

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,  
upon relation of  
RICHARD BOWER, DISTRICT ATTORNEY  
FAYETTE COUNTY and  
EUGENE A. VITTONI, DISTRICT ATTORNEY  
WASHINGTON COUNTY

VS.

NO. 1046 of 2019 G.D.

BELLE VERNON MUNICIPAL AUTHORITY,  
TERVITA - ROSTRAVER TOWNSHIP SANITARY  
LANDFILL,  
ROSTRAVER TOWNSHIP SANITARY LANDFILL,  
WESTMORELAND WASTE, INC.  
WESTMORELAND WASTE CORP., AND  
WESTMORELAND WASTE, LLC,

JUDGE LESKINEN

DEFENDANTS

2019 MAY 23 PM 12:16  
FAYETTE COUNTY  
PROTHONOTARY

FILED

CONSENT ORDER

AND NOW, this 23<sup>rd</sup> day of May, 2019, upon consent of the parties, this Honorable  
Court hereby orders as follows:

1. The hearing scheduled for May 24<sup>th</sup> at 1:30 pm in Courtroom #1 of the Fayette County Courthouse is continued for a period of 90 days.
2. The Defendants are enjoined from discharging into the Monongahela River any effluent which contains contaminated chemicals from the Defendants.

TRUE AND ATTESTED COPY

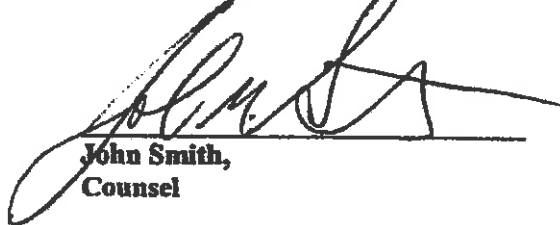
*Christina Capozzi Prothonotary*  
Prothonotary

3. **The Defendants are additionally enjoined from sending, or passing through, water, waste, wastewater, discharge, contaminants, effluent, pollutants, leachate, sludge, biological processes, or any other substances to the Belle Vernon Municipal Authority.**
  
4. **This Order shall remain in effect for 90 days. During this time period, the necessity for any written responses to the complaint will be held in abeyance.**

**IN WITNESS WHEREOF, the parties hereto have caused this Consent Order to be executed by their duly authorized representatives. The undersigned representatives of the Belle Vernon Municipal Authority and the Westmoreland Sanitary Landfill, LLC f/k/a Westmoreland Waste, LLC certify under penalty of law, as provided by 18 Pa.C.S. §4904, that they are authorized to execute this Consent Order on behalf of the Belle Vernon Municipal Authority and the Westmoreland Sanitary Landfill, LLC; and that the Belle Vernon Municipal Authority and the Westmoreland Sanitary Landfill, LLC consents to the entry of this Consent Order.**

**FOR THE:**


**BELLE VERNON  
MUNICIPAL AUTHORITY**

  
**John Smith,  
Counsel**

**FOR THE COMMONWEALTH OF  
PENNSYLVANIA:**

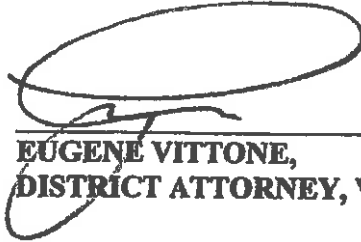
  
**RICHARD BOWER  
DISTRICT ATTORNEY, FAYETTE CO**

**WESTMORELAND SANITARY  
LANDFILL, LLC f/k/a  
WESTMORELAND WASTE, LLC**



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**Kit Pettit,  
Counsel**



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**EUGENE VITTONI,  
DISTRICT ATTORNEY, WASHINGTON CO**

**BY THE COURT:**



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**STEVE P. LESKINEN, J.**

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,  
upon relation of  
RICHARD BOWER, DISTRICT ATTORNEY  
FAYETTE COUNTY and  
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WASHINGTON COUNTY,

VS.

BELLE VERNON MUNICIPAL AUTHORITY,  
TERVITA - ROSTRAVER TOWNSHIP SANITARY  
LANDFILL,  
ROSTRAVER TOWNSHIP SANITARY LANDFILL,  
WESTMORELAND WASTE INC.,  
WESTMORELAND WASTE CORP., AND  
WESTMORELAND WASTE, LLC

DEFENDANTS

CIVIL ACTION - LAW

No. *1046* of 2019 G.D.

JUDGE *LESKIVEN*

ORDER

AND NOW, this *17th* day of *May*, 2019, upon

consideration of the Petition for Temporary Injunction, by Plaintiffs, Commonwealth of Pennsylvania, against Defendants, it is ORDERED that the Petition for a Temporary Injunction is granted. The Court finds (1) that the Plaintiffs have demonstrated a substantial likelihood that the Plaintiffs will succeed on the merits of their claims against the Defendants, (2) that the Plaintiffs will suffer immediate and irreparable harm if the Defendants' conduct remains unabated, (3) that the irreparable injury that Plaintiff's face outweighs the injury that the Defendant will sustain as a result of the immediate injunctive relief, and (4) that the public interest will be served by the granting of the immediate injunctive relief.

2019 MAY 17 PM 3:57  
FILED  
CLERK OF COURT

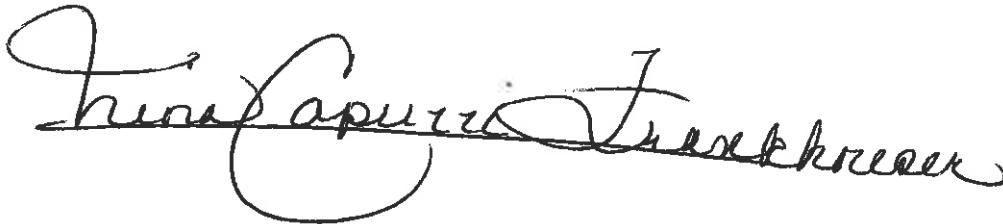
It is further ORDERED that the Defendants are enjoined from discharging into the Monongahela River any effluent which contains contaminated chemicals from the Defendants. The Defendants are additionally enjoined from sending, or passing through, water, waste, wastewater, discharge, contaminants, effluent, pollutants, leachate, sludge, biological processes, or any other substances to the Belle Vernon Municipal Authority.

It is further ORDERED that a hearing on the Plaintiff's Petition for Injunction is scheduled for May 24th, 2019 at 1:30 o'clock p.m. before the undersigned in Courtroom One of the Fayette County Courthouse, 61 East Main Street Uniontown, PA 15401. The Defendant must appear or a Bench Warrant will be issued.

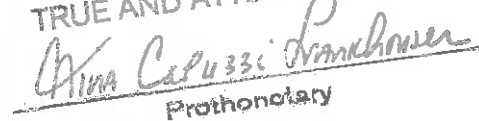
BY THE COURT:

Attest:

  
STEVE P. LESKINEN, J.



TRUE AND ATTESTED COPY

  
Prothonotary

# Supreme Court of Pennsylvania

## Court of Common Pleas Civil Cover Sheet



County \_\_\_\_\_

*For Prothonotary Use Only:*

Docket No:

10460 of 201900

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

**Commencement of Action:**

- Complaint     
  Writ of Summons     
  Petition  
 Transfer from Another Jurisdiction     
  Declaration of Taking

Lead Plaintiff's Name: Com. of PA - Richard Bowen / Gene V. Hone

Lead Defendant's Name: Belle Vernon Muni Authority

Are money damages requested?  Yes  No

Dollar Amount Requested:  within arbitration limits  
 outside arbitration limits  
 (check one)

Is this a *Class Action Suit*?  Yes  No

Is this an *MDJ Appeal*?  Yes  No

Name of Plaintiff/Appellant's Attorney: \_\_\_\_\_

Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

SECTION B

**Nature of the Case:** Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

**TORT (do not include Mass Tort)**

- Intentional  
 Malicious Prosecution  
 Motor Vehicle  
 Nuisance  
 Premises Liability  
 Product Liability (does not include mass tort)  
 Slander/Libel/ Defamation  
 Other: \_\_\_\_\_

**CONTRACT (do not include Judgments)**

- Buyer Plaintiff  
 Debt Collection: Credit Card  
 Debt Collection: Other  
 \_\_\_\_\_  
 Employment Dispute: Discrimination  
 Employment Dispute: Other  
 \_\_\_\_\_  
 Other: \_\_\_\_\_

**CIVIL APPEALS**

- Administrative Agencies  
 Board of Assessment  
 Board of Elections  
 Dept. of Transportation  
 Statutory Appeal: Other  
 \_\_\_\_\_  
 Zoning Board  
 Other: \_\_\_\_\_

**MASS TORT**

- Asbestos  
 Tobacco  
 Toxic Tort - DES  
 Toxic Tort - Implant  
 Toxic Waste  
 Other: \_\_\_\_\_

**REAL PROPERTY**

- Ejectment  
 Eminent Domain/Condemnation  
 Ground Rent  
 Landlord/Tenant Dispute  
 Mortgage Foreclosure: Residential  
 Mortgage Foreclosure: Commercial  
 Partition  
 Quiet Title  
 Other: \_\_\_\_\_

**MISCELLANEOUS**

- Common Law/Statutory Arbitration  
 Declaratory Judgment  
 Mandamus  
 Non-Domestic Relations  
 Restraining Order  
 Quo Warranto  
 Replevin  
 Other: INJUNCTION

**PROFESSIONAL LIABILITY**

- Dental  
 Legal  
 Medical  
 Other Professional: \_\_\_\_\_



IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA

<b>COMMONWEALTH OF PENNSYLVANIA,</b>	)	<b>CIVIL ACTION - LAW</b>
<b>upon relation of</b>	)	
<b>RICHARD BOWER, DISTRICT ATTORNEY</b>	)	
<b>FAYETTE COUNTY and</b>	)	
<b>EUGENE A. VITTONI, DISTRICT ATTORNEY</b>	)	
<b>WASHINGTON COUNTY,</b>	)	
	)	
<b>VS.</b>	)	<b>No. of 2019 G.D.</b>
	)	
<b>BELLE VERNON MUNICIPAL AUTHORITY,</b>	)	
<b>TERVITA - ROSTRAVER TOWNSHIP SANITARY</b>	)	
<b>LANDFILL,</b>	)	<b>JUDGE</b>
<b>ROSTRAVER TOWNSHIP SANITARY LANDFILL,</b>	)	
<b>WESTMORELAND WASTE INC.,</b>	)	
<b>WESTMORELAND WASTE CORP., AND</b>	)	
<b>WESTMORELAND WASTE, LLC</b>	)	
	)	
	)	
<b>DEFENDANTS</b>	)	

NOTICE

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIM SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED, BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY AN ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSE OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

PENNSYLVANIA LAWYER REFERRAL SERVICE  
PENNSYLVANIA BAR ASSOCIATION  
100 SOUTH STREET, P.O. BOX 186  
HARRISBURG, PENNSYLVANIA 17108  
TELEPHONE: 1-800-692-7375



**IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA**

<b>COMMONWEALTH OF PENNSYLVANIA,</b>	)	<b>CIVIL ACTION - LAW</b>
<b>upon relation of</b>	)	
<b>RICHARD BOWER, DISTRICT ATTORNEY</b>	)	
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<b>EUGENE A. VITTONI, DISTRICT ATTORNEY</b>	)	
<b>WASHINGTON COUNTY,</b>	)	
	)	
<b>VS.</b>	)	<b>No.        of 2019 G.D.</b>
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<b>BELLE VERNON MUNICIPAL AUTHORITY,</b>	)	
<b>TERVITA - ROSTRAVER TOWNSHIP SANITARY</b>	)	
<b>LANDFILL,</b>	)	<b>JUDGE</b>
<b>ROSTRAVER TOWNSHIP SANITARY LANDFILL,</b>	)	
<b>WESTMORELAND WASTE INC.,</b>	)	
<b>WESTMORELAND WASTE CORP., AND</b>	)	
<b>WESTMORELAND WASTE, LLC</b>	)	
	)	
	)	
<b>DEFENDANTS</b>	)	

**IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY,**  
**PENNSYLVANIA**

**COMPLAINT**

**AND NOW**, comes the Commonwealth of Pennsylvania by and through relators, Richard Bower, Esq. District Attorney of Fayette County and Eugene A. Vittone II, Esq. District Attorney of Washington County and files this Complaint, the following averments of which are as follows:

1. The Relator, Richard Bower is the duly elected District Attorney of Fayette County with an office address of Fayette County District Attorney's Office, Fayette County Courthouse, 61 East Main Street, Uniontown, PA 15401.

Relator, Eugene A. Vittone is the duly elected District Attorney of Washington County with a business address of 1 South Main Street Suite 1003 Washington, PA 15301.

3. Defendant Municipal Authority of the Borough of Belle Vernon is a Pennsylvania municipal authority with a post office address of P.O. Box 181 Belle Vernon, PA 15012 and a physical address of 10 Main Street Belle Vernon, Fayette County, PA.
4. Defendant Tervita – Rostraver Township Sanitary Landfill, is a business entity at Tervita – Rostraver Township Sanitary Landfill, 111 Conner Lane Belle Vernon, PA 15012, with a physical address of 901 Tyrol Blvd Belle Vernon, PA 15102.
5. Defendant Rostraver Township Sanitary Landfill has an address of 111 Conner Lane Belle Vernon, PA 15012, with a physical address of 901 Tyrol Blvd Belle Vernon, PA 15102.
6. Defendant Westmoreland Waste Inc., has an address at 1428 Delberts Drive Monongahela, PA 15063.
7. Defendant Westmoreland Waste Corp. has an address of RD #3 Box 60 Monongahela, PA 15063.
8. Defendant Westmoreland Waste, LLC, has an address of 1428 Delberts Drive Monongahela, PA 15063.

#### **JURISDICTION**

9. District Attorney Bower and District Attorney Vittone are vested under the “Clean Streams Act” (35 P.S. 691.601- Abatement of Nuisances), to bring actions to abate nuisances which violate the Clean Streams Act.

#### **BACKGROUND**

10. Tervita operates a landfill situate in Rostraver, Westmoreland County, Pennsylvania.

11. This landfill accepts, in addition to normal refuse, cuttings from oil and gas wells drilled in Southwestern Pennsylvania.
12. These cuttings comprise many different chemicals including but not limited to oil, diesel fuel, phenols and other substances.
13. These cuttings are buried within the landfill.
14. When rain occurs, water will leach through the cuttings and become contaminated with the chemicals from the cuttings.
15. The Municipal Authority of Belle Vernon is a waste water treatment facility. The Municipal Authority has a contract with Tervita to accept this contaminated water.
16. The water, which is contaminated with the chemicals, is then collected in a pipe which transports the contaminated water to the municipal authority of Belle Vernon waste water treatment facility.
17. The authority has a NPDES permit to treat this water, and following treatment, discharges this water into the Monongahela River.
18. Communities in Washington, Fayette, Allegheny and Westmoreland all derive some water from the Monongahela River. The Monongahela River is the water source for many communities contiguous to the river including but not limited to Charleroi, Donora, Monessen, Monongahela, and Elizabeth.

#### **FACTS**

19. On or about August 16, 2018, the Municipal Authority of Belle Vernon notified Tervita by letter that analytical results of a sample of treated water was in violation of permitted standards for certain chemicals. (Exhibit "1" Letter from Walter Ziemba to Tervita which is attached and incorporated by reference thereto as if set forth fully herein).

20. The Municipal Authority investigated this situation and determined that Tervita was sending 100,000 to 300,000 gals/day of contaminated water to the Municipal Authority for treatment.
21. The ND PES permit issued to the Municipal Authority only permits 50,000 gals/ day of contaminated water to be treated at the authority.
22. An engineering firm hired by the authority determined that the excess volume of contaminated water flowing into the municipal authority for treatment rendered treatment of all waste water ineffective and consequently the authority was acting simply as a pass-through for the contaminated water on its way to the Monongahela River.
23. John C. Mowry, P.E., has found that, “[d]ue to the ongoing discharges, the Belle Vernon Municipal Authority cannot continue to comply with its NPDES permit which causes it to discharge various and unknown pollutants into the Monongahela River, which could serve to effect aquatic life and down river users of the river water for drinking water purposes.” See Affidavit of John C. Mowry, P.E., attached hereto as Exhibit 2.
24. Mr. Mowry further opines, “[i]n my professional opinion, as the landfill has shown no ability to bring its wastewater into compliance, Belle Vernon cannot continue to accept leachate from the landfill, as to do so would result in continual effluent violations of its permit and ongoing discharges of pollutants into the Monongahela River, threatening the wellbeing of other downstream users of the river.” See Affidavit of John C. Mowry, P.E., attached hereto as Exhibit 2.
25. Mr. Guy Kruppa, Superintendent of the Belle Vernon Municipal Authority, finds that “Although the Pretreatment System was implemented by Tervita, it was completely unsuccessful in treating Tervita’s waste such that its waste continued to contaminate

Belle Vernon's Treatment Facility causing Belle Vernon to continue to receive contaminants it was unable to properly treat before discharging it into the Monongahela River in violation of its NPDES permit." See Affidavit of Guy Krupp, attached hereto as Exhibit 3.

26. Mr. Guy Krupp further finds that "Belle Vernon performed additional testing and analysis of ... Tervita's waste stream which sits up gradient from the Belle Vernon Facility. That testing demonstrated that Tervita's waste stream was contaminated with diesel fuel constituents as well as oil and grease." See Affidavit of Guy Krupp, attached hereto as Exhibit 3.

27. The Municipal Authority repeatedly contacted the Pennsylvania Department of Environmental Protection about its concerns and in an e-mail dated January 4, 2019 was told:

Our Waste Management Folks have talked to the landfill about entering into a COA where the landfill will agree to pay any penalties for effluent violations at the Belle Vernon plant under that COA. What this does is remove any liability from Belle Vernon for current and past violations. In turn Belle Vernon would need to let the landfill stay connected to their system. The landfill is in process of constructing a pretreatment plant. The landfill will also be looking to take their waste elsewhere after the pretreatment facility is up and running- so they eventually should not be a problem for Belle Vernon. If your client. . . Since this is landfill leachate it will not go away if the landfill closes- so the state has some concerns here in reference to continuity of service for the wastewater.

(Exhibit #4- E-mail of Leone incorporated by reference thereto as if set forth fully herein).

28. On May 15, 2019, the Municipal Authority upon advice of counsel voted to terminate the contract with Tervita and cease accepting contaminated water from Tervita. This action

is to be effective of June 1, 2019. (Exhibit #5- Letter of John Smith, Esq. to Municipal Authority May 13, 2019 which is incorporated by reference thereto as if set forth fully herein).

29. In exigent circumstances, an ex parte hearing may occur, the result of which is an emergency preliminary injunction. Pa.R.Civ.P. 1531. Relators have no adequate remedy at law to redress the harm and injury that will be caused by Defendants continuing to introduce contaminated water into the Monongahela River, which is source of drinking water and recreation for many communities.

30. The law is clear that:

The essential prerequisites of a preliminary injunction are as follows:

- (1) The injunction is necessary to prevent immediate and irreparable harm not compensable in money damages.
- (2) Greater injury will result from refusing the injunction than from granting it.
- (3) The injunction restores the parties to status quo ante.
- (4) The activity sought to be restrained is actionable, and the plaintiff's right to relief is clear.

*The Woods at Wayne Homeowners Assn. v. Gambone Brothers Construction Co, Inc.*,  
893 A.2d 196, 204 (Pa. Commonwealth Ct. 2006).

31. Upon information and belief, the actions of the defendants are in clear violation of the Clean Streams Act in permitting contaminated water to be introduced into the Monongahela River.

32. Without injunctive relief, the public will be harmed by the introduction of chemicals which are not being tested into the Monongahela River.

33. It is averred that several of the chemicals identified in the contaminated water are known carcinogens and are dangerous to humans.

34. The Commonwealth's interest in protecting the citizens and ensuring the protection of the environment can only be achieved through the grant of injunction prohibiting defendants from releasing into the Monongahela River any contaminants from the Tervita Landfill.


35. The Relators have notified Chief Deputy Attorney General, Rebecca Franz, about this action.


WHEREFORE, the Plaintiff prays that this Court:

1. Preliminarily and permanently:

- a. Enjoin the Defendants from discharging into the Monongahela River any effluent which contains contaminated chemicals from the Defendants.
- b. Enjoin the Defendants from sending, or passing through, water, waste, wastewater, discharge, contaminants, effluent, pollutants, leachate, sludge, biological processes, or any other substances to the Belle Vernon Municipal Authority.
- c. Grant the Commonwealth of Pennsylvania such other and further relief as may be deemed necessary or appropriate.

Respectfully submitted,

  
Richard E. Bower, Esquire  
District Attorney- Fayette County

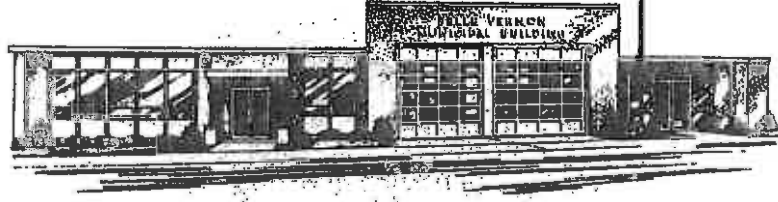
  
Eugene A. Vittone II, Esq.  
District Attorney- Washington County

*The Municipal Authority of the  
Borough of Belle Vernon, Pa.*

P. O. BOX 181

BELLE VERNON, PENNSYLVANIA 15012

PHONE (724) 929-8138



August 16, 2018  
Ref. No. 571-04

Nick Stork  
Tervita – Rostraver Township Sanitary Landfill  
111 Conner Lane  
Belle Vernon, PA 15012

Dear Mr. Stork,

**Belle Vernon Municipal Authority  
Landfill Leachate Service Agreement  
Notification of Effluent Violations and Pass-Through and Interference**

The Belle Vernon Municipal Authority is in receipt of your Form 50 Quarterly Municipal Waste Landfill Leachate Analyses, dated June 13, 2018, Sample ID 10027 for the MH-1 (LEACHATE) monitoring point. The analytical results submitted on the Form 50 Report indicate the sample was in violation of the following Acceptable Waste conditions of the Landfill Service Agreement between the Landfill and the Belle Vernon Municipal Authority dated April 4, 1994:

Unacceptable Wastes: ARTICLE I, (d). (4), (8), (10), and (e).

(d).(4). – Sufficient to cause interference in the operation and performance of the wastewater facilities.

The following parameters were measured at levels that exceed wastewater industry standards for the pass-through or inhibition of the activated sludge and nitrification biological process utilized by the Belle Vernon Municipal Authority:





*The Municipal Authority of the  
Borough of Belle Vernon, Pa.*

P. O. BOX 181  
BELLE VERNON, PENNSYLVANIA 15012  
PHONE (724) 929-8138



Tervita – Rostraver Township Sanitary Landfill  
August 16, 2018  
-page two-

<b>Substance</b>	<b>Reported (mg/l)</b>	<b>Inhibition Threshold (mg/l)</b>
Ammonia – Nitrogen	631	480
Chloride	3400	180
Magnesium	143	50
Total Dissolved Solids	7000	1000
Barium	7.66	1

(e). – Wastes containing any of the following substances in solution or in suspension in concentrations exceeding those shown in the following table:

<b>Substance</b>	<b>Reported (mg/l)</b>	<b>Maximum Permissible (mg/l)</b>
Total Phenols	1.02	1.0
Iron	0.3	22.7

*\*- indicates a surchargeable pollutant. Surcharge is to be applied for concentrations over 200 mg/l up to the Maximum Discharge Concentration.*

*The Municipal Authority of the  
Borough of Belle Vernon, Pa.*

P. O. BOX 181

BELLE VERNON, PENNSYLVANIA 15012

PHONE (724) 929-8138



Tervita – Rostraver Township Sanitary Landfill  
August 16, 2018  
-page three-

The Belle Vernon Municipal Authority's Wastewater Treatment Plant has experienced pass-through and interference with its biological treatment process over the past several months, and has experienced violations of the effluent Ammonia Nitrogen limits of its National Pollution Discharge Elimination System (NPDES) permit for May and June of 2018. We also believe this pass-through and interference has been occurring well before our current monitoring period. In order to avoid any future pass-through, process interference, process inhibition or NPDES effluent limit violations the Belle Vernon Municipal Authority is hereby requesting that within **forty five (45)** days of receipt of this letter, that the Tervita – Rostraver Township Sanitary Landfill fully comply with the following discharge concentrations for discharge of the Landfill Leachate into the BVMA sanitary sewer system:

<b>Parameter</b>	<b>Maximum Permissible Concentration (mg/l)</b>
Phenolics, Total	1.0
Cyanide	0.02
Cyanate	0.02
Iron	0.3
Chrome III	0.5
Chrome VI	0.25
Nickel	1.0
Copper	0.2
Lead	0.2
Zinc	0.5
BOD5 (Biochemical Oxygen Demand)	300 *
Ammonia Nitrogen	300 *
Arsenic	0.1
Aluminum	25
Barium	1.0
Boron	50
Cadmium	0.5
Calcium	2500
Lead	0.1
Manganese	10
Magnesium	50

*The Municipal Authority of the  
Borough of Belle Vernon, Pa.*

P. O. BOX 181

BELLE VERNON, PENNSYLVANIA 15012

PHONE (724) 929-8138



Tervita – Rostraver Township Sanitary Landfill  
August 16, 2018  
-page four-

The pollutants and the associated Maximum Discharge Concentrations apply to the permitted flow rate of up to 50,000 gallons per day.

**Failure to comply with the aforementioned pollutant Maximum Discharge Concentrations within the next forty five (45) days will result in termination of service per the Discharge Service Agreement and no further discharge of Leachate will be permitted to the Belle Vernon Municipal Authority wastewater treatment plant until full compliance is documented with the BVMA.**

This request is made under the terms and conditions of the existing Service Agreement to prevent Pass-Through, Process interference, Process Inhibition and to satisfy the NPDES Permit conditions of the BVMA NPDES Permit PA0092355. Please contact us to establish a compliance schedule for the next forty five (45) days.

Sincerely,

Belle Vernon Municipal Authority  
Walter R. Ziemba  
Chairman

NORTH BELLE VERNON  
 306 GRANT ST  
 BELLE VERNON  
 PA

08/21/2018 15012-1900 4105560194 (800)275-8777 2:08 PM

Product Sale Final  
 Description Qty Price

First-Class 1 \$0.71  
 Mail Letter

(Domestic)  
 (BELLE VERNON, PA 15012)  
 (Weight: 0 Lb 1.10 Oz)  
 (Estimated Delivery Date)  
 (Thursday 08/23/2018)  
 Certified 1 \$3.45  
 (@USPS Certified Mail #)  
 (7015152000004332388)

Total \$4.16

Credit Card Remitd \$4.16  
 (Card Name: Discover)  
 (Account #: XXXXXXXXXXXX9081)  
 (Approval #: 021108)  
 (Transaction #: 729)  
 (Entry Mode: Chip)  
 (AID: A0000001523010)  
 (Application Preferred Name: Discover Credit)  
 (Application Label: Discover)  
 (PIN: Not Required)  
 (Program: 100EED28D242DE1)  
 (ARC: 00)  
 (CVR: 1E0900)  
 (IAD: 0105608000000000)  
 (TSI: E800)  
 (TVR: 0000008000)

Text your tracking number to 2:777 (2USPS) to get the latest status. Standard Message and Data rate may apply. You may also visit [www.usps.com](http://www.usps.com) USPS Tracking or call 1-800-222-1811.

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**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

BELLE VERNON PA 15012

**POSTAGE WILL BE PAID BY ADDRESSEE**

Certified Mail Fee \$3.45

Extra Services & Fees (check box, add fee if appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Signature Restricted Delivery	\$0.00

Postage \$0.71

Total Postage and Fees \$4.16

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 08/21/2018

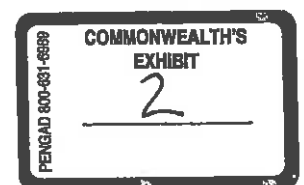
PS Form 3800, April 2015 PSN 7530-02-000-9947 See Reverse for Instructions

PRE2 2EE4 0000 025T 5T02

**AFFIDAVIT OF JOHN C. MOWRY, P.E.**

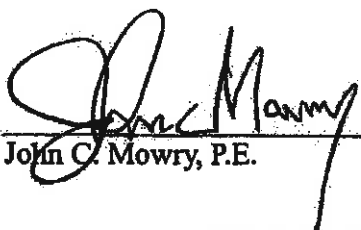
I, John C. Mowry, P.E., swear and affirm that the following statements are true and correct to the best of my knowledge, information, and belief:

1. My name is John C. Mowry, P.E., and I hereby state that I am a licensed Engineer in the Commonwealth of Pennsylvania and I am currently employed by KLH Engineers, Inc. located at 5173 Campbells Run Road, Pittsburgh PA 15205.
2. I have been engaged by Belle Vernon Municipal Authority to provide engineering services related to ongoing operations at the Authority including compliance issues with its NPDES permit received from the Commonwealth of Pennsylvania.
3. As an Engineer for the Authority, I am aware that the Municipal Authority receives leachate from a sanitary landfill, currently owned by a facility known as Westmoreland Waste, Inc., with a permittee known as Tervita - Rostraver Township Sanitary Landfill.
4. Based on review of various Quarterly Form 50's, Municipal waste landfill leachate analysis provided from the landfill, the analytical results revealed that leachate provided to the Municipal Authority for treatment was and continues to be "unacceptable waste" sufficient to the cause interference in the operation and performance of the wastewater treatment facility.
5. Testing revealed that due to ongoing discharges by the landfill to the Authority that the wastewater treatment plant has experienced and continues to experience pass through and interference with its biological treatment process over several months resulting in Belle Vernon Municipal Authority violating its NPDES permit and discharging pollutants directly into the Monongahela River.

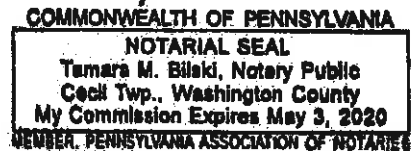


6. On numerous occasions, I met with landfill representatives and wrote letters advising that failure to comply with the contract by controlling pollutants would result in the Authority's termination of its contract pursuant to the terms of the Agreement and that no further discharge of leachate will be permitted to the Belle Vernon Municipal Authority wastewater treatment plant.
7. Ongoing testing revealed that the landfill continues to deliver leachate to Belle Vernon Municipal Authority in which parameters were measured at levels that exceed wastewater industry standards for the pass-through or inhibition of the activated sludge and nitrification biological process utilized by the Belle Vernon Municipal Authority.
8. Due to the ongoing discharges, the Belle Vernon Municipal Authority cannot continue to comply with its NPDES permit which causes it to discharge various and unknown pollutants into the Monongahela River, which could serve to effect aquatic life and down river users of the river water for drinking water purposes.
9. In my professional opinion, as the landfill has shown no ability to bring its wastewater into compliance, Belle Vernon cannot continue to accept leachate from the landfill, as to do so would result in continual effluent violations of its permit and ongoing discharges of pollutants into the Monongahela River, threatening the wellbeing of other downstream users of the river.

I swear and affirm that the contents of this Affidavit are true and correct to the best of my knowledge, information and belief.

By:   
John C. Mowry, P.E.

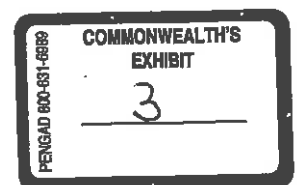
Sworn to and subscribed before this 17 day of May, 2019.



**AFFIDAVIT OF MR. GUY C. KRUPPA, BELLE VERNON MUNICIPAL AUTHORITY**  
**SUPERINTENDENT**

I, Guy Kruppa swear and affirm that the following statements are true and correct to the best of my knowledge, information, and belief:

1. My name is Guy Kruppa. I am above the age of eighteen (18) years old and I am fully competent to swear to all matters contained in this affidavit.
  
2. I am currently the Superintendent of the BelleVernon Municipal Authority (Belle Vernon). Belle Vernon Municipal Authority is a Publicly Owned Treatment Works (POTW) located in Belle Vernon Borough, Fayette County, Pennsylvania upstream from the Charleroi Water Authority located in Washington County, Pennsylvania. Belle Vernon serves to take in and treat various types of domestic sewage. In this position I am tasked with the responsibility of ensuring that Belle Vernon operates its Facility pursuant to and in compliance with its National Pollutant Discharge Elimination System (NPDES) permit issued by the Pennsylvania Department of Environmental Protection (PADEP), NPDES Permit No. PA0092355. Under this permit, Belle Vernon is permitted to discharge, after treatment consistent with its NPDES permit, effluent directly into the Monongahela River. The discharge point into the Monongahela River from Belle Vernon's Facility can be seen in the photo attached as EXHIBIT A.
  
3. Among other sources of domestic waste, Belle Vernon has had a contract with Tervita/Rostraver Township Sanitary Landfill also known as Westmoreland Sanitary Landfill, LLC (Tervita), which upon information and belief is owned by Uniontown based Nobel Environmental Inc., to accept for treatment and ultimately discharge into the Monongahela River it waste leachate.



The Contract provides as does Belle Vernon's NPDES permit, that any waste sent to Belle Vernon's Facility by Tervita cannot cause Belle Vernon to violate the terms of its NPDES permit.

4. In the past, Belle Vernon has accepted waste from the Tervita without incident or causing Belle Vernon's effluent discharge to violate the effluent limitations set forth in its NPDES permit. However, more recently that has changed.

5. In the Spring of 2018, Belle Vernon's effluent discharge into the Monongahela River started to have exceedances of its NPDES permit limitations for multiple parameters, including but not limited to Ammonia-Nitrogen. As a result of these exceedances and consistent with the terms of its NPDES permit, I, on behalf of Belle Vernon Municipal Authority, electronically notified the PADEP by way of filing a Discharge Monitoring Report (DMR) of these exceedances. See EXHIBIT B. In addition, I also notified Belle Vernon Municipal Authority's Engineers, KLH Engineers, Inc. in order to determine the source of the exceedances of contaminants tested for in Belle Vernon's effluent discharge.

6. To determine the waste stream source causing Belle Vernon's effluent to violate its NPDES permit, the waste stream from Tervita was temporarily shut off to Belle Vernon's treatment facility. During that shut down which lasted for approximately two weeks, Belle Vernon Municipal Authority sampled its effluent stream without any waste stream from Tervita entering the Belle Vernon Treatment Facility. Results of that sampling demonstrated that without any of the Tervita leachate entering the Belle Vernon Treatment Facility, the Facility was able to once again come into compliance with its NPDES and not exhibit any exceedance of any contaminants at all.

7. Once Belle Vernon was able to determine that it was the Tervita's waste stream that was causing Belle Vernon's effluent discharge into the Monongahela River to violate the terms of its NPDES permit and discharge pollutants at unacceptable levels, Belle Vernon through myself



and its engineers KLH Engineers contacted Tervita to advise them of our determination and ask that it start treating its waste before discharging it to Belle Vernon's Facility so that Belle Vernon would not continue to violate its NPDES permit. Although Tervita initially indicated it would do something to mitigate the contaminants in its waste stream before discharging it to Belle Vernon, Tervita took no such action. As a result Belle Vernon's Engineers, wrote to Tervita advising them that they would shut off the its waste stream if it did not properly pretreat its waste before discharging it to Belle Vernon's Facility. See EXHIBIT C . Having not received an adequate response from Tervita, KLH Engineers continued to write and speak to Tervita about treatment of its waste stream prior to its discharge to Belle Vernon's Facility to no avail. See EXHIBIT D. Tervita made no attempts to treat the contaminants in its waste stream that were causing Belle Vernon's Facility to continuously violate its NPDES permit which it continued to report to the PADEP. See EXHIBIT E.

8. As a result of Tervita's inaction, I on behalf of Belle Vernon contacted the PADEP to have them assist in making Tervita treat its waste prior to discharging it to Belle Vernon's Facility. After several months of discussion with the PADEP and Tervita, the PADEP granted Tervita a Pretreatment System Permit for its waste stream to implement to treat its waste before sending it to Belle Vernon's Facility. Although that Pretreatment System was implemented by Tervita, it was completely unsuccessful in treating Tervita's waste such that its waste continued to contaminate Belle Vernon's Treatment Facility causing Belle Vernon to continue to receive contaminants it was unable to properly treat before discharging it into the Monongahela River in violation of its NPDES permit.

9. Once again, Belle Vernon turned to the PADEP for assistance with the contaminated waste stream it was receiving from Tervita. However, instead of providing a legal and workable solution to this problem the PADEP instead suggested that:

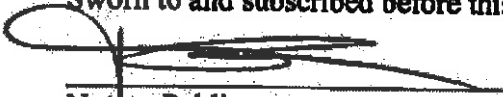
“Our waste management folks have talked to the landfill about entering into a COA (Consent Order and Agreement) where the landfill (Tervita) will agree to pay any penalties for effluent violations at the Belle Vernon plant under that COA. What this does is remove liability from Belle Vernon for current and past violations. In turn, Belle Vernon would need to let the landfill stay connected to their system. The landfill is in the process of constructing a pretreatment plant. The landfill will also be looking to take their waste elsewhere after the pretreatment facility is up and running – so they eventually should not be a problem for Belle Vernon. If your client wants a meeting to discuss further, before we have an overall meeting with all parties, let me know. Since this is landfill leachate, it will not go away if the landfill closes – so the state has some concerns here in reference to continuity of service for the wastewater.”

See EXHIBIT F.

10. Recognizing that the PADEP's solution was not workable nor served to correct the issue and protect downstream consumers and users of the Monongahela River, Belle Vernon Municipal Authority voted to employ the law firm of Smith Butz as special counsel to offer a legal opinion as to what Belle Vernon's options were to correct this situation and come into compliance with its NPDES permit. To aid in that opinion Belle Vernon performed additional testing and analysis of it Tervita's waste stream which sits up gradient from the Belle Vernon Facility. That testing demonstrated as that Tervita's waste stream was contaminated with diesel fuel constituents as well as oil and grease. See EXHIBIT G. After receiving those test results and as requested to do Smith Butz provided its legal opinion recommending that Belle Vernon to shut off Tervita's waste stream to its facility. See EXHIBIT H.

11. Thereafter, on May 15, 2019, concerned and provided with no solution from the PADEP which would stop the flow of contaminates from the Tervita Landfill to Belle Vernon's Facility and in recognition of Belle Vernon's inability to effectively treat and eliminate all of the contaminants contained in Tervita's waste at its facility before discharging it into the Monongahela River thereby rendering it a pass through facility, The Board Members of the of the Municipal Authority of Belle Vernon voted to terminate its contract with Tervita and shut off it waste stream to Belle Vernon's facility as of June 1 in order to stop Belle Vernon's facility for being a mere pass through for contaminated waste to enter the Monongahela River and to stop untreatable contaminated waste from entering into the River and effecting downstream users in Fayette and Washington Counties.

  
Guy C. Kruppa

Sworn to and subscribed before this 17 day of May 2019.  
  
Notary Public

COMMONWEALTH OF PENNSYLVANIA  
NOTARIAL SEAL  
Tamara M. Biski, Notary Public  
Cecil Twp., Washington County  
My Commission Expires May 3, 2020  
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

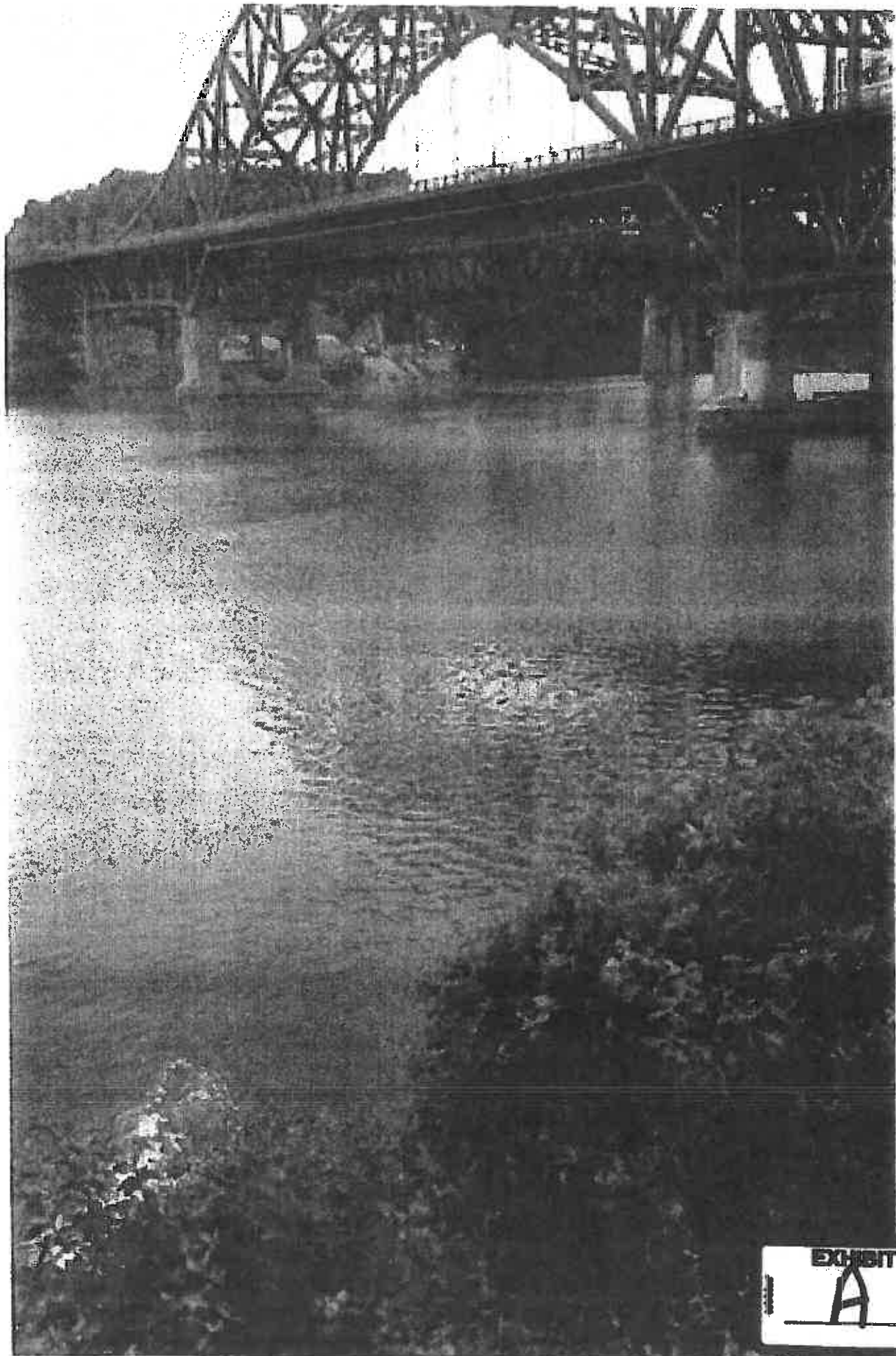
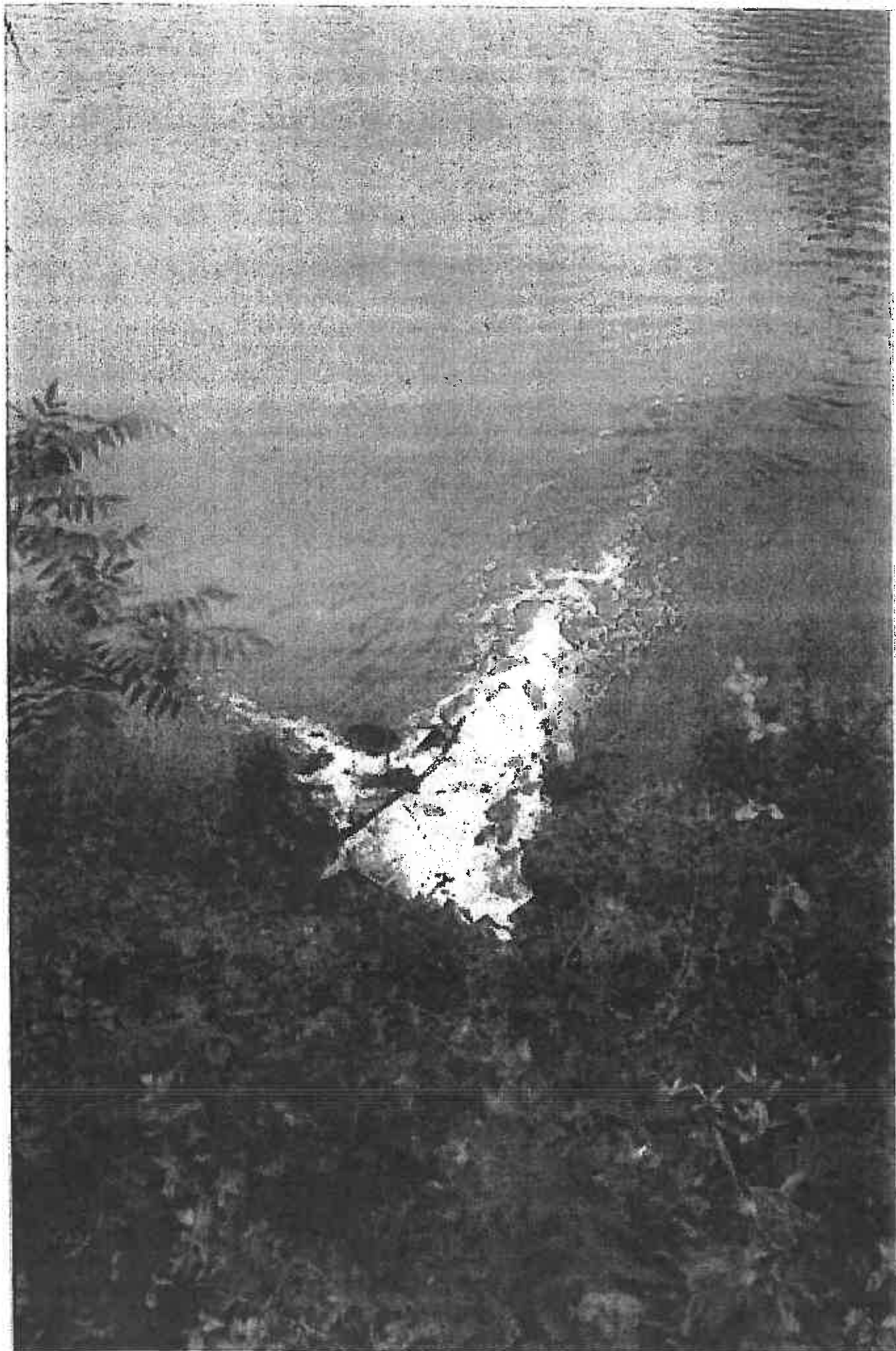


EXHIBIT  
A



3800-FM-41PMPMSM0482 3/2012  
 Pennsylvania  
 DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 BUREAU OF CLEAN WATER

COMMONWEALTH OF PENNSYLVANIA  
 DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 BUREAU OF CLEAN WATER  
 DISCHARGE MONITORING REPORT (DMR)

NAME: BELLE VERNON MUNI AUTH  
 ADDRESS: PO BOX 181, BELLE VERNON PA, 15C 12-0181  
 FACILITY: BELLE VERNON STP  
 LOCATION: FIRST AVE, BELLE VERNON PA, 15012  
 STAGE: Final Effluent

PA0802335  
 PERMIT NUMBER  
 041  
 OUTFALL NUMBER

MONITORING PERIOD  
 FROM: 2011 05 01 TO: 2011 05 31

Report of 1 square ft.  
 DMR Effluent Flow  
 DMR Effluent  
 Permit Exp. res.  
 Permit Application No.  
 No Discharge?

Monthly  
 05/01/2011  
 05/31/2011  
 12/31/2021  
 07/04/2021  
 No

PARAMETERS REPORTED VALUES

PARAMETER	QUANTITY OR LOADING			QUANTITY OR CONCENTRATION			SAMPLE TYPE	SAMPLE FREQUENCY
	VALUE	UNITS	VALUE	UNITS	VALUE	UNITS		
Dissolved Oxygen	Sample Measurement Point Measurement	mg/L	5.2	mg/L	5.2	mg/L	GB	1day
pH	Sample Measurement Point Measurement	mg/L	4.0	mg/L	4.0	mg/L	GB	1day
	Sample Measurement Point Measurement	mg/L	5.5	mg/L	5.5	mg/L	GB	1day
Total Suspended Solids	Sample Measurement Point Measurement	mg/L	152.4	mg/L	152.4	mg/L	GB	1day
	Sample Measurement Point Measurement	mg/L	237	mg/L	237	mg/L	GB	1day
Ammonia Nitrogen	Sample Measurement Point Measurement	mg/L	23.5	mg/L	23.5	mg/L	GB	1day
	Sample Measurement Point Measurement	mg/L	180	mg/L	180	mg/L	GB	1day
Fiber	Sample Measurement Point Measurement	mg/L	1.15	mg/L	1.15	mg/L	GB	Continuous
	Sample Measurement Point Measurement	mg/L	828	mg/L	828	mg/L	GB	Continuous
Unfiltered Light Transmittance	Sample Measurement Point Measurement	mg/L	11	mg/L	11	mg/L	GB	1day
	Sample Measurement Point Measurement	mg/L	11	mg/L	11	mg/L	GB	1day
Fecal Coliform	Sample Measurement Point Measurement	mg/L	161.0	mg/L	161.0	mg/L	GB	1day
	Sample Measurement Point Measurement	mg/L	186	mg/L	186	mg/L	GB	1day
Cadmium as Cadmium Oxygen Demand (CROD)	Sample Measurement Point Measurement	mg/L	1472.7	mg/L	1472.7	mg/L	GB	1day
	Sample Measurement Point Measurement	mg/L	78.3	mg/L	78.3	mg/L	GB	1day
Benzene as Oxygen Demand (BOD)	Sample Measurement Point Measurement	mg/L	143	mg/L	143	mg/L	GB	1day
	Sample Measurement Point Measurement	mg/L	143	mg/L	143	mg/L	GB	1day





August 16, 2018  
Ref. No. 571-04

Nick Stork  
Tervita – Rostraver Township Sanitary Landfill  
111 Conner Lane  
Belle Vernon, PA 15012

Dear Mr. Stork,

**Belle Vernon Municipal Authority  
Landfill Leachate Service Agreement  
Notification of Effluent Violations and Pass-Through and Interference**

The Belle Vernon Municipal Authority is in receipt of your Form 50 Quarterly Municipal Waste Landfill Leachate Analyses, dated June 13, 2018, Sample ID 10027 for the MH-1 (LEACHATE) monitoring point. The analytical results submitted on the Form 50 Report indicate the sample was in violation of the following Acceptable Waste conditions of the Landfill Service Agreement between the Landfill and the Belle Vernon Municipal Authority dated April 4, 1994.

Unacceptable Wastes: ARTICLE I, (d). (4), (8), (10), and (e).

(d).(4). – Sufficient to cause interference in the operation and performance of the wastewater facilities.

The following parameters were measured at levels that exceed wastewater industry standards for the pass-through or inhibition of the activated sludge and nitrification biological process utilized by the Belle Vernon Municipal Authority:

	Reported (mg/l)	Inhibition Threshold (mg/l)
Ammonia – Nitrogen	631	480
Chloride	3400	180
Magnesium	143	50
Total Dissolved Solids	7000	1000
Barium	7.66	1

(e). – Wastes containing any of the following substances in solution or in suspension in concentrations exceeding those shown in the following table:

Substance	Reported (mg/l)	Maximum Permissible (mg/l)
Total Phenols	1.02	1.0
Iron	0.3	22.7





Tervita – Rostraver Township Sanitary Landfill  
 August 16, 2018  
 -page two-

The Belle Vernon Municipal Authority's Wastewater Treatment Plant has experienced pass-through and interference with its biological treatment process over the past several months, and has experienced violations of the effluent Ammonia Nitrogen limits of its National Pollution Discharge Elimination System (NPDES) permit for May and June of 2018. We also believe this pass-through and interference has been occurring well before our current monitoring period. In order to avoid any future pass-through, process interference, process inhibition or NPDES effluent limit violations the Belle Vernon Municipal Authority is hereby requesting that within forty five (45) days of receipt of this letter, that the Tervita – Rostraver Township Sanitary Landfill fully comply with the following discharge concentrations for discharge of the Landfill Leachate into the BVMA sanitary sewer system:

Parameter	Maximum Permissible Concentration (mg/l)
Phenolics, Total	1.0
Cyanide	0.02
Cyanate	0.02
Iron	0.3
Chrome III	0.5
Chrome VI	0.25
Nickel	1.0
Copper	0.2
Lead	0.2
Zinc	0.5
BOD5 (Biochemical Oxygen Demand)	300 *
Ammonia Nitrogen	300 *
Arsenic	0.1
Aluminum	25
Barium	1.0
Boron	50
Cadmium	0.5
Calcium	2500
Lead	0.1
Manganese	10
Magnesium	50
Mercury	0.01
Sulfide	25
Sulfate	50
Surfactants (MBAS)	100
Total Dissolved Solids	1000
Chloride	180
Color	15 (Color Units)
Turbidity	5 (turbidity Units)

\*- indicates a surchargeable pollutant. Surcharge is to be applied for concentrations over 200 mg/l up to the Maximum Discharge Concentration.

Tervita – Rostraver Township Sanitary Landfill  
August 16, 2018  
-page three-

The pollutants and the associated Maximum Discharge Concentrations apply to the permitted flow rate of up to 50,000 gallons per day.

**Failure to comply with the aforementioned pollutant Maximum Discharge Concentrations within the next forty five (45) days will result in termination of service per the Discharge Service Agreement and no further discharge of Leachate will be permitted to the Belle Vernon Municipal Authority wastewater treatment plant until full compliance is documented with the BVMA.**

This request is made under the terms and conditions of the existing Service Agreement to prevent Pass-Through, Process interference, Process Inhibition and to satisfy the NPDES Permit conditions of the BVMA NPDES Permit PA0092355. Please contact us to establish a compliance schedule for the next forty five (45) days.

Sincerely,

Belle Vernon Municipal Authority  
Walter R. Ziemba  
Chairman



October 12, 2018  
Ref. No. 571-04

Mr. Nick Stork  
Noble Environmental  
111 Conner Lane  
Belle Vernon, PA 15012

Dear Mr. Stork:

**Belle Vernon Municipal Authority (BVMA)  
Non Compliant Landfill Leachate Waste Stream**

This letter serves as a follow up to the Authority letter dated September 27, 2018 regarding termination of leachate treatment at the Authority's WWTP. Our intent was to terminate your treatment service on October 15, 2018.

As this time has passed, we have contacted the Department of Environmental Protection (DEP) and notified them of the continued effluent violations at the WWTP being caused by your facility. By way of this letter we are giving you an additional thirty (30) days to bring your waste stream into compliance. During this time period we are requesting the DEP's assistance into this matter.

Please contact us at your earliest convenience with a schedule to bring your waste stream into compliance.

Very truly yours,

KLH ENGINEERS, INC.

A handwritten signature in black ink, appearing to read "John C. Mowry".

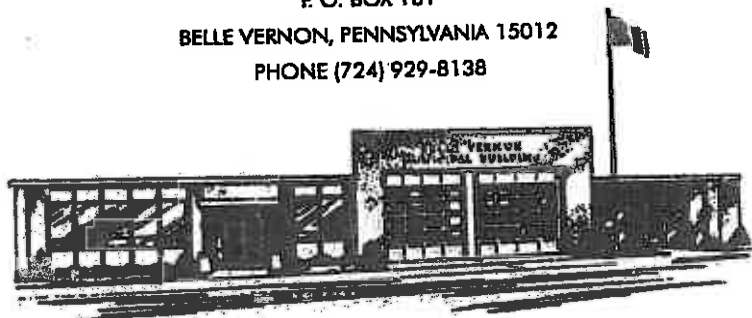
John C. Mowry, P.E.

cc: Chris Kriley  
Scott Swarm  
BVMA



*The Municipal Authority of the  
Borough of Belle Vernon, Pa.*

P. O. BOX 181  
BELLE VERNON, PENNSYLVANIA 15012  
PHONE (724) 929-8138



September 27, 2018  
Ref. No. 571-04

Mr. Nick Stork  
Noble Environmental  
111 Conner Lane  
Belle Vernon, PA 15012

Dear Mr. Stork:

**Belle Vernon Municipal Authority (BVMA)  
Landfill Leachate Service Agreement**

We are following up our letter of August 16, 2018, regarding termination of wastewater service to your facility. As of the date of this letter, we have not received any type of corrective action plan or have not seen any improvement in your waste stream.

Since the waste stream has not improved, on October 15, 2018, the BVMA will be blocking your wastewater flow at the manhole located at Tyrol Boulevard below the landfill.

Sincerely,

Belle Vernon Municipal Authority  
Walter R. Ziembra  
Chairman



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF CLEAN WATER  
DISCHARGE MONITORING REPORT (DMR)

NAME: BELLE VERNON MIUNI ALTH  
ADDRESS: PO BOX 181, BELLE VERNON PA, 15012-0181  
FACILITY: BELLE VERNON STP  
LOCATION: FIRST AVE, BELLE VERNON PA, 15012  
STAGE: Final Effluent

PA0092355	001
PERMIT NUMBER	OUTFALL NUMBER

MONITORING PERIOD					
YEAR	MO	DAY	YEAR	MO	DAY
2018	10	01	2018	10	31

FROM TO

Reporting Frequency: Monthly  
DMR Effective From: 10/01/2018  
DMR Effective To: 10/31/2021  
Permit Expires: 12/31/2021  
Permit Application Due: 07/04/2021  
No Discharge:

PARAMETER	QUANTITY OR LOADING		QUANTITY OR CONCENTRATION		SAMPLING F
	VALUE	UNITS	VALUE	UNITS	
Dissolved Oxygen (00300)	Sample Measurement	***	5.3	mg/L	1d
	Permit Requirement	***	4.0 Min	***	1d
pH (00400)	Sample Measurement	***	6.8	S.U.	1d
	Permit Requirement	***	6.0 Min	9.0 Max	1d
Total Suspended Solids (00500)	Sample Measurement	108.1	18.0	mg/L	1hr
	Permit Requirement	237 Avg Mo	30 Wkly Avg	45	1hr
Ammonia-Nitrogen (00610)	Sample Measurement	153.7	27.0	mg/L	1hr
	Permit Requirement	186 Avg Mo	25 Avg Mo	***	1hr
Flow (50050)	Sample Measurement	.892	***	MGD	Cont'd
	Permit Requirement	Monitor & Report Daily Max	1.52	***	Cont'd
Ultraviolet Light Transmittance (51043)	Sample Measurement	***	82.0	%	1d
	Permit Requirement	***	Monitor & Report Avg Mo	***	1d
Fecal Coliform (74055)	Sample Measurement	***	106.7	No./100 ml	1hr
	Permit Requirement	***	2000 Geo Mean	***	1hr
Carbonaceous Biochemical Oxygen Demand (50005) (50082)	Sample Measurement	82.6	11.0	mg/L	1hr
	Permit Requirement	198 Avg Mo	25 Avg Mo	37.5 Wkly Avg	1hr
Facility Comments					





COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF CLEAN WATER  
DISCHARGE MONITORING REPORT (DMR)

ATTACHMENT DETAILS

File Name	Attachment Type	Uploaded Time
Blk-Solids 10-10.xls	Sewage Sludge / Biosolids Production and Disposal Form	2016-11-28T11:15:16-05:00
CSO Report 10-10.xls	CSO Monthly Inspection Report Form	2016-11-28T11:15:45-05:00

Non-Compliance ID	Event Start Date	Event End Date	Parameter	Limit Type	Reported Value	Permit Limit	Unit	Sampling Point	Cause Of Non-Compliance
76824	10/31/2016	10/31/2016	Ammonia-Nitrogen	Average Monthly	27	25	mg/L	Final Effluent (001)	

UNAUTHORIZED DISCHARGES

Non-Compliance ID	Event Start Date	Event End Date	Date and Time Discovered	Substance Discharged	Event Location	Volume (gal)	Duration (hrs)	Receiving Waters	Impact On Waters	Cause Of Discharge

OTHER PERMIT VIOLATIONS

Non-Compliance ID	Non-Compliance Type	Sampling Point	Parameter	Reported Value

COMMENT DETAILS

Non-Compliance ID	Comments	Operator Name	Operator Certification Number
		Guy C Kruppa	

SUBMISSION INFORMATION

SUBMITTED BY GREENPORT USER	TELEPHONE
kruppagu	Guy Kruppa (724) 434-4344
	SUBMITTED BY FULL NAME AREA CODE NUM

\*Pursuant to the Pennsylvania Electronic Transactions Act - Act 69, effective January 15, 2002, you are about to engage in an electronic transaction with the Commonwealth of Pennsylvania. You are submitting official information. You certify under penalty of law that this document and all attachments were prepared under your direction or supervision in accordance with a system designed to assure that qualified personnel gather and evaluate the information submitted. Based on your inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of your knowledge and belief, true, accurate and complete. You are aware that any false statement may be subject to substantial civil and criminal penalties, including 18 P.S. section 4904 (relating to unsworn falsification to authorities).



COMMONWEALTH OF PENNSYLVANIA  
 DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 BUREAU OF CLEAN WATER  
 DISCHARGE MONITORING REPORT (DMR)

NAME: BELLE VERNON MUNI AUTH  
 ADDRESS: PO BOX 181, BELLE VERNON PA, 15012-0181  
 FACILITY: BELLE VERNON STP  
 LOCATION: FIRST AVE, BELLE VERNON PA, 15012  
 STAGE: Influent

PA0092355  
 PERMIT NUMBER

001  
 OUTFALL NUMBER

Reporting Frequency: Monthly  
 DMR Effective From: 10/01/2018  
 DMR Effective To: 10/31/2018  
 Permit Expires: 12/31/2021  
 Permit Application Due: 07/04/2021  
 No Discharge:

MONITORING PERIOD					
YEAR	MO	DAY	YEAR	MO	DAY
FROM	2018	10	TO	2018	10 31

PARAMETERS REPORTED VALUES

PARAMETER	QUANTITY OR LOADING			QUANTITY OR CONCENTRATION			SAMPLING F
	VALUE	UNITS	VALUE	VALUE	UNITS	VALUE	
Biochemical Oxygen Demand (BOD5) (00310)	620.1	lbs/day	1428.5	144.1	257.0	mg/L	1/w
	Monitor & Report Avg Mo	Monitor & Report Why Avg	Monitor & Report Why Avg	Monitor & Report Avg Mo	Monitor & Report Why Avg	Monitor & Report Why Avg	1/w
Total Suspended Solids (TSS) (00530)	680.2	lbs/day	1343.1	116.0	236.0	mg/L	1/w
	Monitor & Report Avg Mo	Monitor & Report Why Avg	Monitor & Report Why Avg	Monitor & Report Avg Mo	Monitor & Report Why Avg	Monitor & Report Why Avg	1/w

Facility Comments



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF CLEAN WATER  
DISCHARGE MONITORING REPORT (DMR)

NAME: BELLE VERNON IRMM AUTH  
ADDRESS: PO BOX 101, BELLE VERNON PA, 18012-9101  
FACILITY: BELLE VERNON STP  
LOCATION: FIRST AVE, BELLE VERNON PA, 18012  
STAGE: Final Effluent

PERMIT NUMBER: PA0002356

OUTFALL NUMBER: 001

Reporting Frequency: Monthly  
DMR Effective From: 08/01/2018  
DMR Effective To: 09/30/2018  
Permit Expires: 12/31/2021  
Permit Application Due: 07/01/2021

DMR Effective From: 08/01/2018  
DMR Effective To: 09/30/2018  
Permit Expires: 12/31/2021  
Permit Application Due: 07/01/2021

MONITORING PERIOD			
YEAR	MO	DAY	TIME
2018	08	01	TO
2018	08	30	

PARAMETERS REPORTED VALUES

PARAMETER	QUANTITY OR LOADING				QUANTITY OR CONCENTRATION				SAMPLING FREQUENCY	SAMPLING TYPE	
	VALUE	UNITS	VALUE	UNITS	VALUE	UNITS	VALUE	UNITS			
Dissolved Oxygen (0020)	Sample Measurement	...	...	...	...	...	...	...	...	...	Grab
	Permit Requirement	...	...	...	...	...	...	...	...	...	Grab
pH (0040)	Sample Measurement	...	...	...	...	...	...	...	...	...	Grab
	Permit Requirement	...	...	...	...	...	...	...	...	...	Grab
Total Suspended Solids (0020)	Sample Measurement	262.0	mg/L	...	...	...	...	...	...	...	B-H Composite
	Permit Requirement	257	mg/L	...	...	...	...	...	...	...	B-H Composite
Ammonia-Nitrogen (0070)	Sample Measurement	1.90	mg/L	...	...	...	...	...	...	...	B-H Composite
	Permit Requirement	2.00	mg/L	...	...	...	...	...	...	...	B-H Composite
Flow (0020)	Sample Measurement	...	MGD	...	...	...	...	...	...	...	Measured
	Permit Requirement	...	MGD	...	...	...	...	...	...	...	Measured
Ultraviolet Light Transmittance (0140)	Sample Measurement	...	...	...	...	...	...	...	...	...	Measured
	Permit Requirement	...	...	...	...	...	...	...	...	...	Measured
Total Calcium (0020)	Sample Measurement	...	...	...	...	...	...	...	...	...	Grab
	Permit Requirement	...	...	...	...	...	...	...	...	...	Grab
Carbonaceous Biochemical Oxygen Demand (CBOD5) (0020)	Sample Measurement	767.0	mg/L	...	...	...	...	...	...	...	B-H Composite
	Permit Requirement	500	mg/L	...	...	...	...	...	...	...	B-H Composite





COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF CLEAN WATER  
DISCHARGE MONITORING REPORT (DMR)

NAME: BELLE VERNON MUNI AUTH  
ADDRESS: PO BOX 181, BELLE VERNON PA, 15012-0181  
FACILITY: BELLE VERNON STP  
LOCATION: FIRST AVE, BELLE VERNON PA, 15012  
STAGE: Influent

PA00002366  
PERMIT NUMBER

001  
OUTFALL NUMBER

Reporting Frequency: Monthly  
DMR Effective From: 08/01/2018  
DMR Effective To: 08/29/2018  
Permit Expires: 12/31/2021  
Permit Application Due: 07/01/2021  
No Discharges:

MONITORING PERIOD							
YEAR	MO	DAY	YEAR	MO	DAY		
FROM	2018	08	01	TO	2018	09	30

PARAMETERS REPORTED VALUES

PARAMETER	QUANTITY OR LOADING		QUANTITY OR CONCENTRATION		UNITS	SAMPLING FREQUENCY	SAMPLING TYPE
	VALUE	UNITS	VALUE	VALUE			
Biochemical Oxygen Demand (BOD5) (0049)	Sample Measurement	1200.0	130.0	318	mg/L	1 Week	8-H Composite
	Permit Requirement	2012.0	Number & Report Avg Mo	Number & Report Wly Avg			
Total Suspended Solids (TSS) (0050)	Sample Measurement	1800.0	190.0	552.0	mg/L	1 Week	8-H Composite
	Permit Requirement	1000.0	Number & Report Avg Mo	Number & Report Wly Avg			

Family Comments



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF CLEAN WATER  
DISCHARGE MONITORING REPORT (DMR)

ATTACHMENT DETAILS

File Name	Attachment Type	Upload Time	Attachment Comments
06-Subs 6-18.xls	1 - exp. Single / Multiple Production and Disposal Form	2016-10-25T13:46:47-04:00	
CRD Report 6-18.xls	CRD Monthly Inspection Report Form	2016-10-25T13:47:14-04:00	

Permit ID	Event Start Date	Event End Date	Date and Time Discovered	Substance Discharge	Street Location	Volume (gal)	Direction (dir)	Receiving Waters	Impact On Fishes	Current Of Discharge	Date and Time DMR Modified	Comments
UNAUTHORIZED DISCHARGES	7261	08/01/2016	08/02/2016	Comprehensive Biochemical Oxygen Demand (CBOD5)	215 G	168	Barley	Final Effluent (001)				
	7262	08/01/2016	08/02/2016	Comprehensive Biochemical Oxygen Demand (CBOD5)	787	168	Barley	Final Effluent (001)				
	7263	08/01/2016	08/02/2016	Total Suspended Solids	263	207	Barley	Final Effluent (001)				
	7264	08/01/2016	08/02/2016	Total Suspended Solids	522 G	207	Barley	Final Effluent (001)				
	7265	08/01/2016	08/02/2016	Comprehensive Biochemical Oxygen Demand (CBOD5)	2172	207	Barley	Final Effluent (001)				
	7266	08/01/2016	08/02/2016	Total Suspended Solids	32	30	req.	Final Effluent (001)				
	7267	08/01/2016	08/02/2016	Comprehensive Biochemical Oxygen Demand (CBOD5)	26	26	req.	Final Effluent (001)				
	7268	08/01/2016	08/02/2016	Total Suspended Solids	62 G	43	req.	Final Effluent (001)				
	7269	08/01/2016	08/02/2016	Comprehensive Biochemical Oxygen Demand (CBOD5)	264	37.5	req.	Final Effluent (001)				

OTHER PERMIT VIOLATIONS

Permit ID	Event Start Date	Event End Date	Date and Time Discovered	Substance Discharge	Street Location	Volume (gal)	Direction (dir)	Receiving Waters	Impact On Fishes	Current Of Discharge	Date and Time DMR Modified	Comments
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COMMENT DETAILS

Per-Compl/Issue ID	Non-Compliance Type	Sampling Point	Parameter	Reported Value	Permit Limit	Comments
			Operator Name Guy Kruppa			Operator Contact Number (724) 434-3324

SUBMISSION INFORMATION

SUBMITTED BY	TELEPHONE	DATE
GREENPORT USER	(724) 434-3324	2016 10 26
kruppa	AREA CODE NUMBER	YEAR MO DAY

\*Pursuant to the Pennsylvania Electronic Transactions Act - Act 60, effective January 15, 2002, you are asked to engage in an electronic transaction with the Commonwealth of Pennsylvania. You are submitting critical information. You certify under penalty of law that this document and all attachments were prepared under your direction or supervision in accordance with a system designed to assure that qualified personnel gather and evaluate the information submitted. Based on your inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of your knowledge and belief, true, accurate and complete. You are aware that any false statement may be subject to substantial civil and criminal penalties, including 18 P.S. section 4804 (relating to unsworn affidavits to affidavits).



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF CLEAN WATER  
DISCHARGE MONITORING REPORT (DMR)

NAME: BELLE VERNON MUNI AUTH  
ADDRESS: PO BOX 181, BELLE VERNON PA, 19012-0181  
FACILITY: BELLE VERNON STP  
LOCATION: FIRST AVE, BELLE VERNON PA, 19012  
STAGE: Final Effluent

PA0002355  
PERMIT NUMBER

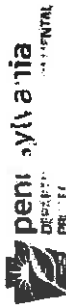
001  
OUTFALL NUMBER

Reporting Frequency: Monthly  
DMR Effective From: 08/01/14  
DMR Effective To: 08/31/16  
Permit Expires: 12/31/16  
Permit Application Due: 07/04/12  
No Discharge:

MONITORING PERIOD			
YEAR	MO	DAY	TO
2018	08	01	31

PARAMETERS REPORTED VALUES

PARAMETER	QUANTITY OF LOADING		QUANTITY OR CONCENTRATION		SAMPLING FREQUENCY	SAMPLING TYPE
	VALUE	UNITS	VALUE	UNITS		
Dissolved Oxygen (00346)	...	...	5.9	mg/L	1x	Grab
pH (00401)	...	...	4.0	Min	1x	Grab
	...	...	7.2	Max	1x	Grab
Total Suspended Solids (00318)	...	...	4.0	Max	1x	Grab
	...	...	24.0	1m/L	1x	Grab
Ammonia-Nitrogen (00610)	...	...	30	mg/L	1x	Grab
	...	...	26.9	mg/L	1x	Grab
Flow (00050)	...	...	25	MGD	1x	Grab
	...	...	...	...	1x	Grab
Ultraviolet light transmittance (01043)	...	...	...	...	1x	Grab
	...	...	...	...	1x	Grab
Fecal Coliform (14052)	...	...	...	...	1x	Grab
	...	...	...	...	1x	Grab
Orthomethoxy Dichloride Oxygen Demand (00005) (00042)	...	...	...	...	1x	Grab
	...	...	...	...	1x	Grab
Facility Comments	...	...	...	...	1x	Grab
	...	...	...	...	1x	Grab



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF CLEAN WATER  
DISCHARGE MONITORING REPORT (DMR)

NAME: BELL VERNON MUNI AUTH  
ADDRESS: PO B, X 181, BELL VERNON PA, 15012-0181  
FACILITY: BELL VERNON STP  
LOCATION: FIBS AVE, BELLE VERNON PA, 15012  
STAGE: Inflow

PERMIT NUMBER: PA0092355  
OUT NUMBER: 011

Reporting Frequency: Monthly  
DMR Effective From: 08/07/2018  
DMR Effective To: 08/27/2018  
Permit Expires: 12/31/2021  
Permit Application Due: 07/04/2023  
 No Discharge

MONITORING PERIOD					
YEAR	MO	DAY	YEAR	MO	DAY
2018	08	01	2018	08	31

PARAMETERS REPORTED VALUES

PARAMETER	QUANTITY OR LOADING		CONCENTRATION		SAMPLING FREQUENCY	SAMPLING TYPE
	VALUE	UNITS	VALUE	UNITS		
Bacteriological Total Coliform Bacteria (TCB)	722.3	Monitor & Report Avg Mo	187	mpn	1/week	Air Composite
	614.3	Monitor & Report Avg Mo	110.0	mpn	1/week	Air Composite
	425.0	Monitor & Report Avg Mo	...	...	1/week	Air Composite
	...	Monitor & Report Avg Mo	...	...	1/week	Air Composite



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF CLEAN WATER  
DISCHARGE MONITORING REPORT (DMR)

ATTACHMENT DETAILS

File Name BIO-Scrub-6-18-16	Attachment Type Sewage Sludge - Bypassed Primary and Dewatered from	Attachment Comments
Event ID 00012016	Event Date 06/18/2016	Unit 0.1
Event Description BIO-Scrub-6-18-16	Event Type Sewage Sludge - Bypassed Primary and Dewatered from	Unit ID 0.1
Non-Compliance ID 00012016	Limit Type Average Monthly	Case ID Non-Compliance 00012016
Parameter BOD5	Reported Value 28.8	Sampling Point Cove Run
Permit Limit 20	Exceed Location Cove Run	Operator Name Boy C Knapp
Volume (gall) 1000	Event Location Cove Run	Operator Contact Number (717) 424-3324
Volume (MG) 0.001	Event Location Cove Run	Operator Contact Number (717) 424-3324

OTHER PERMIT VIOLATIONS

Non-Compliance ID	Permit Violation	Reported Value	Permit Limit	Comments
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COMMENT DETAILS

Comments 00012016	Operator Name Boy C Knapp	Operator Contact Number (717) 424-3324
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SUBMISSION INFORMATION

SUBMITTED BY GREENPORT USER knappbc	TELEPHONE (717) 434-3324	DATE 2018 9 24
Operator Name Boy C Knapp	AREA CODE NUMBER	YEAR MO DAY

4/4/2019

FW: Belle Vernon STP

**From:** John Mowry <jmowry@klhengineers.com>  
**To:** 'gckmabv@aol.com' <gckmabv@aol.com>  
**Subject:** FW: Belle Vernon STP  
**Date:** Fri, Jan 4, 2019 7:39 am

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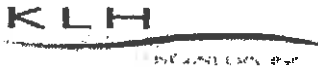
**John C. Mowry, P.E.**

Email: [jmowry@klhengineers.com](mailto:jmowry@klhengineers.com)

Office: 412.494.0510 Ext. 127

Fax: 412.494.0426

<http://www.klhengineers.com>



**From:** Leone, Donald [mailto:doleone@pa.gov]  
**Sent:** Friday, January 04, 2019 7:36 AM  
**To:** John Mowry <jmowry@klhengineers.com>  
**Cc:** Kriley, Christopher <ckriley@pa.gov>; Greenwald, Stacey <sgreenwald@pa.gov>  
**Subject:** Belle Vernon STP  
**Importance:** High

John,

Our Waste Management Folks have talked to the landfill about entering into a COA where the landfill will agree to pay any penalties for effluent violations at the Belle Vernon plant under that COA. What this does is remove liability from Belle Vernon for current and past violations. In turn Belle Vernon would need to let the landfill stay connected to their system. The landfill is in process of constructing a pretreatment plant. The landfill will also be looking to take their waste elsewhere after the pretreatment facility is up and running – so they eventually should not be a problem for Belle Vernon. If your client wants a meeting to discuss further before we have an overall meeting with all parties let me know. Since this is landfill leachate it will not go away if the landfill closes – so the state has some concerns here in reference to continuity of service for the wastewater.

Let me know if you want a preliminary meeting.



4/4/2019

FW: Belle Vernon STP

Thanks.

**Donald J. Leone, P.E.** | Environmental Engineer Manager  
Department of Environmental Protection | Clean Water  
South West Regional Office Building  
400 Waterfront Drive | Pittsburgh, PA 15222  
Phone: 412.442.4059 | Fax: 412.442.4328  
[www.depweb.state.pa.us](http://www.depweb.state.pa.us)

1/4/2019

Meeting

From: John Mowry <jmowry@klhengineers.com>

To: 'gckmabv@aol.com' <gckmabv@aol.com>

Subject: Meeting

Date: Thu, Jan 10, 2019 7:55 am

---

Our meeting is set with DEP at 9:30 on the 17<sup>th</sup>!

**John C. Mowry, P.E.**

Email: [jmowry@klhengineers.com](mailto:jmowry@klhengineers.com)

Office: 412.494.0510 Ext. 127

Fax: 412.494.0426

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 F: (724) 258-8376  
 PADEP: 63-04247

435 Broad Street  
 Montoursville, PA 17734  
 P: (570) 321-9002  
 F: (570) 321-1957  
 PADEP: 41-04880

550 West Main Street  
 Sharpsville, PA 16150  
 P: (724) 463-8378 x 500  
 F: (724) 465-4209  
 PADEP: 43-04834

30 April 2019

Belle Vernon Borough Municipal Authority  
 Attn: Ron Krepps  
 PO Box 181  
 Belle Vernon, PA 15012

Work Order: 9041628  
 Project: Leachate  
 Project Description: Leachate

### Report of Analysis

Client Sample ID	Lab Sample ID	Matrix	Date Sampled	Date Received	Sample Notes
Landfill Leachate	9041628-01	Water	04/17/2019 08:00	4/17/19 12:40	
Trip Blanks	9041628-02	Water	04/17/2019 00:00	4/17/19 12:40	

#### Report Narrative

The results contained in this report are only representative of the samples received. Environmental Service Laboratories, Inc. is not responsible for use or interpretation of the data included herein.

#### Definitions

- ML Matrix Spike recovery fell below the laboratory acceptance criteria; result may be biased low.
- LL Laboratory control sample below acceptance criteria, result may be biased low.
- D The reported value is from a dilution.
- RL Reporting Limit

#### Certifications

Analyses performed by Environmental Service Laboratories, Inc., Indiana PA unless otherwise specified.  
 Environmental Service Laboratories, Inc., Indiana, PA/TN Certification #32-00382

#### Approved By

Sean Mintzer  
 Project Manager





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 F: (724) 463-4209  
 PADEP 43-04934

Belle Vernon Borough Municipal Authority  
 PO Box 181  
 Belle Vernon, PA 15012

Reported: 04/30/2019 12:07

Lab Sample ID#: 9041628-01  
 Sample Type: Water  
 Sample Source: Grab  
 Sampler: Client  
 Client Sample ID: Landfill Leachate

Sample Date: 04/17/2019 08:00  
 Receipt Date: 04/17/2019 12:40

Analyte	Sample Result	Units	Data Qualifier	RL	Analyst/Certification	Prep Date/Time	Analysis Date/Time
<b>General Chemistry</b>	<b>Analytical Method: EPA1664A</b>			<b>Prep Method: No Prep - WetChem</b>			
Oil & Grease (HEM)	1260	mg/L	LL. ML	495	TLL	04/29/19 11:25	04/29/19 17:45
<b>Volatile Organics</b>	<b>Analytical Method: EPA8260</b>			<b>Prep Method: Purge and Trap</b>			
Methyl-tert-butyl ether	<20.0	ug/L	D	20.0	MJK	04/22/19 13:58	04/22/19 13:58
Benzene	<10.0	ug/L	D	10.0	MJK	04/22/19 13:58	04/22/19 13:58
Toluene	<10.0	ug/L	D	10.0	MJK	04/22/19 13:58	04/22/19 13:58
Ethyl Benzene	14.8	ug/L	D	10.0	MJK	04/22/19 13:58	04/22/19 13:58
m,p-Xylenes	41.1	ug/L	D	30.0	MJK	04/22/19 13:58	04/22/19 13:58
o-Xylene	28.4	ug/L	D	10.0	MJK	04/22/19 13:58	04/22/19 13:58
Total Xylenes	69.5	ug/L	D	10.0	MJK	04/22/19 13:58	04/22/19 13:58
Isopropylbenzene	<10.0	ug/L	D	10.0	MJK	04/22/19 13:58	04/22/19 13:58
1,3,5-Trimethylbenzene	102	ug/L	D	10.0	MJK	04/22/19 13:58	04/22/19 13:58
1,2,4-Trimethylbenzene	324	ug/L	D	10.0	MJK	04/22/19 13:58	04/22/19 13:58
Naphthalene	91.3	ug/L	D	10.0	MJK	04/22/19 13:58	04/22/19 13:58
Surrogate 1,2-Dichloroethane-d4	103 %		80-120		MJK	04/22/19 13:58	04/22/19 13:58
Surrogate Toluene-d8	101 %		88-110		MJK	04/22/19 13:58	04/22/19 13:58
Surrogate 4-Bromofluorobenzene	102 %		86-115		MJK	04/22/19 13:58	04/22/19 13:58



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PADEP: 41-04890

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F: (724) 465-4209  
PADEP 43-04834

Belle Vernon Borough Municipal Authority  
PO Box 181  
Belle Vernon, PA 15012

Reported: 04/30/2019 12:07

Lab Sample ID#: 9041628-02  
Sample Type: Water  
Sample Source: Trip Blank  
Sampler:  
Client Sample ID: Trip Blanks

Sample Date: 04/17/2019 00:00  
Receipt Date: 04/17/2019 12:40

Analyte	Sample Result	Units	Data Qualifier	RL	Analyst/Certification	Prep Date/Time	Analysis Date/Time
<b>Volatile Organics</b>		<b>Analytical Method: EPA8260</b>		<b>Prep Method: Purge and Trap</b>			
Dichlorodifluoromethane	<2.00	ug/L		2.00	MJK	04/18/19 19:35	04/18/19 19:35
Chloromethane	<2.00	ug/L		2.00	MJK	04/18/19 19:35	04/18/19 19:35
Vinyl chloride	<2.00	ug/L		2.00	MJK	04/18/19 19:35	04/18/19 19:35
Bromomethane	<2.00	ug/L		2.00	MJK	04/18/19 19:35	04/18/19 19:35
Chloroethane	<2.00	ug/L		2.00	MJK	04/18/19 19:35	04/18/19 19:35
Trichlorofluoromethane	<2.00	ug/L		2.00	MJK	04/18/19 19:35	04/18/19 19:35
1,1-Dichloroethene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
Acetone	<10.0	ug/L		10.0	MJK	04/18/19 19:35	04/18/19 19:35
Methylene Chloride	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
Methyl-tert-butyl ether	<2.00	ug/L		2.00	MJK	04/18/19 19:35	04/18/19 19:35
trans-1,2-Dichloroethene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
1,1-Dichloroethane	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
2-Butanone	<10.0	ug/L		10.0	MJK	04/18/19 19:35	04/18/19 19:35
cis-1,2-Dichloroethene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
Chloroform	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
Bromochloromethane	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
1,1,1-Trichloroethane	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
1,1-Dichloropropene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
Carbon Tetrachloride	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
Benzene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
1,2-Dichloroethane	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
Trichloroethene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
1,2-Dichloropropene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
Dibromomethane	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
Bromodichloromethane	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
cis-1,3-Dichloropropene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
4-Methyl-2-pentanone	<10.0	ug/L		10.0	MJK	04/18/19 19:35	04/18/19 19:35
Toluene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
trans-1,3-Dichloropropene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
1,2,3-Trichloropropane	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
1,1,2-Trichloroethane	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
1,3-Dichloropropane	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35



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 PADEP: 63-04247

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 F: (570) 321-1957  
 PADEP: 41-04880

950 West Main Street  
 Sharpsville, PA 16150  
 P: (724) 463-8378 x 500  
 F: (724) 465-4208  
 PADEP: 43-04934

Belle Vernon Borough Municipal Authority  
 PO Box 181  
 Belle Vernon, PA 15012

Reported: 04/30/2019 12:07

Lab Sample ID#: 9041628-02  
 Sample Type: Water  
 Sample Source: Trip Blank  
 Sampler:  
 Client Sample ID: Trip Blanks

Sample Date: 04/17/2019 00:00  
 Receipt Date: 04/17/2019 12:40

Analyte	Sample Result	Units	Data Qualifier	RL	Analyst/Certification	Prep Date/Time	Analysis Date/Time
Tetrachloroethene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
2-Hexanone	<10.0	ug/L		10.0	MJK	04/18/19 19:35	04/18/19 19:35
Dibromochloromethane	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
1,2-Dibromoethane	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
Chlorobenzene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
1,1,1,2-Tetrachloroethane	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
Ethyl Benzene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
m,p-Xylenes	<2.00	ug/L		2.00	MJK	04/18/19 19:35	04/18/19 19:35
o-Xylene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
Total Xylenes	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
Styrene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
Isopropylbenzene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
Bromoform	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
1,1,2,2-Tetrachloroethane	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
n-Propyl Benzene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
1,3,5-Trimethylbenzene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
Bromobenzene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
2-Chlorotoluene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
4-Chlorotoluene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
tert-Butylbenzene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
1,2,4-Trimethylbenzene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
sec-Butylbenzene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
4-Isopropyltoluene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
1,3-Dichlorobenzene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
Butylbenzene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
1,4-Dichlorobenzene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
1,2-Dichlorobenzene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
1,2-Dibromo-3-chloropropane	<5.00	ug/L		5.00	MJK	04/18/19 19:35	04/18/19 19:35
1,2,4-Trichlorobenzene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
Naphthalene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
1,2,3-Trichlorobenzene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
Surrogate: 1,2-Dichloroethane-d4	105 %		80-120		MJK	04/18/19 19:35	04/18/19 19:35
Surrogate: Toluene-d8	101 %		88-110		MJK	04/18/19 19:35	04/18/19 19:35
Surrogate: 4-Bromofluorobenzene	98 %		86-115		MJK	04/18/19 19:35	04/18/19 19:35

**ENVIRONMENTAL SERVICE LABORATORIES, INC.**

HEADQUARTERS  
1833 Philadelphia St.  
Indiana, PA 15701  
(724) 493-7837  
FAX: (724) 488-4308

SOUTHERN DIVISION  
1270 Bendleyville Road  
Van Nuys, PA 18388  
(724) 298-7837  
FAX: (724) 298-4378

NORTHERN DIVISION  
1200 River Avenue  
Williamsport, PA 17701  
(870) 321-8003  
FAX: (870) 321-1987

**SAMPLE REQUEST & CHAIN OF CUSTODY**

PAGE \_\_\_\_\_ OF \_\_\_\_\_



FOR INTERNAL LABORATORY USE ONLY

Sample Identification	ESL#	Sample Type		Matrix	# of Containers	Container Type	Analyte Requested
		Composite	Grab				
		Date	Time				
Landfill leachate	9541628	4-17-19	8:00a	WW	1	Amber Jar Liter	Oil & Grease
Landfill leachate	01	4-17-19	8:00a	WW	4	40mL Amber Vial	VOC
Landfill leachate	I	4-17-19	8:00a	WW	4	40mL Amber Vial	Fuel List #1, 4, 5 & 6
Trip Blanks	02	4-17-19	8:00a	WW	2	40mL Amber Vial	VOC

**Organics Analysis**

Company Name: BELLE VERNON MUNICIPAL AUTHORITY  
 Email address: rckimabv@verizon.net  
 Contact Person: RON KREPPS  
 Address: PO BOX 181, BELLE VERNON, PA 15012  
 Phone: 724-929-8146, 5280004

Project Notes: 13: Y.V. 8.3. 1.05. 2.06

Collected By: (Signature) Date/Time: 4-17-19 8:05a.m.  
 Prepared By: (Signature) Date/Time: 4-17-19 12:30  
 Received By: (Signature) Date/Time: 4/17/19 2115  
 Returned By: (Signature) Date/Time: [Blank]

Lab Use Only: Correct Preservation: Y/N/N/A Correct Container: Y/N/N/A TEMPERATURE: \_\_\_\_\_



# SAMPLE RECEIPT AND REVIEW FORM

## PART A: General Information

Client: <u>Belle Vernon Municipal Auth.</u>		Work Order: _____	
Received by: <u>BV (DC)</u>		Date/Time Received: <u>4/17/19 1240</u>	Date Sampled: <u>4/17/19</u>
Method of Delivery: FedEx UPS Client Drop off <u>Est. courier</u> Other: _____			
Sample Receipt Temp: <u>8.2°C</u>		Samples Received on Ice: <input checked="" type="checkbox"/> YES NO	
IR Gun # Used: 1 2 3 4		Containers removed by Satellite Lab for analysis of: TCMPN Fecal Coliform TC/EC	
Samples Removed by Satellite Lab Division: Southern(BV) NorthWest(NW) Northern(WP)		ECMPN	
Sample State of Collection: <u>PA</u> NY OH WV Other: _____		PWSID COMPLIANCE DRINKING WATER SAMPLES: <input checked="" type="checkbox"/> YES <input checked="" type="checkbox"/> NO <u>EL 4/17/19</u>	

## PART B: Receipt Details

Completed (if different from above):

Eun Young 4/17/19 2115  
Signature Date Time

Sample Receipt Criteria	Yes	No	N/A	Comments/Qualifiers (Required for Non-Conforming Items)	Deficiency Log Required
1 Chain of custody documents included with samples?	<input checked="" type="checkbox"/>	No	N/A	Comments:	YES <input checked="" type="checkbox"/> NO
2 COC form is properly signed in relinquished/received sections?	Yes	No	N/A	Comments:	YES NO
3 Sample containers intact and sealed?	Yes	No	N/A	Circle Applicable: Damaged container Leaking container Custody Seal Broken Other:	YES NO
4 Number of containers received match number indicated on COC?	Yes	No	N/A	Sample ID's affected:	YES NO
5 Sample ID's on COC match ID's on bottles?	Yes	No	N/A	Sample ID's and containers affected:	YES NO
6 Date and time on COC match date and time on bottles?	Yes	No	N/A	Sample ID's affected:	YES NO
7 Samples received within holding time?	<input checked="" type="checkbox"/>	No	N/A	ID's and tests affected:	YES NO
8 Samples received at appropriate pH for analysis requested?	Yes	No	<input checked="" type="checkbox"/> N/A	Sample ID's, containers affected and observed pH: <u>Water in vials too murky to read pH strip</u>	YES <input checked="" type="checkbox"/> NO
9 Samples requiring thermal preservation within 0 ≤ 6°C? Microbiology within 0 ≤ 10°C?	<input checked="" type="checkbox"/>	No	N/A	For non-WV samples outside of thermal preservation range sampled same day and received on ice are considered acceptable condition as the cooling process has begun.	YES NO
11 Adequate sample volume received?	<input checked="" type="checkbox"/>	No	N/A	Analyses Affected:	YES NO
10 VOA vials free of headspace (defined as < 6mm bubble)?	<input checked="" type="checkbox"/>	No	N/A	Sample ID's and containers affected:	YES NO
Other Comments:					Deficiency Log Created: Yes <input checked="" type="checkbox"/> No



**SMITH BUTZ**  
A LIMITED LIABILITY COMPANY  
ATTORNEYS AT LAW

125 Technology Drive, Suite 202, Bailey Center I, Southpointe  
Cantonburg, PA 15317

Members of the Board of The  
Municipal Authority Of The  
Borough of Belle Vernon  
P.O. Box 181  
Belle Vernon, Pennsylvania 15012

May 13, 2019

Dear Board Members:

As you are all aware, your Board retained the services of our Law Firm to review documents and contractual waste stream issues in order to provide recommendations regarding the Landfill Leachate from the Rostraver Township Sanitary Landfill that The Belle Vernon Municipal Authority is currently under contract to accept and treat. Based upon our review of documents provided by The Belle Vernon Municipal Authority ("Belle Vernon") to date, as well as conversations with the Authority's Supervisor, Guy Kruppa regarding his meetings and conversations with the Pennsylvania Department of Environmental Protection ("PADEP"), and Tervita Rostraver Township Sanitary Landfill ("Tervita"), it is our recommendation that Belle Vernon advise Tervita in writing that Belle Vernon will no longer be accepting any Landfill Leachate from its site per the Sewage Service Agreement (the "Agreement") between the parties and that the waste stream from its facility will be shut off consistent with the terms of the Agreement. (See Agreement attached as Exhibit A). We also recommend, pursuant to Belle Vernon's National Pollution Discharge Elimination System Permit (NPDES) Section III (C)(4)(a)(ii), that Belle Vernon immediately notify the known downstream users of the Monongahela River of the specific parameter discharges that exceed Belle Vernon's NPDES permit.

These recommendations are the result of our Firm's review of the available Tervita waste stream testing results in the form of Form 50 Quarterly Municipal Waste Landfill Leachate Analysis (Form 50) prepared by Tervita which demonstrates that multiple parameters tested for exceed the wastewater industry standards for the pass-through of sludge and nitrification of biological processes utilized by Belle Vernon including Ammonia-Nitrogen, Chloride, Magnesium, Total Dissolved Solids, and Barium. Further, both Total Phenols and Iron in Tervita waste stream samples exceed in solution or suspension concentrations. These exceedances in the Tervita waste stream are a clear violation of Article I, Section (d) (4), (8), and (10) (as set forth below) which provide a legal basis for shutting down Tervita's waste stream to Belle Vernon, as well as termination of the Agreement itself.

Article I, Section (d)(4) of the Agreement provides that Belle Vernon cannot accept "Unacceptable Waste" which includes any discharge to the Borough Authority's wastewater facilities that "cause interference in the operation and performance of the wastewater facilities." Pursuant to the engineering documents provided to us and discussions with Guy Kruppa, it is our understanding that Belle Vernon has experienced significant interference with its biological treatment process which has subsequently resulted in reportable violations under Belle Vernon's NPDES permit for multiple reporting periods due to Tervita's discharge of "Unacceptable Waste". Further, Section (d)(8) of the Agreement sets forth that



Unacceptable Waste includes any discharge to Belle Vernon's facility that "contains noxious, malodorous gas or substance which is present in quantities that create a public nuisance or a hazard to life". Clearly, the exceedances of multiple contaminants demonstrated in the testing of Tervita's waste stream, resulting in violations of Belle Vernon's NPDES permit, has the potential to create a public nuisance. In fact, due to Tervita's waste exceeding the regulatory levels for multiple parameters, including but not limited to Ammonia-Nitrogen, Belle Vernon's effluent testing that has been documented since May of 2018, evidences some exceedances of the same parameters in violation of Article I Section (A)(2) and (A) (1)-(4) of its NPDES permit. As a result of Belle Vernon's effluent exceeding regulatory standards, in compliance with its NPDES permit, Article III Section (C)(4) and (5), Belle Vernon appropriately reported all exceedances since May of 2018 through its discharge monitoring reports (DMRs) submitted electronically to the PADEP.

Recently, on April 17, 2019, a sample of Tervita leachate stream was taken and tested by Belle Vernon for a number of parameters, including oil and grease and constituents of diesel fuel. Mr. Kruppa did show us a sample of the waste stream tested which clearly exhibited an oil/grease sheen and had a pungent and distinct odor of diesel fuel emanating from it consistent with observations made at the plant by Mr. Kruppa. (See photos of Tervita waste stream sample attached as Exhibit B). Given the noxious and malodorous characteristics of the waste stream sample, the concern was that Tervita's waste landfill leachate could be in violation of Section (d)(8) of the Agreement. Moreover, Section (d)(10) of the Agreement states that Unacceptable Wastes are those that "contain any odor or color producing substances exceeding concentration limits which may be established by the Borough Authority for purposes of meeting the Borough Authority's permit". Again, in the samples of Tervita's waste stream that Mr. Kruppa has witnessed in the past few months and most recently has shown to us, it is dark black in color with an apparent floating oil and grease sheen which is a violation of Section (d)(10) of the Agreement.

Due to the visual characteristics and odor associated with samples from Tervita, we discussed with Mr. Kruppa, expanding the list of parameters to test for in the waste stream. Results of the Tervita April 17, 2019 sample demonstrated the presence of volatile organic compounds (VOCs), including Xylene, Ethylbenzene, Naphthalene, 1, 3, 5 Trimethylbenzene and 1, 2, 4 Trimethylbenzene. (See test results attached as Exhibit C). All of these contaminants are constituents of diesel fuel and are associated with waste streams from unconventional wells. Although none of these contaminants are regulated by Belle Vernon's NPDES permit, their presence serves to violate Article I, section (d) (1) of the Agreement. Additionally, the presence of these contaminants violates 40 CFR and 403.5(a) (1) which generally prohibits a user (Tervita) from "introduce[ing] into a POTW any pollutant(s) which cause pass through or interference." As is evident, the introduction of Tervita waste stream containing Xylene, Ethylbenzene, Naphthalene, 1, 3, 5 Trimethylbenzene and 1, 2, 4 Trimethylbenzene to the Belle Vernon facility has caused documented and reported violations of Belle Vernon's NPDES permit. Moreover, the results of the Tervita waste April 17, 2019 sample demonstrate the existence of oil and grease (HEM) at 1260 mg/L. Oil and grease in this amount in conjunction with the presence of 1, 2, 4 Trimethylbenzene, a constituent of petroleum, in the same sample violates Article I, Section (d) (6) of the Agreement. The presence of oil and grease in the Tervita waste stream sample further violates 40 CFR and 403.5 (b)(6) which states "the following pollutants shall not be introduced into a POTW: (6) petroleum oil, nonbiodegradable cutting oil or products of mineral oil origins in amounts causing interference or pass through". As exemplified by the April 17, 2019 Tervita waste stream sample, Tervita has discharged pollutants to Belle Vernon, which it is not permitted by contract or law to do. This provides an additional legal basis to terminate the contract



with Tervita, as well as to stop Tervita's flow of waste to Belle Vernon so that Belle Vernon may once again come into compliance with its NPDE's permit.

Pursuant to the Agreement, Tervita is to provide, and Belle Vernon is to accept, no more than 50,000 gallons per day of leachate. However, Form 50 prepared by Tervita provides that the amount of leachate received from Tervita by Belle Vernon has exceeded that 50,000 gallon per day maximum volume as set forth in the Agreement. It should be noted that for a period of time, Tervita's flow meter was inoperable so daily flows were not being recorded. However, by way of example, in March of 2018 the volume of leachate recorded by Tervita sent to Belle Vernon was 141,000 gallons per day. This amount is 91,000 gallons above the permissible amount provide for in the Agreement. Therefore, Tervita's exceedance of the 50,000 gallons per day maximum of leachate sent to Belle Vernon violates page (1), paragraph (4) of the Agreement and is grounds for termination of the same.

Moreover, based upon the odor, color and obvious floating sheen on a sample of the waste stream shown to us by Mr. Kruppa, and confirmation of the presence of oil and grease, as well as diesel fuel constituents in the test results of the waste stream provide evidence of additional violations of the Agreement by Tervita discharges including Sections (d)(1), (6), (7). Mr. Kruppa also shared with us that most recently the manhole from which Belle Vernon tests the influent waste stream from Tervita was padlocked presumably by Tervita officials such that Belle Vernon no longer has the ability to sample the waste stream from that access point where it had always done so throughout the term of the Agreement. Mr. Kruppa has reported this action to the PADEP. Mr. Kruppa provided us a picture of that now padlocked sampling point. (See picture of padlocked sampling point for Tervita waste stream attached as Exhibit D). We note, that pursuant to the Agreement, it appears under Article II Section (a) that "the entire project consisting of 10 inch SDR 35 PVC sewer pipe, manholes, metering and sampling structure and devices and other appurtenances from the connection to the existing interceptor sewer to the property line of the Westmoreland Authority shall become property of the Borough Authority..." It is our understanding that the sampling point that most recently was padlocked, presumably by Tervita, is actually property of Belle Vernon, per the Agreement. As such, the action of padlocking this manhole is a further violation of the Agreement and grounds to nullify the same. Still further, even if such a sampling point would not be deemed to be Belle Vernon's property under this Agreement, Article II Section (c) provides that "Borough Authority shall have the right at all times to inspect and test the same.." This clearly affords Belle Vernon the right to test, at any time by way of the manhole that has now been padlocked. Such action by Tervita is a clear violation of the Agreement.

In speaking with Mr. Kruppa, it is our understanding that it was revealed to him that Tervita was receiving unconventional oil and gas waste in the form of drill cuttings and muds from unconventional drilling operations around the same time Belle Vernon started to have issues with exceedances of parameters in violation of its NPDES permit. We understand from Mr. Kruppa that it is believed by Belle Vernon that the introduction of waste water pollutants associated with unconventional oil and gas production in Tervita's waste stream to Belle Vernon's facility is responsible for Belle Vernon's continuous non-compliance with its NPDES permit. If in fact Tervita has been accepting oil and gas extraction waste like drill cuttings and muds which are being discharged by Tervita to Belle Vernon in its waste stream, Tervita may be found in violation of 40 CFR and 435.33 (a) (1) and/or 435.34 (a) (1) which provide:

**"There shall be no discharge of wastewater pollutants associated with production, filed exploration drilling, well completion or well treatment for unconventional oil and gas extraction (including but not limited to drilling muds, cuttings, produced sand and produced water) into publicly owned treatment works."**

Belle Vernon's NPDES permit requires that it operate its facility consistent with the regulations set forth in it. Pursuant to Article II Section (f) of the Agreement, Belle Vernon is to take and treat the landfill leachate from Tervita to the extent it allows Belle Vernon to operate its facility consistent with its permit. It is our understanding, based upon documents authored by Belle Vernon's Engineer, as well as in speaking with Mr. Kruppa, that it has been determined by the Engineer and Belle Vernon that it is Tervita's waste stream that has caused the exceedances leading to the violations of Belle Vernon's NPDES permit. Since Tervita has been determined to be the source of the resulting permit violations, Tervita has caused Belle Vernon to not be able to operate its facility pursuant to the applicable NPDES permit regulations in violation of Article II Section (f) of the Agreement. Moreover, it appears Tervita, due to its contaminated waste stream interfering with Belle Vernon's treatment operations, may also be found in violation of 40 CFR 403.3 (k)(1), which prohibits Tervita from introducing pollutants into a POTW that are inconsistent with the POTW's chosen method of disposal. Additionally, Belle Vernon's NPDES permit does not allow it to discharge any fluids that have a sheen, or contain oil and grease that may cause sheen or film to the receiving waters once it is discharged pursuant to Section A (1) (b), (c) and (d).

It is our understanding in conversations with Mr. Kruppa, that he brought this matter to the attention of the PADEP. It is also our understanding that Belle Vernon's Engineers, KLH Engineers, Inc., have on multiple occasions advised Tervita that its waste stream was causing Belle Vernon to violate the terms of its NPDES permit. Due to Mr. Kruppa's persistence with the PADEP, the PADEP requested that Tervita implement a pretreatment system for its waste stream to eliminate parameters contributing to Belle Vernon's violations of its NPDES permit. While this pretreatment system was apparently implemented by Tervita after months of negotiations and subsequent permitting by the PADEP, it is our current understanding that that pretreatment system could not and did not treat Tervita's waste stream to control and/or eliminate the parameters causing the exceedances. In fact, it is our understanding that this pretreatment system implemented by Tervita was so unsuccessful in pretreating Tervita's waste stream to make it acceptable for Belle Vernon's facility that the PADEP has advised that it was shut down and has been removed completely from the site. Given this development, and based upon the requirements as set forth in Belle Vernon's NPDES permit, Belle Vernon has little choice but to shut off the waste stream from Tervita in order to operate in compliance with its NPDES permit.

Belle Vernon's NPDES permit clearly states that Belle Vernon's noncompliance with its permit subjects it to **civil and criminal penalties** and that it cannot use as a defense to any civil or criminal action implemented against it by the PADEP that it would have been necessary for Belle Vernon to halt or reduce its permitted activity (i.e. accepting waste stream from Tervita) to attain compliance. Part B, Article II Section D of Belle Vernon's NPDES permit, provides "it shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit 40 CFR 122.41 (C)". Further, Belle Vernon's NPDES permit requires that Belle Vernon take "all necessary steps to minimize or prevent any discharge, sludge use or disposal in violation of this permit...." Part B, Section I (F), see also 40CFR 122.41(m)(2). As such, Belle Vernon per its NPDES permit, has an affirmative duty to address and take steps to prevent

further violations of its permit due to Tervita's unacceptable waste discharge. Even the terms of Belle Vernon's NPDES permit itself makes it clear that the Authority has no choice but to shut off the Tervita waste stream until such time as Tervita can prove compliance to the Authority.

Our recommendation to shut of Tervita's waste stream to Belle Vernon to stop the interference with Belle Vernon's treatment process that Tervita's waste stream is causing to ensure that Belle Vernon once again can come into compliance with its NPDES permit, is consistent with the PADEP's written position on this very topic. According to PADEP's "Natural Gas Drilling in the Marcellus Shale NPDES Program Frequently Asked Questions", March 16, 2011, the PADEP has determined:

**"[b]ecause there is a significant possibility that SGE wastewater may "pass through" the POTW, causing the POTW to violate its permit, cause "interference" with the POTW's operation, or contamination of biosolids, acceptance of the waste is not advisable unless its effects on the treatment system are well understood and the waste water is not reasonable expected to cause pass through or interference. POTW's cannot accept Marcellus waste water if acceptance of the waste water would result in violations of the POTW's permit..."**

**Emphasis Added. (See document attached as Exhibit E)**

Despite PADEP's own written position, that a POTW cannot accept oil and gas waste water that causes the POTW to violate its NPDES permit, and despite Belle Vernon on multiple occasions reaching out to PADEP officials to advise it of the NPDES violations and its desire to stop total flow from Tervita that results in violations of its NPDES permit, the PADEP has not provided a workable solution consistent with its written position. Instead, the PADEP has wrongfully suggested a plan where Belle Vernon continues to take Tervita's waste in exchange for Tervita paying any fines Belle Vernon should expect associated with the current and past violations of its NPDES permit. Specifically, Donald Leone of the PADEP, advised and suggested to Belle Vernon's Engineers, KLH Engineers, Inc. that:

**"Our waste management folks have talked to the landfill about entering into a COA (Consent Order and Agreement) where the landfill (Tervita) will agree to pay any penalties for effluent violations at the Belle Vernon plant under that COA. What this does is remove liability from Belle Vernon for current and past violations. In turn, Belle Vernon would need to let the landfill stay connected to their system. The landfill is in the process of constructing a pretreatment plant. The landfill will also be looking to take their waste elsewhere after the pretreatment facility is up and running – so they eventually should not be a problem for Belle Vernon. If your client wants a meeting to discuss further, before we have an overall meeting with all parties, let me know. Since this is landfill leachate, it will not go away if the landfill closes – so the state has some concerns here in reference to continuity of service for the wastewater."**

**(PADEP email on 01/04/2019 to KLH Engineers, Inc. attached as Exhibit F)**

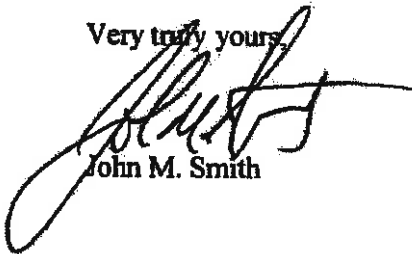
Belle Vernon Board Members  
May 13, 2019  
Page 6 of 6

This is not a workable, acceptable or legal solution to combat these ongoing NPDES violations. The PADEP's refusal to assist Belle Vernon to ensure its compliance with its NPDES permit in order to protect the environmental quality of the Monongahela River, the aquatic life of the river, any negative effects to Pennsylvania citizens that use the river, including downstream consumers of the water, has led to our recommendation that Belle Vernon provide notice to Tervita that Belle Vernon has no legal obligation or ability on any contractual basis, pursuant to its Agreement and its NPDES permit, to continue to accept its waste stream flow.

We recommend that the Authority Board vote on this matter, and if the Board agrees with our opinion, that it authorizes our firm as Special Counsel to send letters to Tervita, the PADEP and the EPA to provide all with notices that Belle Vernon Municipal Authority will no longer accept Tervita's waste stream and that Belle Vernon is terminating the Agreement with Tervita for the reasons set forth herein.

Based upon all of this information, it is our legal opinion that this Board vote to shut off Tervita's waste stream and terminate its contract with Tervita, following a notice period to Tervita that the Board deems acceptable.

Very truly yours,



John M. Smith

JMS/tmb  
Enclosures

cc: Cliff Gorski  
Walt Ziemba  
Mayor Gerald Jackson  
Frank Monack  
Joe Minniti  
Alan Benyak

4/4/2013

FW: Belle Vernon STP

**From:** John Mowry <jmowry@klhengineers.com>  
**To:** 'gckmabv@aol.com' <gckmabv@aol.com>  
**Subject:** FW: Belle Vernon STP  
**Date:** Fri, Jan 4, 2019 7:39 am

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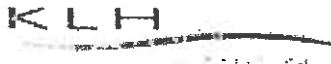
**John C. Mowry, P.E.**

Email: [jmowry@klhengineers.com](mailto:jmowry@klhengineers.com)

Office: 412.494.0510 Ext. 127

Fax: 412.494.0426

<http://www.klhengineers.com>

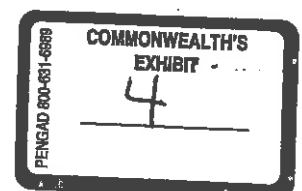


**From:** Leone, Donald [mailto:doleone@pa.gov]  
**Sent:** Friday, January 04, 2019 7:36 AM  
**To:** John Mowry <jmowry@klhengineers.com>  
**Cc:** Kriley, Christopher <ckriley@pa.gov>; Greenwald, Stacey <sgreenwald@pa.gov>  
**Subject:** Belle Vernon STP  
**Importance:** High

John,

Our Waste Management Folks have talked to the landfill about entering into a COA where the landfill will agree to pay any penalties for effluent violations at the Belle Vernon plant under that COA. What this does is remove liability from Belle Vernon for current and past violations. In turn Belle Vernon would need to let the landfill stay connected to their system. The landfill is in process of constructing a pretreatment plant. The landfill will also be looking to take their waste elsewhere after the pretreatment facility is up and running – so they eventually should not be a problem for Belle Vernon. If your client wants a meeting to discuss further before we have an overall meeting with all parties let me know. Since this is landfill leachate it will not go away if the landfill closes – so the state has some concerns here in reference to continuity of service for the wastewater.

Let me know if you want a preliminary meeting.



4/4/2019

FW: Belle Vernon STP

Thanks.

**Donald J. Leone, P.E.** | Environmental Engineer Manager  
Department of Environmental Protection | Clean Water  
South West Regional Office Building  
400 Waterfront Drive | Pittsburgh, PA 15222  
Phone: 412.442.4059 | Fax: 412.442.4328  
[www.depweb.state.pa.us](http://www.depweb.state.pa.us)

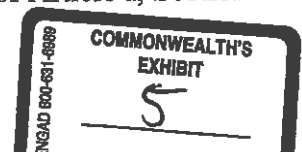
Members of the Board of The  
Municipal Authority Of The  
Borough of Belle Vernon  
P.O. Box 181  
Belle Vernon, Pennsylvania 15012

May 9, 2019

Dear Board Members:

As you are all aware, your Board retained the services of our Law Firm to review documents and contractual waste stream issues in order to provide recommendations regarding the Landfill Leachate from the Rostraver Township Sanitary Landfill that The Belle Vernon Municipal Authority is currently under contract to accept and treat. Based upon our review of documents provided by The Belle Vernon Municipal Authority ("Belle Vernon") to date, as well as conversations with the Authority's Supervisor, Guy Kruppa regarding his meetings and conversations with the Pennsylvania Department of Environmental Protection ("PADEP"), and Tervita Rostraver Township Sanitary Landfill ("Tervita"), it is our recommendation that Belle Vernon advise Tervita in writing that Belle Vernon will no longer be accepting any Landfill Leachate from its site per the Sewage Service Agreement (the "Agreement") between the parties and that the waste stream from its facility will be shut off consistent with the terms of the Agreement. (See Agreement attached as **Exhibit A**) We also recommend, pursuant to Belle Vernon's National Pollution Discharge Elimination System Permit (NPDES) Section III (C)(4)(a)(ii), that Belle Vernon immediately notify the known downstream users of the Monongahela River of the specific parameter discharges that exceed Belle Vernon's NPDES permit.

These recommendations are the result of our Firm's review of the available Tervita waste stream testing results in the form of Form 50 Quarterly Municipal Waste Landfill Leachate Analysis (Form 50) prepared by Tervita which demonstrates that multiple parameters tested for exceed the wastewater industry standards for the pass-through of sludge and nitrification of biological processes utilized by Belle Vernon including Ammonia-Nitrogen, Chloride, Magnesium, Total Dissolved Solids, and Barium. Further, both Total Phenols and Iron in Tervita waste stream samples exceed in solution or suspension concentrations. These exceedances in the Tervita waste stream are a clear violation of Article I, Section



(d) (4), (8), and (10) (as set forth below) which provide a legal basis for shutting down Tervita's waste stream to Belle Vernon, as well as termination of the Agreement itself.

Article I, Section (d)(4) of the Agreement provides that Belle Vernon cannot accept "Unacceptable Waste" which includes any discharge to the Borough Authority's wastewater facilities that "cause interference in the operation and performance of the wastewater facilities." Pursuant to the engineering documents provide to us and discussions with Guy Kruppa, it is our understanding that Belle Vernon has experienced significant interference with its biological treatment process which has subsequently resulted in reportable violations under Belle Vernon's NPDES permit for multiple reporting periods due to Tervita's discharge of "Unacceptable Waste". Further, Section (d)(8) of the Agreement sets forth that Unacceptable Waste includes any discharge to Belle Vernon's facility that "contains noxious, malodorous gas or substance which is present in quantities that create a public nuisance or a hazard to life". Clearly, the exceedances of multiple contaminants demonstrated in the testing of Tervita's waste stream, resulting in violations of Belle Vernon's NPDES permit, has the potential to create a public nuisance. In fact, due to Tervita's waste exceeding the regulatory levels for multiple parameters, including but not limited to Ammonia-Nitrogen, Belle Vernon's effluent testing that has been documented since May of 2018, evidences some exceedances of the same parameters in violation of Article I Section (A)(2) and (A) (1)-(4) of its NPDES permit. As a result of Belle Vernon's effluent exceeding regulatory standards, in compliance with its NPDES permit, Article III Section (C)(4) and (5), Belle Vernon appropriately reported all exceedances since May of 2018 through its discharge monitoring reports (DMRs) submitted electronically to the PADEP.

Recently, on April 17, 2019, a sample of Tervita leachate stream was taken and tested by Belle Vernon for a number of parameters, including oil and grease and constituents of diesel fuel. Mr. Kruppa did show us a sample of the waste stream tested which clearly exhibited an oil/grease sheen and had a pungent and distinct odor of diesel fuel emanating from it consistent with observations made at the plant by Mr. Kruppa. (See photos of Tervita waste stream sample attached as **Exhibit B**) Given the noxious and malodorous characteristics of the waste stream sample, the concern was that Tervita's waste landfill leachate could be in violation of Section (d)(8) of the Agreement. Moreover, Section (d)(10) of the Agreement states that Unacceptable Wastes are those that "contain any odor or color producing substances exceeding concentration limits which may be established by the Borough Authority for purposes of meeting the Borough Authority's permit". Again, in the samples of Tervita's waste stream that Mr. Kruppa has witnessed in the past few months and most recently has shown to us, it is dark black in color with an apparent floating oil and grease sheen which is a violation of Section (d)(10) of the Agreement.



Due to the visual characteristics and odor associated with samples from Tervita, we discussed with Mr. Kruppa, expanding the list of parameters to test for in the waste stream. Results of the Tervita April 17, 2019 sample demonstrated the presence of volatile organic compounds (VOCs), including Xylene, Ethylbenzene, Naphthalene, 1, 3, 5 Trimethylbenzene and 1, 2, 4 Trimethylbenzene. (See test results attached as **Exhibit C**) All of these contaminants are constituents of diesel fuel and are associated with waste streams from unconventional wells. Although none of these contaminants are regulated by Belle Vernon's NPDES permit, their presence serves to violate Article I, section (d) (1) of the Agreement. Additionally, the presence of these contaminants violates 40 CFR and 403.5(a) (1) which generally prohibits a user (Tervita) from "introduce[ing] into a POTW any pollutant(s) which cause pass through or interference." As is evident, the introduction of Tervita waste stream containing Xylene, Ethylbenzene, Naphthalene, 1, 3, 5 Trimethylbenzene and 1, 2, 4 Trimethylbenzene to the Belle Vernon facility has caused documented and reported violations of Belle Vernon's NPDES permit. Moreover, the results of the Tervita waste April 17, 2019 sample demonstrate the existence of oil and grease (HEM) at 1260 mg/L. Oil and grease in this amount in conjunction with the presence of 1, 2, 4 Trimethylbenzene, a constituent of petroleum, in the same sample violates Article I, Section (d) (6) of the Agreement. The presence of oil and grease in the Tervita waste stream sample further violates 40 CFR and 403.5 (b)(6) which states "the following pollutants shall not be introduced into a POTW: (6) petroleum oil, nonbiodegradable cutting oil or products of mineral oil origins in amounts causing interference or pass through" . As exemplified by the April 17, 2019 Tervita waste stream sample, Tervita has discharged pollutants to Belle Vernon, which it is not permitted by contract or law, to do. This provides an additional legal basis to terminate the contract with Tervita, as well as stop Tervita's flow of waste to Belle Vernon so that Belle Vernon may once again come into compliance with its NPDE's permit.

Pursuant to the Agreement, Tervita is to provide and Belle Vernon is to accept no more than 50,000 gallons per day of leachate. However, Form 50 prepared by Tervita provides that the amount of leachate received from Tervita by Belle Vernon has exceeded that 50,000 gallon per day maximum volume as set forth in the Agreement. It should be noted that for a period of time, Tervita's flow meter was inoperable so daily flows were not being recorded. However, by way of example, in March of 2018 the volume of leachate recorded by Tervita sent to Belle Vernon was 141,000 gallons per day. This amount is 91,000 gallons above the permissible amount provide for in the Agreement. Therefore, Tervita's exceedance of the 50,000 gallons per day maximum of leachate sent to Belle Vernon violates page (1), paragraph (4) of the Agreement and is grounds for termination of the same.

Moreover, based upon the odor, color and obvious floating sheen on a sample of the waste stream shown to us by Mr. Kruppa, and confirmation of the presence of oil and grease, as well as diesel fuel constituents in the test results of the waste stream provide evidence of additional violations of the Agreement by Tervita discharges including Sections (d)(1), (6), (7). Mr. Kruppa also shared with us that most recently the manhole from which Belle Vernon tests the influent waste stream from Tervita was padlocked presumably by Tervita officials such that Belle Vernon no longer has the ability to sample the waste stream from that access point where it had always done so throughout the term of the Agreement. Mr. Kruppa has reported this action to the PADEP. Mr. Kruppa provided us a picture of that now padlocked sampling point. (See picture of padlocked sampling point for Tervita waste stream attached as **Exhibit D**) We note, that pursuant to the Agreement, it appears under Article II Section (a) that “the entire project consisting of 10 inch SDR 35 PVC sewer pipe, manholes, metering and sampling structure and devices and other appurtenances from the connection to the existing interceptor sewer to the property line of the Westmoreland Authority shall become property of the Borough Authority...” It is our understanding that the sampling point that most recently was padlocked, presumably by Tervita, is actually property of Belle Vernon, per the Agreement. As such, the action of padlocking this manhole is a further violation of the Agreement and grounds to nullify the same. Still further, even if such a sampling point would not be deemed to be Belle Vernon’s property under this Agreement, Article II Section (c) provides that “Borough Authority shall have the right at all times to inspect and test the same..” This clearly affords Belle Vernon the right to test, at any time by way of the manhole that has now been padlocked. Such action by Tervita is a clear violation of the Agreement.

In speaking with Mr. Kruppa, it is our understanding that it was revealed to him that Tervita was receiving unconventional oil and gas unconventional waste in the form of drilling cuttings and mud from unconventional drilling operations around the same time Belle Vernon started to have issues with exceedances of parameters in violation of its NPDES permit. We understand from Mr. Kruppa that it is believed by Belle Vernon that the introduction of waste water pollutants associated with unconventional oil and gas production in Tervita’s waste stream to Belle Vernon’s facility is responsible for Belle Vernon’s continuous non-compliance with its NPDES permit. If in fact Tervita has been accepting oil and gas extraction waste like drill cuttings and muds which are being discharged by Tervita to Belle Vernon in its waste stream, Tervita may be found in violation of 40 CFR and 435.33 (a) (1) and/or 435.34 (a) (1) which provide:

“There shall be no discharge of wastewater pollutants associated with production, filed exploration drilling, well completion or well treatment for

unconventional oil and gas extraction (including but not limited to drilling muds, cuttings, produced sand and produced water) into publicly owned treatment works.”

Belle Vernon’s NPDES permit requires that it operate its facility consistent with the regulations set forth in it. Pursuant to Article II Section (f) of the Agreement, Belle Vernon is to take and treat the landfill leachate from Tervita to the extent it allows Belle Vernon to operate its facility consistent with its permit. It is our understanding, based upon documents authored by Belle Vernon’s Engineer, as well as in speaking with Mr. Kruppa, that it has been determined by the Engineer and Belle Vernon that it is Tervita’s waste stream that has caused the exceedances leading to the violations of Belle Vernon’s NPDES permit. Since Tervita has been determined to be the source of the resulting permit violations, Tervita has caused Belle Vernon to not be able to operate its facility pursuant to the applicable NPDES permit regulations in violation of Article II Section (f) of the Agreement. Moreover, it appears Tervita, due to its contaminated waste stream interfering with Belle Vernon’s treatment operations, may also be found in violation of 40 CFR 403.3 (k)(1), which prohibits Tervita from introducing pollutants into a POTW that are inconsistent with the POTW’s chosen method of disposal. Additionally, Belle Vernon’s NPDES permit does not allow it to discharge any fluids that have a sheen, or contain oil and grease that may cause sheen or film to the receiving waters once it is discharged pursuant to Section A (1) (b), (c) and (d).

It is our understanding in conversations with Mr. Kruppa, that he brought this matter to the attention of the PADEP. It is also our understanding that Belle Vernon’s Engineers, KLH Engineers, Inc., have on multiple occasions advised Tervita that its waste stream was causing Belle Vernon to violate the terms of its NPDES permit. Due to Mr. Kruppa’s persistence with the PADEP, the PADEP requested that Tervita implement a pretreatment system for its waste stream to eliminate parameters contributing to Belle Vernon’s violations of its NPDES permit. While this pretreatment system was apparently implemented by Tervita after months of negotiations and subsequent permitting by the PADEP, it is our current understanding that that pretreatment system could not and did not treat Tervita’s waste stream to control and/or eliminate the parameters causing the exceedances. In fact, it is our understanding that this pretreatment system implemented by Tervita was so unsuccessful in pretreating Tervita’s waste stream to make it acceptable for Belle Vernon’s facility that the PADEP has advised that it was shut down and has been removed completely from the site. Given this development, and based upon the requirements as set forth in Belle Vernon’s NPDES permit, Belle Vernon has little choice but to shut off the waste stream from Tervita in order to operate in compliance with its NPDES permit.

Belle Vernon's NPDES permit clearly states that Belle Vernon's noncompliance with its permit subjects it to **civil and criminal penalties** and that it cannot use as a defense to any civil or criminal action implemented against it by the PADEP that it would have been necessary for Belle Vernon to halt or reduce its permitted activity (i.e. accepting waste stream from Tervita) to attain compliance. Part B, Article II Section D of Belle Vernon's NPDES permit, provides "it shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit 40 CFR 122.41 (C)". Further, Belle Vernon's NPDES permit requires that Belle Vernon take "all necessary steps to minimize or prevent any discharge, sludge use or disposal in violation of this permit..." Part B, Section I (F), see also 40CFR 122.41(m)(2). As such, Belle Vernon per its NPDES permit, has an affirmative duty to address and take steps to prevent further violations of its permit due to Tervita's unacceptable waste discharge. Even the terms of Belle Vernon's NPDES permit itself makes it clear that the Authority has no choice but to shut off the Tervita waste stream until such time as Tervita can prove compliance to the Authority.

Our recommendation to shut of Tervita's waste stream to Belle Vernon to stop the interference with Belle Vernon's treatment process that Tervita's waste stream is causing to ensure that Belle Vernon once again can come into compliance with its NPDES permit, is consistent with the PADEP's written position on this very topic. According to PADEP's "Natural Gas Drilling in the Marcellus Shale NPDES Program Frequently Asked Questions", March 16, 2011, the PADEP has determined:

"[b]ecause there is a significant possibility that SGE wastewater may "pass through" the POTW, causing the POTW to violate its permit, cause "interference" with the POTW's operation, or contamination of biosolids, acceptance of the waste is not advisable unless its effects on the treatment system are well understood and the waste water is not reasonable expected to cause pass through or interference. **POTW's cannot accept Marcellus waste water if acceptance of the waste water would result in violations of the POTW's permit...**"

Emphasis Added. (See document attached as **Exhibit E**)

Despite PADEP's own written position, that a POTW cannot accept oil and gas waste water that causes the POTW to violate its NPDES permit, and despite Belle Vernon on multiple occasions reaching out to PADEP officials to advise it of the NPDES violations and its desire to stop total flow from Tervita that results in violations of its NPDES permit, the PADEP has not provided a workable solution consistent with its written position. Instead, the PADEP has wrongfully suggested a plan where Belle Vernon continues to take Tervita's waste in exchange for Tervita paying any fines Belle Vernon should expect

associated with the current and past violations of its NPDES permit. Specifically, Donald Leone of the PADEP, advised and suggested to Belle Vernon's Engineers, KLH Engineers, Inc. that:

"Our waste management folks have talked to the landfill about entering into a COA (Consent Order and Agreement) where the landfill (Tervita) will agree to pay any penalties for effluent violations at the Belle Vernon plant under that COA. What this does is remove liability from Belle Vernon for current and past violations. In turn, Belle Vernon would need to let the landfill stay connected to their system. The landfill is in the process of constructing a pretreatment plant. The landfill will also be looking to take their waste elsewhere after the pretreatment facility is up and running – so they eventually should not be a problem for Belle Vernon. If your client wants a meeting to discuss further, before we have an overall meeting with all parties, let me know. Since this is landfill leachate, it will not go away if the landfill closes – so the state has some concerns here in reference to continuity of service for the wastewater."

(PADEP email on 01/04/2019 to KLH Engineers, Inc. attached as **Exhibit F**)

This is not a workable, acceptable or legal solution to combat these ongoing NPDES violations. The PADEP's refusal to assist Belle Vernon to ensure its compliance with its NPDES permit in order to protect the environmental quality of the Monongahela River, the aquatic life of the river, any negative effects to Pennsylvania citizens that use the river, including downstream consumers of the water, has led to our recommendation that Belle Vernon provide notice to Tervita that Belle Vernon has no legal obligation or ability on any contractual basis, pursuant to its Agreement and its NPDES permit, to continue to accept its waste stream flow.

We recommend that the Authority Board vote on this matter, and if the Board agrees with our opinion, that it authorizes our firm as Special Counsel to send letters to Tervita, the PADEP and the EPA to provide all with notices that Belle Vernon Municipal Authority will no longer accept Tervita's waste stream and that Belle Vernon is terminating the Agreement with Tervita for the reasons set forth herein.

Based upon all of this information, it is our legal opinion that this Board vote to shut off Tervita's waste stream and terminate its contract with Tervita, following a notice period to Tervita that the Board deems acceptable.


Very truly yours,

John M. Smith


VERIFICATION

I verify that the statements made herein are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.

May 17, 2019  
Date

  
RICHARD E. BOWER, Esq.  
District Attorney, Fayette County

May 17, 2019  
Date

  
EUGENE A. VITTONI II, Esq.  
District Attorney, Washington County



**IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA**

<b>COMMONWEALTH OF PENNSYLVANIA,</b>	)	<b>CIVIL ACTION - LAW</b>
<b>upon relation of</b>	)	
<b>RICHARD BOWER, DISTRICT ATTORNEY</b>	)	
<b>FAYETTE COUNTY and</b>	)	
<b>EUGENE A. VITTONI, DISTRICT ATTORNEY</b>	)	
<b>WASHINGTON COUNTY,</b>	)	
	)	
<b>VS.</b>	)	<b>No.        of 2019 G.D.</b>
	)	
<b>BELLE VERNON MUNICIPAL AUTHORITY,</b>	)	
<b>TERVITA - ROSTRAVER TOWNSHIP SANITARY</b>	)	
<b>LANDFILL,</b>	)	<b>JUDGE</b>
<b>ROSTRAVER TOWNSHIP SANITARY LANDFILL,</b>	)	
<b>WESTMORELAND WASTE INC.,</b>	)	
<b>WESTMORELAND WASTE CORP., AND</b>	)	
<b>WESTMORELAND WASTE, LLC</b>	)	
	)	
	)	
<b>DEFENDANTS</b>	)	

**IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY,**  
**PENNSYLVANIA**

**AND NOW,** comes the Commonwealth of Pennsylvania by and through relators, Richard Bower, Esq. District Attorney of Fayette County and Eugene A. Vittone II, Esq. District Attorney of Washington County and files this Petition, the following averments of which are as follows:

1. The Relator, Richard Bower is the duly elected District Attorney of Fayette County with an office address of Fayette County District Attorney's Office, Fayette County Courthouse, 61 East Main Street, Uniontown, PA 15401.
2. Relator, Eugene A. Vittone is the duly elected District Attorney of Washington County with a business address of 1 South Main Street Suite 1003 Washington, PA 15301.



3. Defendant Municipal Authority of the Borough of Belle Vernon is a Pennsylvania municipal authority with a post office address of P.O. Box 181 Belle Vernon, PA 15012 and a physical address of 10 Main Street Belle Vernon, Fayette County, PA.
4. Defendant Tervita – Rostraver Township Sanitary Landfill, is a business entity at Tervita – Rostraver Township Sanitary Landfill, 111 Conner Lane Belle Vernon, PA 15012, with a physical address of 901 Tyrol Blvd Belle Vernon, PA 15102.
5. Defendant Rostraver Township Sanitary Landfill has an address of 111 Conner Lane Belle Vernon, PA 15012, with a physical address of 901 Tyrol Blvd Belle Vernon, PA 15102.
6. Defendant Westmoreland Waste Inc., has an address at 1428 Delberts Drive Monongahela, PA 15063.
7. Defendant Westmoreland Waste Corp. has an address of RD #3 Box 60 Monongahela, PA 15063.
8. Defendant Westmoreland Waste, LLC, has an address of 1428 Delberts Drive Monongahela, PA 15063.

#### **JURISDICTION**

9. District Attorney Bower and District Attorney Vittone are vested under the “Clean Streams Act” (35 P.S. 691.601- Abatement of Nuisances), to bring actions to abate nuisances which violate the Clean Streams Act.

#### **BACKGROUND**

10. Tervita operates a landfill situate in Rostraver, Westmoreland County, Pennsylvania.
11. This landfill accepts, in addition to normal refuse, cuttings from oil and gas wells drilled in Southwestern Pennsylvania.

12. These cuttings comprise many different chemicals including but not limited to oil, diesel fuel, phenols and other substances.
13. These cuttings are buried within the landfill.
14. When rain occurs, water will leach through the cuttings and become contaminated with the chemicals from the cuttings.
15. The Municipal Authority of Belle Vernon is a waste water treatment facility. The Municipal Authority has a contract with Tervita to accept this contaminated water.
16. The water, which is contaminated with the chemicals, is then collected in a pipe which transports the contaminated water to the municipal authority of Belle Vernon waste water treatment facility.
17. The authority has a NPDES permit to treat this water, and following treatment, discharges this water into the Monongahela River.
18. Communities in Washington, Fayette, Allegheny and Westmoreland all derive some water from the Monongahela River. The Monongahela River is the water source for many communities contiguous to the river including but not limited to Charleroi, Donora, Monessen, Monongahela, and Elizabeth.

#### **FACTS**

19. On or about August 16, 2018, the Municipal Authority of Belle Vernon notified Tervita by letter that analytical results of a sample of treated water was in violation of permitted standards for certain chemicals. (Exhibit "1" Letter from Walter Ziemba to Tervita which is attached and incorporated by reference thereto as if set forth fully herein).

20. The Municipal Authority investigated this situation and determined that Tervita was sending 100,000 to 300,000 gals/day of contaminated water to the Municipal Authority for treatment.
21. The ND PES permit issued to the Municipal Authority only permits 50,000 gals/ day of contaminated water to be treated at the authority.
22. An engineering firm hired by the authority determined that the excess volume of contaminated water flowing into the municipal authority for treatment rendered treatment of all waste water ineffective and consequently the authority was acting simply as a pass-through for the contaminated water on its way to the Monongahela River.
23. John C. Mowry, P.E., has found that, “[d]ue to the ongoing discharges, the Belle Vernon Municipal Authority cannot continue to comply with its NPDES permit which causes it to discharge various and unknown pollutants into the Monongahela River, which could serve to effect aquatic life and down river users of the river water for drinking water purposes.” See Affidavit of John C. Mowry, P.E., attached hereto as Exhibit 2.
24. Mr. Mowry further opines, “[i]n my professional opinion, as the landfill has shown no ability to bring its wastewater into compliance, Belle Vernon cannot continue to accept leachate from the landfill, as to do so would result in continual effluent violations of its permit and ongoing discharges of pollutants into the Monongahela River, threatening the wellbeing of other downstream users of the river.” See Affidavit of John C. Mowry, P.E., attached hereto as Exhibit 2.
25. Mr. Guy Kruppa, Superintendent of the Belle Vernon Municipal Authority, finds that “Although the Pretreatment System was implemented by Tervita, it was completely unsuccessful in treating Tervita’s waste such that its waste continued to contaminate

Belle Vernon's Treatment Facility causing Belle Vernon to continue to receive contaminants it was unable to properly treat before discharging it into the Monongahela River in violation of its NPDES permit." See Affidavit of Guy Krupp, attached hereto as Exhibit 3.

26. Mr. Guy Kruppa further finds that "Belle Vernon performed additional testing and analysis of ... Tervita's waste stream which sits up gradient from the Belle Vernon Facility. That testing demonstrated as that Tervita's was stream was contaminated with diesel fuel constituents as well as oil and grease." See Affidavit of Guy Krupp, attached hereto as Exhibit 3.

27. The Municipal Authority repeatedly contacted the Pennsylvania Department of Environmental Protection about its concerns and in an e-mail dated January 4, 2019 was told:

Our Waste Management Folks have talked to the landfill about entering into a COA where the landfill will agree to pay any penalties for effluent violations at the Belle Vernon plant under that COA. What this does is remove any liability from Belle Vernon for current and past violations. In turn Belle Vernon would need to let the landfill stay connected to their system. The landfill is in process of constructing a pretreatment plant. The landfill will also be looking to take their waste elsewhere after the pretreatment facility is up and running- so they eventually should not be a problem for Belle Vernon. If your client. . . Since this is landfill leachate it will not go away if the landfill closes- so the state has some concerns here in reference to continuity of service for the wastewater.

(Exhibit #4- E-mail of Leone incorporated by reference thereto as if set forth fully herein).

28. On May 15, 2019, the Municipal Authority upon advice of counsel voted to terminate the contract with Tervita and cease accepting contaminated water from Tervita. This action

is to be effective of June 1, 2019. (Exhibit #5- Letter of John Smith, Esq. to Municipal Authority May 13, 2019 which is incorporated by reference thereto as if set forth fully herein).

29. In exigent circumstances, an ex parte hearing may occur, the result of which is an emergency preliminary injunction. Pa.R.Civ.P. 1531. Relators have no adequate remedy at law to redress the harm and injury that will be caused by Defendants continuing to introduce contaminated water into the Monongahela River, which is source of drinking water and recreation for many communities.

30. The law is clear that:

The essential prerequisites of a preliminary injunction are as follows:

- (1) The injunction is necessary to prevent immediate and irreparable harm not compensable in money damages.
- (2) Greater injury will result from refusing the injunction than from granting it.
- (3) The injunction restores the parties to status quo ante.
- (4) The activity sought to be restrained is actionable, and the plaintiff's right to relief is clear.

*The Woods at Wayne Homeowners Assn. v. Gambone Brothers Construction Co, Inc.*,  
893 A.2d 196, 204 (Pa. Commonwealth Ct. 2006).

31. Upon information and belief, the actions of the defendants are in clear violation of the Clean Streams Act in permitting contaminated water to be introduced into the Monongahela River.

32. Without injunctive relief, the public will be harmed by the introduction of chemicals which are not being tested into the Monongahela River.

33. It is averred that several of the chemicals identified in the contaminated water are known carcinogens and are dangerous to humans.

34. The Commonwealth's interest in protecting the citizens and ensuring the protection of the environment can only be achieved through the grant of injunction prohibiting defendants from releasing into the Monongahela River any contaminants from the Tervita Landfill.
35. The Relators have notified Chief Deputy Attorney General, Rebecca Franz, about this action.

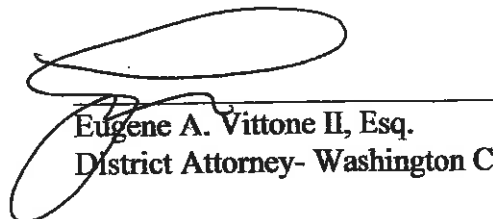
WHEREFORE, the Plaintiff prays that this Court:

1. Preliminarily and permanently:
  - a. Enjoin the Defendants from discharging into the Monongahela River any effluent which contains contaminated chemicals from the Defendants.
  - b. Enjoin the Defendants from sending, or passing through, water, waste, wastewater, discharge, contaminants, effluent, pollutants, leachate, sludge, biological processes, or any other substances to the Belle Vernon Municipal Authority.
  - c. Grant the Commonwealth of Pennsylvania such other and further relief as may be deemed necessary or appropriate.

Respectfully submitted,



Richard E. Bower, Esquire  
District Attorney- Fayette County

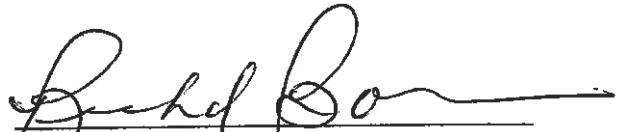


Eugene A. Vittone II, Esq.  
District Attorney- Washington County

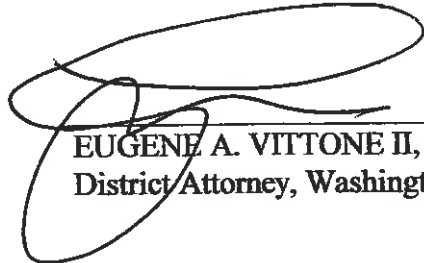
**VERIFICATION**

I verify that the statements made herein are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.

May 17, 2019  
Date

  
RICHARD E. BOWER, Esq.  
District Attorney, Fayette County

May 17, 2019  
Date

  
EUGENE A. VITTONI II, Esq.  
District Attorney, Washington County