

NOTE from Chester Environmental Justice:

The following two pages are **draft** resolutions developed for Chester City Council by the Chester Planning Department. They have **not** been approved as of July 23rd and are no longer scheduled to be voted on at the July 23, 2014 Chester City Council meeting.

We are sharing these to show that the original plan was to have City Council vote on the resolution at their July 23, 2014 meeting, as is also confirmed in the Chester Planning Department's [July 10, 2014 letter to Covanta](#) stating that "City Council will take final action on the above referenced plan at its regular scheduled meeting on July 23, 2014 at 7:00P.M."

The resolutions mention that the Chester City and Delaware County Planning Commissions reviewed the Covanta proposal, but fails to point out that the Chester Planning Commission recommended that City Council **not** approve Covanta's plan.

One of the resolutions approves Covanta's trash-by-rail proposal without qualification. The other places four (mostly meaningless) conditions on the approval.

We believe that conditions 1, 2 and 4 are intended to make it appear as if City Council is being responsive to our concerns, but are deliberately worded so that they will do nothing. The conditions are:

- (1) Facility is not permitted to increase the tonnage burned under its current permit,
- (2) Facility does not increase operating hours under its current permit,
- (3) The proposed development will not produce a net increase in environmental pollution as compared to environmental pollution at the time of construction,
- (4) The number of Air Pollution Control Devices provided for this facility must comply with all of DEP and EPA requirements.

#1 is meaningless because the issue is not about Covanta increasing the tonnage burned under their permit, but that enabling Covanta to secure the flow of another 500,000 tons/year helps them burn at full capacity. In the first quarter of 2014, Covanta burned at only 75% capacity, according to the data they report to the PA Department of Environmental Protection (DEP). See the figure at the bottom of www.ejnet.org/chester/trashtansfer.html for details.

#2 is meaningless because their current DEP permit already limits operating hours and no one has claimed that this proposal would do otherwise.

#4 is a response to concerned raised by Chester Environmental Justice members, pointing out that Covanta lacks the air pollution controls that most other incinerators have – primarily carbon injection (to lower their emissions of highly toxic pollutants like mercury and dioxin), and selective catalytic reduction (SCR) or selective non-catalytic reduction (SNCR) controls to limit nitrogen oxide (NOx) pollution, which causes asthma. However, by wording this "condition" in terms of complying with DEP and EPA requirements is meaningless, since the facility was permitted at a time when these were not required, even though other incinerators permitted close to the same time (like the incinerator in Lancaster) *were* required to have additional control devices. It would be illegal to build an incinerator without these additional controls today – and a proposed incinerator in Allentown, PA permitted in 2014 was required to have these additional controls – but the "condition" does not say that Covanta must comply with *current* DEP and EPA requirements for new incinerators, as it should. See: www.ejnet.org/chester/pollutioncontrol.html

RESOLUTION

THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:

WHEREAS, on June 3, 2014, Covanta Delaware Valley, LP, submitted land development plans titled "Container Waste Truck Delivery System" for City Council approval, and

WHEREAS, said plans were reviewed by the Chester City Planning Commission on June 11, 2014 and July 9, 2014, and the Delaware County Planning Commission on June 19, 2014, and

WHEREAS, their recommendations have been taken into consideration and it has been acknowledged that the proposed plans are in compliance with the Chester City Subdivision/Land Development and Zoning Ordinance, and

WHEREAS, it does grant approval for the land development plans titled "Container Waste Truck Delivery System", to construct a 15,000 sq. ft. rail box building, 1,000 sq. ft. office building, a truck scale, replacing existing bituminous and concrete pavement, and relocation of above and below ground utilities as needed, located at 10 Highland Avenue, Chester, PA 19013, as shown on plans prepared by STV Incorporated, 205 West Welsh Drive, Douglassville, PA 19518, dated May 30, 2014 and last revised July 1, 2014 in accordance with the city engineer's review.

WE HEREBY CERTIFY that this Resolution passed Council this 23rd day of July, A.D. 2014.

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ARE APPROVED, subject to the following conditions:

- (1) Facility is not permitted to increase the tonnage burned under its current permit,
- (2) Facility does not increase operating hours under its current permit,
- (3) The proposed development will not produce a net increase in environmental pollution as compared to environmental pollution at the time of construction,
- (4) The number of Air Pollution Control Devices provided for this facility must comply ^{with it} of all DEP and EPA requirements.

WE HEREBY CERTIFY that this Resolution passed Council this 23rd day of July, A.D. 2014.