

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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IN RE: TITLE V OPERATING PERMIT RENEWAL REQUEST FOR
COVANTA DELAWARE COUNTY, LP,

* * * * *

BEFORE: JOHN REPETZ, Moderator

DAREK JAGIELA, Host

HEARING: September 22, 2021

6:30 p.m.

LOCATION: Via WebEx

SPEAKERS: Mike Ewall, Chuck Lacy, Knar Gavin, Erica
Burman, Eve Miari, Patricia Zirin, Eric Everbach,
Meg Lemieur, Nancy Sleator, Lisa Hastings, Greg
Trader, Miranda Meng, Sheil Desal, Chris Shelton,
Giovanna DiChiro, Zulene Mayfield, Beck Ferguson,
Will Jones, Jocelyn Bowser-Bostick, James McLaughlin

Reporter: Nicole Montagano

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I N D E X

1		
2		
3	OPENING REMARKS	
4	By Mr. Repetz	4 - 7
5	PUBLIC COMMENT	
6	By Mr. Ewall	7 - 10
7	By Mr. Lacy	10 - 12
8	By Ms. Gavin	12 - 15
9	By Ms. Burman	15 - 17
10	By Ms. Miari	17 - 20
11	By Ms. Zirin	20 - 24
12	By Mr. Everbach	24 - 26
13	By Ms. Lemieur	26 - 28
14	By Ms. Sleator	28 - 30
15	By Ms. Hastings	30 - 32
16	By Mr. Trader	32 - 34
17	By Ms. Meng	34 - 36
18	By Mr. Desal	36 - 38
19	By Mr. Shelton	38 - 39
20	By Mr. DiChiro	40 - 42
21	By Ms. Mayfield	42 - 44
22	By Ms. Ferguson	44 - 47
23	By Mr. Jones	48 - 49
24	By Ms. Bowser-Bostick	50 - 54
25	By Mr. McLaughlin	55 - 57

E X H I B I T S

1
2
3
4
5
6
7
8
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11
12
13
14
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<u>Number</u>	<u>Description</u>	<u>Page Offered</u>	<u>Page Admitted</u>
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NONE OFFERED

P R O C E E D I N G S

1
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MR. REPETZ: Good evening, everyone,
and welcome. My name is John Repetz. I'm a
Community Relations Coordinator for the Pennsylvania
Department of Environmental Protection. I will
serve as the Moderator for this evening's hearing
regarding the Renewal of the Title V Operating
Permit for Covanta Delaware Valley's Waste Energy
Facility located in the City of Chester, Delaware
County.

In an effort to make this proceeding
available to as many interested stakeholders as
possible, this hearing is being held virtually, in
tandem with a 30-day public comment period, Notice
of which was published in the Pennsylvania Bulletin
on August 21st. This hearing accessible by both
internet and phone. Additionally, written comments
can be submitted to DEP through the close of
business on Monday, October 4th. Comments can be
submitted electronically through email to
RA-EPSEROAQPUBCOM@Pa.gov. Or through the mail to
DEP's Southeast Regional Office, Bureau of Air
Quality, 2 East Main Street, Norristown, PA, 19401.

To assist with mail routing, please

1 mark Covanta Title V Renewal on the envelope. All
2 written comments will be accepted through the close
3 of business on Monday, October 4th. All comments,
4 regardless of how they are submitted, carry equal
5 weight and consideration for DEP.

6 As for the purposes of this evening's
7 hearings and the concurrent comment period, this
8 action is a Renewal of the Title V Operating Permit
9 for operation of six municipal waste combustion
10 units and their associated processing and emission
11 control devices. This facility is a waste energy
12 plant, which incinerates residual waste and
13 municipal waste and generates 90 net megawatts of
14 electricity per hour. This facility is classified
15 as a major stationary source, a Title V facility as
16 defined in the Clean Air Act. This facility is also
17 a major stationary source for greenhouse gas
18 emissions. There are no proposed changes to the
19 potential emissions from this facility.

20 We are here this evening to receive
21 oral comment from interested stakeholders residents
22 and neighbors. The format of this evening will go
23 like this. Unlike a public meeting where there is a
24 back and forth question and answer exchange, this
25 formal public hearing is designed for DEP to receive

1 your testimony. DEP will not respond to questions
2 during the hearing, rather DEP will review all
3 comments received and provide responses to a comment
4 and response document, which will be posted to the
5 Southeast Region's Community Information page on
6 DEP's website.

7 Those who preregistered with me will
8 be unmuted in the order they registered and given
9 three minutes to provide their comments. The order
10 of the registered speakers will be posted on the
11 screen. Once time has expired or the remarks have
12 concluded, you will be re-muted and the next person
13 on the list will be unmuted and given their own
14 three minutes. We ask that you respect the three-
15 minute time limit. Again, we ask that you respect
16 the three-minute time limit. If you run out of
17 time, you can submit the additional comments in
18 written form.

19 All other participants and those who
20 did not indicate they were interested in speaking,
21 will remain muted for the duration of the hearing.
22 Use of threatening or offensive language will not be
23 tolerated. In order to capture all oral testimony
24 this evening, a stenographer is on the line and will
25 produce an official transcript of this evening's

1 hearings. That transcript will also be posted on
2 DEP's website, along with the comment and response
3 document.

4 We will not be using the chat function
5 to submit questions or comments and ask that you
6 please limit the chat box to letting us know of any
7 technical issues. Comments submitted from the chat
8 box will not be collected. Only those comments
9 submitted to the provided email account or mailed to
10 the Regional Office will be counted as a public
11 comment.

12 We will now begin taking formal
13 testimony. Please forgive any mispronunciation, and
14 we ask that you please state your first and last
15 name before you begin your testimony. If you joined
16 through your computer, you will see a three-minute
17 timer on your screen so you may keep track of your
18 time. For those joining by phone, I'll let you know
19 when you have about 30 seconds left. And with that,
20 we will begin, first commenter on the list is Mike
21 Ewall.

22 MR. EWALL: Hi, my name is Mike Ewall.
23 I'm the Owner and Executive Director of Energy
24 Justice Network and I'd like to speak to the need
25 for continuous emissions monitoring on this

1 facility. Covanta often markets themselves as if
2 they know what's coming out of their smokestack at
3 all times. And in fact, they only know what's
4 coming out of their smokestack for four pollutants;
5 nitrogen oxide, sulfur dioxide, carbon monoxide and
6 hydrochloric acid. That includes none of the toxic
7 chemicals, none of the toxic metals, the dioxins,
8 the particulate matter. There are many chemicals
9 that are pumping into the air, and the only other
10 ones that are tested at all, about 11, I believe, in
11 the permit, are tested once a year under best
12 operating conditions.

13 This is like if we regulated motorists
14 the same way they regulate smokestacks in this
15 country, we would have people drive around all year
16 with no speedometer and there would be speed traps
17 set on the highways once a year and there would be
18 signs saying warning, slow down, speed trap ahead
19 and the brother of the driver will be running the
20 speed trap, because the companies have their own
21 consultants that do their own testing. They know
22 when the test is coming up. It's an open-book test.
23 That is not an appropriate way to monitor what's
24 really coming out the stack of these facilities, and
25 the technology exists to continuously monitor over

1 50 different pollutants, including many different
2 metals, particulate matter, other acid gasses,
3 dioxins and furans and more.

4 And so we're asking that DEP put this
5 as a requirement in the permit. We know that there
6 are some other facilities that DEP has permitted in
7 the state that did require continuous monitoring for
8 particulate matter, as certain waste coal-burning
9 power plants that didn't end up getting built, but
10 nonetheless, it was required, which inspires
11 Philadelphia to require it and it actually was
12 installed at the oil refinery when that was still
13 operating.

14 And we know that especially for
15 pollutants like dioxins, which are very temperature
16 sensitive and are the most toxic chemicals known to
17 science, when you use continuous sampling, they
18 don't have commercially-available real-time testing
19 for that one, but they do have hundreds of uses
20 around the world where they put in a cartridge and
21 they can sample up to about six weeks, switch it
22 out, put another cartridge in, send it off to a lab
23 and then you catch all the spikes that happen when
24 you start up, shut down and have malfunctions.

25 And what they found in Europe, when

1 they use this kind of testing, instead of our 12-
2 hour a year sampling we do for dioxins here, in one
3 study they found the real emissions of the most
4 toxic chemicals known to science are 32 to 52 times
5 higher than what we think they are in the U.S.

6 A more recent study found that 640 to
7 over 1,000 times higher than what we really thing -
8 what we think they are in the U.S., based on the
9 limited best-case scenario testing that we do here.
10 So please put in this permit requirement for
11 continuous monitoring for additional pollutants for
12 the which the technology is tested and vetted by
13 EPA, as many have back around 2006. Thank you.

14 MR. REPETZ: Thank you, Mike. Second
15 on the list is Chuck Lacy.

16 MR. LACY: Hi, my name's Chuck Lacy.
17 Can you hear me?

18 MR. REPETZ: Yes, we can. Go ahead.

19 MR. LACY: I'll begin by quoting the
20 May 3rd, 2021 Pennsylvania DEP Violation Letter to
21 Covanta. In that letter you said, this community
22 has been forced to bear a disproportionate share of
23 adverse environmental impacts and has not meaningful
24 involvement in development, implementation and
25 enforcement on environmental laws, regulations and

1 policies. In the same letter, you spoke about
2 cumulative impact in Chester, saying Chester had six
3 percent of the county population, but 54 percent of
4 the NOx emissions and 85 percent of all SOx
5 emissions. This does not include the non-point
6 sources like cars.

7 So the Pennsylvania DEP has described
8 the injustice. You've documented the injustice and
9 you have the power to address it. And you know,
10 we're trusting you to do it. This is an old plant,
11 as you know. Thirty (30) years ago, it was called
12 mass burn technology. Now they call it renewable
13 energy. You said in your May letter to Covanta, due
14 to their age, substantial investments are required
15 to maintain proper operation of these units.

16 You should know that Covanta has the
17 wealth to make these investments. Over the last 52
18 weeks alone, Covanta shareholder value has increased
19 \$1.3 billion. They have 41 incinerators. So that's
20 over \$30 million in new shareholder wealth per
21 incinerator in just one year. It's time to install
22 modern air pollution control equipment and the
23 company's shareholders can afford it. They're not
24 missing any suppers. They have no need to profit
25 off the lungs of environmental justice in

1 communities like Chester.

2 Covanta's engineers published the
3 paper in 2016 promoting their mass burn technology
4 as benign. They said the new Covanta incinerator in
5 Palm Beach, Florida has NOx emissions of 30 to 31
6 parts per million. That's about a quarter of the
7 Covanta NOx emissions in Chester, as self-reported.
8 What's possible in Palm Beach is possible in
9 Chester.

10 Being an old plant, there's no excuse
11 for a forever exemption from decent treatment of
12 this community. Chester deserves what Palm Beach
13 has. Please require them to update the pollution
14 control equipment. Thank you. I'm done.

15 MR. REPETZ: Thank you, Chuck. We
16 appreciate it. Next on the list is Knar Gavin.

17 MS. GAVIN: Hi, can you hear me?

18 MR. REPETZ: Yes, I can. Go ahead.

19 MS. GAVIN: I want to comment tonight
20 on a story Covanta tells about itself, involving
21 around regarding Covanta and what it means to be in
22 compliance with DEP air permits. Covanta routinely
23 touts that their 99 percent below emission limits,
24 implying that they therefore cannot be harming
25 public health. I'd to share six points

1 demonstrating that to be false.

2 First, Covanta is not always within
3 their permit limit. They have violations both for
4 exceeding permit limits and for their continuous
5 monitors being down for too long. When monitors are
6 down, more violations accrue undetected. Second,
7 Covanta's 30-year old incinerator is held for permit
8 limits that are far weaker than limits for modern
9 facilities both in the U.S. and some other
10 countries.

11 If a permit were granted to build
12 their incinerator today, they would not be allowed
13 to operate at their current levels of emitting 180
14 parts per million of NOx pollution. If they were
15 given a permit at all, they would be held to the
16 modern limit of 45 parts per million requiring the
17 use of expensive selective catalytic reduction
18 equipment. Third, permit limits are not based on
19 health and safety. They're derived from technology-
20 based standards for what a given facility can meet.
21 A Pennsylvania DEP air permit engineer admitted as
22 much on video years ago at a public hearing.

23 Fourth, permit limits are
24 concentration based. So a 500 ton-a-day incinerator
25 would be permitted to release only one-seventh of

1 what Covanta's 3,500 ton-a-day incinerator in
2 Chester can legally emit. Clearly, if permit limits
3 had anything to do with public health and safety,
4 companies would not be allowed to pollute more
5 simply because they're bigger. It would be a, no
6 one shall cross-type limit and it would take into
7 account the presence of other pollutants
8 concentrated in a given area.

9 Fifth, with the exception of four
10 pollutants that are monitored continuously, carbon
11 monoxide, NOx, hydrochloric acid and sulfur dioxide.
12 Covanta only tests for about 11 other pollutants and
13 that's only once per year. This self-administered
14 test is conducted under ideal operating conditions
15 that underestimate actual emissions. The most toxic
16 emissions, dioxins, are tested for only 12 hours per
17 year. European studies have shown that dioxin
18 emissions are ten to over a thousand times higher
19 than the once-a-year testing the U.S. indicates, as
20 demonstrated by continuous sampling technology.

21 And finally, emissions of highly toxic
22 mercury, dioxins and several other pollutants are at
23 levels that are quite significant and there is no
24 safe dose for any of these. The only healthy and
25 safe level of mercury and dioxins is zero, which is

1 only possible if you deny this air pollution permit
2 extension. Thank you so much.

3 MR. REPETZ: Thank you for your
4 comments. Next on the list is Jocelyn Bowser-
5 Bostick.

6 MR. JAGIELA: Jocelyn's unmuted, but
7 she may be having some issues. We may have to come
8 back to her, John.

9 MR. REPETZ: Okay.

10 We'll return to Jocelyn. Next on the
11 list is Erica Burman.

12 MS. BURMAN: Hi, can you hear me?

13 MR. REPETZ: Yes, we can. Go ahead.

14 MS. BURMAN: Okay.

15 Thank you. Hi, I'm Erica Burman from
16 Media. I work in Chester at the Delaware County
17 Historical Society and I'm the fifth generation of
18 my family to work in the city. In studying the
19 history of Chester, I've learned that depth of
20 systemic racism that allow for the waterfront to be
21 transformed into a hub of industry pollution and
22 waste. And now the nation's biggest incinerator
23 happened to land in the city, smack in the middle of
24 a low-income black and brown community.

25 To let the Covanta facility operate,

1 let alone with the same permit, perpetuates the
2 cycle of racism in the city, especially when we know
3 there are control devices and other technology that
4 could be installed to reduce the impact on the
5 community health and accurately monitor emissions,
6 which others before me have mentioned.

7 Not to mention, Chester is a
8 notoriously environmental justice community. In
9 fact, the city played a large role in the reason why
10 the DEP created their Office of Environmental
11 Justice in response to the well-publicized work of
12 SERPL in fighting off other polluting waste facility
13 and targeting the city in the '90s.

14 Considering the asthma rates alone in
15 Chester, how can the DEP possibly consider renewing
16 the same operating permit to a 30-year old facility
17 that has knowingly polluted the community. Let's
18 consider the DEP Office of EJ admissions. To ensure
19 that those most at risk for pollution and other
20 environmental impacts have a voice in the decision-
21 making process. Please listen to the voice from
22 Chester and others today. Do not allow Covanta to
23 continue operating at the same inadequate standards
24 that they have been. At the minimum they should
25 mimic the standards in place or NOx and other

1 controls at the Florida, Palm Beach facility.

2 DEP needs to take strong consideration
3 of the word protection when it's making a decision
4 about existing and new permits. Who are you really
5 protecting? You're meant to protect the people and
6 the environment, not industries. Please remember
7 that. Thank you.

8 MR. REPETZ: Thank you, Erica. Next
9 on the list is Eve Miari.

10 MS. MIARI: Thank you. Can you hear
11 me?

12 MR. REPETZ: Yes, we can. Go ahead.

13 MS. MIARI: Thank you. My name is Eve
14 Miari. I live in Delaware County, approximately
15 five miles outside out of Chester. I'm an Advocacy
16 Coordinator for the Clean Air Council, a
17 Philadelphia-based member supported, non-profit
18 environmental organization. For over 30 years, the
19 nation's largest waste incinerator has polluted the
20 City of Chester and contributed to poor air quality
21 across Delaware County.

22 The co-location of multiple polluting
23 facilities in the Chester community is widely
24 recognized as one of the most egregious examples of
25 environmental racism in the country. DEP

1 contributed to this problem in the 1990s by granted
2 one permit after another to industrial facilities in
3 a community of color.

4 DEP has an obligation to alleviate a
5 burden that it helped create. While the greatest
6 impact is felt by the residents of Chester, air
7 pollution does not stop of municipal boundaries.
8 The entire county is impacted by this polluting
9 facility as evidenced by increased levels of brown-
10 level ozone and high asthma rates.

11 Allowing Covanta to emit 1,167.9 tons
12 of nitrogen oxide per year for this facility,
13 including an increase of 137 tons from 2019 to 2020
14 is at odds with DEP's Clean Air Act requirement to
15 improve the longstanding ground-level ozone
16 pollution problem in Delaware County.

17 DEP should abandon the mindset that it
18 is legally required to routinely grant applications
19 for air permits. In reality, DEP is required to
20 deny an application for a permit where the project
21 will cause air pollution that can harm public
22 health. DEP has not assessed the cumulative air
23 pollution impacts of this facility and other
24 permitted facilities in Chester and at the very
25 least, must conduct such analyses to inform its

1 decision-making on this permit.

2 Finally, DEP should impose the
3 following pollution reduction - reducing
4 requirements of Covanta as a requirement of any
5 future permit condition. Install equipment capable
6 of reducing NOx emissions to meet the modern limit
7 of 45 parts per million. Install an activated
8 carbon injection system to reduce emissions of
9 dioxins and mercury and achieve a standard of 15
10 parts per million. Use continuous emissions
11 monitoring technology to measure compliance with
12 standards for particulate matter, dioxins, furans
13 and heavy - toxic heavy metals.

14 Residents of Chester are calling out
15 for the restoration of environmental justice. They
16 are joined by their neighbors and allies from across
17 the county. This facility should never have built
18 in a - never had been built in a community of color
19 in the first place. As DEP is largely responsible
20 for this environmental racism, it is morally
21 obligated to remedy the situation. In the absence
22 of any new permit conditions that would
23 substantially alleviate the air pollution burden
24 from this facility and a full analyses of cumulative
25 impact, DEP should deny this permit renewal. Thank

1 you.

2 MR. REPETZ: Thank you, Eve. Next
3 will be Loretta Payne.

4 MR. JAGIELA: John, I do not see
5 Loretta on the line.

6 MR. REPETZ: Okay.

7 Moving on then, next will be Patricia
8 Zirin.

9 MS. ZIRIN: Okay, I'm unmuted.
10 Should I start?

11 MR. REPETZ: Yes. Correct. You can
12 go ahead.

13 MS. ZIRIN: People of color and those
14 seeking to change an exploitive and oppressive
15 system have disproportionately been repressed, not
16 represented by this incinerator and its usage
17 decision-makers in the City of Chester, PA. In
18 fact, since the Covanta incinerator has been in
19 operation, it has made Chester the poster child for
20 environmental racism, albeit the Covanta love canal.

21 Covanta's facility in Chester is the
22 nation's largest waste incinerator, burning close to
23 their capacity of 3,500 tons of trash and industrial
24 waste per day. And most of it is shipped into
25 Chester via truckloads of stinking refuse the

1 residents must endure the odor of routinely. Less
2 than two percent of the trash incinerator - in the
3 incinerator is for Chester, but rather New York
4 City, Philadelphia, Delaware and over 19 other
5 regions and Covanta burns not only regular refuse,
6 but also recyclables and toxic medical - medical
7 waste. Covanta's incinerator in Chester is the
8 largest air polluter in the City of Chester and is
9 one of the top industrial air polluters in the
10 county for most pollutants.

11 Air pollution for Covanta's
12 incinerator is a health and environmental justice
13 issue of significant interest to residents of
14 Chester City and all of Delaware County, as well as
15 Philadelphia. And Philadelphia Metro has been
16 ranked by the Asthma and Allergy Foundation of
17 America as the seventh worst asthma capital in the
18 nation in 2021. Chester's children have an asthma
19 hospitalization rate four times the state average
20 and five times the national average.

21 Delaware County has the third highest
22 cancer rate in Pennsylvania, significantly higher
23 than expected. Pennsylvania's cancer rate is the
24 third highest in the nation. Black Pennsylvanian's
25 suffer from higher risk of getting cancer and then

1 dying from it.

2 Covanta was allowed to continue
3 operating under a permit shield until a new five-
4 year air pollution permit is issued. Covanta took
5 over owning and operating of the trash incinerator
6 from the American Refuel in June of 2005. Since
7 Covanta took over the incinerator, they have been
8 cited by the Department of Environmental Protection
9 with 320 violations, twice as many as the second
10 worst environmental violator in the City.

11 In March 2009, inspection by the U.S.
12 Environmental Protection Agency, Inspector Horgan
13 inquired with Covanta about oxides, NOx, known to
14 trigger asthma attacks for highly-toxic mercury and
15 dioxins to which Covanta's environmental engineer
16 explained that it costs a lot of money and would
17 create operational issues, but what about the people
18 whose lives are being spent? Don't they have a
19 value?

20 Incidence; black Pennsylvanians have
21 the highest incidence of lung and bronchitis cancer
22 followed by white Pennsylvanians. The rates for men
23 were much higher than the rates for women. Cancer
24 is a problem everywhere, but it's worse in
25 Philadelphia than most other parts of the metro

1 area. The state and similar big cities, an average
2 of just more than 8,200 residents in Philadelphia
3 County were diagnosed with cancer annually.
4 Pennsylvania as a state has a higher annual cancer
5 rate than the regional national average with 494.8
6 incidences per year per hundred-thousand people.
7 The southeast corner of the state exhibits the
8 highest rate of colonoscopy, sigmoidoscopy at the
9 rate of 68 percent.

10 Cancer is the most visible chronic
11 disease afflicting Pennsylvanians. Black males had
12 overall age-adjusted cancer incidence rates of 625.7
13 per 100,000 males.

14 MR. REPETZ: Your time is expired.
15 Please wrap up.

16 MS. ZIRIN: Okay.

17 I've just got two more paragraphs.
18 In 2011, -.

19 MR. REPETZ: Can you please submit
20 those in writing?

21 MS. ZIRIN: Yes, I will. Thank you.
22 I just want to say one more thing. People of color
23 and those seeking to change and exploit an
24 oppressive system have disproportionately been
25 repressed, not represented by the incinerator and

1 its decision-makers in the usage of the City of
2 Chester, Pennsylvania. Thank you.

3 MR. REPETZ: Thank you, Patricia.

4 MS. ZIRIN: Can you send me the email
5 to send that in writing to, please?

6 MR. REPETZ: Yes, I will.

7 MS. ZIRIN: Thank you.

8 MR. REPETZ: Next is Robert McMonagle.

9 MR. JAGIELA: John, I do not see
10 Robert on the line.

11 MR. REPETZ: Okay.

12 Thank you, Darek. Then moving on, we
13 will go to Eric Everbach.

14 MR. EVERBACH: Hello. I live in
15 Delaware County, about five miles from the Chester
16 incinerator and I have three quick points to make.
17 I'm not reading from a script.

18 The first is that no one yet has
19 mentioned PM 2.5, or the 2.5 micrometer particulate
20 matter. There was a study in 2019 from The New
21 School that showed that the Covanta facility in
22 Chester was - had more particulate matter than any
23 facility in the entire United States. That study
24 was very convincing that the small particular
25 pollution, the 2.5 micron particulate matters are

1 especially harmful to the lungs of children and
2 contributes to the high asthma rate that has been
3 quoted earlier by earlier speakers.

4 I'd also like to point out that
5 because of the COVID-19 epidemic, there's a
6 correlation - established correlation between lung
7 damage due to particulate matter and difficulty
8 recovering from COVID-19. So we are still in the
9 COVID-19 epidemic - pandemic and the incinerator is
10 still putting out large amounts of particulates.
11 This is something that needs to be taken into
12 account in the - in the decision to - which I
13 recommend not renewing the DEP permit.

14 The last thing I'll say is, relates
15 the electricity generation. The - this - this plant
16 is permitted and is often called a trash-to-steam
17 facility and the steam is steamed to generate
18 electricity. The fact is, that the amount of
19 electricity generated and the way it's generated is
20 extremely inefficient and is really mostly just
21 window dressing for the incineration.

22 The profits that are made my Covanta
23 are from the tipping fees and the costs at the
24 incineration side. The electricity is a very small
25 fraction of the total output of the plant, in terms

1 of its benefits to the community, and could easily
2 be replaced by non-polluting sources for - for the
3 benefit of the community. So thank you very much.
4 Those are all my comments I wanted to make.

5 MR. REPETZ: Thank you, Eric. Next,
6 is Meg Lemieur.

7 MS. LEMIEUR: Hi, this is Meg. Can
8 you hear me?

9 MR. REPETZ: Yes, we can. Go ahead.

10 MS. LEMIEUR: My name is Meg Lemieur.
11 I grew up in Delaware County and have lived most of
12 my life, adult life in Philadelphia. I'm standing
13 in solidarity with Chester because my personal trash
14 has been polluting their environment beyond my
15 control, but it's not beyond your control.

16 I'm here to insist that, at the very
17 least, Covanta put nitrogen oxide controls at
18 Covanta. Nitrogen oxide triggers asthma attacks and
19 Covanta is the biggest industrial source of this
20 pollution in the county since they have no pollution
21 controls for it. Chester's children have an asthma
22 hospitalization rate of four times the state
23 average, which has been mentioned, according to the
24 PA Department of Health. Thirty-eight (38) percent
25 of Chester's children have asthma, as do 27 percent

1 of adults.

2 In a March of 2009 inspection by the
3 EPA, which was also mentioned before, Inspector
4 Horgan inquired with Covanta about installing
5 pollution controls for nitrogen oxide, but Covanta's
6 environmental engineer explained that it cost a lot
7 of money and would create a lot of operational
8 issues, but it's not an acceptable answer.

9 NOx controls are standard in the
10 majority of trash incinerators across the country.
11 Covanta's current limit is 180 parts per million,
12 but other states are setting new requirements that
13 existing trash incinerators need to meet a standard
14 of 150 parts per million. And if this incinerator
15 were permitted as a new facility in the last decade,
16 it would have to meet a modern limit of 45 parts per
17 million.

18 So DEP needs to make sure that if the
19 incinerator keeps operating in Chester, which I hope
20 it doesn't, that it meets the modern requirements to
21 reduce air pollution. Yes, it's more expensive to
22 install at the existing facility, but we know that
23 cost. In Baltimore, a study required by the
24 Maryland Department of the Environment found that it
25 would cost \$60 to \$80 million to install on a three-

1 boiler incinerator. Since Covanta here has six
2 boilers, perhaps it would be twice that. The
3 residents of Chester and the region deserve nothing
4 less. After all, the cost of this pollution on
5 public health is in the order of \$14 million a year,
6 which overtime adds up to be way more than what
7 Covanta would pay, if - to cut back its pollution.

8 So the DEP must require that Covanta
9 install equipment that's capable of reducing
10 nitrogen oxide emissions to the modern limit of 45
11 parts per million. Chester City is not to be a
12 sacrifice. They deserve every protection possible
13 and any delay in that is a delay in protecting our
14 health and wellbeing. As an environmental justice
15 community, they need and deserve every protection in
16 the books. Thank you very much.

17 MR. REPETZ: Thank you, Meg. Next on
18 the list is Nancy Sleator.

19 MS. SLEATOR: Hi. I'm going - I live
20 in Lansdowne, which is in Delaware County and I'm
21 going to talk about the Civil Rights Act of 1964.
22 Title Six of the Civil Rights Act of 1964 requires
23 that any federally-funded entity, such as DEP, not
24 take any action that has a discriminatory effect on
25 racial minorities. DEP is familiar with this since

1 the first lawsuit over environmental racism using
2 Title Six came from the Chester residents concerned
3 for quality of living against DEP in the mid-1990s.

4 DEP has an affirmative duty to look at
5 impacts on its decisions on racial minorities and to
6 not act in a way that would be discriminatory. As
7 DEP has long recognized that DEP is an environmental
8 - that Chester is an environmental justice
9 community, due to both race and class factors, DEP
10 is legally obligated not to issue a permit for more
11 pollution in the disproportionately polluted City of
12 Chester.

13 Moreover, DEP has a constitutional
14 obligation under the Pennsylvania Environmental
15 Rights Amendment to not violate people's rights to
16 clean air. DEP cannot argue that simple compliance
17 with air pollution permits means that there is no
18 air pollution or that discriminatory impacts are not
19 possible. The very nature of the Title V Air Permit
20 is to permit pollution. And the pollution allowed
21 is not based on health and safety, but on the
22 technology and size of the facility.

23 With Covanta being the number one
24 environmental violator in Chester, by far, there is
25 no excuse to hide behind an assumption that Covanta

1 will stay in compliance with a permit, even if that
2 permit meant no health impacts were possible. You
3 must deny this Title V Air Permit Renewal on both
4 state, constitutional and federal Civil Right Act
5 grounds. Thank you.

6 MR. REPETZ: Thank you, Nancy. Next
7 on the list if Greg - or excuse me, Lisa Hastings.

8 MS. HASTINGS: Hello, I'm Lisa
9 Hastings and I'm speaking in opposition to this
10 permit. Incineration of waste as others have
11 explained is a highly-polluting and unnecessary
12 activity and this facility is substandard, even for
13 other incinerators. If they should be allowed to
14 operate at all, it should be with the highest
15 emission controls, not without emission controls in
16 some instances or very low ones in others.

17 I find it embarrassing that the State
18 of Pennsylvania would consider allowing this highly-
19 polluted - polluting old, outdated facility to
20 operate anywhere in the state, let alone in a known
21 EJ community. Pennsylvania needs to stop willfully
22 allowing excessive pollution that damages both the
23 health of its citizens in the environment as a
24 whole.

25 Everyone in Pennsylvania has the

1 constitutional right to a clean environment, not
2 just those who live in affluent communities with no
3 industry. DEP also has the obligation to uphold,
4 not ignore Pennsylvania's constitution. While it
5 may not be the only source of asthma and cancer-
6 causing pollution in the Chester area, it cannot be
7 denied that it is a huge contributor to pollution-
8 based illnesses and - and premature death in
9 Chester.

10 Just the high level of pollution-
11 related illnesses in Chester should be reason enough
12 to demand that at least the highest emission
13 reductions possible be imposed, as well as
14 continuous monitoring of emissions of most
15 pollutants, including all the toxic - toxic heavy
16 metals it emits.

17 Finally, any permit, even an improved
18 one for a waste incinerator needs to be for a short
19 term at most. Since more and more alternatives to
20 both incineration and landfills are being developed
21 at this time, five years is not short term anymore.
22 For example, last year, a true waste energy project
23 in California is under construction now, it will be
24 operating next year, will convert municipal waste to
25 hydrogen gas without using combustion or dangerous

1 catalyst with very little pollution and more
2 projects are planned.

3 Pennsylvania needs to join the present
4 and the future, limit incineration into the very
5 short term and make sure that all incinerators in
6 the state meet the highest pollution standards, not
7 the lowest. Just because this facility already
8 exists and had an old permit is not a justification
9 for allowing it to continue to operate as it has in
10 the past. Thank you.

11 MR. REPETZ: Thank you, Lisa. Next is
12 Greg Trader.

13 MR. TRADER: Can you hear me?

14 MR. REPETZ: Yes, we can. Go ahead.

15 MR. TRADER: Okay.

16 I am - my name is Gregory Trader and I
17 am a resident of Upper Chichester, which is about
18 seven miles south and to the west of the Chester
19 incinerator. On a day when the wind is blowing in
20 this direction, the air quality is horrible. I am
21 an African-American who also has respiratory issues
22 and that affects me and I'd like to see something
23 done about that. Much of what concerns me about
24 this incinerator has already been spoken eloquently
25 by - by those before me.

1 I totally agree with the concerns of
2 the Chester residents concern for quality of living
3 and will quote some of the points that they made
4 from a podcast dated December 18th, 2020. And - and
5 they stated - and some of these responses that
6 Covanta gave to them that - let me get where I am.
7 That - let me get to my spot here.

8 A recent review of air quality health
9 - there were assessments in health surveillance
10 programs surrounding waste to energy facilities done
11 for Portland, Oregon determined that it was not a
12 predicted or actual increase in health issues, but
13 that turned out to be wrong because it - it seems as
14 though Covanta cherry picks and misrepresents the
15 studies.

16 Mass burning is a term that simply
17 means the facility burns unsorted trash as opposed
18 to refuse the raw fuel facilities that burn trash
19 and has glass and metal removed first. Chester's -
20 Covanta's incinerator in Chester is a mass-burn
21 facility.

22 So I'm not going to read anymore
23 because I'll go past the - the three-minute time
24 limit that I have. I just suffice it to say that I
25 am in agreement with those who say that Chester -

1 this incinerator permit should be renewed until they
2 add the types of controls that will prevent it from
3 emitting the types of harmful pollutants that it
4 does. And I don't believe that they - that they're
5 going to be able to fully implement those types of
6 controls. So I just wish that their permit not to
7 be renewed. Thank you for your time.

8 MR. REPETZ: Thank you, Gregory. Next
9 on the list is Miranda Meng.

10 MS. MENG: Can you hear me?

11 MR. REPETZ: Yes, we can. Go ahead.

12 MS. MENG: All right.

13 So my name is Miranda Meng and I am
14 here to talk about Covanta's past violations.
15 Covanta is the number one environmental violator in
16 the City of Chester. It is also the second highest
17 in violations of the six trash incinerators in
18 Pennsylvania.

19 Covanta took over owning and operating
20 the trash incinerator in Chester from American
21 Refuel in June 2005. Since Covanta took over the
22 incinerator, they've been cited by the Department of
23 Environmental Protection with 320 violations. So
24 exactly twice as many violations as the second
25 highest worst - the second worst environmental

1 violator in the city.

2 Of 67 companies in Chester being cited
3 for environmental violations by DEP, Covanta is
4 responsible for a whopping 28 percent of them. It's
5 more than one in four. This is not just a matter of
6 a violation related to how a study can blame. It is
7 far more than that.

8 25 PA Code Section 127.412(g) states
9 that if a company shows a lack of intention or
10 ability to comply with its permit conditions, DEP
11 will place the lack of intention or ability to
12 comply on the compliance docket. Subsection 8
13 requires that an open permit, like the one being
14 considered here, will not be issued to the applicant
15 that appears on this compliance docket. So how many
16 violations does the company have to have until DEP
17 determines that they don't intend to comply with the
18 permit conditions? Is 320 from Covanta not enough?

19 On top of what violations DEP has
20 caught, what is DEP doing to ensure that Covanta
21 does not rig their emissions tests? In the past,
22 Covanta has been busted and fined at an incinerator
23 in Connecticut, for falsifying their continuous
24 emissions monitoring data. They've also been busted
25 for other emissions monitoring tampering by federal

1 attorneys in Oklahoma at their incinerator in Tulsa.

2 Additionally, in the annual stack
3 tests at multiple incinerators, Covanta has
4 stockpiled waste that burns cleaner to use for the
5 annual stack test and the DEP has not caught on to
6 this. So what is the DEP doing to ensure
7 independent monitoring since they cannot be trusted
8 to do it properly themselves? Thank you.

9 MR. REPETZ: Thank you, Miranda. Next
10 is Sheil Desal.

11 MR. DESAL: I this is Sheil. Can you
12 hear me?

13 MR. REPETZ: Yes, we can. Go ahead.

14 MR. DESAL: Okay.

15 I just want to start by saying that
16 every year the Asthma and Allergy Foundation of
17 America puts out a report on asthma capitals. In
18 2021, the Philadelphia Metro Area was ranked as the
19 seventh worst asthma capitol in the nation. Down
20 from fourth place in 2018 and 2019.

21 Delaware County has the third highest
22 cancer rate in Pennsylvania, significantly higher
23 than expected and Pennsylvania's cancer rate is the
24 third highest in the nation, according to the
25 National Cancer Institute and the Pennsylvania

1 Department of Health. Chester's children have an
2 asthma hospitalization rate four times the state
3 average according to the Pennsylvania Department of
4 Health.

5 Thirty-eight (38) percent of Chester
6 children have asthma, as do 27 percent of adults.
7 Chester residents are 24 percent more likely to get
8 lung cancer than Pennsylvanians in general and are
9 50 percent more likely to die from brain disease and
10 25 percent more likely to die from heart disease
11 than other residents of Delaware County.

12 Chester has one of the highest infant
13 mortality rates in the state, 19.3 percent, which is
14 more than twice the state average of 6.9 percent.
15 Chester has the second lowest birth weights in
16 Pennsylvania with 14.4 percent of the births
17 classified as low-birth weights. Based on the
18 National Air Toxic Assessment, Chester is routinely
19 in the top one to two percent of air pollution that
20 causes cancer and other health effects. Moreover,
21 black Pennsylvanians suffer from higher risk of
22 getting cancer and of dying from it. And this is
23 just according to our own Pennsylvania Department of
24 Health just two years ago.

25 It is clear that Chester has a health

1 crisis and there is no question that Covanta is atop
2 industrial air polluter in the City contributing to
3 it. As DEP's own data clearly shows that. Please
4 deny this air pollution permit renewal. Chester
5 residents have a right to clean air, as all
6 Pennsylvanians do. Thank you.

7 MR. REPETZ: Thank you, Sheil. Next
8 is Chris Shelton.

9 MR. SHELTON: Can you hear me?

10 MR. REPETZ: Yes we can. Go ahead.

11 MR. SHELTON: Thank you. My name is
12 Chris Shelton and I'm a resident of Haverford
13 Township, Delaware County. I'm also a cancer
14 researcher.

15 The mission statement of
16 Pennsylvania Department of Environmental Protection
17 is as follows. The DEP's mission is to protect
18 Pennsylvania's air, land and water from pollution
19 and to provide for the health and safety of its
20 citizens through a cleaner environment. The
21 citizens of Chester City and surrounding areas, more
22 than ever, are in need for this mission.

23 Delaware County has one of the highest
24 cancer rates in Pennsylvania. Covanta Delaware
25 Valley is the nation's largest waste incinerator and

1 is one of the top two industrial air polluters in
2 the county. However, Covanta Delaware Valley is
3 operating without available pollution controls and
4 without available complete and continuous emissions
5 monitoring.

6 This situation can and should be
7 rectified. I ask the DEP to include the following
8 requirements into the Covanta Delaware Valley's
9 Title V Operating Permit. One, installation of
10 available equipment capable of reducing nitrogen
11 oxide, dioxin and mercury emissions and two,
12 installation of continuous emissions monitoring
13 technology to measure and ensure compliance with
14 standards for particulate matter, dioxins, furans
15 and toxic heavy metals.

16 This would include reducing nitrogen
17 oxide emissions to the modern limit of 45 parts per
18 million and reductions of dioxins and mercury to 15
19 parts per million. In addition, the continuous
20 emissions monitoring should be transparent and
21 rapidly available to the public. Anything less
22 would be putting the interests of Covanta ahead of
23 the citizens of Pennsylvania. Thank you.

24 MR. REPETZ: Thank you, Chris. Next
25 will be Giovanna DiChiro.

1 MS. DICHIRO: Hi, can you hear me?

2 MR. REPETZ: Yes, we can. Go ahead.

3 MS. DICHIRO: Hi, my name is Giovanna
4 DiChiro. I live in Swarthmore, which is about five
5 miles from Chester and the Covanta incinerator.
6 Since this evening's hearing is focused on Covanta's
7 operating permit and the fact that the facility is
8 mandated to control its pollution emissions under
9 Title IV of the Clean Air Act, my comments are in
10 reference to the fact that Covanta is the number one
11 industrial air polluter in Chester.

12 According to the latest data, the
13 company itself reported to the DEP from 2016 to
14 2019, Covanta is Delaware County's number one
15 industrial air pollution source of a variety of
16 toxins, including mercury, nitrogen oxides and
17 carbon monoxide. And now that Kimberly Clark's
18 paper mill has switched its fuel source from coal to
19 gas, Covanta is now number one in sulfur dioxide
20 emissions as well.

21 Also according to its own reported
22 data, Covanta is number two in fine particulate
23 matter, hydrochloric acid, lead, nickel, cadmium,
24 arsenic and chromium-6. As environmental health
25 scientist have documented, exposure to these

1 chemicals can trigger many serious health problems,
2 including asthma attacks, cancers, heart attacks,
3 strokes, COPD, immune system damage, behavioral
4 problems and even diminished ability for young
5 people to learn at school.

6 In today's Philadelphia Inquirer, the
7 Chief Sustainability Officer at Covanta wrote in a
8 letter to the editor that their facility is only a
9 minor contributor to air pollution in the area. He
10 stated that the incinerator is responsible for only
11 one percent of the particulate matter in the area,
12 and therefore, he wrote, quote/unquote, it does not
13 follow logic or science to attribute the serious
14 health issues suffered by local residents to their
15 facility's pollution. This statement seems to
16 contradict the emissions data that the facility put
17 out just a year ago. These data show that Covanta
18 is responsible for three percent of PM 10 and six
19 percent of PM 2.5 pollution emitted in Delaware
20 County last year.

21 I also wanted to add that in addition
22 to its mandate to comply with provisions under the
23 Clean Air Act, the DEP must also abide by the Title
24 Six clause of the Civil Rights Act of 1964, which
25 requires that any federally-funded entity, including

1 DEP, must not take any action that has a
2 discriminatory effect on racialized minority
3 communities. Moreover, DEP has a constitutional
4 obligation under the Environmental Rights Amendment
5 to the Pennsylvania State Constitution to not
6 violate people's rights to clean air. Therefore,
7 legally, the DEP is obligated to not issue a permit
8 that results in even higher levels of pollution in
9 Chester, which is an environmental justice community
10 that has, for decades, been overburdened with high
11 rates of air toxins. And even more so it has been
12 negatively affected by the cumulative impacts of
13 harmful emissions from many major polluting sources
14 in the city.

15 Given all of these issues and based on
16 constitutional and federal Civil Rights Act
17 directives, I submit that this Title V Air Permit
18 Renewal should be denied. Thank you for hearing my
19 testimony.

20 MR. REPETZ: Thank you, Giovanna.
21 Next will be Zulene Mayfield.

22 MS. MAYFIELD: Hi, can you hear me?

23 MR. REPETZ: Yes, we can. Go ahead.

24 MS. MAYFIELD: The DEP has an
25 obligation to protect the health and welfare of all

1 citizens of Pennsylvania, particularly those in an
2 environmental justice community.

3 The issuance of this permit without
4 requiring Covanta to install the necessary pollution
5 control devices is - would be a contributing factor
6 by DEP of environmental racism committed on this
7 community. In no good conscience can DEP issue the
8 permit as it stands and not require Covanta to take
9 any mitigating steps to stop the polluting of our
10 community of the City of Chester. DEP in good
11 conscience cannot allow this facility to continue to
12 operate a 30-year old facility with 30-year old
13 technology without any improvements.

14 That, in itself, is a violation of the
15 Clean Air Act. You are not - you have to require
16 them to put in the necessary monitors to alleviate a
17 lot of the pollution that is pervading our community
18 and Delco County (sic) and all of Southeastern
19 Pennsylvania. It cannot be business as usual; we're
20 going to grandfather them to the standards of a 30-
21 year-old facility. Most facilities, 30 years aren't
22 even around and to allow them to continuously
23 violate their permit as it stands, you are not
24 protecting and we are not getting equal protection
25 from the DEP in the Chester community and that, in

1 itself, is environmental racism. You are in
2 violation of title of the federal law by
3 continuously issuing these permits and doing nothing
4 to mitigate - just to allow them to continue to put
5 dioxins and toxins and doing no monitoring except
6 for a year - once a year. That is not fair to this
7 community. You have required stronger and more
8 stringent conditions in other communities and we are
9 demanding that you do the same thing for our
10 community. Thank you.

11 MR. REPETZ: Thank you, Zulene. Next
12 will be Ms. Ferguson.

13 MS. FERGUSON: Hi, can you hear me?

14 MR. REPETZ: Yes, we can. Go ahead.

15 MS. FERGUSON: Okay.

16 My name is Becky Ferguson. I'm a
17 resident of Delaware County. I'm here tonight to
18 speak against the renewal of Covanta's permit to
19 continue polluting the home of some of the other
20 great people on this call. Air pollution in Chester
21 has created and exacerbated numerous health problems
22 for the residents that live in the shadow of these
23 plants. I have worked in the healthcare facility in
24 Chester for over three years and have seen the high
25 rates of asthma and cancer firsthand.

1 Keeping these polluters, especially
2 Covanta in their home is disrespectful and a blatant
3 act of environmental racism. Chester residents are
4 69 percent black in a county that is 69 percent
5 white. Over 30 percent of the - of the city's
6 residents live below the poverty line. They are the
7 textbook definition of an environmental justice
8 community and I believe they are the reason that DEP
9 created that term to begin with. The very least
10 that the Department could do would be to listen to
11 them now.

12 Thank you for making some of the
13 changes that you were asked to make to enable this
14 hearing to be more accessible. We're happy to some
15 progress, but there are still too many barriers to
16 full public participation in this process. The
17 permit documents are now online, but should have
18 been shared much earlier. Public documents ought to
19 be easy to find on DEP's website, not only available
20 when people complain enough. Any virtual hearing
21 ought to be on Zoom, which is more accessible and
22 more widely used.

23 Security concern should not be an
24 excuse as other government bodies and offices use
25 Zoom frequently. If this were an in-person meeting,

1 people would be able to wear t-shirts, hold signs or
2 display posters for visuals. People's expression
3 should not be limited only to audio. An attendance
4 list should also be available as a public record
5 here, not just sharing those who are speaking.

6 This effort to limit public comment to
7 one presenter per organization is inappropriate, if
8 not a violation of people's rights to speak, and be
9 heard at a public hearing like this. This is a
10 community and many people will be affiliated with
11 the same groups. The requirement to register 24
12 hours in advance is keeping people from testifying
13 who may want to.

14 In an in-person hearing, people could
15 walk in late, sign up on site and speak. In virtual
16 hearings of other governments have managed to ask,
17 is there anyone else who hasn't signed up who would
18 like to testify at the end. DEP has no valid
19 technology excuse for such limitations. The plain
20 language summary has improved through feedback, but
21 still could be better. It doesn't talk in terms of
22 air pollution or potential for health impacts of
23 all; the main reason why people would be concerned.

24 Finally, outreach should have been
25 done to the door of each resident living near the

1 incinerator, reaching out to some nearby businesses
2 was a nice start, but DEP needs to do better when it
3 comes to truly notifying and informing those most
4 impacted.

5 If this permit is renewed, it must
6 come with some very basic conditions. This facility
7 must be made to live up to standards that are set
8 elsewhere. Covanta cannot get a pass for poisoning
9 people just because the facility is old and the
10 neighborhood is poor. Covanta Delaware Valley needs
11 emission control technology equivalent to what they
12 have installed in other plants, including tools to
13 reduce nitrogen oxide, dioxins and mercury. They
14 must have equipment to better monitor their
15 emissions and show that they are actually complying
16 with standards that for pollutants like particulate
17 matter and heavy metals. This monitoring data needs
18 to be quickly reported and easily available to the
19 public. Meeting these very basic demands would show
20 the people of Chester that they are being heard.
21 Denying the permit completely would show them that
22 they are actually being respected. Thank you.

23 MR. REPETZ: Thank you, Becky. Last
24 on the list is Will Jones.

25 MR. JONES: Hello, yes. Can you hear

1 me?

2 MR. REPETZ: Yes, we can. Go ahead.

3 MR. JONES: Okay.

4 Thank you for your time. First off, I
5 would like to thank everybody on this call that
6 eloquently and passionately submitted their concerns
7 about Covanta and this whole situation, this whole
8 conglomerate of - of bureaucracy and thank you all
9 those that - that took the time to passionately
10 speak their mind about something that needs to be
11 spoken about and standing up and we're going to
12 continue to need each other as allies to keep
13 pushing this cause forward. And I say that to - for
14 the DEP agency and others alike to understand that
15 we're not going anywhere. This isn't going away.
16 You're not going to be hiding under absurdity and
17 bureaucracy anymore and history will judge. So
18 there's no reason for me to re-hash all the
19 statements and statutes and stats and figures that
20 were already submitted. It's been well done. It's
21 been well known for a long time now. The thing
22 about it is what are we going to do. And we can't
23 keep making excuses about we're - you know, we're
24 considering this, we're considering that. We've
25 been considering for far too long. It's time for

1 action and we're not going to be pushed around with
2 the same bureaucracy games and making new agencies
3 and - and come up with more departments and things
4 like that. The DEP is tasked with this. There's
5 already an agency in charge of protecting the
6 environment and you're it. So I'm asking you to
7 live up to your name and do what you are supposed to
8 do because if not, it's not a threat, but it's just
9 fact of life, history will judge harshly on those
10 that had a chance to step up and didn't and those
11 that did the right thing, and so which side are you
12 going to be on, is basically what we're asking you
13 because at the end of the day, history will judge
14 harshly and you guys will be held accountable for
15 what you did and did not do during the
16 circumstances.

17 So we're asking you to step up and do
18 the right thing and letting you know, if you don't,
19 we're going to be on you continuously anyway. So
20 you might as well do it because we're not going
21 anywhere. Thank you for your time.

22 MR. REPETZ: Thank you, Will.

23 Darek, have we resolved issues with
24 Jocelyn Bowser-Bostick?

25 MR. JAGIELA: I'm not certain, but I

1 think we should try again.

2 MR. REPETZ: Okay.

3 MS. BOWSER-BOSTICK: Hello?

4 MR. REPETZ: Jocelyn? Go ahead.

5 MS. BOWSER-BOSTICK: Yes. Great.

6 Good evening, my name is Jocelyn
7 Bowser-Bostick and I lived in Chester since October
8 1989, which is when my husband and I moved into our
9 first and only house that we made a home first for
10 ourselves and then later for our nephew when he was
11 eight-years old.

12 I want Chester to be a healthy, safe
13 and peaceful place to live for my family and all the
14 other adults and children living here, but that
15 can't happen as long as we have polluting businesses
16 like Covanta Delaware Valley, LP here. I strongly
17 urge the Pennsylvania Department of Environmental
18 Protection not to renew Covanta's Title V State
19 Operating Permit, which allows them to put
20 significant amounts of pollution into the air of
21 Chester and the surrounding region.

22 The Pennsylvania Department of
23 Environmental Protection has a more ethical and
24 legal obligation to stop issuing air pollution
25 permits to companies like Covanta that significantly

1 emit toxic greenhouse gasses and especially so,
2 these polluting companies are in communities such as
3 Chester that already have a higher than the state
4 average number of people suffering from illnesses
5 caused by that air pollution or aggravated by it.

6 Covanta is the largest nation's
7 largest incinerator, burning up to 3,500 tons of
8 municipal and industrial waste every day. They're
9 the largest air polluter in Chester City and one of
10 the top air polluters in the seven-county
11 Philadelphia region. Covanta is the number one
12 emitter when it comes to carbon monoxide, mercury,
13 nitrogen oxides and sulfur dioxide in DelCo.

14 These pollutants can trigger asthma
15 attacks, chronic respiratory diseases, strokes and
16 various cancers. Chester has the highest incidents
17 of childhood asthma, rates five times the national
18 average and three times more than children in
19 Delaware County, PA. Most trash incinerators have
20 four pollution control devices, Covanta's Chester
21 facility only has the - only has two, the fewest in
22 the nation, and that is unacceptable and criminal as
23 the health of Chester's residents is as important as
24 that of residents living anywhere else.

25 Trash incineration, even with all of

1 the normal pollution controls is more polluting than
2 coal-powered plants. It is worse than land filling
3 the waste directly. When burning trash, 30 percent
4 of it becomes a toxic ash that makes landfills more
5 dangerous to ground water. The other 70 percent
6 becomes air pollution. The toxic ash from Covanta
7 Delaware Valley is dumped in the Delaware County
8 Solid Waste Authority's Rolling Hills Landfill in
9 Berks County, Pennsylvania.

10 On September 6, 2021, A total 233
11 health journals simultaneously published an
12 editorial calling for emergency action to limit
13 global warming, restore biodiversity and protect
14 human health because the planet has over 30 years of
15 the negative effects on human health and wildlife
16 have become clear. The harms disproportionately
17 affect the most vulnerable including children, older
18 populations, ethnic minorities, poor communities and
19 those with underlying health problems. All of these
20 populations are well represented in Chester City.

21 We have already begun to see some of
22 the most devastating and fatal climate change
23 consequences in the U.S. and Pennsylvania, and if we
24 don't want these changes to become irreversible as
25 scientists say will happen if we continue polluting

1 at our current pace, then we must act as scientists
2 suggest by drastically cutting greenhouse gas
3 emissions and making other changes of remediation.

4 The pollutants that Covanta and other
5 industries within and just outside of Chester are
6 emitting, are driving global warming and if
7 Pennsylvania is serious about doing its part to
8 fight climate change and correctly respond with
9 compassion to the changes it has already brought
10 about to our region, such as increased
11 precipitation, flooding, tornados, and more intense
12 storms and hurricanes and it can exclude drastically
13 reducing the pollution that is coming from Covanta
14 and other polluting operations.

15 In issuing a permit, the DEP must not
16 only consider the pollution one company like Covanta
17 will be emitting into an environment, but what will
18 be the total impact if other polluting companies are
19 nearby and all their emissions to send on and affect
20 adversely the health of a community.

21 MR. REPETZ: Jocelyn, your time has
22 expired. Can you please wrap up?

23 MS. BOWSER-BOSTICK: Sure.

24 Some of the polluting companies near
25 Covanta are Delcora, Kimberly Clark and PQ

1 Corporation, as well as the fossil fuel companies.
2 And Covanta has had over 320 DEP violations since
3 2005 when they took over the operation of the
4 incinerator. PQ Corporation, for example, the
5 second largest violator has had 160 violations. And
6 all of the violations and all these - the pollutants
7 that are coming from all these companies together
8 are having a devastating effect on the people of
9 Chester and the surrounding municipalities. And -

10 MR. REPETZ: Jocelyn, please wrap up.

11 MS. BOWSER-BOSTICK: - it's incumbent
12 upon the DEP to drastically lower the emissions
13 coming from any one company, because together, they
14 are such a problem for the people of this community.
15 I'm done.

16 MR. REPETZ: Thank you.

17 So Darek, the only ones that we had
18 missed that were on the list was Loretta Payne. Did
19 Loretta or Robert McMonagle join us?

20 MR. JAGIELA: No, they did not, John.
21 But there was someone who messaged me about having
22 registered on the 17th who is not on the list.
23 Should we allow them to speak?

24 MR. REPETZ: On the 17th? Yes. Yes,
25 I guess we'll go ahead and allow that.

1 MR. JAGIELA: Okay.

2 His name is James McLaughlin. I'm
3 going to unmute him now.

4 MR. REPETZ: Sir, please state your
5 name.

6 MR. MCLAUGHLIN: Hello, my name is
7 James McLaughlin, I live in Springfield, Delaware
8 County.

9 Size matters. Covanta Delaware Valley
10 is the largest solid waste incinerator in the U.S.,
11 but Covanta has been lying to DEP, their
12 shareholders and our community about the true size
13 of their facility. They've denied that they are
14 really the largest, but when asked to prove it, they
15 have no answer. It can be verified with the energy
16 recovery counsel, the incinerator industry's trade
17 association and the U.S. Department of Energy, that
18 there is no waste incinerator burning more or with a
19 larger capacity to burn.

20 This incinerator used to be considered
21 to have a capacity of 2,688 tons per day. DEP's
22 memo for this permit hearing states that each of
23 their six combustors has a capacity to burn 448
24 tons-per-day of municipal waste, which adds up to
25 2,688 if you do the math. But Covanta Delaware

1 Valley has averaged more than that amount every year
2 since 1997. Their own website used to say they are
3 now a 3,510 ton-per-day facility. They have
4 averaged over 3,400 tons-per-day in the past several
5 years. The old, outdated numbers are present
6 throughout DEP's files on Covanta.

7 Please make sure that all documents
8 about Covanta in DEP's records reflect the true size
9 of the facility since DEP Air Pollution Permits are
10 designed so that the amount of air pollution they're
11 allowed to release is larger for facilities that
12 burn more waste. Size matters a lot to us.

13 And I'll also add that fossil-based
14 liquids used as fuels and to make plastics took over
15 200 million years to become available to us from the
16 early planet life that sequestered carbon very
17 slowly. Burning all of that plastic within a short
18 time returns that carbon to the atmosphere quickly.
19 It should come as no surprise we are entering a
20 period of climate change from the rapid release of
21 carbon, even without any collateral pollutants, even
22 if it produced only Co2 and water, the Covanta
23 Delaware Valley facility is contributing
24 significantly to global climate disasters. Its
25 permit should be denied and it should be shut down.

1 Thank you very much. I appreciate the opportunity.

2 MR. REPETZ: Thank you, sir. Can you
3 please spell your last name for us?

4 MR. MCLAUGHLIN: McLaughlin,
5 M-C-L-A-U-G-H-L-I-N.

6 MR. REPETZ: Thank you very much. So
7 with no Loretta Payne or Robert McMonagle, that
8 brings us to the end of the list. So that will
9 conclude this evening's virtual public hearing. DEP
10 will continue to accept comments on this application
11 through the close of business on Monday October 4th.
12 Please submit your comments electronically to RA-
13 EPSEROAQPUBCOM@Pa.gov, or by mail to DEP Southeast
14 Regional Office, 2 East Main Street, Norristown, PA,
15 19401. Thank you for being here this evening and
16 for your participation. On behalf of DEP, we
17 appreciate your feedback and your interest in this
18 matter. Thank you and have a good night.

19 * * * * *

20 HEARING CONCLUDED AT 7:42 P.M.

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CERTIFICATE

I hereby certify that the foregoing proceedings,
Renewal of the Title V Operating Permit for Covanta
Delaware Valley's Waste Energy Facility hearing was
reported by me on 9/22/2021 and that I, Nicole
Montagano, read this transcript, and that I attest
that this transcript is a true and accurate record of
the proceeding.

Dated the 27 day of October, 2021

Nicole Montagano

Nicole Montagano,
Court Reporter