1 BEFORE THE U. S. ENVIRONMENTAL PROTECTION AGENCY
(EPA)
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IN RE: VEOLIA ES TECHNICAL SOLUTIONS AIR PERMIT,
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EPA PUBLIC HEARING IN THE MATTER O F
8 VEOLIA ES TECHNICAL SOLUTIONS AIR PERMIT
FEBRUARY 19, 2013
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1 BEFORE THE U. S. ENVIRONMENTAL PROTECTION AGENCY
(EPA)
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5 IN RE: VEOLIA ES TECHNICAL SOLUTIONS AIR PERMIT,
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8 A Public Hearing was held in the aforemention ed
matter on the 19th day of February, 2013, between
9 the hours of 3:00 o'clock in the afternoon and 6:5 1
o'clock in the evening, at the Southern Illinois
10 University Edwardsville, East St. Louis Higher
Education Campus, Building B, Room 2083, in East St .
11 Louis, Illinois, before Pamela K. Needham, CCR, C SR
(MO, IL) and Notary Public, in a certain matter now
12 pending before the BEFORE THE U. S. ENVIRONMENTAL
PROTECTION AGENCY (IEPA) In the Matter of VEOLIA ES
13 TECHNICAL SOLUTIONS AIR PERMIT.
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1 APPEARANCES :
2
THE HEARING OFFICER:
3
Ms. Janet Pope
4 Community Involvement Coordinator
U.S. Environmental Protection Agency
5
6
FOR THE ENVIRONMENTAL PROTECTION AGENCY:
7
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11
12 ALSO PRESENT FROM THE EPA:
13
14 David Ogulei
Andrea Morgan
15 Environmental Engineers
16 Francisco Arcaute
Media Relations Specialist
17
18
19 The Court Reporter:
20 Pamela K. Needham, IL CSR, MO CCR
Midwest Litigation Services
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22 314-644-2191
23
24
25

1 (On the record at 3:12 p.m.)

2 P R O C E E D I N G S

3 HEARING OFFICER POPE: Good afternoon,

4 everybody. My name is Janet Pope, and I'm a

5 Community Involvement Coordinator with the U.S.

6 Environmental Protection Agency. I will be servin g

7 as the Hearing Officer for today's hearing. A cou rt

8 reporter is here, she's making a transcript -- a

9 transcript of everything that is said here today,

10 and that transcript will become part of the offic ial

11 Agency Administrative record on this facility.

12 We have four people here from the EPA

13 today. We have Genevieve Damico, who is the Chie f

14 of the Air Permits section of the EPA. We have

15 David Ogulei and Andrea Morgan, who are

16 environmental site engineers with the EPA, they'r e

17 in the back. We also have Francisco Arcaute, who is

18 a media relations specialist at the EPA. Everybo dy

19 is from Chicago, from the Illinois office of the

20 EPA.

21 We are here today to share

22 information and to listen to your questions and

23 comments regarding the EPA's draft operating perm it

24 that EPA is proposing to issue to Veolia ES

25 Technical Solutions, LLC, located in Sauget,

1 Illinois. Today's hearing will have two parts. I n
2 the first part, Genevieve Damico will provide an
3 overview of the draft permit. Second, we'll take
4 public comments for the record. However, we will
5 not respond to questions or comments today.
6 All persons wishing to speak during
7 this hearing should let us know by filling out a
8 blue index card with your name. When your name is
9 called, please state your name, then spell your la st
10 name for the court reporter. If you have written
11 comments but do not wish to speak, please give th em
12 to me before you leave. So that everyone who wis hes
13 to comment has a chance to do so, please limit yo ur
14 comments to two minutes. At the one and a half
15 minute mark, I will ask you to please conclude. At
16 this time you will have 30 seconds to conclude. If
17 you have not finished at that time, I will ask yo u
18 to release the floor to the next commenter. Afte r
19 everyone has gotten a chance to comment, and if t ime
20 is still available, you may return and finish you r
21 comments, or you may submit your remaining commen ts
22 to me on paper.
23 Please remember to repeat your las t
24 name and spell it for the court reporter.
25 We will not be holding an informal

1 question and answer session as part of this hearin g.
2 Any testimony received at this hearing, along with
3 any written comments received by the end of the
4 comment period, will be part of the official recor d
5 for this permit. The EPA has prepared a fact shee t,
6 which is available here today. The fact sheet and
7 other documents in the record for this permitting
8 action provide details about the permit and also
9 explain how you may file written comments. You ca n
10 find the record for this permitting action at
11 www.regulations.gov, Docket ID
12 EPA-R05-OAR-2012-0649.
13 Before we start, I would like to m ake
14 an announcement regarding the comment period. Th e
15 EPA has extended the comment period to April 1st,
16 2013. Therefore, you will now have until April 1 st
17 to file your comments, and EPA will add any comme nts
18 that we receive by midnight on April 1st to the
19 permitting record.
20 So let the record show that it is
21 3:16 p.m. on February 19th, 2013. This hearing i s
22 being held at the Distance Learning Lab, Room 208 3,
23 in Building B of Southern Illinois University
24 Edwardsville - East St. Louis Higher Education
25 Campus, 601 James R. Thompson Boulevard in East S t.

1 Louis, Illinois. This hearing is on the EPA's
2 proposal of a draft operating permit for the Veoli a
3 ES Technical Solutions, LLC, located in Sauget,
4 Illinois.
5 Legal notice of this hearing was
6 published in the East St. Louis Monitor newspaper on
7 January 10th, and in the Belleville News Democrat
8 newspaper on January 11, 2013. Permit documents a re
9 publicly available at www.regulations.gov, Docket
10 ID: EPA-R05-OAR-2012-0649, and information about the
11 hearing was placed on EPA's website.
12 Next I will call the names of thos e
13 who registered to speak today in the order that t hey
14 registered. When I call your name, please come u p
15 to the front of the room, state your name and
16 address, spell your last name, and identify any
17 company or organization that you're representing.
18 But first, Genevieve Damico from EPA will give us an
19 overview of the permit.
20 MS. GENEVIEVE DAMICO: Good afternoon,
21 everybody. My name is Genevieve Damico, I'm the
22 Chief of the Air Permits Section at the Chicago
23 office of EPA. My staff prepared the draft permi t
24 that is the subject of today's hearing.
25 Veolia's Sauget, Illinois, facilit y

1 is a treatment, storage and disposal facility whic h
2 accepts waste for disposal through incineration.
3 Veolia receives containers and bulk shipments of
4 hazardous and solid waste; analyzes and transfers
5 the waste to temporary storage facilities; and
6 processes and incinerates it in three combustion
7 units. The waste that Veolia receives is varied,
8 and can contain differing amounts of hazardous
9 material.
10 Veolia operates under a Clean Air Act
11 Title V permit, because it is a major source of
12 hazardous air pollutants emissions, and is subjec t
13 to one of the National Emissions Standards for
14 Hazardous Air Pollutants. As I will describe in
15 more detail in a few minutes, EPA is proposing to
16 use the significant modification procedures of Ti tle
17 V of the Clean Air Act to modify the Title V
18 operating permit that EPA previously issued to
19 Veolia ES Technical Solutions, LLC.
20 EPA issued a Title V permit to Veo lia
21 on September 12th, 2008, and the permit became
22 effective on October 12th, 2008. Prior to issuin g
23 the permit, EPA reviewed historical metal feedrat e
24 data supplied by Veolia. The term "feedrate"
25 describes the amount of waste that Veolia burns i n

1 its combustion units. EPA concluded that the data
2 provided by Veolia was not reliable for determinin g
3 feedrate limits (also called operating parameters
4 limits, or OPLs) for heavy metals such as mercury,
5 lead, cadmium, arsenic, chromium and beryllium.
6 Feedrate limits set the maximum amount of specific
7 types of waste - here, heavy metals - that Veolia
8 can feed into its incinerators per hour.
9 Because EPA found the data
10 unreliable, EPA issued Veolia's permit without
11 including feedrate limits for mercury, lead,
12 cadmium, arsenic, chromium or beryllium. However ,
13 as required by the federal regulations governing
14 hazardous waste combustors, EPA included in the
15 permit a compliance schedule that required Veolia to
16 test all three combustors to develop feedrate lim its
17 for emissions of mercury, low-volatile metals (th at
18 is arsenic, chromium and beryllium) and
19 semi-volatile metals (that is lead and cadmium).
20 The permit required that Veolia
21 submit its test results and proposed feedrate lim its
22 to EPA by September 26th, 2008. If EPA found the
23 proposed limits acceptable, EPA would propose to
24 reopen the permit to incorporate the limits
25 developed in, from the required performance tests ,

1 and would take public comment on the limits at tha t
2 time.
3 Veolia conducted comprehensive
4 performance tests in August and September of 2008.
5 On October 10th, 2008, EPA -- or Veolia submitted to
6 EPA the results of these tests, and an application
7 for modification to its Title V permit to
8 incorporate feedrate limits for mercury,
9 semi-volatile metals, and low-volatile metals, as
10 specified in the compliance schedule.
11 However, Veolia withdrew the
12 modification application on December 13th, 2012,
13 after receiving notice that EPA intended to deny the
14 application and to reopen the permit to add feedr ate
15 limits that EPA considered to be supported by the
16 available performance test data.
17 EPA is proposing to reopen the Tit le
18 V Permit for Veolia using EPA's Clean Air Act
19 authority to reopen permits for cause, to
20 incorporate heavy metal limits that EPA considers to
21 be supported by available performance test data.
22 This reopening is necessary to ensure that the
23 permit assures compliance with Title V of the Act
24 and its implementing regulations at 40 C.F.R. Par t
25 71, and the National Emissions Standards for

1 Hazardous Air Pollutants, NESHAP, for Hazardous
2 Waste Combustors, 40 C.F.R. Part 63, Subpart EEE.
3 EPA also is proposing to supplement
4 monitoring requirements to assure compliance with
5 the proposed feedrate limits.
6 Under the proposed monitoring terms ,
7 Veolia is required to install and operate a
8 multi-metals Continuous Emissions Monitoring Syste m,
9 or CEMS, as one of -- on one of its incinerators,
10 Unit 3, for at least one year. A multi-metals CE MS
11 tests the air emitted during the incineration
12 process to determine the amount of mercury,
13 semi-volatile metals, and low-volatile metals in the
14 air and reports the results approximately once ev ery
15 fifteen minutes.
16 The test results will help U.S. EP A
17 ensure the feedrate limits in the permit are
18 adequate to protect air quality. After a year of
19 running the CEMS, U.S. EPA believes it will have
20 enough information to determine if the feedrate
21 limits are appropriate, and Veolia will not be
22 required to use the multi-metals CEMS.
23 EPA has also proposed to improve
24 Veolia's feedrate analysis procedures. The
25 additional analysis procedures proposed by EPA wo uld

1 supplement any other analysis procedures for
2 mercury, semi-volatile metals, and low-volatile
3 metals, as specified in Veolia's Feedstream Analys is
4 Plan, or FAP, and would supersede any less stringe nt
5 provisions in the FAP.
6 Incorporation of the additional
7 feedstream analysis procedures into the Title V
8 permit would not eliminate Veolia's obligation to
9 maintain an adequate FAP, consistent with federal
10 regulations for hazardous waste combustors.
11 As Ms. Pope noted, we will not ans wer
12 any questions or respond to any comments today,
13 however, after the close of the comment period we
14 will respond in writing to each written or oral
15 comment filed today, and any comment submitted
16 before the close of the comment period. Our
17 responses will be contained in a Response To
18 Comments document that we will distribute to each
19 person who files comments or requests and receive s a
20 copy of the final permit. Please note that only
21 portions of the permit that are being changed
22 because of the proposed action are open for comme nt
23 during the public comment period.
24 HEARING OFFICER POPE: Again, just
25 restating, if you'd like to make a public comment ,

1 you need to fill out one of these blue cards if yo u
2 have not done so, you need to fill out one of thes e
3 cards.
4 First commenter will be Kathleen
5 Logan Smith.
6 MS. KATHLEEN LOGAN SMITH: This is going t o
7 be fun for your reporter because I'm mostly going to
8 say whatever these people say. But I'm the Direct or
9 of Environmental Policy with the Missouri Coalitio n
10 For the Environment, and I wanted to -- my name i s
11 Kathleen Logan Smith, spelled just like it sounds ,
12 and I wanted to thank EPA Region 5 for opening th is
13 permit and for taking this opportunity to look at
14 these feedrates, because we're dealing with an
15 environmental justice community over here that's
16 bearing more than their share of environmental
17 pollutants, and I think that it's really importan t
18 that we make sure that we've done everything that we
19 can to make sure the Clean Act promises get
20 delivered to this community.
21 So I'd also suggest that we look a t
22 putting CEMS monitors on all of the emissions
23 sources, all of the stats, at least for a time, t o,
24 because sometimes the performance, you know, cann ot
25 be consistent across three different pieces of

1 equipment.

2 So that's all I have to say right

3 now, and we'll give more comments in writing. Tha nk

4 you.

5 HEARING OFFICER POPE: Commenter Number 2,

6 Kathy Andria.

7 MS. KATHY ANDRIA: Good afternoon. My nam e

8 is Kathy Andria, A-N-D-R-I-A. I am president of

9 American Bottom Conservancy and Conservation Chair

10 of the Kaskaskia Group of the Sierra Club, both o f

11 which have members who live and recreate in East St.

12 Louis and surrounding areas that lie downwind of the

13 Veolia hazardous waste incinerate -- incinerator.

14 In 2004, both groups petitioned th e

15 EPA administer -- administrator to object to the

16 proposed Title V operating permit for the

17 incinerator, then called Onyx. Our petition was

18 successful. EPA did object, and now has oversigh t

19 of the Veolia incinerator. In 2003 at the origin al

20 Title V hearing, we brought the agency's attentio n

21 to reports of a history of violations and acciden ts

22 at the plant. We told you that the lakes at Fran k

23 Colton State Park lie not far downwind of the

24 incinerator, and that a number of people use the

25 lakes for subsistence fishing. We worried about

1 mercury emitted from the plant and being deposited
2 in the lakes and by accumulating in the fish. We
3 worried that other heavy metals from the incinerat or
4 could fall into area gardens and be consumed by
5 residents or ingested by children playing in the
6 dirt. Area yards had already shown high levels of
7 heavy metals such as lead and cadmium. We have a
8 high rate of cancer here, as well as elevated bloo d
9 lead levels in area children. We are pleased that
10 the EPA did a risk screening that substantiated
11 claims we had made. There is still subsistence
12 fishing at Frank Colton. Pregnant women and
13 children consume that fish. Due to our economy,
14 there are many more gardens in the area, and whil e
15 some residents have moved away, there are still
16 children who breathe the air and play in the dirt
17 downwind of this hazardous waste incinerator. An d
18 we have just learned that elevated levels of PCB' s
19 have been newly discovered in yards in East St.
20 Louis and Sauget.
21 We very much appreciate that you a re
22 proposing to require a Continuous Emissions
23 Monitoring System for heavy metals on one of the
24 incinerator units; what a wonderful start. But
25 given the facility's long history of noncomplianc e,

1 we worry that the company will simply shift metal
2 bearing waste streams to the other two units, and
3 especially since you are proposing the CEMS for just
4 a year, there are all sorts of ways for the company
5 to game the results. We believe that a hazardous
6 waste incinerator should never have been located in
7 the middle of an urban population, especially with
8 so many vulnerable low income folks. We understand
9 the need for such a facility, but not there. Not
10 here.
11 So unless you decide to close the
12 facility, we ask that you require CEMS on all three
13 units permanently.
14 We also appreciate that last year you
15 conducted an onsite compliance investigation and
16 found significant problems with Veolia's feedstream
17 analysis where a high percentage of Veolia's waste
18 stream profiles were found to be inaccurate. Veolia
19 vastly underestimated the actual metals
20 concentrations in the waste stream and appeared not
21 to have an accurate system of analyzing waste
22 streams at all. We ask that you require analyzing
23 each waste stream with full and accurate reporting.
24 While this hearing appears to be limited to heavy
25 metals, given your findings about Veolia's lack of

1 compliance and failure to accurately analyze waste
2 streams, we hope that you can also give attention to
3 PCB's and the deadly toxins, dioxins and furans, a nd
4 given its history and your findings from last year ,
5 please continue to do periodic inspections such as
6 the one last year. Either that, or close the
7 facility down. There are too many children, too
8 many families who may be impacted by this facility
9 if it is allowed to operate without monitoring,
10 without limits, without supervision. There are t oo
11 many children and too many families who already m ay
12 have been impacted.
13 Thank you for your consideration o f
14 my comments, and I may have additional questions or
15 comments at a later time.
16 HEARING OFFICER POPE: I have a card up
17 here, I can't read the name, and I don't know if
18 it's Kathy or --
19 MS. KRISTHY ST. HILAIRE: Kristhy.
20 HEARING OFFICER POPE: Kristhy? What's t he
21 last name?
22 MS. KRISTHY ST. HILAIRE: St. Hilaire.
23 HEARING OFFICER POPE: Okay. All right.
24 The next commenter is Kristhy St. Hilaire.
25 MS. KRISTHY ST. HILAIRE: My last name is

1 St. Hilaire, S-T period, H-I-L-A-I-R-E.
2 Good afternoon. My name is Kristhy
3 St. Hilaire, and I'm student at the
4 Interdisciplinary Environmental Clinic at Washingt on
5 University School of Law. I'm speaking today on
6 behalf of the American Bottoms Conservancy. The
7 American Bottoms Conservancy is a nonprofit
8 organization that educates the public about threat s
9 to the environment. The American Bottoms
10 Conservancy actively works to protect and preserv e
11 the air and water quality of the American Bottoms
12 area. The organization has over 100 members, wit h
13 many living in the Sauget area.
14 First, I would like to thank the E PA
15 for their hard work on the draft permit, and for the
16 opportunity to comment at today's hearing.
17 As EPA noted in the Statement of
18 Basis, the Veolia hazardous waste incineration
19 facility is located in an urban area of more than 2
20 million people. Most of the residents who live
21 within three miles of Veolia are low income and
22 minority, and a third of these residents are livi ng
23 below the poverty level and a minority rate of 68
24 percent. These residents are disproportionately
25 affected by the emissions from Veolia and other

1 industrial facilities in the area. This large
2 concentration of industry gives rise to concerns
3 over cumulative air quality impacts, and given the
4 area's demographics and environmental justice
5 concerns. Because of the potential adverse public
6 health impacts from the cumulative emissions
7 exposure, it's very important for regulators to
8 mitigate the dangers of these polluting plants, an d
9 for these plants to strictly adhere to emissions
10 limits for harmful pollutants.
11 In this action to reopen Veolia's
12 Title V Permit, EPA is proposing to incorporate
13 heavy metal feedrate limits based on historical
14 feedrates and the feedrates from Veolia's 2008
15 performance testing. We agree with this approach
16 and believe EPA made the right decision when it
17 denied Veolia's request to extrapolate to higher
18 feedrate. Limits for low- and semi-volatile meta ls
19 based on the highest 12-hour rolling average Veol ia
20 feedrate over a multiyear period should not hinde r
21 Veolia's routine day-to-day operations in any way .
22 These limits strike a reasonable balance between the
23 company's need for operational flexibility and
24 protection of the environment and human health in a
25 disproportionately affected area. Limiting mercu ry

1 to feedrates that performance testing has shown wi ll
2 not result in excess emissions is warranted, given
3 the special concerns about mercury deposition in a nd
4 around the lakes used for subsistence fishing
5 identified in EPA's own human health risk assessme nt
6 conducted for RCRA permitting.
7 However, we would like to point out
8 that the proposed mercury limits conflict with the
9 mercury limits in Veolia's RCRA permit. If Veolia
10 were to feed mercury continuously at the rate the
11 EPA is proposing, the amount of mercury fed to th e
12 incinerators each year would exceed the limit of 3.6
13 kilograms per year specified in Veolia's state RC RA
14 Part B permit by approximately 93 kilograms. We
15 understand that the title -- the Title V and RCRA
16 permits are separate, and that the 3.6 kilograms per
17 year mercury (inaudible) --
18 THE REPORTER: Excuse me. Could I ask yo u
19 just to speak up a little bit?
20 MS. KRISTHY ST. HILAIRE: Okay.
21 THE REPORTER: Thank you.
22 MS. KRISTHY ST. HILAIRE: However, the
23 mercury feedrate ultimately determines the amount
24 fed to the incinerators and, therefore, we urge t he
25 EPA to consider further restricting the mercury

1 feedrate limit in the Title V permit so as to redu ce
2 the likelihood of Veolia exceeding the limits set in
3 the RCRA permit.
4 In the current permitting action, E PA
5 is also proposing to supplement monitoring
6 requirements to assure compliance with the propose d
7 feedrate limits by requiring multi-metals continuo us
8 emissions of monitoring systems, or CEMS, on one o f
9 Veolia's three hazardous waste incinerators. This
10 is unquestionably a step in the right direction.
11 However, we believe that A -- the EPA did not go far
12 enough, that the only way to assure compliance wi th
13 the proposed feedrate limits is to require CEMS a t
14 all three incinerators instead of just the one un it.
15 According to the Statement of Basi s,
16 CEMS are the most direct means of ensuring --
17 ensuring compliance with emissions limits, which
18 help protect the public health and the environmen t.
19 Veolia's current procedure for ensurance -- for
20 ensuring compliance with emissions limits,
21 feedstream analysis, poses several challenges. W ith
22 feedstream analysis, there are uncertainties
23 associated with the measurement of extremely low
24 metals concentrations in the waste. In addition,
25 the heterogeneity of the waste may lead to a

1 nonrepresentative sample, and hence, an inaccurate
2 estimate of the rate at which metals are being fed
3 into the incinerators. Finally, with the feedstre am
4 analysis, there is an inability to demonstrate
5 continuous compliance with regulatory emissions
6 limits, since there is generally considerable lag
7 time between sampling and analysis.
8 CEMS are the only way for Veolia to
9 ensure compliance with emissions limits. Feedstre am
10 analysis supplemented by periodic performance
11 testing does not work, because the feedstreams ar e
12 heterogeneous, which makes accurate estimation of
13 metal feedrates very difficult. According to the
14 Statement of Basis, some wastes burned by Veolia
15 have unknown composition because of -- because th eir
16 composition profiles have not been provided by th e
17 respective waste generators. In many cases, Veol ia
18 relies on waste composition analyses supplied by
19 individual waste generators, but those analyses a re
20 not always accurate. The EPA further states that
21 the performance testing that is conducted
22 periodically by Veolia provides only a snapshot o f
23 the emissions and does not necessarily represent
24 actual emission, actual emissions performances wi th
25 respect to all waste streams burned by Veolia

1 throughout the year. Unless the EPA requires CEMS
2 on all three incinerators, EPA cannot be certain
3 that Veolia is in continuous compliance with
4 feedrate limits.
5 And additionally, we wonder whether
6 the CEMS monitors can be modified so that they, so
7 that they also monitor Units 2 and 3 simultaneousl y.
8 Incinerators 2 and 3 are based in one building wit h
9 a shared control room, waste and feed systems. As a
10 result, their stacks are in very close proximity to
11 one another. Because of their proximity, it may be
12 possible to install only one multi-metal CEM that
13 can work for both of these combustion units. In
14 this case, Veolia would only have to purchase two
15 multi-metal CEMS instead of three, and this will
16 significantly reduce the financial burden, making
17 installing CEMS at all three combustion units mor e
18 feasible.
19 Another reason why CEMS should be
20 required on all incinerators at Veolia is because of
21 Veolia's history of violations and non-compliance .
22 Most recently, Veolia received a Finding of
23 Violation in August of 2012 for violations of the
24 Clean Air Act after an onsite compliance
25 investigation conducted by EPA's National

1 Enforcement Investigations Center in December, 201 1.
2 EPA found significant problems with Veolia's
3 feedstream analysis, where a high percentage of
4 Veolia's waste profiles were found to be inaccurat e.
5 In some of these waste profiles, Veolia
6 underestimated the actual metals concentration in
7 the waste stream. Inspectors also found that Veol ia
8 used generic waste profiles for waste streams that
9 contain volatile and semi-volatile metals. The us e
10 of overly broad standard profiles leads to incorr ect
11 metals concentrations being used to calculate the
12 feedrates for the incinerators. Veolia also used
13 several profiles that use metal concentrations
14 identical to those used in other profiles, which is
15 statistically unlikely. Veolia's past record off ers
16 no basis to expect satisfactory performance in th e
17 future. Because of the limitations of Veolia's
18 feedstream analysis, having a CEMS on just one
19 incinerator would not paint an accurate picture o f
20 Veolia's compliance with feedrate limits, because
21 what is burned in the one monitored incinerator i s
22 not representative of what is being burned in the
23 other, in the other two incinerators. All three of
24 Veolia's incinerators are fed a heterogeneous was te
25 stream, so a continued reliance on feedstream

1 analysis for these units would continue to yield
2 inaccurate emissions rates. Because of Veolia's
3 compliance history, their heterogenous feedstream,
4 and its locations in the area with environmental
5 justice concerns, CEMS monitors should be placed o n
6 all three units to ensure compliance with emission s
7 limits.
8 Additionally, considering the
9 substantial benefits of using CEMS, we believe tha t
10 their use should be required permanently at Veoli a
11 instead of the proposed one-year period. Veolia' s
12 feedstream changes from day to day, month to mont h,
13 and year to year, so a one-year trial period woul d
14 not ensure compliance in the future.
15 Our last point of confusion in the
16 draft permit we would like to -- we would like
17 clarified concerns beryllium. The original permi t
18 stated on Page 11 under Work Practice and
19 Operational Requirements that the permittee shall
20 not burn hospital waste -- hospital medical
21 infectious waste, municipal waste, or
22 beryllium-NESHAP containing waste. The word
23 "NESHAP" has been deleted from the condition in t he
24 draft modified permit, presumably in an attempt t o
25 clarify the prohibition on burning

1 beryllium-containing waste, but we find the
2 condition even more confusing now than before. Th e
3 draft -- the draft modified permit now states that
4 Veolia cannot burn beryllium-containing waste whil e
5 simultaneously specifying feedrate limits for
6 low-volatile metals, which specifically include
7 beryllium. We request that EPA clarify the
8 prohibition on burning beryllium-containing waste in
9 condition 2.1(C)(1).
10 Thank you again for this opportuni ty
11 to speak. In addition to our comments at today's
12 hearing, we will be submitting written comments
13 before the end of the public comment period.
14 HEARING OFFICER POPE: Are there any othe r
15 comments at this time? Are there any other
16 comments?
17 (No response.)
18 MS. GENEVIEVE DAMICO: Let's go off the
19 record for a half hour and see if anybody comes.
20 HEARING OFFICER POPE: Unless Mr. Kellmey er,
21 unless you want to do yours? Okay. Otherwise,
22 we're going to go off the record for about a half an
23 hour. Okay? Thank you.
24 (Off the record at 3:42 p.m.)
25 (Recess)

1 (Back on the record at 4:16 p.m.)
2 HEARING OFFICER POPE: Hello everyone. I
3 see that it's been 30 minutes, and I have no
4 commenter blue cards in my hand, so what I'd like
5 the record to show as of now that as of 4:16 p.m.,
6 since I have no commenter cards, that we are
7 recessed another 30 minutes.
8 (Off the record at 4:16 p.m.)
9 (Recess)
10 (Back on the record at 4:50 p.m.)
11 HEARING OFFICER POPE: Our comment period is
12 starting again, but we have no comments or any bl ue
13 cards, so what we'll do is recess another 30
14 minutes. Thank you.
15 (Off the record at 4:50 p.m.)
16 (Recess)
17 (Back on the record at 5:19 p.m.)
18 HEARING OFFICER POPE: Hello again,
19 everybody. I'm going to restart our comment peri od,
20 but since there are no blue cards, we'll do anoth er
21 recess. Another 30-minute recess. Thank you.
22 (Off the record at 5:20 p.m.)
23 (Recess)
24 (Back on the record at 5:51 p.m.)
25 HEARING OFFICER POPE: Comment period wil l

1 resume. It's not too late to fill out the blue
2 card, so you still have time to make a public
3 comment. So we see there are no cards at this tim e,
4 so we'll recess another 30 minutes. Thank you.
5 (Off the record at 5:52 p.m.)
6 (Recess
7 (Back on the record at 6:20 p.m.)
8 HEARING OFFICER POPE: The public comment
9 period has opened again. We see there are no
10 comments at this time. The next public comment
11 period coming up will be the last one. So the ne xt
12 public comment period will be the last time to ma ke
13 your comments, otherwise we'll recess until -- fo r
14 30 more minutes.
15 (Off the record at 6:20 p.m.)
16 (Recess)
17 (Back on the record at 6:50 p.m.)
18 HEARING OFFICER POPE: Our next commenter
19 will be Joe Kellmeyer.
20 MR. JOSEPH KELLMEYER: No, I'm opening th at
21 slot up, I'm not commenting. I'll comment only i n
22 writing.
23 HEARING OFFICER POPE: Okay, let the reco rd
24 show Mr. Kellmeyer said he will be commenting in
25 writing.

1 Okay, and there are no more
2 commenters at this time?
3 (No response.)
4 Well, this concludes our hearing
5 tonight. Remember, if you did not give oral or
6 written comments tonight, the public comment perio d
7 ends on April 1st; and thank you for coming.
8 Let the record show that it is now
9 6:51 p.m. on February 19th, 2013, and the hearing
10 for the Veolia ES Technical Solutions, LLC, draft
11 operating permit is now closed. Thank you.
12 (Hearing adjourned at 6:51 p.m.)
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1 CERTIFICATE OF REPORTER

2 I, Pamela K. Needham, Certified Court

3 Reporter, Notary Public within and for the State o f

4 Missouri, do certify that the witness whose

5 testimony appears in the foregoing deposition was

6 duly sworn by me; the testimony of said witness wa s

7 taken by me to the best of my ability and thereaft er

8 reduced to typewriting under my direction; that I am

9 neither counsel for, related to, nor employed by a ny

10 of the parties to the action in which this

11 deposition was taken, and further, that I am not a

12 relative or employee of any attorney or counsel

13 employed by the parties thereto, nor financially or

14 otherwise interested in the outcome of the action .

15

16 ----------

17 Notary Public within and for

18 the State of Missouri

19

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