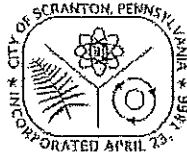


Council of the City of Scranton

340 No. Washington Avenue • Scranton, Pennsylvania 18503 • Telephone 570-348-4113 • Fax 570-348-4207



May 12, 2020

Via First-Class & Electronic Mail to rbellas@pa.gov

Mr. Roger Bellas
Waste Management Program Manager
Pennsylvania Department of Environmental Protection
Northeast Regional Office
2 Public Square
Wilkes-Barre, PA 18701

**Re: Keystone Sanitary Landfill
Phase III Site Development Application (No. 10247-A1423)**

Dear Mr. Bellas:

We are the five (5) members of the Council of the City of Scranton ("City Council"). We write to you in our united and strong opposition to the Phase III Site Development Application ("Expansion Application") submitted by Keystone Sanitary Landfill ("KSL") and currently under review by the Pennsylvania Department of Environmental Protection ("DEP"). As you may know, City Council, along with the Mayor, serves as the governing body of the City of Scranton which is the largest municipality in Lackawanna County and Northeastern Pennsylvania.

We firmly believe that if DEP proceeds in a manner which is consistent with its purported mission of protecting Pennsylvania's air, land and water from pollution and providing for the health and safety of its citizens through a cleaner environment, then it will unquestionably deny KSL's Expansion Application. It should be clear to DEP that the proposed "mega dump", which allows for four (4) more decades of amassing out-of-state trash in our community, will permanently desecrate the region's natural landscape and significantly undermine efforts to improve our region's image.

The fact that DEP has allowed KSL's Expansion Application to proceed to the technical review phase is troubling and calls into question the validity of the application process. In addition to discarding the overwhelming opposition voiced by the residents of the host communities and the public officials elected to represent them (including their U.S. Senator, U.S. Representative and Pennsylvania State Senator), DEP has completely ignored the one community that is most significantly impacted by KSL's proposed expansion – namely, the City of Scranton ("City").

The City's borders are within two (2) miles of KSL. Moreover, all of the leachate generated by KSL is transported by way of a network of sewer lines that runs through our City to a wastewater treatment facility located in the South Side section of our City – over five (5) miles away from KSL. According to its Expansion Application, KSL estimates that an astounding 116,713 gallons per day and 3,501,390 gallons per month (the equivalent of the contents of over five (5) Olympic-size swimming pools) of leachate will flow through and be discharged in a facility in our City. (See Expansion Application at Form 25; Attachment 25-2).

Despite the fact that millions of gallons of this "toxic soup" will be infiltrating our City for decades, DEP never considered the environmental impact or financial impact that the Expansion Application will have on the City. In its report relating to the Environmental Assessment Process which was issued on July 8, 2019, DEP provided no analysis regarding the impact that KSL's proposed expansion will have on the City. Even in DEP's discussion of the additional leachate generated from the expanded-landfill, there is no mention of its impact on our City, our neighborhoods or our residents. While DEP held public input hearings in the Borough of Throop ("Throop") and the Borough of Dunmore ("Dunmore"), DEP did not host a hearing in the City to obtain an understanding of the Expansion Application's impact on our City's residents and businesses. To be certain, DEP has not considered the significant risk which our City will bear with having millions of gallons of toxic fluid from KSL running under our neighborhoods.

In support of its determination that the Expansion Application's "benefits outweigh the harms", DEP gave great weight to the fact that Throop and Dunmore receive financial benefits in the form of host fees of \$2.02 per ton and \$1.51 per ton, respectively. In addition, DEP felt it important to note that both Throop and Dunmore are not charged for waste generated in their respective municipalities which is disposed at KSL. However, DEP failed to acknowledge the fact that the City receives no host fee and pays a tipping fee for its residents' garbage that is disposed at KSL.

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Unfortunately, our City is no stranger to situations where private business enterprises were permitted to derive economic benefits at the expense of our City's landscape, public health and environment. One cannot travel far in our City without seeing the remnants of unfettered industrialization, including abandoned coal mining fields and rail yards. However, it is important to note that these hazards were created prior to the Commonwealth's recognition that regulatory oversight was needed to protect the environment and public health. It was in that spirit that your agency's predecessor, the Department of Environmental Resources, was created in 1970. Around that same time, the Commonwealth adopted a new Constitution which included the following provision:

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. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.

P.S.Const. Art. 1, § 27.

We would like to believe that you and the other regulators who are responsible for the review of the Expansion Application sought positions at the DEP because you had a genuine concern for protecting the environment and ensuring that the Commonwealth's residents are able to realize their Constitutional rights to clean air, pure water and the preservation of their state's natural environment. Unfortunately, to date, DEP's process for reviewing KSL's Expansion Application have not been reflective of a commitment to this Constitutional mandate.

We urge you to recommit yourself to your Constitutional duties set forth in Article 1, Section 27 and your agency's mission; in doing so, we are confident that you will come to the conclusion that the proposed 42-year expansion of KSL's facility will be devastating to our region and its residents, including generations yet to come.

We appreciate your consideration of City Council's position regarding this matter.

Sincerely,

/s/ BILL GAUGHAN
William Gaughan
Council President

/s/ KYLE DONAHUE
Kyle Donahue
Council Vice President

Mr. Roger Bellas

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/s/ MARK McANDREW

Mark McAndrew

Council Member

/s/ DR. JESSICA ROTHCHILD

Jessica Rothchild, PT, DPT

Council Member

/s/ TOM SCHUSTER

Thomas S. Schuster

Council Member

CC: The Honorable John Blake (*Via E-mail Only*)
The Honorable Kyle Mullins (*Via E-mail Only*)
The Honorable Marty Flynn (*Via E-mail Only*)