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April 26, 2013

EMAIL AND EXPRESS MAIL

FedEx No. 7996 2566 2709

Mr. Shailesh R. Patel, P.E.
Air Quality Engineer
Pennsylvania Department of Environmental Protection
2 Public Square
Wilkes-Barre, PA 18711

APR 29 2013

Subject: Plan Approval Application
Energy Production Facility
Delta Thermo Energy A, LLC
Allentown, Pennsylvania
IES Project No. EV130894.04

Dear Mr. Patel:

On behalf of Delta Thermo Energy A, LLC (DTE), IES Engineers (IES) is pleased to submit the enclosed check in the amount of \$700, payable to the "Commonwealth of Pennsylvania, Clean Air Fund" for the Department's processing of the plan approval application that we submitted on March 29, 2013, for the installation of an energy production facility located at 112 Union Street, Allentown, Lehigh County.

As you indicated in your e-mail dated April 25, 2013, the Department believes that this facility will be subject to the New Source Performance Standard (NSPS) for Small Municipal Waste Combustion Units for Which Construction is Commenced after August 30, 1999, or for which Modification or Reconstruction is Commenced after June 6, 2001 (40 CFR 60, Subpart AAAA). Subsequently, you requested an additional fee to consider the application administratively complete. Our application was based on the non-applicability of that rule, as explained in Attachment 4 of our plan approval application; therefore, we submitted a fee check in the amount of \$1,000. The application fee for an NSPS-regulated source is \$1,700, in accordance with 25 Pa. Code §127.702(d).

We disagree with the Department's position on Subpart AAAA applicability and will be happy to discuss this matter in detail at a subsequent meeting or teleconference. However, as I discussed with Mr. Ray Kempa today, to keep the Department's administrative completeness review moving, we are submitting the enclosed check with the understanding that if Subpart AAAA is later determined to be non-applicable, the Department will credit the additional \$700 fee.



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Should you have any questions, please do not hesitate to contact me or Mr. Robert Van Naarden of DTE at (215) 809-1139. We look forward to receipt of the administrative completeness determination.

Very truly yours,

Robert Schlosser /e/

Robert W. Schlosser, P.E.
Principal Project Manager

Enclosure

cc: R. Kempa, DEP
R. Van Naarden, DTE
M. Bonilla, DTE
J. Bolstein, Fox Rothschild
A. Soni, IES