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October 14, 2015

E-MAIL AND HAND DELIVER

Hazardous Waste Facility Siting Team Leader
Pennsylvania Department of Environmental Protection
2 East Main Street
Norristown, PA 19401

Subject: Phase I Siting Application Comments
Proposed Commercial Hazardous Waste Treatment Facility
Elcon Recycling Services, LLC
Falls Township, Bucks County
IES Project No. EV151065.01

Dear Sir:

On behalf of Elcon Recycling Services, LLC (Elcon), IES Engineers (IES) is pleased to submit comments related to the Phase I Siting Application. Specifically, Elcon is providing information to clarify some of the public misunderstandings or misconceptions that it heard during the recent public meeting and hearing. While we understand that none of the following issues are directly relevant to the review and approval of our Phase I Siting Application, we nonetheless want to enter these facts and corrections into the public record.

No Fracking Waste

Elcon will not accept waste generated by fracking operations. The table in Appendix 2 of the Part A application does not include Residual Waste Code 804 for fracking fluid waste. Other drilling-related waste codes included in the application are associated with traditional drilling methods and wholly unrelated to fracking. We verified the selected residual waste codes presented in the Part A application with Mr. Scott Walters of the Pennsylvania Department of Environmental Protection's (Department's) Bureau of Waste Management in Harrisburg on August 26, 2015.

No Radioactive Waste

Elcon will not accept radioactive waste. Elcon will monitor incoming waste streams and document the non-presence of radioactive materials in the waste stream. A Radiation Protection Action Plan specifying procedures for monitoring and responding to radioactive material entering the facility as well as procedures for training, notification, recordkeeping, and reporting is required by the Department's regulations and guidelines. This Plan will be prepared and included with the Resource Conservation and Recovery Act (RCRA) Part B application.



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No Use of a Waste Incinerator to Burn Solids or Liquids

Elcon's hazardous liquid waste stream treatment technology will not use incineration. Process gas streams containing volatile organic compound (VOC) and hazardous air pollutant (HAP) emissions will be treated in a thermal oxidizer to meet the federal EPA and Department's air regulations. Thermal oxidation technology is highly efficient and well proven. It is being used in thousands of manufacturing facilities in the United States, including many facilities in this area, and it meets the Department's Best Available Technology (BAT) criteria. In determining the BAT, the Department will review the technologies available, look at the technologies used in other places or applications, and require the permit applicant to select the best of the solutions.

No Use of Pennsylvania Avenue in Morrisville as a Truck Route

In response to community concerns, Elcon has contracted with a private hauling company to collect and transport the liquid hazardous waste streams to its facility so it can assert contractual authority over the route that trucks carrying liquid hazardous waste streams use to access the site. Although the truck access route is not required to be provided until the Part B application, Elcon submits as Attachment 1 a copy of the SJ Transportation letter of commitment regarding the truck route it will use.

Elcon and Haifa Bay

Elcon's operations at Haifa Bay have a solid track record of compliance, and Elcon is a company in good standing. Attachment 2 contains a letter from the Israeli Ministry of Environmental Protection (Ministry) documenting Elcon's standing for the Haifa facility.

Several commenters drew incorrect conclusions and made inaccurate associations regarding environmental conditions in the Haifa Bay area with Elcon's facility in Haifa. Here are the facts:

1. Elcon's decision to move its facility from Haifa Bay was purely a business decision and is unrelated to the environmental issues reported in the area.
2. The existing plant sits on a very small lot (1.2 acres). There is no option for expansion and the lease runs out by end of this year, with no options for renewal.
3. Elcon's Board of Directors decided in 2010 to invest in a totally new facility for the reasons listed above. The new land was purchased in 2013 and the engineering planning is ongoing.



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4. These plans had nothing to do with the air pollution issues of the Haifa Bay, which houses the largest refinery in the Middle East and five other petrochemical-related large facilities. All these facilities have been in the Haifa Bay for the past 40 years, while Elcon has been operating since October 2004.
5. The Knesset's July 2014 Report on Health and Environment in Haifa Bay stated that, "oil refineries have long been responsible for air and groundwater pollution in the Haifa Bay area, and that there is concern about morbidity in this area that is associated with the refineries."
6. The Ministry was notified of Elcon's decision for the new plant and approved the plans already back in 2010, but the Ministry had not been involved in any way in the business decision of Elcon for the new facility.
7. Elcon was first granted the permit to operate its Haifa Bay facility and to treat industrial and hazardous wastewater in 2004. Every year this permit needs to be renewed, a process that is not automatic but depends on complete compliance with the permit conditions. In the 11 years that the facility has been in operation, the permit was never denied nor suspended for any reason.

No Use of Barges

Elcon will not use barges for any of its transportation needs.

At Elcon, Environmental Justice Is Community Justice

Elcon is dedicated to engaging with its host communities in a transparent manner, encourages public participation, and seeks to minimize to the greatest extent possible the community impacts of its operations – regardless of labels, census results, and designations.

While the Department determined the site is not located in an environmental justice community, based on an evaluation of the proposed site in accordance with its Environmental Justice Public Participation Policy, Elcon intends to actively pursue public participation.

Elcon will continue to seek regular meetings with community stakeholders, plans to host a pre-application community information session and public meeting, will continue to participate in Department public meetings, and plans to provide a summary of its application to interested parties. If approved, Elcon's outreach efforts will continue through the facility's construction and operation.



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The Delaware River Will Be Protected

There will be no process wastewater discharges to any water body, including the Delaware River.

To protect the Delaware River from potential impacts due to unforeseen human error or circumstances, Elcon will meet or exceed all state and federal requirements for containment in the areas where waste materials will be stored, treated, or transferred to prevent accidental releases. Specific engineering design details on the containment systems will be provided with the Part B application.

Additionally, the site has natural elevation changes in numerous buffer areas within the mile-long distance between the Elcon property line and the banks of Delaware River. As such, it would require a spill to flow up hill in several places to reach the river. There are several drawings provided with the Siting application that show the changes in elevation between Elcon and the Delaware River.

As required by the applicable siting regulations, Elcon's application demonstrates that the proposed facility is outside the most recent 100-year floodplain map developed by the Federal Emergency Management Agency (FEMA) and the property is not in an area inundated by the flood of record.

No Development in Designated Wetlands

No waste treatment or storage activities will occur within designated wetlands. No rail lines are located in the designated wetlands. Elcon will meet additional requirements related to wetlands buffers required by the Department and local ordinances.

Air Quality Issues

There were many comments and handouts that included factually incorrect information:

1. There is no air permit application currently under review by the Department. As such, all application information cited by several commenters is simply not valid.
2. Cumulative facility-wide emissions will be accounted for in the application. While separate applications are required for process equipment and some supporting equipment, such as boilers, all emissions from these applications will be accounted for in a cumulative facility-wide assessment.



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3. Elcon will not be considered a major source of air pollution for air permitting purposes. The Department will include federally enforceable permit conditions to ensure that the facility remains below major source emission thresholds.
4. The Department is actively working to build on the significant air quality improvements achieved over recent years in the Philadelphia region, which several years ago was upgraded by the U.S. Environmental Protection Agency to moderate non-attainment area classification. The Department's regulations go above the EPA's requirements for a moderate non-attainment area to ensure continuous improvement. Elcon will meet all of these stringent regulatory requirements and will demonstrate this in accordance with the Department's process, as part of its Plan Approval application submission.
5. The air pollution control system for the processes will include selective non-catalytic reduction (SNCR) for control of oxides of nitrogen.
6. Elcon will use appropriate monitoring systems to document ongoing compliance with applicable air quality regulations and its air permit requirements. This will include diverse technologies that are appropriate for the various operations and air pollution control devices proposed for the facility, including, for example, oxidizer temperature, scrubber flow rates, production rates, and continuous monitoring of emissions of oxides of nitrogen.
7. As required by the European directive for air emissions monitoring, which has been adopted in completeness in Israel, Elcon will install specific continuous air emissions monitoring equipment. These include the following, which will be adopted in the proposed Pennsylvania facility: total organic carbon (TOC), oxides of nitrogen (NO_x), and sulfur oxides (SO_x).

Elcon Will Use the Department's "Best Available Technology" for Hazardous Air Pollutants

Elcon's air pollution controls will use Best Available Technology (BAT) to reduce hazardous air contaminant emissions to meet facility requirements. Any process that uses fuel for energy has the potential to emit various hazardous air pollutants (HAPs) – including home furnaces, automobiles, etc. Elcon will efficiently control its HAP emissions using a series of air pollution control technologies considered by the Department to be BAT, or better. These air pollution controls will include fabric filtration, scrubbers, thermal oxidation, and carbon adsorption. Emission testing at the Elcon facility in Israel using U.S. EPA-approved test methods demonstrate this technology is working as designed and emissions far exceed BAT efficiency levels. In many sampling events, the results demonstrated the technology was closer to 99.99



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percent effective. Details related to the HAP emissions and the air pollution control technologies will be provided to the Department with the Plan Approval application, upon submission.

No Leachate Pond/Landfill

Elcon's plans do not include a leachate pond or a landfill. These items have never been part of Elcon's plans for the site. One of the artist's renderings shown at a Town Hall meeting in Morrisville was of an existing site in Israel and what the commenter believed was Elcon's leachate pond in the background of the rendering was an oxidation pond owned and operated by another facility with no connection to Elcon or its operations. There will be a stormwater detention pond at the facility that will contain only stormwater.

Appropriateness of Site Location

Several members of the public suggested that the site is not an appropriate location for this type of facility. The proposed site is located in the Keystone Industrial Port Complex (KIPC), which is zoned for heavy industrial use and has been used for industrial activity since 1952 when the former U.S. Steel Fairless Works steel mill opened for business. KIPC is one of the country's most successful brownfield redevelopment sites with over 1,000 acres of the original steel mill property having been put back into productive use and supporting hundreds of new jobs. Not only is the site appropriate for the proposed use, but KIPC is the home of many industries that will be able to utilize Elcon's services.

If you have any further questions, please feel free to contact me or Dr. Rengarajan Ramesh of Elcon at (267) 243-3144. Elcon will be happy to meet with the Department to further clarify any of these comments.

Sincerely,

Marjorie J. Fitzpatrick /e/

Marjorie J. Fitzpatrick, QEP
Principal Project Manager

Enclosures

cc: J. Wentzel, PADEP
Z. Elgat, Elcon
R. Ramesh, Elcon
A. Soni, IES



ATTACHMENT 1

SJ TRANSPORTATION LETTER OF COMMITMENT



ATTACHMENT 2

LETTER FROM ISRAELI MINISTRY OF ENVIRONMENT PROTECTION



STATE OF ISRAEL
Ministry of Environmental Protection

Office of Deputy Director General, Industry and Licensing

To whom it may concern

I am writing in response to your enquiry about the planned transfer of Elcon Recycling Center from Haifa Bay to a new location in Ramat Hovav located in southern Israel.

Elcon has been planning to move to a new and larger facility for the past five years. We confirm that the existing facility in Haifa Bay operates according to Ministry of Environmental Protection (MoEP) requirements. No further requirements were imposed on the facility due to the upcoming move.

The new facility is expected to operate in accordance with Israeli legislation and regulations.

Shuli Nefer

Senior Deputy Director
Industries & Licensing



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המשרד להגנת הסביבה



الوزارة لحماية البيئة
Israel Ministry of Environmental Protection