

April 21, 2021

*Sent by US First-Class Mail and Email*

Pennsylvania Department of Environmental Protection  
Southwest Regional Office  
Attn: James Miller, Director of the Southwest Regional Office  
400 Waterfront Dr.  
Pittsburgh, PA 15222

Dear Director Miller,

Thank you for attending the community meeting for residents around the Westmoreland Sanitary Landfill on March 25th and for listening to resident concerns. We hope this meeting has given you insight into what residents have been experiencing for over a decade. Your office plays an essential role in resolving these issues as it is the mission of the PA Department of Environmental Protection to “protect Pennsylvania's air, land and water from pollution and to provide for the health and safety of its citizens through a cleaner environment.”

During the meeting, residents shared the following requests for your office to take action to address their concerns about air and water pollution that is impacting their health.

1. Immediately deploy Summa Canisters during active flaring to ensure that the attainment levels of air pollution are being achieved that are outlined in WSL's air permit.
2. Request that WSL conduct third party fence line air monitoring of PM 2.5 and VOCs making that information available to PA DEP on a monthly basis so residents may request this information.
3. Limit the materials that are accepted at the landfill to sanitary products under PA DEP's Form U Request to Process or Dispose of Residual Waste.
4. Test the materials that are currently at the landfill to ensure the operator is in compliance with Form R Waste Analysis/Classification.
5. Hold a public hearing for the leachate evaporation system at WSL to gain public input before issuing the permit.
6. Consult experienced professionals (not tied to the businesses involved) on the potential dangers associated with an evaporation system. It is likely that it will disperse toxics which can harm human health.
7. If WSL continues to fail to comply with Consent Order Agreements (“COA”) dated 2/13/20 and 10/7/20, and the Corrective Action Plan dated 11/6/20, immediately take steps to issue the maximum penalty allowed by law based on their ongoing non-compliance outlined in the above COAs. In addition to permit violations, many of the terms within these COAs require strict deadline adherence on WSL's part.

- a. Pursuant to the COAs, WSL is required to pay \$250 per day for the first week for each violation of the COAs. If WSL has not complied within a week, then the daily penalty increases to \$500 per day. See, e.g., 10/7/2020 COA, p. 15-16. Additionally, simply because WSL has made a timely civil penalty payment in the past does not relieve WSL of its obligations to continue to comply with the COAs going forward.
  - b. In addition to civil penalties, PA DEP also has the authority to bring enforcement actions against WSL for ongoing failures to comply with the COAs.
  - c. Finally, the COAs expressly grant PA DEP authority to pursue other remedies as appropriate. This may include, but is not limited to, remedies available under Sections 610(2), (4), and (9) of the Solid Waste Management Act ("SWMA"), 35 P.S. § 6018.610(2), (4), and (9); and public nuisance remedies pursuant to Section 601 of the SWMA, 35 P.S. § 6018.605.
8. At every step, take seriously the public's health, which can be harmed if your attention is not on it. We already know the landfill is a source of dangerous contaminants. If you do not limit exposures to these contaminants, it is still the government's responsibility to warn those will be, and will be, put at risk.

Each of these resident requests are actionable by your office. Please carefully consider each request given the long term negative impacts to residents' health, safety, and quality of life. We request that your office begin air monitoring immediately. We are able to coordinate air monitoring with your office by identifying local residents who can host air monitoring sites.

Sincerely,



Gillian Graber  
Executive Director  
Protect PT



Beth Weinberger, MPH, PhD  
Director of Research and Policy  
Environmental Health Project

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Cc: Allison Acevedo, Environmental Justice Director  
Cc: Doug Chew, Westmoreland County Commissioner  
Cc: John Lorenzo, Rostraver Commissioner  
Cc: Gerald Jackson, Belle Vernon, Mayor