UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUL 17 2009

REPLY TO THE ATTENTION OF:

A-18J

Douglas Harris
General Manager
Veolia ES Technical Solutions, L.L.C.
7 Mobile Avenue
Sauget, Illinois 62201

Dear Mr. Harris:

I am writing to address Veolia Environmental Services' (Veolia) extrapolation request and to itemize a few of the concerns U.S. Environmental Protection Agency has identified with the August and September 2008 performance tests at this time.

I. Request for Extrapolation

On October 10, 2008, you requested an extrapolation of feed rate levels pursuant to 40 C.F.R. § 63.1209(l)(1)(v) and (n)(2)(vii). EPA is denying your request for extrapolation for the feed rate limits at the levels you request. As discussed more fully below, we based this decision on our review of the hazardous waste combustor maximum achievable control technology (HWC MACT) requirements, the underlying performance test results from your August and September 2008 tests, and your October 10, 2008, request.

Pursuant to 40 C.F.R. § 63.1209(l)(1)(v) and (n)(2)(vii), the HWC MACT allows subject facilities to request EPA approval of higher feed rate limits for rate low-volatile metals (LVM), semi-volatile metals (SVM) and mercury based on extrapolation from performance test results. In reviewing the extrapolation request, EPA considers whether the performance test metal feed rates are appropriate, based on historical metal feed rate data, and whether the extrapolated feed rates requested are warranted. EPA reviewed your methodology and provided comments to you in a June 12, 2008 letter. One of our comments was:

> "In order to conduct performance tests under operating conditions that represent the extreme range of normal conditions - as 40 C.F.R. §§ 63.7(e)(1) and 63.1207(g) require - Veolia must feed each metal group (i.e., mercury, LVM, and SVM) at no less than the highest 12-hour rolling average during the previous 5 years."

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This letter was followed-up by a phone conversation on July 7, 2008, in which EPA advised that you must test at the high range of normal for EPA to consider any extrapolation request. Nevertheless, Veolia did not consistently conduct its performance tests at the extreme range of normal. In some cases, the performance tests were conducted at a feed rate that was almost half of the highest 12-hour rolling average during the previous five years. Given that Veolia tested at such low mercury, LVM, and SVM feed rates, EPA can not conclude that Veolia would have equal system removal efficiencies at the requested extrapolated limits.

Furthermore, EPA believes that extrapolation on unit 4 is not appropriate since the tests did not provide sufficient data to understand the relationship between the necessary amount of carbon needed to maintain the calculated system removal efficiency and different mercury feed rates.

Lastly, EPA has a number of concerns with the test procedures which lead us to believe that there may be significant uncertainty with the results. This uncertainty would only be exacerbated by extrapolation. We describe some of these concerns below. We understand that Veolia has submitted additional information in response to our May 28, 2009, request for information which may provide some answers and/or additional questions not addressed in this letter.

II. 2008 Test Burn Results

EPA has several concerns with the quality of the testing that, if verified, will significantly affect the feed rates of LVM, SVM, and, in particular, mercury, which form the basis of your removal efficiency and requested extrapolated feed rates. We believe that if Veolia operates at the requested extrapolated feed rate levels, it may be in violation of the HWC MACT emission limitations.

EPA is concerned with the percent moisture data as tested by Maxxam Analytics. The Maxxam Analytics' results are much lower than the results reported by PSC Republic and EPA's laboratory. The feed data will not be representative of actual test burn conditions if inappropriate moisture data are used to convert dry-weight concentrations to wet-weight, and could result in an overstatement of metals feedrates.

EPA is concerned that Maxxam Analytics' standard operating procedure (SOP) for testing the mercury in the feed was not appropriate in this case because the samples were dried prior to testing. Drying samples to be analyzed for a volatile metal could result in feed data that is not representative of test burn conditions.

EPA is concerned that Maxxam Analytics' SOP for testing liquid samples was not appropriate in this case because the samples were filtered prior to testing. Filtering samples could result in feed data that is not representative of test burn conditions.

EPA is concerned that the quality control and data validation may be insufficient. Data approvals and declarations that all data has passed validation and quality control, as stated in the test burn reports, is an indication that the review was insufficient given the test burn data problems subsequently found by both Veolia and EPA.

We have received your response to our May 28, 2009, request for information. We are reviewing this information and are hopeful that it will inform us as we move forward in developing operating parameter limits for mercury, LVM, and SVM feed rates. We are open to meeting with you, your contractor, ENSR, and the laboratory that analyzed the test samples, Maxxam Analytics to discuss these issues, as well as any other questions that may arise from the review of the information you have submitted in response to the May 28, 2009, request for information. If you have any questions regarding the letter or would like to set up a meeting to discuss this letter, please contact Genevieve Damico, of my staff, at (312) 353-4761.

Sincerely,

Cheryl L. Newton
Director
Air and Radiation Division

cc: Laurel Kroack, Illinois Environmental Protection Agency