

## Wejkszner, Mark

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**From:** Kempa, Raymond  
**Sent:** Tuesday, November 09, 2010 11:15 AM  
**To:** Wejkszner, Mark  
**Subject:** Delta Thermo RFD

**Here's their RFD with an attachment:**



39-0683att.pdf



39-0683.pdf

## Wejkszner, Mark

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**From:** Bedrin, Michael  
**Sent:** Monday, November 01, 2010 11:03 AM  
**To:** Wejkszner, Mark; Carmon, Mark; Robbins, Sean; Tomayko, William  
**Subject:** FW: Allentown waste to energy plant: Public sales pitch of waste-to-energy plant underway - mcall.com

fyi

-----Original Message-----

**From:** Bolstein, Joel [mailto:JBolstein@foxrothschild.com]  
**Sent:** Thursday, October 28, 2010 10:57 AM  
**To:** Bedrin, Michael  
**Subject:** FW: Allentown waste to energy plant: Public sales pitch of waste-to-energy plant underway - mcall.com

Mike: We held another public meeting for Delta Thermo last night in the City Council Chambers in Allentown. The meeting was well attended. I have attached an article from the Morning Call, which I think is an accurate summary of the meeting. The only person raising any environmental (as opposed to financial) questions about the project was a representative from the Sierra Club. I spoke with him after the meeting, introduced myself, gave him my card, and said he should feel free to call me if the Sierra Club has any questions. I told him to say hello to Jeff Schmidt for me, since I know Jeff from my time at DEP and he still runs the PA Sierra Club Chapter. The Sierra Club's position is that Allentown and everyone else should be focusing all of their efforts on waste reduction. Their position is **why generate energy from waste** when the answer should be **don't generate any waste at all**. In an ideal world, that might be the case. But we all know that we're recycling about as much as citizens are going to recycle and we still have lots of MSW and sludge being generated. I asked him if he preferred that sewage sludge be land applied and he said the Sierra Club opposed that practice. I also asked him if he preferred that the sludge be trucked to landfills, and that one seemed to stump him. I explained that when the sludge is handled by Delta Thermo, there are no odors resulting from that treatment process, whereas any sludge trucked to a landfill is exposed to the open air and on a hot day you can expect to have odors and complaints from neighbors. Frankly, I think the Sierra Club's biggest concern is that if you open a facility like this, where the fuel is 150 TPD of MSW and sludge, then you'll need a steady flow of 150TPD of MSW and sludge into the future for it to continue to operate. The 150 TPD is what the City of Allentown currently generates. While the Sierra Club would hope the level of waste generation goes down, given the facts and statistics, it's more likely that the daily waste volume produced by Allentown will go up (population increases, a hopefully improving economy, a growing throw away culture, etc.). It's more than prudent on the part of the City to plan accordingly, look for the most economical way to address that waste, and to green the local economy by generating energy from that waste. I actually think that the Sierra Club could come around to this, given the other alternatives, but even if they don't, I believe the supporters of this project greatly exceed any detractors.

I will continue to keep you posted.

Joel

M. Joel Bolstein, Esquire  
Fox Rothschild LLP  
(215) 918-3555

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ATTENTION:

## Wejkszner, Mark

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**From:** Robbins, Sean  
**Sent:** Thursday, October 28, 2010 9:35 AM  
**To:** Wejkszner, Mark; Patel, Shailesh  
**Subject:** FW: Delta Therm Energy - Exemption

See below. Joel sent us comments. The public meeting last night.

-----Original Message-----

**From:** Bolstein, Joel [mailto:JBolstein@foxrothschild.com]  
**Sent:** Wednesday, October 20, 2010 4:53 PM  
**To:** Robbins, Sean  
**Subject:** RE: Delta Therm Energy - Exemption

Thanks Sean. I think we should be able to work all of these things out.

M. Joel Bolstein, Esquire  
Fox Rothschild LLP  
(215) 918-3555



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**From:** Robbins, Sean [mailto:serobbins@state.pa.us]  
**Sent:** Wednesday, October 20, 2010 4:38 PM  
**To:** Bolstein, Joel  
**Subject:** RE: Delta Therm Energy - Exemption

Thanks Joel. I'll discuss with the program and we will get back to you on these. Understand your time concerns with regard to the appeal period.

Sean

-----Original Message-----

**From:** Bolstein, Joel [mailto:JBolstein@foxrothschild.com]  
**Sent:** Wednesday, October 20, 2010 10:38 AM  
**To:** Robbins, Sean  
**Cc:** Bedrin, Michael  
**Subject:** Delta Therm Energy - Exemption

Sean: Mike Bedrin mentioned that you were advising the air program with regard to the RFD filed by my client, Delta Thermo Energy, Inc. The RFD exemption was issued by the Department on 10/14. In looking it over, my client believes there is a need to clarify a few of the Remarks in the RFD with the Department. I have attached a black-line that shows how we would like the RFD to be clarified and I will explain things further below.

I guess the first point of clarification is for you to explain to me the difference between a "remark" and a "condition" in an RFD approval. I understand that a condition is something you are legally obligated to comply with. Does the same apply to a "remark" that is in an RFD approval? If the facility is obligated to comply with the items listed in the "remarks" section of the approval, then we need to request clarification on Remarks 1, 5, 7 and 9.

Remark 1 - This is an R&D facility. We are attempting to combine Japanese, Korean and German recycling technologies in a way that has never been done before. The process that is used at the facility is a batch process. Material is first dewatered, then turned into a pulverized fuel, then put into the combustor which creates steam driving the turbine. Remark 1 uses terms such as "maximum rated capacity" and "full production". We

want to make sure that the Department looks at those terms the same way my client does. The goal of the R&D project is to have the facility turn 150 tons per day of MSW mixed with sludge from the Allentown WWTP into energy. Since this is an R&D facility, we will probably slowly build up to the point where the facility is running at that level of average daily tonnage. That doesn't mean that the source, i.e., the combustor, can't be run at full capacity for any one-hour period during the stack test when the facility has sufficient pulverized fuel on hand to run at the maximum rated capacity for the combustor. The fuel for the facility is coming from the City of Allentown. We plan to take all of their MSW and all of their sludge, once that material is available. The City may not be able to give us 150 TPD at the outset of the R&D project because of contractual obligations or other issues. We'll take whatever they can give us and run the R&D facility with that. We don't want to find ourselves in a position where we are obligated to run the first stack test at a time when the City is giving us 30 TPD, and then be limited to taking in only 30 TPD, and then have to run new stack tests everytime the City is able to provide additional waste/fuel. We've marked up Remark 1 to try to address this situation. There may be other ways to deal with this issue as well, and we'd be open to having a discussion with you and the air program people on that. We just want to make sure we all understand what the terminology used in Remark 1 means and ensure it won't adversely impact the progress of the R&D project.

Remark 5 - We have several comments on Remark 5. First, the emissions levels appear to be half of what is allowed under the applicable Exemption for R&D facilities that submit an RFD form. We understand the Department may have discretion to apply stricter limits, but since this is an R&D facility, we'd like the maximum allowable discretion which would allow for periodic adjustments to the equipment as is the case with R&D. We have revised Remark 5 to allow what we believe is the maximum allowable emissions limits for an R&D facility. Second, we deleted the last sentence in Remark 1 which said that we'd contact the Department prior to the stack test to get a list of metals. In Remark 5, the Department has already decided which metals will have applicable emissions limits. We are also comfortable adding some additional metals that would be included in the stack test. We've added those to Remark 5. We would prefer to list those metals in the RFD and avoid any surprises in the future.

Remark 7 - I am not sure why this language is needed in the RFD remarks section when it comes directly out of the regulations (123.41). It seems to me the remarks sections should be limited to things that aren't covered by the regulations. The other thing is that the only thing expected to be visible coming out the stack at this R&D facility is water vapor/steam, which will dissipate completely within several feet of the stack. I just want to clarify with the Department that this remark is not an attempt to regulate steam or water vapor, which I don't think are considered visible emissions. If the Department needs to leave this Remark in the RFD approval, I'd request that you add "Except for water vapor/steam," before Remark 7. That language has been used by the Department in other instances where there is a recognition that there will be a plume of steam expected from the facility.

Remark 9 - The definition section of the regulations shouldn't prohibit this R&D facility from selling excess power. Let me explain how we expect things to work with this R&D facility. The investors are putting up millions of dollars to test this technology in Allentown for commercial application elsewhere. The City of Allentown has agreed to serve as the host location. We have 5 universities participating in the study, including Lehigh. We have grants from USDOE and PA. If successful, any power generated by the R&D facility will first be used to power the R&D facility itself. If there is any excess power, it will then be used to power the Allentown WWTP. If there is any excess power generated above that, it will be sold to help recoup the costs of developing the R&D facility over and above the grants provided by DOE and PA. We don't expect the facility at any point during the R&D phase to make a profit. If everything works, after being fully tested during the R&D phase, the company has committed to build a manufacturing facility in Allentown to produce the components for commercial use, which would create 200 new jobs. Rather than shut down the Allentown R&D facility at that point, we'd probably convert it to continued commercial use. We'd have no problem putting in for a full air plan approval at that point, if it were necessary. We'd have actual emissions data at that point to use instead of calculations.

The language that has been put in Remark 9 does not come out of the regulations. Here is what the regulations say:

*"Research and development facility—A stationary source, whether a laboratory or pilot project, that is not engaged in the manufacture of products for commercial sale except in de minimis amounts on an infrequent basis or internal manufacturing use except in de minimis amounts on an infrequent basis and with emissions that are less than the emission thresholds for a Title V facility, whose purpose is to conduct one of the following:*

(i) Research and development into new products or processes, the improvement of existing products or processes or new uses for existing products or processes.

(ii) Basic research to provide for education or the general advancement of technology or knowledge, where the source is also operated under the close supervision of technically trained personnel."

The regulations say "not engaged in the manufacture of products for commercial sale". The R&D facility will not be "manufacturing" any "products". If the Department believes that any remark is necessary, I have proposed revising Remark 9 in a way that simply states that the Department has found that the facility falls within the definition of an R&D facility. This clearly involves research into new processes. If the new process works, i.e., the R&D effort proves to be successful, then the facility will be converted from R&D into a commercial use. It's R&D at the outset because no one knows for sure whether it will work, because it is a new process that has never been used before anywhere in the world. Having the ability to show that the plant can produce a certain amount of power is also one aspect of the R&D under study. As noted, any power generated during the R&D phase will be used to (1) provide power for the R&D facility; (2) provide power for the Allentown WWTP; and (3) cover the costs of the R&D project. We don't want anyone saying we've violated the "remark" because the electricity provider gives a credit to the operators of the R&D facility or to the City against their utility bill. That arrangement doesn't really lend itself to a condition or remark in an RFD approval. It certainly would not appear to be the kind of "manufactured product" for "commercial sale" that was anticipated as being outside the scope of R&D. As noted above, this R&D project is supported by the US Department of Energy, the Commonwealth and the City of Allentown. There's really no reason for the Department to question that this is a genuine R&D project or to include any remarks that attempt to limit what can be done with any excess electricity generated during the R&D phase.

I would like to get clarification from the Department as quickly as possible so we could get a revised RFD approval within the 30 day appeal period. If it takes longer, I may have to file a protective appeal. I think all of these things are resolvable and we've received an extraordinary degree of cooperation from the Department, for which we are very grateful. I would hope that we could quickly come to an understanding with regard to the items I've identified above.

Please give me a call when you are ready to discuss this further. Thanks.

Joel

M. Joel Bolstein, Esquire

Fox Rothschild LLP  
(215) 918-3555

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Thank you.

ATTENTION:

IRS CIRCULAR 230 DISCLOSURE:

## Wejkszner, Mark

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**From:** Bedrin, Michael  
**Sent:** Monday, October 18, 2010 11:25 AM  
**To:** Wejkszner, Mark  
**Cc:** Robbins, Sean  
**Subject:** FW: DTE Public Meeting in Allentown

I'll let you know when I get the comments.


-----Original Message-----

**From:** Bolstein, Joel [mailto:JBolstein@foxrothschild.com]  
**Sent:** Monday, October 18, 2010 11:20 AM  
**To:** Bedrin, Michael  
**Subject:** RE: DTE Public Meeting in Allentown

Mike: My clients will need to clarify some of the language in the RFD approval Remarks section. I've told them to put together a black-line which I could use as the basis of discussion. Some of it is technical (dealing with the stack test parameters and timing) and others are more legal (what does it mean to engage in commercial sale of electricity?). One thing I'd like to try to get across to the people in the air program is that this project will be done in phases. First, we will be in the R&D phase where we build and test the equipment, which has never before been used in the US. Once it has proven that it works the way envisioned by the inventors/developers, we would then switch over to operating it commercially, if it generates enough electricity to power the facility, power the City's WWTP, and still have excess left over to sell at a profit. The R&D exemption allows us to go through the building/testing phase without the delays of getting a full plan approval which could have jeopardized some of the grant funding. We expect to apply for a full air plan approval and operating permit if the testing phase proves to be successful. In fact, we will probably be submitting a full plan approval application before the facility earns a dime of profits from the sale of any electricity. Once I have the comments on the RFD approval from my client, I'll contact you to try to set up a call or a meeting.

Joel

M. Joel Bolstein, Esquire  
Fox Rothschild LLP  
(215) 918-3555

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**From:** Bedrin, Michael [mailto:mbedrin@state.pa.us]  
**Sent:** Monday, October 18, 2010 8:08 AM  
**To:** Bolstein, Joel  
**Subject:** RE: DTE Public Meeting in Allentown

Thanks Joel. Sounds like the meeting went well with good public participation. Please keep me posted on the waste permit. --Mike.

PS--Had a great time at GW parents weekend.

-----Original Message-----

**From:** Bolstein, Joel [mailto:JBolstein@foxrothschild.com]  
**Sent:** Friday, October 15, 2010 11:42 AM  
**To:** Bedrin, Michael  
**Subject:** DTE Public Meeting in Allentown

Mike: The Delta Thermo Energy (DTE) public meeting last night in Allentown went very well. I'd say there were between 75 and 100 people at the meeting. There was no opposition voiced during the meeting. In fact, most



people just seemed happy that new jobs would be coming to Allentown. Mayor Pawlowski actively participated in the meeting and he talked about the benefits of the project to the City (saving on waste disposal costs, saving on energy costs, green technology, jobs). Rob Van Naarden from DTE made a presentation using a Power Point (see attached). He also highlighted some of the positive aspects of the project for the City. He noted the project would create 75 construction jobs and 21 permanent jobs to operate the facility and that those jobs would be given to local, union members. He also said if the R&D project was successful, within 2 years after it became operational, the company would build a manufacturing facility in Allentown so it could manufacture all the component parts locally. That would create an additional 200 jobs. He also said that DTE had found a manufacturer in Lebanon, PA that would build the combustion chamber for the R&D facility. He also noted the goal of the project was to handle all of the sewage sludge and MSW generated by the City of Allentown, which would provide a significant cost savings to the City. Mr. Van Naarden also invited the audience members to join the Citizens Advisory Board that DTE was forming, which would be comprised of approximately 7 (but could be more) local citizens, who would monitor the progress of the project and be able to bring any public concerns to DTE. After the presentation, members of the public were given an opportunity to ask questions. The questions asked included the following:

- o Q - What is the location of the project? A - Right next to the existing sewer plant.
- o Q - What happens to the wastewater from the process? A - It gets treated, recirculated, then discharged back to the City's sewer system.
- o Q - Has the pilot plant been built yet? A - DTE just entered into an Agreement with Lehigh University to host a bench scale pilot project. The expectation is that project will begin shortly.
- o Q - Will members of the public be able to observe the bench scale pilot project? A - The professor from Lehigh University (Dr. John Sale) who will be in charge of the pilot project was at the meeting and he said the public would be welcome.
- o Q - What happens to the particulates after the wet scrubber process? A - Those particulates are collected and DTE expects to be able to beneficially reuse them.
- o Q - How do you guarantee there won't be odors? A - The equipment is designed to eliminate odors and our permit will require us to comply with DEP regulations which prohibit odors.
- o Q - How long has the plant in Japan been in operation? A - The plant in Japan handles medical waste and it has been in operation for 4 years.
- o Q - Why did DTE select Allentown for the project? A - The Mayor was talking with one of the project team and the Mayor volunteered to host the project in Allentown, because the City wants to be on the cutting edge of green technology and because the City could use the green jobs.
- o Q - Will there be additional public meetings? A - Yes, there will be public meetings before City Council, and additional public meetings will also be considered for other parts of the City.
- o Q - Is this the first of its kind facility in the US? A - Yes.

At the end of the meeting, someone stood to say they wanted to thank the Mayor for bringing this project to Allentown. The room then burst into applause. Someone from the audience added "it's been a long time since we built things in Allentown." The Mayor added that this project could be "revolutionary."

Again, I think the public response was very positive. No opposition was stated during the meeting. Based on the response at the meeting, I don't think this project is anything the Department needs to be overly concerned about.

Joel

**M. Joel Bolstein**  
Attorney at Law  
**Fox Rothschild LLP**  
2700 Kelly Road, Suite 300  
Warrington, PA 18976-3624  
Direct: 215-918-3555

## Wejkszner, Mark

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**From:** Bedrin, Michael  
**Sent:** Monday, October 18, 2010 8:12 AM  
**To:** Wejkszner, Mark; Carmon, Mark; Robbins, Sean  
**Cc:** Tomayko, William  
**Subject:** FW: DTE Public Meeting in Allentown

Here is the report from the public meeting last Thursday. I did not include the powerpoint because of the file size.

Bill-- Joel tells me that they are working on the waste general permit and expect to submit soon.

-----Original Message-----

**From:** Bolstein, Joel [mailto:JBolstein@foxrothschild.com]  
**Sent:** Friday, October 15, 2010 11:42 AM  
**To:** Bedrin, Michael  
**Subject:** DTE Public Meeting in Allentown

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Joel

**M. Joel Bolstein**

Attorney at Law

**Fox Rothschild LLP**

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Thank you.

## Wejkszner, Mark

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**From:** Schlosser, Robert <RSCHLOSSER@iesengineers.com>  
**Sent:** Wednesday, October 13, 2010 6:46 PM  
**To:** Wejkszner, Mark; Patel, Shailesh  
**Cc:** Marco Bonilla; Rob Van Naarden; Bolstein, Joel; Soni, Ashok; Tucci, Michael  
**Subject:** Delta Thermo Energy RFD (EHS09894.01)

Mark,

We reviewed all of the New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants for combustor systems. There are ten relevant NSPS standards (no relevant NESHAP standards), all of which regulate the same three metals – cadmium, mercury, and lead. We are proposing to test for cadmium, mercury, lead, arsenic, beryllium, and chromium since they are all HAPs and are likely to be present in the feed stream. Testing will be performed using EPA Reference Method 29 for these six metals.

I will be out of the office on Thursday, so if you have any questions, please address them to Mike Tucci of IES ([mtucci@iesengineers.com](mailto:mtucci@iesengineers.com)). You can also reach me on my cell phone: (610) 405-7866. As I mentioned earlier, we have a public meeting tomorrow night and would really like to be able to announce that the RFD has been issued. We will periodically monitor the Greenport site tomorrow for an indication that the RFD has been issued, but we'd appreciate it if you or Shailesh would let us know when it has been issued so we can review the conditions.

On behalf of DTE, I'd like to thank you and Shailesh for your assistance.

Bob Schlosser  
(610) 828-3078

## Wejkszner, Mark

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**From:** Schlosser, Robert <RSCHLOSSER@iesengineers.com>  
**Sent:** Wednesday, October 13, 2010 3:20 PM  
**To:** Wejkszner, Mark  
**Subject:** RE: Delta Thermo Energy (EHS09894.01)

Thanks, Mark

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**From:** Wejkszner, Mark [mailto:mwejkszner@state.pa.us]  
**Sent:** Wednesday, October 13, 2010 3:00 PM  
**To:** Schlosser, Robert  
**Cc:** Patel, Shailesh; Rob Van Naarden; Marco Bonilla; Bolstein, Joel; Soni, Ashok; Tucci, Michael; Kempa, Raymond  
**Subject:** RE: Delta Thermo Energy (EHS09894.01)

Bob, EPA Method 29

**Mark J Wejkszner, P.E.** | Air Quality Program Manager  
Department of Environmental Protection  
2 Public Square | Wilkes-Barre, PA 18711  
Phone: 570.826.2528 | Fax: 570.826.2357  
[www.depweb.state.pa.us](http://www.depweb.state.pa.us)

-----Original Message-----

**From:** Schlosser, Robert [mailto:RSCHLOSSER@iesengineers.com]  
**Sent:** Wednesday, October 13, 2010 1:16 PM  
**To:** Wejkszner, Mark  
**Cc:** Patel, Shailesh; Rob Van Naarden; Marco Bonilla; Bolstein, Joel; Soni, Ashok; Tucci, Michael; Kempa, Raymond  
**Subject:** RE: Delta Thermo Energy (EHS09894.01)

Mark,

I'm not sure what you mean by "all metals." Is there a list that the Department uses?

Bob

---

**From:** Wejkszner, Mark [mailto:mwejkszner@state.pa.us]  
**Sent:** Wednesday, October 13, 2010 12:57 PM  
**To:** Schlosser, Robert  
**Cc:** Patel, Shailesh; Rob Van Naarden; Marco Bonilla; Bolstein, Joel; Soni, Ashok; Tucci, Michael; Kempa, Raymond  
**Subject:** RE: Delta Thermo Energy (EHS09894.01)

Bob, these changes look acceptable, except for the metals, for informational purposes, we would like actual metal emissions and that is why we are proposing testing for all metals. If this is acceptable, Shai will approve the RFD tomorrow morning (he's out for the rest of today) and you should get an electronic copy shortly thereafter.

**Mark J Wejkszner, P.E.** | Air Quality Program Manager  
Department of Environmental Protection  
2 Public Square | Wilkes-Barre, PA 18711  
Phone: 570.826.2528 | Fax: 570.826.2357  
[www.depweb.state.pa.us](http://www.depweb.state.pa.us)

-----Original Message-----

**From:** Schlosser, Robert [mailto:RSCHLOSSER@iesengineers.com]

**Sent:** Wednesday, October 13, 2010 11:21 AM

**To:** Wejkszner, Mark

**Cc:** Patel, Shailesh; Rob Van Naarden; Marco Bonilla; Bolstein, Joel; Soni, Ashok; Tucci, Michael

**Subject:** Delta Thermo Energy (EHS09894.01)

**Importance:** High

Mark,

Yesterday Shailesh described some of the conditions that will be imposed in the RFD for Delta Thermo. We'd like the Department to consider the following clarifications:

1. Stack test must be done within 120 days following completion of installation: Once installation is complete, it will still take 3-4 months for commissioning to be completed. We'd like the condition to say that stack testing must be done within 120 days after achieving full capacity, but not more than 180 days following commencement of operation, which we believe is typical of testing requirements imposed in plan approvals.
2. If the stack test shows an exceedance of one or more emission limits, operation must cease until a plan approval is obtained: We propose the following alternative language:  
"In the event the tested emissions rates in the RFD application are exceeded, the owner or operator shall repeat the stack test within 30 unit operating days after the date on which the initial stack test was completed. If the tested emissions in the retest exceed the emissions rates in the RFD application, the owner or operator must cease operation until a plan approval is issued.
3. Stack testing will be done for criteria pollutants and metals to be designated by Central Office: Our RFD application contained emission rates for arsenic, cadmium, chromium, mercury, nickel and lead. We'd like to limit the testing to those metals as we do not have data on other metals from the equipment manufacturers.

We have a public meeting in Allentown tomorrow night and would like to be able to say that the RFD has been issued with conditions agreed to by the Department and DTE. We'd greatly appreciate your efforts in helping us to accomplish this goal.

Please let me know if you have any questions.

Thanks.

Bob Schlosser  
(610) 828-3078

## Wejkszner, Mark

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**From:** Bolstein, Joel <JBolstein@foxrothschild.com>  
**Sent:** Wednesday, October 13, 2010 1:30 PM  
**To:** 'Schlosser, Robert'; Wejkszner, Mark  
**Cc:** Patel, Shailesh; Rob Van Naarden; Marco Bonilla; Soni, Ashok; Tucci, Michael; Kempa, Raymond  
**Subject:** RE: Delta Thermo Energy (EHS09894.01)

I looked in the regulations and didn't find any metals listing. I think heavy metals are considered to be arsenic, cadmium, lead and mercury. RCRA metals would add barium, chromium, selenium and silver.

Joel

M. Joel Bolstein, Esquire  
Fox Rothschild LLP  
(215) 918-3555

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**From:** Schlosser, Robert [mailto:RSCHLOSSER@iesengineers.com]  
**Sent:** Wednesday, October 13, 2010 1:16 PM  
**To:** Wejkszner, Mark  
**Cc:** Patel, Shailesh; Rob Van Naarden; Marco Bonilla; Bolstein, Joel; Soni, Ashok; Tucci, Michael; Kempa, Raymond  
**Subject:** RE: Delta Thermo Energy (EHS09894.01)

Mark,

I'm not sure what you mean by "all metals." Is there a list that the Department uses?

Bob

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**From:** Wejkszner, Mark [mailto:mwejkszner@state.pa.us]  
**Sent:** Wednesday, October 13, 2010 12:57 PM  
**To:** Schlosser, Robert  
**Cc:** Patel, Shailesh; Rob Van Naarden; Marco Bonilla; Bolstein, Joel; Soni, Ashok; Tucci, Michael; Kempa, Raymond  
**Subject:** RE: Delta Thermo Energy (EHS09894.01)

Bob, these changes look acceptable, except for the metals, for informational purposes, we would like actual metal emissions and that is why we are proposing testing for all metals. If this is acceptable, Shai will approve the RFD tomorrow morning (he's out for the rest of today) and you should get an electronic copy shortly thereafter.

**Mark J Wejkszner, P.E.** | Air Quality Program Manager  
Department of Environmental Protection  
2 Public Square | Wilkes-Barre, PA 18711  
Phone: 570.826.2528 | Fax: 570.826.2357  
[www.depweb.state.pa.us](http://www.depweb.state.pa.us)

-----Original Message-----

**From:** Schlosser, Robert [mailto:RSCHLOSSER@iesengineers.com]



## Wejkszner, Mark

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**From:** Bedrin, Michael  
**Sent:** Tuesday, October 12, 2010 9:26 AM  
**To:** Wejkszner, Mark  
**Subject:** RE: Delta Thermo Energy - Public Meeting On 10/14

How about 10:30.

-----Original Message-----

**From:** Wejkszner, Mark  
**Sent:** Tuesday, October 12, 2010 8:29 AM  
**To:** Bedrin, Michael  
**Subject:** RE: Delta Thermo Energy - Public Meeting On 10/14

Sure, let me know what time, I'm available all day. I'll check with Shai and get an update on the review.

**Mark J Wejkszner, P.E.** | Air Quality Program Manager  
Department of Environmental Protection  
2 Public Square | Wilkes-Barre, PA 18711  
Phone: 570.826.2528 | Fax: 570.826.2357  
[www.depweb.state.pa.us](http://www.depweb.state.pa.us)

-----Original Message-----

**From:** Bedrin, Michael  
**Sent:** Monday, October 11, 2010 3:53 PM  
**To:** Wejkszner, Mark  
**Subject:** Fw: Delta Thermo Energy - Public Meeting On 10/14

Mark-- Let's discuss on Tuesday.

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**From:** Bolstein, Joel <[JBolstein@foxrothschild.com](mailto:JBolstein@foxrothschild.com)>  
**To:** Bedrin, Michael  
**Cc:** Robbins, Sean  
**Sent:** Mon Oct 11 10:47:34 2010  
**Subject:** Delta Thermo Energy - Public Meeting On 10/14

Mike: In the discussions that we have had recently regarding the RFD submitted by my client, Delta Thermo Energy, you most recently said you expected that the Department would be able to approve the air exemption, but you might need to include some conditions with the approval. One of the conditions that you mentioned was a public meeting and public notice of that meeting. My client will be holding a public meeting jointly with Mayor Pawlowski and the Allentown City Council on Thursday 10/14/10. I think I previously mentioned to you that such a meeting was in the works. I have attached a copy of the flyer that has been prepared for the public meeting. In addition, my client will be running a public notice, in the form of an advertisement, in the Morning Call in advance of the public meeting. I called you last Friday to make you aware of this for several purposes. First, to the extent the air exemption approval includes a requirement for a public meeting, I want to make sure that the approval is consistent with what is taking place on 10/14/10, and that Delta Thermo can get credit for having the public meeting on 10/14/10. In addition, if there is a condition in the RFD approval that requires public notice prior to the meeting, I want to make sure that using a flyer and placing an advertisement in the Morning Call will be acceptable. I wouldn't want a condition that says we need to advertise the meeting 3 weeks in advance for X number of days. We've put this meeting together at the request of the Mayor and we are working off his timetable, that's why things are proceeding so rapidly. Second, I wanted to extend an invitation to the Department

to attend the meeting. It might be helpful for the Department to wave the flag and also to listen to the presentation and be available in case anyone has questions about the applicable regulations.

I realize that today is a public holiday. If you are checking your email, please feel free to shoot me a response confirming that you've received this email. If you have any questions, please feel free to give me a call.

Joel

M. Joel Bolstein, Esquire  
Fox Rothschild LLP  
(215) 918-3555



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Thank you.