



January 25, 2023

VIA E-MAIL: [dano@kslco.com](mailto:dano@kslco.com)

**NOTICE OF VIOLATION**

Mr. Dan O'Brien, Business Manager  
Keystone Sanitary Landfill, Inc.  
249 Dunham Drive  
Dunmore, Pennsylvania 18612-2686

Re: Keystone Sanitary Landfill, Inc.  
Solid Waste Management Permit #101247  
Dunmore and Throop Boroughs, Lackawanna County

Dear Mr. O'Brien:

As a result of odor complaint investigations conducted by the Pennsylvania Department of Environmental Protection ("Department") between September 1, 2022 and January 20, 2023, and inspections conducted on November 21, 2022 and January 5, 2023 at the above-referenced facility, the Department has determined that Keystone Sanitary Landfill, Inc. ("KSL") was in violation of the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, No. 97, 35 P.S. Sections 6018.101 et seq., the Air Pollution Control Act of January 8, 1960, P.L. 2119, as amended, 35 P.S. § 4001 et seq., the Rules and Regulations promulgated thereunder, and the facility permit conditions.

- On November 9, 2022, the Department responded to multiple odor complaints from residents in multiple municipalities. The complaints were investigated by a representative of the Department's Waste Management Program. During the investigation, a landfill gas odor was detected at multiple locations and a landfill gas malodor was detected at multiple residences in Dunmore Borough.
- On November 15, 2022, the Department responded to multiple odor complaints from residents in multiple municipalities. The complaints were investigated by a representative of the Department's Air Quality Program. During the investigation, a landfill gas odor was detected at multiple locations and residences in the Scranton and Dunmore areas.
- On November 16, 2022, the Department responded to multiple odor complaints from residents in multiple municipalities. The complaints were investigated by a representative of the Department's Waste Management Program. During the investigation, a landfill gas odor was detected along Marshwood Road in Throop Borough.
- On November 21, 2022, a representative of the Department's Waste Management Program conducted an odor patrol in response to the multiple odor complaints being filed. During the investigation, landfill odors were detected along Marshwood Road in Throop Borough and State Route 6 in Dunmore and Throop Boroughs.
- On December 16, 2022, the Department responded to an odor complaint from a resident located in Jefferson Township. The complaint was investigated by a representative of the Department's Emergency Response Team. During the investigation, a landfill operations-

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associated odor was detected at the complainant's residence and on State Route 6 in Dunmore and Throop Boroughs.

- On December 21, 2022, the Department responded to multiple odor complaints from residents in multiple municipalities. The complaints were investigated by representatives of the Department's Waste Management Program and Emergency Response Team. During the Waste Management Program's investigation, hydrogen sulfide/landfill gas odors were detected at multiple locations and hydrogen sulfide/landfill gas malodors were detected at multiple residences, in Dunmore and Throop Boroughs.
- On December 23, 2022, a representative of the Department's Waste Management Program conducted an odor patrol in response to the multiple odor complaints being filed the previous day. During the investigation, landfill odors were detected along Marshwood Road in Throop Borough and on State Route 6 in Dunmore and Throop Boroughs.
- On December 28, 2022, a representative of the Department's Waste Management Program conducted an odor patrol in response to the multiple odor complaints being filed. During the investigation, landfill gas and hydrogen sulfide odors were detected in multiple locations, in Dunmore, Throop and Jessup Boroughs.
- On December 30, 2022, the Department responded to multiple odor complaints from residents in multiple municipalities. The complaints were investigated by a representative of the Department's Waste Management Program. During the investigation, landfill odors were detected at multiple locations and residences in Dunmore and Throop Boroughs.

The Department is aware of potential odor-generating sources at municipal waste landfills which typically include, but are not limited to, non-captured landfill gas, leachate lagoon storage, leachate seeps and daily working face odors. The Department received and responded to 233 odor complaints from residents in the host municipalities of Dunmore and Throop Boroughs and surrounding municipalities between September 1, 2022 and January 20, 2023. As a result of these complaints, the Department also conducted additional inspections at KSL and conducted "odor patrols" in all surrounding municipalities. Many of the complainants described the odor as having a strong hydrogen sulfide component. As a result of onsite inspections and complaint responses, the Department believes that the offsite odors have been caused by uncaptured landfill gas and, to a lesser extent, leachate storage lagoon odors. During inspections conducted on November 21, 2022 and January 5, 2023, Department staff recorded high readings on a methane gas detecting meter at numerous locations of the landfill where intermediate cap had been placed and, particularly, at the base of some gas collection wells. KSL was informed of these readings and was reminded of the enhanced surface monitoring required by Condition 20 of the Phase III major permit modification issued on June 3, 2021. The Department is aware of the corrective actions that KSL took in an attempt to control and minimize potential onsite odor sources, but the Department has determined that KSL has failed to adequately perform regular, frequent and comprehensive site inspections to evaluate the effectiveness of waste management practices in reducing the potential for offsite odors and failed to promptly correct problems and deficiencies discovered during the course of such inspections. As a result, the Department has determined the following violations:

1. KSL failed to perform regular, frequent and comprehensive site inspections to evaluate the effectiveness of cover, capping, gas collection and destruction, waste acceptance and all other waste management practices in reducing the potential for offsite odor creation, in violation of 25

Pa. Code §§ 273.201(c) and 273.218(b)(2) and Solid Waste Management Permit No. 101247 Part II Section II Condition 8.b.

2. KSL failed to promptly address and correct problems and deficiencies discovered in the course of inspections performed under 25 Pa. Code § 273.218(b)(2), in violation of 25 Pa. Code §§ 273.201(c) and 273.218(b)(3) and Solid Waste Management Permit No. 101247 Part II Section II Condition 8.b.
3. KSL failed to implement the Nuisance Minimization and Control Plan to minimize and control conditions that are harmful to the environment or public health, or which create safety hazards, odors, dust, noise, unsightliness and other public nuisances, in violation of 25 Pa. Code §§ 273.201(c) and 273.218(c) and Solid Waste Management Permit No. 101247 Part II Section II Condition 8.b.
4. KSL failed to maintain a uniform intermediate cover that prevents vectors, odors, blowing litter and other nuisances, in violation of 25 Pa. Code §§ 273.201(c) and 273.233(b)(1) and Solid Waste Management Permit No. 101247 Part II Section III Condition 3.b. Specifically, the areas of intermediate cover as identified during the November 21, 2022 and January 5, 2023 inspections were found to be inadequate to contain landfill gas and odors.
5. KSL failed to implement the gas control and monitoring plan approved under 25 Pa. Code § 273.171 (relating to the gas monitoring and control plan), in violation of 25 Pa. Code §§ 273.201(c) and 273.292(a) and Permit 101247 Part II Section VIII Condition 1.d. Specifically, methane and gas odors were identified by the Department at the base of gas wells during the November 21, 2022 and January 5, 2023 inspections.
6. In addition, on November 9, 2022 and December 21, 2022, KSL also permitted the emission into the outdoor atmosphere of a malodorous air contaminant from the landfill in such a manner that the malodors were detectable outside the landfill where the malodors were generated, in violation of 25 Pa. Code §§ 123.31(b), 127.444 and 273.217(b) and Title V Permit No. 35-00014 Section C Site Level Requirement Number 003.
7. On November 9, 2022 and December 21, 2022, KSL also failed to prevent and control air pollution in accordance with the Air Pollution Control Act, Article III and § 273.218, in violation of 25 Pa. Code §§ 273.201(c) and 273.217(a) and Solid Waste Management Permit No. 101247 Part II Section II Condition 7.a.
8. On November 9, 2022 and December 21, 2022 KSL also failed to implement the Nuisance Minimization and Control Plan to minimize and control public nuisances from odors, in violation of 25 Pa. Code §§ 273.201(c) and 273.218(b)(1) and Solid Waste Management Permit No. 101247 Part II Section II Condition 8.b.
9. Additionally, as a result of information provided by KSL to the Department as a follow-up to the January 5, 2023 inspection, the Department has determined that KSL failed to conduct enhanced surface monitoring on intermediate slopes in place for 6 months or upon the completion of the initial sixty-foot lift, in violation of the June 3, 2021 Permit Modification Condition 20 and 25 Pa. Code § 273.201(c).

The Department requests a written response within fifteen (15) days of the receipt of this Notice, identifying the reason the violations occurred and how such violations will be prevented in the future. The response should be submitted by e-mail, as an attachment, to this resource account: [ra-epwm-nero@pa.gov](mailto:ra-epwm-nero@pa.gov).

You are hereby notified of both the existence of the violations as well as the need to provide for prompt correction. Under the Solid Waste Management Act and the Air Pollution Control Act, each day a violation continues is considered a distinct and separate offense. The violations noted herein may result in an enforcement action under the Solid Waste Management Act and the Air Pollution Control Act.

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

If you have any questions about this letter, please contact me at [rachmiller@pa.gov](mailto:rachmiller@pa.gov) or (570) 826-2434.

Sincerely,

*Rachel Miller*

Rachel Miller  
Compliance Specialist  
Waste Management Program

cc: Dominick DeNaples, Keystone Sanitary Landfill, Inc. (via e-mail: [dominickd@kslco.com](mailto:dominickd@kslco.com))  
Dunmore Borough (via e-mail: [vito.ruggiero@dunmorepa.gov](mailto:vito.ruggiero@dunmorepa.gov))  
Throop Borough (via e-mail: [lcimini@throopboro.com](mailto:lcimini@throopboro.com))