

November 8, 2013

Ray Kempa
Chief, New Source Review Section
Air Quality Program
Department of Environmental Protection
2 Public Square
Wilkes-Barre, PA 18701-1915

Re: 39-00099A: Air Pollution Permit Plan Approval for Delta Thermo Energy Trash and Sewage Sludge Incinerator

Dear Mr. Kempa:

Kindly accept these comments on the proposed air pollution permit plan approval, 39-00099A for the trash and sewage sludge incinerator planned by some combination of existing and non-existing entities collectively referred to herein simply as Delta Thermo Energy (DTE).

Incorporation of Other Comments

It is our intent that the comments by the Pennsylvania Waste Industries Association (see Attachment B) be fully incorporated as a part of our comments, and specifically that the legal conclusions about the proposed facility being a waste incineration facility that must be regulated as such – not as an energy facility – become the basis for the comments below.

Request for Comment Deadline Extension and Application of DEP's Environmental Justice Public Participation Policy and DEP's Policy on Public Participation in the Permit Review Process

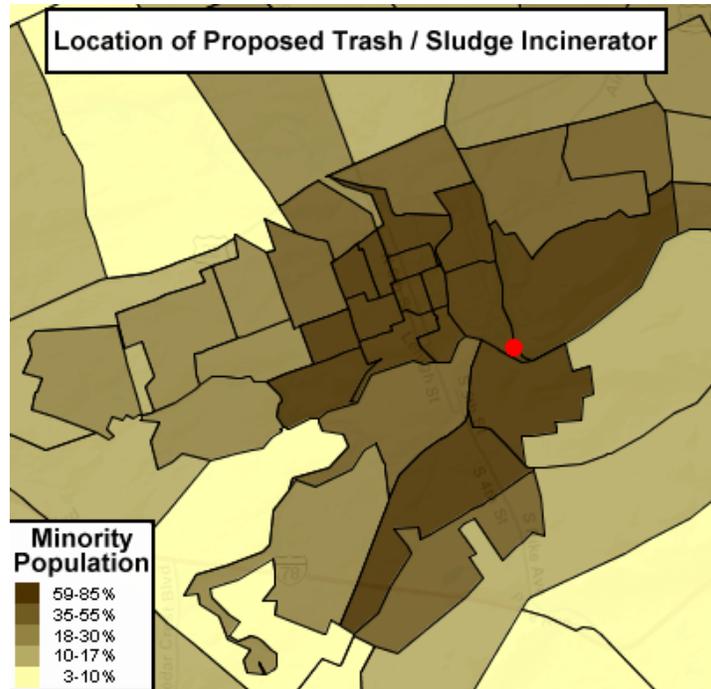
We respectfully request that DEP:

- Have all relevant DTE air permitting documents, including the permit application and proposed plan approval, translated into Spanish and made readily available in the community near the proposed incinerator at a location where files may be accessed in evening hours and on weekends;
- Hold a public hearing on the permit, as community members have been requesting;
- Do concerted outreach through English and Spanish-speaking media, and postings/mailers throughout the nearby community to alert people to the hearing at least two weeks in advance, with the English and Spanish language permit documents available for review during that time;
- Extend the comment deadline until 30 days after such a hearing takes place.

We feel that this is justified for several reasons, including:

- Significant public interest in the project, as demonstrated by the collection of 3,500 signatures by interested residents in the area earlier this year on a clean air ordinance initiative petition, at least 56 local news articles on the topic (some of which are in DEP's files for this project; see Attachment A for the rest), largely in response to community organizing on the issue, and significant turnout at the public meeting which the community got after asking for a hearing.
- The fact that the community is an environmental justice community according to DEP's own criteria. The tract that the proposed incinerator sits in, on Kline's Island, is Census tract 5. That tract is 86%

people of color (66% Hispanic/Latino, 14% black and 16% white). The one immediately downwind (tract 96) is 60% minority (47% Hispanic/Latino, 9% black and 40% white), and the one just to the south of it (tract 6) is also 60% minority with almost identical proportions (48%, 8%, 40%, respectively).



- The Spanish translation and extra effort to reach the Spanish-speaking community is a necessity considering the high numbers of residents in the community from whom Spanish is their first, if not only, language.
- The fact that [DEP's Environmental Justice Public Participation Policy](#) explains that this permit may serve as a Trigger Permit through DEP's consideration of: 1) identified community concerns; 2) present or anticipated environmental impacts; and 3) reasonably anticipated significant adverse cumulative impacts. It is clear that all of these factors are met, even though they are factors and not all must be met. There is significant and demonstrated community concern (see Attachment A). As the PWIA comments point out (see Attachment B), the incinerator would be the most polluting of any in the state, this contributing to anticipated environmental impacts and significant adverse cumulative impacts. Significant adverse cumulative impacts are also apparent, as the Lehigh Valley is the nation's 11th worst asthma capital (see: Asthma Capitals 2013, Asthma and Allergy Foundation of America. <http://www.asthmacapitals.com>; full report here: http://www.aafa.org/pdfs/2013_AC_FinalPublicList1.pdf) and is 14th worst in the nation for particulate matter pollution and one of just a handful of regions where this pollution is getting worse (see "The State of the Air 2013," by American Lung Association, <http://www.stateoftheair.org/2013/assets/ala-sota-2013.pdf>).
- We also ask that DEP apply its new [Policy on Public Participation in the Permit Review Process](#).

Air Pollution Monitoring Requirements are Grossly Inadequate

The proposed Plan Approval does not require continuous emissions monitoring (CEMs) for any pollutant other than NO_x, yet it sets emissions limits for 15 pollutants or pollutant groups. EPA has stated that “continuous, direct emission measurement is preferable” to periodic emissions testing to demonstrate compliance with NSR and PSD permit limits. See U.S. Env’tl. Prot. Agency, New Source Review Workshop Manual, 1.3 (1990), available at <http://www.epa.gov/ttn/nsr/gen/wkshpman.pdf>. “The monitoring provisions of a permit must ensure the performance standards are being met. If they do not do so, then they have the effect of weakening the permit limits, defeating the purpose of the BACT/MACT analyses that are central to the NSR/PSD preconstruction permitting process.” See Pre-filed testimony of Alfredo Armanderiz, PhD, *In the matter of IPA Coletto Creek, LLC Application for State Air Quality Permit 83778*, TCEQ Docket No. 2009-0032-AIR (September 4, 2009).

Furthermore, Title V of the Clean Air Act requires that “each permit issued under [Title V] shall set forth ... monitoring ... requirements sufficient to assure compliance with the permit terms and conditions.” 42 U.S.C. §7661c(c). On August 19, 2008, the D.C. Circuit Court of Appeals struck down an EPA rule that would have prohibited DEP and other state and local authorities from adding monitoring provisions to Title V permits if needed to “assure compliance.” See *Sierra Club v. EPA*, 536 F.3d 673 (D.C. Cir. 2008). The opinion emphasized the statutory duty to include adequate monitoring in Title V permits, noting that “[b]y its terms, this mandate means that a monitoring requirement insufficient ‘to assure compliance’ with emission limits has no place in a permit unless and until it is supplemented by more rigorous standards.” *Id.* at 677.

The D.C. Circuit opinion makes clear that Title V Permits must include monitoring requirements that assure compliance with emission limits. The Court specifically noted that annual testing is unlikely to assure compliance with a short term emission limit, and found that state permitting authorities have a statutory duty to include monitoring requirements that ensure compliance with emission limits in Title V operating permits. See *id.* at 675. In other words, the frequency of monitoring must bear some relationship to the averaging time used to determine compliance.

These same principles apply whether we’re talking about Title V permits or not.

The proposed Plan Approval only requires that the other 14 pollutants be monitored once within the first six months. Details on any further testing are not spelled out in their permit. Even annual testing would be inadequate. It is like having a speed limit, but allowing drivers to drive with no odometer. A speed trap would be set just once a year, there are signs warning “speed trap ahead” to warn drivers to slow down, and the driver’s brother runs the speed trap (the companies do their own testing). In reality, incinerators are “speeding” many other days of the year, with excessive emissions during startup, shutdown and malfunction times, when testing is not done. Regulating air polluting facilities in this manner is inexcusable, especially in the age where continuous testing technology exists and where the data is able to be made available to the public real-time through a website.

To be able to ensure compliance with emissions limits, we urge DEP to require the use of continuous emissions monitors (CEMS) for all relevant pollutants for which the technology exists, and especially those for which DEP has set emissions limits.

The technology now exists to continuously monitor for at least 40 pollutants, and the equipment for much of this has been tested and verified by U.S. EPA’s Environmental Technology Verification Program (<http://www.epa.gov/etv/>). See their list of verified technologies here: <http://www.epa.gov/nrmrl/std/etv/verifiedtechnologies.html>

Emissions limits are meaningless if there is not adequate testing to ensure that they are being met. Annual stack

tests are inadequate, in part, because they are done by the applicant, under optimal performance, rather than capturing the day-to-day reality of operations. Emissions can be far higher during startup, shutdown, and malfunction times – especially for such temperature-sensitive pollutants like dioxins/furans (where a study has shown emissions to be 32-52 times higher in reality -- as measured with long-term samplers -- than annual stack tests show).¹

The technology exists to do continuous monitoring of the following additional pollutants: Carbon Dioxide (CO₂), Particulate Matter, Nitrous Oxide (N₂O), Hydrogen Sulfide (H₂S), Hydrofluoric Acid (HF), Hydrochloric Acid (HCl), Hydrogen Cyanide, Volatile Organic Compounds (VOCs), Methane, Ethylene, Acetylene, Methanol, Antimony, Arsenic, Barium, Bromine, Cadmium, Calcium, Chromium, Cobalt, Copper, Iron, Lead, Manganese, Mercury, Nickel, Selenium, Silver, Thallium, Tin, Titanium, Vanadium, Zinc, Ammonia, Dioxins & furans, Polycyclic Aromatic Hydrocarbons (PAHs) and Vinyl Chloride Monomer.

Not all of these are major concerns from this sort of incinerator, but most are.

We ask that DEP require continuous monitoring of the following pollutants: Carbon Dioxide (CO₂), Particulate Matter (including PM₁₀ and PM_{2.5}, if possible), Nitrous Oxide (N₂O), Hydrogen Sulfide (H₂S), Hydrofluoric Acid (HF), Hydrochloric Acid (HCl), Volatile Organic Compounds (VOCs), Antimony, Arsenic, Barium, Bromine, Cadmium, Chromium, Cobalt, Copper, Iron, Lead, Manganese, Mercury, Nickel, Selenium, Silver, Thallium, Tin, Titanium, Vanadium, Zinc, Ammonia, Dioxins & furans and Polycyclic Aromatic Hydrocarbons (PAHs).

Most of these metals can be tested through one multi-metals monitoring device. It's especially critical that dioxins and furans are monitored with continuous technology, since they are so readily underestimated during annual stack tests, and since emissions levels are known in the scientific literature to be far higher during startup, shutdown and malfunction times. While continuous testing technology exists and has been tested and verified by EPA, the only monitors we're aware of that have been installed on commercial MSW incinerators have been those using AMESA technology, which is a long-term sampler that can take a sample of up to 30 days, providing complete coverage of the course of a year by switching out the sampler each month. There are currently 600 long-term samplers for dioxins/furans in commercial use around the world. AMESA is one of the most commonly used of the three types of equipment. France just required them for all of their many trash incinerators starting this year. Some specific examples of incinerators using long-term samplers for dioxins/furans (mostly in Vienna, Austria) can be found in this testimony, footnoted below.² Real-time equipment is much more helpful to ensure compliance, since it can inform operators of operating conditions in time to adjust their operations and limit dioxin formation. Information on dioxin CEMS, and the need for them,

¹ Wevers M. and De Fré, "Underestimation of dioxin emission inventories," *Organohalogen Compounds*, Vol. 36, pp. 19-20 (1998). http://www.ejnet.org/toxics/cems/1998_DeFre_OrgComp98_Underest_DIOxin_Em_Inv_Amesa.pdf

"The Ames system [a long-term dioxin sampler tested and verified by U.S. EPA in 2007] was used for continuous sampling during periods of 15 days. The analysis was carried out in double by 2 laboratories, VITO and GfA. They show that a standard emission measurement according to the European standard method EN 1948 during a period of 6 hours resulted in an emission concentration of 0.25 ng TEQ/Nm³, while the average over 2 weeks in the same period was 8.2 to 12.9 ng TEG/Nm³. This illustrates that the standard measurement underestimated the average emission by a factor 30 to 50. [Note: it's actually 33 to 52 times higher.] As a result of these findings doubts have risen over the real emission of the incinerators, and the special commission on incineration has asked from all incinerators in the Flemish region to use the continuous sampling system in order to demonstrate their compliance with the emission limit."

² Neil J. Carman, Ph.D., "Briefing to Joint Review Panel on Sydney Tar Ponds Agency's Plans to Use a Temporary Incinerator to Burn 120,000 tons of PCB Containing Sediments from the Tar Ponds and 26,000 tons PAH Contaminated Sediments from the Coke Ovens Site," May 13, 2006, p. 12. <http://www.safecleanup.com/panlxprt/carman/neilmain.pdf>

can be found at <http://www.ejnet.org/toxics/cems/dioxin.html> and <http://www.epa.gov/etv/vt-ams.html#dems>³

CEMS for particulate matter have already been required in a permit issued in 2005 for the River Hill Power Plant, a waste coal burning power plant in Karthuas, PA (which was never built, for other reasons). Due to this and comments in favor of such a requirement by the National Park Service and the Forest Service, Philadelphia's Air Management Services required PM CEMS for the Sun Oil refinery in Philadelphia, PA – the first refinery required to have such CEMS. Find these comments at <http://www.ejnet.org/toxics/cems/>

CEMS for mercury are becoming widespread on coal power plants and are clearly commercially available now. There are also plenty of precedents for CEMS for hydrochloric acid, including all six trash incinerators in Pennsylvania. See all Pennsylvania-required CEMS here: http://www.dep.state.pa.us/dep/deputate/airwaste/ag/cemspage/docs/CSMS_List_for_the_State_of_Pennsylvania.pdf

As commercial use for long-term samplers of dioxins/furans, and CEMS for PM, HCl, mercury and other pollutants have been required in Pennsylvania for other facilities, we urge DEP to require them here.

PM2.5 is not Regulated and Should Be

While DEP may have concluded that DTE's PM2.5 emissions do not cross the 100 tpy threshold that would make the incinerator subject to Non-Attainment New Source Review (NANSR) for major sources of stationary air pollution, it must still review PM2.5 emissions under the Minor New Source Review Program.

Prior to EPA's 2008 PM2.5 NSR Implementation Rule, states were not required to consider PM2.5 in their minor New Source Review (NSR) program. The NSR Implementation rule amended minor source programs to include direct PM2.5 emissions, as well as precursor emissions, in the same manner as included for purposes of PM2.5 major NSR (see 73 Fed. Reg. 28321, 28344 (May 16, 2008) (PM2.5 NRS Implementation Rule)). As set forth in 40 CFR 51.160(b)(2), minor NSR requirements require that states identify procedures for reviewing whether a minor source will interfere with attainment or maintenance of a national standard in the State in which the proposed source is located or in a neighboring state. The NSR Implementation Rule makes it clear that states should use the Minor NSR program to prevent further degradation of air quality in nonattainment areas due to the high NANSR threshold of 100 tpy. Such a program is required under the Clean Air Act and its regulations in order to assure that the NAAQS are achieved (see section 110(a)(2)(C) and 40 CFR 51.160 and 73 Fed. Reg. at 28331).

Fulfilling this requirement may require air quality data and dispersion or other modeling (see 40 CFR 51.160 (f)) that employs less flawed and inaccurate data and assumptions about what DTEs BAT standards will actually

³ Dioxin Emission Monitoring Systems, Environmental Technology Verification Program, U.S. Environmental Protection Agency. <http://www.epa.gov/etv/vt-ams.html#dems> This page lists the four pieces of dioxin testing equipment that EPA tested and verified in 2006. The Ames system is one (it's a long-term sampler that can collect a sample of up to 30 days). Others are semi-continuous or actual real-time dioxin emissions monitors. Their "Technology Brief" on Dioxin Emission Monitoring Systems (<http://www.epa.gov/etv/pubs/600s07002.pdf>) states: "The four verified technologies fall under one of two categories: automated isokinetic sampling systems of flue gas with laboratory analysis, or semi-continuous laser-based systems that produce ions which are typically detected using a time-of-flight mass spectrometer (TOFMS). Long-term continuous samplers collect samples over time periods up to several weeks to obtain a cumulative record of source emissions and provide evidence of emission levels. Real or semi-real-time continuous monitors, with a frequency of measurement at real time or up to an hour, provide quick feed back to the plant operator by measuring dioxin emission levels on-site."

remove from the contaminated air leaving its facility. As noted in the Pennsylvania Waste Industry Associations comments (page 27, Attachment B), while DTE claims it will be employing a fabric filtration technology to remove submicron particles and metal fumes, it does not discuss the efficacy of this technology. Furthermore, the control efficiency figures DTE uses are unstated and conflict with the equipment vendors own estimates. Any additional and more accurate dispersion models DTE runs for the purpose of completing the Minor NSR requirements for PM2.5 emissions from its incinerator, should also include analysis of how three PM2.5 precursors (NOx, SO2, and VOCs) will impact PM2.5 emissions.

PA Bulletin Notice was Defective and Must be Republished

Two of three PA Bulletin notices for the Air Plan Approval were defective in that the business name is incorrect and does not belong to any existing business entity in Pennsylvania. There are two entities bearing the Delta Thermo Energy name in Pennsylvania:

- Delta Thermo Energy A, LLC – registered 5/15/2012
- Delta Thermo Energy, Inc. – registered 12/1/2009

The Pennsylvania Bulletin notices list the first of these entities in the May 25, 2013 Bulletin, when announcing receipt of a Plan Approval Application, but the notices on September 7, 2013 and September 14, 2013 both list the business entity with a name that does not match any existing business entity on file with the Pennsylvania Department of State, Corporations Bureau.

The September 7, 2013 Bulletin notice mentions two different mismatched named, neither of which exists in Pennsylvania: “Delta Thermo Energy, LLC” (missing the “A”) and “Delta Thermo Energy A LLC” (missing the comma). The September 14, 2013 notice mentioned “Delta Thermo Energy A LLC” (missing the comma). As something as seemingly insignificant as a comma in a legal name can and has been used to signify distinct corporate entities, these public notices are defective and must be republished with consistent business entities making it clear which entity the permit is being granted to.

The relevant text of the publications are as follows:

<http://www.pabulletin.com/secure/data/vol43/43-21/958a.html>

May 25, 2013

Plan Approval Applications Received under the Air Pollution Control Act (35 P.S. 40014015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

39-00099A: **Delta Thermo Energy A, LLC** (One Northbrook Drive, 1210 Northbrook Corp. Center, Suite 199, Trevose, PA 19053) for construction of an energy production facility to be in Allentown City, Lehigh County.

<http://www.pabulletin.com/secure/data/vol43/43-36/1642.html>

September 7, 2013

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

39-00099A: **Delta Thermo Energy, LLC** (112 W Union Street, Allentown, PA 18102-4912) to issue a plan approval for the construction and operation an energy production facility in the City of Allentown, Lehigh County.

In accordance with 25 Pa. Code 127.44(b) and 127.424(b), the Department of Environmental Protection (DEP) intends to issue Plan Approval No. 39-00099A to **Delta Thermo Energy A LLC**, 112 W Union Street, Allentown, PA 18102-4912, for their plant to be located in the City of Allentown, Lehigh County.

<http://www.pabulletin.com/secure/data/vol43/43-37/1684a.html>

September 14, 2013

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P.S. 40014015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

Notice is hereby given in accordance with 25 Pa. Code 127.44(b) and 127.424(b), that the Department of Environmental Protection (DEP) intends to issue a Plan Approval #39-00099A to **Delta Thermo Energy A LLC**, 112 W Union Street, Allentown, PA 18102-4912, for their plant to be located in the City of Allentown, Lehigh County.

Sincerely,

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Attachment A

Date	Headline	Media Source	Media Type	URL
12/19/2010	City changes course of waste to energy plant -- After nearly two years of talks, city decides to open project up to competition.	Allentown Morning Call	Newspaper	http://articles.mcall.com/2010-12-19/news/mc-allentown-waste-energy-20101218_1_bid-process-energy-plant-novel-process
2/17/2011	Firm makes trash-to-energy pitch at mayor's request	Meadville Tribune	Newspaper	http://meadvilletribune.com/local/x1275139789/Firm-makes-trash-to-energy-pitch-at-mayors-request/
2/25/2011	Waste-to-energy plant offers sought -- Allentown nearly had deal to turn trash, sludge into energy, but opted to seek other offers.	Allentown Morning Call	Newspaper	http://articles.mcall.com/2011-02-25/news/mc-allentown-waste-to-energy-20110225_1_robert-van-naarden-delta-thermo-energy-wastewater-treatment
12/14/2011	Waste-to-energy proposal reviewed	Allentown Morning Call	Newspaper	http://articles.mcall.com/2011-12-14/news/mc-allentown-city-council-waste-to-energy-20111214_1_delta-thermo-energy-sewage-sludge-wastewater-treatment-plant
1/27/2012	Atlantic County Utilities Authority and Delta Thermo Energy, Inc. Announce the Operational Testing of "Hydrothermal Decomposition" Technology	Atlantic County Utilities Authority	Press Release	http://www.acua.com/acua/newsItem.aspx?id=4104
2/15/2012	Allentown Council rejects waste-to-energy plant	Allentown Morning Call	Newspaper	http://www.mcall.com/news/local/allentown/mc-allentown-council-waste-to-energy-plant-20120215,0,7867450.story
2/15/2012	Allentown contract for waste-to-energy plant rejected by city council	Easton Express-Times	Newspaper	http://www.lehighvalleylive.com/allentown/index.ssf/2012/02/allentown_contract_for_waste-t.html
3/8/2012	Allentown, Pa., breaks deadlock, approves WTE plant	Waste & Recycling News	Newspaper	http://www.wasterecyclingnews.com/article/20120308/NEWS03/303089993/allentown-pa-breaks-deadlock-approves-wte-plant
5/21/2012	Allentown environmental advisory board goes on the record against energy plant	Allentown Morning Call	Newspaper	http://blogs.mcall.com/valley610/2012/05/allentown-environmental-advisory-board-goes-on-the-record-against-energy-plant.html
12/5/2012	Allentown council weighs contract oversight, moves forward with budget	Allentown Morning Call	Newspaper	http://www.mcall.com/news/local/allentown/mc-allentown-council-budget-amendment-20121204,0,1447373.story
12/11/2012	Allentown planners review Delta Thermo waste-to-energy plant proposal	Easton Express-Times	Newspaper	http://www.lehighvalleylive.com/allentown/index.ssf/2012/12/allentown_planners_review_plan.html
12/14/2012	Group opposing waste-to-energy plant to meet Monday	Allentown Morning Call	Newspaper	http://blogs.mcall.com/valley610/2012/12/group-opposing-waste-to-energy-plant-to-meet-monday.html
12/14/2012	Delta Thermo waste-to-energy plant in Allentown still lacks financing -- Allentown councilman says if the Kline Island plant isn't built, the city will be out about \$500,000.	Allentown Morning Call	Newspaper	http://www.mcall.com/news/local/allentown/mc-allentown-delta-thermo-reimbursement-20121214,0,4655183.story
12/18/2012	Effort to thwart Allentown's waste-to-energy plant underway -- Group hopes to get initiative on the May ballot	WFMZ - 69	TV	http://www.wfmz.com/news/news-regional-lehighvalley/Effort-to-thwart-Allentown-s-waste-to-energy-plant-underway/-/132502/17820258/-/121574w/-/index.html
12/18/2012	Opponents of waste-to-energy plant to organize ballot question	Allentown Morning Call	Newspaper	http://www.mcall.com/news/local/allentown/mc-allentown-delta-thermo-opposition-20121218,0,2037263.story
12/30/2012	Opponents of Allentown waste-to-energy plant seek ballot question	Easton Express-Times	Newspaper	http://www.lehighvalleylive.com/allentown/index.ssf/2012/12/opponents_of_allentown_waste-t.html
1/8/2013	Allentown waste-to-energy plant gets preliminary final approval from planning commission	Easton Express-Times	Newspaper	http://www.lehighvalleylive.com/allentown/index.ssf/2013/01/allentown_waste-to-energy_plan.html
2/14/2013	ACUA testing system to turn trash, sewage into electricity in Egg Harbor Township			http://www.pressofatlanticcity.com/communities/eh/acua-testing-system-to-turn-trash-sewage-into-electricity-in/article_bcbce8cc-5778-11e1-b043-0019bb2963f4.html
4/8/2013	Anti-Delta Thermo petitioners come up 624 signatures short	Allentown Morning Call	Newspaper	http://blogs.mcall.com/valley610/2013/04/anti-delta-thermo-petitioners-come-up-624-signatures-short.html
5/10/2013	Ordinance to stop waste-to-energy plant coming before Allentown City Council	WFMZ - 69	TV	http://www.wfmz.com/news/news-regional-lehighvalley/ordinance-to-stop-wastetoenergy-plant-coming-before-allentown-city-council/-/132502/20105976/-/qjdrhiz/-/
5/21/2013	Allentown environmental advisory board goes on the record against energy plant	Allentown Morning Call	Newspaper	http://blogs.mcall.com/valley610/2012/05/allentown-environmental-advisory-board-goes-on-the-record-against-energy-plant.html
5/27/2013	Allentown citizens group gets clean air ordinance on council agenda	Easton Express-Times	Newspaper	http://www.lehighvalleylive.com/allentown/index.ssf/2013/05/allentown_clean_air_ordinance.html
5/28/2013	Allentown's proposed clean air bill, result of public petition, called 'fatally flawed' by city lawyer	Easton Express-Times	Newspaper	http://www.lehighvalleylive.com/allentown/index.ssf/2013/05/allentowns_proposed_clean_air.html
6/18/2013	DEP wants Allentown to think twice before voting on 'clean air ordinance'	WFMZ - 69	TV	http://www.wfmz.com/news/news-regional-lehighvalley/dep-wants-allentown-to-think-twice-before-allowing-voters-a-say-on-clean-air-ordinance/-/132502/20622344/-/pgyr78z/-/index.html
6/19/2013	Allentown council to vote on clean air ordinance	AP / Times-Herald (Montgomery County, PA.)	News wire	http://www.timesherald.com/article/20130619/NEWS03/130619546/allentown-council-to-vote-on-clean-air-ordinance

6/19/2013	Allentown council tables clean air initiative, effectively sending it to voters -- Allentown voters will decide on stricter controls for waste-to-energy plant.	Allentown Morning Call	Newspaper	http://www.mcall.com/news/local/allentown/mc-allentown-delta-thermo-ballot-question-vote-20130619,0,698548.story#ixzz2WsDWLmg
6/28/2013	State law may pre-empt proposed Allentown clean air bill	Easton Express-Times	Newspaper	http://www.lehighvalleylive.com/allentown/index.ssf/2013/06/state_deals_potential_blow_to.html
7/20/2013	Allentown voters to decide if city needs tougher clean air ordinance -- Law would monitor air pollution from planned Delta Thermo Energy plant	WFMZ - 69	TV	http://www.wfmz.com/news/news-regional-lehighvalley/allentown-voters-to-decide-if-city-needs-tougher-clean-air-ordinance/-/132502/20642402/-/t9glj0/-/index.html
7/31/2013	Allentown incinerator opponents say city delaying clean air bill	Easton Express-Times	Newspaper	http://www.lehighvalleylive.com/allentown/index.ssf/2013/07/allentown_incinerator_opponent.html
8/1/2013	After delay, Allentown turns proposed clean air bill over to county	Easton Express-Times	Newspaper	http://www.lehighvalleylive.com/allentown/index.ssf/2013/08/after_delay_allentown_turns_pr.html
8/7/2013	Brew Works co-owner escorted from Allentown council meeting by police after shouting match	Easton Express-Times	Newspaper	http://www.lehighvalleylive.com/allentown/index.ssf/2013/08/man_escorted_from_allentown_co.html
8/27/2013	Allentown ballot question prompted by Delta Thermo struck down -- Ordinance would regulated emissions at planned waste-to-energy plant.	Allentown Morning Call	Newspaper	http://www.mcall.com/news/breaking/mc-allentown-ballot-question-delta-thermo-fegley-20130827,0,5540391.story
8/27/2013	Lehigh County rejects ballot question for Allentown clean air bill	Easton Express-Times	Newspaper	http://www.lehighvalleylive.com/allentown/index.ssf/2013/08/lehigh_county_rejects_ballot_q.html
8/27/2013	Clean air ordinance question won't be on November ballot	WFMZ - 69	TV	http://www.wfmz.com/news/Clean-air-ordinance-question-won-t-be-on-November-ballot/-/121458/21672600/-/2050pr/-/index.html
8/31/2013	TURKEYS AND TROPHIES: Allentown voters should have say on incinerator monitoring	Easton Express-Times	Newspaper	http://www.lehighvalleylive.com/opinion/index.ssf/2013/08/turkeys_and_trophies_allentown.html
9/4/2013	Allentown clean air bill supporters to fight county's rejection	Easton Express-Times	Newspaper	http://www.lehighvalleylive.com/allentown/index.ssf/2013/09/allentown_clean_air_bill_supp.html
9/5/2013	Allentown City Council asked to challenge election board on clean air ordinance	WFMZ - 69	TV	http://www.wfmz.com/news/news-regional-lehighvalley/allentown-city-council-asked-to-challenge-election-board-on-clean-air-ordinance/-/132502/21779714/-/uvtlxcz/-/index.html
9/12/2013	Thwarted clean air law advocates appeal to Lehigh County commissioners	WFMZ - 69	TV	http://www.wfmz.com/news/news-regional-lehighvalley/thwarted-clean-air-law-advocates-appeal-to-lehigh-county-commissioners/-/132502/21897902/-/p813cr/-/index.html
9/19/2013	Allentown City Council tackles flooding and clean air controversies	WFMZ - 69	TV	http://www.wfmz.com/news/news-regional-lehighvalley/allentown-city-council-tackles-flooding-and-clean-air-controversies/-/132502/22014662/-/dy04b/-/index.html
9/20/2013	Fegley, others sue Lehigh Co. elections board over environmental ballot question	Allentown Morning Call	Newspaper	http://www.mcall.com/news/breaking/mc-allentown-ballot-question-lawsuit-20130919,0,1490177.story
9/20/2013	Allentown residents sue Lehigh County over rejected clean air bill	Easton Express-Times	Newspaper	http://www.lehighvalleylive.com/allentown/index.ssf/2013/09/allentown_residents_sue_lehigh.html
9/20/2013	County election board sued over clean air proposal -- Petitioners want proposed ordinance on the November ballot	WFMZ - 69	TV	http://www.wfmz.com/news/news-regional-lehighvalley/county-election-board-sued-over-clean-air-proposal/-/132502/22027664/-/kmkeh1z/-/index.html
9/20/2013	Judge to decide if Clean Air Bill will be on ballot	WFMZ - 69	TV	http://www.wfmz.com/news/news-regional-lehighvalley/judge-to-decide-if-Clean-Air-Bill-will-be-on-ballot/-/132502/22047496/-/sh54cg/-/index.html
9/25/2013	Delta Thermo Energy wants to be part of legal battle against Allentown clean air referendum question	Easton Express-Times	Newspaper	http://www.lehighvalleylive.com/allentown/index.ssf/2013/09/delta_thermo_energy_wants_to_b.html
9/25/2013	Hearing continued until Friday on lawsuit over environmental ballot question	Allentown Morning Call	Newspaper	http://blogs.mcall.com/valley610/2013/09/hearing-continued-until-friday-in-lawsuit-over-environmental-ballot-question.html
9/27/2013	Judge to rule Monday on Allentown ballot question - Judge to decide if voters will be asked to decide on restrictions for waste-to-energy plant.	Allentown Morning Call	Newspaper	http://www.mcall.com/news/local/mc-delta-thermo-hearing-0926-20130927,0,3898721.story
9/27/2013	Judge hears case of proposed waste-to-energy plant Author: Katie Shank, Web Producer	WFMZ - 69	TV	http://www.wfmz.com/news/news-regional-lehighvalley/judge-hears-case-of-proposed-waste-to-energy-plant/-/132502/22160550/-/v7169d/-/index.html
9/27/2013	Judge to decide if Clean Air Act can go on ballot	WFMZ - 69	TV	http://www.wfmz.com/news/news-regional-lehighvalley/judge-to-decide-if-Clean-Air-Act-can-go-on-ballot/-/132502/22163044/-/g3vwdh/-/index.html
9/27/2013	Judge to rule on Allentown proposed clean air bill by Monday	Easton Express-Times	Newspaper	http://www.lehighvalleylive.com/allentown/index.ssf/2013/09/judge_to_rule_on_allentown_pro.html
9/30/2013	Judge upholds decision to toss environmental question from Allentown ballot -- Allentown ballot query would hinder sludge-to-energy operation. Appeal filed.	Allentown Morning Call	Newspaper	http://www.mcall.com/news/breaking/mc-allentown-delta-thermo-ballot-question-decision-20130930,0,6337126.story
9/30/2013	Judge rejects Allentown clean air bill ballot question	Easton Express-Times	Newspaper	http://www.lehighvalleylive.com/allentown/index.ssf/2013/09/judge_rejects_allentown_clean.html
9/30/2013	Judge says no to putting clean air ordinance on Nov. ballot	WFMZ - 69	TV	http://www.wfmz.com/news/news-regional-lehighvalley/judge-says-no-to-putting-clean-air-ordinance-on-nov-ballot/-/132502/22190196/-/14cmoq6/-/index.html
10/2/2013	Judge 'got it all wrong' by rejecting Allentown clean air bill, supporters say	Easton Express-Times	Newspaper	http://www.lehighvalleylive.com/allentown/index.ssf/2013/10/judge_got_it_all_wrong_by_reje.html

10/30/2013	100 crowd hearing on Allentown incinerator plan -- Noisy session comes as state considers permits for waste-to-energy plant.	Allentown Morning Call	Newspaper	http://www.mcall.com/news/local/allentown/mc-allentown-delta-thermo-dep-hearing-20131030,0,6810931.story
10/30/2013	Allentown waste-to-energy plant hearing draws large, vocal crowd	Easton Express-Times	Newspaper	http://www.lehighvalleylive.com/allentown/index.ssf/2013/10/allentown_waste-to-energy_plan_1.html
10/31/2013	Delta Thermo, DEP withstand barrage of criticism	WFMZ - 69	TV	http://www.wfmz.com/news/news-regional-lehighvalley/delta-thermo-dep-withstand-barrage-of-criticism/-/132502/22729542/-/t7gqkmz/-/index.html

Attachment B

Pennsylvania Waste Industries Association

Comments on Proposed Plan Approval #39-00099A
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112 W Union Street, Allentown, PA 18102-4912

October 15, 2013