



February 28, 2022

**By Mail**

Federal Trade Commission  
600 Pennsylvania Avenue NW  
Washington D.C.  
20580

**RE: Report No. 145028439**

**Complaint of Deceptive and Unfair Advertising of Artificial Turf**

**I. Introduction**

Public Employees for Environmental Responsibility (PEER) asks that the Federal Trade Commission (FTC) investigate the vendors, manufacturers, and marketers of artificial turf to determine whether the companies' websites and marketing practices violate Section 5 of the Federal Trade Commission Act, which prohibits unfair and deceptive marketing practices. Our review of numerous websites advertising artificial turf and statements made to consumers shows at least one type of deceptive or unfair marketing common among these businesses. These include the following false and misleading statement:

- Artificial turf is recyclable, i.e., it can be collected, separated, or otherwise recovered from the waste stream through an established recycling program for reuse or use in manufacturing or assembling another item.<sup>1</sup>

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<sup>1</sup> 16 C.F.R. § 260(12).

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Therefore, we ask the FTC to end this unfair and deceptive marketing practice and any others it uncovers in its investigation.

## **II. Complainants**

PEER is a non-profit public interest organization incorporated in Washington, D.C. and headquartered in Silver Spring, MD, with field offices in California, Colorado, Florida, Massachusetts, and Tennessee. Among other public interest projects, PEER engages in advocacy, research, education, and litigation relating to the promotion of public understanding and debate concerning key current public policy issues. PEER focuses on the environment, including the regulation of toxic substances and the remediation of pollution; public lands and natural resource management; public funding of environmental and natural resource agencies; and ethics in government.

## **III. Background**

Artificial turf fields were designed and promoted as an environmentally responsible alternative to traditional grass fields. These synthetic fields were determined to be a partial solution to the solid waste issues surrounding old tires taking up landfill space, accumulating in stockpiles across the country, presenting toxic fire hazards, and acting as a breeding ground for mosquitos.<sup>2</sup> To resolve this, the rubber was ground up to create the infill for year-round plastic grass fields for schools, parks, and sports teams.

Artificial turf contains multiple layers of materials. The artificial grass blades are usually made of various polymers.<sup>3</sup> Between the artificial grass blades is infill, usually composed of sand

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<sup>2</sup> ENVTL. PROT. AGENCY, OFFICE OF SOLID WASTE, *Markets for Scrap Tires*, 1 (Oct. 1991) <https://archive.epa.gov/epawaste/conservation/materials/tires/web/pdf/tires.pdf>.

<sup>3</sup> SYNTHETIC TURF COUNCIL, *A Guideline to Recycle, Reuse, Repurpose and Remove Synthetic Turf Systems*, 10-11 (Oct. 2017) [https://cdn.ymaws.com/www.syntheticurfCouncil.org/resource/resmgr/guidelines/STC\\_Guideline\\_for\\_Recycle\\_Re.pdf](https://cdn.ymaws.com/www.syntheticurfCouncil.org/resource/resmgr/guidelines/STC_Guideline_for_Recycle_Re.pdf).

and post-consumer tire rubber.<sup>4</sup> Some artificial turf fields use “organic infill products” such as “walnut shells, cork and cork/coconut blends.”<sup>5</sup> Underneath the infill are more layers of plastic and rubber which often include shock pads and drainage mats.<sup>6</sup>

The diversity of components, the amount created, and the rate at which artificial turf must be replaced creates an enormous amount of waste that presents serious technical, economic, and logistical challenges to its recycling. The polymers in artificial turf include “polyethylene, polypropylene, polyester, nylon, styrene butadiene rubber and polyurethane,” with polyester as “the primary material for non-woven turf backing.”<sup>7</sup> Additionally, natural materials such as silica sand and calcium carbonate are present.<sup>8</sup> In order for these materials to be recycled, they must be separated from each other as they have different viscosities and melting temperatures.<sup>9</sup>

Each synthetic field usually covers about 80,000 square feet and contains roughly 400,000 pounds of infill.<sup>10</sup> An artificial turf field will last eight to ten years, with most warranties running for only eight years, at which point the turf is removed and replaced.<sup>11</sup> Currently, there

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<sup>4</sup> *Id.*

<sup>5</sup> Mackenzie Hesler, *What Are My Artificial Turf Infill Options?*, US GREENTECH SPORTS BLOG, (April 2, 2019) <https://blog.usgreentech.com/sports/what-are-my-artificial-turf-infill-options>.

<sup>6</sup> SYNTHETIC TURF COUNCIL, *A Guideline to Recycle, Reuse, Repurpose and Remove Synthetic Turf Systems*, 10-11 (Oct. 2017) [https://cdn.ymaws.com/www.syntheticurf council.org/resource/resmgr/guidelines/STC\\_Guideline\\_for\\_Recycle\\_Re.pdf](https://cdn.ymaws.com/www.syntheticurf council.org/resource/resmgr/guidelines/STC_Guideline_for_Recycle_Re.pdf).

<sup>7</sup> *Id.* at 6.

<sup>8</sup> SYNTHETIC TURF COUNCIL, *A Guideline to Recycle, Reuse, Repurpose and Remove Synthetic Turf Systems*, 6 (Oct. 2017) [https://cdn.ymaws.com/www.syntheticurf council.org/resource/resmgr/guidelines/STC\\_Guideline\\_for\\_Recycle\\_Re.pdf](https://cdn.ymaws.com/www.syntheticurf council.org/resource/resmgr/guidelines/STC_Guideline_for_Recycle_Re.pdf).

<sup>9</sup> William Reusch, *Recycling and Disposal of Polymers*, VIRTUAL TEXTBOOK OF ORGANIC CHEMISTRY, (Sept. 13, 2020) [https://chem.libretexts.org/Bookshelves/Organic\\_Chemistry/Supplemental\\_Modules\\_\(Organic\\_Chemistry\)/Polymers/Recycling\\_and\\_Disposal\\_of\\_Polymers](https://chem.libretexts.org/Bookshelves/Organic_Chemistry/Supplemental_Modules_(Organic_Chemistry)/Polymers/Recycling_and_Disposal_of_Polymers).

<sup>10</sup> SYNTHETIC TURF COUNCIL, *A Guideline to Recycle, Reuse, Repurpose and Remove Synthetic Turf Systems*, 3 (Oct. 2017) [https://cdn.ymaws.com/www.syntheticurf council.org/resource/resmgr/guidelines/STC\\_Guideline\\_for\\_Recycle\\_Re.pdf](https://cdn.ymaws.com/www.syntheticurf council.org/resource/resmgr/guidelines/STC_Guideline_for_Recycle_Re.pdf).

<sup>11</sup> *Id.*

are roughly 13,000 artificial turf fields in the United States, though this number is estimated to grow by more than 1,000 each year.<sup>12</sup>

No facility in the United States can recycle artificial turf.<sup>13</sup> Currently, the only two facilities known to be able to recycle artificial turf are in Denmark<sup>14</sup> and The Netherlands.<sup>15</sup> This is due to the technical, economic and logistical challenges presented in recycling artificial turf.

Vendors of artificial turf have marketed, presented, and stated that the removed artificial turf is recyclable and is being sent to domestic recycling facilities where these materials are being recovered. However, as stated above, this is false. The plastic carpets and rubber crumb infill that make up these artificial fields are instead sent to landfill, incinerated, stockpiled,<sup>16</sup> or illegally dumped.<sup>17</sup>

#### **IV. Manufacturers and Marketers of Artificial Turf Make False and Deceptive Claims about their Products**

The vendors, manufacturers, and marketers that claim artificial turf is recyclable, such as Synlawn, TurfCycle, Playing Surface Solutions, Inc., and TenCate, make false and deceptive claims to consumers about the recyclability of their products.

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<sup>12</sup> SYNTHETIC TURF COUNCIL, *About Synthetic Turf*, [https://www.syntheticurfCouncil.org/page/About\\_Synthetic\\_Turf](https://www.syntheticurfCouncil.org/page/About_Synthetic_Turf) (Last Visited Jan. 3, 2022).

<sup>13</sup> See Lucas Thors, *Concerns Raised over Feasibility of Synthetic Turf Recycling*, MVTIMES, (Oct. 21, 2020) <https://www.mvtimes.com/2020/10/21/concerns-raised-feasibility-synthetic-turf-recycling/> (“[T]here is currently no operational recycling facility in the U.S.”); see also Guy Oldenkotte, ‘*Recycling turf in the US is just a matter of time*’, SPORTSFIELDS, (Mar. 22, 2021) (“[A] recycling facility doesn’t currently exist in the country the rest [of the artificial turf] ‘sit in big yards in different parts of the country, like Pennsylvania’”). As of December 1, 2021, Re-Match, a company located in Denmark, has chosen Luzerne County, Pennsylvania to be the location of its first North American recycling facility. *Artificial Turf Recycler Opens First North American Facility in Luzerne County Creating New Jobs*, GOVERNOR TOM WOLF, (Dec. 1, 2021) <https://www.governor.pa.gov/newsroom/gov-wolf-announces-artificial-turf-recycler-establishing-first-north-american-facility-in-luzerne-county-creating-approximately-40-jobs/>. However, Re-Match has no deed or mortgage recorded within any Pennsylvania County Clerk of Records, only a Consent of Landowner has been filed within Luzerne County. See Exhibit A.

<sup>14</sup> <https://re-match.com/>

<sup>15</sup> <https://www.gbn-agr.nl/en/>

<sup>16</sup> Douglass Stump, *Uncertainty surrounds disposal of mounds of artificial turf in Cleona*, Lebanon Daily News, (May 7, 2019) <https://www.ldnews.com/story/news/2019/05/07/cleona-council-meeting-disposal-plans-needed-artificial-turf/1130527001/>; see also Exhibit B (aerial photo of stockpiled fields in Pennsylvania).

<sup>17</sup> Re-Match has leased property from CNH Properties LLC where it has received a Notice of Violation for violating the Pennsylvania Solid Waste Management Act, 35 P.S. § 6018.610, and Pennsylvania's Residual Waste Management rules and regulations, 25 PA Code § 287.6. See Exhibit C.

### ***Claim that Artificial Turf is “recyclable”***

Various websites and promotional materials advertising artificial turf contend that the artificial turf is recyclable. These websites and promotional materials have made claims such as, “. . . SYNLawn . . . is recyclable in the United States”<sup>18</sup> “. . . TurfCycle . . . rescue[s] the materials and [diverts] them into recycle centers across the country”<sup>19</sup> “. . . Playing Surface Solutions, Inc. . . . recycles the material by sifting and cleaning the sand and rubber infill for use in other applications. The carpet is broken down, recycled, and repurposed as composite decking, such as Trex . . . synthetic fibers . . . are baled and sent to a recycling center for further process to be turned into fuel;”<sup>20</sup> and “. . . TenCate . . . is 100% recyclable.”<sup>21</sup>

However, there is no artificial turf recycling center in the United States and, to our knowledge, no artificial turf has ever been recycled in the United States.<sup>22</sup> Despite this, artificial turf is labeled as “recyclable” without qualification and is an overstatement of the environmental attribute of recyclability. Even if artificial turf can be recycled in The Netherlands or Denmark, the turf itself has not yet been sent to these recycling facilities and instead is either placed in a

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<sup>18</sup> Ty B., an assistant responding to electronic messages on SYNLawn’s website, stated that SYNLawn is recyclable and can be recycled in the United States. SYNLAWN, *About*, (Jan 5, 2022) <https://www.synlawn.com/about>. See Exhibit D.

<sup>19</sup> TURFCYCLE, *Services*, <https://turfcycleusa.com/> (Last visited Jan. 5, 2022); see Exhibit E.

<sup>20</sup> Amanda Farber, *Testimony Regarding Recycling of Artificial Turf*, THE FIELD FUND, (Oct. 9, 2020) <https://www.fieldfundinc.org/letters-links/2020/11/16/testimony-regarding-recycling-of-artificial-turf>.

<sup>21</sup> GREENFIELDS, *Tencate Accorder®*, *Woven Base Construction*, <https://greenfieldsusa.com/innovation/accorder-woven-base-construction/> (Last visited Jan. 5, 2022). See Exhibit F.

<sup>22</sup> Mark Curran, a representative from TenCate Grass, stated during a commission hearing in Martha’s Vineyard, Massachusetts, that no artificial turf fields “have been taken out of the US and recycled in the Netherlands.” Guy Oldenkotte, *‘Recycling turf in the US is just a matter of time’*, SPORTSFIELDS, (Mar. 22, 2021) <https://sportsfields.info/news/recycling-turf-in-the-us-is-just-a-matter-of-time/> (“[A] recycling facility doesn’t currently exist in the country the rest [of the artificial turf] ‘sit in big yards in different parts of the country, like Pennsylvania’”); see also PFAS Action Group (@PFASactiongroup), TWITTER (Oct. 29, 2021, 3:58 PM), <https://twitter.com/PFASactiongroup/status/1454175852686577667?s=20>; see also *Artificial Turf: “A Mounting Disposal Mess”*, WASTE360, (Jan. 7, 2020) (“[T]he technology to recycle [artificial turf]—separating the plastic grass and backing from the sand-and-rubber infill—still isn’t fully developed in the United States, or is deemed too expensive.”).

landfill, a storage facility, stockpiled,<sup>23</sup> or illegally dumped.<sup>24</sup> Claiming that artificial turf is “recyclable” asserts an environmental benefit where “the benefits are negligible,” in violation of 16 C.F.R. § 260.3(c).

Additionally, manufacturers and marketers have not adequately qualified their claims of recyclability. “A product should not be marketed as recyclable unless it can be collected, separated, or otherwise recovered from the waste stream through an established recycling program to reuse or use in manufacturing or assembling another item.”<sup>25</sup> As there are no such recycling facility within the United States these recycling facilities are not available to a substantial majority of consumers or communities where artificial turf is sold., as required by 16 C.F.R. § 260.12(b), and in fact it is not likely that recycling facilities are available to *any* U.S. consumers. No manufacturer has qualified recyclability claims by stating the percentage of consumers or communities that have access to facilities that recycle artificial turf.

Furthermore, marketers and manufacturers cannot make unqualified recyclable claims about artificial turf as the mix of materials used in artificial turf significantly limit its recyclability.<sup>26</sup> In order for the different plastics, rubber, and other materials used in artificial turf to be recycled, they must be separated from each other.<sup>27</sup> This deeply limits the recyclability of artificial turf. While the individual components of artificial may be recyclable, the entire turf itself cannot be, and would not be accepted in recycling programs.<sup>28</sup> Therefore, these unqualified

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<sup>23</sup> Douglass Stump, *Uncertainty surrounds disposal of mounds of artificial turf in Cleona*, Lebanon Daily News, (May 7, 2019) <https://www.ldnews.com/story/news/2019/05/07/cleona-council-meeting-disposal-plans-needed-artificial-turf/1130527001/>; *see also* Exhibit B.

<sup>24</sup> Kyla Bennett and Kirsten Stade, *Artificial Turf's Big Lie: Old Fields Not Recycled*, PUB. EMPS. FOR ENVTL RESPONSIBILITY, (Jan. 20, 2020) <https://peer.org/artificial-turfs-big-lie-old-fields-not-recycled/>; *see also* Exhibit C.

<sup>25</sup> *Id.* at § 260.12

<sup>26</sup> *See id.* at § 260.12(d)

<sup>27</sup> William Reusch, *Recycling and Disposal of Polymers*, VIRTUAL TEXTBOOK OF ORGANIC CHEMISTRY, (Sept. 13, 2020) [https://chem.libretexts.org/Bookshelves/Organic\\_Chemistry/Supplemental\\_Modules\\_\(Organic\\_Chemistry\)/Polymers/Recycling\\_and\\_Disposal\\_of\\_Polymers](https://chem.libretexts.org/Bookshelves/Organic_Chemistry/Supplemental_Modules_(Organic_Chemistry)/Polymers/Recycling_and_Disposal_of_Polymers).

<sup>28</sup> *See id.*

recyclable claims falsely mislead consumers to believe the entirety of the turf is recyclable despite the limits of recyclability due to the different materials used.

## **V. Manufacturers and Marketers of Artificial Turf Engage in Deceptive and Unfair Practices in Violation of § 5 of the Federal Trade Commission Act**

Section 5 of the Federal Trade Commission Act makes deceptive acts or practices in commercial advertising unlawful.<sup>29</sup> An advertisement or practice is considered deceptive under FTC policy when: (1) there is a representation, omission, or practice that is likely to mislead the consumer, (2) the act or practice is considered from the perspective of a reasonable consumer, and (3) the representation, omission or practice is material.<sup>30</sup> The advertising practices by artificial turf companies meet all three of these elements.

### ***Artificial Turf Companies Misrepresent Their Products in Order to Mislead Consumers***

As shown in detail above, artificial turf companies make false and unsupported claims in their advertising to mislead consumers and make them believe that these products are recyclable and recycled in the United States. These companies include written misrepresentations of their products on their websites. None of these claims have been supported.

### ***A Reasonable Customer Would be Deceived by These Practices***

In order for an advertisement to be deemed deceptive by the FTC, it must be likely to mislead a reasonable customer.<sup>31</sup> A consumer's interpretation of an advertisement "will be presumed reasonable if it is the one the respondent intended to convey."<sup>32</sup> These companies make statements on their websites that are presented to consumers as facts.

The term "recyclable" is clear. Unlike appearance, feel, taste, or smell, the word "recyclable" has an objective definition that is set out in the regulations: "A product or package

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<sup>29</sup> 15 U.S.C. § 52.

<sup>30</sup> Matter of Cliffdale Associates, Inc., 103 F.T.C. 110, 174 (1984).

<sup>31</sup> Matter of Cliffdale Associates, Inc., 103 F.T.C. 110 (1984).

<sup>32</sup> *Id.*

should not be marketed as recyclable unless it can be collected, separated, or otherwise recovered from the waste stream through an established recycling program for reuse or use in manufacturing or assembling another item.”<sup>33</sup> The Synthetic Turf Council itself has a similar definition of recyclable as a “series of activities by which material that has reached the end of its current use is processed into material and utilized in the production of new products.”<sup>34</sup> A reasonable consumer would rely on this information, believing that the turf would be able to be recycled in the way described by the Synthetic Turf Council, despite the fact that no such activity is possible in the United States. This is a clear definition that a reasonable consumer of artificial turf would understand, and artificial turf companies have abused.

### ***The Marketing Strategies Used by These Companies Are Material***

The marketing strategies considered in this complaint result in material consequences for consumers. A material representation, omission, act or practice involves information that is important to consumers and, hence, likely to affect their choice of a product.<sup>35</sup> The strategies employed by these companies make consumers more likely to buy artificial turf because they offer false promises of an environmentally conscious product. Companies make thousands of dollars from the sales of artificial turf when consumers could be using traditional grass lawns.

The failure to include the fact that there are no recycling centers in the United States and that no artificial turf has been shipped overseas to known recycling facilities misleads consumers as to recyclability, and contributes to misleading consumers into thinking that artificial turf is a

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<sup>33</sup> See 16 C.F.R. § 260.12(a).

<sup>34</sup> SYNTHETIC TURF COUNCIL, *A Guideline to Recycle, Reuse, Repurpose and Remove Synthetic Turf Systems*, 2 (Oct. 2017) [https://cdn.ymaws.com/www.syntheticurfCouncil.org/resource/resmgr/guidelines/STC\\_Guideline\\_for\\_Recycle\\_Re.pdf](https://cdn.ymaws.com/www.syntheticurfCouncil.org/resource/resmgr/guidelines/STC_Guideline_for_Recycle_Re.pdf).

<sup>35</sup> Matter of Cliffdale Associates, Inc., 103 F.T.C. 110 (1984).



more environmentally conscious choice than a natural grass field.<sup>36</sup> This is important to consumers who are trying to support products that are environmentally friendly. The lack of transparency places a heavy burden on the consumer to understand exactly what they are consuming and undermines companies and corporations that are “playing by the rules.”<sup>37</sup>

## V. Conclusion

The companies that create and sell artificial turf are using unsupported, misleading and false advertising claims to convince the public that artificial turf is recyclable and therefore environmentally conscious. These deceptive practices constitute an unfair business practice warranting a thorough investigation by the FTC.

Dated: February 28, 2022

Respectfully submitted,



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Public Employees for Environmental Responsibility  
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202-265-4187  
[www.peer.org](http://www.peer.org)

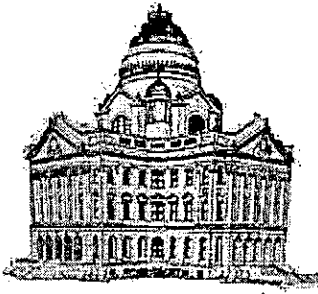
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<sup>36</sup> “‘It’s no secret that consumers want products that are environmentally friendly, and that companies are trying to meet that need,’ said Jessica Rich, Director of the Federal Trade Commission’s Bureau of Consumer Protection. ‘But companies that don’t have evidence to support the environmental claims they make about their products erode consumer confidence and undermine those companies that are playing by the rules.’” FEDERAL TRADE COMMISSION, *FTC Cracks Down on Misleading and Unsubstantiated Environmental Marketing Claims*, (OCT. 29, 2013) <https://www.ftc.gov/news-events/press-releases/2013/10/ftc-cracks-down-misleading-unsubstantiated-environmental>.

<sup>37</sup> *Id.*

# EXHIBIT A

**JOAN HOGGARTH**  
**LUZERNE COUNTY CLERK OF RECORDS**  
**DIVISION OF JUDICIAL SERVICES AND RECORDS**



Recorder of Deeds Division  
Luzerne County Courthouse  
200 N. River Street  
Wilkes-Barre, PA 18711  
(570) 825-1641

\*RETURN DOCUMENT TO:  
160 GREAT VALLEY BOULEVARD, LLC

**Instrument Number - 202040809**

Recorded On 9/3/2020 At 9:49:33 AM

\*Instrument Type - CONSENT OF LANDOWNER

Invoice Number - 1051145      User ID: MJH

**\*Total Pages - 4**

\*Grantor - 106 GREAT VALLEY BOULEVARD, LLC

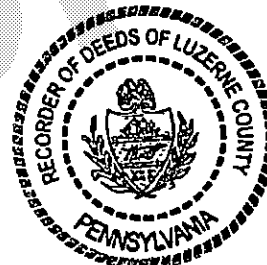
\*Grantee - RE-MATCH, INC.

\*Customer - 160 GREAT VALLEY BOULEVARD, LLC

\* FEES

PA WRIT TAX	\$0.50
COUNTY RECORDING FEE	\$18.00
COUNTY ARCHIVES FEE	\$2.00
RECORDER'S ARCHIVES FEE	\$3.00
TOTAL PAID	\$23.50

I hereby CERTIFY that this document is  
Recorded in the Recorder of Deeds Office  
of Luzerne County, Pennsylvania



*Joan Hoggarth*  
Joan Hoggarth  
Clerk of Records  
Recorder of Deeds Division

PARCEL IDENTIFICATION NUMBER  
J8-A-128  
Total Property Identification Numbers: 1

THIS IS A CERTIFICATION PAGE

**Do Not Detach**

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

\* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

**INSTRUMENT NUMBER - 202040809**

**BOOK: 3020    PAGE: 166780**



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF WASTE MANAGEMENT

Date Prepared/Revised

DEP USE ONLY

Date Received

**FORM E-GP**  
**CONTRACTUAL CONSENT OF LANDOWNER**  
**FOR A GENERAL PERMIT**

This form must be fully and accurately completed. All required information must be typed or legibly printed in the spaces provided. If additional space is necessary, identify each attached sheet as Form E-GP, reference the item number and identify the date prepared. The "date prepared/revised" on any attached sheets needs to match the "date prepared/revised" on this page.

General References: XX

**SECTION A. SITE IDENTIFIER**

Applicant/permittee Re-Match, Inc.

Site Name Re-Match, Inc.

Facility ID (as issued by DEP) TBD

**Instructions:** This form should be completed by **each** landowner owning a parcel of land within the permit area. If an applicant is applying for a mobile processing permit or land application of waste, completion of Part A of this form is not required.

(I) (We), the undersigned, are the landowner(s) ("Landowner") of a fee title interest at Lot No. 4A-2

160 Great Valley Boulevard, Hanover Township, PA 18706 on 16 acres of land located in,  
(location of premises)

Hanover Township

(Name and Type of Municipality)

Luzerne

(Name of County)

Pennsylvania, and shown by crosshatched lines on the map attached hereto ("Premises") which is signed in the original by the Landowner upon which Re-Match, Inc.

(Solid Waste Management Permit Applicant)

(hereinafter "Applicant") proposes to engage in waste processing and/or beneficial use activities.

**Part A:** This consent shall be deemed to be a recordable document. Prior to the initiation of solid waste management activities under the permit, this Consent shall be recorded by Re-Match, Inc.

(Landowner or Applicant)

and entered into the deed book (d.b.v.) index at the office of the recorder of deeds in the county(ies) in which the Premises are located.

1. This instrument has been recorded in Luzerne, County, Pennsylvania,  
this 3RD day SEPTEMBER, 2020, at Book 3020, Page(s) 166780

**Part B:** (I) (We), the undersigned DO HEREBY ACKNOWLEDGE THAT THE APPLICANT AND HIS/HER AGENTS AND REPRESENTATIVES HAVE THE RIGHT TO ENTER UPON AND USE THE LAND FOR THE PURPOSES OF CONDUCTING WASTE MANAGEMENT ACTIVITIES for which application for permit, including this Consent, is made to the Department of Environmental Protection ("Department") under the Act of July 7, 1980 (P.L. 280, No. 97), as amended, known as the Solid Waste management Act (35 P.S. §§6018.101 et seq.) and the regulations promulgated pursuant thereto ("Act"). The right the Landowner grants is not the subject of pending civil litigation. (I) (We), the undersigned,  
(is or is not)

shall also allow the Applicant access to the Premises to carry out pollution prevention or pollution abatement activities as required by the Act or deemed necessary by the Department to carry out any purpose of the Act.

THE LANDOWNER agrees TO ALLOW THE ABOVE-NAMED APPLICANT TO TRANSFER OR  
(agrees or does not agree)

ASSIGN, BY WRITTEN AGREEMENT, THIS CONTRACTUAL CONSENT TO ANOTHER SOLID WASTE MANAGEMENT FACILITY APPLICANT.

REC Book 3020 Page 166781

Nothing in this Consent shall preclude or limit the Landowner's authority to terminate the right or privilege of the Applicant to conduct waste management activities on the aforesaid Premises. In the event of such termination, the Landowner shall allow the Applicant ample time to bring to closure all waste management activities.

**Part C:** (I) (We), the undersigned, do hereby irrevocably grant to the Commonwealth of Pennsylvania or any of its authorized agents, or employees, and to the Applicant the right to enter upon the Premises for the duration of solid waste management activities and for up to ten (10) years after final closure, as such term is defined by the Act, of a processing facility or up to 10 year(s) after beneficial use activities have ceased for the purposes of inspection, monitoring, and maintenance and for conducting pollution abatement activities deemed necessary by the Department to carry out the purposes or requirements of the Act. (I) (We) do hereby grant in addition to the Commonwealth, for the aforesaid period of time, a right of entry across any lands adjoining or contiguous to the Premises owned by (us) (me) in order to have access to the Premises.

It is specifically agreed and understood that this Consent gives the Commonwealth the right to enter, inspect, monitor, and conduct maintenance or abatement on the Premises to the extent deemed necessary by the Department as a matter within the police power, but does not obligate the Commonwealth to do so, and does not constitute any ownership interest by the Commonwealth in the aforesaid Premises.

I (we) HEREBY CERTIFY UNDER PENALTY OF LAW, 18 Pa. C.S. SECTION 4904(b), THAT THE INFORMATION PROVIDED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

In witness whereof and intending to legally bind (myself) (ourselves), (my) (our) heirs, legal representatives, successors, (I) (we) have hereunto set (my) (our) hand(s) and seal this 1<sup>ST</sup> day of SEPTEMBER, 20 20.

160 Great Valley Boulevard, LLC  
(Print Name of Landowner)

If the Landowner is a Corporation:

WITNESS:

ATTEST:

By Thomas R. Chesnick (Signature of Secretary or Treasurer) Robert K. Mericle (Signature of President or V.P.)

THOMAS R. CHESNICK (Printed or Typed Name) ROBERT K. MERICLE (Printed or Typed Name)

SR. V.P. (Title) PRESIDENT (Title)

Affix Corporate Seal:

PIN: 58 00A 128

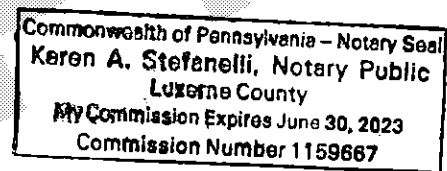
CERTIFIED PROPERTY IDENTIFICATION NUMBER  
MUNICIPALITY Hanover Twp  
PIN MAP 58 BLOCK A LOT 128  
TRANSFER                      DIVISION                       
DATE 9-3-20                       
MAPPING CLERK

COMMONWEALTH OF PENNSYLVANIA :  
: SS:  
COUNTY OF LUZERNE :

ON THIS the 1<sup>st</sup> day of September, 2020, before me, the undersigned officer, personally appeared **ROBERT K. MERICLE**, who acknowledged himself to be the President of **160 GREAT VALLEY BOULEVARD, LLC**, and that he as such officer being duly authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as such officer.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

  
NOTARY PUBLIC



# EXHIBIT B







# EXHIBIT C



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF WASTE MANAGEMENT

### GENERAL INSPECTION REPORT

Type of Inspection <b>General Inspection</b>	CTS ID#: <b>334321</b>	Entry Time/Date <b>~9:15 15 June 2021</b>	Exit Time/Date <b>~10:15 15 June 2021</b>
Facility/Incident Name and Location <b>Re-Match A/S Hi-Park 415 7400 Herning Denmark</b>			Municipality <b>East Hanover Township</b>
			County <b>Lebanon County</b>
Name, Address of Responsible Official <b>Mr. Nikolaj Magne Larsen Re-Match A/S Hi-Park 415 7400 Herning Denmark</b>		Title <b>Property Owner and Property Leaser/Renter</b>	
Mr. Jim Halkias (Additional Responsible Party) <b>CNH Properties LLC 4075 Linglestown Rd #244 Harrisburg, PA 17112</b>		Contact Information: <b>Mr. Larsen: T - 45 77 34 67 34 nml@re-match.com</b>	Interviewed <b>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></b>
		<b>Mr. Halkias T - 717-623-6101 jimbo8394@aol.com</b>	

On June 15, 2021, Adrian Bouknight, Solid Waste Specialist of the Pennsylvania Department of Environmental Protection (PADEP), conducted a follow-up inspection of CNH Properties LLC. (CNH), at 10244 Allentown Blvd. of Grantville PA. Mr. Jim Halkias (Property Owner) was present for an interview at the time of the inspection. This inspection report has been written as a follow-up for Complaint Tracking System (CTS) ID# 334321. Additional review of CTS entries was conducted for the generation of this report.

#### Observations:

1. The Department first observed turf rolls at the Grantville property in February 2019, following a complaint received regarding concerns over improper disposal. During the interview with Mr. Halkias on June 15, 2021, Mr. Halkias confirmed having allowed Re-Match, a turf roll recycling company based out of Herning, Denmark, to utilize his property for storage of turf rolls. Mr. Halkias further confirmed having received the turf rolls from their prior location of storage at Fox Transport of 100 N. Harris Street of Cleona PA.
2. During the inspection, there appeared to be greater than 1,000 turf rolls observed at the Grantville property. Turf rolls were observed in roughly 10-15 separate rows. Each row appeared to be at least

Inspector Name <b>Adrian Bouknight</b>	Inspector Signature <i>Adrian Bouknight P.G. Isf</i>	Headquarters <b>Reading District Office 1005 Crossroads Blvd. Reading PA 19605</b>	Date <b>07/07/2021</b>	Telephone <b>610-916-0145</b>
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*This inspection report is notice of the findings of an inspection conducted by a representative of the Department. This report is formal notification of any violations observed during the inspection. Additional notification of violations may be issued concerning either violations noted herein, or other violations identified as a result of review of laboratory analyses or Department records.*

*This report does not constitute an order or other appealable action of the Department. Nothing contained herein shall be deemed to grant or imply immunity from legal action for any violation noted herein.*

*Signature by the person interviewed does not necessarily imply concurrence with the findings on this report but does acknowledge that the person was shown the report or that a copy was left with the person.*

50-100 feet in length and roughly 8 to 10 feet high. One row appeared to be greater than 300 feet long, and each row appeared to be roughly 6 to 8 feet in width.

3. Turf rolls observed at the site did not display evidence of degradation.
4. Evidence suggests that the material has accumulated speculatively.

**Additional Notes:**

1. Preceding the follow-up inspection of the Grantville property, an interview was held with Mr. Nikolaj Magne Larsen, CEO of Re-match (Property Leaser/Renter). Mr. Larsen described the turf rolls as having value and described storage of the rolls as being beneficial to the start-up, functionality, and profitability of a recycling facility. Mr. Larsen also described previously communicating with the Department, while seeking permit approval for construction of a turf roll recycling facility. See CTS ID 334321 for further details.

**Violations:**

1. Re-Match consigned, assigned, sold, entrusted, gave or in any way transferred residual waste that was subsequently dumped or deposited by another person without a permit from the Department in violation of 25 PA Code §287.6(1) which states that a person may not consign, assign, sell, entrust, give or in any way transfer residual waste which is at any time subsequently, by another person dumped or deposited in any manner into the surface of the earth unless a permit for the dumping or depositing has first been obtained from the Department.
2. Re-Match permitted the deposition of solid waste onto the surface of the ground without first having obtained a permit from the Department. This occurrence is unlawful conduct pursuant to Section 610(1) of the SWMA, 35 P.S. §6018.610(1) which states that it shall be unlawful for any person to dump or deposit, or permit the dumping or depositing, of any solid waste onto the surface of the ground unless a permit for the dumping of such solid wastes has been obtained from the Department.
3. Re-Match disposed of solid waste in a manner which has created in a public nuisance. This occurrence is unlawful conduct pursuant to Section 610(4) of the SWMA, 35 P.S. §6018.610(4) which states that it shall be unlawful for any person to dispose of solid waste in any manner as to create a public nuisance.
4. Re-Match caused or assisted in the violation of any provision of the Solid Waste Management Act, and any rule or regulation of the Department. This occurrence is unlawful conduct pursuant to Section 610(9) of the SWMA, 35 P.S. §6018.610(9) which states that it shall be unlawful for any person to cause or assist in the violation of any provision of the Solid Waste Management Act, or any rule or regulation of the Department.

Inspector Name	Inspector Signature	Date
Adrian Bouknight	<i>Adrian Bouknight P.G. Isf</i>	07/07/2021

Recommendations:

1. The Department recommends that Re-Match and CNH Properties LLC coordinate to provide a written description or statement of what correspondence has been historically held with the Department regarding the permit application and review for the proposed recycling facility. This may include records demonstrating the submission of permit applications to the Department for review, or other forms of communication and correspondence.
2. The Department recommends that within fourteen days of receipt of this notice, that Re-Match and CNH Properties LLC coordinate to submit a proposed plan and schedule to the Department for correction of the violations.

Inspector Name	Inspector Signature	Date
Adrian Bouknight	<i>Adrian Bouknight P.G. IS!</i>	07/07/2021

Page 3 of 3

☐ White - File Copy

☐ Yellow - Facility Copy

☐ Pink - Inspector Copy



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF WASTE MANAGEMENT

### GENERAL INSPECTION REPORT

Type of Inspection <b>General Inspection</b>	CTS ID#: 334321	Entry Time/Date ~11:15 3 August 2021	Exit Time/Date ~11:15 3 August 2021
Facility/Incident Name and Location <b>CNH Properties LLC. 10244 Allentown Blvd. Grantville PA 17028</b>			Municipality <b>East Hanover Township</b>
			County <b>Lebanon County</b>
Name, Address of Responsible Official  <b>Mr. Nikolaj Magne Larsen Re-Match A/S 7400 Herning Denmark</b>  <b>Mr. Jim Halkias (Additional Responsible Party) CNH Properties LLC 4075 Linglestown Rd #244 Harrisburg, PA 17112</b>		Title <b>Property Leaser/Renter, and Property Owner</b> Contact Information: <b>Mr. Larsen:</b> <b>T - 45 77 34 67 34</b> <b>nml@re-match.com</b>  <b>Mr. Halkias</b> <b>T - 717-623-6101</b> <b>jimbo8394@aol.com</b>	
		Interviewed Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

On August 3, 2021, Adrian Bouknight, Solid Waste Specialist of the Pennsylvania Department of Environmental Protection (PADEP), conducted a follow-up inspection of CNH Properties LLC., at 10244 Allentown Blvd. of Grantville PA. This inspection report has been written as a follow-up investigation for Complaint Tracking System (CTS) ID# 334321. This inspection was conducted from a public roadway, and as a result, no interview was conducted at the time of the inspection.

**Observations:**

1. During the inspection, there appeared to be greater than 1,000 turf rolls observed at the Grantville property. Rolls appeared to be the same as observed in prior inspections of the site.
2. Turf rolls observed at the site did not display clear signs of degradation.

**Outstanding Violations:**

During the inspection of June 15, 2021, violations were noted as follows:

1. Re-Match consigned, assigned, sold, entrusted, gave or in any way transferred residual waste that was subsequently dumped or deposited by another person without a permit from the Department in violation of 25 PA Code §287.6(1) which states that a person may not consign, assign, sell, entrust, give or in any way transfer residual waste which is at any time subsequently, by another person dumped or deposited in any manner into the surface of the earth unless a permit for the dumping or depositing has first been obtained from the Department.

Inspector Name <b>Adrian Bouknight</b>	Inspector Signature <i>Adrian Bouknight P.G. IS</i>	Headquarters Reading District Office 1005 Crossroads Blvd. Reading PA 19605	Date 08/06/2021	Telephone 610-916-0145
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*This inspection report is notice of the findings of an inspection conducted by a representative of the Department. This report is formal notification of any violations observed during the inspection. Additional notification of violations may be issued concerning either violations noted herein, or other violations identified as a result of review of laboratory analyses or Department records.*

*This report does not constitute an order or other appealable action of the Department. Nothing contained herein shall be deemed to grant or imply immunity from legal action for any violation noted herein.*

*Signature by the person interviewed does not necessarily imply concurrence with the findings on this report but does acknowledge that the person was shown the report or that a copy was left with the person.*

2. Re-Match permitted the deposition of solid waste onto the surface of the ground without first having obtained a permit from the Department. This occurrence is unlawful conduct pursuant to Section 610(1) of the SWMA, 35 P.S. §6018.610(1) which states that it shall be unlawful for any person to dump or deposit, or permit the dumping or depositing, of any solid waste onto the surface of the ground unless a permit for the dumping of such solid wastes has been obtained from the Department.
3. Re-Match disposed of solid waste in a manner which has created in a public nuisance. This occurrence is unlawful conduct pursuant to Section 610(4) of the SWMA, 35 P.S. §6018.610(4) which states that it shall be unlawful for any person to dispose of solid waste in any manner as to create a public nuisance.
4. Re-Match caused or assisted in the violation of any provision of the Solid Waste Management Act, and any rule or regulation of the Department. This occurrence is unlawful conduct pursuant to Section 610(9) of the SWMA, 35 P.S. §6018.610(9) which states that it shall be unlawful for any person to cause or assist in the violation of any provision of the Solid Waste Management Act, or any rule or regulation of the Department.

The Department, Re-Match, and CNH Properties LLC are currently working toward a solution and these violations are currently outstanding.

**Recommendations:**

The Department recommends that Re-Match continues to coordinate with the additional responsible party (CNH Properties LLC) and the Department in resolving violations noted in the June 2021 inspection report.

**Additional Notes:**

See CTS ID# 334321 and Inspection ID# 3217684 for further details.

Inspector Name	Inspector Signature	Headquarters	Date	Telephone
Adrian Bouknight	<i>Adrian Bouknight P.G. 1st</i>	Reading District Office 1005 Crossroads Blvd. Reading PA 19605	08/06/2021	610-916-0145

*This inspection report is notice of the findings of an inspection conducted by a representative of the Department. This report is formal notification of any violations observed during the inspection. Additional notification of violations may be issued concerning either violations noted herein, or other violations identified as a result of review of laboratory analyses or Department records.*

*This report does not constitute an order or other appealable action of the Department. Nothing contained herein shall be deemed to grant or imply immunity from legal action for any violation noted herein.*

*Signature by the person interviewed does not necessarily imply concurrence with the findings on this report but does acknowledge that the person was shown the report or that a copy was left with the person.*



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION

September 24, 2021

**NOTICE OF VIOLATION**

Nikolaj Magne Larsen  
Re-Match A/S  
Hi-Park 415  
7400 Herning  
Denmark  
[nml@re-match.com](mailto:nml@re-match.com)

Re: General and Follow-up Inspection Reports  
10244 Allentown Blvd. Grantville PA 17028  
East Hanover Township, Lebanon County

Dear Mr. Larsen:

As a result of the June 15, 2021 General inspection and the August 3, 2021 Follow-up inspection at the referenced location, the Department of Environmental Protection ("DEP") has determined that you are in violation of the Solid Waste Management Act ("SWMA"), Act of July 7, 1980, P.L. 380, No. 97, 35 P.S. Section(s) 6018.101 et. seq., and the Residual Waste Management rules and regulations found at 25 Pa. Code Chapters 287 to 299 as follows:

- A. During the June 15, 2021 and August 3, 2021 inspections, speculatively accumulated turf rolls were observed at the 10244 Allentown Blvd. property. During interviews with Mr. Halkias, property owner at 10244 Allentown Blvd. and Manager at CNH Properties LLC., and Mr. Larsen, CEO at Re-Match Turf Recycling, the Denmark based company that owns the turf rolls observed at the Allentown Blvd. property, it was confirmed that both parties came to an agreement to have the turf rolls transported to the 10244 Allentown Blvd. property. Re-Match therefore has consigned, assigned, sold, entrusted, gave or transferred residual waste that was subsequently dumped or deposited by CNH Properties LLC without a permit issued by the Department at 10244 Allentown Blvd., in violation of 25 PA Code §287.6(1) which states that a person may not consign, assign, sell, entrust, give or in any way transfer residual waste which is at any time subsequently, by another person dumped or deposited in any manner into the surface of the earth unless a permit for the dumping or depositing has first been obtained from the Department.
- B. The occurrence listed in paragraph A constitutes unlawful conduct pursuant to Section 610(1) of the SWMA, 35 P.S. §6018.610(1) which states that it shall be unlawful for any person to dump or deposit, or permit the dumping or depositing, of any solid waste onto the surface of the ground unless a permit for the dumping of such solid wastes has been obtained from the Department.



- C. The occurrence listed in paragraph A constitutes unlawful conduct pursuant to Section 610(4) of the SWMA, 35 P.S. §6018.610(4) which states that it shall be unlawful for any person to dispose of, or assist in the disposal of solid waste contrary to the rules or regulations adopted under this act, or orders of the department, or any term or any condition of any permit, or in any manner as to create a public nuisance or to adversely affect the public health, safety and welfare.
- D. The occurrence listed in paragraph A constitutes unlawful conduct pursuant to Section 610(6) of the SWMA, 35 P.S. §6018.610(6) which states that it shall be unlawful for any person to Transport or permit the transportation of any solid waste to any storage, treatment, processing or disposal facility or area unless such facility or area possesses a permit issued by the department to accept such wastes, or contrary to the rules or regulations adopted under this act, or orders of the department.
- E. The occurrence listed in paragraph A constitutes unlawful conduct pursuant to Section 610(9) of the SWMA, 35 P.S. §6018.610(9) which states that it shall be unlawful for any person to cause or assist in the violation of any provision of this act, any rule or regulation of the department, any order of the department or any term or condition of any permit.

You are 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 Act, each day of the violation is considered a distinct and separate offense and will be handled accordingly.

Within fourteen days of receipt of this notice, please submit a proposed plan and schedule to the DEP to correct the violations listed above.

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

If you have any questions or concerns, please call me at 610.916.0145.

Sincerely,

*Adrian Bouknight P.G. /s/*

Adrian Bouknight P.G.  
Solid Waste Specialist  
Waste Management Program

cc: Jonathan Lorio, Solid Waste Supervisor  
Carrie Fleming, Operations Manager  
Southcentral Regional Office  
East Hanover Township  
Reading District Office

# EXHIBIT D



# EXHIBIT E



HOME

ABOUT US

GALLERY

LOCATIONS

CONTACT US

BLOG

📞 844-220-TURF

## Services



TURFCYCLE USA is the leader in haul away services of sports turf. We rescue the materials and divert them into recycle centers across the country making inexpensive turf available to the local community for many uses. We are environmentally conscience minded stewards of our planet. If you are a Sport builder or Construction company that removes the materials, we would love to work with you ! Contact us.

# EXHIBIT F

## TENCATE ACCORDER®, WOVEN BASE CONSTRUCTION



Turn, shift, accelerate and score. The technical playing qualities of artificial grass are determined by the composition of and the materials used in the entire system. GreenFields is a specialist in this area. Working closely with the TenCate group of materials

technology companies, GreenFields designs and supplies integrated artificial grass systems.

By combining numerous technological innovations in one artificial grass system that consists of multiple integrated layers, sports associations and clubs can provide their top talents and enthusiastic amateurs with a safe, durable and affordable playing surface.

*GreenFields – The choice of Champions.*

### Stable sub base

TenCate has developed an innovative new product, called TenCate Accorder®, which provides a firm basis for high-quality artificial grass systems.

TenCate Accorder® consists of a durable geotextile module that is only approximately seven centimetres deep and divided into dozens of equal-sized compartments per square metre, which are filled with local (re)usable soil. In this way, GreenField's compact base layer is the most stable subsurface for playing sports available on today's market. On site, much less soil has to be dug away, which saves time as well as excavation and transport costs, whilst drastically reducing the total system's carbon footprint.



TenCate Accorder® is 100% recyclable.