MUNICIPAL WASTE MANAGEMENT PLANS
AND PERMITS**

This Form 46 was originally included as part of the Permit Reissuance Application prepared by Civil and Environmental Consultants, Inc.



Date Prepared

October 2011

I.D. Number

100277

FORM 46
RELATIONSHIP BETWEEN MUNICIPAL
WASTE
MANAGEMENT PLANS AND PERMITS

General References: 271.201, 273.1 39, 283.1 1 2, Section 507 of Act 101

Instructions: Attach required information 8 1/2 x 11 inch sheets. Complete all items for municipal waste landfills and resource recovery facilities.

Provide a written narrative that describes the following:

1. To what extent do the county plan implementing documents submitted by the host county designate the facility to receive a specified volume of waste? **Refer to Attachment 46-1.**
2. To what extent do other plan implementing documents designate the facility to receive a specified volume of waste? **Refer to Attachment 46-1.**
3. If the facility is not provided for in the host county plan; **Not applicable, Sanitary Landfill is included in the Westmoreland County waste management plan.**
 - a. Does the proposed facility interfere with the implementation of the approved plan? Explain.
 - b. Does the proposed facility interfere with municipal waste collection, storage, transportation, processing, or disposal in the host county? Explain.
 - c. Does the environmental assessment, as described in 25 Pa. Code §271.127, demonstrate that the proposed location of the facility is at least as suitable as alternative locations?

In addition, the applicant must provide evidence that the governing body of the proposed host county has received written notice of the proposed facility from the applicant according to Section 504 of the Solid Waste Management Act.

ATTACHMENT 46-1
FORM 46 – RELATIONSHIP BETWEEN MUNICIPAL
WASTE MANAGEMENT PLANS AND PERMITS

NARRATIVE

**ATTACHMENT 46-1
FORM 46 – RELATIONSHIP BETWEEN
MUNICIPAL WASTE MANAGEMENT PLANS AND PERMITS**

NARRATIVE

- 1. To what extent do the county plan implementing documents submitted by the host county designate the facility to receive a specified volume of waste?**

On September 28, 2011, there was a meeting between Westmoreland Landfill and Westmoreland County Commissioners and staff over whether the .25 cent per ton fee should be mandatory or voluntary. It was agreed at the meeting that both parties would work together towards resolution of the issue over the next sixty (60) days. Upon mutual agreement as to the applicable per ton fee, Sanitary Landfill will be designated in the Westmoreland County plan implementing documents, most recently dated 2008. There will be no other change in the status of Sanitary Landfill being included in the Westmoreland County plan, nor will there be changes in the specified volume of waste to be set aside for the County, upon reissuance of Solid Waste Permit No. 100277 to CCS Midstream Services, LLC.

- 2. To what extent do other plan implementing documents designate the facility to receive a specified volume of waste?**

Sanitary Landfill is designated in plan implementing documents for Allegheny, Fayette, Greene and Washington Counties. There will be no change in the status of Sanitary Landfill being included in these plans, nor will there be changes in the specified volumes of waste to be set aside for these counties, upon reissuance of Solid Waste Permit No. 100277 to CCS Midstream Services, LLC.

Excerpts (first page and last page) of plans are included here for reference.

AGREEMENT

MADE AND entered into this 24 day of August, 1988 by and between the County of Allegheny, a political subdivision of the Commonwealth of Pennsylvania (the "County"), and the Municipal Authority of Westmoreland County, an authority organized and existing under the laws of the Commonwealth of Pennsylvania (the "Operator").

WHEREAS, the Municipal Waste Planning, Recycling and Waste Reduction Act, Act No. 101 of 1988 ("Act 101"):

(1) Requires the County to prepare, submit for approval to the Pennsylvania Department of Environmental Resources (the "Department") and then implement a Municipal Waste Management Plan (the "Plan"), governing the collection, transportation, storage, processing, recycling, resource recovery and disposal of municipal waste generated within the County;

(2) Requires the County as part of its Plan to provide for assurance of capacity for the processing and disposal of all municipal waste expected to be generated within the County for a period of at least the next ten (10) years, and further requires the County to execute and submit to the Department contracts evidencing the implementation of its approved Plan and ensuring sufficient available processing or disposal capacity.

(3) Conditions the Department's issuance of any permit resulting in additional capacity for a municipal waste landfill or resource recovery facility in the County on the applicant's demonstration that the proposed facility is provided for in the County's approved Plan or that it will not interfere with the County's implementation of its approved Plan;

(4) Authorizes the County as part of its approved Plan to require that all municipal wastes generated within its boundaries be processed or disposed of at designated processing or disposal facilities; and

(5) Authorizes the County to require all persons to obtain licenses to collect and transport municipal waste subject to its approved Plan to designated municipal waste processing and disposal facilities; and

WHEREAS, the Operator owns and operates a municipal waste landfill and desires to have the County designate said landfill in its approved Plan; and

WHEREAS, the County on behalf of itself, its residents and all municipalities and municipal authorities and all other establishments generating municipal waste located or operating in the County, desires to secure a binding commitment from the Operator reserving capacity for disposal of certain quantities of municipal waste annually at Operator's municipal waste landfill under certain terms and conditions.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, and intending to be legally bound, the parties hereto agree as follows:

SECTION 1. DEFINITIONS

Unless the context clearly indicates otherwise, the following terms used in this Agreement shall have the following meanings:

(a) "Disposal" - The deposition, injection, dumping, spilling, leaking or placing of solid waste into or on the land or water in a manner that the solid waste or a constituent of the solid waste enters the environment, is emitted into the air or is discharged to the waters of the Commonwealth of Pennsylvania.

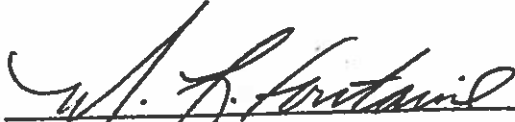
(b) "Landfill" - the municipal waste landfill operated by Operator and licensed by the Department in accordance with Permit No. 100277 and pursuant to the Solid Waste Management Act and Act 101, located in Rostraver Township, Westmoreland County.

(c) "Municipal Authority" - Any authority created pursuant to the Municipal Authorities Act of 1945 or similar enabling legislation having as one of its express or implied powers or duties the collection, transportation, storage, processing or disposal of municipal waste within the County.

This Agreement was authorized by the Board of County Commissioners on July 13, 1995, at Agenda No. 1006-95-AA.

ATTEST:

MUNICIPAL AUTHORITY OF WESTMORELAND COUNTY



M. C. Pontaine, P.E.

BY: 

TITLE C. H. Kerr, Resident Manager

ATTEST:

COUNTY OF ALLEGHENY



CHIEF CLERK

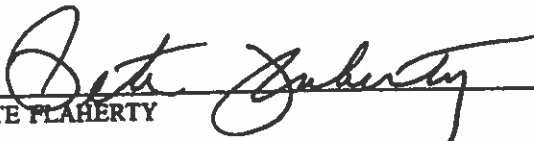


TOM FOERSTER, CHAIRMAN


APPROVED:



DIRECTOR, DIVISION OF
WASTE MANAGEMENT




PETE FLAHERTY

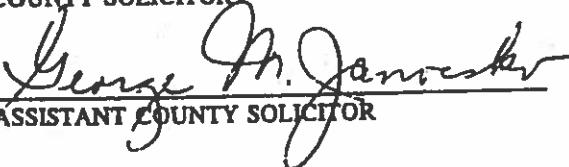


LAWRENCE W. DUNN
BOARD OF COUNTY COMMISSIONERS

APPROVED AS TO FORM:



COUNTY SOLICITOR



ASSISTANT COUNTY SOLICITOR

APPROVED July 13, 1995 AT BOARD ACTION 1006-95-AA.

MUNICIPAL WASTE DISPOSAL SERVICE CONTRACT

THIS MUNICIPAL WASTE DISPOSAL SERVICE CONTRACT (hereinafter referred to as the "Contract") entered this _____ day of _____, 19____, by and between

THE COUNTY OF ARMSTRONG, Armstrong County, Pennsylvania, hereinafter referred to as the "County"

A

N

D

WESTMORELAND WASTE LLC SANITARY LANDFILL
hereinafter referred to as the "Contractor"

WITNESSETH:

WHEREAS, the Board of County Commissioners, acting through the Armstrong County Department of Planning and Development, have developed and adopted a new 1990 Municipal Waste Management Plan for Armstrong County in accordance with the requirements of the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 ("Act 101"); and,

WHEREAS, the municipalities in Armstrong County have duly approved and ratified this 1990 Municipal Waste Management Plan for

costs, expenses and other attorney fees arising out of the award of this Contract or the willful or negligent act or omission of the County, their officers, agents, servants and employees.

VIII. PERMITS

The Contractor shall be responsible for obtaining any and all permits necessary for the construction and operation of the Municipal Waste (transportation) (processing) (disposal) facilities required to comply with the terms and conditions of the Contract, and any and all costs or expenses of obtaining such permits. Failure to obtain and maintain permits shall constitute a breach of contract.

WITNESS the execution hereof, as of the date and year first written.

COUNTY OF ARMSTRONG/
BOARD OF COMMISSIONERS

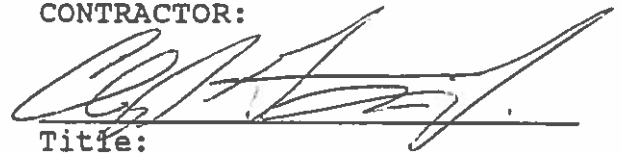
ATTEST:

Chief Clerk

(SEAL)

WITNESS:

CONTRACTOR:



Title:

President of
Westmoreland Waste, Inc.
Managing Member

**LANDFILL DISPOSAL AGREEMENT
BETWEEN FAYETTE COUNTY AND
WESTMORELAND WASTE LLC**

THIS AGREEMENT, made as of this 16th day of November, 1998, by and between Westmoreland Waste LLC with an office and principal business address at 1428 Delberts Drive, Unit #2, Monongahela, Pennsylvania 15063

AND

County of Fayette, Pennsylvania, a political subdivision of the Commonwealth of Pennsylvania (hereinafter referred to as the "County").

RECITALS

WHEREAS, Westmoreland Waste LLC (hereinafter referred to as the "Contractor") owns or has options to purchase approximately 141 acres of land in Belle Vernon, Pennsylvania, whereupon, contractor operates a municipal waste landfill, permitted by the PADEP, Permit ID No. 100277 (see Appendix A);

WHEREAS, the County is a political subdivision organized and existing under and by virtue of the laws of the Commonwealth of Pennsylvania having a principal office and address at County Courthouse, Uniontown, Pennsylvania;

WHEREAS, the County is obligated under the Municipal Waste Planning, Recycling and Waste Reduction Act 101, to provide and plan for the processing and disposal of municipal waste as well as to develop waste management systems, resource recovery and recycling;

WHEREAS, the County invited and receive sealed proposals on the forms included in their Request for Proposals (RFP) at the Office of the Controller until 10:00 a.m., prevailing time, on Tuesday, July 7, 1998;

WHEREAS, the work to be performed under the contract consists of providing the waste disposal services for the County in accordance with the provisions of the RFP;

WHEREAS, the County has evaluated all of the proposals received, and has taken into consideration the capabilities and performance history of the Proposers, the length of any proposed disposal commitment, the relationship between the proposals and the County's long-term municipal solid waste (MSW) disposal needs and goals, and the costs of waste disposal;

IN WITNESS WHEREOF, the parties hereto have signed this Disposal Agreement on the day and year noted below.

ATTEST: (CORPORATE SEAL)

By: _____

CONTRACTOR: Westmoreland Waste LLC

By: [Signature]

Title: President of Westmoreland Waste Inc., Manager

Date: October 1, 1998

ATTEST: (CORPORATE SEAL)

By: Judith M. Bodkin

COUNTY OF FAYETTE

By: [Signature]

By: _____

By: [Signature]

Title: [Signature]

Date: 11-16-98

Review as to form by legal staff:

By the Owner:

By: Clement P. Gigliotti, Jr.
Westmoreland Waste LLC
1428 Delberts Drive, Unit #2
Monongahela, Pennsylvania 15063

Date: October 1, 1998

By the County:

By: [Signature]
Fayette County Solicitor
Fayette County Commissioners Office
Fayette County Courthouse
61 East Main Street
Uniontown, Pennsylvania 15401

Date: 11-16-98

LANDFILL CAPACITY AGREEMENT

MADE AND ENTERED into this 22 day of August, 1996, by and between the County of Greene, a political subdivision of the Commonwealth of Pennsylvania (the "County"), and ^{SANITARY} ~~Municipal Authority of~~ Landfill, Inc., a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, (the "Operator").

WHEREAS, The Municipal Waste Planning, Recycling and Waste Reduction Act, Act No. 101 of 1988 ("Act 101"):

(1) Requires the County to prepare, submit for approval to the Pennsylvania Department of Environmental Resources (the "Department") and then implement a Municipal Waste Management Plan (the "Plan"), governing the collection, transportation, storage, processing, recycling, resources recovery and disposal of municipal waste and biosolids generated within the County;

(2) Requires the County as part of its Plan to provide for assurances of capacity for the processing and disposal of all municipal waste and biosolids expected to be generated within the County for a period of at least the next ten (10) years, and further requires the County to execute and submit to the Department contracts evidencing the implementation of its approved plan and ensuring sufficient available processing or disposal capacity;

(3) Conditions the Department's issuance of any permit resulting in additional capacity for a municipal waste landfill or resource recovery facility in the County on the applicant's demonstration that the proposed facility is provided for in the County's approval plan or that it will not interfere with the County's implementation of its approved Plan;

(4) Authorizes the County as part of its approved Plan to require that all municipal wastes and biosolids generated within its boundaries be processed or disposed of at designated processing or disposal facilities;

(5) Authorizes the municipalities to require all persons to obtain licenses to collect and transport municipal waste subject to the approved County Plan to designated municipal waste disposal or processing facilities; and

WHEREAS, the operator owns and operates a municipal waste landfill and desires to have the County designate said landfill in its approved Plan; and

WHEREAS, the County on behalf of itself, its residents and all municipalities and municipal authorities and all other establishments generating municipal waste and biosolids located or operating in the County, desires to secure a binding commitment from the Operator

This Agreement was authorized by the Board of County Commissioners on
Aug. 22, 1, 1996.

ATTEST:

Norman K. Sheridan
Norman K. Sheridan (seal)

OPERATOR:

Donald Ruscitti
Donald Ruscitti

ATTEST:

Gene [Signature]
Chief Clerk (seal)

COUNTY OF GREENE
BOARD OF COUNTY COMMISSIONERS:

[Signature]
Dave Coder, Chairman

[Signature]
Farley Toothman

[Signature]
John R. Gardner

Approved as to Form:

[Signature]
County Solicitor

COUNTY OF WASHINGTON
CONTRACT NO. 1339-00

AGREEMENT

THIS AGREEMENT, made and entered into this 6 day of July, 1990, by and between the County of Washington, a political subdivision of the Commonwealth of Pennsylvania (the "County"), and Westmoreland Waste, a corporation organized and existing under the laws of the Commonwealth of (State of) Pennsylvania (the "Operator").

WHEREAS, the Municipal Waste Planning, Recycling and Waste Reduction Act, Act No. 101 of 1988 ("Act 101"):

1. Requires the County to prepare, submit for approval to the Pennsylvania Department of Environmental Protection (the "Department") and then implement a Municipal Waste Management Plan (the "Plan"), governing the collection, transportation, storage, processing, recycling, resource recovery and disposal of municipal waste generated within the County;
2. Requires the County as part of its Plan to provide for assurances of capacity for the processing and disposal of all municipal waste expected to be generated within the County for a period of at least the next ten (10) years, and further requires the County to execute and submit to the Department contracts evidencing the implementation of its approved Plan and ensuring sufficient available processing or disposal capacity.

SECTION 21: HEADINGS

The headings of the several paragraphs of this Agreement are inserted only as a matter of convenience and for reference, and they in no way define, limit, or describe the scope or intent of any provision of this Agreement, nor shall they be construed to affect in any manner the terms and provisions hereof or the interpretation or construction thereof.

THIS AGREEMENT was authorized by the Board of County Commissioners on 7/6, ~~19~~²⁰⁰⁰, at Minute No. 648.

ATTEST:

Stephen A. Colale

(OPERATOR)

BY: *[Signature]*

ATTEST:

Michelle R. Miller
Michelle R. Miller, Chief Clerk

**COUNTY OF WASHINGTON
BOARD OF COMMISSIONERS**

BY: *[Signature]*
John P. Bevec, Chairman

**Approved As to
Form and Legality**

Richard DiSalle
Richard DiSalle
Solicitor

[Signature]
Diana L. Irey

[Signature]
J. Bracken Burns, Sr.

**WESTMORELAND COUNTY BOARD OF COMMISSIONERS
WESTMORELAND COUNTY, PENNSYLVANIA**

CAPACITY AGREEMENT

MADE AND entered into this 25th day of February, 1999, by and between the County of Westmoreland, a political subdivision of the Commonwealth of Pennsylvania (the "County"), and Westmoreland Waste, LLC, a corporation organized and existing under the laws of the Commonwealth of (State of) Pennsylvania (the "Contractor").

WHEREAS, the Municipal Waste Planning, Recycling and Waste Reduction Act, act No. 101 of 1988 ("Act 101"):

(1) Requires the County to prepare, submit for approval to the Pennsylvania Department of Environmental Protection (the "Department") and then implement a Municipal Waste Management Plan (the "Plan"), governing the collection, transportation, storage, processing, recycling, resource recovery and disposal of municipal waste generated within the County;

(2) Requires the County as part of its approved Plan to provide for assurances of capacity for the processing and disposal of all municipal waste expected to be generated within the County for a period of at least the next ten (10) years, and further requires the County to execute and submit to the Department Agreements evidencing the implementation of its approved Plan and ensuring sufficient available processing or disposal capacity.

(3) Conditions the Department's issuance of any permit resulting in additional capacity for a municipal waste landfill or resource recovery facility in the County on the applicant's demonstration that the proposed facility is provided for in the County's approved Plan or that it will not interfere with the County's implementation of its approved Plan;

(4) Authorizes the County as part of its approved Plan to require that all municipal wastes generated within its boundaries be processed or disposed of at designated processing or disposal facilities; and

(5) Authorizes the County to require all persons to obtain licenses to collect and transport municipal waste subject to its approved Plan to designated municipal waste processing and disposal facilities; and

Westmoreland County

COUNTY OF WESTMORELAND
BOARD OF COMMISSIONERS

Richard Vidmer
Richard Vidmer

Ferry R. Marolt
Ferry R. Marolt

Tom Balya
Tom Balya

ATTEST:

Joseph K. August
Chief Clerk

ATTEST:

Charles Williams

(Affix Corporate Seal Here)

CONTRACTOR

By:

Clement P. Gigliotti, Jr.
Signature

Clement P. Gigliotti, Jr.

Print Name and Title

President of Westmoreland Waste, Inc.

Managing member of

Westmoreland Waste LLC.