

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In The Matter Of:

Bethlehem Landfill Company	:	Violations of the Solid Waste
2335 Applebutter Road	:	Management Act – Municipal
Bethlehem, PA 18015	:	Waste Violations

CONSENT ORDER AND AGREEMENT

This Consent Order and Agreement is entered into this 14th day of January 2026, by and between the Commonwealth of Pennsylvania, Department of Environmental Protection (“Department”) and Bethlehem Landfill Company (“BLC”).

The Department has found and determined the following:

A. The Department is the agency with the duty and authority to administer and enforce the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, *as amended*, 35 P.S. §§ 6018.101-6018.1003 (“Solid Waste Management Act”); the Air Pollution Control Act of January 8, 1960, P.L. 2119, as amended, 35 P.S. § 4001 et seq. (“Air Pollution Control Act”), Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, *as amended*, 71 P.S. § 510-17 (“Administrative Code”); and the rules and regulations (“rules and regulations”) promulgated thereunder.

B. BLC is a Delaware business corporation with an address of 2335 Applebutter Road, Bethlehem, Pennsylvania 18015.

C. On June 29, 1990, the Department issued Solid Waste Management Permit No. 100020, as amended, (hereinafter “Permit”) to the City of Bethlehem for the operation of a solid waste disposal facility, to wit, a municipal waste landfill located in Lower Saucon Township,

Northampton County, Pennsylvania (“Facility”). On July 17, 1998, the permit was reissued to Eastern Waste of Bethlehem, Inc., which has since changed company names, first to IESI PA Bethlehem Landfill Corporation and then to Bethlehem Landfill Company.

D. A review conducted in 2020 of BLC’s capping schedule outlined in the Southeastern Realignment expansion plan and information detailing waste placement timelines revealed that final cover had not been placed in several areas within one year after disposal in the final lift ceased or as soon thereafter as weather permitted.

E. On April 29, 2020, the Department issued a Notice of Violation to BLC that documented the violation described in Paragraph D, above, which requested that BLC submit a plan and schedule to address the correction and prevention of the violation.

F. On May 13, 2020, the Department received BLC’s response to the Notice of Violation dated April 29, 2020. BLC provided a proposed capping schedule for the installation of 14.7 acres of temporary cap and 19.8 acres of permanent cap from 2020 to 2022, which noted that the stockpile area would be capped as part of the last capping effort.

G. On April 1, 2022, the Department received an e-mail from a representative of BLC to report that BLC was experiencing supply chain issues in obtaining daily cover materials for the Facility and requesting approval to haul cover soil materials from Blythe Recycling and Demolition Site (BRADS) Landfill. The Department responded and approved the hauling of up to 50 loads of cover soil materials from BRADS Landfill to the Facility to be used as daily cover.

H. On April 18, 2022, a representative of the Department’s Waste Management Program conducted a routine inspection at the Facility. During the inspection, it was found that the previous disposal slope running from the base of the active face to the upper deck showed

exposed and potentially uncompacted waste throughout the entire area. Additionally, the supply of cover material onsite was inadequate for the active daily cover and the five-day supply of cover material requirements.

I. The violations described in Paragraph H were documented in an inspection report, a copy of which was e-mailed to BLC on May 3, 2022.

J. On May 10, 2022, the Department issued a Notice of Violation to BLC for the violations described in Paragraph H, above, which requested that BLC submit a proposed plan and schedule to address the correction and prevention of the violations.

K. On May 18, 2022, the Department received BLC's response to the Notice of Violation dated May 10, 2022. In that response, BLC referenced the April 1, 2022 email notification to the Department described in Paragraph G above and reiterated the extenuating circumstances resulting in the temporary shortage of clean soil material and BLC's efforts to obtain the same. BLC also provided pictures demonstrating that the previous disposal slope observed during the April 18, 2022 inspection had been recovered, and the five-day supply of cover material had been restored. BLC further informed the Department that it had secured multiple sources for off-site clean soil material and planned to maintain separate stockpiles for daily cover operations and on-site construction projects.

L. On May 25, 2022, representatives of the Department's Waste Management Program conducted a routine inspection at the Facility. During the inspection, it was determined that BLC had addressed the violations related to daily cover described in Paragraph H, above.

M. On January 11, 2024, representatives of the Department's Waste Management Program conducted a routine inspection at the Facility. During the inspection, landfill gas

monitoring revealed elevated methane gas readings; gas and leachate odors were detected on the southeast corner slope and the south slope below the active disposal area; fissures and leachate seeps were observed in the southeast intermediate cover area; and it was noted BLC had failed to implement corrective action to address intermediate cover concerns and resulting odors that the Department had previously documented.

N. The violations described in Paragraph M were documented in an inspection report, a copy of which was e-mailed to BLC on January 22, 2024.

O. On January 27, 2024, a representative of the Department's Emergency Response Team conducted an odor complaint investigation and detected landfill gas odors, consistent with those that have been detected at the Facility, on Johnston Avenue, Madison Avenue, Main Street, and Riverside Drive, including odors detected at the residences of two complainants.

P. On January 30, 2024, a representative of the Department's Emergency Response Team conducted an odor complaint investigation and detected landfill gas odors, consistent with those that have been detected at the Facility, on Applebutter Road, Johnston Avenue, Madison Avenue, Main Street, Mixsell Avenue, Riverside Drive, and Saucon Avenue, including odors detected at the residences of three complainants and a malodor detected at the residence of another complainant. The same landfill gas odor was also detected during an odor patrol on Applebutter Road at the entrance to the Facility.

Q. On February 8, 2024, the Department issued a Notice of Violation to BLC for the violations described in Paragraphs M, O, and P, above, which requested that BLC submit a proposed plan and schedule to address the correction and prevention of the violations.

R. On February 22, 2024, the Department received BLC's response to the Notice of

Violation dated February 8, 2024. BLC provided information on measures taken and planned to eliminate odors and leachate seeps in the southeast area, including installation of horizontal collection wells, the extension of vacuum headers, drilling new gas extraction wells, the replacement of pipe with larger diameters, the installation of 4.5 acres of temporary cap and 6 acres of permanent cap, increased monitoring for leachate seep identification and repair, utilization of tarps and foam for Alternate Daily Cover (ADC) and utilization of portable and permanent misters and vapor system to neutralize odors.

S. On April 17, 2024, a representative of the Department's Waste Management Program conducted a routine inspection at the Facility. During the inspection, an assessment of the daily cover applied the previous day was performed. It was found that all waste in the active disposal area was uncompacted, the ADC foam had not been uniformly applied throughout the working face prior to closing, and the cover composition was inadequate to control vectors, odors and blowing litter. A thin layer of the ADC foam had been applied on approximately 75% of the waste; the majority of waste on the north side of the face showed minimal foam application; and a significant area of garbage on the southwest edge of the disposal area was completely exposed.

T. The violations described in Paragraph S were documented in an inspection report, a copy of which was e-mailed to BLC on May 6, 2024.

U. On May 10, 2024, the Department issued a Notice of Violation to BLC for the violations described in Paragraph S, above, which requested that BLC immediately begin submitting photographs of the daily cover applied at the working face at the end of each working day to the Department and submit a proposed plan and schedule to address the correction and

prevention of the violations.

V. On May 16, 2024, the Department approved BLC's Form 37 Construction Certification for 2021 and 2022 final cap, which did not include the stockpile area.

W. On May 24, 2024, the Department received BLC's response to the Notice of Violation dated May 10, 2024. BLC provided a copy of a service report from Atmos, the ADC foam manufacturer, and an explanation that the ADC foam had been uniformly applied but had rapidly dissipated overnight particularly in one area of the working face due to a "substantial amount of biological growth" within the bulk storage tank for the foam product, which ate away certain raw materials in the ADC foam causing it to lose integrity and become inconsistent. The service report from Atmos stated that a sample with substantial amount of biological growth was taken, product was removed from the bulk storage tank, R.E.S. services cleaned out the bulk storage tank, and Atmos replaced it with fresh product. BLC committed to utilizing soil and tarps as the primary daily cover and the ADC foam as a secondary option.

X. On August 16, 2024, a representative of the Department's Waste Management Program conducted an inspection at the Facility during which erosion and flagging of exposed waste was observed on the north slope of SE2-AB and a small, graded slope adjacent to the active face. These findings were documented in an inspection report, a copy of which was provided to BLC on September 23, 2024.

Y. On August 22, 2024, a representative of the Department's Waste Management Program conducted a routine inspection at the Facility during which exposed waste was observed on the southeast slope intermediate cover area in the upper deck area of SE2-AB Phases 1 and 2. An odor patrol was conducted prior to the inspection, and landfill gas and garbage odors were

detected offsite along Redington Road, Sherry Hill Road and Applebutter Road. These findings were documented in an inspection report, a copy of which was provided to BLC on September 23, 2024.

Z. On October 24, 2024, a representative of the Department's Waste Management Program conducted a routine inspection at the Facility, during which, exposed waste was observed on the southeast slope intermediate cover area in the upper deck area of SE2-AB Phases 1 and 2. Landfill gas odors were detected in the southeast slope area. An odor patrol was conducted prior to the inspection, and landfill odors were detected offsite along Applebutter Road, consistent with the odors detected onsite in the southeast slope area. These findings were documented in an inspection report, a copy of which was provided to BLC on November 6, 2024.

AA. On November 26, 2024, representatives of the Department's Waste Management Program conducted a routine inspection at the Facility during which flagging of exposed waste was observed on the southeast slope intermediate cover area in the upper deck area of SE2-AB Phases 1 and 2. Landfill gas odors were detected in the southeast area of the landfill. An odor patrol was conducted prior to the inspection, and landfill odors were detected offsite along Applebutter Road, Lower Saucon Road, and Sherry Hill Road, consistent with the odors detected onsite in the southeast area of the landfill. Based on a review of the daily cover photographs and the improvement over the previous months, the Department determined that the violations related to compaction and daily cover described in Paragraph S, above, had been corrected, and that BLC was no longer required to submit photographs of the daily cover applied at the working face at the end of each working day. These findings were documented in an inspection report, a

copy of which was provided to BLC on December 13, 2024.

BB. On December 18, 2024, representatives of the Department's Waste Management Program conducted a routine inspection at the Facility. During the inspection, exposed waste was observed on the Southeast slope intermediate cover area in the upper deck area of SE2-AB Phases 1 and 2 and landfill gas odors were detected in the southeast area of the landfill. It was noted that BLC's daily inspections had been documenting the intermediate cover integrity as "Proper" despite the Department inspection reports for August, October and November identifying integrity issues, and that BLC had not addressed the intermediate cover issues noted by the Department during those inspections. An odor patrol was conducted prior to the inspection, and landfill odors were detected offsite along Applebutter Road, Riverside Drive and Saucon Avenue, consistent with the odors detected onsite in the SE2-AB Phases 1 and 2 area of the landfill. A Surface Emissions Monitoring (SEM) event was conducted on the southeast slope following the inspection, which obtained ten elevated methane gas readings above 500 ppm.

CC. The violations described in Paragraph BB were documented in an inspection report, a copy of which was e-mailed to BLC on January 17, 2025.

DD. On February 10, 2025, the Department issued a Notice of Violation to BLC for the violations described in Paragraph BB, above, which requested that BLC schedule a conference call with the Department to discuss BLC's plan to address the violations.

EE. On February 25, 2025, representatives from the Department's Waste Management Program and BLC held a teleconference to discuss planned corrective actions to address the violations noted in the February 10, 2025 Notice of Violation, as well as other operational concerns.

FF. On March 12, 2025, the Department received BLC's response to the Notice of Violation dated February 10, 2025, as well as a response to the operational concerns discussed during the February 25, 2025 teleconference.

GG. On March 17, 2025, the Department received BLC's supplemental response to the Notice of Violation dated February 10, 2025.

Applicable Law

HH. BLC is a "person" as that term is defined by Section 103 of the Solid Waste Management Act, 35 P.S. § 6018.103.

II. 25 Pa. Code § 123.31(b) states: "A person may not permit the emission into the outdoor atmosphere of any malodorous air contaminants from any source, in such a manner that the malodors are detectable outside the property of the person on whose land the source is being operated."

JJ. 25 Pa. Code § 127.444 states: "A person may not cause or permit the operation of a source subject to this article unless the source and air cleaning devices identified in the application for the plan approval and operating permit and the plan approval issued to the source are operated and maintained in accordance with specifications in the application and conditions in the plan approval and operating permit issued by the Department. A person may not cause or permit the operation of an air contamination source subject to this chapter in a manner inconsistent with good operating practices."

KK. 25 Pa. Code § 273.201(c) provides that a person or municipality that operates a municipal waste landfill shall comply with the following:

- (1) The act, this article and other applicable regulations promulgated under the act.

(2) The plans and specifications in the permit, the terms and conditions of the permit, the environmental protection acts, this title and orders issued by the Department.

LL. 25 Pa. Code § 273.216(c) states: “Solid waste shall be spread and compacted as approved by the Department as part of the permit.”

MM. 25 Pa. Code § 273.217(a) states in part: “The operator shall implement fugitive air contaminant control measures and otherwise prevent and control air pollution in accordance with the Air Pollution Control Act (35 P. S. §§ 4001—4014), Article III (relating to air resources) and § 273.218 (relating to nuisance minimization and control).”

NN. 25 Pa. Code § 273.217(b) states: “The operator shall comply with the terms and conditions of an air quality plan approval and air quality operating permit issued to the facility under Chapter 127 (relating to construction, modification, reactivation and operation of sources).”

OO. 25 Pa. Code § 273.218(b)(2) states: “An operator shall perform regular, frequent and comprehensive site inspections to evaluate the effectiveness of cover, capping, gas collection and destruction, waste acceptance and all other waste management practices in reducing the potential for offsite odor creation.”

PP. 25 Pa. Code § 273.218(b)(3) states: “An operator shall promptly address and correct problems and deficiencies discovered in the course of inspections performed under paragraph (2).”

QQ. 25 Pa. Code § 273.232(a) states in part: “...a uniform cover of the approved daily cover material shall be placed on exposed solid waste at the end of each working day or at the end of every 24 hours, whichever interval is less.”

RR. 25 Pa. Code § 273.232(b)(1) states in part: “The daily cover shall prevent vectors, odors, blowing litter and other nuisances.”

SS. 25 Pa. Code § 273.232(b)(2) states in part: “The daily cover shall cover solid waste after it is placed without change in its properties and without regard to weather.”

TT. 25 Pa. Code § 273.232(c) states: “A 5-day supply of cover material shall be maintained on the site.”

UU. 25 Pa. Code § 273.233(b)(1) states in part: “The intermediate cover shall prevent vectors, odors, blowing litter and other nuisances.”

VV. 25 Pa. Code § 273.233(b)(2) states in part: “The intermediate cover shall cover solid waste after it is placed without change in its properties and without regard to weather.”

WW. 25 Pa. Code § 273.233(c) provides that intermediate cover shall meet the following design requirements:

- (1) If soil or soil-like material is used, the layer shall be at least 12 inches in thickness.
- (2) If soil or soil-like material is used, the layer shall be uniformly graded.

XX. 25 Pa. Code § 273.234(b) states: “The operator shall place final cover within 1 year after disposal in the final lift ceases or as soon thereafter as weather permits, unless the Department, in the permit, allows a later period based on a demonstration that a demonstration that a later period is necessary to protect the final cover from differential settlement of waste at the facility. The Department will not allow a later period unless, at a minimum, delayed installation will not cause or allow violations of this article, the act or the environmental protection acts.”

YY. Part II Section II Condition 6.c of the Permit states: “Solid waste shall be spread

and compacted in layers not to exceed 2 feet in depth unless an alternative depth is approved by the Department.”

ZZ. Part II Section II Condition 7.a of the Permit states: “The operator shall implement fugitive dust control measures and otherwise prevent and control air pollution in accordance with the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations.”

AAA. Part II Section II Condition 8.b of the Permit states: “The operator shall also prevent and eliminate conditions that are harmful to the environment or public health, or which create safety hazards, odors, dust, noise, unsightliness and other public nuisances.”

BBB. Part II Section III Condition 2 of the Permit states: “A uniform and compacted cover of the approved daily cover material at least 6 inches in thickness shall be placed on exposed solid waste at the end of each working day, at the end of every 24 hours, or at the completion of every lift, whichever interval is most frequent. The composition of the daily cover material shall meet the daily cover requirements in 25 Pa. Code § 273.232 (Daily Cover).”

CCC. Part II Section III Condition 3.a of the Permit states in part: “A uniform and compacted intermediate cover of at least 12 inches in thickness shall be placed within 7 days of waste disposal...”

DDD. Part II Section III Condition 3.b of the Permit states: “The composition of the intermediate cover material shall meet requirements as stated in 25 Pa. Code § 273.233 (Intermediate Cover and Slopes).”

EEE. Part II Section III Condition 4 of the Permit states: “The operator shall place final cover within one year after disposal in the final lift ceases or as soon thereafter as weather permits. The composition of the final cover and manner of placement shall conform to 25 Pa.

Code § 273.234 (Final Cover and Grading).”

FFF. Condition 11 of the April 17, 2023 Permit Renewal, regarding the enhanced monitoring described in its Nuisance Minimization and Control Plan, states: “...All reports and accompanying memos shall be sent to the Department as they are completed each month.”

GGG. Title V Permit No. 48-328-008 Section C Site Level Requirement Number 001 states in part: “No person may permit the emission into the outdoor atmosphere of fugitive air contaminant from a source...”

Unlawful Conduct

HHH. BLC’s failure to place final cover within one (1) year after disposal in the final lift ceases or as soon thereafter as weather permits, as described in Paragraph D, above, constitutes violations of 25 Pa. Code §§ 273.201(c)(2) and 273.234(b) and Permit Part II, Section III, Condition 4.

III. BLC’s failure to place a uniform cover of the approved daily cover material on exposed solid waste at the end of each working day or at the end of 24 hours, whichever interval is less, as described in Paragraphs H and S, above, constitutes violations of 25 Pa. Code §§ 273.201(c) and 273.232(a) and Permit Part II, Section III, Condition 2.

JJJ. BLC’s failure to place a uniform daily cover material which met the performance standard of preventing vectors, odors, blowing litter and other nuisances, as described in Paragraphs H and S, above, constitutes violations of 25 Pa. Code §§ 273.201(c) and 273.232(b)(1) and Permit Part II, Section III, Condition 2.

KKK. BLC’s failure to place a uniform daily cover material which met the performance standard to cover solid waste after it is placed without change in its properties and without regard

to weather, as described in Paragraph H, above, constitutes violations of 25 Pa. Code §§ 273.201(c)(2) and 273.232(b)(2) and Permit Part II, Section III, Condition 2.

LLL. BLC's failure to maintain a 5-day supply of cover material on site, as described in Paragraph H, above, constitutes violations of 25 Pa. Code §§ 273.201(c)(2) and 273.232(c).

MMM. BLC's failure to promptly address and correct problems and deficiencies discovered in the course of inspections performed under 25 Pa. Code § 273.218(b)(2), as described in Paragraphs M and BB, above, constitutes violations of 25 Pa. Code §§ 273.201(c) and 273.218(b)(3) and Permit Part II, Section II, Condition 8.b.

NNN. BLC's failure to maintain intermediate cover that prevented odors, as described in Paragraphs M, O, P, and BB above, constitutes violations of 25 Pa. Code §§ 273.201(c) and 273.233(b)(1) and Permit Part II, Section III, Condition 3.

OOO. BLC's failure to prevent the emission of a malodorous air contaminant from the Facility into the atmosphere in such a manner that a malodor was detectable outside the Facility where the malodor was generated, as described in Paragraph P, above, constitutes violations of 25 Pa. Code §§ 123.31(b), 127.444, and 273.217(b) and Title V Permit No. 48-328-008 Section C Site Level Requirement Number 001.

PPP. BLC's failure to prevent and control air pollution in accordance with the Air Pollution Control Act, Article III and § 273.218, as described in Paragraph P, above, constitutes violations of 25 Pa. Code §§ 273.201(c) and 273.217(a) and Permit Part II, Section II, Condition 7.a.

QQQ. BLC's failure to spread and compact solid waste as approved by the Department as part of the Permit under 25 Pa. Code § 273.141, as described in Paragraph S, above,

constitutes violations of 25 Pa. Code §§ 273.201(c) and 273.216(c) and Permit Part II, Section II, Condition 6.c.

RRR. BLC's failure to perform regular, frequent and comprehensive site inspections to evaluate the effectiveness of cover, capping, gas collection and destructions, waste acceptance and all other waste management practices in reducing the potential for offsite odor creation, as described in Paragraph BB, above, constitutes violations of 25 Pa. Code §§ 273.201(c) and 273.218(b)(2) and Permit Part II, Section II, Condition 8.b.

SSS. BLC's failure to maintain intermediate cover that covers solid waste after it is placed without change in its properties and without regard to weather, as described in Paragraph BB, above, constitutes violations of 25 Pa. Code §§ 273.201(c) and 273.233(b)(2) and Permit Part II, Section III, Condition 3.

TTT. BLC's failure to meet the intermediate cover design requirements of being at least 12 inches in thickness and uniformly graded, as described in Paragraph BB, above, constitutes violations of 25 Pa. Code §§ 273.201(c) and 273.233(c)(1) and (2) and Permit Part II, Section III, Condition 3.a.

UUU. BLC has failed to consistently submit monthly reports and accompanying memos to the Department for the enhanced surface monitoring as part of its Nuisance Minimization and Control Plan for May 2023 until the present, in violation of 25 Pa. Code § 273.201(c) and Condition 11 of the April 17, 2023 Permit Renewal.

VVV. The violations described in Paragraphs HHH through UUU constitute unlawful conduct under Section 610 of the Solid Waste Management Act, 35 P.S. § 6018.610, a statutory nuisance under Section 601 of the Solid Waste Management Act, 35 P.S. § 6018.601, and subject

BLC to civil penalty liability under Section 605 of the Solid Waste Management Act, 35 P.S. § 6018.605.

WWW. The violation described in Paragraph OOO constitutes unlawful conduct under Section 8 of the Air Pollution Control Act, 35 P.S. § 4008; a statutory nuisance under Section 13 of the Air Pollution Control Act, 35 P.S. § 4013; and subjects BLC to civil penalty liability under Section 9.1 of the Air Pollution Control Act, 35 P.S. § 4009.1.

ORDER

After full and complete negotiation of all matters set forth in this Consent Order and Agreement and upon mutual exchange of covenants contained herein, the parties desiring to avoid litigation and intending to be legally bound, it is hereby ORDERED by the Department and AGREED to by BLC as follows:

1. **Authority.** This Consent Order and Agreement is an Order of the Department authorized and issued pursuant to Section 602 of the Solid Waste Management Act, 35 P.S. § 6018.602 and Section 1917-A of the Administrative Code, 71 P.S. § 510-17.

2. **Findings.**

a. In any matter or proceeding between BLC and the Department, BLC shall not challenge or deny the Department's assertion of the truth, accuracy, or validity of Paragraphs A through WWW, above.

b. The parties do not authorize any other persons to use the findings in this Consent Order and Agreement in any matter or proceeding and nothing in this Consent Order and Agreement constitutes an admission on the part of BLC in any matter or proceeding not between BLC and the Department.

3. ***Corrective Action.***

a. By June 30, 2026, BLC shall complete final capping of approximately 5.4 acres of intermediate cover in the Southeast Realignment, as depicted on the plan entitled “Existing Cap Limits/Proposed Capping Schedule,” dated October 2025, and prepared by Martin and Martin Incorporated, which is Exhibit A, attached hereto.

b. Within 90 days of execution of this Consent Order and Agreement, BLC shall complete the installation of nine vertical gas extraction wells, three horizontal gas extraction wells, vacuum lateral piping, and associated valves, connections, and cleanouts.

c. Within 30 days of the installation and surveying of the vertical and horizontal gas extraction wells and associated equipment that are required in Paragraph 3.b, above, BLC shall submit to the Department as-built drawings of the installed vertical and horizontal gas extraction wells to include placement, depth, and construction details of each well.

d. By March 31, 2026, BLC shall complete installation of temporary cap on approximately 3.1 acres in the Southeast Realignment along the Eastern edge, as depicted on Exhibit A.

e. Within 30 days of execution of this Consent Order and Agreement, BLC shall submit to the Department a Standard Operating Procedure for communication between BLC and Archaea Gas-to-Energy Plant, including routine communications, as well as communication of issues with the Archaea Plant that may affect landfill operations.

f. Within 30 days of execution of this Consent Order and Agreement, BLC shall submit to the Department a revised Nuisance Minimization and Control Plan which specifically identifies and details mitigation measures rather than only referencing other

documents in which the mitigation measures are described.

g. Within 30 days of execution of this Consent Order and Agreement, BLC shall submit to the Department a revised Enhanced Odor Mitigation Plan which reflects the following:

(i) A detailed description of how the sources of elevated readings found during monthly SEM monitoring events will be identified.

(ii) BLC will provide the Department with monthly SEM data points and a corresponding location map for each monthly SEM monitoring event, within the first 30 days of that event, through the Department's public upload tool.

(iii) BLC will provide the Department with a written report, which includes data points and the corresponding location map, for each monthly SEM monitoring event, within 45 days after all re-monitoring for the initial monitoring event has been completed, through the Department's public upload tool.

(iv) BLC will, after all re-monitoring for each initial monitoring event has been completed, have a written evaluation prepared comparing the corresponding location map and data to the prior month's location map and data. The written evaluation will identify trends and issues to be addressed and will include the corrective measures to be implemented. BLC will provide the Department with the written evaluation within 45 days after all re-monitoring for the initial monitoring event has been

completed, through the Department's public upload tool.

h. Within 30 days of execution of the Consent Order and Agreement, BLC shall submit to the Department a minor modification application for the modification to the capping schedule for the stockpile area.

4. ***Submission of Documents.*** With regard to any document that BLC is required to submit in Paragraph 3, above, of this Consent Order and Agreement, the Department will review the document and will approve or disapprove the document, or any portion thereof, in writing. If the document, or any portion thereof, is disapproved by the Department, BLC shall submit a revised document to the Department that addresses the Department's concerns within a reasonable time, as specified by the Department. Upon approval by the Department, the document, including any Department-approved implementation schedules, shall become a part of this Consent Order and Agreement for all purposes and shall be enforceable as such.

5. ***Civil Penalty Settlement.*** BLC consents to the assessment of a civil penalty of one hundred, thirty-seven thousand, seven hundred fifty dollars (\$137,750.00), which shall be paid in full upon signing. This payment is in settlement of the Department's claim for civil penalties for the violations set forth in Paragraphs HHH through UUU, above, for the dates set forth in Paragraphs D, H, M, O, P, S, X, Y, Z, AA, and BB, above. The payment shall be by corporate check or the like, made payable to the Commonwealth of Pennsylvania - Solid Waste Abatement Fund, and sent to Pennsylvania Department of Environmental Protection, 2 Public Square, Wilkes-Barre, PA 18701-1915, Attn: Roger Bellas, Waste Management Program Manager.

6. ***Stipulated Civil Penalties.***

a. In the event BLC fails to comply in a timely manner with any term or provision of this Consent Order and Agreement, BLC shall be in violation of this Consent Order and Agreement and, in addition to other applicable remedies, shall pay a civil penalty determined as follows:

(i) For any violation of Paragraphs 3.a, 3.b, and 3.d, five hundred dollars (\$500.00) per day for each violation.

(ii) For any violation of Paragraphs 3.c and 3.e through 3.h, two hundred fifty dollars (\$250.00) per day for each violation.

b. Stipulated civil penalty payments shall be payable monthly on or before the fifteenth day of each succeeding month and shall be made by corporate check or the like made payable to the Commonwealth of Pennsylvania – Solid Waste Abatement Fund and sent to Pennsylvania Department of Environmental Protection, 2 Public Square, Wilkes-Barre, PA 18701-1915, Attn: Roger Bellas, Waste Management Program Manager.

c. Any payment under this paragraph shall neither waive BLC's duty to meet its obligations under this Consent Order and Agreement nor preclude the Department from commencing an action to compel BLC's compliance with the terms and conditions of this Consent Order and Agreement. The payment resolves only BLC's liability for civil penalties arising from the violations of this Consent Order and Agreement for which the payment is made.

d. Except for violations of Paragraphs 3.c and 3.e through 3.h, stipulated civil penalties shall be due automatically and without notice. No stipulated civil penalty will be owed for violations of Paragraphs 3.c and 3.e through 3.h if the violations are corrected within

three (3) days of notice from the Department.

7. ***Additional Remedies.***

a. In the event BLC fails to comply with any provision of this Consent Order and Agreement, the Department may, in addition to the remedies prescribed herein, pursue any remedy available for a violation of an order of the Department, including an action for civil penalties or an action to enforce this Consent Order and Agreement.

b. The remedies provided by this paragraph and Paragraph 6 (Stipulated Civil Penalties) are cumulative and the exercise of one does not preclude the exercise of any other. The failure of the Department to pursue any remedy shall not be deemed to be a waiver of that remedy. The payment of a stipulated civil penalty, however, shall preclude any further assessment of civil penalties for the violation for which the stipulated penalty is paid.

8. ***Reservation of Rights.*** The Department reserves the right to require additional measures to achieve compliance with applicable law. BLC reserves the right to challenge any action which the Department may take to require those measures.

9. ***Liability of Operator.*** BLC shall be liable for any violations of the Consent Order and Agreement, including those caused by, contributed to, or allowed by its officers, agents, employees, or contractors. Except as provided in Paragraph 10.c, BLC also shall be liable for any violation of this Consent Order and Agreement caused by, contributed to, or allowed by its successors and assigns.

10. ***Transfer of Site.***

a. The duties and obligations under this Consent Order and Agreement shall not be modified, diminished, terminated or otherwise altered by the transfer of any legal or

equitable interest in the Facility or any part thereof.

b. If BLC intends to transfer any legal or equitable interest in the Facility which is affected by this Consent Order and Agreement, BLC shall serve a copy of this Consent Order and Agreement upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the Northeast Regional Office of the Department of such intent.

c. The Department in its sole discretion may agree to modify or terminate BLC's duties and obligations under this Consent Order and Agreement upon transfer of the Facility. BLC waives any right that it may have to challenge the Department's decision in this regard.

11. ***Correspondence with Department.*** All correspondence with the Department concerning this Consent Order and Agreement shall be addressed to:

Roger Bellas
Waste Management Program Manager
Pennsylvania Department of Environmental Protection
2 Public Square
Wilkes-Barre, PA 18701-1915
Email: ra-epwm-nero@pa.gov
Phone: 570-826-2511
Fax: 570-826-2357

12. ***Correspondence with BLC.*** All correspondence with BLC concerning this Consent Order and Agreement shall be addressed to:

David Pannucci
Regional Engineer
Bethlehem Landfill Company
2335 Applebutter Road
Bethlehem, Pennsylvania 18015
Email: david.pannucci@wasteconnections.com
Phone: 315-539-5624

Fax: 315-539-0653

BLC shall notify the Department whenever there is a change in the contact person's name, title, or address. BLC agrees that service of any notice, document, or any legal process for any purpose under this Consent Order and Agreement, including its enforcement, may be made electronically by email to the above email or by mailing a copy by first class mail to the above address.

13. ***Force Majeure.***

a. In the event that BLC is prevented from complying in a timely manner with any time limit imposed in this Consent Order and Agreement solely because of a strike, fire, flood, act of God, or other circumstance beyond BLC's control and which BLC, by the exercise of all reasonable diligence, is unable to prevent, then BLC may petition the Department for an extension of time. An increase in the cost of performing the obligations set forth in this Consent Order and Agreement shall not constitute circumstances beyond BLC's control. BLC's economic inability to comply with any of the obligations of this Consent Order and Agreement shall not be grounds for any extension of time.

b. BLC shall only be entitled to the benefits of this paragraph if it notifies the Department within five (5) working days by telephone and within ten (10) working days in writing of the date it becomes aware or reasonably should have become aware of the event impeding performance. The written submission shall include all necessary documentation, as well as an affidavit from an authorized individual specifying the reasons for the delay, the expected duration of the delay, and the efforts which have been made and are being made by BLC to mitigate the effects of the event and to minimize the length of the delay. The initial

written submission may be supplemented within ten working days of its submission. BLC's failure to comply with the requirements of this paragraph specifically and in a timely fashion shall render this paragraph null and of no effect as to the particular incident involved.

c. The Department will decide whether to grant all or part of the extension requested on the basis of all documentation submitted by BLC and other information available to the Department. In any subsequent litigation, BLC shall have the burden of proving that the Department's refusal to grant the requested extension was an abuse of discretion based upon the information then available to it.

14. **Severability.** The paragraphs of this Consent Order and Agreement shall be severable and should any part hereof be declared invalid or unenforceable, the remainder shall continue in full force and effect between the parties.

15. **Entire Agreement.** This Consent Order and Agreement shall constitute the entire integrated agreement of the parties. No prior or contemporaneous communications or prior drafts shall be relevant or admissible for purposes of determining the meaning or extent of any provisions herein in any litigation or any other proceeding.

16. **Attorney Fees.** The parties shall bear their respective attorney fees, expenses and other costs in the prosecution or defense of this matter or any related matters, arising prior to execution of this Consent Order and Agreement.

17. **Modifications.** No changes, additions, modifications, or amendments of this Consent Order and Agreement shall be effective unless they are set out in writing and signed by the parties hereto.

18. **Titles.** A title used at the beginning of any paragraph of this Consent Order and

Agreement may be used to aid in the construction of that paragraph but shall not be treated as controlling.

19. ***Decisions Under Consent Order.*** BLC waives its rights to appeal to the Environmental Hearing Board any decision that the Department makes under the provisions of this Consent Order and Agreement, including a notice that stipulated civil penalties are due, which rights may be available under Section 4 of the Environmental Hearing Board Act, the Act of July 13, 1988, P.L. 530, No. 1988-94, 35 P.S. § 7514; the Administrative Agency Law, 2 Pa. C.S. § 103(a) and Chapters 5A and 7A; or any other provisions of law. Except as provided in Paragraph 10.c above, the Department agrees that any objection that BLC may have to any such decision may be raised as a defense in any Court where the Department enforces this Consent Order and Agreement.

20. ***Termination.*** The obligations of Paragraph 3 shall terminate when the Department determines that BLC has complied with the requirements of Paragraphs 3.a through 3.h, above.

21. ***Execution of Agreement.*** This Consent Order and Agreement may be signed in counterparts, each of which shall be deemed to be an original and all of which together shall constitute one and the same instrument.

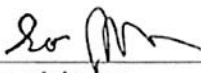
22. ***Signatures.*** This Consent Order and Agreement may be signed electronically in accordance with the Pennsylvania Electronic Transactions Act, Act 69 of 1999, 73 P.S. § 2260.301 et seq.

IN WITNESS WHEREOF, the parties hereto have caused this Consent Order and Agreement to be executed by their duly authorized representatives. The undersigned

representatives of BLC certify under penalty of law, as provided by 18 Pa. C.S. § 4904, that they are authorized to execute this Consent Order and Agreement on behalf of BLC; that BLC consents to the entry of this Consent Order and Agreement as a final ORDER of the Department; and that BLC hereby knowingly waives its right to appeal this Consent Order and Agreement and to challenge its content or validity, which rights may be available under Section 4 of the Environmental Hearing Board Act, Act of July 13, 1988, P.L. 530, 35 P.S. § 7514; the Administrative Agency Law, 2 Pa. C.S. § 103(a) and Chapters 5A and 7A; or any other provisions of law. Signature by BLC's attorney certifies only that the agreement has been signed after consulting with counsel.

FOR BETHLEHEM LANDFILL
COMPANY:

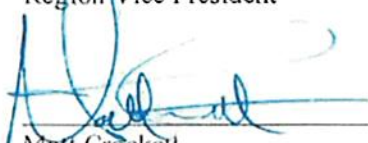
FOR THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION:



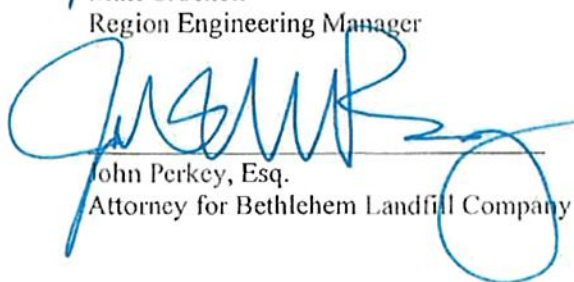
Scott Johnson
Region Vice President



Roger Bellas
Waste Management Program Manager



Matt Crockett
Region Engineering Manager

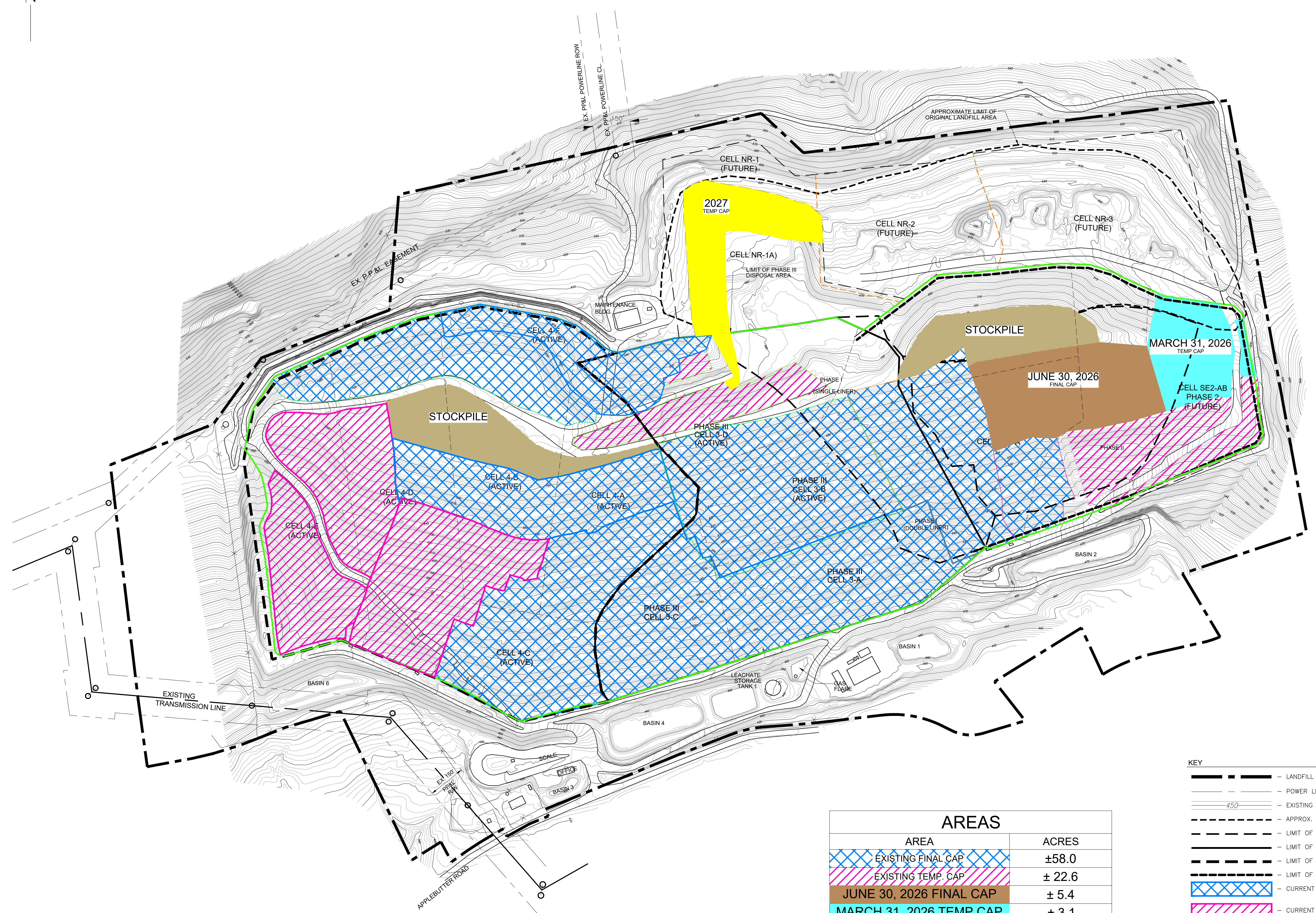


John Perkey, Esq.
Attorney for Bethlehem Landfill Company



David R. Stull, Esq.
Assistant Counsel

EXHIBIT A



AREAS	
AREA	ACRES
EXISTING FINAL CAP	±58.0
EXISTING TEMP. CAP	± 22.6
JUNE 30, 2026 FINAL CAP	± 5.4
MARCH 31, 2026 TEMP CAP	± 3.1
2027 TEMP CAP	± 3.8
TOTAL	± 92.9

- KEY**
- LANDFILL PROPERTY LINE
 - POWER LINE R/W
 - EXISTING CONTOURS
 - APPROX. LIMIT OF ORIG. LANDFILL AREA
 - LIMIT OF PHASE I & II DISPOSAL AREA
 - LIMIT OF PHASE III DISPOSAL AREA
 - LIMIT OF PHASE IV DISPOSAL AREA
 - LIMIT OF SOUTHEASTERN REALIGNMENT DISPOSAL AREA
 - CURRENT AREA WITH MEMBRANE CAP
 - CURRENT AREA WITH TEMPORARY CAP
 - LIMIT OF CURRENTLY CONSTRUCTED LINER

NOTE:
 DRONE DATA CAPTURE DATE: 3-6-25 BY: FIRMATEK, LLC
 10010 SAN PEDRO AVE., SUITE 850, SAN ANTONIO, TX 78216
 (210) 651-4990 WWW.FIRMATEK.COM

DISPOSAL AREA INFORMATION (PHASE III AND EARLIER) TAKEN FROM PHASE III PERMIT DRAWINGS BY GANNETT FLEMING DATED NOV. 9, 1993

PROPERTY LINE DATA TAKEN FROM PLAN BY KEYSTONE CONSULTING ENGINEERS, INC. DATED 5-31-98 & REVISED THRU 12-13-2000.

<p>FILE:</p>	<p>1162_1CXA26-01.dwg</p>	<p>DATE: JAN 2026</p>	<p>SCALE: 1" = 200'</p>	<p>DRAWING NO. 1</p>	<p>SEAL</p>
<p>EXISTING CAP LIMITS / PROPOSED CAPPING SCHEDULE</p>					
<p>Lower Saucon TWP. NORTHAMPTON CO. PENNSYLVANIA</p>					
<p>Bethlehem Landfill Company WASTE CONNECTIONS INC. <small>Company established in 1988</small></p>					
<p>martin and martin incorporated phone: (717) 37 south main street • suite A 264-6759 chambersburg, pennsylvania • 17201</p>					

For Invoice payment status, please visit - <https://WasteConnections.InvoiceInfo.com>

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER. THERMOCHROMIC INK ON BACK.



WASTE CONNECTIONS
3 WATERWAY SQUARE PLACE, SUITE 110
THE WOODLANDS, TX 77380


BANK OF AMERICA 52-153/112 ME
*** PROTECTED BY POSITIVE PAY ***

DATE	1/8/2026	CHECK NUMBER	5199319
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PAY One hundred thirty-seven thousand seven hundred fifty and 00/100 US Dollars

TO THE ORDER OF COMMONWEALTH OF PENNSYLVANIA
SOLID WASTE ABATEMENT FUND
2 PUBLIC SQUARE
WILKES BARRE PA 18701-1915
USA

AMOUNT	\$	*****137,750.00
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VOID AFTER 180 DAYS


Authorized Signature

VOID COPY

WASTE CONNECTIONS

DATE	1/8/2026	CHECK NUMBER	5199319
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Invoice	Invoice Date	PO No.	Description	Net Amount
123025	12/30/2025	PO-6380-25-01354	DEP violation civil penalty. See page 19 of support for amount	137,750.00

Vendor No.	U0001231	Pay To	COMMONWEALTH OF PENNSYLVANIA	Net Total	\$ 137,750.00
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Matulevich, Joshua

From: Matulevich, Joshua
Sent: Wednesday, January 14, 2026 2:39 PM
To: matthew.crockett@wasteconnections.com; David Pannucci;
john.perkey@wasteconnections.com
Cc: Bellas, Roger; Miller, Rachel; Stull, David R.; Maryanne Garber
Subject: Bethlehem Landfill Company COA Executed
Attachments: Bethlehem Landfill Company COA executed 2026-01-14.pdf

Dear Mr. Crockett:

Attached is an executed copy of the January 14, 2026 Consent Order and Agreement (COA) among Pennsylvania Department of Environmental Protection and Bethlehem Landfill Company. The Department has received your civil penalty payment in the amount of \$137,750.00.

If you have any questions, please contact me by e-mail at jmatulevic@pa.gov or by phone at 570-826-5488.

Respectfully,
-Joshua Matulevich

Joshua Matulevich | Environmental Protection Compliance Specialist
Department of Environmental Protection | Northeast Regional Office
2 Public Square | Wilkes-Barre, PA 18701-1915
Phone: 570.826.5488 | Fax: 570.826.5448
www.dep.pa.gov