



COMMONWEALTH OF PENNSYLVANIA  
 DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 WASTE MANAGEMENT – SOUTHWEST REGION

Insp ID: 2026384  
 Client ID: 291178  
 Enf ID: 278191

**NOTICE OF VIOLATION**

Date of Inspection: 11/3/2011

Municipality: Elk Lick Twp.

Inspector: Mick Planinsek

County: Somerset

Company Name: Ron/Nancy Brenneman

ID No:

Address: 1025 Oakdale Rd

Phone: 814-279-5983

City, State, Zip: Salisbury, PA 15558

Responsible Official: Ron/Nancy Brenneman

Title: owner

Person Interviewed: Gary Wright

Title: worker

Notice to facility operator:

Attached to this Notice of Violation is a report of an inspection of your facility. It is important that you carefully read the report and respond as requested. The report notes conditions that are violations of the Department's rules and regulations and the Solid Waste Management Act, the Act of July 7, 1980, P.L. 380, *as amended*, 35 P.S. §§ 6018.101—6018.1003 ("SWMA"). The report may also note conditions that may contribute to or develop into violations of the regulations and/or the SWMA and therefore should be addressed.

This Notice of Violation is neither an order nor any other final action of the Department. It neither imposes nor waives any enforcement action available to the Department under any of its statutes. If the Department determines that an enforcement action is appropriate, you will be notified of the action.

Signature by the person interviewed does not necessarily imply concurrence with this Notice of Violation or the attached inspection report, but does acknowledge that the person was shown the report or that a copy was left with that person.

Person Interviewed (signature): Hand Delivered

Date: 11/10/11

Inspector (signature): Michael D. P. L.

Date: 11/7/11

ATTACHMENT: Inspection Report

<b>Department of Environmental Protection</b>	<b>GENERAL INSPECTION REPORT</b>	<b>Bureau of Land Recycling and Waste Management</b>
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Type of Inspection Routine	WM Identification Number Client #132083	Entry Time/Date 11/3/11	Exit Time/Date
Facility/Incident Name and Location L & K Industries - Illegal waste processing and disposal 1025 Oakdale Rd, Salisbury, PA 15558 (Clearview Farms)		Municipality Elk Lick Twp.	
		County Somerset	
Name, Address or Responsible Official Terry Brenneman/Ron & Nancy Brenneman		Title President, L & K Industries/Property Owners 814-289-1366	
9325 Mason Dixon Highway Salisbury, PA 15558		Telephone	Interviewed? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

**REMARKS**

The inspection was conducted to determine compliance with the PA Solid Waste Mgmt Act (Act 97), the Administrative Order of 8/13/02, and the Department's waste mgmt rules & regulations. DEP Solid Waste Supv. Dave Leiford accompanied me on this inspection. The following was observed:

Activity was observed at the site from off site. We drove up past the sugar shack to the field above the caboose. There we observed Gary Wright sorting poles w/ a grapple, and putting the waste poles on a trailer. Much of the equipment that had been at the Tub Mill site was now at the Clearview site.

Gary stated that Terry Brenneman had brought a load of poles onto the site as recently as this week (10/31/11). Two large soil stock piles were observed on the site.

Some activity at the site since the inspection of 4/22/10.

Most of the ties and poles are rotted and in poor condition and do not appear to be useable for landscaping or fence posts. Split pieces and short pieces also do not appear to be useable for landscaping or fence posts.

Several piles of shredded pole & ties remain as they were during the inspection of 4/22/10.

By definition in the Act, storage of waste beyond one year is considered disposal.

The following violations of the 8/13/02 Department Administrative Order were observed:

1) Paragraph 2 - L&K/Terry Brenneman shall immediately cease the transportation of all railroad ties, utility poles, and any and all other residual wastes to the Site or any other facility that does not possess a permit from the Department.

2) Paragraph 4 - A minimum of 3000 ties or poles/month have not been removed, and all waste materials were not removed from the site by 2/14/04.

3) Paragraph 7 - Monthly progress reports have not been submitted to DEP summarizing the amounts & dates of waste removal, and locations to which the wastes were transported.

The following violations of the PA Solid Waste Management Act (Act 97) were observed:

A) Sec. 6018.301-Operating a residual waste storage, processing, or disposal facility without a permit from the DEP.

B) Sec. 6018.610.(1)-Dump or deposit, or permit the dumping or depositing of any solid waste onto the ground ...without a permit from the DEP.

C) Sec. 6018.610.(4)-Store, collect, transport, process, treat, beneficially use or dispose of, or assist in the storage, collection, transportation, processing, treatment, beneficially use or disposal of, solid waste contrary to the rules or regulations adopted under this act, or orders of the department, or any term or any condition of any permit, or in any manner as to create a public nuisance or to adversely affect the public health, safety, and welfare.

D) Sec. 6018.610.(9)-Cause or assist in the violation of any provision of this act, any rule or regulation of the department, any order of the department or any term or condition of any permit.

Sample Collected? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Sample Numbers N/A	Analysis N/A	
Inspector Name Michael Planinsek Waste Mgmt Specialist	Inspector Signature <i>Michael D. Planinsek</i>	Headquarters Greensburg District Office	Date 11/7/11 Telephone 724-925-5431
Person Interviewed Name	Signature of Person Interviewed	Title	Date Telephone

This document is official notification that a representative of the Department of Environmental Protection inspected the above-mentioned facility. The findings of the inspection are shown above and on any attached pages. Violations discovered as a result of this inspection are indicated. Violations may also be discovered upon examination of the results of laboratory analyses, review of pertinent documents and further investigation. Notification will be forthcoming if such violations are discovered.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

AFFIDAVIT OF SERVICE

1. I, David Leiford, am a Solid Waste Specialist Supervisor with the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department"), at the Department's Greensburg District Office in Greensburg, Pennsylvania.
2. On 10 November, 2011 I served an Order directed to Ronald D. and Nancy A. Brenneman.
3. Ronald D. Brenneman's signature below hereby acknowledges receipt of this Order on behalf of Ronald D. and Nancy A. Brenneman, but does not constitute an acknowledgement that any or all of the violations listed in the Order have occurred or continue to occur.

Refused to Sign 10 Nov. 2011  
Signature Date

David L. Leiford  
David L. Leiford  
Solid Waste Specialist Supervisor  
Waste Management  
Southwest Region

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

IN THE MATTER OF:

Ronald D. and Nancy A. Brenneman :  
Elk Lick Township : Solid Waste Management Act  
Somerset County :  
Enf. ID No. 276961L :

ORDER

NOW, this 9<sup>th</sup> day of November, 2011, the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department") has found and determined the following:

*The Parties*

A. The Department is the agency of the Commonwealth with the duty and authority to administer and enforce the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, *as amended*, 35 P.S. §§ 6018.101 – 6018.1003 ("SWMA"), Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, *as amended*, 71 P.S. § 510-7 ("Administrative Code"), and the rules and regulations promulgated thereunder.

B. Ronald D. Brenneman and Nancy A. Brenneman (jointly and severally, the "Brennemans") are the owners of Clear View Farms, a 307.8 acre parcel of ground located at 1025 Oakdale Road, Salisbury, PA 15558, and further identified as Tax Parcel ID No. S14-007-046-00 ("Clear View Farms Site").

C. L&K Industries, Inc. ("L&K") is a Pennsylvania corporation and maintains a business address at 9325 Mason Dixon Highway, Salisbury, PA 15558. Terry L. Brenneman is the President of L&K which among other things procures and processes used railroad ties and utility poles. L&K and Terry Brenneman have operated and currently operate a facility on a parcel of ground located on the Clear View Farms Site with the knowledge and consent of the Brennemans. Terry Brenneman is the Brennemans' son.

*Prior Enforcement Actions at Clear View Farms*

D. On November 18, 1995 the Department conducted a complaint investigation at the Clear View Farms Site concerning the illegal disposal of railroad ties and utility poles. A Notice of Violation ("NOV") was issued to Ronald D. Brenneman for burning among other things railroad ties, in violation of Sections 610(1) and (3) of the SWMA, 35 P.S. § 6018.610(1) and (3).

E. On April 1, 1999, Terry Brenneman, on behalf of L&K, executed a Consent Assessment of Civil Penalty with the Department, admitting to violations at the Clear View Farms Site on January 28, 1999, including the unlawful burning of solid waste and the unlawful operation of a solid waste disposal and processing facility in violation of Section 301 of the SWMA, 35 P.S. § 6018.301, and 25 Pa. Code § 287.101(a).

F. On March 13, 2002, the Department inspected the L&K operation located on the Clear View Farms Site and observed that L&K was sorting, sizing, and removing scrap metal from used railroad ties and utility poles. A large pile of scrap pieces of ends were stored on site. The Department issued an NOV on April 1, 2002 to L&K for operating a waste storage, processing or disposal facility without a permit and for dumping or disposing of solid waste onto the ground, in violation of Sections 301 and 610(1) and (6) of the SWMA, 35 P.S. §§ 6018 and 6018.610(1) and (6).

G. On June 10, 2002, the Department met with Terry L. Brenneman, President of L&K to discuss the requirements and procedures for obtaining a residual waste processing permit. Neither Terry L. Brenneman nor L&K ever submitted a permit application for the activities conducted at the Clear View Farms Site.

H. On August 13, 2002, the Department issued an administrative order ("August 2002 Order") to L&K for operating an unpermitted waste transfer and processing facility for waste utility poles and waste railroad ties on the Clear View Farms Site. Pursuant to the August 2002 Order, L&K was ordered to (1) cease the acceptance of all railroad ties, utility poles and any and all other residual wastes at the Clear View Farms Site and (2) cease the transportation of all railroad ties, utility poles and any and all other residual wastes to the Clear View Farms Site or to any other facility that does not possess a permit from the Department to accept such waste. The August 2002 Order required the removal of all railroad ties and utility poles from the Clear View Farms Site no later than 18 months from the date of the order (*i.e.*, by February 13, 2004) unless authorized by Department permit.

I. On June 3, 2004, the Department inspected the L&K operation located on the Clear View Farms Site and observed that the August 2002 Order had not been complied with. A large number of railroad ties and utility poles remained on site. Additionally, a tub grinder was observed on site and several piles of shredded poles were observed. L&K was in violation of the requirement to remove all railroad ties and utility poles by February 13, 2004.

J. On March 18, 2005, the Department inspected the L & K operation located on the Clear View Farms Site and observed that a large volume of used utility poles and pieces of utility poles had been transported into the site and dumped on the ground since the Department's previous inspection on June 3, 2004. The Department also observed that much of the waste material dumped on the site consists of short pieces, split pieces, and rotted pieces of utility poles.

### *Recent Actions*

K. On June 10, 2009, the Department inspected the Clear View Farms Site and met with the property co-owner Ronald Brenneman. The Department observed that some railroad ties and utility poles had been removed, but the majority had remained on site for multiple years in violation of the August 2002 Order.

L. On April 22, 2010, the Department again inspected the L&K operation on the Clear View Farms Site and observed that many railroad ties and utility poles remained on site with most of them being in poor condition.

M. On November 3, 2010, the Bureau of Forestry of the Department of Conservation and Natural Resources ("DCNR") responded to a fire started on the Clear View Farms Site which burned approximately four acres of ground including two large piles of railroad ties and a large pile of junk and debris. The solid waste located on the Clear View Farms Site poses a danger of fire, and a public nuisance.

N. On May 27, 2011, certified letters were mailed by the Department to Ronald D. Brenneman, co-owner of the Clear View Farms Site and to Terry L. Brenneman, president of L&K requesting their attendance at a meeting to discuss the railroad tie/utility pole storage/processing and disposal activities still occurring. The letter to Ronald Brenneman was accepted but never responded to. The letter to Terry Brenneman was refused.

O. On November 3, 2011, the Department inspected the Clear View Farms Site and observed an employee of Terry Brenneman, or one of Terry Brenneman's businesses, loading utility poles onto a trailer with no license or registration. The Department interviewed the employee during the inspection and he confirmed that additional utility poles had been brought onto the Clear View Farms Site within the past week. The Department also observed that processing of the utility poles was occurring through the removal of end pieces, and that many railroad ties and utility poles remained on site with most of them being in poor condition.

P. The previously used utility poles and railroad ties located at the Clear View Farms Site and any scraps or cuttings therefrom are "residual waste" as that term is defined in Section 103 of the SWMA, 35 P.S. § 6018.103.

Q. The sorting, grading, stockpiling, sizing and removing of scrap metal from waste utility poles and railroad ties is "processing" and L&K's operation is a residual waste "transfer facility" as those terms are defined in 25 Pa. Code § 287.1.

R. The Department has not issued an authorization for the processing, storage or disposal of solid waste on the Clear View Farms Site.

S. The transportation of residual waste to a facility which does not possess a permit from the Department authorizing the acceptance of said waste is a violation of

Sections 303(a)(1) and 610(6) and (9) of the SWMA, 35 P.S. §§ 6018.303(a)(1) and 6018.610(6) and (9). The burning of solid waste or causing or allowing the burning of solid waste, without first obtaining a permit from the Department, is a violation of Sections 610(3) and (9) of the SWMA, 35 P.S. § 6018.610(3) and (9). The processing of solid waste, or causing or allowing the processing of solid waste, or the operation of a solid waste processing facility without a permit from the Department is a violation of Sections 301, 302, 501(a), and 610(2), (4), and (9) of the SWMA, 35 P.S. §§ 6018.301, 6018.302, 6018.501(a), and 6018.610(2), (4), and (9). The dumping or disposal of solid waste, or causing or allowing the dumping or disposal of solid waste, or the operation of a solid waste disposal facility without a permit from the Department, is a violation of Sections 301, 302, 501(a), and 610(1), (2), and (9) of the SWMA, 35 P.S. §§ 6018.301, 6018.302, 6018.501(a), and 6018.610(1), (2), and (9).

T. The Brennemens are the owners of the Clear View Farms Site and have caused, allowed, and permitted the processing and disposal of solid waste, and the operation of a processing and disposal facility, at the Clear View Farms Site, a facility which does not possess a permit from the Department authorizing the processing and disposal of said waste.

U. The Brennemens have caused, allowed, and permitted the transportation of residual waste to the Clear View Farms Site, a facility which does not possess a permit from the Department authorizing the acceptance of said waste.

V. By causing, allowing and permitting (a) the transportation of said residual waste to the Clear View Farms Site; (b) the operation of an unpermitted solid waste processing facility and transfer station; (c) the unpermitted dumping and depositing of solid waste; and, (d) the unpermitted operation of a solid waste disposal facility, the Brennemens have violated and are currently in violation of 25 Pa. Code § 293.201(a) and Sections 301, 302(a), 501(a), and 610(1), (2), (3), (4), (6) and (9) of the SWMA, 35 P.S. §§ 6018.301, 6018.302(a), 6018.501(a), and 6018.610(1), (2), (3), (4), (6), and (9).

W. The conduct described in Paragraphs D - V constitutes a public nuisance and unlawful conduct pursuant to Sections 201(a), 501(a), 601, and 610(1), (2), (3), (4), (6), and (9) of the SWMA, 35 P.S. §§ 6018.201(a), 6018.501(a), 6018.601, and 6018.610(1), (2), (3), (4), (6), and (9).

NOW, THEREFORE, pursuant to Sections 104(7) and 602 of the SWMA, 35 P.S. §§ 6018.104(7) and 6018.602, and Section 1917-A of the Administrative Code, 71 P.S. § 510-17, the Department hereby ORDERS that Ronald D. and Nancy A. Brenneman, jointly and severally, shall:

1. Immediately cease accepting, or causing or allowing or permitting L&K, Terry Brenneman, or any other party to place any additional solid waste at the Clear View Farms Site, including but not limited to previously used railroad ties and utility poles and scraps and/or cuttings therefrom.



2. Immediately cease processing, or causing or allowing or permitting L&K, Terry Brenneman, or any other party to process solid waste at the Clear View Farms Site including, but not limited to previously used railroad ties and utility poles and scraps and/or cuttings therefrom.

3. Within thirty (30) days of receipt of this Order, do the following: (a) identify in writing to the Department a permitted disposal facility that can and will accept the solid waste from the Clear View Farms Site including but not limited to previously used railroad ties and utility poles and scraps and/or cuttings therefrom; (b) identify and physically segregate from said solid waste any railroad ties and utility poles that the Brennemens intend to use within one year, solely for their own personal use on the Clear View Farms Site, and which do not require any processing for such use; and, (c) provide a written report including photographs to the Department (at the address set forth in Paragraph 9) detailing the number and specific storage location of any and all railroad ties and utility poles identified and segregated pursuant to Paragraph 3(b).

4. Within sixty (60) days of receipt of this Order, remove no less than eighty (80) tons of solid waste from the Clear View Farms Site.

5. Within one hundred eighty (180) days of receipt of this Order, remove all solid wastes located at the Clear View Farms Site including but not limited to previously used railroad ties and utility poles and scraps and/or cuttings therefrom, and transport such wastes to a permitted disposal facility. The Brennemens may only retain those railroad ties and utility poles, if any, that they properly identified in a report to the Department and segregated within thirty (30) days of receipt of this Order, pursuant to Paragraph 3 hereof.

6. Within one (1) year of receipt of this Order, any railroad ties and utility poles that were identified and segregated pursuant to Paragraph 3(b) and (c) hereof, but which have not been actually used for the Brennemens' own personal use, shall be removed from the Clear View Farms Site and transported to a permitted disposal facility.

7. Upon the commencement of the removal of solid wastes from the Clear View Farms Site, as required by Paragraphs 4 and 5 of this Order, submit to the Department at the address listed in Paragraph 9 of this Order: copies of all receipts for solid wastes disposed from the Clear View Farms Site on a weekly basis until all such solid waste is completely removed. Any failure to obtain and provide such receipts to the Department within the time-period specified herein shall constitute a violation of this Order.

8. Within three (3) days of receipt of this Order, provide a copy of this Order to your son, Terry Brenneman, and any other party associated with the solid wastes located on the Clear View Farms Site.

9. All written documentation required by this Order and correspondence with the Department regarding this Order shall be sent to the following address:

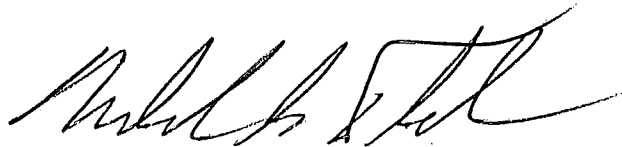
Regional Manager, Waste Management  
Department of Environmental Protection  
400 Waterfront Drive  
Pittsburgh, PA 15222

10. Within seven (7) days of receipt of this Order, erect and maintain physical barriers on all vehicular entrance routes to the Clear View Farms Site that are sufficient to prevent any and all third-parties from bringing previously used railroad ties and utility poles onto the Clear View Farms Site.

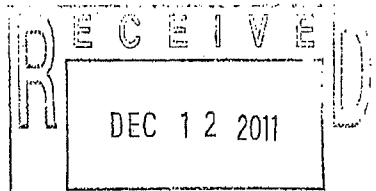
Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa. C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800-654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD.

IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD (717-787-3483) FOR MORE INFORMATION.



Michael G. Forbeck  
Regional Manager  
Waste Management  
Southwest Region - Field Operations



OFFICE OF CHIEF CLERK  
**COPY**

COMMONWEALTH OF PENNSYLVANIA  
**ENVIRONMENTAL HEARING BOARD**

2<sup>nd</sup> Floor - Rachel Carson State Office Building  
400 Market Street, P.O. Box 8457  
Harrisburg, PA 17105-8457

Maryanne Wesdock  
Acting Secretary to the Board

(717) 787-3483  
Telecopier: (717) 783-4738  
<http://ehb.courtapps.com>

EHB # 2011172-M

**NOTICE OF APPEAL**

**1. Name, address and telephone number of Appellant:**

Ronald D. and Nancy A. Brenneman-1025 Oakdale Road, Salisbury, PA, 15558; 814-279-5983; Terry Brenneman-120 Post Office St. Boynton, PA 15532; 814-289-1366; L&K Industries, Inc., 9325

**2. Subject of your appeal:**

Mason Dixon Highway, Salisbury, PA 15558; 814-662-2275  
(a) Action of the Department for which review is sought (*a copy must be attached*):

Order dated November 9, 2011 (See Exhibit A)

Notice of Violation dated November 7, 2011

(b) The Department's official who took the action:

Michael G. Forbeck

(c) The location of the operation or activity which is the subject of the Department's action (municipality, county):

1025 Oakdale Road, Salisbury, PA 15558, Elk Lick Township, Somerset County

(d) On what date and how you received notice of the Department's action:

11-12-2011 by mail

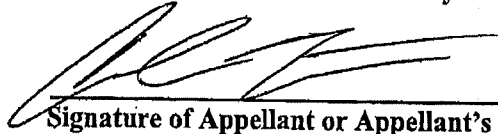
**3. Objections to the Department's action in separate, numbered paragraphs.** The objections may be factual or legal and must be specific. If you fail to state an objection here, you may be barred from raising it later in your appeal. Attach additional sheets, if necessary.

(See Exhibit B)

**4. Specify any related appeal(s) now pending before the Board. If you are aware of any such appeal(s) provide that information.**

None.

The information submitted is true and correct to the best of my information and belief.



Signature of Appellant or Appellant's Counsel  
CARL WALKER METZGAR, ESQUIRE  
Telephone No.: 814-445-3371

If you have authorized counsel to represent you, please supply the following information (CORPORATIONS MUST BE REPRESENTED BY COUNSEL):

CARL WALKER METZGAR, ESQUIRE  
Name (Type or Print)

203 East Main Street  
Address

Somerset, PA 15501

814-445-3371  
(Area Code) Telephone Number

**THIS FORM AND THE PROOF OF SERVICE MUST BE RECEIVED BY THE ENVIRONMENTAL HEARING BOARD WITHIN 30 DAYS AFTER YOUR RECEIPT OF NOTICE OF THE ACTION OF THE DEPARTMENT THAT YOU ARE APPEALING. MAIL OR HAND-DELIVER YOUR APPEAL AND PROOF OF SERVICE TO:**

**ENVIRONMENTAL HEARING BOARD  
2<sup>nd</sup> Floor, Rachel Carson State Office Building  
400 Market Street, P.O. Box 8457  
Harrisburg, PA 17105-8457**

You may wish to send your appeal to the Environmental Hearing Board by certified mail, return receipt, so that you know your appeal was received by it within the required time.

TDD users please contact the Pennsylvania Relay Service at 1-800-654-5984. If you require an accommodation or this information in an alternative form, please contact the Secretary to the Board at 717-787-3483.

PROOF OF SERVICE

Carl Walker Metzgar, Esquire (Appellant or Appellant's Counsel, if appellant is represented by an attorney) hereby certifies that a copy of the notice of appeal, was on December 9, 2011, served upon  
(date)

The Office of Chief Counsel of the Department or agency taking the action appealed.

via

first class mail, postage pre-paid  
 overnight delivery  
 personal delivery

AND

The officer of the Department who took the action being appealed.

via

first class mail, postage pre-paid  
 overnight delivery  
 personal delivery

AND

If your appeal is from the Department's issuance of a permit, license, approval, or certification to another person,

The recipient of the permit, license, approval, or certification.

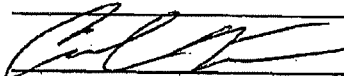
via

first class mail, postage pre-paid  
 overnight delivery  
 personal delivery

AND

Where applicable, the following:

- Any affected municipality, its municipal authority, and the proponent of the decision, where applicable, in appeals involving a decision under Sections 5 or 7 of the Sewage Facilities Act, 35 P.S. §§ 750.5, 750.7;
- The mining company in appeals involving a claim of subsidence damage or water loss under the Bituminous Mine Subsidence and Land Conservation Act, 52 P.S. § 1406.1 et seq.;
- The well operator in appeals involving a claim of pollution or diminution of a water supply under Section 208 of the Oil and Gas Act, 58 P.S. § 601.208;
- The owner or operator of a storage tank in appeals involving a claim of an affected water supply under Section 1303 of the Storage Tank and Spill Prevention Act, 35 P.S. § 6021.1303.

\_\_\_\_\_  
\_\_\_\_\_  


Signature (Appellant or Appellant's Counsel, if appellant is represented by an attorney)



The  
**Pennsylvania**  
**Environmental Hearing Board**

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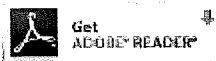
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**CASE INFORMATION**

Case Number: 2011172

Appellant #1: RONALD D. AND NANCY A. BRENNEMAN

[VIEW DOCKET SHEET FOR THIS CASE](#)

**ACTIVE CASE**

**General Information**

Presiding Judge:	Richard P. Mather, Sr.
Commonwealth Counsel:	
Other Commonwealth Counsel:	
Program Area:	Solid Waste
Program Type:	Orders
Is this case being initiated by a complaint?	No
	<small>Date Format: yyyy-mm-dd</small>
Date Appeal Filed:	2011-11-09
Date of Action Being Appealed:	2011-12-09
Date Appealed to Commonwealth Court:	
Date Certified to Commonwealth Court:	
Date Certified Record Due to Commonwealth Court:	

**Counties**

County 1: Somerset County

**Appellant Information**

Appellant's Name: RONALD D. AND NANCY A. BRENNEMAN

**ATTORNEYS**

**Attorney Number 1**

Last Name:	Metzgar
First Name:	Carl
Middle Name:	Walker
Firm:	Attorney-at-Law
Street 1:	203 East Main Street
Street 2:	
City:	Somerset

<p>RESEARCH LINKS</p> <p>The Pennsylvania Code</p> <p>The Pennsylvania Bulletin</p> <p>The Pennsylvania Unified Judicial System Home Page</p>	<p>State: PA</p> <p>Zip: 15501</p> <p>Phone: 814-445-3371</p> <p>Fax:</p> <p>Email:</p> <p>Permittee Information</p> <p>This case has no permittees</p> <p>Intervenor Information</p> <p>This case has no intervenors</p>
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D. Leiford

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"><li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>	<p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery Terry L. Brenneman 12-21-11</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
1. Article Addressed to:  Mr. Terry L. Brenneman 120 Post Office Street Boynton, PA 15532	3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.
2. Article Number (Transfer from service label)	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
7003 1680 0000 0170 9332	

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540





# pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Greensburg District Office

December 16, 2011

**CERTIFIED MAIL NO. 7003 1680 0000 0170 9332**

Mr. Terry L. Brenneman  
120 Post Office Street  
Boynton, PA 15532

Re: Clear View Farms  
Tax Parcel ID No. S14-012-0009-00  
Elk Lick Township  
Somerset County

Dear Mr. Brenneman:

Enclosed is an Administrative Order issued by the Department of Environmental Protection for violations of the Solid Waste Management Act and rules and regulations promulgated thereunder occurring at the Clear View Farm Site and on Tax Parcel ID No. S14-012-009-00 on the date(s) specified therein.

Please contact me at 724-925-5432 with any questions you may have.

Sincerely,

A handwritten signature in cursive script that reads "David L. Leiford".

David L. Leiford  
Field Operations Supervisor  
Bureau of Waste Management

Enclosure

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

IN THE MATTER OF:

Terry L. Brenneman	:	
Elk Lick Township	:	Solid Waste Management Act
Somerset County	:	
Enf. ID No. 272578L	:	

**ORDER**

NOW, this 15<sup>th</sup> day of December, 2011, the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department") has found and determined the following:

A. The Department is the agency of the Commonwealth with the duty and authority to administer and enforce the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, *as amended*, 35 P.S. §§ 6018.101 – 6018.1003 ("SWMA"), Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, *as amended*, 71 P.S. § 510-7 ("Administrative Code"), and the rules and regulations promulgated thereunder.

B. Terry L. Brenneman ("Terry Brenneman") is an individual residing in Somerset County who maintains a mailing address of 120 Post Office Street, Boynton, PA 15532, and/or P.O. Box 136, Boynton, PA 15532.

C. L&K Industries, Inc. ("L&K") is a Pennsylvania corporation that maintains a business address of 9325 Mason Dixon Highway, Salisbury, PA 15558. Terry Brenneman is and has been the President, owner, and operator of L&K on the dates set forth herein. L&K is in the business of procuring, storing, processing, and disposing of used railroad ties and utility poles. Since 1995, L&K has operated a facility on a parcel of ground in Elk Lick Township, Somerset County, with the closest street address of 1025 Oakdale Road, Salisbury, PA 15558, and further identified as Tax Parcel ID No. S14-007-046-00 ("Clear View Farms Site"). The Clear View Farms Site is owned by Terry Brenneman's parents, Ronald and Nancy Brenneman.

D. Tub Mill Farms, Inc. ("Tub Mill") is a Delaware corporation that maintains a business address of 120 Post Office Street, Boynton, PA 15532, and/or P.O. Box 136, Boynton, PA 15532. Terry L. Brenneman ("Brenneman") is and has been the President, owner and operator of Tub Mill on the dates set forth herein. Tub Mill is in the business of procuring, storing, processing, and disposing of used railroad ties and utility poles. Tub Mill operated a facility on a parcel of ground in Elk Lick Township, Somerset County, Tax Parcel ID No. S14-012-009-00 ("Tub Mill Site"), from approximately 2002 to 2011.

E. On or about November 18, 1995, January 28, 1999, March 13, 2002, June 3, 2004, March 18, 2005, June 10, 2009, April 22, 2010, and November 3, 2011, the Department conducted inspections at the Clear View Farms Site and observed: the sorting, sizing, removing of scrap metal from, and stacking/piling of used railroad ties and utility poles; burned railroad ties; a tub grinder and several piles of shredded poles; and, piles of short pieces, split pieces, and rotted pieces of utility poles.

F. On August 13, 2002, the Department issued an administrative order ("August 2002 Order") to L&K regarding its unpermitted waste transfer and processing facility for waste utility poles and waste railroad ties on the Clear View Farms Site. Pursuant to the August 2002 Order, L&K was ordered to (1) cease the acceptance of all railroad ties, utility poles and any and all other residual wastes at the Clear View Farms Site and (2) cease the transportation of all railroad ties, utility poles and any and all other residual wastes to the Clear View Farms Site or to any other facility that does not possess a permit from the Department to accept such waste. The August 2002 Order required the removal of all railroad ties and utility poles from the Clear View Farms Site no later than 18 months from the date of the order (*i.e.*, by February 13, 2004) unless authorized by Department permit. L&K has not complied with the August 2002 Order.

G. On or about April 22, 2010, May 24, 2011, and November 10, 2011, the Department conducted inspections at the Tub Mill Site and observed: the sorting, sizing, removing of scrap metal from, and the stacking/piling of used railroad ties and utility poles; and, piles of short pieces, split pieces, rotted pieces, and shredded pieces of utility poles and railroad ties.

H. On May 27, 2011, a certified letter was mailed by the Department to Terry Brenneman requesting his attendance at a meeting to discuss the railroad tie/utility pole storage, processing, and disposal activities at the Tub Mill Site and the Clear View Farms Site. The delivery of the letter to Terry Brenneman was refused.

I. The previously used utility poles and railroad ties located at the Clear View Farms Site and the Tub Mill Site and any scraps or cuttings therefrom are "residual waste" as that term is defined in Section 103 of the SWMA, 35 P.S. § 6018.103.

J. The sorting, grading, stockpiling, sizing, removing of scrap metal from, and shredding of waste utility poles and railroad ties is "processing," and L&K's operation at the Clear View Farms Site and Tub Mill's operation at the Tub Mill Site are each a residual waste "transfer facility" as those terms are defined in 25 Pa. Code § 287.1.

K. The Department has not issued an authorization for the acceptance, processing, storage or disposal of solid waste on the Clear View Farms Site or on the Tub Mill Site.

L. The transportation of residual waste by a person to a facility which does not possess a permit from the Department authorizing the acceptance of said waste is a violation of Sections 303(a)(1) and 610(6) and (9) of the SWMA, 35 P.S. §§

6018.303(a)(1) and 6018.610(6) and (9). The processing of solid waste by a person at a solid waste processing facility that does not have a permit from the Department as required by Section 301 of the SWMA, 35 P.S. § 6018.301, is a violation of Sections 302 and 610 (4) and (9) of the SWMA, 35 P.S. §§ 6018.302 and 6018.610(4) and (9). The dumping or disposal of solid waste, or causing or allowing the dumping or disposal of solid waste, by a person at a solid waste disposal facility without a permit from the Department as required by Section 301 of the SWMA, 35 P.S. § 6018.301, is a violation of Sections 302 and 610(1) and (9) of the SWMA, 35 P.S. §§ 6018.302 and 6018.610(1) and (9).

M. Terry Brenneman is a “person” as that term is defined in Section 103 of the SWMA, 35 P.S. § 6018.103. *Commonwealth v. Packer*, 568 Pa. 481, 489-493, 798 A.2d 192, 197-199 (2002).

N. As L&K’s President, owner, and operator during the dates set forth herein, Terry Brenneman had the “authority” and “duty” to comply and ensure that L&K comply with the August 2002 Order. *Whitemarsh Disposal Corp. v. DEP*, 2000 EHB 300, 358-365.

O. On or about the dates set forth in paragraphs E and G respectively, Terry Brenneman transported residual waste to the Clear View Farms Site and the Tub Mill Site, facilities which have not and do not possess permits from the Department authorizing the acceptance of said waste.

P. On or about the dates set forth in paragraphs E and G respectively, Terry Brenneman processed and disposed of solid waste at the Clear View Farms Site and Tub Mill Site, facilities which have not and do not possess permits from the Department authorizing the processing and disposal of said waste.

Q. On or about the dates set forth in paragraphs E and F, Terry Brenneman knew of the August 2002 Order, had the authority and duty to comply and ensure that L&K comply with the August 2002 Order, and intentionally neglected to do so.

R. By (a) transporting and assisting in the transporting of said residual waste to the Clear View Farms Site and the Tub Mill Site, (b) processing and disposing and assisting in the processing and disposing of said solid waste at the Clear View Farms Site and the Tub Mill Site, and (c) intentionally neglecting to correct L&K’s violations by failing to comply and ensure L&K’s compliance with the August 2002 Order at the Clear View Farms Site when he had the authority and duty to do so, Terry Brenneman violated Sections 302, 303(a)(1), and 610(1), (4), (6) and (9) of the SWMA, 35 P.S. §§ 6018.302, 6018.303(a)(1), and 6018.610(1), (4), (6) and (9).

S. The conduct described in Paragraphs E - R constitutes a public nuisance and unlawful conduct pursuant to Sections 303(a), 601 and 610(1), (4), (6), and (9) of the SWMA, 35 P.S. §§ 6018.303(a), 6018.601 and 6018.610(1), (4), (6), and (9).

NOW, THEREFORE, pursuant to Sections 104(7) and 602 of the SWMA, 35 P.S. §§ 6018.104(7) and 6018.602, and Section 1917-A of the Administrative Code, 71 P.S. § 510-17, the Department hereby ORDERS that Terry Brenneman shall:

1. With regard to the Clear View Farms Site:
  - a. Immediately cease accepting, transporting, or depositing, or causing any other person to transport or deposit any additional solid waste (including but not limited to previously used railroad ties and utility poles and scraps and/or cuttings therefrom) onto the Clear View Farms Site, or onto any other location that does not have authorization to receive, process or dispose of such solid waste from the applicable governmental authorities.
  - b. Immediately cease processing, or causing any other person to process, solid waste at the Clear View Farms Site including but not limited to previously used railroad ties and utility poles and scraps and/or cuttings therefrom.
  - c. Do the following: (i) within fifteen (15) days of receipt of this Order, deliver by certified mail or personal service to the current owner(s) of the Clear View Farms Site a document requesting written permission for you or your agents to enter the Clear View Farms Site for the purpose of complying with this Order; (ii) include a copy of this Order with that written request; (iii) within twenty (20) days of receipt of this Order, deliver to the Department a copy of that written request, along with proof of your delivery of that written request to the owner(s) of the Clear View Farms Site; and, (iv) within seven (7) days of receipt of any and all responses to your request to enter the Clear View Farms Site to comply with this Order, deliver a copy of any and all such responses to the Department.
  - d. Within thirty-five (35) days of receipt of this Order, identify in writing to the Department a permitted disposal facility that can and will accept the solid waste from the Clear View Farms Site including but not limited to previously used railroad ties and utility poles and scraps and/or cuttings therefrom (“Permitted Disposal Facility”). Solid waste removed from the Clear View Farms Site after the date of this Order may only be brought by you or your agents to a Permitted Disposal Facility previously identified in writing to the Department pursuant to this Paragraph.
  - e. Within sixty (60) days of your receipt of written permission to access the Clear View Farms Site to comply with this Order, remove no less than eighty (80) tons of previously used railroad ties and utility poles

and scraps and/or cuttings therefrom from the Clear View Farms Site and transport such wastes to a Permitted Disposal Facility.

- f. Within one hundred eighty (180) days of your receipt of written permission to access the Clear View Farms Site to comply with this Order, remove all previously used railroad ties and utility poles and scraps and/or cuttings therefrom (unless directed in writing by the Department to leave specific materials on the site), and transport such wastes to a Permitted Disposal Facility.
- g. Upon the commencement of the removal of solid wastes from the Clear View Farms Site, as required by Paragraphs 1.e and 1.f of this Order, submit to the Department at the address listed in Paragraph 3 of this Order: copies of all receipts for solid wastes removed from the Clear View Farms Site on a weekly basis until all such solid waste is completely removed. Any failure to obtain and provide such receipts to the Department within the time-period specified herein shall constitute a violation of this Order.

2. With regard to the Tub Mill Site:

- a. Immediately cease accepting, transporting, or depositing, or causing any other person to transport or deposit any additional solid waste (including but not limited to previously used railroad ties and utility poles and scraps and/or cuttings therefrom) onto the Tub Mill Site, or onto any other location that does not have authorization to receive, process or dispose of such solid waste from the applicable governmental authorities.
- b. Immediately cease processing, or causing any other person to process, solid waste at the Tub Mill Site including but not limited to previously used railroad ties and utility poles and scraps and/or cuttings therefrom.
- c. Do the following: (i) within fifteen (15) days of receipt of this Order, deliver by certified mail or personal service to the current owner(s) of the Tub Mill Site a document requesting written permission for you or your agents to enter the Tub Mill Site for the purpose of complying with this Order; (ii) include a copy of this Order with that written request; (iii) within twenty (20) days of receipt of this Order, deliver to the Department a copy of that written request, along with proof of your delivery of that written request to the owner(s) of the Tub Mill Site; and, (iv) within seven (7) days of receipt of any and all responses to your request to enter the Tub Mill Site to comply with this Order, deliver a copy of any and all such responses to the Department.

- d. Within thirty-five (35) days of receipt of this Order, identify in writing to the Department a permitted disposal facility that can and will accept the solid waste from the Tub Mill Site including but not limited to previously used railroad ties and utility poles and scraps and/or cuttings therefrom ("Permitted Disposal Facility"). Solid waste removed from the Tub Mill Site after the date of this Order may only be brought by you or your agents to a Permitted Disposal Facility previously identified in writing to the Department pursuant to this Paragraph.
- e. Within sixty (60) days of your receipt of written permission to access the Tub Mill Site to comply with this Order, remove no less than eighty (80) tons of previously used railroad ties and utility poles and scraps and/or cuttings therefrom from the Tub Mill Site and transport such wastes to a Permitted Disposal Facility.
- f. Within one hundred eighty (180) days of your receipt of written permission to access the Tub Mill Site to comply with this Order, remove all previously used railroad ties and utility poles and scraps and/or cuttings therefrom, and transport such wastes to a Permitted Disposal Facility.
- g. Upon the commencement of the removal of solid wastes from the Tub Mill Site, as required by Paragraphs 2.e and 2.f of this Order, submit to the Department at the address listed in Paragraph 3 of this Order: copies of all receipts for solid wastes removed from the Tub Mill Site on a weekly basis until all such solid waste is completely removed. Any failure to obtain and provide such receipts to the Department within the time-period specified herein shall constitute a violation of this Order.

3. All written documentation required by this Order and correspondence with the Department regarding this Order shall be sent to the following address:

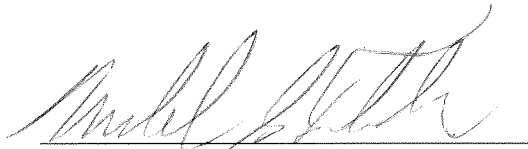
Regional Manager, Waste Management  
Department of Environmental Protection  
400 Waterfront Drive  
Pittsburgh, PA 15222

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa. C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800-654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of

practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD.

IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD (717-787-3483) FOR MORE INFORMATION.



Michael G. Forbeck  
Regional Manager  
Waste Management  
Southwest Region - Field Operations

MGF:DLL:



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

AFFIDAVIT OF SERVICE

1. I, David Leiford, am a Solid Waste Specialist Supervisor with the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department"), at the Department's Greensburg District Office in Greensburg, Pennsylvania.
2. On December 20, 2011 I served an Order directed to Tub Mill Farms, Inc.
3. Terry Brememan's signature below hereby acknowledges receipt of this Order on behalf of Tub Mill Farms, Inc., but does not constitute an acknowledgement that any or all of the violations listed in the Order have occurred or continue to occur.

Refused to sign 12/20/2011  
Signature Date

David L. Leiford  
David L. Leiford  
Solid Waste Specialist Supervisor  
Waste Management  
Southwest Region

Department of Environmental Protection	<b>GENERAL INSPECTION REPORT</b>	Bureau of Land Recycling and Waste Management
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Type of Inspection Routine	WM Identification Number Client #132083	Entry Time/Date 12/20/11	Exit Time/Date
Facility/Incident Name and Location L & K Industries - Illegal waste processing and disposal 1025 Oakdale Rd, Salisbury, PA 15558 (Clearview Farms)		Municipality Elk Lick Twp.	
		County Somerset	
Name, Address or Responsible Official Terry Brenneman/Ron & Nancy Brenneman		Title President, L & K Industries/Property Owners 814-289-1366	
9325 Mason Dixon Highway Salisbury, PA 15558		Telephone	Interviewed? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

**REMARKS**

The inspection was conducted to determine compliance with the PA Solid Waste Mgmt Act (Act 97), the Administrative Order of 8/13/02, and the Department's waste mgmt rules & regulations. DEP Solid Waste Supv. Dave Leiford accompanied me on this inspection. We met w/ Terry Brenneman in front of the maintenance garage where we served Administrative Orders, one to Terry Brenneman and one to directed to Tubmill Farms, Inc. Both orders require the cessation of operations and the removal of waste RR ties and waste utility poles and proper disposal. Terry granted us access to the site. The following was observed:

We drove up past the sugar shack to the field above the caboose. No personnel was at the site. Much of the equipment that had been at the Tub Mill remains at the Clearview site. A large chipper was observed attached to a dump truck. Several piles of recently chipped wood were observed w/ a strong creosote odor.

Terry Brenneman phoned while we were on site to say he had recently brought in poles from a pole training site.

Two large soil stock piles remain on the site.

Many of the ties and poles are rotted and in poor condition and do not appear to be useable for landscaping or fence posts. Split pieces and short pieces also do not appear to be useable for landscaping or fence posts. Several piles of shredded pole & ties remain as they were during the inspection of 11/3/11.

By definition in the Act, storage of waste beyond one year is considered disposal.

The following violations of the 8/13/02 Department Administrative Order were observed:

- 1) Paragraph 2 - L&K/Terry Brenneman shall immediately cease the transportation of all railroad ties, utility poles, and any and all other residual wastes to the Site or any other facility that does not possess a permit from the Department.
- 2) Paragraph 4 - A minimum of 3000 ties or poles/month have not been removed, and all waste materials were not removed from the site by 2/14/04.
- 3) Paragraph 7 - Monthly progress reports have not been submitted to DEP summarizing the amounts & dates of waste removal, and locations to which the wastes were transported.

Sample Collected? <input type="checkbox"/> YES	Sample Numbers N/A	Analysis N/A
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<input checked="" type="checkbox"/> NO			
Inspector Name Michael Planinsek Waste Mgmt Specialist	Inspector Signature <i>Michael Planinsek</i>	Headquarters Greensburg District Office	Date 12/23/11 Telephone 724-925-5431
Person Interviewed Name	Signature of Person Interviewed	Title	Date Telephone
<p>This document is official notification that a representative of the Department of Environmental Protection inspected the above-mentioned facility. The findings of the inspection are shown above and on any attached pages. Violations discovered as a result of this inspection are indicated. Violations may also be discovered upon examination of the results of laboratory analyses, review of pertinent documents and further investigation. Notification will be forthcoming if such violations are discovered.</p>			

Department of Environmental Protection		GENERAL INSPECTION REPORT		Bureau of Land Recycling and Waste Management	
Type of Inspection Routine	WM Identification Number Client #132083	Entry Time/Date 12/20/11	Exit Time/Date		
Facility/Incident Name and Location Tub Mill Farms Inc.- Illegal waste processing and disposal Springs Rd (SR669) Salisbury, PA 15558 -Tub Mill Farms		Municipality Elk Lick Twp.			
		County Somerset			
Name, Address or Responsible Official Terry Brenneman		Title 814-289-1366			
9325 Mason Dixon Highway Salisbury, PA 15558		Telephone	Interviewed? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		

**REMARKS**

The inspection was conducted to determine compliance with the PA Solid Waste Mgmt Act (Act 97), the Administrative Order of 8/13/02, and the Department's waste mgmt rules & regulations. Present for the inspection was Dave Leiford and myself. The following was observed:

Access was granted via phone by John Oliver.

The site appears to remain abandoned, as there was no equipment/machinery or personnel on site.

The entry ditch has been regraded to allow vehicular access, other earthen berms and ditches remain in place. Piles of ties & poles remain, blocking access routes throughout the site. The access road on the north side of the site has been totally blocked w/ pole pieces.

There appears to be no change in number of poles & pole pieces or RR ties since the 11/3/11 inspection.

The site still consists of 95% poles & pole pieces, numbering in the thousands; and 5% shredded wood waste, RR ties, and pallets. The shredded wood waste pile appears the same as the 11/3/11 inspection.

The following violations of the PA Solid Waste Management Act (Act 97):

A) Section 6018.301.-Operating a residual waste storage, processing, or disposal facility without a permit from the Department.

B) Section 6018.610(1)-Dumping of waste on the ground without a permit from the Department.

C) Section 6018.610(2)-Operating a solid waste storage, processing, and disposal site without a permit from the Department.


D) Section 6018.610(4)-Storage, processing, and disposal of solid waste contrary to Department regulations and in a manner causing a public nuisance and adversely affecting public health, safety, and welfare.

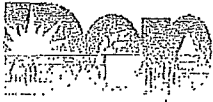
E) Section 6018.610(9)-Causing or assisting in violations of the Act, Department regulations and a Department order.

The following violations of the Department's Administrative Order of 8/13/02 were observed:

Paragraph 2 - L&K/Terry Brenneman shall immediately cease the transportation of all railroad ties, utility poles, and any and all other residual wastes to the Site or any other facility that does not possess a permit from the Department.

The Department collected 5 samples from the following locations: #2571736 - lower mulch pile composite, #2571737 - front mulch pile composite, #2571738 - soil composite below utility poles, #2571739 - soil composite below RR ties, #2571740 - background soil composite - below berm. The samples will be analyzed for SVOA and TCLP/Total Metal (SAC-245).

Sample Collected? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Sample Numbers 2571736-2571740	Analysis SVOA/SAC-245	
Inspector Name Michael Planinsek Waste Mgmt Specialist	Inspector Signature 	Headquarters Greensburg District Office	Date 12/23/11 Telephone 724-925-5431
Person Interviewed Name	Signature of Person Interviewed	Title	Date Telephone
This document is official notification that a representative of the Department of Environmental Protection inspected the above-mentioned facility. The findings of the inspection are shown above and on any attached pages. Violations discovered as a result of this inspection are indicated. Violations may also be discovered upon examination of the results of laboratory analyses, review of pertinent documents and further investigation. Notification will be forthcoming if such violations are discovered.			



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
WASTE MANAGEMENT – SOUTHWEST REGION

Insp ID: \_\_\_\_\_  
Client ID: \_\_\_\_\_  
Enf ID: \_\_\_\_\_

## NOTICE OF VIOLATION

Date of Inspection: 11/3/2011

Municipality: Elk Lick Twp.

Inspector: Mick Planinsek

County: Somerset

Company Name: Ron/Nancy Brenneman

ID No:

Address: 1025 Oakdale Rd

Phone: 814-279-5983

City, State, Zip: Salisbury, PA 15558

Responsible Official: Ron/Nancy Brenneman

Title: owner

Person Interviewed: Gary Wright

Title: worker

### Notice to facility operator:

Attached to this Notice of Violation is a report of an inspection of your facility. It is important that you carefully read the report and respond as requested. The report notes conditions that are violations of the Department's rules and regulations and the Solid Waste Management Act, the Act of July 7, 1980, P.L. 380, *as amended*, 35 P.S. §§ 6018.101—6018.1003 ("SWMA"). The report may also note conditions that may contribute to or develop into violations of the regulations and/or the SWMA and therefore should be addressed.

This Notice of Violation is neither an order nor any other final action of the Department. It neither imposes nor waives any enforcement action available to the Department under any of its statutes. If the Department determines that an enforcement action is appropriate, you will be notified of the action.

Signature by the person interviewed does not necessarily imply concurrence with this Notice of Violation or the attached inspection report, but does acknowledge that the person was shown the report or that a copy was left with that person.

Person Interviewed (signature): Hand Delivered

Date: 11/10/11

Inspector (signature): Michael J. PL

Date: 11/7/11

ATTACHMENT: Inspection Report

<b>Department of Environmental Protection</b>	<b>GENERAL INSPECTION REPORT</b>	<b>Bureau of Land Recycling and Waste Management</b>
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Type of Inspection Routine	WM Identification Number Client #132083	Entry Time/Date 11/3/11	Exit Time/Date
Facility/Incident Name and Location L & K Industries - Illegal waste processing and disposal 1025 Oakdale Rd, Salisbury, PA 15558 (Clearview Farms)		Municipality Elk Lick Twp.	
		County Somerset	
Name, Address or Responsible Official Terry Brenneman/Ron & Nancy Brenneman		Title President, L & K Industries/Property Owners 814-289-1366	
9325 Mason Dixon Highway Salisbury, PA 15558		Telephone	Interviewed? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

**REMARKS**

The inspection was conducted to determine compliance with the PA Solid Waste Mgmt Act (Act 97), the Administrative Order of 8/13/02, and the Department's waste mgmt rules & regulations. DEP Solid Waste Supv. Dave Leiford accompanied me on this inspection. The following was observed:

Activity was observed at the site from off site. We drove up past the sugar shack to the field above the caboose. There we observed Gary Wright sorting poles w/ a grapple, and putting the waste poles on a trailer. Much of the equipment that had been at the Tub Mill site was now at the Clearview site. Gary stated that Terry Brenneman had brought a load of poles onto the site as recently as this week (10/31/11). Two large soil stock piles were observed on the site.

Some activity at the site since the inspection of 4/22/10.

Most of the ties and poles are rotted and in poor condition and do not appear to be useable for landscaping or fence posts. Split pieces and short pieces also do not appear to be useable for landscaping or fence posts.

Several piles of shredded pole & ties remain as they were during the inspection of 4/22/10.

By definition in the Act, storage of waste beyond one year is considered disposal.

The following violations of the 8/13/02 Department Administrative Order were observed:

- 1) Paragraph 2 - L&K/Terry Brenneman shall immediately cease the transportation of all railroad ties, utility poles, and any and all other residual wastes to the Site or any other facility that does not possess a permit from the Department.
- 2) Paragraph 4 - A minimum of 3000 ties or poles/month have not been removed, and all waste materials were not removed from the site by 2/14/04.
- 3) Paragraph 7 - Monthly progress reports have not been submitted to DEP summarizing the amounts & dates of waste removal, and locations to which the wastes were transported.

The following violations of the PA Solid Waste Management Act (Act 97) were observed:

- A) Sec. 6018.301-Operating a residual waste storage, processing, or disposal facility without a permit from the DEP.
- B) Sec. 6018.610.(1)-Dump or deposit, or permit the dumping or depositing of any solid waste onto the ground ...without a permit from the DEP.
- C) Sec. 6018.610.(4)-Store, collect, transport, process, treat, beneficially use or dispose of, or assist in the storage, collection, transportation, processing, treatment, beneficially use or disposal of, solid waste contrary to the rules or regulations adopted under this act, or orders of the department, or any term or any condition of any permit, or in any manner as to create a public nuisance or to adversely affect the public health, safety, and welfare.
- D) Sec. 6018.610.(9)-Cause or assist in the violation of any provision of this act, any rule or regulation of the department, any order of the department or any term or condition of any permit.

Sample Collected? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Sample Numbers N/A	Analysis N/A	
Inspector Name Michael Pianinsek Waste Mgmt Specialist	Inspector Signature <i>Michael D. PHL</i>	Headquarters Greensburg District Office	Date 11/7/11 Telephone 724-925-5431
Person Interviewed Name	Signature of Person Interviewed	Title	Date Telephone

This document is official notification that a representative of the Department of Environmental Protection inspected the above-mentioned facility. The findings of the inspection are shown above and on any attached pages. Violations discovered as a result of this inspection are indicated. Violations may also be discovered upon examination of the results of laboratory analyses, review of pertinent documents and further investigation. Notification will be forthcoming if such violations are discovered.



<b>Department of Environmental Protection</b>	<b>GENERAL INSPECTION REPORT</b>	<b>Bureau of Land Recycling and Waste Management</b>
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Type of Inspection Routine	WM Identification Number Client #132083	Entry Time/Date 11/3/11	Exit Time/Date
Facility/Incident Name and Location Tub Mill Farms Inc.- Illegal waste processing and disposal Springs Rd (SR669) Salisbury, PA 15558 -Tub Mill Farms		Municipality Elk Lick Twp.	
		County Somerset	
Name, Address or Responsible Official Terry Brenneman		Title 814-289-1366	
9325 Mason Dixon Highway Salisbury, PA 15558		Telephone	Interviewed? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
<b>REMARKS</b>			
<p>The inspection was conducted to determine compliance with the PA Solid Waste Mgmt Act (Act 97), the Administrative Order of 8/13/02, and the Department's waste mgmt rules &amp; regulations. Present for the inspection was Dave Leiford and myself. The following was observed:</p> <p>The site appears to have been abandoned, as there was no equipment/machinery or personnel on site. Moat like ditches, as well as earthen berms have been excavated at the entrance to prevent vehicular access. Earthen ditches &amp; berms as well as piles of ties &amp; poles were also observed to be blocking access routes throughout the site. The access road on the north side of the site has been totally blocked w/ pole pieces. An increase of poles &amp; pole pieces was observed since the 5/24/11 inspection. The site still consists of 95% poles &amp; pole pieces, numbering in the thousands; and 5% shredded wood waste, RR ties, and pallets. The shredded wood waste pile appears to have been further reduced since the 5/24/11 inspection.</p> <p>The following violations of the PA Solid Waste Management Act (Act 97):</p> <p>A) Section 6018.301.-Operating a residual waste storage, processing, or disposal facility without a permit from the Department.</p> <p>B) Section 6018.610(1)-Dumping of waste on the ground without a permit from the Department.</p> <p>C) Section 6018.610(2)-Operating a solid waste storage, processing, and disposal site without a permit from the Department.</p> <p>D) Section 6018.610(4)-Storage, processing, and disposal of solid waste contrary to Department regulations and in a manner causing a public nuisance and adversely affecting public health, safety, and welfare.</p> <p>E) Section 6018.610(9)-Causing or assisting in violations of the Act, Department regulations and a Department order.</p> <p>The following violations of the Department's Administrative Order of 8/13/02 were observed:</p> <p>Paragraph 2 - L&amp;K/Terry Brenneman shall immediately cease the transportation of all railroad ties, utility poles, and any and all other residual wastes to the Site or any other facility that does not possess a permit from the Department.</p>			
Sample Collected? <input type="checkbox"/> YES	Sample Numbers N/A	Analysis N/A	

<input checked="" type="checkbox"/> NO			
Inspector Name Michael Planisek Waste Mgmt Specialist	Inspector Signature <i>Michael Planisek</i>	Headquarters Greensburg District Office	Date 11/7/11 Telephone 724-925-5431
Person Interviewed Name	Signature of Person Interviewed	Title	Date Telephone
<p>This document is official notification that a representative of the Department of Environmental Protection inspected the above-mentioned facility. The findings of the inspection are shown above and on any attached pages. Violations discovered as a result of this inspection are indicated. Violations may also be discovered upon examination of the results of laboratory analyses, review of pertinent documents and further investigation. Notification will be forthcoming if such violations are discovered.</p>			



COMMONWEALTH OF PENNSYLVANIA  
 DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 WASTE MANAGEMENT – SOUTHWEST REGION

Insp ID: \_\_\_\_\_  
 Client ID: \_\_\_\_\_  
 Enf ID: \_\_\_\_\_

**NOTICE OF VIOLATION**

Date of Inspection: 5/24/2011

Municipality: Elk Lick Twp.

Inspector: Mick Planinsek

County: Somerset

Company Name: L&K Industries/Tubmill Farms Inc/Terry Brenneman

ID No:

Address: 9325 Mason Dixon Hwy.

Phone: 814-662-2585

City, State, Zip: Salisbury, PA 15558

Responsible Official: Terry Brenneman

Title: owner

Person Interviewed: Gary Wright

Title: worker

Notice to facility operator:

Attached to this Notice of Violation is a report of an inspection of your facility. It is important that you carefully read the report and respond as requested. The report notes conditions that are violations of the Department's rules and regulations and the Solid Waste Management Act, the Act of July 7, 1980, P.L. 380, as amended, 35 P.S. §§ 6018.101—6018.1003 ("SWMA"). The report may also note conditions that may contribute to or develop into violations of the regulations and/or the SWMA and therefore should be addressed.

This Notice of Violation is neither an order nor any other final action of the Department. It neither imposes nor waives any enforcement action available to the Department under any of its statutes. If the Department determines that an enforcement action is appropriate, you will be notified of the action.

Signature by the person interviewed does not necessarily imply concurrence with this Notice of Violation or the attached inspection report, but does acknowledge that the person was shown the report or that a copy was left with that person.

Person Interviewed (signature):

\_\_\_\_\_

Date: \_\_\_\_\_

Inspector (signature)

Michael J. Plinsek

Date: 7/14/11

ATTACHMENT: Inspection Report

<b>Department of Environmental Protection</b>	<b>GENERAL INSPECTION REPORT</b>	<b>Bureau of Land Recycling and Waste Management</b>
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Type of Inspection Routine	WM Identification Number Client #132083	Entry Time/Date 5/24/11	Exit Time/Date
Facility/Incident Name and Location Tub Mill Farms Inc.- Illegal waste processing and disposal Springs Rd (SR669) Sallsbury, PA 15558 -Tub Mill Farms		Municipality Elk Lick Twp.	
		County Somerset	
Name, Address or Responsible Official Terry Brenneman		Title owner 814-289-1366	
9325 Mason Dixon Highway Sallsbury, PA 15558		Telephone	Interviewed? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

**REMARKS**

The inspection was conducted to determine compliance with the PA Solid Waste Mgmt Act (Act 97), the Administrative Order of 8/13/02, and the Department's waste mgmt rules & regulations. The following was observed:

Access for the inspection was granted by Gary Wright.

The site consists of 90 % poles & pole pieces, numbering in the thousands; and 10% shredded wood waste, RR ties, and pallets.

The site appeared much the same as in the inspection of 4/22/10, with no reduction of poles or RR ties.

Operations at the site appear to be some sorting, cutting, stacking, and grinding of poles and ties. (waste processing, storage, and disposal)

A large pile of short pieces 4-6' long, split pieces and rotted pieces was observed, and a large pile of shredded wood waste was observed. The volume of the shredded wood waste pile appeared to be reduced since the previous inspection of 4/22/10.

The following violations of the PA Solid Waste Management Act (Act 97):

A) Section 6018.301.-Operating a residual waste storage, processing, or disposal facility without a permit from the Department.

B) Section 6018.610(1)-Dumping of waste on the ground without a permit from the Department.

C) Section 6018.610(2)-Operating a solid waste storage, processing, and disposal site without a permit from the Department.

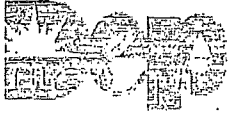
D) Section 6018.610(4)-Storage, processing, and disposal of solid waste contrary to Department regulations and in a manner causing a public nuisance and adversely affecting public health, safety, and welfare.

E) Section 6018.610(9)-Causing or assisting in violations of the Act, Department regulations and a Department order.

The following violations of the Department's Administrative Order of 8/13/02 were observed:

Paragraph 2 - L&K/Terry Brenneman shall immediately cease the transportation of all railroad ties, utility poles, and any and all other residual wastes to the Site or any other facility that does not possess a permit from the Department.

Sample Collected? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Sample Numbers N/A	Analysis N/A	
Inspector Name Michael Planinsek Waste Mgmt Specialist	Inspector Signature <i>Michael D. Planinsek</i>	Headquarters Greensburg District Office	Date 5/24/11 Telephone 724-925-5431
Person Interviewed Name	Signature of Person Interviewed <i>None</i>	Title	Date 7/14/11 Telephone
<p>This document is official notification that a representative of the Department of Environmental Protection inspected the above-mentioned facility. The findings of the inspection are shown above and on any attached pages. Violations discovered as a result of this inspection are indicated. Violations may also be discovered upon examination of the results of laboratory analyses, review of pertinent documents and further investigation. Notification will be forthcoming if such violations are discovered.</p>			



COMMONWEALTH OF PENNSYLVANIA  
 DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 WASTE MANAGEMENT – SOUTHWEST REGION

Insp ID: \_\_\_\_\_

Client ID: \_\_\_\_\_

Enf ID: \_\_\_\_\_

**NOTICE OF VIOLATION**

Date of Inspection: 4/22/10

Municipality: Elk Lick Twp.

Inspector: Michael Planinsek

County: Somerset

Company Name: L&K Industries, Inc.

ID No:

Address: 9325 Mason Dixon Highway

Phone: 814-662-2585

City, State, Zip: Salisbury, PA 15558

Responsible Official: Terry Brenneman

Title:

Person Interviewed: Gary Wright

Title: "

Notice to facility operator:

Attached to this Notice of Violation is a report of an inspection of your facility. It is important that you carefully read the report and respond as requested. The report notes conditions that are violations of the Department's rules and regulations and the Solid Waste Management Act, the Act of July 7, 1980, P.L. 380, *as amended*, 35 P.S. §§ 6018.101—6018.1003 ("SWMA"). The report may also note conditions that may contribute to or develop into violations of the regulations and/or the SWMA and therefore should be addressed.

This Notice of Violation is neither an order nor any other final action of the Department. It neither imposes nor waives any enforcement action available to the Department under any of its statutes. If the Department determines that an enforcement action is appropriate, you will be notified of the action.

Signature by the person interviewed does not necessarily imply concurrence with this Notice of Violation or the attached inspection report, but does acknowledge that the person was shown the report or that a copy was left with that person.

Person Interviewed (signature):

Michael Planinsek

Date:

5/11/10

Inspector (signature)

Michael Planinsek

Date:

5/11/10

ATTACHMENT: Inspection Report

Department of Environmental Protection	GENERAL INSPECTION REPORT	Bureau of Land Recycling and Waste Management
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Type of Inspection Routine	WM Identification Number Client #132083	Entry Time/Date 4/22/10	Exit Time/Date
Facility/Incident Name and Location L & K Industries - Illegal waste processing and disposal Springs Rd (SR669) Salisbury, PA 15558 -Tub Mill Farms		Municipality Elk Lick Twp.	
		County Somerset	
Name, Address or Responsible Official Terry Brenneman		Title President, L & K Industries 814-289-1366	
9325 Mason Dixon Highway Salisbury, PA 15558		Telephone	Interviewed? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

## REMARKS

The inspection was conducted to determine compliance with the PA Solid Waste Mgmt Act (Act 97), the Administrative Order of 8/13/02, and the Department's waste mgmt rules & regulations. DEP Solid Waste Supv. Dave Leiford accompanied me on this inspection. The following was observed:

Access for the inspection was granted by Gary Wright.

The site consists of 90 % poles & pole pieces, numbering in the thousands; and 10% shredded wood waste, RR ties, and pallets.

The site appeared much the same as in the inspection of 6/10/09, although it was difficult to compare do to the volume of the poles on site and the brief observations of 6/10/09 because we were denied access.

Operations at the site appear to be some sorting, cutting, stacking, and grinding of poles and ties. (waste processing, storage, and disposal)

A large pile of short pieces 4-6' long, split pieces and rotted pieces was observed, and a large pile of shredded wood waste was observed.

During the inspection we observed a customer in a pick-up truck leaving w/ poles cut to 8' length to be used as fence posts.

The following violations of the PA Solid Waste Management Act (Act 97):

- A) Section 6018.301.-Operating a residual waste storage, processing, or disposal facility without a permit from the Department.
- B) Section 6018.610(1)-Dumping of waste on the ground without a permit from the Department.
- C) Section 6018.610(2)-Operating a solid waste storage, processing, and disposal site without a permit from the Department.
- D) Section 6018.610(4)-Storage, processing, and disposal of solid waste contrary to Department regulations and in a manner causing a public nuisance and adversely affecting public health, safety, and welfare.
- E) Section 6018.610(9)-Causing or assisting in violations of the Act, Department regulations and a Department order.

The following violations of the Department's Administrative Order of 8/13/02 were observed:  
 Paragraph 2 - L&K shall immediately cease the transportation of all railroad ties, utility poles, and any and all other residual wastes to the Site or any other facility that does not possess a permit from the Department.

Sample Collected? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Sample Numbers N/A	Analysis N/A	
Inspector Name Michael Planinsek Waste Mgmt Specialist	Inspector Signature <i>Michael D. PLL</i>	Headquarters Greensburg District Office	Date 4/26/10 Telephone 724-925-5431
Person Interviewed Name <i>Gary Wright</i>	Signature of Person Interviewed <i>mailed</i>	Title	Date <i>5/17/10</i> Telephone

This document is official notification that a representative of the Department of Environmental Protection inspected the above-mentioned facility. The findings of the inspection are shown above and on any attached pages. Violations discovered as a result of this inspection are indicated. Violations may also be discovered upon examination of the results of laboratory analyses, review of pertinent documents and further investigation. Notification will be forthcoming if such violations are discovered.



Department of Environmental Protection	<b>GENERAL INSPECTION REPORT</b>	Bureau of Land Recycling and Waste Management
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Type of Inspection Routine	WM Identification Number Client #132083	Entry Time/Date 4/22/10	Exit Time/Date
Facility/Incident Name and Location L & K Industries - Illegal waste processing and disposal 1025 Oakdale Rd, Salisbury, PA 15558 (Clearview Farms)		Municipality Elk Lick Twp.	
		County Somerset	
Name, Address or Responsible Official Terry Brenneman		Title President, L & K Industries 814-289-1366	
9325 Mason Dixon Highway Salisbury, PA 15558		Telephone	Interviewed? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

**REMARKS**

The inspection was conducted to determine compliance with the PA Solid Waste Mgmt Act (Act 97), the Administrative Order of 8/13/02, and the Department's waste mgmt rules & regulations. DEP Solid Waste Supv. Dave Leiford accompanied me on this inspection. The following was observed:

The inspection was self-guided as no one was at the site during the inspection.

Some activity at the site since the inspection of 6/10/09.

Most of the ties and poles are rotted and in poor condition and do not appear to be useable for landscaping or fence posts. Split pieces and short pieces also do not appear to be useable for landscaping or fence posts.

Several piles of shredded pole & ties remain as they were during the inspection of 6/10/09

By definition in the Act, storage of waste beyond one year is considered disposal.

The following violations of the 8/13/02 Department Administrative Order were observed:

- 1) Paragraph 4 - A minimum of 3000 ties or poles/month have not been removed, and all waste materials were not removed from the site by 2/14/04.
- 2) Paragraph 7 - Monthly progress reports have not been submitted to DEP summarizing the amounts & dates of waste removal, and locations to which the wastes were transported.

Sample Collected? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Sample Numbers N/A	Analysis N/A	
Inspector Name Michael Planinsek Waste Mgmt Specialist	Inspector Signature	Headquarters Greensburg District Office	Date 4/26/10 Telephone 724-925-5431
Person Interviewed Name	Signature of Person Interviewed <i>mailed</i>	Title	Date 5/11/10 Telephone

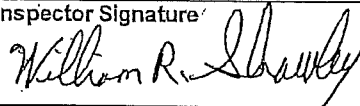
This document is official notification that a representative of the Department of Environmental Protection inspected the above-mentioned facility. The findings of the inspection are shown above and on any attached pages. Violations discovered as a result of this inspection are indicated. Violations may also be discovered upon examination of the results of laboratory analyses, review of pertinent documents and further investigation. Notification will be forthcoming if such violations are discovered.

<b>Department of Environmental Protection</b>	<b>GENERAL INSPECTION REPORT</b>	<b>Bureau of Land Recycling and Waste Management</b>
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Inspection ID # 1804181			
Type of Inspection Complaint # 263683	WM Identification Number Client 132083	Entry Time/Date 1000 hrs 6/10/09	Exit Time/Date 1240 hrs 6/10/09
Facility/Incident Name and Location L & K Industries – Illegal waste processing and disposal 1025 Oakdale Road (Clearview Farms)		Municipality Elk Lick Twp.	
Name, Address or Responsible Official Terry Brenneman		County Somerset	
9325 Mason Dixon Highway Salisbury PA 15558		Telephone 814-662-2585	Interviewed? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

**REMARKS**

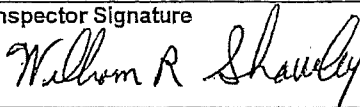
- 1) This inspection performed to determine compliance with the PA Solid Waste Management Act, the Administrative Order of 8/13/02 and the Department's waste management rules and regulations; DEP Solid Waste Specialist Mick Planinsek accompanied me on this inspection.
- 2) Ron Brenneman, the property owner of Clearview Farms, was present during this inspection; Ron's son, Terry Brenneman was not present, but called Ron during the inspection.
- 3) Some poles and ties have been removed, but most have been dumped in the same spot for 4 years.
- 4) Most of the remaining ties and poles are rotted, split pieces, or are short pieces less than 4 feet long that do not appear to be useable for landscaping or fence posts.
- 5) Pieces of waste plywood that were dumped on the ground 4 years ago are still in the same location.
- 6) Several piles of shredded poles and ties dumped 4 years ago are still in the same location.
- 7) By definition in the Act, storage of waste longer than one year is considered to be disposal.
- 8) The following violations of the 8/13/02 Department Administrative Order were observed:
  - A) Paragraph 4 – A minimum of 3000 ties or poles per month have not been removed and all waste materials were not removed from the site by Feb. 13, 2004,
  - B) Paragraph 7 – Monthly progress reports have not been submitted to DEP summarizing the amounts and dates of waste removal, and the sites to which the wastes were transported.

Inspector Name William R. Shawley Solid Waste Specialist	Inspector Signature 	Headquarters Cambria District Office 286 Industrial Park Rd. Ebensburg, PA 15931	Date 6/10/09 Telephone (814) 472-1928 (814) 472-1861 FAX
Person Interviewed Name Ron Brenneman	Signature of Person Interviewed Copy Mailed	Title Property Owner	Date 6/10/09 Telephone 814-662-2896

This inspection report is notice of the findings of an inspection conducted by a representative of the Department. This report is formal notification of any violations observed during the inspection. Additional notification of violations may be issued concerning either violations noted herein, or other violations identified as a result of review of laboratory analyses or Department records. This report does not constitute an order or other appealable action of the Department. Nothing contained herein shall be deemed to grant or imply immunity from legal action for any violation noted herein.

Signature by the person interviewed does not necessarily imply concurrence with the findings on this report, but does acknowledge that the person was shown the report or that a copy was left with the person.

**COPIES:** 1) Terry Brenneman 2) DEP Pittsburgh 3) DEP Ebensburg 4) Elk Lick Twp. 5) Ron Brenneman

Department of Environmental Protection		GENERAL INSPECTION REPORT		Bureau of Land Recycling and Waste Management	
Inspection ID # 1804181					
Type of Inspection Complaint # 263683		WM Identification Number Client 132083		Entry Time/Date 1325 hrs 6/10/09	Exit Time/Date 1340 hrs 6/10/09
Facility/Incident Name and Location L & K Industries – Illegal waste storage, processing and disposal Springs Road (Rte 669) (Tub Mill Farms)				Municipality Elk Lick Twp.	
				County Somerset	
Name, Address or Responsible Official Terry Brenneman				Title President, L & K Industries 814-289-1366 cell	
9325 Mason Dixon Highway Salisbury PA 15558				Telephone 814-662-2585	Interviewed? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
<b>REMARKS</b>					
<p>9) The L &amp; K Industries inspection was continued at the Tub Mill Farms facility where Terry moved most of his processing operations about mid 2003; Ron Brenneman did not follow us to this site.</p> <p>10) Terry Brenneman, the property owner, was not present during this inspection; when Mick and I approached the grapple operator at the far end of the site, he told us to leave the property immediately.</p> <p>11) We attempted to contact Terry by phone, but were unable to speak to him, so we left the site.</p> <p>12) A large number of used poles and ties were observed on the property; operations at the site appear to be sorting, cutting, stacking and grinding of poles and ties (waste processing, storage, and disposal).</p> <p>13) A large pile of short pieces less than 4 feet long, split pieces and rotted pieces was observed, and a large pile of shredded poles and ties was also observed.</p> <p>14) The following violations of the PA Solid Waste Management were determined at the 2 sites:</p> <p>A) Section 6018.610 (1) Dumping of wastes on the ground without a permit from the Department;</p> <p>B) Section 6018.610 (2) Operating a solid waste storage, processing and disposal site without a permit from the Department;</p> <p>C) Section 6018.610 (4) Storage, processing and disposal of solid waste contrary to Department regulations and in a manner causing a public nuisance and adversely affecting public health, safety, and welfare;</p> <p>D) Section 6018.610 (7) Refusing access to employees of the Department in performance of their duties, thereby preventing a complete inspection of the Tub Mill facility;</p> <p>E) Section 6018.610 (9) Causing or assisting in violations of the Act, Department regulations and a Department Order.</p>					
Inspector Name William R. Shawley Solid Waste Specialist		Inspector Signature 		Headquarters Cambria District Office 286 Industrial Park Rd. Ebensburg PA 15931	Date 6/10/09 Telephone (814) 472-1928 (814) 472-1861 FAX
Person Interviewed Name		Signature of Person Interviewed Copy mailed to Terry Brenneman		Title President, L & K Industries	Date 6/10/09 Telephone 814-662-2585
<p>This inspection report is notice of the findings of an inspection conducted by a representative of the Department. This report is formal notification of any violations observed during the inspection. Additional notification of violations may be issued concerning either violations noted herein, or other violations identified as a result of review of laboratory analyses or Department records. This report does not constitute an order or other appealable action of the Department. Nothing contained herein shall be deemed to grant or imply immunity from legal action for any violation noted herein.</p> <p>Signature by the person interviewed does not necessarily imply concurrence with the findings on this report, but does acknowledge that the person was shown the report or that a copy was left with the person.</p>					
COPIES: 1) Terry Brenneman 2) DEP Pittsburgh 3) DEP Ebensburg 4) Elk Lick Twp. 5) Ron Brenneman					

Department of Environmental Protection	GENERAL INSPECTION REPORT	Waste Management Field Operations
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Type of Inspection Follow-Up	WM Identification Number Client 132083	Entry Time/Date 3-18-05 1230hr	EFACTS # 1435998
Facility/Incident Name and Location L & K Industries - Illegal waste storage, processing & disposal 1025 Oakdale Road (Clearview Farms)			Municipality Elk Lick Twp County Somerset

Name, Address or Responsible Official Terry L. Brenneman 9325 Mason Dixon Highway Salisbury PA 15558	Title President, L & K Industries Telephone 814-662-2585 DOB Interviewed? YES <input type="radio"/> NO <input checked="" type="radio"/> SSN
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**REMARKS**

- 1) Inspection conducted to determine compliance with Dept. regulations and the Department Administrative Order of 8-13-02.
- 2) A large number of used poles and ties are still dumped on the ground in the same locations where they were deposited several years ago.
- 3) A large volume of used utility poles and pieces of utility poles has been hauled into the site and dumped on the ground since the inspection of 6-3-04.
- 4) Much of the waste material dumped on the site consists of short pieces, split pieces and rotted pieces that are not reusable.
- 5) This site is being operated in violation of the 8-13-02 Dept. Administrative Order:
  - a) Paragraph 2 - waste ties and poles are continuing to be transported to the site and dumped on the ground
  - b) Paragraph 4 - All waste materials have not been removed by Feb. 13, 2004.
  - c) Paragraph 7 - Monthly progress reports have not been submitted since March, 2003.
- 6) A tub grinder has been used to grind up waste railroad ties and utility poles; ground up waste is being stored in several piles and spread on the ground.

**VIOLATIONS of PA Solid Waste Mgmt Act. §6018.610 (1) Dumping waste on the ground**  
 §6018.610 (2) Operating a residual waste storage, processing, and disposal site without a permit  
 §6018.610(4)(g) Causing or assisting in violations of the Act, Dept regulation, and a Dept order.  
 §6018.610 (6) Causing or assisting in transportation of wastes to an unpermitted site.

Sample Collected? YES NO	Sample Numbers	Analyses
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Inspector Name William R. Shawley	Inspector Signature <i>William R. Shawley</i>	Headquarters Cambria Office Ebensburg	Date 3-18-05 Telephone 814-472-1928
Person Interviewed Name No one on site	Signature of Person Interviewed Copy Mailed	Title	Date Telephone

This document is official notification that a representative of the Department of Environmental Resources inspected the above mentioned facility. The findings of the inspection are shown above and on any attached pages. Violations discovered as a result of this inspection are indicated. Violations may also be discovered upon examination of the results of laboratory analyses, review of pertinent documents and further investigation. Notification will be forthcoming if such violations are discovered.

COPIES: ① Terry Brenneman ② DEP - A. Hsburgh ③ DEP - EBensburg  
 ④ Ron Brenneman ⑤ Elk Lick Twp ⑥ DEP - Lasitis

Page 1 of 1

Department of Environmental Protection	GENERAL INSPECTION REPORT	Waste Management Field Operations
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Type of Inspection Follow up	WM Identification Number Client # 161754 (ISER SITE)	Entry Time/Date 1200hr 3-18-05	eFACTs # 1436000
Facility/Incident Name and Location L and K Industries - Illegal waste storage, processing & disposal		Municipality Eiklick Twp	
North west side of Rte 669 about 1 mile southwest of Salisbury		County Somerset	

Name, Address or Responsible Official Terry L. Brenneman	Title President, L & K Ind	Telephone 814-662-2585
9325 Mason Dixon Highway	DOB	Interviewed? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Salisbury PA 15558	SSN	

**REMARKS**

- 1) Inspection was conducted to determine compliance with Dept. regulations and Dept Order of Aug 13, 2002.
- 2) Used railroad ties and utility poles are being dumped, stored, processed and disposed of at this site without a permit from the Dept.
- 3) Paragraph 2 of the 8-13-05 Dept Order requires L & K to immediately cease transporting railroad ties utility poles and any other residual waste to any facility that does not have a permit from the Dept.
- 4) A large number of utility poles have been dumped on the site since last year; much of the waste material dumped on the site consists of short pieces, split pieces, and parts of poles and ties with hardware still attached.
- 5) Several piles of ground up poles were located on the site and ground up pole material was also spread out over the haul road to dry up the mud and provide better traction.

**VIOLATIONS** PA Solid Waste Mgmt Act §6018.610 (6) Transportation to unpermitted site.

- § 6018.610 (1) Dumping of waste on the ground without a permit from the Dept.
- § 6018.610 (2) Operating a residual waste storage, processing, and disposal site w/o permit.
- § 6018.610 (4)(9) Causing or assisting in violations of the Act, Dept regulations and Dept Order.

Sample Collected? YES NO	Sample Numbers	Analyses
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Inspector Name William R Shawley	Inspector Signature <i>William R Shawley</i>	Headquarters Cambria office Ebensburg	Date 3-18-05
Person Interviewed Name No One on site	Signature of Person Interviewed Copy Mailed	Title	Telephone 814-472-1928
			Date
			Telephone

This document is official notification that a representative of the Department of Environmental Resources inspected the above mentioned facility. The findings of the inspection are shown above and on any attached pages. Violations discovered as a result of this inspection are indicated. Violations may also be discovered upon examination of the results of laboratory analyses, review of pertinent documents and further investigation. Notification will be forthcoming if such violations are discovered.

COPIES: ① Terry Brenneman ② DEP-Pittsburgh ③ DEP-Ebensburg  
④ EIK LICK TWP ⑤ DEP-BMA-Tony Mariani ⑥ DEP-P&T Lasiter

Department of Environmental Protection	<b>GENERAL INSPECTION REPORT</b>	Waste Management Field Operations
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Type of Inspection Follow Up	WM Identification Number Client # 13 2083	Entry Time/Date 6-3-04 1240	eFACTS # 1342920
Facility/Incident Name and Location L & K Industries 1055 Oakdale Rd (Clear View Farms)		Municipality EIK Lick Twp	County Somerset

Name, Address or Responsible Official Terry L. Breneman 9335 Mason Dixon Highway Salisbury PA 15558	Title Pres. L & K Telephone 814-662-2585 DOB Interviewed? YES <input type="radio"/> NO <input checked="" type="radio"/> SSN
--	--

**REMARKS**

- 1) Inspection was conducted to determine progress in removing railroad ties, utility poles, and debris from the site as directed in the 8-13-02 Admin. Order.
- 2) Some utility poles and railroad ties appear to have been removed but more utility poles, pieces, butt ends etc have been hauled in.
- 3) A tub grinder was on the site and several piles of shredded poles were observed.
- 4) A large number of railroad ties are still on the site in old piles.
- 5) Many of the piles still on site are composed mostly of short pieces, split pieces and rotted debris.
- 6) Paragraph 4 of the Administrative Order required all wastes to be removed by 2-15-04.
- 7) Paragraph 3 of the Administrative Order directs L & K to cease transporting ties, utility poles and any residual waste to this site or any site without a permit from Department.
- 8) Paragraph 7 of Order directs L & K to submit monthly reports to the Department summarizing the number of ties, poles, and debris removed from the site by the date and sites to which they were transported.

- VIOLATIONS** of Solid Waste Mgmt Act. § 6018.610 (6) transporting RW to unpermitted site
- § 6018.610 (1) Illegal dumping of wastes on the ground
- § 6018.610 (2) Operating a residual waste storage & processing site without a permit
- § 6018.610 (4)(9) Causing or assisting in violations of the Act and a Dept. Order

Sample Collected? YES NO	Sample Numbers	Analyses
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Inspector Name William R. Shawley	Inspector Signature William R. Shawley	Headquarters Cambria Office Ebensburg	Date 6-3-04 Telephone 814-472-1928
Person Interviewed Name No One on Site	Signature of Person Interviewed Copy Mailed	Title	Date Telephone

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- COPIES: (1) Terry Breneman (2) DEP - Altoona (3) DEP - Ebensburg  
(4) EIK Lick Twp.

Department of Environmental Protection	GENERAL INSPECTION REPORT	Waste Management Field Operations
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Type of Inspection Follow Up	WM Identification Number Client #132083	Entry Time/Date 2-26-04 10:30 hrs	E-Facts ID # 1313442
Facility/Incident Name and Location L & K Industries			Municipality EIK Lick Twp
1025 Oakdale Rd (Clear View Farms)		Site # 517543	County Somerset

Name, Address or Responsible Official Terry L. Brenneman	Title President L and K. Industries
9325 Mason Dixon Highway	Telephone 814-662-2585
Salisbury PA 15558	Interviewed? <input checked="" type="radio"/> YES <input type="radio"/> NO
	DOB
	SSN

**REMARKS**

- 1) Inspection conducted to determine progress in removing railroad ties, utility poles, and debris from site and compliance with 8-13-02 DEP Administrative Order.
- 2) During a public auction held on 10-25-03, most of the ties and poles were reported to have been sold.
- 3) Some of ties and poles have been hauled off site for reuse but of the reusable ties and poles are still on site and nearly all of the debris including butts, split, and rotten pieces are still on site.
- 4) Ice and snow on the site this winter have hindered sorting and loading operations during the last 3 months.
- 5) Paragraph 4 of the Admin. Order requires all wastes to be removed from the site by February 15, 2004.
- 6) Paragraph 7 of the Admin Order requires monthly reports to be sent to DEP summarizing all ties poles and wastes removed from the site listing the date and name of the site to which they were transferred, and updating the total site inventory.

**VIOLATIONS** Solid Waste Mgmt Act.

§ 6018, 610 (1) Illegal disposal of waste (storage longer than 1 yr is considered disposal)

§ 6018, 610 (2) Operating an residual waste storage & processing site without a permit.

§ 6018, 610 (4), (9) Causing or assisting in violations of Dept regulations and a Dept. Order.

Sample Collected? YES NO	Sample Numbers	Analyses
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Inspector Name William R. Shawley	Inspector Signature <i>William R Shawley</i>	Headquarters Cambria Office Ebensburg	Date 2-26-04 Telephone 814-472-1928
Person Interviewed Name No one on site	Signature of Person Interviewed copy mailed	Title	Date
			Telephone

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COPIES: (1) Terry Brenneman (2) DEP-Pittsburgh (3) DEP-Ebensburg

Department of Environmental Protection	GENERAL INSPECTION REPORT	Waste Management Field Operations
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Type of Inspection Follow up	RM Identification Number Client # 132083	Entry Time/Date 11-26-03 1500hrs	E-facts ID # 1292469
Facility/Incident Name and Location L & K Industries site 517.543			Municipality EIK Lick Twp
1025 Oakdale Rd (Clear View Farms) Salisbury PA			County Somerset

Name, Address or Responsible Official Terry L. Brenneman 9325 Mason Dixon Highway Salisbury PA 15558	Title President L and K Industries Telephone 814-662-2585 DOB SSN	Interviewed? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
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**REMARKS**

- 1) Inspection conducted to determine progress in removing railroad ties, utility poles and debris from the site and compliance with the 8-13-02 Administrative Order from the Department.
- 2) A public auction was held on Oct, 25, 2003 at Clear View Farms.
- 3) Piles of ties and poles were numbered and inventoried for the auction; a large number of the ties and poles were sold for reuse as landscape timbers, fence posts, light poles, etc.
- 4) Ties and poles are in the process of being hauled off site by L&K and other haulers who are transporting them to the buyers.
- 5) Some of the ties and poles are being cleaned and sorted as they are being loaded; there is no indication that rejects and debris are being hauled out.
- 6) With all the activity at this site it is difficult to determine if any ties or poles are being hauled into the site. Paragraph 4.
- 7) Many ties and poles still remain on the site. (Removal deadline is 2-15-04)
- 8) Monthly reports are not being sent to DEP as required by Paragraph 7. of the Order.

**VIOLATIONS** Solid Waste Management Act

§ 6018.610 (1)(4) Illegal disposal of residual waste without a permit

6018.610 (2) operating a residual waste storage and processing site w/o permit

6018.610 (9) Causing or assisting in violations of Dept regulations and the Dept Order.

Sample Collected? YES NO	Sample Numbers	Analyses
Inspector Name William R. Shawley		Inspector Signature <i>William R Shawley</i>
Person Interviewed Name No one on site		Signature of Person Interviewed Copy mailed
Headquarters Cambria Office Ebensburg		Date 11-26-03 Telephone 814-472-1928
Title		Date
Telephone		

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Department of Environmental Protection	GENERAL INSPECTION REPORT	Waste Management Field Operations
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Type of Inspection	NY Identification Number	Entry Time/Date 9-3-03	E-facts ID #
Facility/Incident Name and Location			Municipality
			County

Name, Address or Responsible Official	Title	Telephone	Interviewed? YES NO
			SSN

**REMARKS**

2) Orange box loaded on trailer with PA plate # XY-23924 sitting next to maintenance garage at Clear View Farm.

3) Photos were taken of the poles along Oakdale Rd. at 2 locations and the trailer parked at the maintenance garage.

**VIOLATIONS**

Sample Collected? YES NO	Sample Numbers	Analyses
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Inspector Name	Inspector Signature	Headquarters	Date
			Telephone
Person Interviewed Name	Signature of Person Interviewed	Title	Date
			Telephone

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Department of Environmental Protection	GENERAL INSPECTION REPORT	Waste Management Field Operations
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Type of Inspection Follow Up	WM Identification Number Crent 132083	Entry Time/Date 8-21-03 1030	E-facts ID # 1262972
Facility/Incident Name and Location L and K Industries - Utility Pole Storage Site Chessie Rail Yard on South Center Ave.			Municipality Somerset Twp County Somerset

Name, Address or Responsible Official Terry Brenneman 9325 Mason Dixon Highway Salisbury PA 15558	Title President, L & K Industries	Telephone 814-662-2585	Interviewed? YES <input type="radio"/> NO <input checked="" type="radio"/>
	DOB	SSN	

**REMARKS**

- 1) Inspection was conducted to verify complaints of residual waste processing without a permit.
- 2) Four trailers were parked on the site;
  - PA License # XY-23924 w Orange Box
  - PA License # XY-23923 w Orange Box
  - MAINE License # A-406261 Flat bed with pipe sides no load on trailer
  - No Plate Flat bed about half loaded with poles & pieces.
- 3) A pile of utility poles about 500' long and about 10' high was stockpiled at the site; a few poles were also scattered around the site.
- 4) Condition #2 of the 8-13-02 Administrative Order from the Dept orders L & K to immediately cease transporting railroad ties, and utility poles to any site or facility that does not have a permit from the Department.

§ 6018, 610 (4) Violating conditions of a Dept Order.

**VIOLATIONS of Solid Waste Mgmt Act**

- § 6018, 610 (2) operating a residual waste storage and processing site without a permit.
- § 6018, 610 (6) Transporting waste to an unpermitted facility.

Sample Collected? YES NO	Sample Numbers	Analyses
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Inspector Name William R. Shawley	Inspector Signature <i>William R. Shawley</i>	Headquarters Cambria office Ebensburg	Date 8-21-03 Telephone 814-472-1928
Person Interviewed Name No one on site	Signature of Person Interviewed copy - Mailed to Terry Brenneman	Title operator L & K.	Date Telephone

This document is official notification that a representative of the Department of Environmental Resources inspected the above mentioned facility. The findings of the inspection are shown above and on any attached pages. Violations discovered as a result of this inspection are indicated. Violations may also be discovered upon examination of the results of laboratory analyses, review of pertinent documents and further investigation. Notification will be forthcoming if such violations are discovered.

COPIES: ① Terry Brenneman ② DEP - Pittsburgh ③ DEP - Ebensburg ④ Somerset Twp.

Department of Environmental Protection	GENERAL INSPECTION REPORT	Waste Management Field Operations
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Type of Inspection Follow-up	WM Identification Number Client # 132083	Entry Time/Date 8-5-03 1015	E-facts ID # 1262978
Facility/Incident Name and Location L & K Industries Site 517543		Municipality Eik Lick Twp	
1025 Oakdale Rd (Clearview Farms) Salisbury		County Somerset	

Name, Address or Responsible Official Terry L. Brenneman 9325 Mason Dixon Highway Salisbury PA 15558	Title President (L & K Industries) Telephone 814-662-2585 DOB Date of Birth? YES SSN NO
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**REMARKS**

- 1) Inspection conducted to determine progress & compliance with 8-13-02 Admin Order.
- 2) Dave Leiford accompanied this inspector during the inspection.
- 3) An inspection of the rail yard in Somerset was also done at 9:00 AM.
- 4) Five gondola rail cars were parked on a siding next to a pile of utility poles; a boom truck with a load of utility poles was parked next to the rail cars. This truck <sup>was</sup> bearing the name L & K Industries, Salisbury PA.
- 5) Three of the cars were loaded with sawed off utility poles; two of the cars were empty except for a few short pole pieces.
- 6) At the Clearview Farms site more utility poles were stacked at the roadside pulloff below the farm. New piles of sawed off pole pieces were also observed on the site in about 4 places, including:
  - ① the area near the farm buildings
  - ② on the hill near the railroad tie pile with the tree stand
  - ③ on the hill above the pile of waste plywood from the furniture plant
  - ④ on the edge of the hill beyond the mulch piles

**VIOLATIONS of Act 97 Solid Waste Mgmt Act.**

§ 6018.610 (4)(9) Violation of the 8-13-02 Admin order

§ 6018.610 (2) operating a residual waste processing facility without a permit

§ 6018.610 (6) Transporting waste to an unpermitted facility (in Somerset)

Sample Collected? YES NO	Sample Numbers	Analyses
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Inspector Name William R. Shawley	Inspector Signature William R. Shawley	Headquarters Cambria Office Ebensburg	Date 8-5-03 Telephone 814-472-1928
Person Interviewed Name Terry Brenneman	Signature of Person Interviewed Copy Mailed	Title President L & K	Date Telephone 814-662-2585

This document is official notification that a representative of the Department of Environmental Resources inspected the above mentioned facility. The findings of the inspection are shown above and on any attached pages. Violations discovered as a result of this inspection are indicated. Violations may also be discovered upon examination of the results of laboratory analyses, review of pertinent documents and further investigation. Notification will be forthcoming if such violations are discovered.

COPIES: ① Terry Brenneman ② DEP-Pittsburgh ③ DEP-Ebensburg  
④ Eik Lick Twp

Facility/Incident Name and Location L & K Industries - 1025 Oakdale Road (Clear View Farms) Salisbury PA	Municipality EIK Sick Top County Somerset
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**ADDITIONAL REMARKS**

- 7) Tub grinder has been used during the last several months to grind utility poles and railroad ties.
- 8) Terry Breneman stated that a company named "Railworks" was accepting ground up ties and poles for disposal.
- 9) New piles of ground up ties and/or poles were observed on the site at the bottom of the hill and also at the top of the hill.
- 10) Terry also stated that poles were to be shipped to the Lancaster County Solid Waste Authority for incineration; this facility could take <sup>white</sup> pieces under 8' in length.
- 11) Terry was advised that condition 1. of the 8-13-02 Administrative Order orders L & K to cease acceptance of any additional waste ties, poles, or any other wastes at the Clear View Farms site.
- 12) Terry was also advised that condition 2. of the Administrative Order orders L & K to cease transporting waste ties and utility poles to any unpermitted facility except for sale or reuse.
- 13) Condition 7. of the Administrative Order requires L & K to submit monthly reports to the Department summarizing the number of ties, poles, and other wastes removed from the site by date, and the sites to which they were transported and disposed (or reused).
- 14) No reports have been received since the March, 2003, report was received on April 24, 2003.
- 15) Condition 4. of the Administrative Order requires all ties and poles to be removed from the Clearview Farms site no later than 18 months after the date of the order unless a permit is obtained for the site; this deadline date is Feb 13, 2004.
- 16) No significant reduction in the number of ties and poles on site is apparent.
- 17) Very little of the unuseable ties and poles on site appear to have been removed; receipts submitted in monthly reports thus far have been mostly for sale of reuseable ties and poles.

Inspector Name William R. Shawley	Inspector Signature William R. Shawley	Date 8-5-03
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Department of Environmental Protection	GENERAL INSPECTION REPORT	Waste Management Field Operations
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Type of Inspection Followup	WM Identification Number Client 132083	Entry Time/Date 5-8-03 1200	E-facts ID #
Facility/Incident Name and Location L & K Industries Site			Municipality Eik Lick Twp
1025 Oakdale Rd (Clear View Farms) Salisbury PA			County Somerset

Name, Address or Responsible Official Terry L Brenneman	Title Resident & Owner (L & K Inc.)
9325 Mason Dixon Highway	Telephone 814-662-2585
Salisbury PA 15558	Interviewed? YES <input type="radio"/> NO <input checked="" type="radio"/>
	DOB
	SSN

**REMARKS** weather - 65° Partly cloudy. Ground is wet from morning rain.

- 1) Inspection conducted to determine progress removing railroad ties and utility poles from the site according to the 5-13-02 Administrative order.
- 2) No activity was observed at the site during this inspection.
- 3) Some ties and poles have been moved around; many piles of various sizes at the site make it nearly impossible to tell if ties and poles are being added or removed from the site.
- 4) Paragraph 4 of the 5-13-02 Administrative Order requires all ties, poles, and residual wastes to be removed by 2-13-04.
- 5) On farm composting activity is also located on the hilltop immediately adjacent to the ties and poles.
- 6) In a field at the very top of the site, shredded packaging, including paper, plastic, and glass was observed in composting windrows. The material contained paper cartons from Captain Morgan Malt liquor that is being hauled to the site.
- 7) About 190 pallets of malt liquor are stored on the ground near

**VIOLATIONS** Act 27 Solid Waste Mgmt Act

§ 6018.610 (1) Unlawful dumping of waste without a permit

§ 6018.610 (2) Unlawful storage, processing, and disposal without a permit.

§ 6018.610 (4)(a) Causing or assisting in causing a public nuisance.

Sample Collected? YES NO	Sample Numbers	Analyses
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Inspector Name William Shawley	Inspector Signature William R Shawley	Headquarters Cambria Office	Date 5-8-03
Person Interviewed Name Marc Valentine and Lisa Brenneman	Signature of Person Interviewed copy mailed	Title	Telephone 814-472-1928
			Date
			Telephone

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COPIES ① Valentine ⑤ Lisa Brenneman ③ DEP - P.H.S  
④ DEP - EBent ⑥ Eik Lick Twp. ⑦ Satellite Logistics

Facility/Incident Name and Location Iser Inc. (Clear View Farms), 1025 Oakdale Rd., Salisbury MA	Municipality Eik Lock Twp County Somerset
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**ADDITIONAL REMARKS**

7) (Continued) a gray shed at the bottom of the hill.

8) The remaining pallets of malt liquor are stored across the road (Oakdale Road), on the ground which is being leased by Marc Valentine from Ron Brenneman, the owner of Clear View Farms, and in a building owned by Terry Brenneman.

9) Marc informed me that a batch of about 1000 cases was fed through the tub grinder. The beer was dumped into several storage tanks on the site. Some of which was added to sawdust and placed in compost rows.

10) Marc originally denied that any waste was dumped on the ground until I found the compost windrows.

11) As noted in the inspections of 8-6-02 and 9-25-02 for the Iser site, composting of any off site materials or wastes requires a permit from the Department.

12) Storage, processing, and disposal of waste also requires a permit from the Department.

13) A compliance order was served to Marc Valentine during this inspection which required him to immediately cease accepting wastes at the site and to remove all the wastes now dumped at this site within 14 days and properly dispose of them.

14) Marc informed me that Iser Resource and Procurement was not his company (Iser, Inc.) and that I.R.P. belonged to Lisa Brenneman and he was acting as an employee of that company when the arrangements were made to have the

Inspector Name William R. Shawley	Inspector Signature William R. Shawley	Date 5-8-03
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Department of Environmental Protection	GENERAL INSPECTION REPORT	Waste Management Field Operations
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Type of Inspection Follow up	WM Identification Number Client 132083	Entry Time/Date 5-8-03 1230	E-facts ID # 1239571
Facility/Incident Name and Location L & K Industries Site 517543		Municipality Elk Lick Twp	
1025 Oakdale Rd. (Clear View Farms) Salisbury PA		County Somerset	

Name, Address or Responsible Official Terry L. Brenneman	Title President (L & K Industries)
9325 Mason Dixon Highway	Telephone 814-662-2585
Salisbury PA 15558	DOB
	Interviewed? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
	SSN

**REMARKS** Weathers: 60° Partly Sunny with light breeze

- 1) Inspection conducted to determine progress with 8-13-02 Administrative Order in removal of railroad ties and utility poles.
- 2) No activity was observed at the site during this inspection.
- 3) Ties and poles at the site have been moved around; the number of piles of various sizes at the site make it nearly impossible to tell if ties or poles are being added or removed from the site.
- 4) There is no obvious reduction in the number of ties and poles at the site; many thousands of ties and poles remain to be removed.
- 5) Paragraph 4 of the 8-13-02 Administrative Order requires all ties, poles and residual wastes to be removed from the site by 2-13-04 (18 months from issue of the order).
- 6) Receipts are being submitted monthly indicating ~ 3000 ties per month are being removed; the receipts are nearly all for sales of reusable ties.
- 7) Very few of the junk and scrap poles and ties have been removed.
- 8) Failure to comply with the Administrative order may result in additional enforcement actions.

**VIOLATIONS** still outstanding at this site: Act 97 Solid Waste Mgmt Act

§ 6018. 610 (1) Unlawful dumping of wastes without a permit.

§ 6018. 610 (2) Unlawful storage, processing, and disposal of waste without a permit.

§ 6018. 610 (4) (a) Causing a public nuisance and assisting in violations of Act 97 and <sup>other</sup> regulations

Sample Collected? YES NO	Sample Numbers	Analyses
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Inspector Name William R Shawley	Inspector Signature William R Shawley	Headquarters Cambria office	Date 5-8-03
Person Interviewed Name Not Applicable	Signature of Person Interviewed Copy Mailed	Title	Telephone 814-472-1928
			Date
			Telephone

This document is official notification that a representative of the Department of Environmental Resources inspected the above mentioned facility. The findings of the inspection are shown above and on any attached pages. Violations discovered as a result of this inspection are indicated. Violations may also be discovered upon examination of the results of laboratory analyses, review of pertinent documents and further investigation. Notification will be forthcoming if such violations are discovered.

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Department of Environmental Protection	<b>FEDERAL INSPECTION REPORT</b>	Waste Management Field Operations
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Type of Inspection Follow up	WM Identification Number Client 132083 →	Entry Time/Date 3-17-03 1230hr	E-facts ID # 1519583
Facility/Incident Name and Location L & K Industries 1025 Oakdale Rd		Site 517543 <small>Clear View</small> ( <small>Tab Hill Farms</small> ) Salisbury PA	Municipality Elk Lick Twp County Somerset

Name, Address or Responsible Official Terry L. Brenneman 9325 Mason Dixon Highway Salisbury PA 15558	Title President & Owner (L&K Ind.) Telephone 814-662-2585 DOB Interviewed? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO SSN
---	--

**REMARKS** weather: 60° Partly sunny with light breeze.

- 1) Inspection conducted to determine progress with 8-13-02 Administrative Order.
- 2) Apparently due to muddy conditions on the site, no work was being done.
- 3) No apparent change in the size of the piles of railroad ties and utility poles since inspection of 12-23-02.
- 4) The site still contains a large amount of railroad ties that have not been sorted or stripped of metal plates; fire breaks are being established in larger piles. Many small piles are also present that contain cleaned and unprocessed ties.
- 5) A large number of utility poles are also on site; some have metal removed but many still need to be cleaned. There is
- 6) There are a lot of scrap pieces and rotted ties and poles on site that appear to be unsalvageable.
- 7) All ties and poles (processed and unprocessed) are to be removed from the site by 2-13-04 unless a permit is obtained (par. 4 of 8-13-02 order)
- 8) No railroad ties, utility poles or other wastes are to be hauled to any unpermitted sites.

**VIOLATIONS** (Not Determined)

- 9) It appears that utility poles are being hauled to a location along Oakdale Rd below the farm. Paragraphs 1 and 2 prohibit any additional poles, ties, or other wastes from being hauled in or received without a permit.

Sample Collected? YES NO	Sample Numbers	Analyses
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Inspector Name William R. Shawley	Inspector Signature <i>William R. Shawley</i>	Headquarters Cambria Office	Date 3-17-03 Telephone 814-472-1928
Person Interviewed Name Terry Brenneman	Signature of Person Interviewed <i>Copy Mailed</i>	Title	Date Telephone

This document is official notification that a representative of the Department of Environmental Resources inspected the above mentioned facility. The findings of the inspection are shown above and on any attached pages. Violations discovered as a result of this inspection are indicated. Violations may also be discovered upon examination of the results of laboratory analyses, review of pertinent documents and further investigation. Notification will be forthcoming if such violations are discovered.

COPIES: 1 (1) Terry Brenneman (2) Marc Valentine (3) DEP - Pitts

Page 1 of 1

(4) DEP - Ebony (5) Elk Lick Twp. (6) DEP - Dave Emment

Department of Environmental Protection	GENERAL INSPECTION REPORT	Waste Management Field Operations
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Type of Inspection Follow-up	WM Identification Number Site 517543	Entry Time/Date 12-23-02 1000	E-facts ID # 1196017
Facility/Incident Name and Location L & K Industries 1025 Oakdale Rd, Salisbury 15558		Client 132083	Municipality Elk Lick Twp County Somerset

Name, Address or Responsible Official Terry L. Brenneman 9325 Mason Dixon Highway Salisbury PA 15558	Title President and Owner Telephone 814-662-2585 DOB SSN	Interviewed? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
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### REMARKS

- 1) L & K is continuing to sell reusable railroad ties for fence poles and landscape timbers; used railroad ties are being processed by sorting and removing metals.
- 2) Piles of unprocessed ties are getting smaller and firebreaks are being made in the piles by taking ties from the middle of the piles for processing.
- 3) Reports are being submitted each month to show progress in complying with the Aug 13, 2002, Administrative Order.
- 4) The reports for the first three months showed 3000 ties were removed as required; the report for the last month showed about 2000 ties were sold and shipped off site.
- 5) Very little "waste" ties have been shipped off for incineration (about 50 tons).
- 6) In the next 14 months all the ties and utility poles are to be processed and removed according to the Aug 13, 2002, Admin. Order; there are a lot of ties and poles still on site that need to be processed and removed.
- 7) Under the 8-13-02 Admin Order no additional ties or poles are to be hauled in.

**VIOLATIONS** No violations observed.

Sample Collected? YES <input type="checkbox"/> NO <input type="checkbox"/>	Sample Numbers	Analyses
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Inspector Name William R. Shawley	Inspector Signature <i>William R. Shawley</i>	Headquarters Cambria Office	Date 12-23-02 Telephone 814-473-1928
Person Interviewed Name Marc Valentine	Signature of Person Interviewed Copy Mailed	Title	Date 12-23-02 Telephone 814-444-9261 814-341-1400

This document is official notification that a representative of the Department of Environmental Resources inspected the above mentioned facility. The findings of the inspection are shown above and on any attached pages. Violations discovered as a result of this inspection are indicated. Violations may also be discovered upon examination of the results of laboratory analyses, review of pertinent documents and further investigation. Notification will be forthcoming if such violations are discovered.

COPIES: ① L & K Ind. ② DEP - P.H.S. ③ DEP - E.P.R.S.  
④ Elk Lick Twp ⑤ DEP - Permitting - (Athensburg)

Department of Environmental Protection	GENERAL INSPECTION REPORT	Waste Management Field Operations
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Type of Inspection Followup	HM Identification Number Site 517543	Entry Time/Date 9-25-02 2:00PM	Facility ID # 1170974
Facility/Incident Name and Location L & K Industries Inc. 1025 Oakdale Rd, Salisbury PA 15558		Client 1320837	Municipality EIK Lick Twp County Somerset

Name, Address or Responsible Official Terry L. Bierneman 9325 Mason Dixon Highway Salisbury PA 15558	Title President and Owner Telephone 814-663-2585 DOB Interviewed? YES SSN <input checked="" type="checkbox"/> NO
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**REMARKS**

- 1) This inspection conducted to determine compliance with DEP regulations and the Administrative Order of Aug. 13, 02.
- 2) Copies of receipts for August 2000 were submitted to this office; these receipts indicate that about 3100 ties were shipped out for reuse or for fuel.
- 3) A map and inventory list was also submitted on 9-18-02 that indicates a total of 47,582 railroad ties, 2,456 utility poles, and 17,533 cu yds of pieces and debris was on site at the present time.
- 4) According to Mr. Valentine no additional railroad ties or poles are being hauled in.
- 5) The existing piles are being sorted <sup>by size</sup> and processed to remove metal and broken ends are sawed off.
- 6) During the sorting and processing operation large piles are being converted to smaller piles; this constant change in the size of the piles makes it difficult to determine if any additional wastes are being hauled in.

**VIOLATIONS**

No violations of the 8-13-02 administrative order were observed during this inspection.

Reg violations for §6018.610 G) and 610 (4) continue under a compliance schedule.

Sample Collected? YES NO	Sample Numbers	Analyses
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Inspector Name William A. Shawley	Inspector Signature 	Headquarters Cambria Office Ebensburg	Date 9-25-02 Telephone 814-492-1928
Person Interviewed Name Marc Valentine	Signature of Person Interviewed 	Title Consultant with DEP	Date 9-25-02 Telephone 814-444-9261 or 814-341-1400 (cell)

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COPIES: ① L & K Ind. ② DEP - PITPA ③ DEP - Ebensburg  
④ EIK Lick Twp. ⑤ DEP - Permitting

Department of Environmental Protection	GENERAL INSPECTION REPORT	Waste Management Field Operations
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Type of Inspection Follow up	WM Identification Number Site 517543	Entry Time/Date 8-6-02 10:00	Reference Number Effects - 1160780
Facility/Incident Name and Location L&K Industries, Inc. (Client 132083) ↑ 1025 Oakdale Rd, Salisbury PA 15558			Municipality EIKLICK Twp County Schenectady

Name, Address or Responsible Official Terry L. Brennan 7325 Mason Dixon Highway Salisbury PA 15558	Title Pres. & Owner L&K, Ind. Telephone 814-662-2585 DOB client-132083	Interviewed? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO SSN
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**REMARKS**

- 1) Inspected the site and spoke with Terry about his operations and movement of material off the site.
- 2) Poles were being sorted and loaded for reuse off-site as utility poles.
- 3) Scrap pieces (ends, rotted poles, split poles) are being hauled to Lancaster for incineration in a cogen plant.
- 4) Railroad ties are also being sorted and plates removed; reusable ties are being placed in piles for sale or off-site shipments.
- 5) Records are being kept at Terry's home for off-site reuse or for sale.
- 6) Terry stated that he has sold several thousand ties during the last 2 months.
- 7) Terry agreed to provide records of the shipments.
- 8) Department order is still pending.

**VIOLATIONS** Solid Waste Mgmt Act.  
 § 6028.610 (2) Operating a processing facility without a permit

Sample Collected? YES NO	Sample Numbers	Analyses
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Inspector Name William R. Shawley	Inspector Signature <i>William R. Shawley</i>	Headquarters Cambria Office	Date 8-6-02
Person Interviewed Name Terry L. Brennan	Signature of Person Interviewed <i>Terry Brennan</i>	Title Pres.	Date 8-6-02
			Telephone 814-662-2585

This document is official notification that a representative of the Department of Environmental Resources inspected the above mentioned facility. The findings of the inspection are shown above and on any attached pages. Violations discovered as a result of this inspection are indicated. Violations may also be discovered upon examination of the results of laboratory analyses, review of pertinent documents and further investigation. Notification will be forthcoming if such violations are discovered.

COPIES: ① Terry Brennan ② DEP - Ebers ③ DEP - PTH  
 ④ DEP - Permitting

Department of Environmental Protection	GENERAL INSPECTION REPORT	Waste Management Field Operations
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Type of Inspection RTNC	WM Identification Number Client 161754	Entry Time/Date 3-17-03 1:00 PM	E-facts ID # 1219560
Facility/Incident Name and Location ISER Inc. 1025 Oakdale Rd. (Ted M. H Farms) Salisbury PA			Municipality EIK Lick Twp. County Somerset

Name, Address or Responsible Official Marc Valentine P.O. Box 303 Somerset PA 15501	Title President, Iser Inc. Telephone 814-444-9261 DOB cell 814-341-1400	Interviewed? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO SSN
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**REMARKS** weather: 60° Partly Sunny with light breeze

- 1) A meeting was held at the Iser site with Tony Marich and Wade Callahan from the DEP mining program, Randy Musser (consultant for Robert Duppstadt) Robert Duppstadt (mine operator); Marc Valentine President of Iser, Inc. myself and Dave Emmert from DEP waste mgmt. program.
- 2) Issues concerning overlap of support structures for the mining permit conflicting with structures for the composting permit.
- 3) Mr. Duppstadt and his engineer Randy Musser agreed that the mining permit could be revised to move the support structures up hill above the composting site.
- 4) Wade Callahan commented that since the proposed revision was a deletion of acreage, it could probably be handled without a major mod.
- 5) Marc Valentine agreed to withdraw his proposal to construct a tipping pad. trucks will unload compost on the proposed compost pad.
- 6) Marc will install E & S structures along the access road and

**VIOLATIONS** Act 97 Solid Waste Mgmt Act  
§ 6018.610 (1) Illegal dumping of waste on the ground.

Sample Collected? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	Sample Numbers	Analyses
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Inspector Name William R Shawley	Inspector Signature <i>William R. Shawley</i>	Headquarters Cambria Office	Date 3-17-03 Telephone 814-472-1938
Person Interviewed Name Marc Valentine	Signature of Person Interviewed Copy Mailed	Title Pres.	Date 3-17-03 Telephone 814

This document is official notification that a representative of the Department of Environmental Resources inspected the above mentioned facility. The findings of the inspection are shown above and on any attached pages. Violations discovered as a result of this inspection are indicated. Violations may also be discovered upon examination of the results of laboratory analyses, review of pertinent documents and further investigation. Notification will be forthcoming if such violations are discovered.

COPIES: ① Marc Valentine ② DEP-Pitts ③ DEP-Ebens  
④ EIK Lick Twp ⑤ DEP-Emmert

Facility/Incident Name and Location ISER INC. 1025 Oakdale Rd (Tub Mill Farms) Salisbury PA	Municipality Elk Lick Twp County Somerset
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**ADDITIONAL REMARKS**

- 8) Marc also agreed to remove wood scrap that had been dumped on the ground in the pit above his haul road.
- 9) Marc was also informed of the need to follow the approved Earth Disturbance permit for the disturbed areas along his access road and to install E and S control measures to prevent sediment from leaving his property.
- 10) Marc was informed that if any coal <sup>or acid bearing material</sup> was encountered during excavation of his haul road or during any other excavation, Mr. Duppstadt should be contacted so that he could remove it; Mr. Marich was also to be informed
- 11) Randy Mussen. agreed to send a letter to DEP summarizing the discussions and agreements made during this meeting.

Inspector Name William R Shawley	Inspector Signature <i>William R Shawley</i>	Date 3-17-03
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Department of Environmental Protection	GENERAL INSPECTION REPORT	Waste Management Field Operations
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Facility/Incident Name and Location ISER INC 1025 Oakdale Rd, Salisbury PA 15558	Municipality Eik Lick Twp County Somerset
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**ADDITIONAL REMARKS**

6. (continued) below disturbed areas

Inspector Name William R Shawley	Inspector Signature William R. Shawley	Date 3-17-03
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Mine Name Wagner #2 Strip  
Weather overcast

**PARTIAL, FOLLOW-UP, AND AERIAL  
Inspection Report  
Bituminous Coal**

Date 4-17-2003

On Site Times \_\_\_\_\_

PERMITTEE <b>Duppstadt Coal</b>	TOWNSHIP <b>Elick</b>	COUNTY <b>Somerset</b>	PERMIT NO. <b>56990102</b>
ADDRESS <b>2835 Stutzman Town Rd. Somerset, PA. 15501-8332</b>	PARTIAL <input checked="" type="checkbox"/> FOLLOW-UP <input type="checkbox"/> AERIAL <input type="checkbox"/>	VIOLATIONS NOTED <input type="checkbox"/> PREVIOUS VIOLATIONS: CORRECTED <input type="checkbox"/> UNCORRECTED <input type="checkbox"/> FOLLOW-UP INSP. REQUIRED <input type="checkbox"/> COMPLIANCE ORDER <input type="checkbox"/> FTC ORDER <input type="checkbox"/> CEASE ORDER <input type="checkbox"/> OUTSTANDING ENFORCEMENT <input type="checkbox"/>	LICENSE NO. & EXP. DATE <b>6634/4-30-03</b> OPERATIONAL STATUS <b>ACTIV</b>

GENERAL MINING INFORMATION:  
Phases-Seams-Pit Dimensions (L/W/H)-Method: 2 pits: 825' x 70' x 50' and 350' x 70' x 50'

Acreage (total): Bonded 34.8 Affected 10.7 Regraded \_\_\_\_\_ Reclaimed \_\_\_\_\_  
Equipment-Use & Conditions: Equipment is idle today, operator is working on adjacent Sump 5689011

Contract Miner  yes  no Blasting at Site  yes  no Augering  yes  no Disposing of Refuse  yes  no (Explain yes answers)

PERFORMANCE STANDARDS BITUMINOUS COAL							
Obs	STANDARD	Viol.	Comp. Date	Obs.	STANDARD	Viol.	Comp. Date
<input checked="" type="checkbox"/>	1. Signs and Markers (87.92)	<input type="checkbox"/>		<input checked="" type="checkbox"/>	56. Backfilling-Final Slopes (87.144)	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	4. Effluent Standards (87.102)	<input type="checkbox"/>		<input checked="" type="checkbox"/>	34. Regrade Rills/Gullies (87.146)	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	8. Treatment Facilities <u>on Sump 5689011</u> (87.107)	<input type="checkbox"/>		<input checked="" type="checkbox"/>	35. General Revegetation (87.147)	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	7. Sediment Control Measures (87.106)	<input type="checkbox"/>		<input checked="" type="checkbox"/>	49. General Safety (Chapter 209)	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	9. Sediment Ponds (87.108)	<input type="checkbox"/>		<input checked="" type="checkbox"/>	53. Permit Condition	<input type="checkbox"/>	
<input type="checkbox"/>	11. Toxic Forming Spoil (87.110)	<input type="checkbox"/>		<input checked="" type="checkbox"/>	54. Violation History	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	33. Cover Toxic Material (87.145)	<input type="checkbox"/>		<input type="checkbox"/>	00. Unauthorized Mining	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	19. Water Accumulations (4.2 SMCRA)	<input type="checkbox"/>		<input checked="" type="checkbox"/>	27. Non-coal Waste Disposal	<input type="checkbox"/>	<u>comments</u>
<input checked="" type="checkbox"/>	31. General Backfilling (87.141)	<input type="checkbox"/>					

Comments and Recommendations: Since the site meeting on 3-17-2003 chip board and other lumber scraps have been burnt and covered with spoil in the old pit area. Evidence present include charred lumber and scorched tree branches. MARC Valentin of Iser Inc (WMCRO25 SW001) had acknowledged responsibility for the illegal dump activity during the meeting. A copy of this report will be sent to Bill Shawley for enforcement action by the Bur. of Waste Mgt. Fortunately the exposed coal/seam does not show evidence of catching fire.

The mine site is idle today as the operator is doing equipment repair on adjacent Sump 5689011. Equipment is present in Pit #2 where coal has been recently removed. I am doing the conventional bonding annual review today. Install a BLAST WARNING sign with the new standardized signals posted.

Person Contacted <b>Robert Duppstadt</b>	Title <b>owner</b>	Discharge/Seeps <input checked="" type="checkbox"/> yes <input type="checkbox"/> no Samples Collected <input type="checkbox"/> yes <input checked="" type="checkbox"/> no Range of Samples Collected _____ to _____
Signature <i>Robert Duppstadt</i>	Investigator Signature & I.D. No. <i>Lesley M... 4335</i>	

The Operator's signature acknowledges that he has read the report, including the reverse side, and that he was given the opportunity to discuss it with the investigator. The signature does not necessarily mean he agrees with the report.

RECEIVED  
DEPT ENV PROTECTION  
APR 18 2003  
CAMBRIA OFFICE  
DEP00041

WASTE MGT

DO NOT FILE