Delaware County Council
Resolution 2021-___

RESOLUTION IN SUPPORT OF CLEAN AIR

WHEREAS, the Pennsylvania Department of Environmental Protection (DEP) is holding a public hearing on September 22, 2021 regarding the proposed reissuance of an air pollution permit to Covanta Delaware Valley, located in the City of Chester, Delaware County;[1] and

WHEREAS, Covanta's facility in Chester is the nation's largest waste incinerator, burning close to their capacity of 3,500 tons of trash and industrial waste per day;[2] and

WHEREAS, Covanta's incinerator in Chester is the largest air polluter in the City of Chester, and is one of the top two industrial air polluters in the county for most pollutants;[3] and

WHEREAS, air pollution from Covanta's incinerator is a health and environmental justice issue of significant interest to residents of Chester City and all of Delaware County; and

WHEREAS, the Philadelphia metro area has been ranked by the Asthma and Allergy Foundation of America as the 7th worst "asthma capital" in the nation in 2021;[4] and

WHEREAS, Chester's children have an asthma hospitalization rate four times the state average[5]; and

WHEREAS, Delaware County has the 3rd highest cancer rate in Pennsylvania,[6] "significantly higher than expected,"[7] and Pennsylvania's cancer rate is the 3rd highest in the nation;[8] and

WHEREAS, Black Pennsylvanians suffer from higher risk of getting cancer and of dying from it;[9] and

WHEREAS, Covanta's air permit expired on September 2, 2021 and Covanta is allowed to continue operating under a "permit shield" until a new five-year air pollution permit is issued;[10] and

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[1] PA Department of Environmental Protection, "Information Sheet: Covanta Delaware Valley." www.chesterresidents.org/pdf/covantaairpermitsummary.pdf

[2] Energy Recovery Council, "2018 Directory of Waste-to-Energy Facilities," www.energyrecoverycouncil.org/wp-content/uploads/2019/10/ERC-2018-directory.pdf No facility in this industry directory has a capacity as large as Covanta Delaware Valley. Find a more current list (accounting for some closures), ranked by size, see the bottom of this page: www.energyjustice.net/incineration/ej; Actual amounts burned can be found at the PA Department of Environmental Protection's waste database: cedatareporting.pa.gov/reports/powerbi/Public/DEP/WM/PBI/Solid_Waste_Disposal_Information

[3] PA Department of Environmental Protection, "Air Emissions Report" database: cedatareporting.pa.gov/reports/powerbi/Public/DEP/AQ/PBI/Air_Emissions_Report; find data compiled at www.chesterresidents.org/pdf/CovantaAirPollution.pdf

[4] Asthma and Allergy Foundation of America, "2021 Asthma Capitals," www.aafa.org/media/3040/aafa-2021-asthma-capitals-report.pdf

[5] Pennsylvania Department of Health, 2013. See the data summarized in a chart here: www.ejnet.org/chester/asthma.html

[6] Mark Dent, "Cancer in Philly: Eight maps and charts show the city's high cancer rate," March 31, 2015. www.billypenn.com/2015/03/31/cancer-in-philly-eight-maps-and-charts-show-the-citys-high-cancer-rate/ (National Cancer Institute data)

[7] PA Department of Health, "An Analysis of Cancer Incidence in Pennsylvania Counties 2008-2012," pp. 8 & 11. www.ehsf.org/sites/default/files/2017-09/An_Analysis_of_Cancer_Incidence_in_PA_Counties_2008_2012.pdf; see also PA Department of Health, "The Burden of Cancer in Pennsylvania: Calculating Costs, Understanding Impacts, Exploring Interventions," smhs.gwu.edu/cancercontroltap/sites/cancercontroltap/files/The%20Burden%20of%20Cancer%20in%20PA.pdf at p.28.

[8] PA Department of Health, "The Burden of Cancer in Pennsylvania: A Report of the Cancer Control, Prevention and Research Advisory Board," August 2019. www.health.pa.gov/topics/Documents/Diseases%20and%20Conditions/Cancer/PA%20Cancer%20Burden%20Report%20August%202019.pdf

[9] *Id.*

[10] PA Department of Environmental Protection, "Title V/State Operating Permit – Covanta Delaware Valley, LP" www.chesterresidents.org/pdf/covantaairpermit2016-2021.pdf

WHEREAS, Covanta took over owning and operating the trash incinerator from American Ref-Fuel in June 2005; and

WHEREAS, since Covanta took over the incinerator, they have been cited by the Department of Environmental Protection with 320 violations, twice as many as the second worst environmental violator in the city;[11] and

WHEREAS, in a March 2009 inspection by the U.S. Environmental Protection Agency, inspector Horgan inquired with Covanta about installing pollution controls for nitrogen oxides (NOx) known to trigger asthma attacks, or for highly toxic mercury and dioxins, to which Covanta's environmental engineer explained that "it costs a lot of money" and would create "operational issues;"[12] and

WHEREAS, most trash incinerators have four pollution control devices designed to reduce the air emissions of different pollutants, of which Covanta's incinerator in Chester has only two – a scrubber to reduce acid gases, and a baghouse to capture particulate emissions;[13] and

WHEREAS, even with these two controls, Covanta's Chester incinerator ranks #1 and 2 in the county for sulfur dioxide and hydrochloric acid emissions (reduced by scrubbers), and is the largest emitter of particulate matter of any incinerator in the nation;[14] and

WHEREAS, Covanta has no air pollution controls in place to reduce emissions of nitrogen oxides, and no carbon injection system, necessary to reduce emissions of dioxins and mercury, resulting in the fact that Covanta is the largest single emitter of these pollutants in Delaware County;[15] and

WHEREAS, sixteen years after purchasing the incinerator, Covanta is now considering installing NOx controls to reach half-way to modern concentration standards (45 parts per million) for this pollutant, but has not committed to this in their air permit renewal application; and

WHEREAS, NOx controls are standard in the vast majority of trash incinerators across the country, and only 3 of Covanta's 39 U.S. trash incinerators lack any NOx controls;[16] and

WHEREAS, a carbon injection system to reduce dioxins and mercury is standard in the industry and is installed in 89% of U.S. trash incinerators, including 95% of Covanta's U.S. fleet, of which Chester is but one of two plants totally lacking these controls;[17] and

WHEREAS, dioxins are the most toxic class of human-made chemicals known to science, the most toxic of which is 140,000 times more toxic than mercury;[18] and

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[11] PA Department of Environmental Protection, "Environment Facility Application Compliance Tracking System (eFACTS)" www.ahs.dep.pa.gov/eFACTSWeb/

[12] Theresa Horgan, U.S. Environmental Protection Agency inspection report, March 2009, available at www.ejnet.org/chester/pollutioncontrol.html

[13] *Id.* See also PA Department of Environmental Protection, "Title V/State Operating Permit – Covanta Delaware Valley, LP," www.chesterresidents.org/pdf/covantaairpermit2016-2021.pdf

[14] Note 3 *supra*. On their particulate matter emissions, see: https://www.epa.gov/air-emissions-inventories/2017-national-emissions-inventory-nei-data

[15] Note 3 *supra*.

[16] U.S. Energy Information Administration, Form 860 Database. www.eia.gov/electricity/data/eia860/

[17] *Id.*

[18] U.S. Environmental Protection Agency, Risk-Screening Environmental Indicators database. www.epa.gov/rsei

WHEREAS, there is no safe dose of dioxins or mercury;[19,20] and

WHEREAS, Covanta's current air permit and the proposed 5-year extension only require that four pollutants be monitored on a continuous basis, with another 11 pollutants tested just once per year;[21] and

WHEREAS, European studies have shown that dioxin emissions are tens to over one thousand times higher than the once-a-year testing in the U.S. indicates, as demonstrated by continuous sampling technology;[22,23]

NOW THEREFORE BE IT RESOLVED that Delaware County Council calls on the Pennsylvania Department of Environmental protection to write the following requirements into Covanta Delaware Valley's Title V Operating Permit No. 23-00004:

1. That Covanta must install equipment capable of reducing Nitrogen Oxide (NOx) emissions to the modern limit of 45 parts per million, as met by the new incinerator they operate in West Palm Beach, Florida.[24]
2. That Covanta must install an activated carbon injection system to reduce emissions of dioxins and mercury, and achieve a standard of 15 parts per million, as the trash incinerator in Baltimore, Maryland will soon be required to meet.[25]
3. That Covanta must use continuous emissions monitoring technology to measure compliance with standards for particulate matter, dioxins/furans, and toxic heavy metals, including arsenic, cadmium, chromium (VI), lead, mercury, and nickel, and must report this data on a public website within two hours of data collection.[26]

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[19] "No evidence of dioxin cancer threshold," *Environmental Health Perspectives* 2003 Jul; 111(9): 1145–1147. www.ncbi.nlm.nih.gov/pmc/articles/PMC1241565/

[20] "Mercury Exposure and Children's Health," *Current Problems in Pediatric and Adolescent Health Care*, 2010 September; 40(8): 186–215. www.ncbi.nlm.nih.gov/pmc/articles/PMC3096006/

[21] PA Department of Environmental Protection, "Title V/State Operating Permit – Covanta Delaware Valley, LP." See 2016-2021 permit at www.chesterresidents.org/pdf/covantaairpermit2016-2021.pdf and proposed 2021-2026 permit at www.chesterresidents.org/pdf/covantaairpermit2021-2026.pdf

[22] De Fré R, Wevers M. "Underestimation in dioxin emission inventories," Organohalogen Compounds, 36: 17–20. www.ejnet.org/toxics/cems/1998_DeFre_OrgComp98_Underest_Dioxin_Em_Inv_Amesa.pdf This European study of dioxins tested with continuous samplers found that actual dioxin emissions are 32-52 times higher than annual stack tests indicate.

[23] Zero Waste Europe & ToxicoWatch, "Hidden emissions: A story from the Netherlands (Case Study)," November 2018. www.zerowasteeurope.eu/wp-content/uploads/2018/11/NetherlandsCS-FNL.pdf This cites research from the Netherlands which found that continuous sampling revealed dioxin levels to be 460 to at least 1,290 times higher than annual stack tests show.

[24] "Final Air Permit, Palm Beach Renewable Energy Facility No. 2," Florida Department of Environmental Protection, Dec. 23, 2010, p.11. (Not available online, but a newer copy of the air permit is online at www.cleanairbmore.org/lawsuit/042R.pdf with the 45 ppm standard listed on p.25.)

[25] "Air Pollution Emission Control and Monitoring Agreement," November 4, 2020. www.cleanairbmore.org/uploads/2020-11-04-BRESCOEmissionControlAgreement.pdf Stricter new requirements take effect 12/31/2023.

[26] "Continuous Emissions Monitors (CEMs)." www.ejnet.org/toxics/cems