



Citizens to Preserve Ligonier Valley

January 28, 2022

Re: Proposed Rulemaking: Exclusion for Identification and Listing Hazardous Waste at MAX Environmental Technologies, Inc. Bulger & Yukon Facilities (#7-566)

Environmental Quality Board
P.O. Box 8477
Harrisburg, PA 17105-8477
RegComments@pa.gov

Citizens to Preserve Ligonier Valley, a 501c3 non-profit organization located in Ligonier Valley, Pennsylvania, urges the EQB to deny Max's request to reclassify waste sludge from their facilities as non-hazardous.

Max's officials stated last year that 75% of their accepted waste comes from the oil and gas industry. Because Marcellus waste is known to have high levels of TENORM, extensive data collection about the leachate at Max landfills is necessary in order to understand risks involved with that leachate. New requirements for landfills to test leachate quarterly for radiological contaminants should be given time to be implemented to provide that important data.

Max will have responsibility for monitoring the waste and will report to the DEP only if they find levels exceed standards. But Max Environmental has a history of non-compliance with DEP regulations for a variety of violations, with over 110 violations from DEP and EPA having been issued to Max's Yukon and Bulger sites since 2009. Those violations include failure to sample properly or fully (for the correct constituents), failure to monitor and service leachate systems, failure to follow required waste testing procedures, failure to perform weekly site inspections, unauthorized release of residual waste leachate, failure to perform radiation source checks, and failure to make records available to DEP.

Max's history is the best predictor of future compliance and that compliance in regard to monitoring and reporting activity has been lacking. Penalties have had no effect on Max' regard for the health and welfare of the community and the environment.

This rule change does not serve to protect public health or the environment. If sludge is buried on site, it will leech into soil and water, posing a risk to water quality and the community. According to the PA Constitution, Article 1, Section 27, "citizens of Pennsylvania have the right to clean air and pure water" and should expect DEP regulation that provides that protection.

Jan Milburn
Citizens to Preserve Ligonier Valley

Community liaison