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BEFORE THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (IEPA)

IN RE: VEOLIA ES TECHNICAL SOLUTIONS AIR PERMIT,

EPA PUBLIC HEARING IN THE MATTER OF
VEOLIA ES TECHNICAL SOLUTIONS AIR PERMIT
FEBRUARY 19, 2013

0002

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1 BEFORE THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
(IEPA)
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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 aforementioned
matter on the 19th day of February, 2013, between
9 the hours of 3:00 o'clock in the afternoon and 6:51
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, CSR
(MO, IL) and Notary Public, in a certain matter now
12 pending before the BEFORE THE ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY (IEPA) In the Matter of VEOLIA ES
13 TECHNICAL SOLUTIONS AIR PERMIT.
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1 APPEARANCES :
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THE HEARING OFFICER:
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Ms. Janet Pope
4 Community Involvement Coordinator
U.S. Environmental Protection Agency
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6
FOR THE ENVIRONMENTAL PROTECTION AGENCY:
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Ms. Genevieve Damico
8 Environmental Protection Agency Region 5
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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
21 711 North 11th Street
St. Louis, MO 63101
22 314-644-2191
23
24
25
0005
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 serving
7 as the Hearing Officer for today's hearing. A court
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 official
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 Chief
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're
17 in the back. We also have Francisco Arcaute, who is
18 a media relations specialist at the EPA. Everybody
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 permit
24 that EPA is proposing to issue to Veolia ES
25 Technical Solutions, LLC, located in Sauget,
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1 Illinois. Today's hearing will have two parts. In
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 last
10 name for the court reporter. If you have written
11 comments but do not wish to speak, please give them
12 to me before you leave. So that everyone who wishes

13 to comment has a chance to do so, please limit your
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 you
18 to release the floor to the next commenter. After
19 everyone has gotten a chance to comment, and if time
20 is still available, you may return and finish your
21 comments, or you may submit your remaining comments
22 to me on paper.
23 Please remember to repeat your last
24 name and spell it for the court reporter.
25 We will not be holding an informal
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1 question and answer session as part of this hearing.
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 record
5 for this permit. The EPA has prepared a fact sheet,
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 can
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 make
14 an announcement regarding the comment period. The
15 EPA has extended the comment period to April 1st,
16 2013. Therefore, you will now have until April 1st
17 to file your comments, and EPA will add any comments
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 is
22 being held at the Distance Learning Lab, Room 2083,
23 in Building B of Southern Illinois University
24 Edwardsville - East St. Louis Higher Education
25 Campus, 601 James R. Thompson Boulevard in East St.
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1 Louis, Illinois. This hearing is on the EPA's
2 proposal of a draft operating permit for the Veolia
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 are
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 those
13 who registered to speak today in the order that they
14 registered. When I call your name, please come up
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 permit
24 that is the subject of today's hearing.
25 Veolia's Sauget, Illinois, facility
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1 is a treatment, storage and disposal facility which
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 subject
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 Title
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 Veolia
21 on September 12th, 2008, and the permit became
22 effective on October 12th, 2008. Prior to issuing
23 the permit, EPA reviewed historical metal feedrate
24 data supplied by Veolia. The term "feedrate"
25 describes the amount of waste that Veolia burns in
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1 its combustion units. EPA concluded that the data
2 provided by Veolia was not reliable for determining
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 limits
17 for emissions of mercury, low-volatile metals (that
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 limits
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,
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1 and would take public comment on the limits at that
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 feedrate
15 limits that EPA considered to be supported by the
16 available performance test data.
17 EPA is proposing to reopen the Title
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. Part
25 71, and the National Emissions Standards for
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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 System,
9 or CEMS, as one of -- on one of its incinerators,
10 Unit 3, for at least one year. A multi-metals CEMS
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 every
15 fifteen minutes.
16 The test results will help U.S. EPA
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 would
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1 supplement any other analysis procedures for
2 mercury, semi-volatile metals, and low-volatile
3 metals, as specified in Veolia's Feedstream Analysis
4 Plan, or FAP, and would supersede any less stringent
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 answer
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 receives 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 comment
23 during the public comment period.
24 HEARING OFFICER POPE: Again, just
25 restating, if you'd like to make a public comment,
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1 you need to fill out one of these blue cards if you
2 have not done so, you need to fill out one of these
3 cards.
4 First commenter will be Kathleen
5 Logan Smith.
6 MS. KATHLEEN LOGAN SMITH: This is going to
7 be fun for your reporter because I'm mostly going to
8 say whatever these people say. But I'm the Director
9 of Environmental Policy with the Missouri Coalition
10 For the Environment, and I wanted to -- my name is
11 Kathleen Logan Smith, spelled just like it sounds,
12 and I wanted to thank EPA Region 5 for opening this
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 important
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 at
22 putting CEMS monitors on all of the emissions
23 sources, all of the stats, at least for a time, to,
24 because sometimes the performance, you know, cannot
25 be consistent across three different pieces of
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1 equipment.
2 So that's all I have to say right

3 now, and we'll give more comments in writing. Thank
4 you.
5 HEARING OFFICER POPE: Commenter Number 2,
6 Kathy Andria.
7 MS. KATHY ANDRIA: Good afternoon. My name
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 of
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 the
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 oversight
19 of the Veolia incinerator. In 2003 at the original
20 Title V hearing, we brought the agency's attention
21 to reports of a history of violations and accidents
22 at the plant. We told you that the lakes at Frank
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
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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 incinerator
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 blood
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 while
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. And
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 are
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 noncompliance,
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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
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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, and
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 too
11 many children and too many families who already may
12 have been impacted.
13 Thank you for your consideration of
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 the
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
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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 Washington
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 threats
9 to the environment. The American Bottoms
10 Conservancy actively works to protect and preserve

11 the air and water quality of the American Bottoms
12 area. The organization has over 100 members, with
13 many living in the Sauget area.
14 First, I would like to thank the EPA
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 living
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
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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, and
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 metals
19 based on the highest 12-hour rolling average Veolia
20 feedrate over a multiyear period should not hinder
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 mercury
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1 to feedrates that performance testing has shown will
2 not result in excess emissions is warranted, given
3 the special concerns about mercury deposition in and
4 around the lakes used for subsistence fishing
5 identified in EPA's own human health risk assessment
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 the
12 incinerators each year would exceed the limit of 3.6
13 kilograms per year specified in Veolia's state RCRA
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 you
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 the
25 EPA to consider further restricting the mercury
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1 feedrate limit in the Title V permit so as to reduce
2 the likelihood of Veolia exceeding the limits set in
3 the RCRA permit.
4 In the current permitting action, EPA
5 is also proposing to supplement monitoring
6 requirements to assure compliance with the proposed
7 feedrate limits by requiring multi-metals continuous
8 emissions of monitoring systems, or CEMS, on one of
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 with
13 the proposed feedrate limits is to require CEMS at
14 all three incinerators instead of just the one unit.
15 According to the Statement of Basis,
16 CEMS are the most direct means of ensuring --
17 ensuring compliance with emissions limits, which
18 help protect the public health and the environment.
19 Veolia's current procedure for ensurance -- for
20 ensuring compliance with emissions limits,
21 feedstream analysis, poses several challenges. With
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
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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 feedstream
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. Feedstream
10 analysis supplemented by periodic performance
11 testing does not work, because the feedstreams are
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 their
16 composition profiles have not been provided by the
17 respective waste generators. In many cases, Veolia
18 relies on waste composition analyses supplied by

19 individual waste generators, but those analyses are
20 not always accurate. The EPA further states that
21 the performance testing that is conducted
22 periodically by Veolia provides only a snapshot of
23 the emissions and does not necessarily represent
24 actual emission, actual emissions performances with
25 respect to all waste streams burned by Veolia
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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 simultaneously.
8 Incinerators 2 and 3 are based in one building with
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 more
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
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1 Enforcement Investigations Center in December, 2011.
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 inaccurate.
5 In some of these waste profiles, Veolia
6 underestimated the actual metals concentration in
7 the waste stream. Inspectors also found that Veolia
8 used generic waste profiles for waste streams that
9 contain volatile and semi-volatile metals. The use
10 of overly broad standard profiles leads to incorrect
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 offers
16 no basis to expect satisfactory performance in the
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 of
20 Veolia's compliance with feedrate limits, because
21 what is burned in the one monitored incinerator is
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 waste
25 stream, so a continued reliance on feedstream
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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 on
6 all three units to ensure compliance with emissions
7 limits.
8 Additionally, considering the
9 substantial benefits of using CEMS, we believe that
10 their use should be required permanently at Veolia
11 instead of the proposed one-year period. Veolia's
12 feedstream changes from day to day, month to month,
13 and year to year, so a one-year trial period would
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 permit
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 the
24 draft modified permit, presumably in an attempt to
25 clarify the prohibition on burning
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1 beryllium-containing waste, but we find the
2 condition even more confusing now than before. The
3 draft -- the draft modified permit now states that
4 Veolia cannot burn beryllium-containing waste while
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 opportunity
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 other
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. Kellmeyer,
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)
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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 blue
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 period,
20 but since there are no blue cards, we'll do another
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 will
0029
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 time,
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 next
12 public comment period will be the last time to make
13 your comments, otherwise we'll recess until -- for
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 that
21 slot up, I'm not commenting. I'll comment only in
22 writing.
23 HEARING OFFICER POPE: Okay, let the record
24 show Mr. Kellmeyer said he will be commenting in
25 writing.
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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 period
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 of
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 was
7 taken by me to the best of my ability and thereafter
8 reduced to typewriting under my direction; that I am
9 neither counsel for, related to, nor employed by any
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
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