

November 9, 2016

NOTICE OF VIOLATION

USPS CERTIFIED MAIL TRACKING NO. 7015 1520 0003 1010 2293

Mr. Dan O'Brien, Business Manager
Keystone Sanitary Landfill, Inc.
249 Dunham Drive
Dunmore, Pennsylvania 18512

Re: Keystone Sanitary Landfill, Inc.
PADEP Permit No. 101247
Dunmore and Throop Boroughs, Lackawanna County

Dear Mr. O'Brien:

The Pennsylvania Department of Environmental Protection ("Department") has determined that Keystone Sanitary Landfill, Inc. ("Keystone") was in violation of the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, No. 97, 35 P.S. Sections 6018.101 *et seq.* ("Solid Waste Management Act"), and the Municipal Waste Management Rules and Regulations found at 25 Pa. Code Chapters 271 to 285, as follows:

1. On April 25, 2016, Keystone notified the Department by telephone that an overflow of pretreated wastewater from the effluent pump station had occurred that day. The spill had been discovered by Keystone at 5:58am, but Keystone did not contact the Department until 1:53pm. Therefore, Keystone failed to immediately notify the Department by telephone to report the required information as required by 25 Pa. Code § 91.33(a), in violation of 25 Pa. Code § 273.201(c).

The Department acknowledges that a written report of the April 25, 2016 incident was received on April 29, 2016.

2. As a result of the Department's review of files, including, but not limited to the March 2016 Geophysical Survey and Keystone's May 17, 2016 response to the Department's environmental assessment review letter dated October 13, 2015, the Department has determined that leachate lagoon liner leakage and/or pipe boot penetration leakage and/or pipe leakage has been occurring at the west lagoon. Therefore, Keystone failed to maintain sufficient structural integrity to prevent failure of the lagoon(s), in violation of 25 Pa. Code §§ 285.123(5) and 273.201(c).

The Department acknowledges that Keystone has applied and received approval for a minor permit modification for leachate storage lagoon improvements.

3. As a result of the Department's review of groundwater analysis data in the area of the leachate lagoons, the Department has determined that groundwater degradation has occurred. Therefore, Keystone has failed to store waste in a manner that does not cause groundwater degradation, in violation of 25 Pa. Code §§ 285.116(c) and 273.201(c).

The Department acknowledges that Keystone has conducted investigations into potential sources of contaminants and implemented measures in an attempt to abate the introduction of contaminants into the environment.

Within fifteen (15) days of receipt of this notice, please submit a response to the Department that identifies how Keystone will prevent these violations from occurring in the future.

Keystone's response should also include an explanation and status of how the groundwater in the area of the lagoons and/or effluent pump station has been or is currently impacted. Keystone should include a plan for any proposed abatement and a plan and schedule to, at a minimum, monitor MW-8, MW-4AR, MW-15A and MW-23. The response should be sent to my attention at the letterhead address.

You are hereby notified of both the existence of the violations as well as the need to provide for prompt correction. Under the Solid Waste Management Act, each day a violation continues is considered a distinct and separate offense. The violations noted herein may result in an enforcement action under the Solid Waste Management Act.

This Notice of Violation is neither an Order nor any other final action of the Department. It neither imposes nor waives any enforcement action available to the Department under any of its statutes. If the Department determines that an enforcement action is appropriate, you will be notified of the action.

If you have any questions about this letter, please contact me at (570) 826-2434.

Sincerely,



Rachel Miller
Compliance Specialist
Waste Management Program

cc: Dunmore Borough
Throop Borough