UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

OCT 16 2015

Mr. Louis De Naples, President
Keystone Sanitary Landfill
249 Dunham Drive
Dunmore, Pennsylvania 18512

Re: Clean Water Act Section 308 Request for Information

Dear Mr. De Naples:

Keystone Landfill (Keystone) operates a sanitary landfill in Dunmore, Pennsylvania that discharges industrial wastewater to the Scranton Sewer Authority (SSA), which after further treatment, discharges to the Lackawanna River. Keystone discharges pursuant to requirements set forth in the Industrial Wastewater Contribution Permit Number 97-007 issued by the SSA in accordance with the Pretreatment Program in accordance with Section 307 of the Clean Water Act (CWA), 33 U.S.C. § 1317. The U.S. Environmental Protection Agency (EPA) Pretreatment Program identifies specific requirements that apply to all Significant Industrial Users (SIUs), Industrial Users (IUs) or nondomestic sources of wastewater to a Publicly Owned Treatment Works (POTW). The Pretreatment Regulations establish responsibilities of Federal, State, and local government, industry and the public to implement Pretreatment Standards to control pollutants from the industrial users which may pass through or interfere with POTW treatment processes or which may contaminate sewage sludge. Under EPA regulations, Keystone is a Significant Industrial User subject to the requirements of the CWA. 40 C.F.R. § 403.3(v). The Keystone Landfill is a point source subject to National Pollutant Discharge Elimination System (NPDES) permit requirements under the Clean Water Act (CWA or Act), 33 U.S.C. §1251, et seq.

Section 308 of the Act, 33 U.S.C. § 1318 authorizes EPA to require owners and/or operators of point sources to provide information related to compliance with the CWA (including information that is necessary to determine whether any person is in violation of any applicable pretreatment standard). Pursuant to that authority, EPA requires that the Keystone Landfill to provide information related to discharges to the SSA collection system that conveys wastewater to the POTW, as specified in the attached Information Requirement.

You must respond in accordance with the instructions and deadlines set forth in the Information Requirement. Failure to comply with the terms of this Information Requirement constitutes a violation

Printed on 100% recycled/recyclable paper with 100% post-consumer fiber and process chlorine free.
Customer Service Hotline: 1-800-438-2474

of the CWA and may result in enforcement action under Section 309 of the Act, 33U.S.C. § 1319 involving civil or criminal penalties.

If you have any questions about this Request for Information, you may contact Mr. Steven Maslowski, Enforcement Officer at (215) 814-2371.

Sincerely,

David B. McGuigan, Ph.D.,
Associate Director
Office of NPDES Permit and Enforcement
Water Protection Division

Enclosure
cc: Patrick Musinski, Monitoring and Compliance Manager, PADEP
Kevin Augustine, Regional Emergency Response Manager, PADEP
Roger Bellas, Waste Management Program Manager, PADEP

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

In The Matter of Keystone Sanitary Landfill Inc. 249 Dunham Drive Dunmore, Pennsylvania 18512 Respondent	:	Proceeding under Section 308 of the Clean Water Act, 33 U.S.C. § 1318 **INFORMATION REQUEST**

I. STATUTORY AUTHORITY

1. This Information Request is issued under the authority vested in the United States Environmental Protection Agency (EPA) by Section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318. The Administrator of the EPA has delegated this authority to the Regional Administrator of EPA Region III who in turn has delegated it to the Director of the Water Protection Division of EPA Region III, who in turn has delegated it to the Associate Director of the Office of NPDES Permits and Enforcement. EPA hereby requires The Keystone Sanitary Landfill (Keystone or Respondent) to provide the information specified below.

II. STATUTORY AND REGULATORY BACKGROUND

2. EPA is authorized under Section 308 of the CWA, 33 U.S.C. § 1318, to require owners and operators of point sources to establish records and make such reports as may be necessary to carry out the purpose of the Act, including but not limited to:

   a. developing or assisting in the development of any effluent limitation, or other limitation, prohibition, effluent standard, pretreatment standard, or standard of performance under the CWA;

   b. determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, or

standard of performance;

c. any requirement under Section 308 of the CWA; and

d. carrying out Sections 305, 311, 402, 404, and 504 of the CWA.

3. Keystone Landfill (Keystone) operates a sanitary landfill in Dunmore, Pennsylvania that discharges industrial wastewater to the Scranton Sewer Authority (SSA), which after further treatment, discharges to the Lackawanna River. Keystone discharges pursuant to requirements set forth in the Industrial Wastewater Contribution Permit Number 97-007 issued by the SSA in accordance with the Pretreatment Program in accordance with Section 307 of the Clean Water Act (CWA), 33 U.S.C. § 1317. The U.S. Environmental Protection Agency (EPA) Pretreatment Program identifies specific requirements that apply to all Significant Industrial Users (SIUs), Industrial Users (IUs) or nondomestic sources of wastewater to a Publicly Owned Treatment Works (POTW). The Pretreatment Regulations establish responsibilities of Federal, State, and local government, industry and the public to implement Pretreatment Standards to control pollutants from the industrial users which may pass through or interfere with POTW treatment processes or which may contaminate sewage sludge. Under EPA regulations, Keystone is a Significant Industrial User subject to the requirements of the CWA. 40 C.F.R. § 403.3(v). The Keystone Landfill is a point source subject to National Pollutant Discharge Elimination System (NPDES) permit requirements under the Clean Water Act (CWA or Act), 33 U.S.C. §1251, et seq.

4. Failure to respond as directed to a CWA Section 308 request is punishable under the civil and criminal provisions of Section 309 of the CWA, which provide for the assessment of penalties, injunctive relief and imprisonment. Providing misleading or false information may subject you to civil and criminal sanctions. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

5. You may, if you desire, assert a business confidentiality claim covering all or part of the information requested herein in the manner described in 40 C.F.R. Part 2 Subsection B. Information covered by such a claim will be disclosed by EPA only to the extent and by means of the procedures set forth in Subpart B, 40 C.F.R. Part 2. If no claim of confidentiality accompanies the information requested herein when it is received by EPA, it may be made available to the public by EPA without further notice. You may not withhold any information from EPA on the grounds that it is confidential business information. This inquiry is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act 44 U.S.C. Chapter 35. (See 5 C.F.R. Section 1320.3(c)).

III. INSTRUCTIONS

6. Provide a separate narrative response for each question contained in this Information Request and for each subpart of each question. Precede each answer with the corresponding number of the question to which it responds.

7. Identify each person responding to each question contained in this Information Request on behalf of the Respondent, as well as each person consulted in the preparation of the response.

8. For each question, identify each document consulted, examined, or referred to in the preparation of the response or that contains information responsive to the question, and provide a true and correct copy of each such document if not provided in response to another specific question.

9. Indicate on each document produced in response to this Information Request, or in some other reasonable manner, the number of the question to which it corresponds.

10. If tabulation is requested, provide the requested information in tabular form in hard copy and also in tabular form in an electronic spreadsheet file in Microsoft Excel format.

11. If requested information or documents are not known or are not available at the time of your response to this Information Request, but later become known or available, the Respondent must supplement its response to EPA. Moreover, should the Respondent find at any time after submission of its response that any portion is or becomes false, incomplete, or misrepresents the facts; the Respondent must provide EPA with a corrected response as soon as possible.

12. All submissions provided pursuant to this request shall be signed and dated by a responsible official of Respondent and include the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my 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 my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Signed _____
Title _____
Date _____

13. Submit a copy of your response to the following individual:

Mr. Steven Maslowski (3WP42)
NPDES Enforcement Branch
Water Protection Division
U. S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103-2029

14. If you have questions regarding this Information Request, you may contact Mr. Steve Maslowski of the NPDES Enforcement Branch at (215) 814-2371.

IV. DEFINITIONS

15. The terms "Document", "Documents" and "Documentation" shall mean any format that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hard copy, including any form or format of these types. If in computer format or memory, each such document shall be provided in a translated form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include: (a) a copy of each document which is not an exact duplicate of a document which is provided; (b) each copy on which there is any writing, notation, or the like; (c) drafts; (d) attachments to or enclosures with any document; and (e) every other document referred to or incorporated into each document.

16. The term "identify" with respect to a natural person means to provide that person's name, address, telephone number, title, and relationship to Respondent. The term "identify" with respect to a business entity means to provide that entity's name, address, and relationship to the Respondent, and to provide the name, address, telephone number, and title of an individual who can provide information related to, and on behalf of, the entity.

17. "Wastewater Treatment Plant" or "WWTP" shall mean the sewage treatment plant (or water reclamation facility) operated by the SSA and located at Cedar Avenue and Breck Street, Scranton, Pennsylvania and all components of such sewage treatment plant.

18. The term "collection and/or conveyance system" means the system used for the transport of all wastewater including process wastewater from its source to a facility where treatment of the wastewater occurs.

19. The "Scranton System" or "System" refers to any devices used in the collection, storage, treatment, recycling and/or reclamation of municipal sewage or industrial wastes of a liquid nature in Scranton and Dunmore, Pennsylvania. It also includes sewers, pipes, and other conveyances that convey wastewater to the Scranton WWTP.

21. "Wastewater Collection and Transmission Systems" or "WCTS" shall mean the municipal wastewater collection and transmission systems, including all pipes, interceptors, Force Mains, Gravity Sewer Lines, lift stations, Pumping Stations, manholes and appurtenances thereto, that are owned or operated by the City.

22. The "Keystone Sanitary Landfill Inc." or "Keystone" refers to any portion also known as a tip, dump, rubbish dump or dumping ground is a site for the disposal of waste materials by burial form of waste treatment located at 249 Dunham Drive, Dunmore, Pennsylvania.

23. The term "manhole" refers to utility hole, maintenance hole, inspection chamber, access chamber, sewer hole or confined space. It is the top opening to an underground utility vault used to house an access point for making connections, inspection, valve adjustments or performing maintenance on underground and buried utility and other services including sewers, and storm drains.

24. The Term "pH" refers to a numeric scale used to specify the acidity or alkalinity of an aqueous solution.

V. INFORMATION REQUEST

AND NOW, this 15 day of October, 2015, Respondent is hereby directed, pursuant to Section 308 of the Act, 33 U.S.C. § 1318, to provide the following information, within thirty (30) days of the effective date of this Information Request:

25. Provide detailed information regarding the Keystone Landfill. In your response include the following information:
    a. A map of Keystone's operations in Dunmore and Throop that includes pump stations, sampling locations, lagoons, sanitary landfill with leachate collection and treatment facility, and drill cutting storage area.
    b. Description of Keystone's on-site wastewater pretreatment facility including an inventory of the chemicals used in that treatment process
    c. Identify any and all authorizations (including permits) by which Keystone Landfill discharges its leachate and/or wastewater to the Scranton Wastewater Collection and Transmission System.
    d. Schematic of all discharges/flow that connect to the SSA Collection System including the dedicated line authorized in Part 1.A of the SSA Industrial Wastewater Contribution Permit Number 97-007 as well as any and all alternative lines that connect to the System. Include all manholes that are owned and/or operated by Keystone.
    e. Identify and include copies of any and all documentation authorizing Keystone for using any line other than the dedicated line identified in Part 1.A of the SSA Industrial Wastewater Contribution Permit Number 97-007.

26. Provide any and all flow and sampling data for all discharges for the last month (September 1 – September 30, 2015)

27. Identify each day of discharge during that time period and for each day, identify what line through which Keystone discharged wastewater to reach the SSA Collection System.

28. Provide pH readings for all flows that were discharged to the SSA system and what line it was discharged from September 1 – September 30, 2015.

29. Description of how discharges are monitored and sampled (where and at what points and for what pollutants) and provide standard operating procedures (SOPs) for the collection and analysis of those samples.

30. Identify the name, address of the lab(s) that process and analyze those sampling results.

31. Provide corporate ownership of Keystone Sanitary Landfill Inc., officer location, and a list of Landfill managers during the time period March through October 2015.

32. Employees and/or contractors on duty on September 21-25, 2015 (including any contractor and/or consultant), and for each such employee: their titles, a brief description of their duties, and the specific day(s) and hours worked.

33. Provide month by month accounting of fees paid to the SSA from October 2014 through September 2015, and description of how those costs are assessed.

34. Based on the last three years of discharges, please provide the average daily, weekly and monthly flow per day of discharge and the sewer lines used to discharge to the SSA and typical chemical constituents.

35. On September 24 and 25, 2015, the Pennsylvania Department of Environmental Protection (PADEP) collected samples at Keystone; if Keystone took split or duplicate samples, please , provide sampling results and identify what lab was used to process and analyses those samples..

36. Describe sampling procedures and provide a sampling SOP for the dedicated sewer line and any alternative line.

37. Describe, what if any, procedures Keystone uses to ensure that discharges do not occur through any other lines other than the dedicated line that flows along Drinker Place?

38. At a meeting with EPA and PADEP on October 1, 2015, at the PADEP office, Al Magnotta, represented that he was a consultant for Keystone, stated on September 25, 2015 that a valve that controls the flow to the alternative sewer line to Monahan Avenue was found open at the landfill. Was that valve open, and if so, explain why this valve was open as it is not a dedicated line to the SSA System?

39. Identify how many times and the dates in the past year when Keystone discharged wastewater through any alternative line to the SSA System other than the dedicated line, identified in Part 1.A of the SSA Industrial Wastewater Contribution Permit Number 97-007.

40. What oily substance did Keystone discharge that is the subject of this inquiry to the SSA System on September 24 and 25, 2015?

41. Provide all correspondence/communication between Keystone and SSA over the past year (October 1, 2014 – September 30, 2015).

42. Please provide any additional information Keystone relevant to this discharge of a oily substance, this inquiry and/or its compliance status.

VI. EFFECTIVE DATE

This INFORMATION REQUEST is effective upon receipt.

Date: 10/15/15

David B. McGuigan, Ph.D.
Associate Director
Office of NPDES Permits and Enforcement
Water Protection Division