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BEFORE THE OFFICE OF DEPARTMENT OF
ENVIRONMENTAL PROTECTION

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IN RE: MAX ENVIRONMENTAL TECHNOLOGIES, INC.'S PHASE ONE
EXCLUSIONARY SITING CRITERIA APPLICATION FOR A PROPOSED
HAZARDOUS WAST LANDFILL NO. 7

* * * * *

BEFORE: LAUREN CAMARDA, Chair
HEARING: Thursday, December 1, 2022
7:15 p.m.
LOCATION: Yukon Volunteer Fire Department
124 Highway Street
Yukon, PA 15698
WITNESSES: William Krance, Ashley Funk, Craig Zafaras,
Misty Springer, Diana Steck, Katie Cross, Eric Harder,
Rose Dzubak, Tina Curry, Joanne Hall, Catherine
Anderson, Heaven Sensky, Seth Lovato, Ted Grice,
Melissa Marshall, Fernando Soriano, Doug Macpherson,
Stacey Magda

Reporter: Deanna Heckel

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TESTIMONY

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CHAIR: We're just trying to accommodate the greatest number of people who are interested in speaking, so we have given each individual three minutes to speak. You can't relinquish or share your time with someone else and we did ask that the organizations designate one person to speak on their behalf.

A few grounds rules, basically, you can read them on the poster and we just - our goal is to hear what you have to say, so we expect that people will treat the speaker who is providing testimony with respect and not talk over them. We - our goal and for our stenographer, to make sure we can hear the person speaking. I'll call on those who have registered to come up to the microphone and provide testimony. I'll also announce the next on-deck speaker so you can prepare yourself.

When it's your turn, we just ask that you clearly state your name. The three minutes to provide your testimony, if you are getting close to a minute, I'll kind of motion and say you have got a minute left and when you reached the time limit, I'll say time. We ask that there be no interruptions so

1 that person can fully participate and speak and not cut
2 into somebody else's time.

3 If you have a copy of your written
4 testimony, we ask that you put them in the box, again,
5 just to reiterate that this is held in addition to an
6 open public comment period. So if you provide
7 testimony this evening, you are not limited. You can
8 still provide written comments to DEP at any point or
9 multiple points until January 20.

10 When you come up and you clearly say
11 your first and last name, we ask that you also spell
12 it, if you have not signed in. If you have signed in,
13 we can provide that to the stenographer, but we just
14 want to make sure we get everyone's proper spelling.
15 So we're going to call up the first couple people.
16 Give me one second. So first up I have a William
17 Krance followed by Ashley Funk.

18 MR. KRANCE: Okay. My name is William
19 K-R-A-N-C-E and I have been here for 83 years and I
20 lived right beside MAX Gate and a gentleman said that
21 he didn't know how many mines was there. There was
22 five mines, I'll name them. Hukon, Wino, Descala and -
23 well there was five mines. That is why they picked
24 that site because if water were to go down the mines,
25 from there it would go to Hutchinson, from Hutchinson

1 it would go into the Yough River. And I worked at
2 Westinghouse when they had the meltdown, Joanne over
3 there worked there too with the crapped up water, meal
4 service took it and tank trucks all night long took it
5 up there until they built an evaporator.

6 And as far as Millbell Road, that is the
7 first place that floods. And if you believe these
8 people, DEP, you believe in Santa Clause. Because all
9 they do is lie. We are in the most cropped, crooked
10 state in the union. And the puppet like that over
11 there on the end. He is supposed to be a lawyer, all
12 he uses are a bunch weasel words. I had enough of your
13 bullshit.

14 CHAIR: Next up is Ashley Funk followed
15 by Craig Zafaras.

16 MS. FUNK: Hi, my name is Ashley
17 A-S-H-L-E-Y F-U-N-K. I am the director of Mountain
18 Watershed Association and we work to protect, preserve
19 and restore the Auburn Watershed, which is the
20 Sewickley Creek and major tributary and we have been
21 doing this for 26 years.

22 Our prior director had actually been
23 involved in supporting people who were being impacted
24 by mill service whenever the facility was mill service.
25 So we have experience working on it. I am also

1 speaking as an individual with family who has lived
2 here, my great grandpa in Yukon for the past seven
3 generations and I take this matter very seriously
4 because I have seen firsthand the impacts this had on
5 peoples lives and many people here today hearing them
6 everyday.

7 So for the past five years, Mountain
8 Watershed has been diligently monitoring the site. We
9 started that monitoring after we received complaints
10 from community members who were wondering if the high
11 rates of cancers and other serious illnesses were
12 attributed to the facility and from our monitoring and
13 our experience here, we have seen what we believe that
14 MAX labs has the ability to manage the existing site
15 and that DEP has failed to hold them accountable.

16 I can go on about all of the instances
17 in which this has happened, one particular example that
18 was recently is that in the last public hearing that we
19 had, MAX actually admitted that, historically, 75
20 percent of their waste came from the oil and gas
21 industry. Research has shown that oil and gas waste
22 has extremely high levels of radio activity, levels
23 that are thousands of times higher than what is safe
24 for human exposure.

25 In response to this, we have conducted

1 extensive radiation sampling around MAX, also
2 throughout the Southwestern Pennsylvania region, and we
3 found elevated levels of radioactive lead within
4 peoples backyards who are avoiding the MAX facility.
5 We reported this information to DEP, DEP did nothing.
6 They said you have to give us certified response -
7 results before we ever take action on this. But we're
8 working with the lab and a research group who has had
9 decades of experience in sampling for radiation and
10 analyzing these results and DEP still not taken action
11 on that. One minute, dang. Okay.

12 This has been shown time and time again
13 for air monitoring, residents have filed complaints
14 about air complaints and all the DEP was to put a stick
15 on the cup and said that the air that MAX was in
16 compliance with their permit, but we were actually able
17 to install purple air monitors throughout the facility
18 - throughout the community, and we have shown that
19 there have been several instances of air pollution that
20 are beyond what is safe for human exposure and human
21 health, in the purple range of the air quality index.

22 And now MAX is proposing to expand even
23 closer to peoples homes even closer to Sewickley Creek
24 in the area that had historically been considered a
25 hundred year floodplain, before they changed it just

1 last year. And this comes at a time of flooding in
2 region and the impacts of the facility have already
3 been so detrimental to the health of the community here
4 and this expansion has the potential to harm even more
5 residents when its pollution moves downstream.

6 Simply put, I do not believe that DEP
7 has the capacity or expertise to regulate this type of
8 facility, let alone permit the expansion and given
9 that, I believe that it is unconscionable for the
10 agency to approve this expansion in Yukon. Peoples
11 lives are on the line, you have heard them today, their
12 lives are on the line and it's time to say enough is
13 enough.

14 CHAIR: Next is Craig Zafaras followed
15 by Misty Springer.

16 MR. ZAFARAS: Craig Zafaras.
17 Z-A-F-A-R-A-S. Can I walk over here?

18 CHAIR: Yeah.

19 MR. ZAFARAS: Okay. This is the picture
20 of my granddaughter. She was born Fathers day. Her
21 name is Abigail Virginia. They live out in Indiana.
22 She is pretty handsome. My daughter, I sent her
23 through law school at Duquesne and she has informed me,
24 because of MAX, there is a nice video here when I am
25 cutting the fields. There it is. See the dirt? Can

1 you see that? You can't even see the house. All
2 right. They have a hydration problem where they can't
3 control the dust on their facility.

4 By the time I make a call, it's all
5 gone. The rain washes it into the ground. When they
6 want to check my wells, they want to use an outside
7 contractor. I won't let them on my property. If you
8 guys want to come dig holes, test the water, I'd be
9 willing to entertain that thought.

10 So, I bought my farm in May of '98 and
11 at the time, Harry Flemming was the supervisor and I
12 went over, I talked to him and I actually did a phase
13 three environmental, cost me thousands of dollars, and
14 I felt confident in what they did over there that
15 bought the farm. Since then, they changed what they
16 brought, you guys give them a permit because it was
17 grandfathered in, the township fought it, I testified
18 for two years and when it was all over, they got fined
19 and they got a permit.

20 The township got a check, they bought a
21 new grader and I still got crap on my farm. You guys
22 are like - you are going to go home tonight, your wife
23 is going to make you something to eat and everything is
24 going to be groovy. But I got to live there and I got
25 an investment, and like Ms. Tina said, nothing is going

1 to change. No people here don't have no faith in you
2 people and it's no disrespect, I am in business.

3 I have been in business almost 40 years
4 and you have to follow through, your word is your bond.
5 And too many of you cats come out here and promise and
6 promise and then just go home. And Mr. Brian says I
7 should forward the video. Well, yeah like the 20 other
8 ones and nothing gets done. Nothing gets done. And
9 that is why these people are upset and me, I hate to
10 say this, it's so far away from my property, but my
11 damage is already done. I don't know. That is about
12 all I got to say. Thank you.

13 CHAIR: Next is Misty Springer followed
14 by Diana Steck.

15 MS. SPRINGER: Hello. Misty Springer.
16 S-P-R-I-N-G-E-R. I live right at the bottom of
17 landfill 6 where all of it runs right down into my yard
18 with my beautiful children and myself and my animals
19 and you have heard all of my health conditions.

20 My question that I do want answered,
21 when you reply, is how many people on your block have
22 cancer? How many people in your town, because I bet
23 your town is bigger than mine and I bet you my town has
24 more people with cancer than yours. Not only that, the
25 miscarriage rate is really high. I told you how many I

1 suffered. Not fun going through one, but 6 of them,
2 it's fucking hell, just so you know.

3 To lose one child, but to lose 6, it is
4 really a lot. I don't know, I don't think you care
5 about our health because if you did, this wouldn't be
6 here. There is ordinances against it, there is a lot
7 of stuff against it. I don't - I don't think you care
8 about us. Thank you.

9 CHAIR: Next is Diana Steck followed by
10 Jessie Cross.

11 MS. STECK: My name is Diana Steck
12 D-I-A-N-A S-T-E-C-K. I live in North Huntingdon,
13 Pennsylvania. But I am here tonight because I use to
14 live here. I lived in Yukon from 1978 to 1986 and
15 excuse me, I do get emotional because since I lived
16 here, my life has been hell and excuse my French.

17 My house is up there, my former house,
18 on the corner of Main and CFU street. Approximately a
19 quarter mile downwind from MAX. Formerly known as mill
20 service. I am here tonight to plead with all of you at
21 the front table. You people at DEP need to deny the
22 request for MAX to build hazardous landfill number 7.
23 It's unconscionable that over 50 years of permitting
24 this facility to dump millions of tons and gallons of
25 toxic chemicals into the ground that they're even being

1 considered to expand.

2 MAX and their predecessor, mill service,
3 has a long history of environmental crimes and
4 pollution. It's been said earlier, the site's over
5 former coal mines, abandoned mines, the pollution has
6 contaminated the air, the soil, the mine aquifers, the
7 ground and surface waters. During the 1980s, while
8 living here, I spoke with somebody at the EPA asking
9 for help and I was told that Yukon has been deemed a
10 sacrifice zone. The waste has to go somewhere. The
11 1,000 or so residents living around the facility have
12 been determined to be expendable. This goes beyond
13 being an environmental catastrophe. This is a moral
14 issue.

15 I urge you, at DEP, that as you
16 deliberate over the merits of this permit application
17 that you make your decisions as if you and your family
18 were living in this community. This is about much more
19 than a consideration of where to dump waste. It's
20 about the human impact. And you just heard what Misty
21 and her family have gone through. My family is
22 reminded daily about our time living in Yukon.

23 While living here, we developed health
24 issues. Rashes, sores and blisters in our noses and
25 throats. Which I am getting again just being here for

1 this short time. Asthma, breathing problems, frequent
2 and recurring infections. My young daughter used to
3 have choking episodes where she would not be able to
4 breathe and turn blue. They only occurred when we were
5 here, never at anyone else's house. My young son
6 developed hepatitis of an unknown origin. He had
7 urinary tract infections and our whole family had
8 recurring blood in our urine.

9 I developed muscle weakness, joint pains
10 and blood dyscrasias that led to eventually becoming
11 disabled and diagnosed with a neuromuscular disease
12 called myasthenia gravis. I later developed breast
13 cancer, my husband developed kidney cancer, autoimmune
14 diseases plague our family. My son and daughter and me
15 have hashimoto's thyroiditis, my husband has Sjogren's
16 and interstitial lung disease and we believe that the
17 toxics - that the exposure to the toxic brew here in
18 Yukon waste pits weakened our immune system and led to
19 our problems.

20 And I certainly feel Misty's pain, my
21 daughter also has had multiple miscarriages and
22 infertility issues and it's very painful. My family is
23 not alone and during the 1980s the local citizens
24 fought long and hard to end this toxic nightmare. The
25 health concerns have been well documented.

1 Unfortunately, most of the nearly 500 members of our
2 original citizens group are sadly not here today to
3 share their stories. They're no longer living.

4 You will hear the stories of current
5 residents who sadly are detailing many of the same
6 health issues now that were prevalent in the '80s and
7 '90s. Yet, little has been done to address this
8 situation or to do a comprehensive analysis of the
9 off-site contamination and long-term effects this site
10 poses to public health. I say, enough. MAX has a
11 proven track record of violation and noncompliance.

12 Deny their request to expand. Toxic and
13 hazardous chemicals should not be permitted to be
14 dumped so near to people's homes. This facility should
15 never have been built over abandoned mines in the first
16 place. MAX landfill 7 should not be permitted to be
17 built over more abandoned mine areas or adjacent to
18 Sewickley Creek, the tributary of the Yough river.
19 Even though MAX successfully petitioned to drop the
20 hundred year floodplain designation from the new
21 proposed site.

22 In my lifetime, I have seen flooding in
23 this area. The nearby Lions ballfield and over Long
24 Creek Road have all been flooded on multiple occasions.
25 Siting landfill number 7 adjacent to the creek is

1 risking catastrophe. MAX admitted 2.491 tons of lead
2 pollution in 2019 alone. The highest single source of
3 lead pollution in the state and yet, DEP has allowed
4 them to continue. Now, DEP wants to reward this
5 criminal activity by granting MAX a permit to dump
6 untreated hazardous waste.

7 MAX has violated their NPDES permit on
8 an ongoing basis but DEP, you guys, allow this to
9 continue. Monetary fines are the cost of doing
10 business for MAX. They do nothing to protect the
11 public health and environment. I take little comfort
12 in hearing about the impermeable liner that will also
13 be under the plan number 7 landfill. The liner in
14 landfill 6 leaked within days of that impoundment
15 opening.

16 If MAX is permitted as the only
17 hazardous waste dump in the state, Westmoreland County
18 and all of Western Pennsylvania, are at risk from
19 hazardous waste traveling through our communities and
20 this is an unacceptable risk. DEP, I implore you, do
21 the right thing. Deny this application and require MAX
22 to remedial action to protect the public health and
23 environment. Yukon has suffered enough.

24 CHAIR: Next is Jessie Cross followed by
25 Katie Cross.

1 MS. CROSS: Hi. My name is Katie Cross
2 and this is my twin Jessie Cross. We live on Millbell
3 Road and I can speak for everyone here today, nobody
4 wants to live near a toxic landfill. My twin has been
5 diagnosed multiple sclerosis, my dad had throat cancer,
6 his brother died from lung cancer and he lived right a
7 cross the road from us. Our neighbor, Stanley Serosac,
8 just recently passed from fluid in his lungs and a
9 blood infection and then my grandmother just died in
10 September from COPD.

11 So a lot of death has surrounded us and
12 not very good diagnosis. So, I really do not think
13 this is okay to live next to and I can certainly say
14 that anyone in this room would not want to live near
15 it.

16 So, clearly, today we have learned that
17 clearly its 900 feet from five people, so it should be
18 denied and what happens if it isn't denied? Are you
19 guys accountable for breaking the law and not doing
20 your job right? That's all.

21 CHAIR: Next is Eric Harder followed by
22 Rose Dzubak.

23 MR. HARDER: Eric Harder. H-A-R-D-E-R.
24 My job title is the Youghiogheny Riverkeeper and I'm
25 one of maybe 300 different water keepers in the United

1 States and our job is basically to protect a certain
2 area and the water that is in that area. So obviously
3 the Youghiogheny River is my jurisdiction. Sewickley
4 Creek is unfortunately the most polluted tributary that
5 we have in the watershed and part of it is to blame on
6 MAX.

7 For 15 years they had a permit that did
8 not monitor arsenic quantities going into Sewickley
9 Creek. It was only after we pointed out through our
10 monitoring that arsenic was flowing into Sewickley
11 Creek unregulated and unmonitored. And so there are
12 other constituents that come out of MAX's discharge.

13 If you have never been to the discharge
14 one, I will be happy to take you there, it's right on
15 Sewickley Creek. It's easy access, you can actually
16 walk to it. I know I talked to Jim Stewart, who is one
17 of the on-site inspectors. Invited them to be here
18 tonight because I believe they have some of the most
19 experience with the site and some of the issues that go
20 on there.

21 Every time I go out to do sampling, the
22 pipe is not always running. Sometimes it's completely
23 dry, so that means MAX has control of when this water
24 reaches the creek. And they also know through their
25 testing, or they should know through testing and

1 monitoring, whether or not that water is safe to dump
2 into the creek or if it meets their regulated amounts.
3 So, sometimes I go there and the water is not running.
4 But every time I go there, the water is running, it is
5 a very odd color. It's yellow, it's red at the bottom
6 of the discharge pipe, you will see a lot of foam pile
7 building up and these are all - it's never clean. The
8 water is never clean when I'm there.

9 And so, to think that the company, MAX
10 here, is doing everything they can to treat that water
11 up to the best standard, is completely a lie. They
12 have had more discharge monitoring reports,
13 noncompliance issues, we filed complaints based on our
14 sampling. The DEP has done their own sampling. But
15 this happens every time I am there. There is dirty
16 looking water every time I am there. When we do get it
17 analyzed, sometimes it is within their permit
18 requirements and sometimes it's outside of that. When
19 it's outside of that, we send those results to the DEP
20 for them to - Jim, I can't remember exactly who all
21 else gets them, but then that is when you guys go out
22 and monitor again.

23 So we would love more realtime
24 monitoring and I'm not talking about landfill 7,
25 because right off-the-bat we should say no to MAX at

1 landfill 7. But we need more monitoring at landfill 6.
2 They're attempting to close that right now. The only
3 way to know if they have reached on their vertical
4 height is on their reporting at the end of the year.
5 So, at the end of the year, their waste report says oh
6 our pile of garbage is this high, we have this much
7 more time left in this many months left in our
8 capacity.

9 So, if they're the ones doing that once
10 a year, how do we know that the amount of waste that
11 they're putting in is actually what their reporting.
12 When we know that some of the other processes on the
13 facility are not being maintained like they should,
14 like the airborne dust emissions. These are all
15 conditions that not only affect the community, but
16 downstream resources as well. I know Westmoreland
17 County has shown concerns about the discharge and some
18 of the constituents that come out of this landfill.
19 So, I'm going to repeat, say no to MAX landfill 7 and
20 thank you.

21 CHAIR: Next is Rose Dzubak followed by
22 William Dzubak.

23 MS. DZUBAK: My name is Rose Dzubak
24 D-Z-U-B-A-K. I am not here for me, I am here for my
25 grandchildren. And hopefully some day great

1 grandchildren. I babysit my granddaughter and I am the
2 last house on the road on Millbell Road. I could be
3 sitting out on the porch with her playing and you could
4 see the dust just flying in the air and I'm pretty sure
5 there is a law that says you have to wet that down and
6 they don't. So, that just floats right down into the
7 yard.

8 Then, there is the noise, that is mostly
9 acceptable, but her ears are very sensitive and she
10 always comes up running to me crying that it's hurting
11 her ears. You know, a three-year-old, what do you
12 expect? And as far as the water, I don't know about
13 that so much but we're half afraid to drink the water
14 from the tap because there has been places where the
15 lines have broke and if that stuff is seeping out and
16 before you can get a line fixed, you are telling me
17 that can't get into our water system.

18 That is all I have to say. Thank you.

19 CHAIR: Next is Tina Curry followed by
20 Joanne Hall.

21 MS. CURRY: So, we know about what MAX
22 is called. It's not MAX, MAX is just the name of the
23 business. Karl is the one who runs the business.
24 Right, Karl? Okay. So to be clear on that. What can
25 DEP do to help prevent some of this happening within

1 the community?

2 For example, Mrs. Dzubak was saying
3 about the dust, there is a fence that MAX could put up;
4 correct? That does control that; right? I mean - it's
5 just, sorry. And that was one preventative action I
6 believe MAX should be able to take without a doubt.
7 And I think that DEP should consider seriously
8 implementing that into the permit. For example, it
9 says in the other permit that it is thriving. I no
10 longer live here. I can tell you that while I did live
11 here, it was daily that there was always instances that
12 there were violations.

13 This is a file of violations, just some
14 of them. These are ones I got letters. This isn't the
15 ones that inspectors would hang up on me and every two
16 years it would get a new inspector. This is ongoing
17 and really troubling to this neighborhood as the Cross
18 sisters were saying, their dad had throat cancer, I was
19 the one that went to the hospital with him, I was the
20 one sitting next to the bedside with him for three
21 months. Their uncle who passed away, I was the one
22 sitting with him being his chemo buddy. Do you
23 understand me? It's very hard on the community.

24 The community, it's barely there now.
25 There is barely a community here. You guys really need

1 to take into consideration. I mean this is serious
2 stuff here. This is peoples lives, how would you feel
3 if this was any of your families or you, yourselves?
4 It's not good at all, you guys keep writing these and
5 giving them permits, but here is the thing, you can't
6 regulate the permits they have. I'll bet you a hundred
7 bucks any one of you know about the permits, any one of
8 you do, guaranteed, I do. Guarantee, hands down I do.

9 I don't get paid for this. This has
10 become part of my life. Do you understand that? It's
11 part of my life now. I can't walk away and I won't
12 walk away. Just regulate it better because it's going
13 to be there. Just put more rules into it to protect
14 everybody. It's the decent thing to do. I'm good.
15 Thank you.

16 CHAIR: Next is Joanne Hall followed by
17 Catherine Anderson.

18 MS. HALL: Joanne Hall, H-A-L-L. I am a
19 resident of West Newton, a nearby community on the
20 Youghiogheny River and the Great Allegheny Passage bike
21 trail. This trail towns economic future depends on
22 recreational dollars that are generated by the million
23 visitors who use the GAP trail and the Youghiogheny
24 River every year.

25 In 2020, America rivers named the lower

1 Youghiogheny among the most in the endangered rivers in
2 the United States. We depend on pristine natural
3 resources to continue to attract visitors to this area.
4 This landfill contributes to this threat by leeching
5 toxic substances into Sewickley Creek, a major
6 tributary to the Youghiogheny. Liners fail and there
7 is insufficient information on the long-term failure
8 rate of liners.

9 The research article titled Superfund
10 remediation by on site RCRA landfills in adequacies in
11 providing ground water quality protection identifies
12 that the structural and geological pressures that
13 degrade liners and cause leachate to flow into the
14 surrounding environment. The bottom layer of the
15 landfill will deteriorate over time and leachate will
16 transport out of the unit. The EPA, as part of
17 developing de-regulations states that even the best
18 liner and leachate collection system will ultimately
19 fail due to natural deterioration.

20 How will the DEP monitor of the
21 integrity of the liner overtime? Will water quality be
22 continuously monitored in Sewickley Creek? A DEP
23 technical deficiency letter to MAX environmental dated
24 November 2, 2022 identifies a wetland area north of the
25 leachate storage tank that is in violation of 25 PA

1 code 26981, which would stop the permit from being
2 issued. You must consider this.

3 And according to this letter, MAX
4 environmental has failed to complete additional
5 delineation studies of the sites wetland that they
6 committed to do in May 2019 over three years ago. The
7 DEP is to base their permit decision on geology, soil
8 formation, siting criteria and compliance history.
9 This company does not demonstrate that they can be
10 compliant. How will the DEP monitor and inspect the
11 landfill and make sure that MAX environmental is
12 continually compliant. I ask you to deny this permit.

13 The wetlands and waters of Sewickley
14 Creek and Youghiogheny River will be threatened by
15 contaminated leachate, surface water contamination,
16 dust and radio active particles that will escape into
17 the air and migrate to the water. The health of the
18 residents and the environment should be your most
19 important consideration.

20 CHAIR: Next is Catherine Anderson
21 followed by Heaven Sensky.

22 MS. ANDERSON: My name is Catherine
23 Anderson A-N-D-E-R-S-O-N. I live in one of those
24 downstream communities less than a half mile from the
25 Yough. I have many concerns about this landfill,

1 including the underlining, and in fact it appears the
2 risk of subsidence is very significant as the area's
3 completely mined out with no pillars underneath.

4 I am very concerned about the use of
5 liners when they deteriorate, which they certainly
6 will. There will be no replacing them. A portion of
7 this landfill is located in a floodplain. The air
8 quality around the facility is frequently poor. There
9 are occupied dwellings within 900 feet. There are
10 numerous issues, but what probably concerns me the most
11 is the states inability to follow through with its
12 responsibility to regulate these types of industries.

13 This week I became aware of the
14 settlement that Cabot Oil and Gas paid out to PA
15 American Water to install public water system in a
16 town. That settlement of \$16.29 million unfledged to
17 cover the residents the water bills for 75 years was a
18 result of Cabot destroying residents drinking water
19 supplies and water wells. As stated by Attorney
20 General, Josh Shapiro, quote, the regulators whose job
21 it is to set the boundaries for industry to operate and
22 failed. Unquote.

23 Shapiro pointed the finger at the
24 Department of Environmental Protection for lack of
25 action. To me, this is very concerning. MAX has had

1 apparently over 300 violations and entered into
2 multiple consent order agreements. This fact seems to
3 demonstrate to me that they are not compliant and they
4 don't seem to be able to protect - to operate without
5 constant deficiencies.

6 So why should they be granted more room
7 to operate? Will regulatory agencies, such as yours,
8 actually do their job in a timely manner and properly
9 regulate this facility? We are talking about a toxic
10 waste dump next to Sewickley Creek, which flows into
11 the Yough, and eventually supplies drinking water for
12 thousands of people downstream. I strongly suggest you
13 deny this permit.

14 CHAIR: Next is Heaven Sensky followed
15 by Seth Lovato.

16 MS. SENSKY: Thank you. My name is
17 Heaven Sensky, H-E-A-V-E-N S-E-N-S-K-Y. I am here
18 today as organizing director as the center for
19 coalfield justice which works just across Monongahela
20 river in Washington and Green County. I live just
21 across the river in the most heavily fracked county of
22 the state and I find it my moral duty to be here today
23 to discuss the impacts on public health that is
24 associated with oil and gas waste.

25 As they continue to frack in my

1 community, they need somewhere to send all of that
2 waste and that is why we're here today. I am a
3 graduate of Canon-McMillan High School, a school of
4 which you may have heard in the news in the past few
5 years because we have a very high rate of very rare
6 childhood cancers, specifically known as Ewing sarcoma.
7 I lost a friend to this rare cancer and I have had
8 several friends diagnosed since.

9 And I, too, live in a small town and it
10 is very, frankly sickening that the people of
11 Southwestern Pennsylvania continue to pay the price
12 while we are distracted from - and sacrificed. In
13 2019, I supported the mothers of my friends who were
14 sick in going to Harrisburg and asking governor Tom
15 wolf to look at what was going on and start looking
16 into why my friends were getting sick and why we have
17 seen such an increase in sarcoma cancers in our
18 communities since the fracking.

19 The parents and myself asked the state
20 to halt additional permits and conduct a study. The
21 study has yet - the study is being conducted. The
22 results have yet to be released but here we are,
23 looking at an expansion of a facility that will
24 absolutely pose the public health harms and the
25 decision making entity that decides whether or not goes

1 up against your homes doesn't have a single physician
2 or anybody that can speak to public health harms. Oil
3 and gas waste definitively is so highly concentrated in
4 radium that Guy Krupa, not far from here in Belle
5 Vernon, had so much radioactive waste in his municipal
6 authority facility, that it was considered so harming
7 that they had to alert the nuclear commission.

8 It is absolutely unconscionable that a
9 decision making entity gets to protect a wetland more
10 than they protect people. And it's horrible. And so,
11 we of course are all here asking you not to allow this
12 expansion. I don't know how you could ever in good
13 conscious expand a hazardous waste facility while there
14 are people here pleading to you that they already know
15 their health is being impacted. Without even anybody
16 on the panel they have any idea of how betadine
17 actually affects people or their children.

18 I live in a place where we are looking
19 at studies that show that children living near oil and
20 gas development have personagens in their blood higher
21 than 90 percent of the average American. So who is
22 going to be liable for all these folks here attest to
23 blood test. That is on your conscience. I understand
24 the law is written a certain way but I think somebody
25 has to do something about this.

1 And so while we all make the sacrifice
2 for what were being told is energy production, the
3 shell cracker plant makes minerals and plastic and at
4 what cost. Please deny the expansion on behalf of
5 these folks. And consider this when you go home to
6 your families this holiday season, that people are
7 afraid for the lives of their children.

8 CHAIR: Next is Seth Lovato followed by
9 Ted Grice.

10 MR. LOVATO: Good evening. Thank you
11 for inviting me to this meeting and hearing in regards
12 to MAX proposed hazardous waste landfill number 7. My
13 name is Seth Lovato, L-O-V-A-T-O and I am not only a
14 resident of Yukon, I am also a property owner and
15 landlord. The property I speak of on Stone Lane
16 specifically 108 A, 108 B and 109 are well within the
17 900 feet proposal and are the reasons for my plea
18 tonight.

19 I say reasons plural because I have
20 three beautiful families that I am here representing,
21 protecting, advocating for, yes. I am their landlord
22 and they are my tenants. They are also the families
23 that help make up our wonderful community of Yukon.
24 Ordinance 26 states every business that is a creator,
25 storer or depositor of waste within the Township of

1 South Huntingdon shall not locate any aspect of their
2 operation which creates, stores or deposits waste
3 within 900 feet of an occupied dwelling.

4 This hazardous waste landfill will put
5 my tenants, all three families in direct, imminent
6 danger. I will state the obvious, because it must be
7 said loud and clear. There are consequences for
8 putting hazardous waste into our ecosystem, pollution,
9 contamination and leachate will undoubtedly have
10 negative impacts on our environment which in turn
11 affects my property, and most importantly, my families,
12 their health and their prosperity.

13 Stacy, Matt and Ashley, Barb and their
14 family members, have been here for many years like our
15 lifelong residents of Yukon. Stone Lane is their home.
16 Yukon is their home and this landfill of hazardous
17 waste will most definitely effect our soil, our air,
18 our water and the list goes on. The Sewickley Creek
19 does reach flood stages and when it crests, as it did
20 in recent past, my tenants experienced four feet of
21 flood waters.

22 This disaster set them back in all
23 facets. Financially, emotionally, physically. Usually
24 September and October are months of low flood water,
25 flow. With the movement of the grounds for landfill

1 number 7 in conjunction with precipitation increase.
2 What should the residents of Yukon expect to happen?
3 What are you going to do to protect our land, our soil,
4 our water, our air? Which, in turn, will protect our
5 families, myself and the community of Yukon.

6 I'll close with this, my final request.
7 Please do not decrease the value of our land and the
8 health of the residents of Yukon and specifically,
9 those on Stone Lane. Because of your inability to see
10 their worth. An open heart is an open mind. Thank
11 you.

12 CHAIR: Next is Ted Grice followed by
13 Ginny and Charles Baker.

14 MR. GRICE: Thank you. There are
15 already issues in violations with MAX environmental
16 across their locations and issues in landfill number 6.
17 It is against the very reason why the Department of
18 Environmental Protection exists, to prove a new site,
19 as MAX has already shown problems in its previous sites
20 in protecting air, water, and the health of people,
21 this effect should be DEP's responsibility.

22 In a technical deficiency letter, the
23 letter clearly states that lands that are going to be
24 used for this landfill number 7, before its
25 construction, are not completely under MAX

1 environmental's ownership. But equally important,
2 wetland areas that are involved are also in this
3 construction area and should be considered. That is
4 what was in November 2nd deficiency notice that was
5 given.

6 This is the only facility that has an
7 RCR and Class C hazardous waste landfill in the entire
8 State of Pennsylvania has stated that will allow direct
9 deposit without any worry about cleaning up beforehand
10 into a different state. You have never approved a site
11 in PA that can take public waste directly without first
12 treating it. It was said tonight that radiation
13 determination will be determined in how we handle in
14 about year and it won't be finalized until much later
15 after that.

16 You say that you were just following the
17 law when you do these things and the different levels
18 of faces that this goes through, but when you don't
19 have a policy in place, there really are no laws in
20 place for this to even be considered.

21 This facility could go through DEP
22 approval and you can accept waste into this facility
23 before you even have a waste policy and radiation
24 levels that would be accepted.

25 Then I am sure there will be a legal

1 argument that these things should be grandfathered in,
2 they were already being deposited before any policies
3 were in place.

4 There is no policy in place to say other
5 items that would be accepted into this facility. You
6 have never approved any facility like this and you
7 don't have rules in place now in how to handle it. The
8 fact that this process is going through the ten-month
9 phase process for approval when you don't even have a
10 process in place of what it's going to handle is
11 inherently wrong.

12 You say soil samples presently in
13 landfill 6 don't have to be taken because you know what
14 is being brought in because of their documentation but
15 without testify - attesting it by yourself you only
16 know what MAX has said. You have not sampled
17 groundwater this year and so the records from them,
18 again, is only what they say. The violations that they
19 have acquired are not their only violations. It's only
20 what they have gotten caught with.

21 So, the levels of problems that they
22 have is much greater than what has been documented.
23 MAX has over 300 permit violations from 2009 to present
24 of over a million dollars. Again, additional waste
25 types are going to be accepted before you even have a

1 policy in effect and approving this phase one now
2 should not be done and should already be denied at this
3 place. The coal mines that fit under it is one of the
4 reasons to deny, similar to what you have for item
5 number five.

6 The number of violations that was said
7 could be in consideration, but usually isn't, should be
8 a consideration because this being the only facility of
9 its type in the State of Pennsylvania to be considered
10 make this beyond usual.

11 The number of homes that were within the
12 buffer zone that isn't stated some many times, needs to
13 be considered. The wetlands issue, which is issue
14 number three in your list of reasons to deny, should be
15 considered. The fact that they don't own all the land
16 that this is going to be used on, is something in their
17 deficiency letter for a reason, that you should deny.

18 Several people say you have already
19 decided to approve this, but I have hope. I want to
20 tell you this is the time that you can step up and you
21 can show that you are doing your due diligence and you
22 are doing your job and you can take everything that has
23 been said tonight and say this has been denied at phase
24 one and don't give them this permit.

25 CHAIR: Thank you. Next is Ginny or

1 Charles Baker. Ginny or Charles?

2 Next is Melissa Marshall followed by
3 Fernando Soriano.

4 MS. MARSHALL: Hello. My name is
5 Melissa Marshall and I am an attorney and community
6 advocate with Mountain Watershed Association. I wanted
7 to talk, briefly, about the issue of how public
8 participation processes are being handled with this
9 permit. So, as we have established this type of permit
10 is different than anything we have ever seen before and
11 I feel like, especially based on everything we have
12 seen here tonight, should be given more than the
13 minimum recommendation, not less.

14 So I reviewed the Department's policy on
15 public participation in terms of the policy today and
16 the recommendation is that there is an informational
17 meeting held and then 30 days later, or even a
18 month-a-half later, there is a hearing so that you all
19 can go home, think about what you have heard today, put
20 together materials that you know are proving it. Like,
21 for example, records of flooding, which I think are
22 really crucial, I'll get to it in a second and then be
23 prepared to give testimony later on.

24 And instead, what were seeing here
25 today, is you have no opportunity to do that and the

1 department is saying it's equivalent because they're
2 giving you time to submit a written comment.

3 We can't see each others written
4 comments. We can only share that information if were
5 in the room together. DEP has the technology for this
6 type of thing, correct me if I'm wrong, I - there is no
7 way for us all to know what each other shared. The
8 whole purpose of these public meetings is not to give
9 DEP information, it's to educate the public.

10 So, you are really undermining the
11 entire purpose of the public participation process here
12 and I think you absolutely have to, at the least, give
13 these people another opportunity for a hearing so that
14 they can bring documentation, evidence of flooding
15 issues back to you, hear what each other has to say
16 again and have the opportunity for continued education
17 and I think you should do it immediately and I - we
18 have asked before and we were denied. We were told by
19 the Department that they would not do that.

20 So, I encourage all of you out to echo
21 that request as well and I think you should seriously
22 consider. It would be an injustice to not give these
23 people another chance to share this information and do
24 the job of educating the public, like you are suppose
25 to.

1 I want to briefly touch also upon the
2 issue of clay. We're preparing an expert technical
3 report, which we will submit in writing later, but some
4 of the things that our expert has found already in the
5 hydrology and floodplains is that in the information
6 that MAX submitted to FEMA to have the site no longer
7 designated to be in the 100 year floodplain, there is
8 no information about storm water record, despite that
9 we have had the most rainfall here over the last 180
10 years, have occurred in the last 20 years.

11 There is no rainfall data, no storm
12 event data, they also - so that is one thing that you
13 all can do as well as to help prove that flooding is an
14 issue in the area because the standard is not just the
15 100 year floodplain but also that there has been a
16 flood record so they didn't look in the record. So if
17 you all have records on that, I encourage you to submit
18 that, to pictures, photos, any types of records of
19 flooding in the area.

20 They also failed to include any evidence
21 that they considered the tributary right next to the
22 site at all. So, nothing about stream conditions,
23 nothing about flow. So, it seems pretty evident that,
24 at least based on what they have shared, they have
25 wildly underestimated the likelihood of flooding in the

1 next 100 years and we will go more into that as well.
2 I just wanted to share that and encourage you all to
3 share information as well.

4 CHAIR: Next is Fernando Soriano
5 followed by Douglas Macpherson.

6 MR. SORIANO: Hi. My name is Fernando
7 Soriano. I stand before you today as a concerned
8 citizen, friend and family member of Westmoreland
9 County. I implore you to deny MAX environmental
10 services proposal for hazardous landfill waste site
11 number 7. I believe everyone has the right to live
12 decent, dignified lives with clean air and water.

13 Our state Constitution asserts the
14 peoples right to clean air, water and preservation of
15 the natural, scenic, historic and aesthetic values of
16 the environment. But for too long, the people who have
17 lived in the presence of MAX environmental technologies
18 has suffered the consequences of its negligence
19 wrongdoing. We can not allow our people, and our
20 environment, to continue to paying the price for MAX
21 environmental's mismanagement.

22 Allowing MAX environmental yet another
23 means to fail its duties and obligations is dangerously
24 irresponsible. We know for a fact already that MAX has
25 chronically failed to abide by the rules and

1 regulations asserted with the waste that it is
2 responsible for. Having accrued hundreds of violations
3 statewide, and civil penalties totaling over a million
4 dollars. Is this company truly trustworthy to maintain
5 the site which is adjacent to hundreds of peoples homes
6 and schools.

7 We know it's been a repeated violation
8 of measures meant to keep people safe. And this is
9 besides the fact of whether or not the regulations and
10 laws that we currently have in place are even
11 sufficient to keep people safe even if they are calling
12 to the letter. MAX environmental would like to have us
13 believe that they are doing their best, but it appears
14 that their best is nowhere near enough. While they
15 have been repeatedly investigated, sued and fined for
16 their violations, its attempts at remediation are
17 lacking and residents are left to pay the price. Even
18 when MAX environmental appears to be trying do the
19 right thing, it's difficult to believe this to be
20 sincere.

21 For example, MAX environmental offered
22 to power wash peoples houses. They encouraged those
23 residents to waive their ability to publicly comment
24 and otherwise infer or discuss that the cleaning was
25 associated with the consequences of MAX facility

1 operations. Further, in cases where MAX environmental
2 had no choice but to accept responsibilities to pay
3 fines, it opts to pay its fines in small increments to
4 the point where they pay their fines in the periods of
5 time over 30 years. \$25 at a time.

6 MAX environmental services would like us
7 to believe that they would do the right thing. But if
8 anything has been shown so far, they will do the
9 absolute bare minimum in taking accountability for
10 their actions, if at all. Especially when they
11 continue to stand in violation for the same repeated
12 issues they are flagged and fined for. It is
13 unconscionable to allow a company like MAX
14 environmental to continue its operations, let alone
15 expand as is. I beg of you, do not allow this company
16 to continue prioritizing over people and its pervasive
17 negligence and wrongdoing.

18 CHAIR: After Doug Macpherson is Stacey
19 Magda.

20 MR. MACPHERSON: I am not so much - so
21 sure that this testimony in my part but what it is is
22 that if the DEP fails to provide remedy to this whole
23 situation, as you have all pointed out, it should be
24 obvious to you guys, there is just no way you can do
25 this. Not in good conscience.

1 If it's going to happen, what I
2 recommend the community, we all get together and create
3 a class action lawsuit and if anybody knows a good
4 lawyer, you all know what that is. Contact me and I'll
5 help organize that because I think that is the next
6 thing. Naming, you guys, as defendants, as well as
7 MAX, if you make this possible. Thank you.

8 CHAIR: And lastly is Stacey Magda.

9 MS. MAGDA: Good evening, my name is
10 Stacey Magda I am a community organizer with Mountain
11 watershed association. S-T-A-C-E-Y M-A-G-D-A. To the
12 community and attendants, rising for your very right to
13 exist without exploitation. I see you, we all see you.
14 To the DEP staff, I hope you have taken time to pause
15 and hear these people. This isn't even half of them
16 that are concerned. Over hundreds of people didn't
17 take the time to show up tonight because they have been
18 exploited for decades. They're exhausted and they have
19 been pushed into submission satisfied with the state of
20 their loss.

21 I truly hope you understand the absolute
22 magnitude of the issue at hand. All of the facts that
23 have been presented to you tonight. All of the issues
24 associated with this phase one siting application. MAX
25 knows about all of that. And they still had the gull

1 to submit this permit. My shirt is covered with the
2 violations that MAX is aware of their noncompliance and
3 they still submitted their application.

4 The issue at hand, MAX environmental, a
5 hazardous waste facility shoved in the backyards of
6 small town Yukon Pennsylvania actively operating in
7 noncompliance, written all over my shirt. An everyday
8 mockery of the people of Yukon. We see you smiling. A
9 scar on the integrity of the DEP and the number one
10 air-polluter in the Commonwealth. MAX is filing to
11 expand in more backyards pushing the appropriate
12 paperwork to redesignate a historic floodplain, and not
13 just any expansion on that floodplain, but the first
14 hazardous waste landfill in the State of Pennsylvania
15 to sit on top of abandoned mines where there is high
16 risk of subsidence, that would damage the landfill and
17 the areas ground water resources.

18 In MAX's permit they submitted,
19 incorrectly, that the mines are separate. You all know
20 this. Mines are connected. We're all connected by
21 water. If all of that isn't absurd enough, this
22 landfill is proposed within one mile of 485 homes. One
23 mine. Two and a half miles from Yough Area school and
24 as you heard tonight there are at least nine occupied
25 dwelling within 900 feet of the proposed expansion.

1 That is the violation of the township ordinance.

2 Residents in the area, as you have heard
3 tonight, have spent decades fighting to close the
4 existing landfill, due to concerns which include the
5 laundry list of horrifying and devastating health
6 impacts and environmental health impacts. Part of our
7 work at Mountain watershed is to help those same people
8 on how to advocate and join the public process. I have
9 seen that Yukon has an incredible amount of heart and
10 fight. I have also seen that these people have been
11 forced into that submission by over site and a gross
12 lack of representation. Not only by the operator of
13 MAX, who is the failure of an operator and a bad
14 neighbor. But also by DEP who has failed to respond
15 to complaints and is under prepared to over see permits
16 of this magnitude.

17 Some residents are so used to being
18 shoved aside. When I talk to them about tonights
19 hearing saying, you got to come, you got to do
20 something to protect yourselves. They shrug and had
21 they said oh we're use to it. My kids, they're used to
22 it. They know we just have inside only days. Speaking
23 of inside only days, when each of you leave here
24 tonight, accept for you, Lauren, step outside, stand
25 tall and a take a deep breath. I choked in ten

1 seconds. I ride my bike 500 miles a year and don't
2 typically choke over air quality. In Yukon, I do.

3 Now is the time for Yukon to be heard.
4 And now is the time for DEP for MAX for the EPA to take
5 care of the existing issues at hand. Not to create
6 more issues for yourselves or for the people, to take
7 care of the damage done and don't further degrade the
8 community of Yukon. For profits, for regulations, for
9 paperwork.

10 Tonight, we urge you to say no a to
11 MAX's landfill 7. Say no to locating the proposed
12 expansion on banks of Sewickley creek and up the noses
13 of Yukon. On a final note, you stated at the beginning
14 of this hearing that there should be at least one
15 public hearing opportunity. I know you can't answer
16 me, but do you understand the magnitude of this? Why
17 on earth would you do the least you could do for these
18 people to express their concerns?

19 Please issue a second public hearing and
20 schedule it immediately. There are more opportunities
21 to get more people here to understand this. And listen
22 to them closely. Look them in the eyes and understand
23 the magnitude and by all means, say no to landfill 7.
24 Thank you.

25 CHAIR: Thank you for everyone who

1 provided testimony.

2 * * * * *

3 HEARING CONCLUDED AT 8:24 P.M.

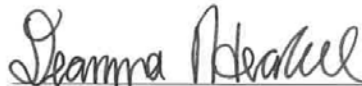
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CERTIFICATE

I hereby certify that the foregoing proceedings, hearing held before Chair Camarda, was reported by me on December 1, 2022 and that I, Deanna Heckel, read this transcript, and that I attest that this transcript is a true and accurate record of the proceeding.

Dated the 5 day of January, 2023

A handwritten signature in cursive script, reading "Deanna Heckel", is written over a horizontal line.

Deanna Heckel,

Court Reporter