

October 17, 2023

Mr. David Pannucci, Regional Engineer
Blythe Recycling and Demolition Site Holdings, Inc.
1786 Salcman Road
Waterloo, NY 13165
via email: david.pannucci@wasteconnections.com

Re: Environmental Assessment
Major Permit Modification Application – Daily Tonnage Increase
Blythe Recycling and Demolition Site (BRADS) Landfill
Application No. 101679-A223
Blythe Township, Schuylkill County

Dear Mr. Pannucci:

The Department of Environmental Protection (DEP) has completed its review of the Environmental Assessment (EA) for the Blythe Recycling and Demolition Site Holdings Inc. application for a major modification to increase the average daily volume and maximum daily volume from 1,500 tons per day to 3,000 tons per day and to change the waste acceptance hours to 6:00AM to 6:00PM at the Blythe Recycling and Demolition Site (BRADS) Landfill. The review was performed in accordance with the Municipal Waste Regulations, 25 Pa. Code §271.126 and §271.127, as well as DEP's Environmental Assessment Policy. DEP evaluated the information contained in the application to determine whether BLC demonstrated that the benefits of the proposed project to the public clearly outweigh the known and potential environmental harms that will remain after the proposed mitigation.

DEP has determined that Blythe Recycling and Demolition Site Holdings Inc. has shown that the identified benefits of the project clearly outweigh the remaining known and potential harms of the project. DEP's Harms vs. Benefits analysis is enclosed with this letter.

Sincerely,



Roger Bellas
Program Manager
Waste Management Program

Enclosure

cc: Martin and Martin, Inc. (via email: knbodner@yahoo.com)
Blythe Township (via email: blythetwp@verizon.net)
Schuylkill County (via email: bhetherington@co.schuylkill.pa.us)
Schuylkill County Planning Commission: via email: ssmith@co.schuylkill.pa.us)

Environmental Assessment Analysis (Harms/Benefits)

**Blythe Recycling and Demolition Site Holdings Inc.
Blythe Recycling and Demolition Site (BRADS) Landfill
Permit No. 101679
Major Modification to Increase Tonnage
Environmental Assessment
Blythe Township, Schuylkill County**

Prepared by:
Pa. Department of Environmental Protection
Northeast Regional Office
Waste Management – Facilities Section

October 17, 2023



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

PROJECT DESCRIPTION

Blythe Recycling and Demolition Site Holdings, Inc. (BRADS) operates an existing 110-acre construction and demolition (C/D) waste landfill located off Burma Road in Blythe Township, Schuylkill County. The area in the immediate vicinity of the landfill is generally rural with the Borough of St. Clair located approximately 1.5 miles to the southwest. On November 2, 2022, the Department of Environmental Protection (DEP) received a major modification application requesting to increase the average daily volume and maximum daily volume from 1,500 tons per day to 3,000 tons per day and to change the waste acceptance hours to 6:00AM to 6:00PM. The current waste acceptance hours are from 7:00AM to 5:00PM.

As part of the review of BRADS' application, DEP coordinates with various local, state, and federal entities where necessary. Local land use approval and other state and/or federal agency concurrence may be necessary prior to permitting of the project.

Pursuant to 25 Pa. Code § 271.202 (b)(1), receipt of a permit application for a modification that results in an increased average or maximum daily waste volume does not occur until a Local Municipality Involvement Process meeting is held. At this meeting DEP, the applicant, and municipal officials meet to discuss the application, DEP's review process, the public involvement steps, and any concerns and questions of the municipal officials. This Local Municipality Involvement Process meeting was held on December 22, 2022. The application was found to be complete and was officially accepted on January 19, 2023. On April 18, 2023, DEP issued the first Environmental Assessment Process (EAP) review letter. BRADS responded to the review letter on May 16, 2023.

PUBLIC AND MUNICIPAL INPUT

The application was noticed in the Pennsylvania Bulletin on February 4, 2023 and the application was provided to the host municipality, county, and county planning commission for review and comment. DEP received two comments during the comment period including a comment from Saint Clair Area School District stating that they are not in support of the application; and one public comment outlining concerns with property devaluation, increased trash truck traffic, increased odors, negative aesthetic impact on surrounding communities, increased litter from landfill and trash trucks, increased landfill gas emissions, noise, and leachate hauling traffic. DEP also received a complaint/comment prior to the comment period regarding the landfill causing odors and health impacts. These comments were considered during the review of the application.

ENVIRONMENTAL ASSESSMENT PROCESS

25 Pa. Code § 271.126 and § 271.127 (relating to environmental assessment) require that an applicant conduct and demonstrate that the benefits related to the project clearly outweigh the known and potential environmental harms that remain after mitigation. Applications subject to the environmental assessment regulations must: (1) include a detailed analysis of the potential impact of the proposed facility on the environment, public health and public safety; (2) describe the known and potential harms of the proposed project; (3) include a written

mitigation plan that explains how each known and potential harm will be mitigated and the extent to which any known or potential harms remain after mitigation; and (4) demonstrate that the benefits of the project to the public clearly outweigh the known and potential environmental harms that will remain after the proposed mitigation. Benefits and known and potential harms can be identified by the applicant, DEP or other agencies or any municipality or person.

Benefits of the project consist of social and economic benefits that remain after taking into consideration the known and potential social and economic harms of the project and may also consist of the environmental benefits of the project. To determine whether an impact is a harm or a benefit, DEP compares the applicant's proposal to the conditions that would exist if the project did not move forward. In reviewing an environmental assessment, DEP evaluates social and economic benefits after offsetting them with social and economic harms. Environmental harms are evaluated after offsetting them with acceptable mitigation plans. The environmental harms are then balanced against the social and economic and environmental benefits to determine if the benefits clearly outweigh the harms.

BRADS submitted an environmental assessment in its application that provided their analysis of the potential impact of the proposed project on the environment, public health, and safety. DEP evaluated the environmental assessment to determine whether the proposed project has the potential to cause environmental harm. Where appropriate, past performance is used to predict future conditions related to a harm or benefit. In this document, DEP provides its analysis of the known and potential environmental harm that will remain after implementation of the proposed mitigations and whether the benefits of the proposed project clearly outweigh the remaining harms.

Benefits and harms are identified as "known" benefits or harms or "potential" harms. A known harm or benefit is one that DEP believes will occur in the future. A potential harm is one that might occur given the right circumstances. A known harm carries greater weight than if that same harm was a potential harm for a particular project.

For each benefit and harm the duration, frequency, intensity, reach (i.e., who will be affected) and sensitivity of receptor are evaluated. For this discussion, duration refers to how long a harm or benefit may continue. Frequency refers to how often it may occur. Intensity refers to how much the harm or benefit may be if or when it occurs. It should be noted that the words "duration," "frequency," "intensity," "reach," and "receptor sensitivity" will not be used to describe every harm and benefit in the analysis. However, these factors are considered for each harm or benefit and are discussed when appropriate.

Each harm is discussed individually below to determine if it has been fully mitigated. If a harm is fully mitigated, that harm is generally not included in the balancing portion of this document. If there is harm remaining after mitigation, that remaining harm is included in the balancing. The balancing looks at the individual and collective impacts of all the harms and the benefits to ensure that the total effect of the project is such that the related benefits clearly outweigh the harms.

The harms detailed below are those identified by BRADS, DEP, or third parties who provided comment on the application. The mitigation measures and benefits have been summarized from the application and reflect BRADS' own wording or viewpoint. There is no tacit or implied acceptance of statements made by BRADS within their application or repeated in the mitigation or the benefits sections of this document, by virtue of those statements being included in, or excluded from, this document. The "DEP Determination of Remaining Impacts", "DEP Evaluation of Benefit" and "Conclusions" sections are DEP's independent evaluation of BRADS' proposed mitigation and proposed benefits.

HARMS AND MITIGATION

(E) = Environmental, (SE) = Social & Economic

- 1. Traffic (SE):** An increase in the daily tonnage will result in more traffic and potentially unsafe and overweight vehicles on the roadways. An increase in traffic could also result in more wear and tear to the roadways.

Proposed Mitigation: A Traffic Impact Study (TIS) was conducted and submitted with the application. The TIS indicated negligible adverse traffic impacts associated with the proposed increase in daily waste volumes. The landfill's Transportation Compliance Plan (TCP) details various protocols to encourage hauler compliance with local, state, and federal transportation requirements as well as landfill-imposed rules and access routes. These protocols include directives, driver delay time, surcharges, and denial of access. To address previous DEP concerns with the number of overweight trucks coming to the site, BRADS has implemented a tiered fee surcharge to overweight trucks. Furthermore, to address previous Pennsylvania Department of Transportation (PennDOT) concerns about the maintenance of Burma Road, BRADS has entered into a maintenance agreement with PennDOT and a copy of the agreement was included with the application.

DEP Determination of Remaining Impacts: PennDOT was contacted regarding the application and traffic study and no comments were received. Based on DEP's inspections and review of records, BRADS' mitigation of traffic impacts is generally effective; however, some potential for unsafe and overweight vehicles will remain. Furthermore, the proposed increase in daily tonnage will result in a known harm of additional truck traffic on the roadways.

- 2. Working Face Nuisances (Odors, Dust, Litter, and Noise) (E):** Nuisances associated with daily waste acceptance and placement including odors, dust, litter, and noise is a known potential harm of a landfill operation.

Proposed Mitigation: BRADS states that their current mitigation measures have been effective at preventing odors, dust, litter, and noise associated with the landfill working face. Furthermore, BRADS states that the increase in daily tonnage will result in a decrease in the site life and therefore a reduction in the number of potential days for nuisances to occur.

DEP Determination of Remaining Impacts: DEP's experience based on inspections and oversight is that BRADS' mitigation measures have generally been effective at preventing nuisances associated with daily waste acceptance and placement. While BRADS has adequate mitigation, it may not always provide complete mitigation (elimination) of nuisances. Furthermore, mitigation could fail to work as intended due to improper implementation or maintenance. Therefore, some potential harm will remain for the purpose of this environmental assessment. DEP acknowledges that the duration for this potential harm will likely decrease because increasing daily tonnage would result in the landfill filling more quickly and therefore shorten the active life of the landfill. The true duration is unknown; however, since the landfill could accept the maximum daily volume or a lesser amount.

3. Hydrogen Sulfide Odors (E): Odors from landfill gas is a potential harm.

Proposed Mitigation: BRADS has developed and implemented an Odor Monitoring Plan, installed a hydrogen sulfide treatment system, and is working on installing a utility flare. In addition to the flare, BRADS will be installing a larger blower for the treatment system that will more than triple the gas flow capacity of the system. With the addition of the blower and flare, BRADS will be able to handle possible additional gas generation associated with a tonnage increase.

DEP Determination of Remaining Impacts: While the site does have a history of hydrogen sulfide odor complaints and DEP observed odors; the proposed additional mitigation measures are expected to adequately control odors moving forward. However, because the mitigation could fail to work as intended due to improper implementation or maintenance, some potential harm will remain for the purpose of this environmental assessment.

4. Leachate (E): Generation of leachate and the potential for groundwater contamination from the landfill is a potential harm.

Proposed Mitigation: The liner system and groundwater monitoring system at the landfill provide mitigation of any impacts associated with leachate generation. BRADS has indicated that the groundwater monitoring system does not show the presence of leachate.

DEP Determination of Remaining Impacts: DEP issued a Notice of Violation to BRADS on December 22, 2021 for failure to construct a portion of the landfill in accordance with the approved plans and specifications. This led to further violations involving accumulation of leachate on top of the liner system and under the temporary berm liner. The Notice of Violation also cited BRADS for placing waste within 15 feet of the inside top of the lined perimeter berm. Proper landfill design includes mitigation measures to prevent groundwater impacts associated with leachate generation; however, in order for the mitigation to work, landfill design features must be constructed, operated, and maintained properly. The violations identified in the Notice of Violation have been resolved and two landfill cells have been constructed since the

current owners took over ownership from Blythe Township. Both cell construction efforts were completed without issue and have performed as designed. BRADS has proposed adequate mitigation; however, because the mitigation could fail to work as intended due to improper implementation or maintenance, some potential harm will remain for the purpose of this environmental assessment.

BENEFITS

(E) = Environmental, (SE) = Social & Economic

- 1. Benefits to Local Residents and Local Government (SE):** BRADS will provide the following benefits to the local municipalities:

\$0.10/ton to the Saint Clair School District
\$0.05/ton to the Saint Clair Fire Department
\$0.05/ton to the Saint Clair Police Department
150 tons/year of free disposal to Blythe Township
150 tons/year of free disposal to Saint Clair
\$0.75/ton to Blythe Township (in addition to the current \$1.00/ton)
\$10,000/year to Blythe Township
\$10,000/year to Blythe Township Fire Department
\$10,000/year to Blythe Township Police Department

Over the life of the site, the value of the above additional benefits to the recipients exceeds \$10,006,445.

DEP Evaluation of Benefit: The fees based on tonnage and free disposal are considered to be a Social and Economic benefit for the life of the project. The donations to Blythe Township, Blythe Township Fire Department, and Blythe Township Police Department are considered charitable contributions and therefore are not considered to be benefits of the tonnage increase. [Berks County v. Department of Environmental Protection, 894 A.2d 183(Pa. Cmwlth. 2006). Eagle Environmental II, L. P. v. Department of Environmental Protection, 884 A.2d 867(Pa. 2005)]

- 2. Benefits from Host Agreements (SE):** BRADS indicated in their application that the increase in tonnage will allow the landfill to accept waste at a higher rate, resulting in earlier host and other fee payments to the Townships, with those payments yielding a greater present value.

DEP Evaluation of Benefit: The fees are based on tonnage and there is no guaranteed minimum amount. The increase described above depends on the landfill receiving the maximum tonnage and depends on the municipalities use of the money (i.e., interest earnings) therefore it is difficult to know the actual value. However, because the recipients would realize these fees sooner than anticipated, the faster payment of the fees is considered a Social and Economic benefit for the life of the project.

BALANCING OF HARMS AND BENEFITS

Based on the discussion of harms above, DEP has determined that the following known or potential harms are related to the proposed project:

Known Environmental Harms:	Known Social and Economic Harms:
	Traffic
Potential Environmental Harms:	Potential Social and Economic Harms:
Working Face Odors	
Dust	
Litter	
Noise	
Hydrogen Sulfide Odors	
Leachate (Groundwater Impacts)	

Through the design and operational controls utilized at its existing facility, BRADS has been generally successful in adequately mitigating harms associated with working face odors, dust, litter, and noise. BRADS' design and operational controls should result in only infrequent occurrences of harms related to working face odors, dust, litter, and noise. These controls should also minimize the severity, or intensity, of any such occurrence. Furthermore, increasing the daily tonnage will result in a shorter active life of the landfill; thereby reducing the overall duration of the potential for impacts associated with active disposal operations.

An increase in the daily tonnage will result in more traffic and therefore more impacts and potential for impacts from the increased number of trucks on the roadways. Based on DEP's inspections and review of records, BRADS' mitigation of traffic impacts is generally effective. Furthermore, BRADS has recently increased mitigation by implementing a tiered fee surcharge to overweight trucks and entering into a maintenance agreement with PennDOT. Despite mitigation efforts, increasing tonnage will result in more trucks on the roadways, increasing the intensity of this harm. However, the overall duration of the harm will reduce as the increased daily tonnage will result in a shorter active life of the landfill.

The liner system and groundwater monitoring system at the landfill provide mitigation of impacts associated with leachate generation. DEP documented violations in 2021 associated with failure to construct the landfill in accordance with approved plans and specifications; however, since that time additional cell construction efforts have been completed without issue and have performed as designed. Additionally, based on groundwater monitoring data, there is no evidence that BRADS' landfill operation is impacting groundwater.

The site has a history of off-site hydrogen sulfide odors and this will remain a potential harm of the landfill operation; however, BRADS has developed and implemented an Odor Monitoring Plan, installed a hydrogen sulfide treatment system, and is working on installing a utility flare and a larger blower for the treatment system. With the addition of the blower and flare, BRADS will be able to handle possible additional gas generation associated with a tonnage

increase. These additional mitigation measures are expected to limit the number, duration, and intensity of future off-site odor occurrences.

Based on the discussion of the benefits above, DEP has determined that the following known benefits are related to the proposed project:

Known Environmental Benefits:	Known Social and Economic Benefits:
	Benefits to Local Residents and Local Government
	Benefits from Host Agreements

There are significant social/economic benefits to the local community in the form of fees and free disposal services. These benefits directly impact the local communities of both Blythe Township and neighboring Saint Clair Borough.

DEP considered the harms and benefits individually and collectively when balancing the harms against the benefits. DEP considered the identified environmental harms and their mitigation measures. The various fees and free disposal are a significant social/economic benefit to the local community. The known social/economic harm (traffic) is expected to be adequately mitigated and limited to the duration of the active life of landfill. The potential harms are not likely to occur or, should they occur, would be infrequent and of low intensity, as long as the proposed mitigation measures are implemented properly. DEP’s experience based on inspections and oversight is that BRADS generally operates in compliance and has effective mitigation measures in place. BRADS’ additional mitigation measures for hydrogen sulfide odors are expected to further improve mitigation of odors in the future.

CONCLUSION

Pursuant to 25 Pa. Code § 271.127, DEP has determined that BRADS has demonstrated that the benefits to the public from the project clearly outweigh the known and potential harms posed by it. The social and economic benefit to the local communities from fees and free disposal is significant. The structural and operational mitigation controls proposed by BRADS are adequate to prevent any major harms to the community. DEP will now proceed with the technical review of the application. Following the technical review, which includes further consideration of whether the project will cause unreasonable degradation and diminution of the environment, DEP may act to deny, approve, or approve with condition the modification to increase tonnage at BRADS.