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COURT HOLDS REPUBLIC SERVICES LIABLE FOR 419 CLEAN WATER ACT VIOLATIONS AT MODERN LANDFILL

On Monday, a court ruled in Lower Susquehanna Riverkeeper Association’s favor that Republic Services’ Modern Landfill violated the federal Clean Water Act 419 times from July 2019 through April 2023. The landfill, located in York County, PA, generates approximately 200,000 gallons per day of leachate wastewater. The landfill is subject to a permit under the Clean Water Act that authorizes pollutants to be discharged into Kreutz Creek, a tributary of the Susquehanna River. Those discharges must strictly adhere to the pollution limitations of the permit, however, and the court found Republic Services violated those terms, subjecting it to strict liability under federal law.

The citizen suit was filed in 2023 in the U.S. District Court for the Middle District of Pennsylvania. The suit alleged Modern Landfill repeatedly violated its Clean Water Act permit limits for boron and osmotic pressure – a surrogate measurement for dissolved solids.

Monday’s decision confirms Republic Service’s liability for violating the boron and osmotic pressure limits in its Clean Water Act permit. “Our citizen suit against Modern Landfill will keep pollution out of the Susquehanna River and hold polluters like Republic Services accountable for violating federal law,” said Ted Evgeniadis, the Lower Susquehanna Riverkeeper and LSRA’s Executive Director. “We will continue to bring these types of cases to protect the Susquehanna and deter other industries from violating their permits.”

In March 2024, the Court ordered that Modern Landfill could not conceal from the public the fact that it was sending millions of gallons of concentrated waste to Harrisburg’s Capital Region Water wastewater treatment plant, where it was being discharged (and continued to be discharged until about August 2024) without significant further treatment into the Susquehanna River. The court’s decision made clear that Modern Landfill may not keep such information secret (as it previously tried to do) and instead must make this information public.

“This case exemplifies the power of citizen suits,” said Jim Hecker of Public Justice, lead counsel for Lower Susquehanna Riverkeeper. “In passing the Clean Water Act, Congress empowered Americans to enforce the law against polluters when state and federal regulators fail to do so. We look forward to continuing this case and ensuring a meaningful and significant civil penalty is imposed against Republic Services for these violations.”

“With the current administration seemingly abandoning federal enforcement of environmental laws, citizen suits are more important than ever,” said Steve Harvey of Steve Harvey Law LLC, co-counsel on the case. “We need organizations like Lower Susquehanna Riverkeeper to continue to watchdog polluters and enforce the law when necessary.”

Lower Susquehanna Riverkeeper Association is a licensed Waterkeeper® non-profit organization dedicated to improving the ecological health of the Lower Susquehanna River Watershed and the Chesapeake Bay. The Lower Susquehanna Riverkeeper patrols the river for illegal pollution, and when necessary, enforces environmental laws to protect the river and communities that depend on it.

Public Justice combines high-impact litigation, strategic partnerships, and grassroots organizing with targeted communications to shape the narrative about environmental injustice and build empowering relationships with communities most affected by environmental threats and actions. The Public Justice Environmental Enforcement Project holds polluters accountable by enforcing environmental laws and winning groundbreaking results in court to protect our nation's clean water, air, and land—and the people, animals, and ecological communities that rely upon it. For more information, visit PublicJustice.net.

Steve Harvey Law LLC is a law firm in Philadelphia, Pennsylvania, that represents clients seeking civil and environmental justice.