



February 21, 2022

Submitted Via eComment

Environmental Quality Board
P.O. 8477
Harrisburg, PA 17105-8477

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

To whom it may concern:

My name is Elissa Weiss. I am an internal medicine physician. I reside at 134 Dennis Drive, Glenshaw, PA 15116. I am writing as a citizen to strongly urge the EQB to deny MAX's request to reclassify the sludge generated from their treatment systems at the Yukon and Bulger facilities as "non-hazardous." MAX has a history of significant and impactful noncompliance. It has been cited with 110 violations from DEP since 2009, penalties yearly since 2012, and fines as recently as two months ago. This clearly indicates that MAX is unable or unwilling to comply with adherence to the legitimate internal waste analysis procedures, waste sequestration, self-monitoring, self-reporting, and recordkeeping that is described and required in the Delisting Petition Evaluation Reports.

In the "Waste Description" portions of these reports, it is specified that "MAX must analyze representative samples of the treatment sludge at a frequency of one sample per 20 cubic yards" using such-and-such appropriate detection levels and quality control procedures. MAX has been issued violations for not following required waste testing procedures and for not testing for correct constituents.

Also specified are sample collection and analysis processes, "all data ... submitted [with] a signed copy of the statement ... to certify the truth and accuracy of the data submitted. Records of operating conditions and analytical data must be compiled, summarized, and maintained on-site for a minimum of three (3) years."

If their request is granted, you would be trusting MAX – with their noncompliance history that includes failure to provide DEP with required reporting, failure to monitor, failure to make records available to DEP, and failure to keep complete records – to fulfill these very conditions and simply certify that "fulfillment" with a signed statement.

You would be trusting to "store(d) in containers that are to remain covered, except when sludge is being added or removed and ... managed in accordance with Subtitle C of RCRA" a company that has been issued violations for not properly closing containers of hazardous waste, hazardous waste containers leaking onto the ground, failure to maintain leak detection, improperly labeling/non-labeling of waste.

You would trust this company that has failed to notify DEP of unlawful discharge of wastewater with notifying DEP of changes in disposal of the waste that was modeled or predicted.

As these descriptions show, MAX Environmental Technologies, Inc. has *already* been issued violations for not complying with many of the conditions that are required of them for the exclusions to remain valid. [See "[Exclusionary Siting Criteria Submittal \(3-31-2021\)](#)" of MAX's application for a modification of its existing hazardous waste disposal and treatment permit at its Yukon facility (Permit No. PAD004835146) that will allow for disposal of hazardous waste at a new Landfill No. 7.]

This degree of trust in light of this company's history is unwarranted, unacceptable, and could even be considered negligent for the harm to human health and the environment that it causes.

An outstanding question in my mind is: In what sort of reliable, durable housing are the sludge cakes to be buried on-site? *Does* any such housing exist that can withstand the full range and duration of the hazardous and radioactive properties of the sludge cakes?

And the elephant in the room: With the large percentage of oil and gas waste in the waste stream that MAX facilities accept, I submit that its radioactivity MUST be included in your considerations, even if it is only a subject of pending legislation at this time.

It is not the job of DEP to facilitate the toileting of industries that generate toxic and harmful substances. DEP's mission of protecting human health and the environment cannot be achieved by cloaking, obscuring, limiting, or minimizing the identities and quantities of the dangerous or *seemingly* innocuous entities that currently exist or are yet to be created, and that will be combined in the waste mix of the disposal site. MAX's noncompliances have already resulted in releases of harmful substances from its waste stream. Depending on the nature of the materials used for their containment, the site's contents may be as little as one earnest groundhog's explorations away from being released into the environment on which we rely.

I urge you to deny MAX's request of exclusions for identification and listing of hazardous waste at their Bulger and Yukon facilities.

Thank you for your careful and conscientious attention to this matter, and for the opportunity to comment.

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