

WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD
CHARLESTON, WEST VIRGINIA

RECEIVED
JUN 26 2025
Environmental Quality
Board

REPUBLIC SERVICES/SHORT CREEK LANDFILL,

Appellant,

v.

Appeal No. 25-07-EQB

DIRECTOR, DIVISION OF WATER AND WASTE MANAGEMENT,
DEPARTMENT OF ENVIRONMENTAL PROTECTION,

Appellee.


NOTICE OF APPEAL

Action Complained Of: The appellant named above respectfully represents that it is aggrieved by the attached Minor Permit Modification for Disposal of Petroleum-Contaminated Material dated May 29, 2025.

Relief Requested: The appellant therefore prays that this matter be reviewed and that the Board grant the following relief: That the Auto Shredder & Nonferrous Separation Waste should be continued and allowed to be used for alternate daily coverage at Short Creek Landfill.

Specific Objections: The specific objections to the action are set forth in detail in the attached letter from Eric D. Chiao, P.E. to Yogesh Patel, P.E., dated June 20, 2025.

Dated this 26 day of June, 2025.



SAMUEL F. HANNA, ESQUIRE
WV State Bar #1580
P. O. Box 2311
Charleston, WV 25328
(304) 342-2137



west virginia department of environmental protection

Division of Water and Waste Management
601 57th Street SE
Charleston, WV 25304
Phone: (304) 926-0465
Fax: (304) 926-0456

Harold D. Ward, Cabinet Secretary
dep.wv.gov

Minor Permit Modification for Disposal of Petroleum-Contaminated Material

SWPU ID: 25-05-49

Landfill: Short Creek

Generator: AMG Resources Corp.

Request Received: May 29, 2025

Request Dated: May 29, 2025

Waste: Auto Shredder & Nonferrous Separation

Generated at: Benwood, WV

Comments and/or Conditions

The following checked (X) comments and/or conditions apply:

1. ☒ The West Virginia Department of Environmental Protection, Office of Solid Waste, has reviewed the information submitted by Short Creek Landfill. Based upon this information, the WVDEP believes that this waste is excluded from regulation as hazardous waste under the Resource Conservation and Recovery Act. Consequently, a minor permit modification is granted for the disposal of this waste at Short Creek Landfill.
2. ☒ Quantity Approved: 32,000 Ton/Year

☐ This quantity approved is an increase of the amount allowed by the Minor Permit Modification: granted:
3. ☒ This amount may be received before: May 29, 2027

☐ The above date represents an extension of the time allow by the Minor Permit Modification: granted:
4. ☒ Approved for disposal:

☒ TPH (GRO + DRO + ORO) > 10,000 mg/kg: This waste must be aerated over an unused lined portion of the landfill until test results are obtained showing that TPH (GRO + DRO + ORO) is less than 10,000 mg/kg, TOVs are less than 100 ppm, and if

Promoting a healthy environment.

DRO is present at more than 100 mg/kg, until total PAH is less than 100 mg/kg, and then disposed of within 30 days of obtaining those test results.

☐ TPH (.....) < 10,000 mg/kg:

- a. DRO > 100 mg/kg and/or TOVs > 100 ppm: This waste must be aerated over an unused lined portion of the landfill until test results are obtained showing that, as applicable, total PAH is less than 100 mg/kg and TOVs are less than 100 ppm, and then disposed of within 30 days of obtaining those test results.
- b. DRO < 100 mg/kg and TOVs < 100 ppm: This waste must be disposed of within 30 days of receiving the waste or this minor permit modification, whichever is later.

5. ☐ Approved for use as daily cover or disposal:

☐ TPH (.....) > 5,000 mg/kg: This waste must be aerated over an unused lined portion of the landfill until test results are obtained showing that TPH (.....) is less than 5,000 mg/kg, TOVs are less than 100 ppm, and if DRO is present at more than 100 mg/kg, until total PAH is less than 100 mg/kg, and then used as daily cover or disposed of within 30 days of obtaining those test results.

☐ TPH (.....) < 5,000 mg/kg:

- a. DRO > 100 mg/kg and/or TOVs > 100 ppm: This waste must be aerated over an unused lined portion of the landfill until test results are obtained showing that, as applicable, total PAH is less than 100 mg/kg and TOVs are less than 100 ppm, and then disposed of within 30 days of obtaining those test results.
- b. DRO < 100 mg/kg and TOVs < 100 ppm: This waste must be used as daily cover or disposed of within 30 days of receiving the waste or this minor permit modification, whichever is later.

6. ☐ After a minimum of thirty days of aeration, this waste must be tested for _____ and the analytical results submitted to this office for review before disposal.

7. ☒ Petroleum contaminated materials that are not used as daily cover shall be included in monthly tonnage calculations.

8. ☒ Petroleum contaminated materials (PCM) that are used as daily cover may be excluded from monthly tonnage calculations, provided that all of the following conditions are met:

- a. Daily deposition of solid waste is confined to as small an area as practical in accordance with the Solid Waste Management Rule, 33 C.S.R. 1-4.6.a.1.A.
- b. Calculations for the amount to be used as daily cover and exempted from the tonnage limits shall be based on an eight foot (8') vertical cell height for solid waste disposed of daily.
- c. Under no circumstances, shall the amount of PCM used as daily cover and exempted from monthly tonnage calculations, exceed the rate of 0.14 tons per one (1) ton of solid waste.

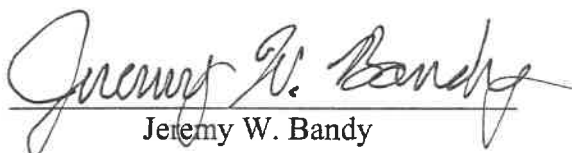
- d. Example: A facility that receives 200 tons per day of solid waste, including PCM that is suitable for use as daily cover, shall not exceed 28 tons per day for tonnage exemption.

Required formula for calculation:

$0.14 \times \text{tons of solid waste per day} = \text{tons of cover material permitted per day.}$

9. ☒ The disposal or use as daily cover of this waste must take place during normal working hours, will not be exempt from assessment fees, and must be included in the monthly tonnage report.
10. ☒ Free liquids received by the landfill cannot be disposed of in the landfill. Free liquids and poorly contained liquids must be absorbed on solid material before being placed in the disposal cell. A Paint Filter Liquid Test (Method 9095) as described in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods: (EPA Pub. No. SW-846), must be performed on each load of waste after solidification and results maintained on site at all times with the special waste permit for review by West Virginia Department of Environmental Protection (DEP_ personnel. A summary of this data must be submitted to the DEP every six (6) months from the issuance date of this permit, for the life of the permit.
11. ☒ Additional comments and/or conditions: In lieu of aeration, Short Creek Landfill shall excavate a pit in the active working disposal area. The contaminated material shall be placed in the pit and covered immediately upon disposal. Every year by the anniversary date of this Minor Permit Modification, Short Creek Landfill shall submit laboratory results for a sample representative of the waste, recently collected by AMG Resources Corp., and analyzed by EPA-approved methods for: TCLP VOC's, SVOC's, Metals, TPH-GRO, ORO, DRO, Percentage of Solids, PCBs, & PH
12. ☒ The landfill must maintain monthly storage capacity to accommodate the disposal of municipal solid waste as per the facility's Certificate of Necessity. This Permit in no way allows the landfill to guarantee space or accept waste from the waste generator if the guarantee or acceptance of the waste will be likely to create an excess in monthly tonnage.
13. ☒ If you have questions or need additional information, please contact Bassam Makar at (304) 926-0499, extension 43851 or Bassam.Y.Makar@wv.gov

Minor Permit Modification is Granted:


Jeremy W. Bandy

Director

May 30, 2025

Date



June 20, 2025

Mr. Yogesh Patel, P.E.
West Virginia Department of Environmental Protection
Engineer Chief
Division of Water and Waste Management
601 57th Street SE
Charleston, West Virginia 25304

Dear Mr. Patel:

Subject: Waiver Request to Continue Using Auto Shredder Residue as Alternative
Daily Cover Material
Republic Services Short Creek Landfill
SWF-1034 / WV0109517
Wheeling, West Virginia
CEC Project 171-934

On behalf of Republic Services Short Creek Landfill (Short Creek), Civil & Environmental Consultants, Inc. (CEC) submits this request for a waiver to continue using Auto Shredder Residue (ASR) generated by AMG Resources Corporation (AMG) as Alternative Daily Cover Material (ADCM) at the landfill.

A recent minor permit modification (SWPU ID: 25-05-49, dated May 29, 2025) for disposal of the AMG ASR did not include approval to use the material as ADCM. Prior to this recent modification, Short Creek has been permitted to use ASR as ADCM and has done so successfully for many years.

Based on the site's experience to date, Republic Services believes the continued use of ASR as ADCM is a reasonable request for the following:

- Short Creek has successfully applied ASR as ADCM over the past approximately 20 years, and its use has become a well-established part of routine daily operations. Short Creek's working face operators have considerable experience delivering, spreading, and securing ASR in a manner that effectively covers waste and minimizes the potential for environmental impact.
- During this time the landfill has not received any complaints with respect to odors related to ASR and has not received a West Virginia Department of Environmental Protection (DEP) violation related to its use as ADCM.
- ASR used in this manner is environmentally beneficial. It reduces the need for Short Creek personnel to excavate, load, transport, and spread soil, which cuts down on emissions from

Mr. Yogesh Patel, P.E.
CEC Project 171-934
Page 2
June 20, 2025

heavy construction equipment, and has substantially reduced the need for Short Creek to develop soil borrow sources, thus limiting earth disturbance.

- ASR is not contaminated soil; it possesses greater surface area and is absorbent, relative to soil. These characteristics allow ASR to absorb and sequester total petroleum hydrocarbons (TPH) better than soil.
- Surface water monitoring results indicate TPHs absorbed within the ASR remain absorbed and within the lined landfill and are not leached during precipitation events, as evidenced by the fact there has been no impact to surface water quality.
- There's been essentially no change over time in the chemistry of the ASR with respect to TPH or other parameters. Review of chemical analyses performed on the AMG ASR used as ADCM over the past several years shows chemical characteristics similar to ASR samples from recent (i.e., 2025) testing. Again, the ASR has been routinely used during this time period without environmental impact or nuisance complaints.

Republic believes the continued use of ASR as ADCM aligns with our shared goals of improving landfill efficiency, reducing environmental impact, and promoting sustainable waste management practices, and respectfully requests a waiver approval.

If you have any questions or comments, please call Mr. Shawn Meenihan – Republic Environmental Manager at (724) 601-3444 or me at (724) 327-5200.

Very truly yours,

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.



Eric D. Chiado, P.E.
Vice President

EDC/jg

cc: Bassam Makar

L-171934.Jun20/P

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**DIRECTOR, DIVISION OF WATER AND WASTE MANAGEMENT,
DEPARTMENT OF ENVIRONMENTAL PROTECTION,**

Appellee.


CERTIFICATE OF SERVICE

I, Samuel F. Hanna, do hereby certify that I, on this 26th day of June, 2025, served the attached Notice of Appeal to all parties in the foregoing Appeal, by U. S. Mail, postage prepaid, as follows:

Kenna DeRaimo, Clerk
Environmental Quality Board
601 57th St., SE
Charleston, WV 25304

WVDEP
601 57th St., SE
Charleston, WV 25304

Jeremy W. Bandy, Director
Division of Water and Waste Management
601 57th St., SE
Charleston, WV 25304


Samuel F. Hanna