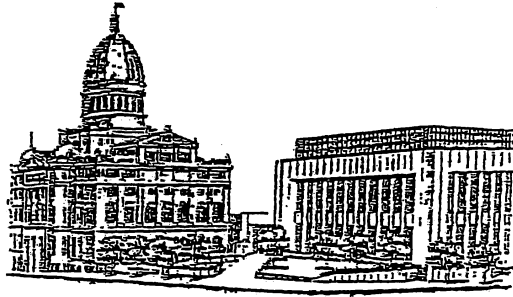


Westmoreland County

Pennsylvania

Douglas W. Chew
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June 8, 2020

VIA ELECTRONIC EMAIL ONLY

Ms. Melissa Jativa
Pennsylvania Department of Environmental Protection
400 Waterfront Drive
Pittsburgh, PA 15222
mjativa@pa.gov

RE: Westmoreland Sanitary Landfill, LLC Permit Application 65-00767C

Dear Ms. Jativa,

I'd like to convey my opposition to the permit application (65-00767C) for the leachate remediation system proposed by the Westmoreland Sanitary Landfill, LLC (WSL). More importantly, I would recommend there be an extension to the current comment period to allow for further public comment and that a public hearing be held.

The Department of Environmental Protection (DEP) should schedule a public hearing and should extend the comment period prior to adjudication of the permit application.

- As you know, since early March 2020, most Americans have been consumed with news regarding SARS-CoV-2, a new variant of coronavirus discovered in late 2019. In Pennsylvania, Governor Wolf declared a State of Emergency early in March and subsequently executed a stay-at-home order. Businesses, government offices, and non-profit organizations closed, including libraries and senior centers. Over 50% of the Westmoreland County population is 45 years or older, and nearly 20% is over age 65. Our older population was unable to easily get news or government notices. Libraries, with periodicals, were closed, and meeting spots, like senior centers, were closed. Government offices were inaccessible, meaning it was nearly impossible to see or acquire Act 14 notifications to municipalities. **My constituents were unable to do due diligence and should be afforded**

additional time, now that we are entering the Green Phase of reopening, to explore this application for a new method to handle leachate.

- Several parts of the application were not completed by WSL or their authorized agent, The Hillcrest Group, LLC. As a trained chemist and biochemist, I have several unanswered questions, so I can only imagine what my constituents are facing as they review this application. This evaporation system is a first-of-its-kind to Westmoreland County, where other landfills may opt into this system, given the amount of fracking waste in our region. **The unknowns of this technique and process demand that an open, transparent public meeting be held to allow interested parties to ask questions, before this becomes the norm county-wide.**
- Westmoreland County's Department of Planning has no record of the Act 14 notification. The certified letter was signed by receiving, but it isn't clear what happened to it thereafter. **Additional time would allow the County's Planning Department to review the notification.** As County Commissioner, I will ensure that future notifications from other companies are processed appropriately.

The Department of Environmental Protection (DEP) should deny the permit requested by Westmoreland Sanitary Landfill, Inc. in application 65-00767C.

- Regarding Facility Information, question 2 (Q2), the applicant has not answered completely. The facility is still a municipal waste operation. Moreover, research by Dr. John Stolz, Director of the Center for Environment Research and Education at Duquesne University, has demonstrated that the leachate previously sent to the Belle Vernon Municipal Authority is consistent with wastewater produced by oil and gas operations and is radioactive. I would argue that it would be more appropriate to also check boxes for municipal waste operation, oil and gas wastewater storage impoundment, and radiation facility. **DEP should deny the application or at least request an amended application.**
- Regarding Coordination Information, Q3.0 should be "yes." The reason an injunction currently exists preventing the WSL from sending leachate to the Belle Vernon Municipal Authority is because the leachate is too much like fracking waste and was causing the Belle Vernon authority to be out of compliance and unable to process human waste properly. The leachate has these characteristics because the WSL accepts drill cuttings and wastewater from unconventional drilling sites. As rain percolates the landfill, the rain picks up the wastes, thus becoming leachate containing these unconventional wastes. **DEP should deny the application until a thorough analysis, via gas chromatography or mass spectrometry, is performed to fully determine the constituents of this heterogeneous mixture over longitudinal time points.**
- Regarding Coordination Information, Q18.0, the question does not contain the requested details. **DEP should deny the application on grounds of it being incomplete.**
- In general, there are several areas of the application where no responses are provided, but where I feel a response is warranted. Additionally, the application doesn't contemplate the

leachate contents, which are harsh enough and in enough quantity that they were unable to be processed by a sewage authority and affected said authority's efficiency, resulting in discharge to the river of total dissolved solids that were 3-times the legal limit. The leachate contains radium, including radioactive isotopes of the same. Radioactive radium has a half-life up to 1602 years and emits alpha and beta particles and gamma rays. Evaporation of the solvent will necessarily concentrate the solutes like radium, yet the application does not contemplate the effects to workers or how the sludge, which will now be concentrated and radioactive, will be disposed of. Calculations by Dr. Stolz, using the processing volume in the application, show that 63 μ Ci could be concentrated EACH DAY. **DEP should deny the application on the grounds that additional research must be conducted to more fully determine the vapors that will be produced and their effect on surrounding communities in this valley.**

- Lastly, although the surrounding community was technically informed, as shown in the application itself, I only learned of this application about 7 days ago. I'm a county commissioner, and I was unaware, so I would argue that my constituents didn't know, and more importantly, their concerns have not been addressed. **DEP should schedule a public hearing, extend the comment period, and deny the application in its present state.**

We describe our state as a commonwealth, a word comprised of the roots *common*, meaning "belonging to all," and *wealth*, meaning "happiness or riches." Clean air and water are constitutionally-guaranteed rights in Pennsylvania. My letter illustrates enough deficiencies, both from the point of view of the coronavirus pandemic as well as the company's application, that **I request DEP to deny the application and send it back to WSL for additional work up.** WSL's region and surrounding communities "belong to all," and denial is the best solution.

Please don't hesitate to reach out if additional information is needed.

Very Truly Yours,

Douglas W. Chew
Commissioner
Vice-Chairman