

Patel, Shailesh

From: Schlosser, Robert <RSCHLOSSER@iesengineers.com>
Sent: Friday, April 26, 2013 4:16 PM
To: Patel, Shailesh
Cc: Kempa, Raymond; Robert Van Naarden; 'Marco Bonilla'; Bolstein, Joel; Soni, Ashok; Tucci, Michael
Subject: Delta Thermo Application Fee (EV130894.04)
Attachments: 1304-01.pdf

Importance: High

Shailesh,

Attached is a copy of the letter and additional fee (\$700) that we discussed for the Delta Thermo plan approval application. You'll be receiving the hard copy on Monday, via FedEx.

We'd like to arrange a meeting with the appropriate Regional Office and Central Office staff to discuss NSPS Subpart AAAAA applicability.

Please let me know if you have any questions.

Thank you.

Bob Schlosser
(610) 828-3078



1720 Walton Road, Blue Bell, PA 19422 610-828-3078 Fax 610-828-7842

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

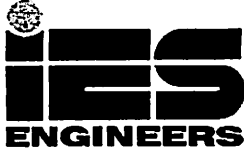
Subject: Plan Approval Application
Energy Production Facility
Delta Thermo Energy A, LLC
Allentown, Pennsylvania
IES Project No. EV130894.04

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.



Mr. Shailesh R. Patel, P.E.
April 26, 2013
Page 2

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

IES Engineers, Inc

PA-CLEAN1 Commonwealth of PA

DATE	INVOICE NO	DESCRIPTION	INVOICE AMOUNT	DEDUCTION	BALANCE
4-26-13	13089404-0426	EV130894.04	700.00	.00	700.00
CHECK DATE	4-26-13	CHECK NUMBER	16893	TOTAL >	700.00
					.00
					700.00

PLEASE DETACH AND RETAIN FOR YOUR RECORDS

IES Engineers, Inc

PA-CLEAN1 Commonwealth of PA

DATE	INVOICE NO	DESCRIPTION	INVOICE AMOUNT	DEDUCTION	BALANCE
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CHECK DATE	4-26-13	CHECK NUMBER	16893	TOTAL >	700.00
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					700.00

PLEASE DETACH AND RETAIN FOR YOUR RECORDS

IES Engineers, Inc

1720 Walton Road
Blue Bell, PA 19422

The Bryn Mawr Trust Company
Bryn Mawr, Pennsylvania 19010

60-848
319

DATE
April 26, 2013

CHECK NO.
16893

AMOUNT
\$*****700.00

Pay: *****Seven hundred dollars and no cents

PAY TO THE ORDER OF
Commonwealth of PA
Clean Air Fund

Ashik S

SECURITY FEATURES INCLUDED DETAIL S ON BACK

000016893 031908485 050 6028

Wejkszner, Mark

From: Bellas, Roger
Sent: Wednesday, May 29, 2013 9:41 AM
To: Wejkszner, Mark
Subject: FW: Delta Thermo RFD - Public and Confidential Copies - File Review Request
Attachments: Delta Thermo RFD Approval 101410.pdf; Delta Thermo Submission 1 92410.pdf; Delta Thermo Submission 2 10810.pdf; Delta Thermo 92410 RFD Public Version.pdf

Roger Bellas | Environmental Group Manager Department of Environmental Protection | Air Quality Northeast Regional Office
2 Public Square | Wilkes-Barre, PA 18701
Phone: 570.826.2464 | Fax: 570.826.2357
www.dep.state.pa.us

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

From: Schweitzer, Andrew
Sent: Tuesday, May 21, 2013 9:52 AM
To: Bellas, Roger
Subject: Delta Thermo RFD - Public and Confidential Copies - File Review Request

Roger - attached are the Delta Thermo RFD submittals and our approval document. There is a file review request for the facility. There are 2 RFD submittals - one dated 9/24/10 and the other dated 10/8/10. The 9/24/10 submittal has a 'PUBLIC VERSION' which is also attached. Both of the original submittals are marked 'CONFIDENTIAL' on all pages. A confidentiality request is made in the cover letter for both submittals claiming confidentiality including the cover letter. I am not sure what can be provided for the file review - the public version and our approval?

Andy

Andrew Schweitzer | Air Quality District Supervisor Department of Environmental Protection Northeast Region - Bethlehem District
4530 Bath Pike | Bethlehem, PA 18017
Phone: 610.861.2143 | Fax: 610.861.2072
www.depweb.state.pa.us

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

From: Schweitzer, Andrew
Sent: Tuesday, November 16, 2010 12:18 PM
To: Wejkszner, Mark; Kempa, Raymond
Cc: Robbins, Sean
Subject: Delta Thermo RFD

Here is the RFD in 3 parts. 1 - Our approval record; 2 - initial submission; and 3 - second submission.

Andy

From: Marco Bonilla [<mailto:marco@deltathermo.com>]
Sent: Wednesday, February 06, 2013 3:23 PM
To: 'Molly Slevin Wood'; Giguere, Lauren
Cc: 'Robert Van Naarden'
Subject: RE: ACIDA PEDA GRANT #4100057893

Molly and Lauren,
Thank you for your time yesterday morning. Please, see comments below in **capital green letters** and attached documentation for you to review.

We will continue to work on getting clarification of invoice from Phase 2, which we are waiting for. In conclusion:

- Item 1: Explained below and find supporting docs attached.
- Item 2.b & e: Not an issue; see explanation below.
- Item 2.g: Not applicable; the explanation is given below; the item was never charged to the grant.
- Item 3.a: Agreed. Please advise us what to do to resolve it. We can credit the amount in the next invoice or substitute it for another more recent invoice probably for a larger amount.
- Item 3.b: Explanation given below; please find attached letter from Penntex.
- Item 3.c: We have asked Phase 2 to clarify their invoice. There is an obvious discrepancy in the dates in their invoice.
- Grantee Match: We would need your advice on how to proceed on this item.

Thank you again,

Marco Bonilla
COO

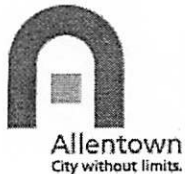
Delta Thermo Energy, Inc.
1210 Northbrook Drive, Suite 100
Trevose, PA 19053

(215) 809-1130 - Main
(404) 229-6464 - Cell
(215) 809-1140 - Fax

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If you are not the intended recipient, please notify the sender immediately via reply e-mail that you have received this message in error and permanently delete the original and any copies of this email and any attachments thereto.

From: Giguere, Lauren [<mailto:Lauren.Giguere@allentownpa.gov>]
Sent: Sunday, February 03, 2013 9:34 AM
To: marco@deltathermo.com; rvannaarden@deltathermo.com
Cc: mslevin@allentownedc.com
Subject: FW: ACIDA PEDA GRANT #4100057893

Just reviewing my emails that I received while on vacation. Will be in tomorrow.
Please review all items listed below and prepare to discuss.
Lauren



Lauren K. Giguere
Grants Coordination Manager
Administration and Finance
435 Hamilton Street
Allentown, PA 18101
610.439.5965
Lauren.Giguere@allentownpa.gov
<http://www.AllentownPA.gov>

STATE SHARE

On the invoice from Delta Thermo Energy, Inc. dated December 19, 2012:

Item 1:

a. DTE and b. ETC Invoice dated 11/15/11 – Cost for Lab Scale RRS & WTS. The documentation submitted was the same as the original submission, except the dates were removed. The dates listed on the original invoice were prior to the Period of Performance (POP). **Please when the costs were incurred. If they were prior to the POP, they are ineligible. THE COSTS WERE INCURRED IN DECEMBER 2011 BY IRS (FOR EXAMPLE, YOU CAN REFER TO IRS RULES APPLICABLE IN 2011 AND GENERALLY ACCEPTED GAAP RULES). LET US EXPLAIN: THE LAB TEST EQUIPMENT WAS SENT TO THE USA FROM KOREA IN OCTOBER 30, 2011, ARRIVED AT THE PORT OF NEW YORK ON NOVEMBER 25, 2011 AND INSTALLED AT ATLANTIC COUNTY UTILITY AUTHORITY (ACUA) FROM DECEMBER 2011 TO JANUARY 2012. IT ENTERED USEFUL SERVICE IN JANUARY 2012. DECEMBER 2011 IS CONSIDERED THE MONTH FOR COSTS TO BE ACCOUNTED FOR AS INCURRED NOT BEFORE. PLEASE SEE ATTACHED DOCUMENTATION TO THIS EFFECT. AS SUCH, IT WAS DELIVERED AND INSTALLED WELL AFTER THE INITIAL PERIOD OF PERFORMANCE OF THE GRANT, NAMELY SEPTEMBER 23, 2011. OUR KOREAN PARTNER, ETC, INC., ISSUED A COMMERCIAL INVOICE FOR \$35,000 UNTIL OCTOBER 18, 2011 FOR SHIPPING PURPOSES (ALSO ATTACHED). ETC, INC. DESIGNED, MANUFACTURED AND INSTALLED THE EQUIPMENT TRANSFERRED OWNERSHIP TO DTE WHEN THE TEST EQUIPMENT WAS RECEIVED IN THE STATES AT THE PORT OF NEW YORK, NOT BEFORE ENTERING USA. ACCORDING TO DTE'S CERTIFIED PUBLIC ACCOUNTANT AND IRS RULINGS, A COMPANY MUST TREAT ANY DOWNPAYMENT OR MANUFACTURING DEPOSIT AS CASH/ASSET (NOT AN EXPENSE OR A COST) UNTIL THE EQUIPMENT IS THEN INSTALLED AND USED. THEREFORE, THE DEPOSIT/DOWNPAYMENTS SENT TO KOREA CAN ONLY BE TREATED AS COSTS (EXPENSED) AND CAN BEGIN TO CLAIM DEPRECIATION WHEN THE EQUIPMENT IS PLACE IN SERVICE, OR TRADE OR BUSINESS. IN OTHER WORDS, THE EXPENSE COULD NOT BE RECORDED AS A COST UNTIL THE EQUIPMENT WAS RECEIVED AND INSTALLED BY DTE IN DECEMBER 2012. THE DOWNPAYMENTS OR DEPOSITS MADE PRIOR TO DECEMBER WERE NOT COSTS TO THE COMPANY UNTIL THEN (BY IRS RULES). ALSO, PLEASE NOTE THE EXPENSES RECORDED IN THE INITIAL INVOICE BY ETC WERE NOTED FOR RECORD KEEPING BUT WERE PAID BY ETC USING FUNDS BY THE KOREAN GOVERNMENT GRANTS IN THE DATES SPECIFIED. DTE IS NOT CLAIMING THOSE AS COSTS EITHER, BECAUSE THEY WERE NOT PAID BY DTE OR ITS PARTNER, ETC.**

Item 2:

b. and e. Fence required for Pilot Test System. It appears the job address on the invoices has a location of Egg Harbor Township, NJ. **Please confirm where the pilot testing is taking place. AS INDICATED ABOVE, THE EQUIPMENT WAS SHIPPED TO THE UNITED STATES IN OCTOBER 2011 AND INSTALLED IN BETWEEN DECEMBER 2011 AND JANUARY 2012. THE ORIGINAL STRATEGY WAS TO INSTALL IT IN A TRAILER WHICH WAS THEN TO RESIDE ON THE SITE AT THE CITY OF ALLENTOWN. HOWEVER, THIS WAS NOT POSSIBLE FOR**

VARIOUS REASONS INCLUDING: EQUIPMENT WAS TOO LARGE TO FIT IN A TRAILER; IT REQUIRED SIGNIFICANT ELECTRIC POWER INSTALLATION (TRANSFORMERS, ETC) NOT AVAILABLE AT THE SITE AND THE CITY OF ALLENTOWN DID NOT HAVE READILY AVAILABLE SPACE AT THAT MOMENT. SINCE THE TESTING NEEDED TO START IN JANUARY 2012, DTE RENTED SPACE AT ATLANTIC COUNTY UTILITY AUTHORITY TO START THE TESTS; IT IS A TEMPORARY LOCATION TO CONDUCT TESTING MUCH NEEDED FOR ENGINEERING DESIGN OF THE ALLENTOWN PLANT. IT IS INSTALLED AT EGG HARBOR TOWNSHIP, NJ AND THAT IS WHERE ALL TESTING IS TAKING PLACE FOR NOW UNTIL THE PILOT TEST SYSTEM WILL BE MOVED AT A LATER DATE.

g. Office & lab equipment. The coffee/tea maker is ineligible as it is not specifically related to the project. Also, please confirm that the refrigerator and "additional" microwave are used specifically for the project. YOU ARE CORRECT AND NEITHER IS DTE CLAIMING IT AS A COST. ITEM 2.g OF DTE'S INVOICE INDICATES THE CORRECT AMOUNT. THE RECEIPT SHOWS DTE PURCHASED A SMALL REFRIGERATOR (also used to keep lab samples, when needed), and a MICROWAVE to heat and dry small samples of the pulverized fuel, when required. These are also used by DTE's engineers and project staff. HOWEVER, THE COFFEE MAKER WAS NOT INCLUDED IN DTE'S INVOICE TO ACIDA. IT WAS BOUGHT AT THE SAME TIME AS OTHER ITEMS AND IT IS INCLUDED THE SAME RECEIPT, BUT DTE DEDUCTED ITS COST FROM THE AMOUNT CHARGED, AS CORRECTLY INDICATED IN DTE'S FOLLOWS; \$519.37-\$127.19= \$392.18. THEREFORE, DTE'S INVOICE IS CORRECT.

Item 3:

a. EIS Engineers – This invoice states the services provided were done prior to POP; therefore, ineligible. OK, DTE WILL DELETE \$1850 FROM THE NEXT INVOICE. SUBSTITUTE FOR SOMETHING IN THE PERIOD.

b. Penntax (PENNTEX)– Billing Period states "Incurred through 07/31/12". A start date should be included to confirm that these expenses were not incurred prior to the POP. DTE RECEIVED THE CONFIRMATION FROM PENNTEX THAT THE INVOICE IN QUESTION COVERS THE PERIOD FROM 6.30.12 TO 7.30.12. PENNTEX SENT DTE A LETTER TO THAT EFFECT CONFIRMING THEIR INTERNAL RECORDS AND THIS IS ATTACHED .

c. Phase 2 Architects – Much of the work was done prior to the POP, so all those costs should be removed. The Consultants hours are listed by the dates, but there are not dates listed for the Architecture and Interior Project Manager. Please include the date(s) the work was performed as the invoice includes the time period of 1/14/10 through 7/18/12. WE HAVE ASKED PHASE 2 ARCHITECTS FOR CLARIFICATION ON ALL CHARGES. WE WILL FORWARD THEM TO YOU WHEN RECEIVED INCLUDING THE DATES ON HOURS WHICH AMOUNT TO \$900.

GRANTEE MATCH

No additional documentation was submitted that addressed the concerns we spoke about during the conference call. IT IS DTE'S UNDERSTANDING THE ACIDA DULY EXPLAINED THE RATIONALE TO PED. DTE WILL SUPPORT ACIDA'S EFFORTS TO CLARIFY THIS ISSUE. DTE WILL BE HAPPY TO MODIFY THE SUBMITTED BUDGET TO COMPLY WITH PED's RULES, AS REQUIRED.

Please review the items, and provide me with answers and/or comments. Also, it will be necessary to complete another Statement of Expenditures, and possible Budget Revision request in regards to the match.

If you have any questions or would like to discuss, please let me know. Thank you.

Dawn Panek | Management Technician
Department of Environmental Protection
Northeast Regional Office
2 Public Square | Wilkes Barre, PA 18701-1915
Phone: 570.830.3123 | Fax: 570.826.5448
www.depweb.state.pa.us

Wejkszner, Mark

From: Warnick, Janet
Sent: Thursday, February 23, 2012 11:23 AM
To: Tomayko, William; Wejkszner, Mark
Cc: Bedrin, Michael; Stutzman, Colleen
Subject: ACIDA (Delta Thermo Energy) Project Rejected by Council

FYI

2011 PEDA grant (\$500,000) Allentown Commercial Industrial Development Authority (ACIDA)



ACIDA
W2E-2-12.pdf

Janet P. Warnick | Regional OPPEA Manager
Department of Environmental Protection
Northeast Regional Office
2 Public Square | Wilkes-Barre, PA 18701-1915
Phone: 570.826.2511 | Fax: 570.830.3051
www.depweb.state.pa.us

Notice: On ****Friday, July 29th****, the commonwealth will be adding @pa.gov as the primary email domain for all state employees. For example: janwarnick@state.pa.us will now be janwarnick@pa.gov. The email addresses ending in @state.pa.us will continue to function so that emails will never be interrupted. We appreciate your cooperation as we take a small step to increase the usability and consistency of the commonwealth's online communications.

Wejkszner, Mark

From: Schlosser, Robert <RSCHLOSSER@iesengineers.com>
Sent: Wednesday, December 01, 2010 3:17 PM
To: Wejkszner, Mark
Subject: Delta Thermo (EHS09894.01)

Mark,

Here's the NSPS citation for Delta Thermo.

"Standards of Performance 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)

The rule is generally applicable to new municipal waste combustion units with the capacity to burn 35 to 250 ton/day of municipal waste or refuse-derived fuel. There are several provisions for exemption from this rule, one of which is relevant and outlined below.

- (b) *Small power production facilities.* You are exempt from this subpart if you meet four requirements:
- (1) Your unit qualifies as a small power production facility under section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C)).
 - (2) Your unit combusts homogeneous waste (excluding refuse-derived fuel) to produce electricity.
 - (3) You notify the Administrator that the unit qualifies for the exemption.
 - (4) You provide the Administrator with documentation that the unit qualifies for the exemption.

The Federal Power Act defines a "small power production facility" as follows:

"small power production facility" means a facility which is an eligible solar, wind, waste, or geothermal facility, or a facility which:

- (i) produces electric energy solely by the use, as a primary energy source, of biomass, waste, renewable resources, geothermal resources, or any combination thereof; and
- (ii) has a power production capacity which, together with any other facilities located at the same site (as determined by the Commission), is not greater than 80 megawatts;

The Allentown facility meets this exemption category, in which case, the NSPS does not apply.

Bob Schlosser
(610) 828-3078

Wejkszner, Mark

From: Reisinger, Kenneth
Sent: Thursday, November 18, 2010 2:22 PM
To: Ramamurthy, Krishnan; Bedrin, Michael; Wejkszner, Mark
Subject: RE: Delta Thermo

Can we do a conference call on this early next week?

Kenneth R. Reisinger | Acting Deputy Secretary
Waste, Air, and Radiation Management
Department of Environmental Protection
Rachel Carson State Office Building
400 Market Street | Harrisburg, Pa 17101
Phone: 717.772.2724 | Fax: 717.787.8885

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

From: Ramamurthy, Krishnan
Sent: Thursday, November 18, 2010 1:42 PM
To: Reisinger, Kenneth; Bedrin, Michael; Wejkszner, Mark
Subject: RE: Delta Thermo

We asked for more clarifying information about the project since the information contained in the RFD application is so limited. - Krish

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

From: Reisinger, Kenneth
Sent: Thursday, November 18, 2010 12:55 PM
To: Bedrin, Michael; Wejkszner, Mark; Ramamurthy, Krishnan
Subject: FW: Delta Thermo

Not sure what the situation is here. Is DEP asking for a resubmission of the RFD or something? I do recall that I asked Krish to look into our options on this demonstration / R and D project.

Kenneth R. Reisinger | Acting Deputy Secretary
Waste, Air, and Radiation Management
Department of Environmental Protection
Rachel Carson State Office Building
400 Market Street | Harrisburg, Pa 17101
Phone: 717.772.2724 | Fax: 717.787.8885

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

From: Bolstein, Joel [mailto:JBolstein@foxrothschild.com]
Sent: Thursday, November 18, 2010 11:34 AM
To: Reisinger, Kenneth
Cc: Robbins, Sean
Subject: Delta Thermo

Ken: As you recall, I asked for your assistance with regard to one issue relating to the RFD approval the NE Regional Office issued to my client, Delta Thermo Energy. I asked whether

the Department had the discretion to apply the current emissions limits for R&D facilities as opposed to the stricter proposed emissions limits, which are not final but were included as a remark in the RFD approval. My client tells me that their consultants have recently been asked a bunch of new questions by the Department, such as how the emissions levels can be so low, what makes this system unique, and why the system does not include a baghouse for particulate control and activated carbon adsorber for mercury control, in addition to the wet scrubber. I didn't ask the Department to reconsider the issuance of the RFD and if that is what some people are doing I respectfully request that such an effort be stopped. My client has, at great expense, already gone through the process and received its RFD approval. I filed a protective appeal with the EHB just to give us some breathing room to have our questions resolved regarding a few of the remarks in the approval. Going back to square one is a waste of time and money for DTE. Again, the only question I sought Central Office review on was which set of emissions limits can and should be applied. Can we please just focus on that.

Joel

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

 *Help save our environment by printing this document only if necessary.*

ATTENTION:

IRS CIRCULAR 230 DISCLOSURE:

Pursuant to Treasury Regulations, any tax advice contained in this communication

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penalties under the Internal Revenue Code, or (ii) promoting, marketing or recommending to another party any tax advice addressed herein.

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please immediately notify us by telephone at (215)-299-2167 or notify us by e-mail at helpdesk@foxrothschild.com. Also, please mail a hardcopy of the e-mail

to Fox Rothschild LLP, 2000 Market Street, Philadelphia PA 19103-3291 via the U.S. Postal Service. We will reimburse you for all expenses incurred.

Thank you.

Wejkszner, Mark

From: Reisinger, Kenneth
Sent: Thursday, November 18, 2010 12:55 PM
To: Bedrin, Michael; Wejkszner, Mark; Ramamurthy, Krishnan
Subject: FW: Delta Thermo

Not sure what the situation is here. Is DEP asking for a resubmission of the RFD or something? I do recall that I asked Krish to look into our options on this demonstration / R and D project.

Kenneth R. Reisinger | Acting Deputy Secretary
Waste, Air, and Radiation Management
Department of Environmental Protection
Rachel Carson State Office Building
400 Market Street | Harrisburg, Pa 17101
Phone: 717.772.2724 | Fax: 717.787.8885

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

From: Bolstein, Joel [mailto:JBolstein@foxrothschild.com]
Sent: Thursday, November 18, 2010 11:34 AM
To: Reisinger, Kenneth
Cc: Robbins, Sean
Subject: Delta Thermo

Ken: As you recall, I asked for your assistance with regard to one issue relating to the RFD approval the NE Regional Office issued to my client, Delta Thermo Energy. I asked whether the Department had the discretion to apply the current emissions limits for R&D facilities as opposed to the stricter proposed emissions limits, which are not final but were included as a remark in the RFD approval. My client tells me that their consultants have recently been asked a bunch of new questions by the Department, such as how the emissions levels can be so low, what makes this system unique, and why the system does not include a baghouse for particulate control and activated carbon adsorber for mercury control, in addition to the wet scrubber. I didn't ask the Department to reconsider the issuance of the RFD and if that is what some people are doing I respectfully request that such an effort be stopped. My client has, at great expense, already gone through the process and received its RFD approval. I filed a protective appeal with the EHB just to give us some breathing room to have our questions resolved regarding a few of the remarks in the approval. Going back to square one is a waste of time and money for DTE. Again, the only question I sought Central Office review on was which set of emissions limits can and should be applied. Can we please just focus on that.

Joel

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

 *Help save our environment by printing this document only if necessary.*

ATTENTION:

IRS CIRCULAR 230 DISCLOSURE:

Pursuant to Treasury Regulations, any tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used or relied upon by you or any other person, for the purpose of (i) avoiding

Wejkszner, Mark

From: Schlosser, Robert <RSCHLOSSER@iesengineers.com>
Sent: Tuesday, November 16, 2010 3:19 PM
To: Wejkszner, Mark
Cc: Patel, Shailesh; Tucci, Michael; Rob Van Naarden; Marco Bonilla; Bolstein, Joel; Soni, Ashok
Subject: Delta Thermo Energy RFD (EHS09894.01)
Attachments: 0901-01conf..pdf

Mark,

The information you requested is in the RFD narrative (see attached file). The emissions that were calculated are from the CCC, which is the only combustion source in the plant. Please note that the heat to the boiler is provided by the flue gases of the combusted municipal solid waste and sludge in the CCC.

Please let me know if you or Krish have any questions.

Thanks.

Bob Schlosser
(610) 828-3078

From: Wejkszner, Mark [mailto:mwejkszner@state.pa.us]
Sent: Tuesday, November 16, 2010 2:49 PM
To: Schlosser, Robert; Patel, Shailesh
Cc: Tucci, Michael
Subject: RE: Delta Thermo Energy (EHS09894.01)

Bob, thanks. Can you provide the following additional information: Emission calculations including the emission calculations from the boiler and what fuel will be utilized including any supplemental fuel.

thanks,

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

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

From: Schlosser, Robert [mailto:RSCHLOSSER@iesengineers.com]
Sent: Tuesday, November 16, 2010 2:39 PM
To: Wejkszner, Mark; Patel, Shailesh
Cc: Tucci, Michael
Subject: Delta Thermo Energy (EHS09894.01)

Mark,

We submitted the attached document to Shailesh on October 8, 2010 via Fed Ex. Please feel free to forward it to Krish or anyone else, but please note the **CONFIDENTIAL** claim.

If you anything additional, please let me know.

Thanks,

Bob Schlosser
(610) 828-3078

Wejkszner, Mark

From: Schweitzer, Andrew
Sent: Tuesday, November 16, 2010 12:18 PM
To: Wejkszner, Mark; Kempa, Raymond
Cc: Robbins, Sean
Subject: Delta Thermo RFD
Attachments: Delta Thermo RFD Approval 101410.pdf; Delta Thermo Submission 1 92410.pdf; Delta Thermo Submission 2 10810.pdf

Here is the RFD in 3 parts. 1 - Our approval record; 2 - initial submission; and 3 - second submission.

Andy

Wejkszner, Mark

From: Carmon, Mark
Sent: Sunday, November 14, 2010 9:17 AM
To: Bedrin, Michael; Wejkszner, Mark; Tomayko, William
Subject: Morning Call

Political figure looms large in city's waste-to-energy plant plan Political and business connections proved critical in project landing in Allentown

Attorney Marcel Groen (left) and Delta Thermo Energy CEO Robert Van Naarden joined Mayor Ed Pawlowski in Allentown last year to announce plans for a waste-to-energy plant in the city. (HARRY FISHER, MORNING CALL FILE PHOTO / August 12, 2009)

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Employers

Montgomery (Montgomery, Alabama)

Pennsylvania

Philadelphia (Philadelphia, Pennsylvania) Employment Democratic Party Primaries Washington, DC John Callahan Arlen Specter New Jersey Parties and Movements Lehigh County Don Cunningham U.S. Senate Frank Lloyd Wright Ed Pawlowski U.S. Department of Energy Delaware Political Campaigns By Jarrett Renshaw, OF THE MORNING CALL

November 14, 2010

E-mail Print Share Text Size mc-allentown-marcel-groen-20101114

A pivotal figure behind plans to bring a waste-to-energy plant to Allentown is not a scientist or engineer, nor is he an expert in trash disposal.

But Marcel Groen — a partner in a politically connected Philadelphia law firm and veteran chairman of the Montgomery County Democratic Party — may be more valuable.