



NOTICE OF VIOLATION

April 14, 2023

**VIA EMAIL: FCapobianco@covanta.com; KBradford@covanta.com;
JWalsh@covanta.com; GDrew@covanta.com**

Frank Capobianco
Facility Manager
Covanta Plymouth Renewable Energy, LLC
1155 Conshohocken Rd.
Conshohocken, PA 19428

Re: Title V Operating Permit 46-00010
Operating Permit Violations
Plymouth Township
Montgomery County

Dear Mr. Capobianco:

Covanta Plymouth Renewable Energy LLC (Covanta Plymouth) is authorized by Title V Operating Permit (TVOP) 46-00010 issued November 21, 2017. On April 6, 2023 at approximately 8:30 pm, Covanta Plymouth lost power. This caused the facility's turbine, Municipal Waste Incinerator Unit 1 (Source ID: 001) and all emission control equipment to go offline. On April 13, 2023, I reviewed an incident follow up report from the event and noted the following violations:

- 1) TVOP 46-00010, Section D, Source ID: 001 – MWI Unit 1, Condition #005 requires that air emissions from each combustor are controlled by individual selective non-catalytic reduction (SNCR) system to reduce NOx emissions, acid gas scrubbers (quench reactor) to control acid gases, a carbon adsorption process (PAC injection) to control emissions of toxic pollutants, and a baghouse to control particulate matter emissions. The combustion gases in the combustion chamber shall be maintained at a temperature greater than 1800°F, for at least one (1) second. The report noted it took approximately two (2) hours for the fire in Source ID: 002 to be extinguished. Until the combustion of the waste was extinguished, air emissions from the source were not controlled by any of the required control devices and the combustion gas in the combustion chamber was not maintained at a temperature at or greater than 1800°F.
- 2) 25 Pa. Code Section 121.7 and TVOP 46-00010, Section B, Condition #002 states that no person may permit air pollution as that term is defined in the act. The event described above caused the release of uncontrolled emissions into the outdoor atmosphere.

- 3) 25 Pa. Code Section 123.31 and TVOP-46-00010, Section C, Condition #004 states: “[a] person may not permit the emission into the outdoor atmosphere of any malodorous air contaminants from any source in such a manner that the malodors are detectable outside the property of the person on whose land the source is being operated.” A malodor is defined as: “[a]n odor which causes annoyance or discomfort to the public and which the Department determines to be objectionable to the public.”

On April 7, 2023, I met with several citizens in the IKEA parking area on Allen Wood Road, Plymouth Township between 1:30 and 1:45 PM. The citizens claimed there was an odor that caused them annoyance and discomfort. I detected the same odor and determined it to be objectionable to the public. I determined the odor was coming from Covanta Plymouth.

On April 12, 2023, I met with several citizens in the Sandwood Road area of Plymouth Township between 1:15 and 2:15 PM. The citizens claimed there was an odor that caused them annoyance and discomfort. I detected the same odor and determined it to be objectionable to the public. I determined the odor was coming from Covanta Plymouth.

The facts described in Paragraphs 1 and 2 are contrary to TVOP 46-00010 and are violations of 25 Pa. Code Sections 127.444 and 121.7. The facts described in Paragraph 3 are contrary to TVOP 46-00010 and are violations of 25 Pa. Code Sections 127.444 and 123.31.

As discussed in the meeting held April 13, 2023, I request that you submit the updated malfunction notification by April 17, 2023 and additional information pertaining to your investigation by May 13, 2023. I also request that you submit a status update no later than April 27 including a detailed corrective action plan explaining how you will prevent similar violations from occurring in the future.

The above violations constitute unlawful conduct and a public nuisance as defined by Sections 8 and 13 of the Air Pollution Control Act (APCA), 35 P.S. Sections 4008 and 4013, respectively. Violations of the Department of Environmental Protection's (DEP) Air Quality Regulations are subject to the penalties of Sections 9 and 9.1 of the APCA. Each day the violation continues constitutes a separate offense.

This Notice of Violation is neither an order nor any other final action of DEP. It neither imposes nor waives any enforcement action available to DEP under any of its statutes. If DEP determines that an enforcement action is appropriate, you will be notified of the action.

If you have any questions concerning this matter, please contact me at hemorris@pa.gov or at 484.250.7518.

Sincerely,

Helen Morris

Helen Morris
District Supervisor
Air Quality

cc: Mr. Rebarchak (via email)
Ms. Gallagher (via email)
Central Office (via email)
Montgomery County Office of Public Health (via email)
Enforcement File