



April 5, 2022

VIA ELECTRONIC DELIVERY

Carl Spadaro
Max Environmental Technologies, Inc.
233 Max Lane
Yukon, PA 15698
cspadaro@maxenvironmental.com

Re: Completeness Review
Resubmission of Phase I Application for Hazardous Waste Landfill No. 7
Max Environmental Technologies, Inc. – Yukon Facility
South Huntingdon Township
Westmoreland County
I.D. No. PAD004835146

Dear Mr. Spadaro,

The Department of Environmental Protection (DEP) has conducted a review of the above referenced application received on February 25, 2022 to determine whether the necessary documents were submitted and were complete to allow a technical review of conformance with Phase I exclusionary siting criteria to proceed. The DEP has determined that the referenced application is administratively incomplete under 25 Pa. Code §270a.10; therefore, this application is being returned to you. Following is the specific list of items leading to the incompleteness determination:

1. MAX Environmental Technologies, Inc. (MAX) has submitted this application as a Class 3 Permit Modification. DEP has reviewed MAX's justification and has determined that the proposed activity is a new hazardous waste landfill and cannot be considered as a Class 3 permit modification for the following reasons:
 - a. MAX Environmental Technologies (MAX) is permitted to store and treat certain hazardous wastes at their Yukon facility and has never been permitted to dispose of hazardous waste in a landfill. The existing commercial treatment and storage hazardous waste permit boundary is located south of Millbell Road and does not extend to the limits of the proposed hazardous waste landfill. MAX cannot utilize their residual waste landfill permit boundary to demonstrate this is an expansion to an existing hazardous waste landfill facility.
 - b. Appendix I of 40 CFR § 270.42 describes modification types for Landfills and Unenclosed Wastes Piles under Section J. A modification or addition of landfill units that results in increasing the facility's disposal capacity is a Class 3 Permit modification; however, MAX has no existing hazardous waste landfill permit capacity to increase.

In summary, the Max Environmental Technologies – Yukon Facility never operated under a hazardous waste disposal permit. This application constitutes a new separate operation, and it should be revised and resubmitted to request authorization as a new hazardous waste disposal facility.

2. The application does not present a clear and definitive representation of the proposed facility boundary in relation to each applicable exclusionary criterion. A map illustrating the exclusion “envelope” defined by the overall set of criteria, and within which the facility could be located without encroachment on excluded areas would be helpful. Please use a consistent basis for defining the facility boundary throughout the application.
3. Various forms are not the current version and/or are incomplete. Examples are listed below.
 - a. The RCRA Subtitle C Site Identification Form and Hazardous Waste Permit Part A Form utilized in application are expired and Page identification numbers at the bottom of the pages were incomplete. These forms have been updated and now have a 04/24/2024 expiration date.
 - b. Form HW-C: A copy of the Articles of Incorporation were not included as required by line 9 of the Form HW-C instructions.

Please ensure that forms used throughout the application are the most recent version, are complete and that all of the required attachments are included.

4. Figures and drawings throughout the application are incomplete without a seal and signature of a PA Registered Professional Engineer. Section 502 of the Solid Waste Management Act of 1980, requires that applications for any permit shall be accompanied by such plans, designs and relevant data as the department may require and these plans, designs and data shall be prepared by a registered professional engineer. Section 7(a) of the Engineer, Land Surveyor and Geologist Registration Law of 1945 requires the seal, or a facsimile imprint of same, to be stamped on all plans, specifications, plats and reports issued by a professional engineer, professional land surveyor or professional geologist.

Review to date indicates that some aspects of the application, while not affecting completeness, could be subject to discussion later in the permitting process:

- MAX cannot site a hazardous waste facility in an area it does not own or control; nor, for safety concerns, in an area that the general public can access via public road.
- Issuance of a permit can be affected by the applicant’s compliance record including unresolved violations of regulations, orders, and Consent Orders.

In addition, the DEP will require two paper copies of all maps with each set sent to:

William Mura
Department of Environmental Protection
Waste Management Program
400 Waterfront Drive
Pittsburgh, PA 15222

and

Chad Clancy
Department of Environmental Protection
Office of Waste, Air, Radiation and Remediation
Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17101

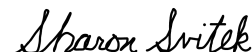
As the Phase I application has been determined to be incomplete, we are returning the application with this notice of deficiency. If you decide to resubmit, please note that ALL public notifications must be repeated and indicate that this application is for a new hazardous waste disposal facility and not a modification to an existing hazardous waste facility. When the application is resubmitted, proof of receipt of the public notices and proof of publication in the newspapers should be submitted with the application rather than one month later. If resubmitted, the DEP will begin the completeness review process again.

If you have questions about your permit, please contact William Mura of this office at 412.442.4305 or wmura@pa.gov.

Sincerely,



William Mura, P.E.
Environmental Engineering Manager
Bureau of Waste Management



Sharon Svitek
Program Manager
Bureau of Waste Management

cc: South Huntingdon Township (southhuntingdowntwp@comcast.net)
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Regional File