



LOWER WINDSOR TOWNSHIP

Board of Supervisors

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Via Email

October 9, 2023

DEP SCRO
Clean Water Program
909 Elmerton Avenue
Harrisburg, PA 17110
RA-EPNPDES_SCRO@pa.gov

**Re: *Comments on Proposed NPDES Permit PA0046680
For Modern Landfill, Republic Services of Pennsylvania, LLC***

Dear Department of Environmental Protection:

As the Chairman of the Board of Township Supervisors I am writing behalf of Lower Windsor Township ("Township"), one of the host municipalities for the Modern Landfill ("Modern Landfill" or "the Landfill") operated by Republic Services of Pennsylvania, LLC ("Republic Services"), to provide comments and express concerns regarding the proposed NPDES permit renewal for the Landfill ("the proposed Permit"). These comments have been developed in consultation with the Township's outside environmental counsel.

The Landfill is an important subject of concern to the Township and its residents, and we urge the Department to ensure that our residents, our natural resources, and our environment are protected to the maximum extent provided by the Constitution and laws of the Commonwealth of Pennsylvania.

The followings comments include recommendations and requests for changes to the requirements of the proposed Permit, as well as number of questions where we ask that the Department provide a more detailed explanation of the basis for the choices made in developing the proposed Permit. We are aware that the Department will provide a Response to Comments document upon permit issuance and encourage the Department to treat that as more than a box-checking exercise and instead as an opportunity to more fully inform and educate the citizens who are mostly directly impacted by the Landfill of the reasoning and analysis behind the requirements of the Permit. We would request that effort not only for the comments set forth in this letter, but in response to all comments and questions submitted by our residents.

Our specific comments are as follows:

Conestoga Landfill Leachate

1. The Township has a general objection to the transfer of leachate from the Conestoga Landfill (“Conestoga Leachate”) to the Modern Landfill. The Fact Sheet for the proposed Permit does not offer any explanation as to why this has been requested by Republic, or why it should be allowed. Presumably this is a circumstance where cost savings are being sought by Republic despite the increased risk and threat to the environment from the additional pollution that will be introduced to the Township by the transfer of the Conestoga Leachate. Presumably the Conestoga Leachate will be transferred by truck, yet the Fact Sheet evidences no consideration of the amount or timing of the truck traffic that shipping the Conestoga Leachate will impose on the community around Modern Landfill. The impacts to the Township and its residents from the shipment of the Conestoga Leachate, in the form of traffic, noise, accident risk and potential for spills and releases, should be fully evaluated in all respects before any such authorization is granted.
2. Modern Landfill’s recent compliance history demonstrates that the Landfill has been challenged to meet the limits in its current NPDES permit. The proposed Permit appropriately includes new and additional limits that are being made applicable to the Landfill’s discharge. The Landfill is attempting to solve its pre-existing compliance challenges with the installation and operation of a new reverse osmosis treatment system. While such upgrades to wastewater treatment at the Landfill are welcome, they are as of yet unproven. The Landfill should be required to demonstrate that it can consistently meet the existing limits in its current permit, and the new limits in the proposed Permit before it is allowed to introduce a new waste stream into its already challenging wastewater discharge situation. Accordingly, the request to transfer leachate from Conestoga Landfill to Modern Landfill should be denied at this time.
3. The Township is aware that the Fact Sheet indicates that the Landfill will require other permitting before the Conestoga Leachate can be brought to Modern Landfill. However, the fact that other permits are required is not a basis to rubber-stamp the request to import Conestoga Leachate to Modern Landfill by issuing approval to do so with this NPDES permit. The importing of the Conestoga Leachate would appear to have a much more direct impact on the wastewater discharge from Modern Landfill than it will on other Landfill operations, and accordingly this NPDES approval process is the most important stage at which to draw the line and prohibit the leachate from being imported until and unless the issues noted in these comments are addressed and resolved.
4. The proposed Permit does not appear to include any limits on the amount of Conestoga Leachate that can be imported to Modern Landfill. Flow/volume limitations to ensure that the amount of Conestoga Leachate brought to Modern Landfill does not exceed the volumes assumed or expected by the Department in its review of the Landfill’s permit application should be incorporated into the permit.
5. The proposed Permit also does not appear to include any requirements to measure, record or report the amount of Conestoga Leachate that is brought to Modern

Landfill, or the dates and times that it is received, or when it is introduced into the wastewater treatment system. The Landfill should be required to collect, record and report all such information.

6. There is no correlation or coordination required by the Permit as between the importing of Conestoga Leachate and its introduction into the Modern Landfill wastewater treatment system, and the dates and times of effluent monitoring. If, for example, Conestoga Leachate always arrives on a Monday, and Modern Landfill always takes its samples on a Friday, the monitoring results would essentially always miss the impact of the Conestoga Leachate on the Modern Landfill discharge. Alternatively, if Conestoga Leachate is always introduced to the Modern Landfill discharge when effluent samples are being collected, then the Conestoga Leachate could dilute and mask problems with the Modern Landfill leachate. Accordingly, should the Conestoga Leachate be brought to Modern Landfill, enhanced effluent monitoring should be included in the final permit to ensure that the quality of discharge from Modern Landfill is sampled and evaluated both i) by itself and ii) if and when combined with Conestoga Leachate.
7. It does not appear that any antidegradation analysis was conducted in the context of the new and increased discharge and pollutant loadings that would result from transfer of Conestoga Leachate to Modern Landfill. The Antidegradation discussion in the Fact Sheet (page 57) is extremely cursory. The Department should require an antidegradation analysis prior to any approval for the importation of Conestoga Leachate to Modern Landfill to ensure that existing and designated uses of the receiving water are protected. The requirement exists regardless of whether any High Quality or Exceptional Value waters are affected by the discharge. *See* 25 Pa. Code § 93.4a(b). The Department should clearly identify what existing and designated uses are at stake, and how they will be protected even if Conestoga Leachate is brought to Modern Landfill.
8. It is not clear from the Fact Sheet whether Conestoga Leachate will introduce any additional PFAS loading to the Modern Landfill effluent. The extent of any PFAS loading from the Conestoga Leachate should be fully understood before it is allowed to be introduced to Modern Landfill. This would include ensuring the existence of a statistically significant data set that includes testing and analysis for a wide range of PFAS chemicals (e.g., the 40 PFAS compounds that can be tested by draft method 1633), over multiple samples, to determine the PFAS speciation, concentration and loading from the Conestoga Leachate.
9. The Fact Sheet (page 28) says the TDS loading of the Landfill discharge is not expected to increase by more than 5000 lbs./day, even if Conestoga Leachate is brought to Modern Landfill, based on the TDS *concentrations* in the Conestoga Leachate being lower than TDS concentrations from Modern Landfill. But this analysis confuses *concentration* with *mass loading*. The Department should evaluate the mass loading of TDS from the Conestoga Leachate in order to determine the extent that the TDS loading from the combined Modern and Conestoga Leachate will increase. Based on the TDS baseline discussion (Fact Sheet at p. 51) it would appear that if a loading of 1,247 lbs. of TDS per day or greater is contributed by the

Conestoga Leachate, this would result in an exceedance of the 5,000 lb. threshold established in 25 Pa. Code § 95.10(a)(7).¹

10. The Fact Sheet (page 2) speculates that cadmium from the Conestoga Leachate will be diluted by the ML wastewater and imposes only a monitor and report requirement. In order to protect water quality, there should be a cadmium effluent limit if Conestoga Leachate is brought to Modern Landfill. Since Modern Landfill will already be monitoring for cadmium, the imposition of a limit does not increase the Landfill's costs, unless of course it turns out the effluent is exceeding that limit, in which case having a limit established will be imperative. If it later turns out that discharge of Conestoga Leachate produces effluent well below any applicable Water Quality Based Effluent Limit (WQBEL) for cadmium, then it might be appropriate to consider reducing that limit to a monitor-only requirement in future permits.
11. The Fact Sheet indicates that the Department is relying on an SDS for information on the toxicity of tetrahydrofuran. However, this appears to assume no cumulative effect with other toxic components in the Landfill discharge. It is suggested that the Department conduct a more thorough evaluation of the toxicity and potential effects of tetrahydrofuran from the Conestoga Leachate. See also the TRE comments below.

PFAS Concerns

12. The PFAS monitoring requirements are limited to just PFOA, PFOS and Total PFAS. Given that a broader range of PFAS compounds has been detected in Kreutz Creek and given the emerging nature of PFAS as a pollutant, a larger speciated data set should be collected of the specific PFAS compounds in the discharge. The monitoring requirements should require periodic testing of all PFAS compounds for which there are established testing and analysis methodologies. US EPA guidance² recommends that monitoring include each of the 40 PFAS parameters detectable by draft method 1633. It appears that even one single sampling event detected some 21 (out of 40) PFAS compounds. (Fact Sheet at 115). There is no basis to conclude that the other 19 PFAS compounds currently testable by draft method 1633 are never present in the discharge based on just this one single sample. Accordingly, US EPA's recommendation to monitor for all 40 PFAS compounds should be followed here.

¹ Specifically, the Fact Sheet at page 51 indicates a TDS authorization of 5,504 lbs./day as of August 2010, and states the current TDS load as being 9,257 lbs./day. The increase from August 2010 to the present is thus less than 5,000 lbs./day. Yet, $9,257 - 5,504 =$ an existing increased loading to-date of 3,753 lbs./day, and thus a margin of 1,247 lbs./day before the 5,000 lb./day increase threshold is exceeded. ($5,000 - 3,753 = 1,247$).

² See *Addressing PFAS Discharges in NPDES Permits and Through the Pretreatment and Monitoring Programs*, U.S. EPA Office of Water, December 5, 2022. While this EPA guidance document is referenced and summarized on page 40 of the Fact Sheet, the Department's summary of the guidance memo unfortunately omits any reference to EPA's recommendation of testing for the 40 PFAS parameters.

13. The proposed Permit only requires sampling of PFAS on a quarterly basis. A greater frequency of PFAS sampling should be required for the Landfill. (Page 40 of the Fact Sheet misquotes EPA guidance³ on sampling frequency; the Fact Sheet contends that EPA recommends quarterly sampling, while in fact EPA recommends sampling “at least quarterly”, but in no way recommends against more frequent sampling.) While quarterly sampling might be appropriate as a check on a discharge that is not known to contain PFAS, the situation is different here. The Landfill’s own testing has clearly demonstrated the presence of PFAS in the discharge See Fact Sheet at 42-43 and 115. Routine sampling on a much more frequent basis should be required, at least until a robust baseline data set has been collected to better understand the PFAS content of the Landfill effluent.
14. There is a reopener clause for PFAS in Section C.II.E of the Proposed Permit, but the reopener requires further DEP action before any additional permit requirements are put into place. Instead, provisions should be included in the Permit that would automatically trigger applicability of PFAS limits, or other PFAS requirements, in the event of circumstances such as the detection of PFAS above certain thresholds, the issuance of water quality standards for PFAS compounds, etc.
15. In order to determine the PFAS removal effectiveness of the Landfill’s wastewater treatment system, including its new reverse osmosis equipment, internal monitoring points should be established to evaluate the PFAS concentrations in the effluent at multiple stages in the treatment process, including before RO filtration.
16. It is likely that the RO filtration system will remove some amount of PFAS. The RO reject should be tested on a routine basis as a check on the quantity (mass) of PFAS being removed from the effluent stream, and the PFAS concentrations in the RO reject.
17. Additionally, the Fact Sheet does not indicate what will happen to the RO reject. While the actual handling of the RO reject may be a solid/hazardous waste issue, it is of concern to the NPDES permitting process since the treatment process for the discharge that is authorized by the NPDES permit will collect and concentrate PFAS. The fate of that RO reject is of importance to the community because the collection of PFAS in one setting (the RO system operation) that may then be released into the environment or into the community in another form or fashion (i.e., disposal or other disposition of the RO reject) is ultimately detrimental to the interests that the NPDES permitting process is intended to protect. The Landfill should be required to identify how the RO rejection will be handled, with an approach that is reasonable and environmentally protective, before the final permit is issued.

³ See *Id.*

Interim Limits

18. While the incorporation of effluent limits for additional pollutants is welcome, the 3-year compliance schedule is disappointing, appears arbitrary, and does not appear to be justified by any information presented in the Fact Sheet. Following prior enforcement actions and the installation of a new wastewater treatment system, it is surprising that the Landfill is not prepared to meet all necessary and appropriate effluent limits now. The permit review and development process for this permit has been very lengthy, and the new effluent limits can hardly be a surprise to the Landfill at this point in time. At a minimum, the Landfill should be required to convincingly demonstrate why the new limits cannot be met as of the date the final permit is issued. If any interim limit compliance period is appropriate, the Landfill should be required to make a clear and definite showing as to the necessary time period for interim limits, rather than having the Permit default to an otherwise unjustified 3-year compliance schedule.
19. To the extent the 3-year interim period is primarily to allow data collection for some of the additional parameters, it is objectionable that this did not happen during permit development. Surely there has been more than adequate time for the Department and the Landfill to conduct any necessary sampling and/or to determine the expected effectiveness of the RO system on the parameters being given interim limits. To the extent the goal of the interim period is data collection to refine WQBELs for newly added toxic pollutants, then more frequent sampling should occur to generate a robust data set in shorter amount of time. For example, sampling once per week rather than once per month.

Toxic Pollutants and Toxics Reduction Evaluation (TRE)

20. DEP should have a goal of requiring efforts to reduce all toxic discharges, even where such discharges are within permit limits. The proposed Permit does not require a TRE for toxic pollutants that are subject to limits in the current permit, and instead only imposes TRE requirements for toxic pollutants that have newly established limits. The Fact Sheet does not indicate whether whole effluent toxicity (WET) testing has been conducted on the Landfill effluent. The proposed Permit does not appear to impose any WET testing obligations, and thus does not address the cumulative effects of the toxic pollutants in the Landfill's effluent. WET testing of the effluent produced by the upgraded wastewater treatment plant should be conducted, with TRE or equivalent obligations imposed on all toxic components of the discharge depending on the results of the WET testing.
21. The Fact Sheet states that where there is no WQBEL for certain substances that have no surface water criteria and uses this circumstance as a basis to not impose any limits for such substances. (Fact Sheet at 33, 38). As noted in DEP guidance,⁴ "In other cases, a specific water quality criterion may not be established or listed in

⁴ *Technical Guidance for the Development and Specification of Effluent Limitations and Other Permit Conditions in NPDES Permits*, 386-0400-001

Chapter 93 or 16 for a pollutant. The Regional Planning Section identifies the need for the criteria and coordinates its development with the Regional Biologist and/or the Bureau of Clean Water. In some cases, it may involve literature searches. It may also involve bioassays by the applicant in accordance with section 93.5(d) or 93.8 of the regulations.” It does not appear that any effort was made to develop an appropriate standard or conduct bioassays for the toxic substances that do not have surface water criteria. It is requested that all toxic pollutants in the discharge be subject to appropriate effluent limitations. Alternatively, DEP could potentially establish a technology or best professional judgment-based limit for these substances.

22. The TRE requirements should include PFAS compounds. Although there are no WQBELS yet issued for PFAS compounds, given the nature of PFAS compounds and the exceedingly low concentration levels identified in existing and proposed regulations related to PFAS, it appears likely that any PFAS in the discharge may exceed future water quality standards for PFAS. The data collection, source inventory and source reduction evaluation components and concepts of a TRE can and should be applied to any PFAS compounds in the discharge now, rather than deferring such effort into the future.
23. The Fact Sheet indicates that radioactive substances such as tritium and uranium were evaluated based on the scenario of their impact on use of Susquehanna River water for drinking water purposes, which allowed for dilution of the effluent into the much greater flow in the Susquehanna River. (Fact Sheet at 38-39). However, the radioactivity of the effluent was not considered in terms of its impact on recreational users of Kreutz Creek. While exposure of a recreational user to the radioactive components of the effluent in Kreutz Creek will obviously not be continuous, the concentration of the radioactive components will be several orders of magnitude higher in the absence of the dilution by Susquehanna River. There may be no risk to recreational users, but radioactive components in an NPDES permitted discharge are relatively rare, and the Department has a responsibility to evaluate this question and provide information to the public regarding the safety or threat presented by recreational exposure to these pollutants.

Specific Pollutant and Compliance Issues

24. U.S. EPA’s ECHO database states that the Landfill is in “Significant/Category I Noncompliance” for the first and second quarters of 2023.⁵ The database does not yet have data for the third quarter. It appears that the Significant Non-Compliance status is based on exceedances of the boron limit in the current permit. However, the Fact Sheet (page 3) indicates that there are no outstanding Clean Water Program violations for the Landfill. This discrepancy should be explained. Does the Department have information that shows that the boron exceedances have been fully resolved (as might be the case with the operation of the new RO system) or is U.S. EPA reading the discharge monitoring reports more closely than the Department? In either case, and especially for a facility under recent Department compliance orders, the public is entitled to more complete and accurate explanations and information in a Fact Sheet.

⁵ https://echo.epa.gov/detailed-facility-report?fid=110028048716&ej_type=sup&ej_compare=US

25. CBOD5 and TSS have identical effluent limits. This seems an unlikely coincidence, especially given that BOD and TSS have different allowable concentrations in the ELG. Please confirm whether these limits are accurate.
26. The daily max loading and concentration limits for Total Zinc appear to be less restrictive than the prior permit. According to the Fact Sheet the current Daily Maximum loading limit is 0.416 lb./day, while the proposed Permit has a 0.47 lb./day limit. Similarly, the current Daily Maximum concentration limit is 0.0998 mg/L, while the proposed Permit has a 0.11 mg/L limit. The Fact Sheet, at page 26, asserts that the proposed new limits for Total Zinc are more stringent than the current limits, but this does not appear to be the case if the table of exiting permit limits on Fact Sheet pages 11-12 is accurate. This apparent use of less restrictive Total Zinc limits is inconsistent with anti-backsliding. It is requested that the Department review this issue and ensure that the limits imposed are appropriate and are no less restrictive than the current limits.
27. A number of limits in the proposed permit utilize one less significant digit to the right of the decimal point. This results in a relaxation of some limits where the limits were rounded up. Why is this relaxation being allowed, and how is this consistent with anti-backsliding requirements? The Fact Sheet does not appear to recognize or explain this change. It is requested that none of the effluent limits be made less restrictive in this manner, and instead at a minimum be at least as restrictive as in the current permit.
28. The ammonia limit is understood to be less restrictive during cooler months, which are identified in the permit as November – April. It may be inappropriate to consider November, March and April as cooler months, given warming trends and the potential for unseasonably warm weather in these border months. Please consider allowing the less restrictive ammonia limits to apply only in the months of December – February.
29. Part A of the proposed Permit (at page 9) contains standard language stating that the discharge of substances that “produce an observed change in the color” of the receiving water is prohibited, unless “otherwise controlled through effluent limitations or other requirements in the permit.” However:
 - a. The proposed Permit contains monitor and report requirements for color, but no limits. Since no limits are applied, it would appear that discoloration of the stream by the discharge is not “otherwise controlled” and that the prohibition on color change stated on page 9 remains in effect. Please confirm that this is an accurate understanding of the proposed Permit. If not, please explain why the Landfill is being allowed to discolor the receiving stream.
 - b. The color monitoring requirements state that the upstream and downstream samples must be taken within a 3-hour window. This appears to be unnecessarily long, and it should be possible to take more representative samples that are collected at essentially the same time. It is requested that essentially simultaneous monitoring be required.

Flow

30. The Fact Sheet indicates that the treatment plant has a design flow of 0.5 MGD, and that this flow volume has not been exceeded by the landfill. However, the modified ELG calculations on pages 25-26 of the Fact Sheet utilize a landfill wastewater volume of nearly 3 million gallons. This volume, described as an “Avg. Vol. of Landfill Wastewater” is not explained – it is unclear what this is an average of, or what units this amount is measured in. It appears to be too small for a monthly flow volume, while being much higher than the design flow if this is a daily volume. However, since the “Avg. Vol. of Landfill Wastewater” is used to calculate daily loading and concentration limits, it is presumed that it might be a daily volume amount. In any case, the Fact Sheet does not explain the relationship between the “landfill wastewater” volume and the treatment plant design flow.

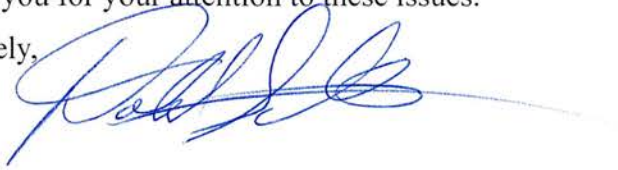
It appears that if a reduced landfill wastewater flow was used in the modified ELG calculations (i.e., either actual flow volumes or the 0.5 MGD discharge flow limitation rather than the “landfill wastewater” volume of nearly 3 MGD), the resulting effluent limits would be considerably more stringent. It is requested that: i) the Department explain the landfill wastewater volume terminology utilized in the modified ELG calculations; ii) the Department not use a wastewater volume to calculate limits that would exceed the permitted discharge flow; and iii) that the Department recalculate the modified ELGs to the extent necessary.

Stormwater

31. The proposed Permit only requires stormwater sampling at Outfall 005. The Fact Sheet does not appear to include any justification for the apparent conclusion that Outfall 5 is representative of the other stormwater outfalls, beyond the fact that “the permittee contends” that Outfall 5 is representative of the others. (Fact Sheet at 56). The Fact Sheet omits any discussion of whether there is reliable and recent data to support this assertion, or if the Department merely accepted the permittee’s contention at face value. The Department should more closely examine this issue and provide the public with an adequate justification of the decision that Outfall 5 is representative, or it should impose monitoring requirements on all outfalls.
32. The Fact Sheet discussion indicates that monitoring requirements at Outfall 2 are being removed due to drainage from off-site areas. However, the Fact Sheet implies that at least some portion of the Outfall 2 discharge originates at the Landfill. The mere presence of off-site drainage contributing to a stormwater outfall would not appear to be (and historically has not been) a basis to avoid monitoring requirements. Monitoring requirements for Outfall 2 should be reinstated.

Thank you for your attention to these issues.

Sincerely,

A handwritten signature in blue ink, appearing to read "Donald Schock", with a long horizontal flourish extending to the right.

Donald Schock, Chairman
Board of Supervisors
Lower Windsor Township

Modern Landfill, York County
 Comments and Responses
 NPDES Permit PA0046680

Comment #	Comment	Commenter #	Response
1	<p>This is a minor permit that discharges to Kreutz Creek and is a significant Chesapeake Bay discharger. EPA has chosen to perform a limited review of the draft permit based on the wasteload allocation (WLA) requirement of the approved Chesapeake Bay Watershed TMDL, consistency with 40 CFR Part 445, Subpart B (RCRA Subtitle D Non-Hazardous Waste Landfill) and the water quality-based requirements for outfall 001. EPA has completed its review and offers the following comments:</p> <p>1. The draft Permit Part C.II.F Condition regarding Per- and Polyfluorinated Alkyl Substances (PFAS) require the permittee to sample for PFAS, including PFOA and PFOS, using EPA Draft Method 1633. Our office commends PADEP for requiring PFAS sampling at this facility which is in an industrial sector known for PFAS contamination in its wastewater. In an effort to bolster the usefulness of the information collected during the permit term our office offers the following recommendation based on EPA’s Memorandum for Addressing PFAS Discharges in NPDES Permits and Through the Pretreatment Program and Monitoring Programs published (Memo) published in December 2022, see attached.</p> <p>a. Part A and Part C.II.F of the draft permit does not specify which PFAS analytes are required to be</p>	1	<p>Part C. II. F. of the permit has been changed to read as follows: "Until there is an analytical method approved in 40 C.F.R. Part 136 for PFAS monitoring, all PFAS monitoring shall be conducted using EPA Method 1633. PFAS monitoring shall include the 40 parameters analyzed by Method 1633. The lab results pages showing the results for all 40 PFAS parameters must be attached to the quarterly DMRs. In addition, the results for PFOA and PFOS must be individually entered on the quarterly DMRs."</p> <p>(Method 1633 is no longer considered “Draft”.)</p>

Comment #	Comment	Commenter #	Response
1, continued	monitored using draft method 1633. EPA recommends requiring sampling be conducted for all 40 PFAS parameters detectable by draft method 1633, consistent with the Memo. PFAS chemistry will often change as precursors transform over time, so it is necessary to expand sample requirements beyond PFOS and PFOA. This is especially important at landfills since decomposition conditions will cause the biotransformation of PFAS into its precursors, so it is important to sample a spectrum of analytes to effectively capture PFAS concentrations leaving the site. The draft Adsorbable Organic Fluorine CWA wastewater method 1621 can be used in conjunction with draft method 1633, if appropriate.	1, continued	
2	2. Pages 42-43 of the fact sheet states that based upon discussions between PADEP and the permittee, Modern Landfill monitored to collect baseline PFAS data. This sampling was conducted in January and February 2023, which appears to be prior to the upgraded reverse osmosis system for the WWTP becoming operational (April 2023). The PFAS data that will be collected over the permit term will be important for PADEP's evaluation of case-by-case TBELs for PFAS and any necessary water-quality based requirements for future permitting actions.	1	No response required.
3	3. It is not clear whether the stormwater outfalls are also discharging PFAS, since no data appears to have been collected to date. EPA is requesting that PADEP include monitoring requirements at all stormwater outfalls in Part A of the permit to screen for PFAS. If data indicates the presence of those pollutants in the stormwater discharges, additional monitoring and limitations may be required. Since outfalls 006 and	1	DEP is not amenable to adding PFAS monitoring requirements for the stormwater outfalls. Stormwater directed to outfalls 002, 003, and 004 is from inactive or closed portions of the landfill. Stormwater directed to outfalls 005 and 006 do not include any stormwater in direct contact with landfill wastes. A description of the collection area for each of these stormwater

Comment #	Comment	Commenter #	Response
3, Continued	005 drain active landfill cells, we recommend that monitoring for all 40 PFAS parameters be required at these two outfalls.	1, continued	outfalls was included in the 2021 NPDES renewal application which was shared with EPA.
4	4. EPA recommends the following change (in italics) to the language in Part C.II.E. of the permit: E. If surface water quality criteria for PFOA, PFOS, or <i>any</i> PFAS are promulgated during the permit term or if technology-based performance standards for the treatment of PFOA, PFOS, or <i>any</i> PFAS become available, DEP may modify or revoke and reissue the permit to impose limits developed from the new promulgated criteria or in conformance with applicable technology-based performance standards. Any such major permit amendment shall be considered a formal permitting action of DEP subject to applicable permit modification procedures.	1	DEP agrees to EPA's recommendation and has made the change in Part C.II.E of the final permit.
5	5. Page 1 of the fact sheet notes that the landfill accepts gas well liquid. It is unclear whether this liquid is associated with oil and gas extraction wastewaters, but it was noted that Group 7 pollutants (including Uranium, Gross Alpha, and Radium 226/228) were not evaluated in the permit application. Please clarify whether the landfill accepts any oil and gas extraction wastewaters that would require additional data collection for Group 7 pollutants.	1	No, the landfill does not accept oil and gas extraction wastewater.
6	6. Page 31 of the fact sheet notes that PADEP's Phase 2 WIP Wastewater Supplement established limits (consistent with Appendix Q of the Bay TMDL) of 40,803 lbs./yr. TN and 131 lbs./yr. TP, but after multiple conversations with the permittee PADEP agreed to grant an additional 10,000 lbs./yr. TN and <u>129</u> lbs./yr. TP from the point source	1	Pages 30 and 31 of the August 2023 Fact Sheet cited the October 2016 Fact Sheet (associated with the NPDES renewal permit issued in 2017) for purposes of documentation. EPA's comment that the Total Phosphorus (TP) cap load was increased in the 2017 NPDES permit by 169 lbs./year from the Phase 2 WIP Wastewater Supplement, not by 129 lbs./year as stated

Comment #	Comment	Commenter #	Response
6, continued	<p>reserve. The TN cap loads in the permit were increased by 10,000 lbs./yr., but the TP cap loads were increased by <u>169</u> lbs./yr. (not 129 lbs./yr. as noted in the fact sheet). We acknowledge that the cap loads for the permit are consistent with PADEP's Phase 3 WIP Wastewater Supplement, but it was noted that 40 more lbs./yr. of TP were granted than indicated in the fact sheet. Please clarify this and revise the fact sheet to clarify any discrepancies or errors, if needed.</p>	1, continued	<p>in the 2016 Fact Sheet, is duly noted. The 129 lbs./yr. of additional TP appears to have been a typo in the 2016 Fact Sheet. In response to EPA's request, a note has been added to the final permit's Fact Sheet Addendum: the Total Phosphorus cap load was increased in the 2017 NPDES permit by 169 lbs./year from the Phase 2 WIP Wastewater Supplement, not by 129 lbs./year as stated in the 2016 Fact Sheet and cited in the August 2023 Fact Sheet, for a total of 300 lbs./year.</p> <p>No changes to the Chesapeake Bay TMDL Waste Load Allocations are being proposed in the renewal permit. The cap loads in the 2017 permit and in this renewal permit and in the Phase 3 WIP Wastewater Supplement (July 29, 2022) are as follows: 50,803 lbs./year for Total Nitrogen and 300 lbs./year for Total Phosphorus</p>
7	<p>7. Page 34 of the fact sheet indicates that the TOXCONC spreadsheet did not return results from some parameters (potentially due to the number of non-detect values) and yielded results for two parameters that could not be confirmed. It is not entirely clear what this means. If a conversation would more easily help to clarify this, let us know and we can schedule a call.</p>	1	<p>DEP's Standard Operating Procedure (SOP) Establishing QWBELs and Permit Conditions for Toxic Pollutants in NPDES Permits instructs staff to use the TOXCONC statistical spreadsheet to determine the average monthly effluent concentration (AMEC) for sample sizes greater than or equal to 10 using discrete data. The AMEC is then used as the discharge concentration input value in the TMS model to determine QWBELs--although the TMS model column heading, regrettably, cannot be changed from 'Maximum discharge' to 'AMEC' or 'Median' by the user. Staff are instructed to explain in the Fact Sheets deviations from the SOPs. The August 2023 Fact Sheet therefore explained that the TOXCONC spreadsheet was run, initially, but the results were not used. In cases where the data set includes many</p>

Comment #	Comment	Commenter #	Response
7, continued		1, continued	<p>concentrations below quantitation levels (QLs), the spreadsheet does not calculate an AMEC. If the QL values were instead entered into the spreadsheet (without the < indicator), the resultant AMEC would be skewed high because the concentration could be between zero and the QL, not close to the QL. Out of the 9 parameters for which there were more than 10 sample results available to potentially calculate AMECs, there were only two parameters which had all detectable concentrations greater than the QLs in the data set. For this reason, median values were determined from the Daily Effluent Supplemental DMRs (for 18 months) and instead input into the TMS model with the results shown on page 97 of the August 2023 Fact Sheet. The average of monthly average values from the DMRs is a much easier statistic to quickly calculate given DEP's eDMR and WMS systems (which extracts DMR data for statistical manipulation but not data from Daily Effluent DMR Supplemental forms). The monthly average values from the DMRs (for 38 months) were also determined and compared in the August 2023 Fact Sheet. Using either the average of the DMR monthly averages or the median values from the Daily Effluent Supplemental DMRs yielded the same TMS results, as documented in the August 2023 Fact Sheet. (Note: using the AMECs calculated from the TOXCONC spreadsheet for the two parameters having all concentrations greater than the QL also did not yield different TMS results.)</p>
8	8. The first paragraph on pg. 37 of the fact sheet states that the WQBELs summarized in the table on page 36 are new limits and a compliance schedule has been included in the permit. The fact sheet will	1	The volume of leachate generated seasonally varies and the concentrations of pollutants in leachate also varies such that requesting a few new effluent samples after the treatment plant upgrade would not

Comment #	Comment	Commenter #	Response
8, continued	need to include a discussion evaluating whether a schedule is appropriate in the permit. New limitations are not a sole factor in determining that a compliance schedule is appropriate, but should also consider whether or not the permittee is able to comply with them immediately	1, continued	<p>necessarily be indicative of whether the upgraded treatment plant could consistently achieve the new WQBELs imposed in the permit for 14 parameters. Unlike other industrial dischargers, a landfill cannot change raw materials or production processes: the waste has already been deposited and sometimes covered and capped. If they cannot consistently meet final permit limits, new treatment might be needed. The rationale for allowing the compliance schedule will be documented in the final permit's Fact Sheet addendum as EPA has requested:</p> <p>Having on-going monitoring as a requirement in the permit for these new parameters will yield a larger and more representative data set, given that leachate concentrations and flow rates vary seasonally. A compliance schedule of three years was proposed to (1) allow enough time for the permittee to collect site-specific data in order to refine the accuracy of the new WQBELs (in accordance with Part C.III.A.1. of the renewal permit and as recommended in DEP's SOP- Establishing Water Quality-Based Effluent Limitations and Permit Conditions for Toxic Pollutants in NPDES Permits for Existing Dischargers), (2) to conduct the Toxics Reduction Evaluation required by the permit which could include identification and assessment of new treatment technologies to achieve the final WQBELs, (3) to submit the results to DEP, (4) for DEP to review the new information, and (5) for a draft permit amendment to be prepared if appropriate, with public notice and comment period, and/or a WQM permit to be issued for new treatment if appropriate and then new treatment installed to achieve the final permit limits.</p>

Comment #	Comment	Commenter #	Response
9	<p>9. Part C. VIII. Outside Sources of Leachate of the draft permit appears to be missing two paragraphs that are in the current permit (copied and pasted, below). Please explain whether this was an intentional removal of the conditions (and if so, why), or whether they were accidentally omitted from the permit.</p> <p><i>A. Sampling and analysis for all parameters specified for Outfall 001 with weekly, semimonthly, or monthly monitoring requirements shall be conducted on the second day following the introduction of outside leachates into the treatment facility. Such sampling shall be performed each time outside leachates are introduced.</i></p> <p><i>B. The permittee shall record the sources and volumes of leachate treated on the enclosed Daily Effluent Monitoring Supplemental Reporting Form 3800-FM-BPNPSM0435.</i></p>	1	<p>Paragraph A of EPA's comments) This paragraph was intentionally omitted from the draft renewal permit. Following the modifications to the treatment plant: sampling at outfall 001 on the second day following introduction of outside leachates would not “capture” the treated outside leachates in the final discharge. Modern Landfill (LF)'s leachate storage tanks can hold leachate for more than two days before forwarding to the treatment plant. The anoxic and aeration tanks alone (T-1B, T-900, T-1A) have a combined detention time of 8 days according to the 2021 WQM permit application, assuming an average flow of 175,000 gpd. The detention time in these three tanks is expected to be less during maximum flows. The design is for the wastewater to be fed through the Reverse Osmosis (RO) modules in two passes. There is an effluent storage tank where the treated effluent could be held before discharged at outfall 001. There is the addition of groundwater after the Leachate Treatment Plant and before the air strippers --and before the sampling location for outfall 001. The groundwater flow varies. DEP could not identify “x” number of days following the introduction of outside leachates that would reliably and consistently "capture" the treated outside leachate at the discharge sampling location.</p> <p>Paragraph B of EPA's comment) The requirement to record the sources and volumes of outside sources of leachate on the Daily Effluent Supplemental Reporting Form was already included in Part C.II.G. of the renewal permit. Part A.III.C.3 of the permit also requires permittees to record hauled-in Residual Waste on supplemental DMR forms.</p>

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10	Revise the facility's legal entity listed in the permit to be Republic Services of Pennsylvania, LLC	2	The draft permit showed the permittee as "Republic Service of PA, LLC". PADEP has changed the permittee to "Republic Services of Pennsylvania, LLC" for the final permit as requested by the commenter.
11	The Draft permit states that Samples taken in compliance with the monitoring requirements specified above shall be taken at Outfall 001. For clarity it is noted the approved compliance sample location is not at the direct outfall but is at the autosampler device which is after final treatment and is located outside the treatment plant.	2	The final permit was changed from the August 2023 draft permit at the permittee's request. The sentence below the limits tables for outfall 001 now reads as follows: "samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: after final treatment of the wastewater and groundwater."
12	The Fact Sheet prepared for the draft permit states on page 27 that no dissolved iron limit or monitoring requirement has been added to the NPDES permit renewal. However, the effluent monitoring report forms in the draft permit have dissolved iron as a monitoring report parameter for the first three years of the permit and with permit limits for both concentration and loading after the first three years. Per the technical information presented in the Fact Sheet, the monitoring report forms in the draft permit should be revised with dissolved iron removed.	2	As explained at the top of page 24 of the August 2023 Fact Sheet, Technology-Based Effluent Limitations (TBELs) and Water Quality-Based Effluent Limitations (WQBELs) are compared to each other and to existing permit limits to determine appropriate permit limits for the renewal permit. There is a section of the Fact Sheet for TBELs and a separate section of the Fact Sheet for WQBELs. WQBELs are developed independently, for the protection of the specific receiving water. In this case, TBELs were not triggered for Dissolved Iron (as stated on page 27 of the August 2023 Fact Sheet), but WQBELs were recommended by DEP's model for both Dissolved Iron and Total Iron, as explained in pages 33 through 36 of the August 2023 Fact Sheet. The existing permit did not include limits for either Dissolved Iron or Total Iron. The WQBELs calculated by DEP's model for Dissolved Iron and Total Iron were included in the draft permit's limits and have been kept in the final permit.

Comment #	Comment	Commenter #	Response
13	<p>The draft references that the treatment plant will receive sewage wastes from onsite sources and from leachate potentially received from the Conestoga Landfill. All onsite sewage sources at Modern have been removed and are no longer processed by the plant. Additionally, the minor amounts of sewage produced at Conestoga are separate and not part of the raw leachate liquids that would be transported to and treated at Modern treatment plant. With sewage waste not being part of the waste treated, the inclusion of the parameter e-coli is not considered necessary and should not be included in the final permit.</p>	2	<p>Page 1 of the August 2023 Fact sheet stated that sanitary wastewater [generated at Modern LF] is diverted to a holding tank for intermittent hauling and off-site disposal according to the permittee. The 2021 NPDES application stated: "an influent sample has been included from Conestoga Landfill. The sample was collected...from the leachate storage tank's sampling port....and includes leachate, leachate condensate and sewage discharge." Conestoga Landfill's influent sample had a Fecal Coliform concentration of 9210/100 mL. No sample result was included for E. Coli. The outfall 001 sample results in Modern LF's renewal application reported an average concentration of 1217.5 /100 mL and a maximum concentration of 4352 /100 mL for Fecal Coliform based on 55 samples. No sample results were included for E. Coli. Because there is some sewage in the wastewater and given the Fecal Coliform concentrations in the application, DEP does not agree to remove the E. Coli. quarterly monitoring requirement at outfall 001 from the renewal permit.</p>
14	<p>Pages 9 and 10 of the Fact Sheet lists the major components of the original plant and new components added as part of the ongoing modifications being made to the plant. For clarity the following corrects/additions are requested:</p> <ul style="list-style-type: none"> • The UF membrane description in the Fact Sheet refers to three modules for each unit. This should be revised to reflect “up to 5 modules for each unit with 0.100 MGD capacity for each UF unit”. • Revise to reflect “Only 1 sludge thickener, now repurposed to an aeration tank feed sump” • Add recirculation pumps to new aeration tank 	2	<p>The Fact Sheet Addendum includes revised components in response to your comment.</p>

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14, continued	<ul style="list-style-type: none"> • Add Dissolved Air Flotation (DAF) and change Filtration to Flotation. • Remove automatic strainers after the grit chamber 	2, continued	
15	We request the existing ELG for zinc remain the same. The proposed leachate flows are higher than historic leachate flows. We request that the ELG for zinc be based on the projected leachate flows not historic.	2	The NPDES permit is intended to be applicable and appropriate in multiple operating scenarios. DEP does not agree to change the permit limit for Total Zinc from the draft permit as it would not be applicable and appropriate in multiple operating scenarios.
16	As described in the Fact Sheet, the proposed concentration and loading limits are based on relative volumes of leachate and groundwater processed at the LTP for the period November 1, 2020 through April 30, 2023. However, these calculations did not account for the volumes of wastewater hauled offsite. The total volume of liquid waste specified in the Part II WQM permit is 175,000 gpd. Note that the LTP upgrades are designed and permitted to handle these relative volumes, and that the total volume is well within the approved maximum discharge limit of 0.5 MGD. The draft permit should be revised to account for this total volume of industrial wastewater.	2	<p>The Technology-Based Effluent Limitations (TBELs) for this renewal permit considered the ratio of industrial wastewater and the ratio of groundwater in the total discharge based on past records (Supplemental DMRs from November 1, 2020 through April 30, 2023). If the ratio of treated industrial wastewater increased relative to the total discharge, the calculated TBELs in the Fact Sheet would be less stringent. However, a) the leachate treatment plant capacity limits the amount of industrial wastewater treated, and b) the calculated TBELs in the Fact Sheet were not imposed as permit limits, except for Total Zinc, because the existing permit's more stringent limits were carried forward for these parameters to avoid back-sliding. Moreover, the NPDES permit is intended to be protective in multiple operating scenarios. DEP has not re-calculated the flow-weighted Effluent Limitation TBELs from pages 25 and 26 of the August 2023 Fact Sheet. Also see DEP's response to comment #15 above.</p> <p>The Water Quality Based-Effluent Limitations (WQBELs) were based on a design flow of 0.5 MGD, for all wastestreams combined and regardless of the ratio of industrial wastewater to groundwater. As described in the August 2023 Fact Sheet (top of page 24), both TBELs and WQBELs are calculated and</p>

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16, continued		2, continued	compared to existing permit limits to determine renewal permit limits.
17	Further evaluation of the WQBELs presented in the draft permit for the new pesticides will be required. Clarification on how the TQLs were determined by the PADEP to be the default WQBEL values for these parameters is requested.	2	<p>For Aldrin and Heptachlor Epoxide, DEP's Toxics Management Spreadsheet (TMS) calculated WQBELs that are below both the Minimum Level (ML)(also known as reporting limit or quantitation limit) and Method Detection Limit (MDL) of EPA-approved analytical methods included in 40 CFR Part 136 for those parameters. Title 25 Pa Code § 16.102 (2)(i) states "EPA-approved analytical methods must be sufficiently sensitive and capable of detecting and measuring the pollutants at or below the applicable water quality criteria or permit limits consistent with the EPA's regulations in 40 CFR Part 122 (relating to EPA administered permit programs: the National Pollutant Discharge Elimination System) and 40 CFR Part 136." Method 608.3 is identified in 40 CFR Part 136 Chapter I Subchapter D Appendix B as the most sensitive analytical method for Aldrin and for Heptachlor Epoxide but cautions that the MDL for an analyte in a specific wastewater may differ from those listed in the regulations depending upon the nature of interferences in a sample matrix.</p> <p>DEP previously coordinated with the State's Bureau of Laboratories to determine DEP's Target Quantitation Limits (TQLs). The TQLs for both Aldrin and Heptachlor Epoxide were determined to be 0.05 ug/l based on using Method 608.3. Because the WQBELs are below detectable levels achievable by the most sensitive analytical methods identified in 40 CFR Part 136, DEP's TQLs have instead been imposed as the permit limits. The permittee must use an analytical method sufficiently sensitive to detect at (or lower than) their permit limits and must report the lab results</p>

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17, continued		2, continued	<p>on the DMR in accordance with the DMR instructions [3800-FM-BCW0463]. The DMR instructions state: Estimated values, values flagged with a J qualifier, should not be used for compliance purposes. As provided in Part C. IV. of the permit, they will be "in compliance" with the permit as long as the effluent concentrations are less than or equal to 0.05 ug/l.</p> <p>For the Toxics Reduction Evaluation (TRE), the permittee needs to evaluate if they can consistently achieve the permit limits of 0.05 ug/l and, if not, determine what measures will be necessary to ensure that the discharge does meet the permit limits by the end of the compliance schedule.</p>
18	<p>We are concerned citizens living in Lower Windsor Township. We live on Gun Club Rd, approximately 1 1/2 miles from Modern Landfill.</p> <p>In the late 1990's there was a group formed called PAC (People Against Contamination). We had fought Modern Landfill because it was found that the wells in and around the landfill were contaminated and not fit to drink and bathe. Resulting from that fight we had York Water Company run water to our neighboring communities. Sadly to say, we are the last home on Gun Club Rd where they stopped running the water. Our neighbors down the road do not even have that option currently.</p>	3	Thank you for your comments.
19	So, as you can see this is not a new problem or concern. This has been an ongoing problem for many, many years. In 2022, many concerned residents had their well water tested and we even had our own city water tested. I am sure you have received that information from Ted Evgeniadis, the	3	Ted Evgeniadis with the Lower Susquehanna Riverkeeper forwarded sample results to DEP in August 2022 taken from 4 wells which appeared to have been residential wells based on their labels. Three of the 4 wells were sampled in April 2022 for Arsenic, Lithium, and Uranium. All results were

Comment #	Comment	Commenter #	Response
19, continued	River Keeper. Those tests were very concerning. Now that brings us to the new renewal permit that is brought before us.	3, continued	Non-detect. The 4th well was sampled in July 2022 for 10 parameters, 8 of which were Non-detect: Arsenic, Boron, Chromium, Cobalt, Lithium, Mercury, Nickel, and Uranium. Two parameters were detected: Total Manganese and Nitrate. For both Manganese and Nitrate, the concentrations reported by the lab were below State and Federal drinking water standards (known as Maximum Contaminant Levels, or MCLs).
20	As we understand, the Modern Landfill's permit expired January 31, 2022. They were granted an extension and allowed the landfill to pay small fines in comparison to the extreme revenue they took in, all the while they exceeded the statutory limits allowed. It took until now to draft a renewal permit 1 year and 9 months later. Modern Landfill should have been shut down at that time.	3	<p>DEP and Republic Services entered into a Consent Order and Agreement (COA) on August 25, 2020 which addressed exceedances of permit limits, required that Republic Services upgrade the treatment plant to be able to meet permit limits, and established monetary penalties.</p> <p>When a NPDES permit renewal application is submitted before its due date but a renewal permit is not issued before the existing permit's expiration date, Title 25 Pa Code § 92a.7(b) allows the existing permit's limits and conditions to be automatically continued until the renewal permit is issued:</p> <p>(b) The terms and conditions of an expiring permit are automatically continued when the following conditions are met:</p> <p>(1) The permittee has submitted a timely application for reissuance of an existing permit in accordance with § 92a.75 (relating to reissuance of expiring permits).</p> <p>(2) The Department is unable, through no fault of the permittee, to reissue or deny a permit before the expiration date of the previous permit.</p>

Comment #	Comment	Commenter #	Response
20, continued		3, continued	<p>“Shutting down” a landfill does not stop leachate and stormwater from occurring at the landfill. Leachate and stormwater continue to occur at a landfill for years beyond a landfill's active operation such that a NPDES permit continues to be needed as a control on the discharge of wastewater.</p> <p>The draft NPDES permit that was publicly noticed and for which comments have been collected is specifically for the wastewater and stormwater discharges, not for the landfill's permission to operate as a landfill which is authorized by their municipal landfill permit. A renewal application has been received for their municipal landfill permit and is under review by DEP's Waste Management staff. Anyone interested in the municipal landfill permit is referred to the following website where information and DEP Waste Management Program contact information is posted: www.dep.pa.gov>About DEP>Regional Resources>Southcentral Regional Office>Community Information> Modern Landfill, or at <u>Modern Landfill NPDES/Solid Waste (pa.gov) https://www.dep.pa.gov/About/Regional/Southcentral/Region/Community%20Information/Pages/Modern-Landfill-NPDES.aspx</u></p>
21	<p>Modern Landfill has shown us they cannot treat certain contaminants. Even with their new treatment plant in place, toxins are still being discharged into Kreutz Creek. They should be shut down now. These contaminants are certainly affecting residents close to the landfill, but since these toxins are now known to be in Kreutz Creek, it affects a large range of citizens outside of our township. Not to mention</p>	3	<p>There have been no exceedances of the existing NPDES permit limits since the upgraded treatment plant at Modern Landfill became operational, according to the Discharge Monitoring Reports submitted to DEP for the period May 1, 2023 through April 30, 2024. The average reductions in the PFOA, PFOS, and Total PFAS concentrations in the discharge to Kreutz Creek at outfall 001 since before</p>

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21, continued	the animals and birds that drink from that creek. These citizens may not even be aware of the creek having toxins in it, because there is no signage posted to warn them. That should be a requirement.	3, continued	the upgrade (based on 3 sample results pre-upgrade and 7 sample results post-upgrade) are as follows: 95%, 97%, and 97% respectively. Results of the samples are summarized in the Fact sheet Addendum. DEP inspectors have not observed adverse impacts in the creek (such as fish kills). DEP intends to conduct a bioassessment in the creek to further evaluate the health of the aquatic life as early as the summer of 2024. Information on fish consumption advisories and updates are available at dep.pa.gov/fish consumption.
22	When is EPA stepping up to establish regulations for PFAS in drinking water and surface water? We realize that DEP cannot enforce those non-existing regulations until EPA does their job, so in the meantime nothing is getting done and our water is contaminated with these toxins and DEP is going to allow Modern Landfill to continue to put those toxic substances into our environment! The logical solution is to shut down Modern Landfill now.	3	The draft permit's August 2023 Fact Sheet (pages 39 through 44) discussed the measures taken by EPA and DEP to address PFAS in drinking water and surface water. Future actions will be posted on their websites and/or in the Federal Bulletin and Pennsylvania Bulletin. (Note: the August 2023 Fact Sheet is available at: www.dep.pa.gov/About/Regional/Southcentral/Community%20Information/Modern-Landfill-NPDES/Solid Waste (pa.gov) https://www.dep.pa.gov/About/Regional/Southcentral/Region/Community%20Information/Pages/Modern-Landfill-NPDES.aspx) As for shutting down the landfill, please see DEP's response to comment #20 above
23	As part of the renewal permit it would allow Conestoga Landfill to truck their leachate into Modern Landfill's treatment system, which has been established as not being able to control the pollutants already coming from their own landfill. Why is Lower Windsor Township being subjected to this? We are also going to be exposed to the trucks who will be carrying these toxins to the site.	3	The Pennsylvania General Assembly passed legislation October 7, 2015 amending Section 303 of the Solid Waste Management Act [35 P.S. § 6018.303]. The amendment allows landfills to truck leachate off-site for treatment and disposal with some conditions. The composition of Conestoga Landfill's leachate was considered in the development of the NPDES permit limits at Modern Landfill. However,

Comment #	Comment	Commenter #	Response
23, continued		3, continued	<p>before any leachate from Conestoga Landfill or from any other outside source can be introduced, Part C.VIII. of the NPDES permit requires that recent sampling results be forwarded to DEP for review. Part C. VIII. of the permit allows DEP to not authorize the acceptance of the outside source of leachate.</p> <p>As for trucking concerns, that is outside of the scope of this NPDES permit action.</p>
24	<p>We feel that DEP cannot be fair in representing the citizens living around the landfill because they have a vested interest in the revenue coming from Modern Landfill. The fact is, DEP receives income from every ton of trash that is placed in that landfill. Why would DEP stop that revenue from coming in? Modern Landfill should be required by DEP to stop accepting trash now, be capped, closed and concentrate on cleaning up the existing site. The residents of Lower Windsor Township have paid dearly over the 50 plus years that Modern Landfill has been in business and it should now come to a close and stop the harm it has caused to our health and the environment.</p>	3	<p>The draft NPDES permit that was publicly noticed and for which comments have been collected is specifically for the wastewater and stormwater discharges from the landfill to surface waters, not for the landfill's continued operation as a landfill. As stated above, "shutting down" a landfill does not stop leachate and stormwater from occurring at the landfill.</p> <p>There is a separate municipal landfill permit authorizing the landfill's operations. A renewal application has been received for their municipal landfill permit and is under review by DEP's Waste Management staff. Anyone interested in the municipal landfill permit is referred to the following website where information and DEP Waste Management Program contact information is posted: www.dep.pa.gov>About DEP>Regional Resources>Southcentral Regional Office>Community Information> Modern Landfill, or at Modern Landfill NPDES/Solid Waste (pa.gov) https://www.dep.pa.gov/About/Regional/Southcentral Region/Community%20Information/Pages/Modern-Landfill-NPDES.aspx</p>

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24, continued		3, continued	In addition, interested persons can sign up for eNotices by visiting www.dep.pa.gov/PublicParticipation and clicking on the link for eNotice system: users can receive email notices about updates of regulations, open comment periods, permit applications, and other DEP activities. After signing up for eNotice, interested persons could be alerted to future waste permit applications or permit actions.
25	<p>I am writing today to express my personal support for the draft National Pollutant Discharge Elimination System (NPDES) renewal permit (PA0046680) issued to Republic Services of Pennsylvania, LLC for the municipal landfill known as Modern Landfill in southern York County.</p> <p>Modern Landfill operates in both Windsor Township and Lower Windsor Township --- and the facility has separate host community agreements with both municipalities. These host agreements result from good-faith negotiations between the townships and the landfill, and they ensure long-term support for local government services and community initiatives --- all for the benefit of residents and neighbors. The same could be said about the NPDES permit that Modern Landfill must work on with the Department of Environmental Protection. Right now, about 70% of Modern Landfill's acreage is in Windsor Township, with the remaining 30% in Lower Windsor Township. But the wastewater treatment</p>	4	Thank you for your comments.

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<p>25, Continued</p>	<p>plant covers 100% of the site and is vital to all of us who have a stake in our region's environmental protection.</p> <p>What is happening right now is nothing new. Modern Landfill's treatment plant has been operating for several decades and has undergone a number of significant upgrades and modifications over the years to comply with increasingly stringent discharge limits under its state-issued NPDES permit. I know this not only because I am a taxpaying resident of Windsor Township, but also a supervisor who has worked with Modern Landfill and closely observed their operations over the years. Even today, the existing treatment plant is undergoing physical upgrades to operate more efficiently and to meet the new discharge standards that would be imposed under any new NPDES permit. To that end, Modern Landfill is investing \$23 million to improve the facility. These upgrades include installation of massive water storage tanks and advanced reverse osmosis technology that will greatly enhance the plant's performance and enable the facility to meet new permit requirements. Other on-site work also enhances environmental protections.</p> <p>Modern Landfill has been part of this community for more than 50 years, and it has a track record of doing all it can to make sure the community benefits from its operations --- environmentally, economically, socially. To me, this NPDES permit and the company's cooperation with DEP to accept these more stringent limits and invest in new on-site environmental controls is further proof of their</p>	<p>4, Continued</p>	

Comment #	Comment	Commenter #	Response
25, continued	commitment to doing things the right way. For all these reasons, I urge you to approve the NPDES permit renewal without any additional conditions. Thank you.	4, continued	
26	<p>My wife, family and I moved into the community in 2018. I knew about the landfill's existence and also knew it was long in the tooth and soon to be shuttered. Or so I thought. The blatant propaganda and arrogance of the landfill soon quickly became displayed as they revealed they were planning to expand and create another landfill. I became an active attendee of the township meetings doing my best to listen to the pros and cons of allowing another landfill to be built. There were no advantages. The scare tactics and underhanded attempts at persuasion were endless. I received their propaganda via email, postal mail, and their slanted news editorials they advanced without real world community rebuttals. Knowing how the water and soil are polluted makes you question why or how they can stay in operation. Landfills and the pollutants they yield make no sense in this day and age. I attended many of the meetings and came to the conclusion my goal will be to thwart the expansion.</p> <p>Being at the meetings also allowed me to have my suspicions confirmed by those who monitored the pollutants of the air, soil, and water that the landfill came in contact with. Modern Landfill has polluted our groundwater and streams for almost 50 years. It</p>	5	<p>Thank you for your comments.</p> <p>See DEP's responses to comments #20 and #24 above.</p>

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26, continued	<p>has violated the discharge limits set by DEP in its permits for the last 5 years. I want to know, "Why is DEP issuing permits to allow Modern to stay in business?" Modern Landfill has been in violation of the trust of the community and the wellness of our environment, yet they stay in operation? Modern Landfill should be required by DEP to stop accepting trash now, be capped and closed and concentrate on cleaning up the mess they've already caused without adding more to the mountain of trash that harms our health and pollutes our township and beyond.</p> <p>I respectfully ask that the DEP do what it is supposed to do and protect our soil, air and water. Require Modern to cease taking in new trash and be the steward of the environment they purported to be and clean up the mess they have made, which will have an impact for years to come. I am in favor of a plan to mitigate and remedy the existing water issues but to allow more input to the problem is not reasonable or logical.</p>	5, continued	<p>The facility holds municipal landfill permits, air quality permits, wastewater permits, and storage tank permits issued by DEP. DEP inspectors visit the site and review sample results. The groundwater at the site will continue to be monitored and evaluated by DEP until such time that samples are consistently below action levels. Leachate and any other regulated wastewater discharged to streams and creeks will continue to be covered by a NPDES permit, with pollutant limits and conditions.</p>
27	<p>As a Lower Windsor Township resident, who has followed developments with Republic Services Modern Landfill, I wish to express my opposition to anything that would prolong the life, or extend the current footprint beyond current working projections, or ease Republic's responsibility for mitigating ongoing leachate discharge. I would note that ~85% of respondents to the latest township survey opposed extending the footprint beyond that currently existing and support our Board of Supervisors position vis a vis negotiations toward that end. Republic is</p>	6	<p>This NPDES permit is for renewed authorization to discharge treated industrial wastewater, treated groundwater, and stormwater. DEP's Waste Management Program reviews municipal landfill permit renewal applications and amendment applications. See DEP's responses to comments #24 and 26 above.</p>

Comment #	Comment	Commenter #	Response
27, continued	<p>seeking, in essence, to create a new greenfield landfill when one has not been permitted in Pennsylvania for at least 25 years. These types of landfills have been nationally and internationally recognized as outmoded for many years now.</p> <p>We, as a citizenry, in Lower Windsor Township have borne the environmental and health costs of this operation for decades and demand that this blight on our community cease operations within its currently projected lifespan.</p>	6, continued	
28	<p>Hi, my name is Mike Higgins and I am a resident of Lower Windsor township which is home to Republic Services Modern Landfill. I would like to thank you for the opportunity to comment on Modern Landfill's renewal of their Wastewater Discharge Permit. I've lived at 105 Old Farm Lane for the past 37 years. My wife and I started a family and raised our two boys here within 1 mile of the landfill.</p> <p>During the time we've lived here we've watched a small local garbage dump become a colossal commercial landfill mountain. We've experienced many attempts by the landfill to become even more than it is. We were in our 20's when the landfill had a public meeting to present their proposal to become a nuclear medical waste handling site. We've lived through the mists that sprayed the garbage and then when the smell of that was causing us to call the township every day to complain, they added an overpowering cinnamon fragrance to the sprayers that made the air smell like cinnamon garbage. We experienced their misinformation campaign at each negative juncture we came across. When we</p>	7	Thank you for your comments.

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28, continued	complained that the smell of garbage was permeating inside our home, they would reply that the smell we were complaining about was coming from the farms around us. It was a ridiculous reply and I can even remember my wife at one time was interviewed by a local TV news team since it had become so bad and when she told them how bad it smelled even inside our home they told her the landfill said it was coming from the farms. Without hesitation my wife replied that she knew the difference between a farm smell and a garbage smell and if the reporter wanted to go stick their head in the back of a garbage truck and take that smell in, that is the smell we had in our home.	7, continued	
29	We didn't realize back then that our well water was contaminated and didn't really find out about that until we were forced to get public water. Thank god we were forced to do so because many people in our area had been exposed to contaminated water for much longer than we had been and they have been told immediately to stop drinking, bathing, etc. their well water once they got it tested. Some of these people have developed chronic illnesses and between the water and air pollution that we have endured I worry about what health effect it has had on me and my family. I'll always have that thought in the back of my head every day as long as that is a working landfill. Now we are in our 60's and just recently Republic presented plans to "expand" the landfill in the direction towards my home and that would ruin everything we have built over our lifetime since they would be within 50 yards of our home. We are resigned to the fact that we will have a lifelong concern with the landfill until they cap it.	7	This NPDES permit is for renewed authorization to discharge treated industrial wastewater, treated groundwater, and stormwater. DEP's Waste Management Program reviews municipal landfill permit renewal applications and amendment applications. See DEP's responses to comments #24 and 26 above.

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30	<p>The Superfund site is still underneath this pile of rotting trash and as you know despite DEP trying to force Republic to meet the leachate guidelines that are in place, they continue to pollute Kreutz Creek. If they can't meet the guidelines now, I don't understand the logic behind allowing them granting them a future permit. DEP is an environmental protection agency and should enforce the guidelines in place. There shouldn't be any allowance for not meeting the guidelines and political and financial considerations should not impact DEP's decision since it is your responsibility to protect our environment.</p>	7	See DEP's responses to comments #24 and 26 above.
31	<p>As the Chairman of the Board of Township Supervisors I am writing behalf of Lower Windsor Township ("Township"), one of the host municipalities for the Modern Landfill ("Modern Landfill" or "the Landfill") operated by Republic Services of Pennsylvania, LLC ("Republic Services"), to provide comments and express concerns regarding the proposed NPDES permit renewal for the Landfill ("the proposed Permit"). These comments have been developed in consultation with the Township's outside environmental counsel.</p> <p>The Landfill is an important subject of concern to the Township and its residents, and we urge the Department to ensure that our residents, our natural resources, and our environment are protected to the maximum extent provided by the Constitution and laws of the Commonwealth of Pennsylvania.</p> <p>The following comments include recommendations and requests for changes to the requirements of the</p>	8	Thank you for your comments.

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31, continued	<p>proposed Permit, as well as number of questions where we ask that the Department provide a more detailed explanation of the basis for the choices made in developing the proposed Permit. We are aware that the Department will provide a Response to Comments document upon permit issuance and encouraging the Department to treat that as more than a box-checking exercise and instead as an opportunity to more fully inform and educate the citizens who are mostly directly impacted by the Landfill of the reasoning and analysis behind the requirements of the Permit. We would request that effort not only for the comments set forth in this letter, but in response to all comments and questions submitted by our residents.</p> <p>Our specific comments are as follow:</p>	8, continued	
32	<p><u>Conestoga Landfill Leachate</u></p> <p>1. The Township has a general objection to the transfer of leachate from the Conestoga Landfill (“Conestoga Leachate”) to the Modern Landfill. The Fact Sheet for the proposed Permit does not offer any explanation as to why this has been requested by Republic, or why it should be allowed. Presumably this is a circumstance where cost savings are being sought by Republic despite the increased risk and threat to the environment from the additional pollution that will be introduced to the Township by the transfer of the Conestoga Leachate. Presumably the Conestoga Leachate will be transferred by truck, yet the Fact Sheet evidences no consideration of the amount or timing of the truck traffic that shipping the Conestoga Leachate will impose on the community</p>	8	<p>The Pennsylvania General Assembly passed legislation October 7, 2015 amending Section 303 of the Solid Waste Management Act [35 P.S. § 6018.303]. The amendment allows landfills to truck leachate off-site for treatment and disposal: "The Department may not prohibit or penalize the vehicular transportation of leachate discharged from a collection and handling system of a landfill to an offsite facility for the treatment of the leachate...." The legislation does stipulate that (1) a new traffic impact analysis may be required in some situations, with an updated environmental assessment submitted to the Department, and (2) the facility's closure and post-closure financial assurance be recalculated in some situations but not if the transportation of leachate is "for management of leachate volumes related to excess rainfall, open cell conditions, system</p>

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32, continued	around Modern Landfill. The impacts to the Township and its residents from the shipment of the Conestoga Leachate, in the form of traffic, noise, accident risk and potential for spills and releases, should be fully evaluated in all responses before any such authorization is granted.	8, continued	<p>interruptions or emergencies." Traffic impact analysis and closure financial assurance calculations are under the purview of the municipal landfill permit. Any modifications to the facility's municipal landfill permit is reviewed by DEP's Waste Management Program. The permit that was publicly noticed and for which comments have been collected is specifically for renewal of the NPDES permit authorizing industrial wastewater, remediated groundwater, and stormwater discharges from the landfill to surface waters.</p> <p>Part C. VIII. of the NPDES permit does require the permittee to notify DEP of proposed amounts of outside sources of leachate before they are introduced to Modern Landfill's treatment plant and allows DEP to not authorize them.</p>
33	2. Modern Landfill's recent compliance history demonstrates that the Landfill has been challenged to meet the limits in its current NPDES permit. The proposed Permit appropriately includes new and additional limits that are being made applicable to the Landfill's discharge. The Landfill is attempting to solve its pre-existing compliance challenges with the installation and operation of a new reverse osmosis treatment system. While such upgrades to wastewater treatment at the Landfill are welcome, they are as of yet unproven. The Landfill should be required to demonstrate that it can consistently meet the existing limits in its current permit, and the new limits in the proposed Permit before it is allowed to introduce a new waste stream into its already challenging wastewater discharge situation. Accordingly, the request to transfer leachate from	8	<p>There have been no exceedances of the existing NPDES permit limits since the upgraded treatment plant at Modern Landfill became operational in May 2023, according to the Discharge Monitoring Reports submitted to DEP for the period May 1, 2023 through April 30, 2024.</p> <p>Modern Landfill will be responsible for meeting the renewal NPDES permit's limits. Before any leachate from Conestoga Landfill or any other outside source can be introduced, the NPDES renewal permit requires that recent sampling results be forwarded to DEP for review. The Part C. VIII. condition of the NPDES permit provides:</p> <p>"The permittee may accept leachates from other waste management facilities throughout the term of this permit if the facility's waste permit allows it and</p>

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33, Continued	Conestoga Landfill to Modern Landfill should be denied at this time.	8, Continued	<p>contingent upon satisfaction of the following conditions:</p> <p>A. The permittee shall notify the Department in writing within at least 30 days prior to the acceptance and treatment of outside sources of leachate. The notification shall be sent via Certified Mail or other means to confirm DEP's receipt. The written notification shall include a description of the source, the anticipated volume of leachate to be treated, the duration of acceptance of the leachate from the outside source, and the analytical results of a priority pollutant scan conducted within the previous 12 months. The Department will issue a written response if the acceptance will not be authorized or if additional information is needed. If a response is not received within 30 days, the permittee may proceed with acceptance and treatment. Following the permittee's initial notification of a source, no further notifications are necessary for that source for the remainder of the permit term.</p> <p>B. Leachates shall be treated in all unit processes (i.e., no bypassing).</p> <p>C. The permittee shall immediately cease the acceptance of outside sources of leachate upon notification from the Department if, at any time during the term of this permit, the Department determines that such leachates are interfering with treatment performance or are contributing to impairment of water quality."</p> <p>The existing permit for this facility also included these conditions and reporting requirements. A review of the facility's attachments to their Daily Effluent Monitoring Supplemental Reporting Forms from</p>

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33, continued		8, continued	November 1, 2020 through April 30, 2024 does not show any outside sources of leachate being introduced to the Modern Landfill Treatment Plant. See also DEP's response to comment #32 above.
34	3. The Township is aware that the Fact Sheet indicates that the Landfill will require other permitting before the Conestoga Leachate can be brought to Modern Landfill. However, the fact that other permits are required is not a basis to rubber-stamp the request to import Conestoga Leachate to Modern Landfill by issuing approval to do so with this NPDES permit. The importing of the Conestoga Leachate would appear to have a much more direct impact on the wastewater discharge from Modern Landfill than it will on other Landfill operations, and accordingly this NPDES approval process is the most important stage at which to draw the line and prohibit the leachate from being imported until and unless the issues noted in these comments are addressed and resolved.	8	See DEP's responses to comments #32 and 33 above.
35	4. The proposed Permit does not appear to include any limits on the amount of Conestoga Leachate that can be imported to Modern Landfill. Flow/volume limitations to ensure that the amount of Conestoga Leachate brought to Modern Landfill does not exceed the volumes assumed or expected by the Department in its review of the Landfill's permit application should be incorporated into the permit.	8	The permittee holds a WQM permit which was issued based on their WQM permit application for the upgrade to the treatment plant: 0.2 MGD for the leachate treatment plant, 0.3 MGD for groundwater that mingles with the leachate treatment plant effluent before the air strippers, for a total of 0.5 MGD after all treatment. The permittee may only operate their treatment system in accordance with the design approved by the WQM permit, including flow amounts. Similarly, if there are changes to the information supplied in their NPDES permit application on which the NPDES permit was based or changes in their physical facility, Part A.III.C. of the

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35, continued		8, continued	NPDES permit requires the permittee to notify DEP and to submit an amendment application if DEP determines such is warranted. The flow at outfall 001 is monitored and reported to DEP on the facility's monthly Discharge Monitoring Reports and Daily Effluent Monitoring Supplemental Reporting Forms. There are also mass load limits in the NPDES permit which are calculated from concentration and flow.
36	5. The proposed Permit also does not appear to include any requirements to measure, record or report the amount of Conestoga Leachate that is brought to Modern Landfill, or the dates and times that it is received, or when it is introduced into the wastewater treatment system. The Landfill should be required to collect, record and report all such information.	8	In Part C.II.G. and Part C. VIII. of the permit, the permittee is required to 1) notify DEP of any off-site leachate source they propose to accept along with the volume and provide analytical results of a priority pollutant scan conducted within the previous 12 months, and 2) record the volume and source of leachate from off-site introduced to the treatment plant on the Daily Effluent Monitoring Supplemental Reporting Form [3800-FM-BCW0435] or as an attachment to the Daily Effluent Monitoring Supplemental Reporting Form which is submitted to DEP with their monthly DMRs. The NPDES permit also includes Hauled-In Waste requirements in Part A. III.C.3., included in all NPDES permits; these requirements include dates and volumes received. Also see DEP's responses to comments #32 and #33 above.
37	6. There is no correlation or coordination required by the Permit as between the importing of Conestoga Leachate and its introduction into the Modern Landfill wastewater treatment system, and the dates and times of effluent monitoring. If, for example, Conestoga Leachate always arrives on a Monday, and Modern Landfill always takes its samples on a Friday, the monitoring results would essentially always miss the impact of the Conestoga Leachate on	8	The NPDES permit's Part C. VIII. requires that any outside sources of leachate, if such are introduced after notification to DEP and after DEP's evaluation, be treated in all unit processes. The leachate from outside sources will thus be blended with on-site leachate in the multiple treatment plant units and potentially in the effluent storage tank before discharge. The leachate will be well blended before the single sample collection point at outfall 001.

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37, continued	the Modern Landfill discharge. Alternatively, if Conestoga Leachate is always introduced to the Modern Landfill discharge when effluent samples are being collected, then the Conestoga Leachate could dilute and mask problems with the Modern Landfill leachate. Accordingly, should the Conestoga Leachate be brought to Modern Landfill, enhanced effluent monitoring should be included in the final permit to ensure that the quality of discharge from Modern Landfill is sampled and evaluated both i) by itself and ii) if and when combined with Conestoga Leachate.	8, continued	Also see DEP's responses to comments #9, #33, and #36 above.
38	7. It does not appear that any antidegradation analysis was conducted in the context of the new and increased discharge and pollutant loadings that would result from transfer of Conestoga Leachate to Modern Landfill. The Antidegradation discussion in the Fact Sheet (page 57) is extremely cursory. The Department should require an antidegradation analysis prior to any approval for the importation of Conestoga Leachate to Modern Landfill to ensure that existing and designated uses of the receiving water are protected. The requirement exists regardless of whether any High Quality or Exceptional Value waters are affected by the discharge. <i>See</i> 25 Pa. Code §93.4a(b). The Department should clearly identify what existing and designated uses are at stake, and how they will be protected even if Conestoga Leachate is brought to Modern Landfill.	8	Antidegradation Requirements are provided in Pa Code § 93.4a: for surface waters, "Existing instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected." The designated uses for Kreuz Creek are: a) Warm Water Fishes and Migratory Fishes, in accordance with Pa Code § 93.9o, as well as b) the statewide water uses provided in Pa Code § 93.4 which includes swimming, fishing, water for livestock and wildlife, and potable water supply which is defined in Table 1 of Pa Code § 93.3 as water used for drinking after conventional treatment. NPDES permits are intended to protect the receiving stream's designated uses using available information. In particular, the water quality criteria from 25 Pa Code Chapter 93 are used in our models, along with stream low-flow and other model inputs, to calculate water-quality based effluent limits (WQBELs) which are imposed as permit limits if there is a reasonable potential for the discharge to exceed the parameter-by-parameter WQBELs. The water quality criteria from 25 Pa Code Chapter 93 include aquatic life criteria,

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38, continued		8, continued	human health criteria, and specific water quality criteria including bacteria. The bacterial criteria are the only ones used by DEP for protecting the water use of 'Water Contact Sport' which includes swimming.
39	8. It is not clear from the Fact Sheet whether Conestoga Leachate will introduce any additional PFAS loading to the Modern Landfill effluent. The extent of any PFAS loading from the Conestoga Leachate should be fully understood before it is allowed to be introduced to Modern Landfill. This would include ensuring the existence of a statistically significant data set that includes testing and analysis for a wide range of PFAS chemicals (e.g., the 40 PFAS compounds that can be tested by draft method 1633), over multiple samples, to determine the PFAS speciation, concentration and loading from the Conestoga Leachate.	8	Any leachate from an outside source will have to be introduced at the head of Modern Landfill's treatment plant with treatment in all unit processes, in accordance with Part C. VIII. of the NPDES permit. In Modern Landfill effluent samples collected between January 2023 and February 2024, Modern Landfill's upgraded treatment plant has shown reduction rates of 97% for a total of 40 PFAS parameters.
40	9. The Fact Sheet (page 28) says the TDS loading of the Landfill discharge is not expected to increase by more than 5000 lbs./day, even if Conestoga Leachate is brought to Modern Landfill, based on the TDS <i>concentrations</i> in Conestoga Leachate being lower than TDS concentrations from Modern Landfill. But this analysis confuses <i>concentration</i> with <i>mass loading</i> . The Department should evaluate the mass loading of TDS from the Conestoga Leachate in order to determine the extent that the TDS loading from the combined Modern and Conestoga Leachate will increase. Based on the TDS baseline discussion (Fact Sheet at p. 51) it would appear that if a loading of 1,247 lbs. of TDS per day or greater is contributed by the Conestoga Leachate, this would result in an	8	The regulations at Pa. Code § 95.10 require that a permit limit of 2000 mg/l for TDS be imposed if an existing discharger's TDS load increases from its load as of August 21, 2010. The regulations do not say to impose the permit limit for TDS if the TDS load <i>may</i> surpass their load from August 21, 2010. The TDS monitoring requirement included in the renewal permit will provide sufficient data to determine if the permittee's load has increased by more than 5000 lbs./day from August 21, 2010. The monitoring requirement includes average monthly TDS concentration and average monthly TDS mass load.

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40, continued	<p>exceedance of the 5,000 lb. threshold established in 25 Pa. Code § 95.10(a)(7).¹</p> <p>¹ Specifically, the Fact Sheet at page 51 indicates a TDS authorization of 5,504 lbs./day as of August 2010, and states the current TDS load as being 9,257 lbs./day. The increase from August 2010 to the present is thus less than 5,000 lbs./day. Yet, $9,257 - 5,504 =$ an existing increased loading to-date of 3,753 lbs./day, and thus a margin of 1,247 lbs./day before the 5,000 lb./day increase threshold is exceeded. ($5,000 - 3,753 = 1,247$).</p>	8, continued	
41	<p>10. The Fact Sheet (page 2) speculates that cadmium from the Conestoga Leachate will be diluted by the ML wastewater and imposes only a monitor and report requirement. In order to protect water quality, there should be a cadmium effluent limit if Conestoga Leachate is brought to Modern Landfill. Since Modern Landfill will already be monitoring for cadmium, the imposition of a limit does not increase the Landfill's costs, unless of course it turns out the effluent is exceeding that limit, in which case having a limit established will be imperative. If it later turns out that discharge of Conestoga Leachate produces effluent well below any applicable Water Quality Based Effluent Limit (WQBEL) for cadmium, then it might be appropriate to consider reducing that limit to a monitor-only requirement in future permits.</p>	8	<p>DEP has not added a limit for Cadmium in the renewal permit. As explained on page 33 of the August 2023 Fact Sheet, DEP's model, the Toxics Management Spreadsheet, evaluates Reasonable Potential (RP) for individual pollutants in the discharge to cause in-stream exceedances of water quality criteria such that a limit would be necessary. [Reference: DEP's Water Quality Toxics Management Strategy, document No. 361-0100-003, available at www.depgreenport.state.pa.us/elibrary/Search]. If the model determines there is 'RP', that is if the discharge concentration is equal to or greater than the calculated WQBEL, the model recommends that the calculated WQBEL be imposed as a permit limit. However, a compliance schedule would typically be allowed for an existing discharger if the discharger could not immediately meet a new WQBEL.</p> <p>For Total Cadmium, the calculated WQBEL was 1.43 ug/l. Before the treatment plant upgrade, the Total Cadmium concentration in Modern Landfill's discharge at 001 was 0.44 ug/l according to their</p>

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41, Continued		8, continued	<p>application. Concentrations of Total Cadmium present in any outside sources of leachate a) would have to be treated in all of Modern LF's treatment units before being discharged in accordance with Part C. VIII. of the permit and b) would only comprise a portion of the total discharge, with the rest of the discharge being comprised of treated industrial wastewater generated at Modern LF and treated groundwater from the Modern LF site for which Total Cadmium was non-detect in all samples. DEP used mass balance equations and data from the permit application and past Supplemental DMRs to evaluate various possible scenarios before arriving at the conclusion that a limit for Total Cadmium is not indicated at this time.</p> <p>As already described in other responses, before any leachate from outside sources are proposed to be introduced, Part C. VIII. of the NPDES permit requires that the volume of proposed outside leachate and analytical results of a Priority Pollutant scan conducted within the previous 12 months be forwarded to DEP. Total Cadmium is a parameter included in a Priority Pollutant scan. DEP can not authorize the introduction of the outside leachate based on the information received or can require a NPDES permit amendment. See also DEP's response to comment #33 above.</p>
42	11. The Fact Sheet indicates that the Department is relying on an SDS for information on the toxicity of tetrahydrofuran. However, this appears to assume no cumulative effect with other toxic components in the Landfill discharge. It is suggested that the Department conduct a more thorough evaluation of	8	The Conestoga Landfill influent concentrations for Tetrahydrofuran reported in the permit application were below the ecotoxicity levels of the Safety Data Sheet (SDS) as were the Modern Landfill influent and effluent concentrations for Tetrahydrofuran. In addition, there are no water quality standards for

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42, continued	the toxicity and potential effects of tetrahydrofuran from Conestoga Leachate. See also the TRE comments below.	8, continued	Tetrahydrofuran, no applicable federal Effluent Limitation Guidelines, no Drinking Water Maximum Contaminant Levels, and no Health Advisory Levels. Conestoga Landfill leachate is not being accepted currently at Modern Landfill. See also DEP's responses to comment # 33 above.
43	<p><u>PFAS Concerns</u></p> <p>12. The PFAS monitoring requirements are limited to just PFOA, PFOS and Total PFAS. Given that a broader range of PFAS compounds has been detected in Kreutz Creek and given the emerging nature of PFAS as a pollutant, a larger speciated data set should be collected of the specific PFAS compounds in the discharge. The monitoring requirements should require periodic testing of all PFAS compounds for which there are established testing and analysis methodologies. US EPA guidance² recommends that monitoring include each of the 40 PFAS parameters detectable by draft method 1633. It appears that even one single sampling event detected some 21 (out of 40) PFAS compounds. (Fact Sheet at 115). There is no basis to conclude that the other 19 PFAS compounds currently testable by draft method 1633 are never present in the discharge based on just this one single sample. Accordingly, US EPA's recommendation to monitor for all 40 PFAS compounds should be followed here.</p> <p>² See <i>Addressing PFAS Discharges in NPDES Permits and Through the Pretreatment and Monitoring Programs</i>, U.S. EPA Office of Water, December 5, 2022. While this EPA guidance</p>	8	See DEP's response to comment #1 above.

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43, continued	document is referenced and summarized on page 40 of the Fact Sheet, the Department’s summary of the guidance memo unfortunately omits any reference to EPA’s recommendation of testing for the 40 PFAS parameters.	8, continued	
44	<p>13. The proposed Permit only requires sampling of PFAS on a quarterly basis. A greater frequency of PFAS sampling should be required for the Landfill. (Page 40 of the Fact Sheet misquotes EPA guidance³ on sampling frequency; the Fact Sheet contends that EPA recommends quarterly sampling, while the fact EPA recommends sampling “at least quarterly”, but no way recommends against more frequent sampling.) While quarterly sampling might be appropriate as a check on a discharge that is not known to contain PFAS, the situation is different here. The Landfill’s own testing has clearly demonstrated the presence of PFAS in the discharge See Fact Sheet at 42-43 and 115. Routine sampling on a much more frequent basis should be required, at least until a robust baseline data set has been collected to better understand the PFAS content of the Landfill effluent.</p> <p>³ <i>See Id.</i></p>	8	<p>The December 5, 2022 EPA memo to EPA Regional Directors states that monitoring of effluent should be conducted "at least quarterly" for industrial direct dischargers. The EPA memo, in its entirety, was included as an attachment to the August 2023 Fact Sheet. The August 2023 Fact Sheet and attachments were made available for public downloading.</p> <p>DEP does not agree to require more frequent discharge monitoring than quarterly for PFAS, based on the following considerations: a) there are no State or federal water quality standards for PFAS in surface water; b) there are no NPDES permit limits for PFAS parameters; and c) the upgraded treatment plant has been achieving an average reduction of 97% for Total PFAS.</p>
45	14. There is a reopener clause for PFAS in Section C.II.E. of the Proposed Permit, but the reopener requires further DEP action before any additional permit requirements are put into place. Instead, provisions should be included in the Permit that would automatically trigger applicability of PFAS limits, or other PFAS requirements, in the event of circumstances such as the detection of PFAS above	8	<p>DEP is required to follow regulations which require that permit modifications be drafted, public noticed, and include a comment period before they are issued as final [40 CFR § 122.62]. Inclusion of PFAS limits would be considered a major permit modification. Only for minor permit modifications, as identified in 40 CFR § 122.63, are the draft permit, public notice, and public comment period steps not required.</p>

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45, continued	certain thresholds, the issuance of water quality standards for PFAS compounds, etc.	8, continued	
46	15. In order to determine the PFAS removal effectiveness of the Landfill's wastewater treatment system, including its new reverse osmosis equipment, internal monitoring points should be established to evaluate the PFAS concentrations in the effluent at multiple stages in the treatment process, including before RO filtration.	8	At this time, DEP requires PFAS monitoring after final treatment of the wastewater and groundwater. PFAS monitoring conducted by the permittee to date (3 rounds of effluent samples before the upgrade and 7 rounds of effluent samples after the upgrade using analytical method 1633) indicates that their upgraded treatment plant is achieving an average 97% reduction in 40 PFAS parameters combined.
47	16. It is likely that the RO filtration system will remove some amount of PFAS. The RO reject should be tested on a routine basis as a check on the quantity (mass) of PFAS being removed from the effluent stream, and the PFAS concentrations in the RO reject.	8	See DEP's response to comment # 46 above.
48	17. Additionally, the Fact Sheet does not indicate what will happen to the RO reject. While the actual handling of the RO reject may be a solid/hazardous waste issue, it is of concern to the NPDES permitting process since the treatment process for the discharge that is authorized by the NPDES permit will collect and concentrate PFAS. The fate of that RO reject is of importance to the community because the collection of PFAS in one setting (the RO system operation) that may then be released into the environment or into the community in another form or fashion (i.e., disposal or other disposition of the RO reject) is ultimately detrimental to the interests that the NPDES permitting process is intended to protect. The Landfill should be required to identify how the RO rejection will be handled, with an approach that is reasonable and environmentally protective, before the final permit is issued.	8	This NPDES permit is specifically for discharges of industrial wastewater, groundwater, and stormwater to surface water. DEP has limited authority regarding the disposal of Reverse Osmosis (RO) reject water to Wastewater Treatment Plants (WWTPs) although DEP discourages the disposal of wastewater with high levels of PFAS to WWTPs that do not have adequate PFAS treatment capabilities. To that end, (1) NPDES permit applications for major sewage treatment facilities now require influent and effluent sampling for four PFAS parameters, which are considered indicator parameters for other PFAS parameters; (2) renewal NPDES permits for major sewage treatment facilities will include a discharge monitoring requirement for four PFAS parameters which are considered indicator parameters for other PFAS parameters and, if these parameters are detected in their discharge, their NPDES permits will include a

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48, Continued		8, continued	<p>requirement for PFAS source identification and PFAS Pollutant Reduction Plans; (3) all Publicly Owned Treatment Works (POTWs) must report to EPA any industrial users who are in designated industry categories suspected to have PFAS parameters in their wastewater (landfills are one of those categories); and 4) any POTW with an EPA pretreatment program must sample their influent, effluent, and sludge quarterly for 40 PFAS parameters as well as conduct annual sampling for 40 PFAS parameters for contributing industrial users that are within the designated industry categories suspected to have PFAS in their discharge. (EPA is the designated authority in the Commonwealth for pretreatment programs at POTWs.)</p> <p>Introducing the RO reject water back into the headworks of the TP would be contrary to Modern Landfill's NPDES permit application and not allowed without DEP approval in accordance with Part A.III.C. of the NPDES permit: "Planned Changes to Physical Facilities" and "Planned Changes to Wastestream" requirements. The renewal permit has been modified from the August 2023 draft permit: the 'Type of Effluent' line above the limits tables now references Part C.II.J. which documents that the most recent WQM permit does not include feeding the RO reject water directly into the treatment plant or directly discharging it to outfall 001.</p> <p>Modern Landfill has submitted an application to DEP's Waste Management Program for stabilizing the RO reject water and disposing of it on-site in the lined landfill. Their application is under review.</p>

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49	<p><u>Interim Limits</u></p> <p>18. While the incorporation of effluent limits for additional pollutants is welcome, the 3-year compliance schedule is disappointing, appears arbitrary, and does not appear to be justified by any information presented in the Fact Sheet. Following prior enforcement actions and the installation of a new wastewater treatment system, it is surprising that the Landfill is not prepared to meet all necessary and appropriate effluent limits now. The permit review and development process for this permit has been very lengthy, and the new effluent limits can hardly be a surprise to the Landfill at this point in time. At a minimum, the Landfill should be required to convincingly demonstrate why the new limits cannot be met as of the date the final permit is issued. If any interim limit compliance period is appropriate, the Landfill should be required to make a clear and definite showing as to the necessary time period for interim limits, rather than having the Permit default to an otherwise unjustified 3-year compliance schedule.</p>	8	<p>New Water Quality-Based Effluent Limitations (WQBEL) are imposed if available data indicate discharge concentrations are 50% or greater than calculated WQBELs. If it is not expected that the permittee will be able to meet the new WQBELs immediately, a compliance schedule is usually allowed in accordance with federal regulations (40 CFR §122.47(a)) and State regulations (Title 25 Pa Code § 92a.51).</p> <p>Having on-going monitoring as a requirement in the permit for these new parameters will yield a larger and more representative data set, given that leachate concentrations and flow rates vary seasonally. A compliance schedule of three years was proposed to (1) allow enough time for the permittee to collect site-specific data in order to refine the accuracy of the new WQBELs (in accordance with Part C.III.A.1. of the renewal permit and as recommended in DEP's SOP-Establishing Water Quality-Based Effluent Limitations and Permit Conditions for Toxic Pollutants in NPDES Permits for Existing Dischargers), (2) to conduct the Toxics Reduction Evaluation required by the permit which could include identification and assessment of new treatment technologies to achieve the final WQBELs, (3) to submit the results to DEP, (4) for DEP to review the new information, and (5) for a draft permit amendment to be prepared if appropriate, with public notice and comment period, and/or a WQM permit to be issued for new treatment if appropriate and then new treatment installed to achieve the final permit limits.</p>

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50	<p>19. To the extent the 3-year interim period is primarily to allow data collection for some of the additional parameters, it is objectionable that this did not happen during permit development. Surely there has been more than adequate time for the Department and the Landfill to conduct any necessary sampling and/or to determine the expected effectiveness of the RO system on the parameters being given interim limits. To the extent the goal of the interim period is data collection to refine WQBELs for newly added toxic pollutants, then more frequent sampling should occur to generate a robust data set in shorter amount of time. For example, sampling once per week rather than once per month.</p>	8	<p>The renewal permit includes more permit limits and requirements than the existing permit. Once the renewal permit is issued as final, the Toxics Reduction Evaluation (TRE) for the parameters with new permit limits (based on calculated WQBELs) will be completed and submitted and the final limits will become effective. Also, see DEP's responses to comments #8 and #49 above.</p>
51	<p><u>Toxic Pollutants and Toxics Reduction Evaluation (TRE)</u></p> <p>20. DEP should have a goal of requiring efforts to reduce all toxic discharges, even where such discharges are within permit limits. The proposed Permit does not require a TRE for toxic pollutants that are subject to limits in the current permit, and instead only imposes TRE requirements for toxic pollutants that have newly established limits. The Fact Sheet does not indicate whether whole effluent toxicity (WET) testing has been conducted on the Landfill effluent. The proposed Permit does not appear to impose any WET testing obligations, and thus does not address the cumulative effects of the toxic pollutants in the Landfill's effluent. WET testing of the effluent produced by the upgraded wastewater treatment plant should be conducted, with TRE or equivalent obligations imposed on all toxic</p>	8	<p>Technology-Based Effluent Limitations (TBELs) imposed as NPDES permit limits are intended to reduce pollutant loads based on best available treatment economically achievable. WQBELs imposed as NPDES permit limits are developed to protect designated and existing uses of receiving waters. The permit limits for toxics are all WQBELs that were developed to be protective of aquatic life and human health or TBELs that were more stringent than the WQBELs. The NPDES regulations do not include provisions for reducing all toxic discharges even where such discharges are within permit limits. The intent of the TRE requirement in the renewal permit is to ensure that the new WQBELs imposed as new permit limits are appropriate and will be achieved by their effective date. Since the upgrade to the Treatment Plant, there have been no exceedances of the existing permit limits (DMR data from May 1, 2023 through April 30, 2024); a TRE is not necessary</p>

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51, continued	components of the discharge depending on the results of the WET testing.	8, continued	<p>for toxic pollutants subject to limits in the existing permit.</p> <p>There has been no WET testing conducted on the Landfill's effluent. It is not a requirement in their existing NPDES permit or for NPDES permit applications for industrial wastewater. DEP has not added WET testing to the renewal permit.</p>
52	<p>21. The Fact Sheet states that where there is no WQBEL for certain substances that have no surface water criteria and uses this circumstance as a basis to not impose any limits for such substances. (Fact Sheet at 33, 38). As noted in DEP guidance,⁴ “In other cases, a specific water quality criterion may not be established or listed in Chapter 93 or 16 for a pollutant. The Regional Planning Section identifies the need for the criteria and coordinates its development with the Regional Biologist and/or the Bureau of Clean Water. In some cases, it may involve literature searches. It may also involve bioassays by the applicant in accordance with section 93.5(d) or 93.8 of the regulation.” It does not appear that any effort was made to develop an appropriate standard or conduct bioassays for the toxic substances that do not have surface water criteria. It is requested that all toxic pollutants in the discharge be subject to appropriate effluent limitations. Alternatively, DEP could potentially establish a technology or best professional judgment-based limit for these substances.</p> <p>⁴ <i>Technical Guidance for the Development and Specification of Effluent Limitations and Other Permit Conditions in NPDES Permit</i>, 386-0400-001</p>	8	<p>At this time, there is not enough information to develop site-specific criteria for parameters that do not have established criteria or to develop TBEL Best Professional Judgement in accordance with 40 C.F.R. § 125.3. Refer to the August 2023 Fact Sheet for further discussion.</p>

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53	22. The TRE requirements should include PFAS compounds. Although there are no WQBELS yet issued for PFAS compounds, given the nature of PFAS compounds and the exceedingly low concentration levels identified in existing and proposed regulations related to PFAS, it appears likely that any PFAS in the discharge may exceed future water quality standards for PFAS. The data collection, source inventory and source reduction evaluation components and concepts of a TRE can and should be applied to any PFAS compounds in the discharge now, rather than deferring such effort into the future.	8	The monitoring for PFAS will allow DEP and the permittee to know which PFAS parameters are present in the discharge, the PFAS concentrations, and the variability. When PFAS water quality criteria are promulgated or when EPA publishes achievable PFAS treatment standards as part of their re-evaluation of the Effluent Limitation Guidelines for Landfills or when more treatment performance data is available for PFAS, evaluations for what measures could be employed to reduce PFAS can be conducted at that time.
54	23. The Fact Sheet indicates that radioactive substances such as tritium and uranium were evaluated based on the scenario of their impact on use of Susquehanna River water for drinking water purposes, which allowed for dilution of the effluent into the much greater flow in the Susquehanna River. (Fact Sheet at 38-39). However, the radioactivity of the effluent was not considered in terms of its impact on recreational users of Kreutz Creek. While exposure of a recreational user to the radioactive components of the effluent in Kreutz Creek will obviously not be continuous, the concentration of the radioactive components will be several orders of magnitude higher in the absence of the dilution by Susquehanna River. There may be no risk to recreational users, but radioactive components in an NPDES permitted discharge are relatively rare, and the Department has a responsibility to evaluate this question and provide information to the public regarding the safety or threat presented by recreational exposure to these pollutants.	8	<p>The only water quality criteria used for the evaluation of recreational use in accordance with Pennsylvania Water Quality Standards is bacteria [25 Pa Code Chapter 93]. There are no DEP-published safe use levels for Tritium or Uranium to compare to stream concentrations for recreational use.</p> <p>Monitoring is required in the renewal permit for Tritium and for Uranium. Both were discussed in the August 2023 Fact Sheet.</p>

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55	<p data-bbox="321 180 856 212"><u>Specific Pollutant and Compliance Issues</u></p> <p data-bbox="321 253 999 943">24. U.S. EPA’s ECHO database states that the Landfill is in “Significant/Category I Noncompliance” for the first and second quarters of 2023.⁵ The database does not yet have data for the third quarter. It appears that the Significant Non-Compliance status is based on exceedances of the boron limit in the current permit. However, the Fact Sheet (page 3) indicates that there are no outstanding Clean Water Program violations for the Landfill. This discrepancy should be explained. Does the Department have information that shows that the boron exceedances have been fully resolved (as might be the case with the operation of the new RO system) or is U.S. EPA reading the discharge monitoring reports more closely than the Department? In either case, and especially for a facility under recent Department compliance orders, the public is entitled to more complete and accurate explanations and information in a Fact Sheet.</p> <p data-bbox="321 984 999 1089">⁵ https://echo.epa.gov/detailed-facility-report?fid=110028048716&ej_type=sup&ej_compare=US</p>	8	<p data-bbox="1289 180 1982 984">At the time of the draft permit issuance, there were no outstanding Clean Water Program violations for the site. 'Outstanding' violations means 'unresolved'. The facility had reported exceedances of the Boron and Osmotic Pressure permit limits in the first and second quarters of 2023. Stipulated penalties were paid in accordance with a Consent Order and Agreement (COA). The COA also required the treatment plant upgrade. The August 2023 Fact Sheet showed effluent violations on pages 20 through 23. The same Fact Sheet, on page 3, stated "For other DEP Programs, a site and facility search using DEP’s Environment Facility Application Compliance Tracking System (eFacts) tool (www.ahs.dep.pa.gov/eFACTSWeb/default.aspx) identifies no outstanding violations for this site between 1/1/2008 and 8/1/2023 (meaning any violation during that period has been resolved)." Since the upgrade of the treatment plant, there have been no reported exceedances of NPDES permit limits--based on DMR data for the period of May 1, 2023 through April 30, 2024.</p>
56	<p data-bbox="321 1097 999 1276">25. CBOD5 and TSS have identical effluent limits. This seems an unlikely coincidence, especially given that BOD and TSS have different allowable concentrations in the ELG. Please confirm whether these limits are accurate.</p>	8	<p data-bbox="1289 1097 1982 1414">CBOD5 and TSS have the same limits for outfall 001, in the renewal permit and in the existing permit. The Technology Based Effluent Limitations after flow-weighting for the groundwater portion of the total discharge yielded less stringent concentration limits for TSS than the existing permit limits; the existing permit limits were carried forward consistent with anti-backsliding. See pages 25 and 26 of the August 2023 Fact Sheet. The CBOD5 limits from the existing</p>

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56, continued		8, continued	permit were also carried forward into the renewal permit consistent with anti-backsliding. The fact that the permit limits are in terms of CBOD5 instead of the federal Effluent Limitation Guideline's BOD5 is discussed on pages 28 and 29 of the August 2023 Fact Sheet. NPDES permits usually include either BOD5 or CBOD5, not both parameters. Because the design discharge flow for the existing permit was 0.5 MGD, the same as for the renewal permit, the mass load limits for CBOD5 and TSS have also not changed.
57	<p>26. The daily max loading and concentration limits for Total Zinc appear to be less restrictive than the prior permit. According to the Fact Sheet the current Daily Maximum loading limit is 0.416 lb./day, while the proposed Permit has a 0.47 lb./day limit. Similarly, the current Daily Maximum concentration limit is 0.0998 mg/L, while the proposed Permit has a 0.11 mg/L limit. The Fact Sheet, at page 26, asserts that the proposed new limits for Total Zinc are more stringent than the current limits, but this does not appear to be the case if the table of existing permit limits on Fact Sheet pages 11-12 is accurate. This apparent use of less restrictive Total Zinc limits is inconsistent with anti-backsliding. It is requested that the Department review this issue and ensure that the limits imposed are appropriate and are no less restrictive than the current limits.</p>	8	DEP agrees. In the final permit, DEP carried forward the existing permit's Daily Maximum concentration limit (0.0998 mg/l) and Daily Maximum mass loading limit (0.416 lbs./day) as noted by the commenter. The change is documented in the Fact Sheet Addendum.
58	<p>27. A number of limits in the proposed permit utilize one less significant digit to the right of the decimal point. This results in a relaxation of some limits where the limits were rounded up. Why is this relaxation being allowed, and how is this consistent with anti-backsliding requirements? The Fact Sheet does not appear to recognize or explain this change.</p>	8	DEP agrees. To avoid backsliding, the existing permit limits have been carried forward without any rounding for the following parameters: alpha-Terpineol, Benzoic Acid, Bis(2-Ethylhexyl)Phthalate, p-Cresol, Phenol, and the Daily Maximum concentration and Daily Maximum mass load limits for Total Zinc. The change is documented in the Fact Sheet Addendum.

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58, continued	It is requested that none of the effluent limits be made less restrictive in this manner, and instead at a minimum be at least as restrictive as in the current permit.	8, continued	
59	28. The ammonia limit is understood to be less restrictive during cooler months, which are identified in the permit as November – April. It may be inappropriate to consider November, March and April as cooler months, given warming trends and the potential for unseasonably warm weather in these border months. Please consider allowing the less restrictive ammonia limits to apply only in the months of December – February.	8	Consistent with DEP's Implementation Guidance of Section 93.7 Ammonia Criteria [386-2000-022], DEP recognizes the cooler months as November 1 through April 30 for the application of less stringent Ammonia limits. No change has been made to the permit.
60	<p>29. Part A of the proposed Permit (at page 9) contains standard language stating that the discharge of substances that “produce an observed change in the color” of the receiving water is prohibited, unless “otherwise controlled through effluent limitations or other requirements in the permit.” However:</p> <p>a. The proposed Permit contains monitor and report requirements for color, but no limits. Since no limits are applied, it would appear that discoloration of the stream by the discharge is not “otherwise controlled” and that the prohibition on color change stated on page 9 remains in effect. Please confirm that this is an accurate understanding of the proposed Permit. If not, please explain why the Landfill is being allowed to discolor the receiving stream.</p> <p>b. The color monitoring requirements state that the upstream and downstream samples must be taken within a 3-hour window. This appears to be unnecessarily long, and it should be possible to take</p>	8	<p>The facility has reduced the color levels in the discharge and in the creek downstream of outfall 001 since their treatment plant upgrade. The Discharge Monitoring Reports (DMRs) from May 1, 2023 through March 31, 2024 reported average Color upstream as 27 Platinum-Cobalt (Pt-Co) units and average Color downstream as 25 Pt-Co units. The DMRs for the same period reported average Color for the discharge as 10 Pt-Co units and the maximum Color as 30 Pt-Co units. The monitoring requirement will be retained to ensure there is no decline in the treatment effectiveness.</p> <p>Whereas the existing permit only <i>required</i> that the upstream color measurement, downstream color measurement, and discharge Color measurement occur on the same day (and stated 'preferably at the same time of the day'), the draft renewal added the requirement that the upstream, downstream, and discharge Color samples be taken within a 3-hour window. DEP does not agree to change the</p>

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60, continued	more representative samples that are collected at essentially the same time. It is requested that essentially simultaneous monitoring be required.	8, continued	monitoring requirement to 'essentially simultaneous monitoring'.
61	<p><u>Flow</u></p> <p>30. The Fact Sheet indicates that the treatment plant has a design flow of 0.5 MGD, and that this flow volume has not been exceeded by the landfill. However, the modified ELG calculations on pages 25-26 of the Fact Sheet utilize a landfill wastewater volume of nearly 3 million gallons. This volume, described as an “Avg. Vol. of Landfill Wastewater” is not explained – it is unclear what this is an average of, or what units this amount is measured in. It appears to be too small for a monthly flow volume, while being much higher than the design flow if this is a daily volume. However, since the “Avg. Vol. of Landfill Wastewater” is used to calculate daily loading and concentration limits, it is presumed that it might be a daily volume amount. In any case, the Fact Sheet does not explain the relationship between the “landfill wastewater” volume and the treatment plant design flow.</p> <p>It appears that if a reduced landfill wastewater flow was used in the modified ELG calculations (i.e., either actual flow volumes or the 0.5 MGD discharge flow limitation rather than the “landfill wastewater” volume of nearly 3 MGD), the resulting effluent limits would be considerably more stringent. It is requested that: i) the Department explain the landfill wastewater volume terminology utilized in the modified ELG calculations; ii) the Department not use a wastewater volume to calculate limits that</p>	8	<p>DEP used the reported monthly historic flows provided on the facility's attachment to the Daily Effluent Supplemental Discharge Monitoring Report (DMR). Page 73 of the Fact Sheet summarized this data from 30 months of reports and determined the average volume per month of groundwater treated (2,661,096 gallons), the average volume per month of industrial wastewater treated (2,936,119 gallons), and the total average volume per month (5,597,216 gallons). Pages 25 and 26 of the Fact Sheet showed the units: gallons. These amounts were used in the calculations to flow-weight the federal Effluent Limitation Guidelines (ELGs), with the calculations shown on pages 25 and 26 of the Fact Sheet. The calculations were the same as used in previous Fact Sheets for previous NPDES permits for this facility.</p> <p>In response to the comment that the Department not use a wastewater volume (gallons) to calculate limits that would exceed the permitted discharge flow: 2,936,119 average gallons per month of industrial wastewater treated per records / 30 days per month = 97,871 gallons per day; 2,661,096 average gallons per month of groundwater treated per records / 30 days per month = 88,703 gallons per day; which combined is 186,574 gallons per day, which is less than the permitted discharge flow of 500,000 gpd for industrial wastewater and remediated groundwater combined.</p>

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61, continued	would exceed the permitted discharge flow; and iii) that the Department recalculate the modified ELGs to the extent necessary.	8, continued	DEP has not recalculated the modified ELGs.
62	<p><u>Stormwater</u></p> <p>31. The proposed Permit only requires stormwater sampling at Outfall 005. The Fact Sheet does not appear to include any justification for the apparent conclusion that Outfall 5 is representative of the other stormwater outfalls, beyond the fact that “the permittee contends” that Outfall 5 is representative of the others. (Fact Sheet at 56). The Fact Sheet omits any discussion of whether there is reliable and recent data to support this assertion, or if the Department merely accepted the permittee’s contention at face value. The Department should more closely examine this issue and provide the public with an adequate justification of the decision that Outfall 5 is representative, or it should impose monitoring requirements on all outfalls.</p>	8	Federal regulations [40 C.F.R. 122.21(g)(7)] and DEP procedures allow for representative stormwater outfalls to be monitored in lieu of all stormwater-only outfalls having to be routinely monitored. DEP's NPDES permit application for Individual Industrial Wastewater does not require sampling results from all stormwater outfalls. Drainage maps and descriptions of the drainage areas were supplied. DEP's decisions about which outfalls can be used as 'representative outfalls' are based on the drainage maps and potential pollution from drainage areas when sampling results from all stormwater outfalls are not available. In this case, the drainage maps and drainage areas and stormwater sampling results from two outfalls (002 and 005), available in the application and from past eDMRs, informed the determination that outfall 005 is the representative outfall. Further, outfall 005 includes drainage around the leachate treatment plant.
63	32. The Fact Sheet discussion indicates that monitoring requirements at Outfall 2 are being removed due to drainage from off-site areas. However, the Fact Sheet implies that at least some portion of the Outfall 2 discharge originates at the Landfill. The mere presence of off-site drainage contributing to a stormwater outfall would not appear to be (and historically has not been) a basis to avoid monitoring requirements. Monitoring requirements for Outfall 2 should be reinstated.	8	Monitoring at Outfall 002 was removed because Outfall 005 is representative of the landfill's other stormwater discharges. Outfall 002 is not a representative outfall due to the potential for stormwater from off-site mingling with the landfill's stormwater. See DEP's response to comment #62 above.

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64	<p>I'm with Tiger Trash. Tiger is a locally owned and operated waste hauling and disposal company serving this area for over 20 years and up to 53 years, including Windsor and Lower Windsor Townships, where Modern Landfill is located. Our relationship with Republic, Modern Landfill goes back many years. Because of that, I want to say that Tiger and myself both support Modern Landfill, its employees, its business practices in the past and today and hope that DEP will give swift approval of this draft NPDES permit.</p> <p>I was involved with Modern Landfill years ago as a manager and other positions and back then, not really an engineered site at the time when we got involved, but more of a dump, if you will. And I've certainly - not a dump have seen and know what goes on at Modern every day. It's certainly not a dump anymore. So, as you can see, Modern has come a long way in terms of safe, responsible operations with enhanced environmental controls to protect community health and environment, gas wells, treatment plants, other things that really make the site a real engineered site and not a dump. Modern is not a dump. Modern is a highly engineered disposal site serving many entities, designed and constructed to remove liquid generated by waste and transfer to the onsite facility treatment. A \$23 million investment. Understanding the business that we're in - and believe me, the business has really changed over my 50 some years. Regulatory, the requirements, the inspections, things</p>	9	Thank you for your testimony.

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64, continued	like that, Modern Landfill is a vital resource. Improvements and investments. I think the big thing that really strikes me about Modern is the commitment. There's a commitment there to spend money. There's a commitment there to do things right and there's a commitment from their employees and the managers to do things right. I want to thank you for giving me the time - I know we're on a limited schedule, just giving me the time in this very important issue and I ask that you approve Modern Landfill's draft NPDES permit. Thank you.	9, continued	
65	Same as comments #18 through 24 above (and same commenters).	10 (and 3)	Thank you for your testimony.
66	Simply, I encourage DEP to approve the NPDES permit renewal for Republic Services' Modern Landfill. You are aware that Modern Landfill operates in both Windsor and Lower Windsor Townships and has been a part of these communities for nearly half a	11	Thank you for your testimony.

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66, continued	<p>century. Because most of Modern Landfill is in Windsor Township, about 70 percent, I've worked closely with the facility and its management teams over the years. The onsite leachate treatment plant, which has been operating for several decades, has undergone a number of significant upgrades over the years to meet increasing standards.</p> <p>This isn't about a plant underperforming. This is about a plant that is now having to meet new and more stringent state and federal water quality standards. To do that, Modern Landfill is investing \$23 million to improve the facility so that it - so that it meets the requirements of this new NPDES permit.</p> <p>I would commend both DEP and Modern Landfill for their work on putting together this draft permit. It was no easy task. What is included in this NPDES permit continues the evolution of enhancing environmental controls and keeping our communities healthy while allowing for the safe operation of critical infrastructure.</p> <p>Modern Landfill long has supported local government, community initiatives and safe and responsible operations, all for the benefit of residents, neighbors and our shared environment. I urge DEP to support this NPDES permit renewal so that those operations continue. Thank you.</p>	11, continued	

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67	<p>I'm here from Triboro Materials to support the NPDES permit renewal for Modern Landfill. By way of background, TriBoro has been a family owned and operated business since 1974. We now have operations throughout Central Pennsylvania (and Maryland, per written testimony). It is safe to say that we grew up around Modern Landfill, which has been in the community for nearly 50 years. The facility has been a partner in our success, as we are now one of the region's leading building material suppliers. Modern Landfill is central to what we do, so we have a direct stake in decisions being made regarding its operations.</p> <p>With our former business, TriBoro Construction Supplies, we actually once supplied stormwater pipes, pumps (and other materials during previous renovations and developments, per written testimony) and several erosion controls for the site. So it's safe to say we know the site firsthand. We know how important it is to manage every day, every aspect of this landfill to ensure the strongest possibility of environmental protections. Right now, TriBoro Materials hauls (about, written testimony) 90 percent of the cover dirt used daily by the landfill. We also provide stone for the roadways, rental equipment, transport services, et cetera. So this NPDES permit not only affects how Modern Landfill works, but also how we work with Modern Landfill. And we believe the new permit is in line with what's needed to ensure safe, responsible operations.</p>	12	Thank you for your testimony.

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67, continued	<p>Modern Landfill is currently finishing up their \$23 million investment on a new and improved wastewater treatment plant. This - that is a direct result of this NPDES permit, which will include more stringent regulations than previously required. Modern Landfill has already stepped up to meeting the challenge. I'm proud to partner with a company that is willing to invest so much in the community.</p> <p>It is important for me and my family, to be sure you know, we have engaged considerably over the years with the leadership, skilled workers at Modern Landfill. We've always found the men and women there to be professional, honest, transparent, not to mention conscientious of their neighbors and the way they do business. That remains the case today.</p> <p>I know this has been a long process. I appreciate the time DEP took to review and craft this NPDES permit and your careful consideration of all the issues to ensure the right decision is made for our community. And the right decision is to renew the permit. Thank you very much.</p>	12, continued	
68	<p>Everyone has seen legal advertisements for contaminated water at Camp Lejeune. And it's a shame that it took until 1985 to start corrective actions and another 35 years to pass legislation to start compensation for those affected. The primary toxin VOCs at Camp Lejeune, Benzene, PCE, TCE and Vinyl Chloride, have also been found in the groundwater in Lower Windsor Township at levels</p>	13	Thank you for your testimony.

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68, continued	well above acceptable levels. These chemicals have been linked to at least 16 types of cancers and life altering diseases.	13, continued	
69	<p>In 1988, we started noticing multicolored oil slick on the well water that had set for a few hours in the toilet and the dog dish. A friend of a friend tested the water, and as part of his college internship, he came back with the warning, do not drink or bathe in the water. I mean, that's serious. We notified DEP and they sent a fellow to our house. He stated, before he started drawing the water, that he doesn't know where the contamination is coming from, but it's not coming from the landfill. The test results from DEP confirmed the unofficial test and we were given the same warnings. They also sent a team of people to our property to find the source of contamination. The results of the inspection incorrectly noted that a can of asphalt sealant was found, but was not leaking. I have never owned asphalt sealant, as we do not have any asphalt. I later requested a copy of the document from DEP, who responded that my file was lost.</p> <p>In 1993, our citizen group objected to Waste Management getting a permit for medical waste -- a medical waste incinerator and a 19 acre north expansion. The citizens group got the township to hire an environmental lawyer, and in the fourth day of the DEP hearing, the judge recommended that we and the landfill should negotiate a settlement. The result of that, public water was to be brought to our area, if we stopped objecting to the expansion. (Quid</p>	13	The draft NPDES permit renewal PA0046680 is specifically for discharges of treated industrial wastewater, treated groundwater, and stormwater into Kreutz Creek and tributaries to Kreutz Creek. DEP's Clean Water Program is addressing comments and concerns about the NPDES permit. See also DEP's response to comment #24 above.

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69, continued	<p>pro quo, per written testimony) In 1995, York Water Company ran a line to our property. The line only extended to a couple houses east of our house and did not extend west on Gun Club Road at all. No explanation for the limits of the work was given, nor were hydrants included.</p> <p>Spraying contaminated water into the air, releasing the VOCs to the atmosphere was permitted by DEP. Two air strippers were constantly spraying water, releasing carcinogens.</p> <p>At another time, neighbors complained about the sickening smell emanating from the landfill. I assumed that DEP approved the landfill to spray an overpowering cinnamon scent not on the trash, but on the neighbor's properties.</p> <p>In 2020, I held a lengthy telephone conference with EPA and DEP. Recorded notes from those conferences were distributed to participating participants. The focus was errors noted in the 2020 five-year plan released by EPA, which was supposedly compiled from information provided by DEP.</p>	13, continued	
70	I believe the Riverkeeper reported that Kreutz Creek has the highest contamination levels of PFAS in the country.	13	The facility holds NPDES discharge permits, municipal landfill permits, air quality permits, and storage tank permits issued by DEP. DEP inspectors conduct site visits and review sample results. The groundwater at the site is monitored and evaluated by

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70, continued	<p>The fine imposed by DEP, \$31,300, is a (non-funny, per written testimony) joke. Comparing to my gross income, the landfill would be - it would be like fining me \$0.26. It also represents about ten percent of my annual cost of cancer treatments. As there has been exceptionally high rate of different types of cancer in our area, I have repeatedly requested a state health assessment from DEP, EPA and our local elected officials, all to no avail.</p> <p>At what point can we expect DEP to follow their mission statement? And their mission statement is: 'the Department of Environmental Protection's mission is 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. We will work as partners with individuals, organizations, governments and businesses to prevent pollution and restore our national resources.'</p>	13, continued	DEP and/or EPA. Leachate and any other regulated wastewater discharged to streams and creeks will continue to be covered by a NPDES permit, with pollutant limits and conditions.
71	I'm the President of Metal Tech Recycling over on Mount Pisker Road and the president of Prospect Metal over on Prospect Road. We've known the people at the landfill since about the early 2000s and always found them to be highly professional. They've definitely been following regulations to the T in terms of the requirements they have for us, the manifests, transportation, the documentation. And we do believe that the folks there have the utmost integrity and professionalism. I have full faith that the system they're going to put in is going to be engineered properly. Obviously, \$23 million, you	14	Thank you for your testimony.

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Comment #	Comment	Commenter #	Response
71, Continued	<p>know, one would expect to be so. And I don't think that's gone on the back of a napkin.</p> <p>So our facilities, we employ 25 people. Metal Tech Recycling used to be the former Waste Management, Merck where they recovered plastics, newspaper, bottles, et cetera. It was repurposed for our metal recovery plant. Our old plant was over at Prospect York - Prospect Road. It's a scrap yard and our old outdoor plant is there, as well. So our particular process is toward the end of the recycling chain. There's metal extraction occurring between the non-metallics and the non-ferrous metal.</p> <p>Our plant separates out the insulated copper, the copper, aluminum, the brass, computer boards, stainless, all those items. That's then - it's then shipped either overseas or domestically for recycling. And then the remnants, leftovers, the upholstery waste with that, the glass, the rubber, et cetera, you know, from the process itself, that material goes over to landfill. And we rely on the landfill very heavily for our business. If the landfill wasn't there, then it's really unlikely that our business could continue at this location, a multi recycling on Mount Pisker Road.</p> <p>It's not really humorous to me, sir. I'm sorry. I'm not supposed to address the crowd, but we put a lot of effort in working this plant. Millions and millions of dollars. It's European technology put in. There's no</p>	14, Continued	

Oral Testimony From October 4, 2023 Public Hearing			
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71, continued	chemicals added to what we do. It's all metal sortation, magnets, heavy current systems, air systems. Our stormwater from our plant is excellent and we do it right and we believe that Modern Landfill does it right, as well. So we do absolutely support their application. And certainly, from our perspective, it is vital to what we do. Thank you.	14, continued	
72	<p>I am the Community Services Division manager at the York County Solid Waste Authority. The York County Solid Waste Authority owns the York County Resource Recovery Center in Manchester Township. It's known to many in York County as the Incinerator. It's known to some as the dump. Okay. The York County Resource Recovery Center is a waste-to-energy facility. Most of York County's household waste and waste from businesses is processed at the York County Resource Recovery Center. The waste is combusted and using the heat from the combustion process, we produce electricity. A byproduct of burning York County's waste is combustion ash.</p> <p>The Authority currently has a contract with Modern Landfill to accept municipal waste combustion ash along with non-combustible waste and bypass waste. Bypass waste is waste that must be diverted to Modern Landfill due to various circumstances occurring at the York County Resource Recovery Center, including catastrophic events, capacity excesses or temporary shutdowns due to scheduled facility maintenance.</p>	15	Thank you for your testimony.

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72, continued	<p>The Authority sees a benefit to York County in the continued operation of Modern Landfill due to the proximity of Modern to the York County Resource Recovery Center, the capacity it provides for non-combustible York County waste and the existing established infrastructure. Having Modern Landfill in York County serves those entities generating non-combustible and non-hazardous industrial waste and reduces the impact of having to haul waste that cannot be processed at the Resource Recovery Center to a landfill outside of York County.</p> <p>The Authority believes that the investment Modern Landfill has made to improve their wastewater treatment system shows their ongoing commitment to protect the environment and more importantly, its neighbors. This investment in advanced technology for the treatment of wastewater shows that Modern Landfill is committed to the future of responsible waste management in York County.</p> <p>We're here today to express our support for the NPDES permit renewal. We have built a strong relationship with Modern Landfill through the years and know that it is an integral part of the integrated solid waste infrastructure in York County. Thank you for allowing the Authority to comment on this issue.</p>	15, continued	
73	Same as comment #26 above (and same commenter)	16 (and 5)	Thank you for your testimony.

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74	<p>These are a lot of technical comments that I'm going to suggest tonight. I'm addressing a couple of things within the permit. So there's a couple other toxics that are listed on pages 28 and 29. Republic may also be in compliance, but it apparently has not monitored for those pollutants since the new RO system has become operational. A three-year compliance schedule should not be allowed unless and until Republic monitors the discharges from its new RO system and demonstrates that the new limits are not already being achieved.</p>	17	<p>The commenter is referring to pages 28 and 29 of the draft permit, Part C.III., which lists the new WQBELs for 14 parameters which are to become effective at the end of the compliance schedule. See DEP's responses to comments #8, #49 and #50 above.</p>
75	<p>So for PFAS, the draft permit is consistent with the December '22 EPA guidance requiring quarterly monitoring and sample analysis using draft method 1633. But as DEP recognizes, Reverse Osmosis systems may achieve PFAS removal efficiencies of greater than 99 percent, Fact Sheet page 41. It's important to note here, though, that the Reverse Osmosis treatment Republic has implemented is not achieving greater than 99 percent per recent data provided by Republic and compared to data collected by citizens in 2022.</p> <p>So site specific technology based effluent limits, also known as TBELs, for PFAS discharges developed on a best professional judgment basis may be appropriate for facilities for which there are no applicable effluent guidelines (see 40 CFR 122.44(a), 125.3, per written testimony). PADEP should tailor the PFAS limits to the removal rates achieved by the new RO system, if those limits would be more</p>	17	<p>Neither TBELs nor WQBELs for PFAS parameters can be developed, as discussed in the August 2023 Fact Sheet. WQBELs are developed from surface water quality criteria; none have been adopted into regulations. TBELs can be promulgated regulatory standards, federal Effluent Limitations Guidelines (ELGs) for an industry, or developed as Best Professional Judgement (BPJ). There are no promulgated regulatory standards for PFAS parameters or PFAS limits in the federal Effluent Limitation Guidelines for landfills at this time [40 C.F.R. Part 445]. There is currently not enough information to develop TBEL BPJs in accordance with 40 CFR § 125.3.</p>

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75, continued	<p>stringent than water-quality based limits. Furthermore, there are already six months of data collected by Republic Services and that is sufficient to set a limit based on the agency's best professional judgment on what that limit should be.</p> <p>Given there is still a discharge of PFAS to Kreutz Creek and the Susquehanna Watershed going on as we speak, we advocate for additional PFAS treatment prior to discharge, which could include granular activated carbon, anion exchange or other methods.</p>	17, continued	
76	<p>So, PA DEP recognizes that RO systems generally generate a relatively large, concentrate stream which will contain PFAS as well as other rejected dissolved species which will require disposal or additional treatment, also listed in Fact Sheet on page 41. However, the draft permit imposes no requirements to monitor PFAS in the RO reject water and places no limits on how or where it can be disposed of. Republic may be trucking and disposing of the RO reject water to publicly owned treatment works, which would then discharge the PFAS without adequate treatment back into surface water. PA DEP must require monitoring of the PFAS in the RO reject water and prohibit it from being discharged directly or indirectly into surface water without further analysis of impacts on the existing Pennsylvania MCLs, maximum criteria limits, (and downstream drinking water and, if necessary, without issuance of a separate NPDES permit, per written testimony), imposition of an applicable permit limit or further</p>	17	See DEP's response to comment # 48 above.

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Comment #	Comment	Commenter #	Response
76, continued	treatment. Otherwise, Republic would be improperly transferring the PFAS from one waterway to another.	17, continued	
77	Finally, given the estimated useful life left at Modern Landfill and public opposition against expansion - which is at a brand new site, not at the existing site - the landfill should be given a date certain for closure and capped. In addition, many other landfills around the country have implemented visual landscape synthesis plans, which creates habitat for local species and it's used for aesthetic purposes for (the public, per written testimony) all of us in this room, so we don't have to see a landfall. It should be a requirement that a visual landscape plan be designed and constructed prior to or immediately following the landfill's closure.	17	<p>DEP's Clean Water Program is responding to comments and concerns about the draft NPDES permit PA0046680 before issuing the permit. There is a separate municipal landfill permit authorizing the landfill's operations. A renewal application has been received for their municipal landfill permit and is under review by DEP's Waste Management staff. Anyone interested in the municipal landfill permit is referred to the following website where information and DEP Waste Management Program contact information is posted: www.dep.pa.gov>About DEP>Regional Resources>Southcentral Regional Office>Community Information> Modern Landfill, or at Modern Landfill NPDES/Solid Waste (pa.gov) https://www.dep.pa.gov/About/Regional/SouthcentralRegion/Community%20Information/Pages/Modern-Landfill-NPDES.aspx)</p> <p>In addition, interested persons can sign up for eNotices by visiting www.dep.pa.gov/PublicParticipation and clicking on the link for eNotice system: users can receive email notices about updates of regulations, open comment periods, permit applications, and other DEP activities. After signing up for eNotice, interested persons could be alerted to future waste permit applications or permit actions.</p>

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78	And we do not support the draft permit as it is right now, specifically, looking at this reject water. We need to know where it's going, how it's being treated and there cannot be another permit issued unless we all know where that's going. And again, like I mentioned, it's going to require DEP to do something around that, which, again, we're not certain of right now. So that's one thing that's definitely something to look at. Thank you.	17	See DEP's response to comment #48 above.
79	I want to make just a few comments around this renewal of this permit. And really the testimony I'm going to give is to foreshadow some written testimony we'll provide to DEP by Tuesday. As I sat through many, many township meetings since I became a township supervisor, there have been many comments expressed to us about health and safety around the landfill. And we've been consistent in our messaging to our community that say we have a high degree of reliance on DEP from an oversight and monitoring perspective. So consistent with that view and reliance on DEP, we intend to provide commentary on the proposed permit - or the renewal permit that's too extensive for us to cover in my oral testimony. And we'll provide that to you by Tuesday.	18	Written comments were received and are shown above: Commenter #8, Comments #31-#63 and associated responses.
80	One thing I want to encourage DEP to do is to provide full response and clarity to the comments we will make. And not provide them in any abbreviated fashion, because I think there's a real desire on the part of the community to want to understand certain things associated with the landfill.	18	Thank you for your testimony.

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81	But our comments will really run to four areas and a few other miscellaneous items. We want to understand more about sampling and the perspectives around sampling, both in terms of frequency and the components being sampled and the conclusions being reached. We'll have some specific questions around that area, but we have a point of view relative to how to think about sampling and what's being done if we're going to be effectively monitoring that. And we're placing reliance on DEP to do that.	18	Written comments were received and are shown above: Commenter #8, Comments #31-63 and associated responses.
82	The second area that we really want to understand better is putting leachate from another landfill, Conestoga, into this landfill, which goes through a certain - a treatment plant and fully want to understand a number of questions around that area, as well. And again, our community will understand our concerns, questions that we'll post to our website as part of the letter that we'll send to DEP. But again, I think fully understanding your view around those issues would be helpful to our residents and our community.	18	Written comments were received and are shown above: Commenter #8, Comments #32-42 and associated responses.
83	Third, although I think Ted mentioned this, the interim period to meet fluid levels seems long, as we looked at it. And we'll have some observations for you around that area, because we've been challenged as recently as August with an NOV. So we want to understand exactly how this monitoring is occurring.	18	Written comments were received and are shown above: Commenter #8, Comments #49 and 50 and associated responses.
84	And then finally, with respect to the toxic reduction evaluation, we have a point of view it should apply to all toxic discharges and not to just a few. And if you have a view that's alternative to that, it'd be good to	18	Written comments were received and are shown above: Commenter #8, Comments # 51 and 53 and associated responses.

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Comment #	Comment	Commenter #	Response
84, continued	<p>explain why those other areas are not being considered.</p> <p>Again, I want to thank you for the opportunity to make these oral comments, but we will be following up with a much more lengthy written testimony. Thank you.</p>	18, continued	
85	<p>I was in business, much like the gentleman that came up and talked in favor of the landfill, in favor of Republic. And I understand where you people are coming from. However, you all said that you recommend that Republic get their permits and go about the way things are going now. You also all said that you think they're doing an excellent job. You also told us, in your own way, that you depend on them - your income depends on them.</p> <p>What you didn't tell us is - or mention anything about what they're putting into the creek. You didn't mention anything at all about how people are getting cancer and the things that are coming from the creek and from the wells that are in the area. So my question to you is, yes, I understand it's a business. I understand Republic makes a lot of money here and things, but in what regards are you people thinking about the people that are coming in contact with those chemicals and things that are being leached into the creek and that it's proven - or mostly proven that the wells around there are being contaminated?</p>	19	Thank you for your testimony.

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85, Continued	<p>I don't - I didn't hear of anybody saying that about the testing that was done in the wells in the area of Gun Club Road. All the wells have the same chemicals that are coming from the landfill. Can we prove it? I don't know. If that chemical is here and my well is here (indicating), yes, I'd pretty much say that's what's happening. So consider that. Consider the people that are downstream from the landfill. Consider the people that are - have livestock that are drinking that water from Kreutz Creek and these people that are eating that meat from that livestock. Consider the guys that have land right along the creek and are hunting and things and harvesting deer and they're eating them. So there's a lot more to it than these companies that spoke and said that they really think things are all well and good.</p> <p>I'll tell you what I'll do here. We'll make light of this. I will have a banquet for all the people that spoke tonight. And what we'll do, I have people in the area. We're going to have a guy that just got a deer yesterday or the day before and we're going to make that for you. Now, that was right along the creek and the deer actually ran into the creek and died. But we'll serve that. We have a farmer that has cattle - beef cattle, right along Kreutz Creek who will provide steaks for us. We have a lady that makes the best lemonade and Kool-Aid. Unfortunately, her well's downhill from the landfill. You guys are all invited. If you will come, we'll serve you those things and we'll have a good time. Maybe we can get to know each other a little bit. That's pretty much it. I</p>	19, Continued	<p>The NPDES permit renewal PA0046680 is specifically for discharges of treated industrial wastewater, treated groundwater, and stormwater into Kreutz Creek and tributaries to Kreutz Creek. DEP's Clean Water Program is addressing comments and concerns about the NPDES permit.</p> <p>Thank you for your testimony.</p>

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85, continued	know I'm making a little bit light of it, but think about it. These people who are eating that stuff every day, they have children and grandchildren.	19, continued	
86	And think about your children and grandchildren that are playing in that creek in the summertime. There's a park in Hellam that that creek goes right down along. We've seen kids there in the creek playing. These businesses that talked, what do you think about those kids? What if your kids or grandkids were playing there? What if they were drinking that water or that lemonade? That's a lot to think about and just allowing this to go on without better handling the contaminants that are coming from the land. I thank you for your time. Thanks.	19	Thank you for your testimony.
87	I spent the early parts of my years living down the road from the landfill when it was definitely a dump and our well water was bad then. My mom didn't understand why and that was probably because we didn't have access to the Internet and everything else that we have now. And she tried to blame it on the willow tree that was right over the well, but I am now really thinking that it was from the landfill. Both my parents died in late '19 -2018 and early 2019 from different types of cancer and I'm wondering if some of that was because of the toxins that we were exposed to when I was a child. And then we lived down on Fake Hollow Road. I don't know if any of that water from our well was from up here. I don't think so. But still, I had to breathe the air and the stink and deal with the traffic and the trucks. My aunt	20	Thank you for your testimony.

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Comment #	Comment	Commenter #	Response
87, continued	<p>was hit by a Mack truck many years ago in Yorkana. It shattered her back and she has permanent disability because of that Mac truck hauling trash to the landfill.</p> <p>Okay. So this personally affects my family, too. I'm concerned now. I live on Gun Club Road and I don't have public water. It stopped a couple of doors up from me. And I purchased a house, and at the time, I was under the impression - I heard the rumors, probably, I suspect were spread by Modern that they were going to close. My mom heard at the time that they were going to close, so I thought, well, I'll buy it. They're going to close. They're going to go away. They're still here. And I had to spend \$4,000 to buy a reverse osmosis water cleaning system for my house to try and attempt to get rid of the PFAS and every other piece of junk that's in our water. And I - every time I - even with this thing that's supposed to clean my water, every time I turn on the tap, every time I get in the tub, I am concerned that I'm going to get cancer, because that landfill is polluting our water.</p> <p>So what's more important? Clean air, clean water, clean earth. The water that goes down the creek is endangering the lives of the bog turtles that are endangered species. And what are we going to do, kill all the animals? Kill yourselves for money? Is that the answer? Money is more important than our health and wellbeing. That's all I've got. Thanks.</p>	20, continued	

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88	<p>I think that Modern Landfill does a real nice job around our area, keeping everything clean. I think you've done a great job doing what you've done and improving the area. We've been here 40 years, 50 years dealing with the landfill.</p> <p>The \$23 million investment that you folks tout has been forced upon Modern Landfill. They've gone through numerous reviews where the leachate plant was not working and hasn't been working. The only reason that they're going to be able to do this is because they're investing \$23 million and they have to invest that. If they cared about the community, this investment would have been made some time ago. The people that are touting that are - that find the landfill advantageous, do not live in our community. They're from outside of the community and they benefit from dumping these things in our community.</p> <p>The trash that's being laid on top of the landfill is not soil. It's the automotive shredder dust that's being removed from Prospect Metal. It also comes probably from Redline Auto. So there are a lot of outside influences that are having an influence on our community.</p> <p>I think that's pretty much all I really have to say is I think that you guys ought to think about it. It's not us here. It's outside influences that are - and they haven't built a new landfill in 25 years. If they put in a new landfill and if you let them have this permit, what</p>	21	See DEP's response to comment #24 above.

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Comment #	Comment	Commenter #	Response
88, continued	<p>stops the next permit? It's not an expansion - it's an expansion of their services, but if they put a new landfill there, they're going to put it in that basin if they can get it and we're going to start all over again.</p> <p>If they close the landfill tomorrow, it's a 30-year post closure process. We won't be able to put million dollar homes on that landfill. People seem to think you'll be able to put some big house up there. You'll never put a tree on that landfill. You'll never put big buildings on that landfill and it'll take 30 years before you put anything on that landfill. I'm 65 now. I'd like to walk on that landfill in 30 years and say, that's it. And I hope you guys let us do that. Thank you.</p>	21, continued	
89	<p>I'm from Windsor Township. Windsor Township, I'm not sure that we got enough information concerning this meeting to come, but my friend JoAnne Dietz had informed me about the meeting, so I came to get information tonight. And if I can offer a suggestion for the next time, sitting down there, we all cannot hear all of the comments to even form an opinion about what's happening tonight. So if you do have another meeting, it would be nice to have a microphone or something so we all could hear it.</p> <p>But I live in Windsor Township and it's kind of - its across from Locust Grove Elementary School. So when we bought the property, we couldn't see Modern Landfill at all from our property. Now, from our backyard, we have a nice visual of Modern Landfill. I took a class over at Millersville concerning</p>	22	See DEP's response to comment #24 above.

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89, continued	- and we did environmental things and we took a tour of Modern Landfill at that time. And I wasn't here for the beginning, so I don't know if anybody's here from Modern Landfill. And I know I can't get this question answered, but we were told as a class at that time that Modern Landfill would not go any higher than the topography of the land around it. Well, obviously it has, because we can see it from our backyard now. So I don't know if anybody in the future - I have my email over there - can answer that question for me.	22, continued	
90	And also I would like to know - I'll call my supervisors to see if we're having any meetings concerning this also.	22	This public hearing was arranged by DEP, not by Lower Windsor Township. There are no other hearings planned relevant to this renewal of the NPDES permit at this time.
91	My husband also puts, from Starview Fish Association up in Starview - up around Mount Wolf. And they put trout - they raise trout and they put trout in that stream. And he goes down as well as other people from Mount Wolf and Manchester area and fish. And it really concerns me tonight. I mean, love those trout and they come home - and he brings them home and we eat them. And now I'm a little concerned. And I'm going to have him bring that up at his Starview meetings as to maybe that water should be tested before any more of their fish are put in that stream. I thank you for that time. And not being from Lower Windsor, I appreciate being allowed to get up and speak. Thank you.	22	At this time, there have been no fish advisories announced by DEP or PA Fish and Boat Commission for Kreutz Creek. DEP has scheduled bioassessments in Kreutz Creek (and other locations) this year. Information on fish consumption advisories and updates are available at dep.pa.gov/fish consumption. You are advised to review this website regularly, for updates, if you eat fish caught in Pennsylvania.
92	I live in Hellam Township. And as most of you know, Hellam Township is downstream of all of you and downstream of the landfill. One of the reasons	23	Thank you for your testimony.

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92, continued	<p>that I'm here is because I represent the Hellam Township Environmental Advisory Council. And we have been listening to informational meetings about this issue for about a year - at least a year, maybe longer. In our township, in our the EAC meetings, Ted has presented some information and we've also heard from some other business owners. And I, too, respect the business side of this. I know you have to make a living and that's important.</p> <p>However, I have a very personal side to this. I grew up along Kreutz Creek. My maiden name is Bear. Some of you might know where Bear's Mill is. We swam in Kreutz Creek all of my childhood. I now do not like my grandchildren to go into the creek, because I'm very nervous about them being in the water or having - you know, when you swim in it, you swallow some of it. And I don't want them to get sick. I don't want to get sick. So this is a very personal issue for me and I would recommend that if you do decide to renew the permit, you create a system of accountability that makes certain that the residents of Lower Windsor Township and Hellam Township are not being poisoned. That's it.</p>	23, continued	

Modern Landfill, York County
 Comments and Responses
 NPDES Permit PA0046680

Commenter #	Name, Title, Organization, Address and Email	Written or Oral	Date on Letter/Email	Date Received by DEP	Miscellaneous
1	Jennifer Fulton, Acting Chief, Clean Water Branch U.S. EPA – Region III Four Penn Center (3WD41) 1600 JFK Boulevard Philadelphia, PA 19103-2852	written-email	9-13-2023	9-13-2023	asked that responses and changes also be sent to Dana Hales, EPA-III
2	Mazen Haydar, PhD Environmental Manager Republic Services of Pennsylvania, LLC 4400 Mt. Pisgah Road York, PA 17406	written-email	10-10-2023	10-10-2023	
3	Lee & JoAnn Dietz Citizens/Residents of Lower Windsor Twp.	written-email	9-25-2023	9-25-2023	
4	Kim Moyer Red Lion, PA	written-email	10-4-2023 letter date	9-29-2023 email date	
5	Mark Ream Citizen/Resident York, PA	written-email	10-3-2023	10-3-2023	
6	Hank Smeltzer Citizen/Resident of Lower Windsor Twp.	written-email	10-4-2023	10-4-2023	

Commenter #	Name, Title, Organization, Address and Email	Written or Oral	Date on Letter/Email	Date Received by DEP	Miscellaneous
7	Michael Higgins Resident of Lower Windsor Twp.	written-email	10-6-2023	10-6-2023	
8	Donald Schock, Chairman, Board of Supervisors Lower Windsor Township 2425 Craley Road Wrightsville, PA 17368	written-email	10-9-2023	10-9-2023	Letter was sent by Board of Supervisors and signed by Chairman
9	Jon Yinger Tiger Trash	oral/written		10-4-2023	
10	JoAnn Dietz Citizens/Residents of Lower Windsor Twp.	oral/written		10-4-2023	Ms. Dietz read the written comments submitted for commenter #3 above
11	Jennifer Gunnet, Manager Windsor Township	oral		10-4-2023	
12	Glenn Rexroth, Jr. TriBoro Materials	oral/written		10-4-2023	
13	Jim Smith Citizen/Resident of Lower Windsor Twp.	oral/written		10-4-2023	Written testimony was read by neighbor Mr. Lee Dietz because Mr. Smith was not present at hearing
14	David Simon, President Metal Tech Recycling and Prospect Metal York, PA	oral		10-4-2023	
15	Jen Cristofolletti, Community Services Division Manager York County Solid Waste Authority	oral/written		10-4-2023	

Commenter #	Name, Title, Organization, Address and Email	Written or Oral	Date on Letter/Email	Date Received by DEP	Miscellaneous
16	Mark Ream Citizen/Resident York, PA	oral/written		10-4-2023	
17	Ted Evgeniadis Lower Susquehanna Riverkeeper	oral/written		10-4-2023	
18	Phil Rohrbough, Township Supervisor Lower Windsor Township	oral		10-4-2023	
19	Lee Dietz Citizen/Resident of Lower Windsor Twp.	oral		10-4-2023	
20	Shelby Ilgenfritz Citizen/Resident of Lower Windsor Twp.	oral		10-4-2023	
21	Becky Pfeiffer	oral		10-4-2023	
22	Lonna Ashton Citizen/Resident of Windsor Twp.	oral		10-4-2023	
23	Carolyn Fetrow Citizen/Resident of Hellam Twp. Hellam Twp. Environmental Advisory Council	oral		10-4-2023	
Note:	The following provided email addresses at the hearing but no testimony or written comments: Kurt Knaus; Ed Heindel; John Klinedinst; Dyana Riley; and David Ruckman				

Modern Landfill, York County
Comments and Responses
NPDES Permit PA0046680

Abbreviation	Full Name
BPJ	Best Professional Judgment
CWA	Clean Water Act
DEP	Pennsylvania Department of Environmental Protection
DMR	Discharge Monitoring Report
ELG	Effluent Limitation Guideline (in federal regulations)
EPA	United States Environmental Protection Agency
HAL	Health Advisory Level
LTP	Leachate Treatment Plant
MCL	Maximum Contaminant Level, for Drinking Water
MDL	Minimum Detection Limit
ML	Minimum Level
NPDES	National Pollutant Discharge Elimination System
PADEP	Pennsylvania Department of Environmental Protection
PFAS	Per – and Polyfluoroalkyl Substances
PFOA	Perfluorooctanoic acid
PFOS	Perfluorooctane sulfonic acid
QL	Quantitation Limit
RL	Reporting Level
RO	Reverse Osmosis
SDS	Safety Data Sheet
SOP	Standard Operating Procedure
TBEL	Technology-Based Effluent Limitation
TDS	Total Dissolved Solids
TMDL	Total Maximum Daily Load
TMS	Toxics Management Spreadsheet
TRE	Toxics Reduction Evaluation
TQL	Target Quantitation Limit
TRE	Toxics Reduction Evaluation
WIP	Watershed Implementation Plan
WQBEL	Water Quality-Based Effluent Limitation
WQM	Water Quality Management (permit), for treatment systems
WWTP	Wastewater Treatment Plant