UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

The Honorable Patrick McDonnell, Secretary
Pennsylvania Department of Environmental Protection
Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, Pennsylvania 17105-2063

Via email at pmcdonnell@pa.gov

Dear Secretary McDonnell,

This letter is in regard to the Pennsylvania Department of Environmental Protection (PADEP) Clean Air Act Title V Renewal 23-00004 for Covanta Delaware Valley, L.P. (Covanta). Covanta is a waste-to-energy facility located in City of Chester, Delaware County, Pennsylvania. The facility was built in 1991 and is considered a Clean Air Act major source for various criteria air pollutants and hazardous air pollutants. The U.S. Environmental Protection Agency (EPA) has reviewed the draft permit and associated files.

EPA has identified that the location of the Covanta facility raises potential environmental justice and civil rights concerns. This information is based on EPA's use of EJSCREEN online mapping tool (https://www.epa.gov/ejscreen). EJSCREEN indicates the potential presence of vulnerable populations as well as disproportionate environmental impacts in the area around the Covanta facility. EPA recommends that PADEP explore methods to avoid, minimize, and/or mitigate adverse environmental impacts to local communities to the greatest extent possible. EPA is committed to advancing environmental justice and incorporating equity considerations into all aspects of our work.

EPA appreciates that PADEP has taken actions to engage the community during the title V renewal process: PADEP discussed the permitting action with several local organizations, developed a flyer which described the action and how to comment on the action, distributed the flyers to dozens of business located near the facility, developed and distributed an information sheet to the county delegation of elected officials, and scheduled and held a virtual public hearing. Additionally, PADEP maintains a community information web page which includes information on how to submit public comment in writing or at the hearing, the information sheet, flyer, application, draft memo, and draft permit. PADEP also routinely attends meetings with the Chester Environmental Partnership to discuss environmental issues in the City of Chester, and PADEP contacted EPA Region 3 several months ahead of the public notice period alerting us to the pending renewal. Additionally, Covanta shares actual

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emissions data from their existing continuous monitoring systems for Carbon Monoxide, Sulfur Dioxide, Nitrogen Oxides, Opacity, and Hydrogen Chloride with the public on its web page.[1]

Though EPA recognizes that the title V renewal process generally does not authorize the direct imposition of substantive emission control requirements, we strongly encourage PADEP to utilize all possible permitting, regulatory and discretionary authorities to reduce disproportionate impacts on the communities of potential environmental justice concern.

Our comments and recommendations on the Covanta tile V renewal are included in the attachment to this letter. We highlight a few key comments here. First, we ask PADEP to further explain and clarify the underlying regulatory authorities for various limits in the permit. This analysis will better enable EPA and the public to understand the applicable requirements of the facility and to determine if there are any additional regulatory requirements that would apply to the facility.

Next, we encourage PADEP to consider if additional monitoring, record keeping or reporting requirements would better ensure compliance for this facility with federally enforceable emissions limits and provide increased transparency to the public. For instance, we ask that PADEP consider, among other options, the feasibility of additional continuous emissions monitoring systems for various air toxics emissions and increased monitoring of particulate matter control devices. Increased monitoring could provide insights into the operation of the facility, help to evaluate whether the facility meets the limits at all times, and provide more timely information regarding if corrective action is needed.

Additionally, EPA provides the following recommendations, which are not comments on the permit action at hand. Because the facility is located in an area that is designated as nonattainment for ozone, EPA recommends that PADEP assess whether the current emissions limits of those pollutants take into account possible disproportionate impacts on communities, and if there are additional steps PADEP might undertake within its existing state authorities to better understand, characterize and limit the effects of pollution in those communities. We strongly support Covanta and PADEP's efforts to continue engagement with the local community to address concerns that may not be within the scope of the title V permit.

Thank you again for the opportunity to work with you on this permit renewal. EPA is committed to working together with PADEP to address our shared environmental priorities, advance equity, and reduce potential environmental and health impacts on communities such as this one.

Sincerely,

Esher, Diana Digitally signed by Esher, Diana Date: 2021.10.04 11:14:05 -04'00'

Diana Esher
Acting Regional Administrator

enclosure

[1] https://www.covanta.com/where-we-are/our-facilities/delaware-valley

EPA Comments on Pennsylvania Title V Renewal 23-00004
Covanta Delaware Valley, L.P.

I. PERMIT SUMMARY

EPA has reviewed the title V operating permit renewal for Covanta Delaware Valley, L.P. (Covanta) and offers the following comments (Section II below). After the conclusion of the public comment period, please provide to EPA a proposed permit, revised statement of basis and response to significant comments received from all commenters for review. The date we receive these documents will be the first of the 45-day EPA review period.

Additionally, EPA provides the following suggestions or recommendations to assist PADEP in providing additional information to the public (identified as such below in Section III and not to be considered as comments).

II. COMMENTS

A. Particulate Matter (PM) Emissions

Covanta is subject to PM emission limits for the following sources:

Source	PM Emission Limit	Control Device for PM Removal	Monitoring, Recordkeeping, and Reporting
Six (6) Rotary Combustors (Source IDs 101-106)	5.8 lbs/hr; 0.010 gr/dscf (25 mg/dscf) corrected to 7% oxygen – total filterable PM per combustor	Pulse-jet fabric filters (6)	Continuous monitoring system (CMS)- flue gas temperature at baghouse inlet; annual performance testing[2]
Lime Storage Silo (Source ID 110)	0.02 gr/dscf	Fabric filter	Operation of the silo fabric filter equipment "below prescribed manufacturer operating pressures during offloading"[3]

Comment A.1. Please discuss and clearly state the underlying regulatory authority for the PM emission limits established for the six (6) rotary combustors and the lime storage silo in the draft title V operating permit. For instance, if they originate from a state-only authority such as PADEP Best Available Technology (BAT), a citation to the corresponding section of the Pennsylvania Code (Pa. Code) referencing BAT and the plan approval establishing those emission limits should be included in the permit. Or, for instance, if the emission restrictions originate from a federal requirement such as Best Available Control Technology (BACT) or a New Source Performance Standard (NSPS), the permit should reference the appropriate Code of Federal Regulations and, if applicable, Pa. Code citation. If conditions are state-only requirements, we recommend that permit state that these limits are "state-only."

[2] PADEP Technical Review Memo for Title V Operating Permit Renewal 23-00004, August 2021
[3] Draft Title V Operating Permit 23-00004, August 2021, page 32, Condition #002

Comment A.2. Please evaluate and explain how compliance with any federally enforceable PM limits for the sources listed above is ensured as a practical matter and on a continual basis (for those emission limits that are short-term in nature). EPA recommends evaluating incorporation of appropriate parametric monitoring, which could help to ensure that the PM control devices are operating as designed. EPA recommends that the analysis include the correlation between the monitoring of opacity (which is continuously monitored) and PM emissions, consider the monitoring of pressure drop, and consider the use of baghouse leak detection.

Comment A.2.1. Specifically in reference to the six (6) rotary combustors, please evaluate and explain how inlet temperature monitoring ensures the desired performance of the baghouses.[4]

Comment A.2.2. In Section D of the draft permit, Source ID 110, Lime Storage Silo (page 32), please evaluate and explain how the PM emission limits found in Condition #001 are being ensured.

Comment A.2.3. Page 3 of the technical review memo states that Source ID 110 is equipped with a fabric filter. However, pages 4-5 of the draft permit (Site Inventory List and Permit Map) do not identify a fabric filter as a control device for the lime storage silo. Please ensure that the permit map in the draft permit accurately represents the source configuration.

B. Mercury, Dioxin, Furans, and other Toxic Emissions

The six (6) rotary combustors at Covanta are subject to emission limits for mercury, dioxin, furans, and other toxic emissions. Those emission restrictions can be found under the Source Group Restrictions for large municipal waste combustors / rotary waterwall combustors in the draft permit, beginning on page 44, specifically Conditions #002, #005, and #007.

Comment B.1. Similar to Comment A.1., please discuss and clearly state the underlying regulatory authority for the toxic emission limits established for the six (6) rotary combustors. Please see Comment A.1. for further detail.

Comment B.2. Please evaluate and explain how compliance with any federally enforceable toxic emissions limits for the rotary combustors are ensured as a practical matter and on a continual basis (for those emission limits that are short-term in nature).

In section E of the draft permit, under the Source Group Restrictions for Large MWC (page 48), Condition #015(b) states: "The amount and type(s) of waste incinerated during a stack test shall be an adequate representation of the waste processed by the facility."

Given that mercury and other toxic emissions are dependent on the waste that is burned in the combustors, which could be highly variable, please evaluate and explain how compliance is assured on a continual basis in between annual performance tests. For example, how is information relating to the amount, type, and composition of waste used by PADEP to ensure compliance with Condition #015(b)? EPA recommends evaluating available methods for ensuring compliance in between annual performance tests including routine feed stream analyses, limits on the use of waste types, and continuous emissions monitoring systems (CEMS) for these pollutants.

Comment B.3. EPA recommends providing the facility's actual reported emissions for the toxic emissions listed as restricted in Conditions #002, #005, and #007 of the Source Group Restrictions for large municipal waste combustors / rotary waterwall combustors (beginning

[4] PADEP Technical Review Memo for Title V Operating Permit Renewal 23-00004, August 2021

on page 44 of the draft permit) as part of the permit record and for consideration in evaluating the use of CEMS for these pollutants.

C. Fugitive Emissions

Source IDs such as 107 (Vehicle Traffic on Roads) and 111 (Ash Handling) result in fugitive emissions and the draft permit includes various work practice requirements to reduce these fugitives.

Comment D.1. Similar to Comments A.1. and B.1., please discuss and clearly state the underlying regulatory authority for the fugitive emission restrictions established for these two sources. Please see Comment A.1. for further detail.

Comment D.2. For federally enforceable fugitive emission restrictions, please evaluate and explain how compliance is being ensured. For instance, are the work practice requirements listed in the draft permit components of a dust management plan or something to its equivalent, which the facility has on site and/or is submitted to PADEP?

D. Site Level VOC Emission Restriction

Condition #006, found on page 18 of the draft permit under Site Level Requirements, establishes a "shall not exceed" VOC emission limit for the entire facility of 50 tons in any 12-month consecutive month. Please include in the permit record whether the facility is a natural minor for VOCs (meaning that the facility's VOC emissions are naturally less than 50 tons per year) or if this an elected synthetic minor limit. In the case of the later, EPA please evaluate and explain how the synthetic minor limit is being enforced as a practical matter and clearly connecting the 50 tpy emission restriction to adequate monitoring, recordkeeping, and reporting.

III. SUGGESTIONS / RECOMMENDATIONS

A. Past Enforcement Violations

The facility appears to have past enforcement violations that have been resolved, according to EPA's Enforcement and Compliance History Online (ECHO) and the company's title V operating permit renewal application. In order to bolster and enhance the permit record, EPA suggests including a discussion of enforcement and compliance at the facility, a description of past violations (where these violations of an emission standard, administrative violations, etc.?), and resolution.

B. Change in Exhaust Volume

On page 5 of the technical review memo (Permittee Requests), #2 states that the exhaust flow volume for Source IDs 101-106 was adjusted from 45,092 SCFM to 68,914 SCFM. EPA recommends bolstering the permit record to discuss whether or not there were any corresponding changes in the permit resulting from the increase in exhaust flow volume and/or any physical changes related to this adjustment.