



4/2

October 6, 2014

NOTICE OF VIOLATION

Mr. Robert Iuliucci
Sr. District Manager
Waste Management of Pennsylvania, Inc.
1000 New Ford Mill Road
Morrisville, PA 19067

Re: Noncompliance - Municipal Waste Activity
Tullytown Resource Recovery Facility Landfill
Permit No. 101494
Borough of Tullytown and Falls Township
Bucks County

Dear Mr. Iuliucci:

As a result of multiple odor investigations conducted by the Department of Environmental Protection's Southeast Regional Office Waste Management Program ("DEP"), from September 22 through October 2, 2014, odors generated by the Tullytown Resource Recovery Facility Landfill ("T.R.R.F.") were detected in multiple locations in Florence, NJ. The location, type, frequency, duration, and intensity of the odors detected constitute a public nuisance from odors off of the property boundary from T.R.R.F. and are in violation of the Municipal Waste Management Rules and Regulations, as follows:

- A. The methods provided in the nuisance minimization and control plan contained in T.R.R.F.'s above-referenced solid waste permit are inadequate to minimize and control nuisances from odors, in violation of 25 Pa. Code Section 273.136(b)(2).
- B. The nuisance minimization and control plan contained in T.R.R.F.'s above-referenced solid waste permit does not minimize and control other conditions that create odors, in violation of 25 Pa. Code Section 273.218(c).

Furthermore, the activities and conditions described in Paragraphs A and B, above, constitute violations of Section 201(a) of the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, No. 97, 35 P.S. Sections 6018.101 *et seq.* ("SWMA"); constitute a public nuisance pursuant to Section 601 of the SWMA; constitute unlawful conduct pursuant to Sections 610(2) and (4) of the SWMA; and may subject the offender to civil penalty liability pursuant to Section 605 of the SWMA.

You are hereby notified of both the existence of the violations as well as the need to provide prompt correction. Failure to correct the violations may result in legal proceedings under the SWMA. Under the SWMA, each day of the violation is considered a distinct and separate offense and will be handled accordingly.

In accordance with 25 Pa. Code Section 273.218(b)(1), within 5 days of receipt of this notice, please submit a plan to modify the nuisance minimization and control plan to address the cause, and prevent any recurrence, of the violations noted above.

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

If you have any questions regarding this matter, please contact me at 484.250.5765.

Sincerely,



Kirsti Kraus
Solid Waste Specialist
Waste Management

cc: Borough of Tullytown
Falls Township
Bucks County Health Department
Mr. Sahol - Florence Township, NJ
Re 30 (eh14wm)279-4