

Statement made to the DEP by Mark DeWalt at the Public Hearing on March 8, 2007 in reference to:

Plan Approval # 61-210A – the approval for an asphalt plant proposed for Barkeyville Borough in Venango County PA by Glen O. Hawbaker, Inc.

My name is Mark DeWalt. I have been a self-employed resident of the Barkeyville community since 1974. Our home is located in Irwin Township within one mile of the proposed site of the Hawbaker asphalt plant.

I hereby object to the issuance of this approval for the following reasons:

1.) Legality 2.) Monitoring 3.) Best Available Control Technology noncompliance.

LEGALITY

- Formal legal procedures that challenge the zoning permit are being pursued.
- The plaintiffs in the case charge that the construction of a Hot Mix Asphalt (HMA) plant is a non-permitted use according to the statutes of the Barkeyville Borough Zoning ordinance.
- No approvals should be granted until the zoning appeals have been heard and duly settled in a court of law.

MONITORING

- **No Base line Data:** While EPA and DEP data indicates that Venango and surrounding counties are in an “attainment” area with respect to the “criteria pollutants”, no baseline data has been developed for the local environment. The existence of heavy and continual truck exhaust, emissions from Heath Oil Company, and the persistent “non-attainment” status of ozone levels in our area may reflect very different levels of ppm of criteria pollutants than generic data suggests.
- **The ozone** levels typically peak in the hot summer weather when NOx and VOC combine with dust in the presence of sunlight. Truck and car exhaust contribute to this poisonous gas formation. The HMA plant would be operating at its peak production at the most opportune time to produce dangerous ground level ozone formation. The local and surrounding communities will be subject to urban smog type conditions.
- **Insufficient post-construction monitoring:** The burning of coal is to be allowed for over 120 days with possibilities of extensions without limits on emissions. The limits will then be established after the plant experiments with fuels and rates of production; and in effect, sets its own limits. Local residents can be exposed to dangerous and unexpected levels of pollution for an entire summer with no legal protection from this plan.

- Criteria Pollutants, HAP, VOC and noxious gases are all known to present significant health problems in areas adjacent and near to HMA plants, yet no arrangements have been made by this plan to monitor the air quality in the community beyond an occasional stack test and pressure drops in the bag- house.
- Trucks and delivery vehicles will transport residual and toxic materials from the plant by their tires to the nearby roadways. These pollutants can either enter the atmosphere as dust, infiltrate the water table, or both. No directives exist in the plan to control or mitigate these emissions.

BEST AVAILABLE CONTROL TECHNOLOGY – The Clean air Act established legal guidelines that permit industries to operate while simultaneously striving to reduce the amount of harmful contaminants released into the atmosphere and thereby reduce threats to the public health. To achieve this goal the BACT criteria was developed to require industries (especially new sources) to identify state-of-the-art equipment that can be utilized in their project and explain their choices. I believe that the BACT criteria were not fulfilled in the following areas of the plan: ` 1.) Fuel choice, 2.) combustion technique 3.) post combustion controls.

- **Fuel Choice** - The regulation request “Select fuel with the lowest level of sulphur content among cost effective choices.” Natural gas is rated at NA% of Sulphur. Fuel oils range from .3% to .5%. Coal weighs in with a whopping 2.25% sulphur content. If gas were the primary fuel, total emissions of SO_x over 20 years would be less than one ton. If coal is used the SO_x emissions are estimated to reach 1260 tons over the same period. Yet the Hawbaker plant chose coal.
- **Combustion technique** – The applicant states “Coal gasification is not economically feasible for a HMA.”
- **Post Combustion Controls** – “Wet scrubbers are the most extensively used systems in service today and are probably applicable to HMA plants but are very high capital cost systems. The combination of operational costs and depreciation of capital cost make this not economically feasible for a HMA plant. ”

In all three areas considered under the BACT analysis, the Hawbaker Corporation has chosen the cheapest equipment to buy and operate. They choose not to invest in the cleanest alternatives but rather to use traditional techniques of capturing emissions, and even add a very nontraditional and dirty choice of fuel. The justification for these choices is always cost. I submit to the DEP the following facts to consider in evaluating the “costs” of this project.

COSTS OF PLANT TRANSFERRED TO THE COMMUNITY

- The Venango County Planning Commission gave approval to the plant to begin construction without requiring the applicant to conduct either a traffic impact study or an environmental impact assessment. These studies which are required by the

County's Comprehensive plan would have cost around \$80,000 according to John Phillips of the Oil Region Alliance (ORA), a significant savings for the developer.

- The site of the plant is located inside a Keystone Opportunity Zone thereby denying the county, municipality and state of real property taxes, state income or wage taxes and sales taxes. This loss of revenue turns into a substantial subsidy to the Hawbaker Corporation.
- The Borough's zoning officer issued a zoning permit without requesting or obtaining any agreements, or bonds with respect to the use and abuse of the Borough's roads. The costs of supporting this enormous increase in heavy truck traffic will be the burden of the local municipality, which of course is funded through taxes on the local residents.
- The tax-subsidized ORA sold the property to the Hawbaker Corporation at a "loss" according to ORA director Randy Seitz. That loss was incurred by the tax payers of Venango County.

CONCLUSION

- No action to issue an approval should be taken until the legal challenges are settled in a court of law.
- The use of coal as a fuel should be rejected by DEP as inconsistent with the tenets of the BACT under the Clean Air Act
- The highest performance standards should be applied to the post combustion control equipment.
- Substantial baseline monitoring should be established for the air quality in the Borough of Barkeyville and should be maintained throughout the lifetime of this plant's operation.
- It is unfair to expect the community to financially subsidize an industry and make sacrifices to their quality of life and real estate investments if the industry does not make a serious commitment to the public's well being. If Hawbaker wants to be a good neighbor, they can begin by building the cleanest plant that can be built.

Respectfully submitted,
Mark DeWalt