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George Monasky
PA DEP, 230 Chestnut Street, Meadville, PA 16335
March 22, 2007

Re: Glenn O. Hawbaker, Inc., No. 61-210A, Barkeyville, Venango County

Dear Mr. Monasky,

I feel that the DEP should take a hard look at three issues surrounding the Hawbaker permit application. First, I would like to cite specific excerpts from the U.S. Clean Air Act:

Part A - Air Quality and Emission Limitations — Sec. 101. Findings and purposes:

...the growth in the amount and complexity of air pollution brought about by urbanization, industrial development, and the increasing use of motor vehicles, has resulted in mounting dangers to the public health and welfare, including injury to agricultural crops and livestock, damage to and the deterioration of property, and hazards to air and ground transportation;

...pollution prevention (that is, the reduction or elimination, through any measures, of the amount of pollutants produced or created at the source) and air pollution control at its source is the primary responsibility of States and local governments...

Part C - Prevention of Significant Deterioration of Air Quality — SUBPART 1 - Clean Air. Sec. 160. The purposes of this part are as follows:

to insure that economic growth will occur in a manner consistent with the preservation of existing clean air resources; to assure that any decision to permit increased air pollution in any area to which this section applies is made only after careful evaluation of all the consequences of such a decision and after adequate procedural opportunities for informed public participation in the decision making process.

Excerpts from the "Pennsylvania Air Pollution Control Act of 1959, P.L. 2119, No.787, are as follows:

Section 4. Powers and Duties of the Department of Environmental Resources—The department shall have power and its duty shall be to:

Evaluate motor vehicle emission control programs, including ...congestion levels, transportation control measures and other transportation control strategies with respect to

their effect upon air pollution and determine the need for modifications of such programs.

Determine by means of field studies and sampling the degree of air pollution existing in any part of the Commonwealth.

Encourage the formulation and execution of plans in conjunction with air pollution control agencies or civil associations of counties, cities, boroughs, towns and townships of the Commonwealth wherein any sources of air pollution or air contamination may be located, and enlist the cooperation of those who may be in control of such sources for the control, prevention and abatement of such air pollution and air contamination.

Provide advisory technical consultative services to local communities for the control, prevention, abatement and reduction of air pollution and air contamination.

Section 6.6. Hazardous Air Pollutants: (c) The department is authorized to require that new sources demonstrate in the plan approval application that the source will reduce or control emissions of air pollutants, including hazardous air pollutants, by using the best available technology.

1) A COMPREHENSIVE POLLUTION ANALYSIS IS NEEDED

Based upon the responsibilities of the DEP as set forth in the PA Clean Air Act, it would seem that a DEP permit regarding air pollution in Barkeyville Borough should take into consideration the overall air pollution that currently exists in the Borough as well as the cumulative effect of any additional air pollution that an asphalt plant would contribute. The Hawbaker facility would not be the only source of air pollution in Barkeyville — we already have significant air pollution caused by diesel trucks. How would a large asphalt production facility add to Barkeyville's existing air pollution burden? To separate out the asphalt facility as if it were the only source of air pollution in the area, then establish an air pollution permit based only on the asphalt production data would be unfair to the residents of Barkeyville.

Diesel Emissions

It is widely known that diesel fumes are extremely dangerous to health. The lifetime cancer risk from diesel soot in Venango County, Pennsylvania, exceeds the risk of all other air toxins tracked by the EPA combined. The average lifetime diesel emission cancer risk for a resident of Venango County is 1 in 6,206 (161 times greater than EPA's acceptable cancer level of 1 in a million). For the adjoining counties of Mercer, it's 1 in 4,436, and Butler, 1 in 3,842.¹

It's estimated that cancer risks from diesel emissions are about ten times higher than the cancer risks from all other hazardous air pollutants combined. The Hawbaker facility would not be just an asphalt plant — it would add a large trucking and shipping depot to Barkeyville, bringing an estimated additional 51,000 diesel trucks into the Borough every year. What are the air pollution implications of this greatly increased truck traffic? Can an air pollution permit be granted to any facility of this nature without taking into consideration all associated air pollutants caused, directly or indirectly, by the facility? An air pollution permit should not be issued until there is a full analysis of all sources of

air pollution that would be associated with this asphalt plant, including diesel emissions.

According to the American Federation of State County and Municipal Employees, exposure to diesel exhaust contributes to the incidence and severity of asthma attacks, chronic bronchitis, emphysema, coughing, wheezing and phlegm formation, and irritation of the eyes, nose and mouth. Long-term exposure to elevated diesel pollution, according to the National Institute for Occupational Safety and Health, increases the risk of developing lung cancer.²

Diesel engine emissions consist of a wide range of organic and inorganic compounds in gaseous and particulate forms. We are concerned about these emissions because a) the particles in diesel emissions are very small (90% are less than 1µm by mass), making them readily respirable.; b) these particles have hundreds of chemicals adsorbed onto their surfaces, including many known or suspected mutagens and carcinogens; c) the gaseous phase contains many irritants and toxic chemicals.³

To my knowledge, there has not been a traffic study conducted in the Barkeyville Borough area to determine the existing levels of ambient diesel air contaminants. A responsible decision involving the permitting of any new major air contamination source in Barkeyville should be based upon data that takes into consideration existing diesel emissions levels, as well as increased diesel emissions related to the new contamination source. The PA DEP has the authority, in cooperation with local government, to order a study of existing air contamination levels in Barkeyville before permitting major new air contamination sources.

Fugitive Air Emissions

Fugitive air emissions should be taken into consideration when computing the overall pollution burden on Barkeyville by the Hawbaker facility. By some estimates, the effects of asphalt plant fugitive emissions may exceed the effects of pollutants emitted from the smokestack. Fugitive emissions are released into the air by the hot mix asphalt as it is loaded into trucks and hauled from the plant site. These can include volatile organic compounds, polycyclic aromatic hydrocarbons, and condensed particulates that are not subject to the dispersion that occurs at smokestack levels.

According to Louis Zeller, Blue Ridge Environmental Defense League [PO Box 88, Glendale Springs, NC 28629, 1-336-982-2691; email: BREDL@skybest.com; web: www.BREDL.org], asphalt cement comprises 5% of the total hot mix plant production. Fugitive air emissions equal 1.07% of the consumed asphalt cement (data from Dr. R.M. Nadkarni). For an asphalt plant producing 560,000 tons of hot mix asphalt per year: $560,000 \text{ tons hot mix} \times 0.05 = 28,000 \text{ tons/year of asphalt cement consumed}$. Fugitive air emissions equal 1.07% (0.0107) of the consumed asphalt, or $28,000 \times 0.0107 = 299.60 \text{ tons per year of asphalt vapor fugitive emissions}$ that may be expected to be emitted by the Hawbaker facility.

Zeller adds that, "the bulk of these fugitive emissions are condensed particulates. Volatile organic compounds (VOCs) emissions are about 29% of the this total." Therefore, about 86.88 tons of VOCs and 212.72 tons of particulates may be emitted by a 560,000 ton/year asphalt plant as fugitive emissions. To this must be added the total emissions from the smokestack itself.

Fugitive emissions, therefore, could add significantly to the air pollution emissions from the Hawbaker facility.

2) BEST AVAILABLE TECHNOLOGY MUST BE REQUIRED

The department is authorized to require that Hawbaker demonstrate it will reduce or control emissions using the best available technology. The DEP, however, is considering allowing Hawbaker to employ an untested technology using primarily coal, the worst possible fuel from an emissions standpoint, thereby guaranteeing the highest possible restricted air contamination emission levels. It doesn't make sense to require the best available technology while allowing the dirtiest fuel. If the intent is to provide the best available protection for the Barkeyville community, the Hawbaker facility would be required to utilize the best available technology and the cleanest available fuel, such as natural gas or electricity. Furthermore, if the best available technology is not attractive to Hawbaker due to the expense, the DEP should not simply grant Hawbaker the use of more polluting technologies just to save money for the corporation. The DEP is charged with protecting the environment, otherwise its name would not be the Department of Environmental Protection. It has the authority to require best available technologies whether or not the corporation creating the pollution source agrees to the associated costs.

3) THE LEGALITY OF HAWBAKER'S ZONING PERMIT MUST BE DECIDED IN A COURT OF LAW

According to the Barkeyville Borough Zoning Ordinance:

105 COMPLIANCE: No structure shall be located, erected, constructed, reconstructed, moved, altered externally, converted, or enlarged, nor shall any structure or land be used or be designed to be used except in full compliance with all the provisions of this Ordinance and after the lawful issuance of all permits and certificates required by this Ordinance, except that the Borough of Barkeyville is exempt from this ordinance in the pursuit of its municipal functions.

302 DEVELOPMENT REGULATIONS FOR ANY BUSINESS USE:

302.1 Provisions of Use: Any permitted principal and/or accessory business use shall be subject to the following regulations:

(5) It shall not emit any noxious, toxic or corrosive fumes or gases nor shall it emit any offensive odors.

303 DEVELOPMENT REGULATIONS FOR ANY INDUSTRIAL USE:

(5) It shall not emit any noxious, toxic or corrosive fumes or gases nor shall it emit any offensive odors.

606 PERFORMANCE STANDARDS: No use, land or structure in any district shall involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or person in the Borough. Furthermore, every use of land or structure in any district must observe the following performance requirements:

606.6 AIR POLLUTION: No pollution of air by fly-ash, dust, vapors or other substances shall be permitted which is harmful to health, or to animals, vegetation or other property.

The legality of the zoning permit issued to Hawbaker allowing the corporation to locate in Barkeyville Borough has been challenged by a number of Borough property owners. It is clear that the Hawbaker facility would be a significant source of air contamination, otherwise it would not be required to have a DEP air pollution permit. The PA Clean Air Act defines an air contaminant as "smoke, dust, fume, gas, odor, mist, radioactive substance, vapor, pollen or any combination thereof." An air contamination source is defined as "any place, facility or equipment, stationary or mobile, at, from or by reason of which there is emitted into the outdoor atmosphere any air contaminant." Air pollution is defined as "the presence in the outdoor atmosphere of any form of contaminant, including, but not limited to, the discharging from stacks, chimneys, openings, buildings, structures, open fires, vehicles, processes or any other source of any smoke, soot, fly ash, dust, cinders, dirt, noxious or obnoxious acids, fumes, oxides, gases, vapors, odors, toxic, hazardous or radioactive substances, waste or any other matter in such place, manner or concentration inimical or which may be inimical to the public health, safety or welfare or which is or may be injurious to human, plant or animal life or to property or which unreasonably interferes with the comfortable enjoyment of life or property."

Clearly, the Hawbaker facility will be a source of toxic gasses and harmful air pollution by its own admission in its DEP General Application, where it describes its expected air contamination emissions to range from 212.21 to 1447.88 tons per year.

The zoning permit was granted to the Hawbaker Corporation by Gary Dovey, who was at the time also an employee of the Oil Region Alliance, the corporation that owned the Barkeyville Industrial Park property and that sold a portion of it to Hawbaker. Dovey worked for the ORA for four years, becoming the Barkeyville Borough Zoning Officer about a year and a half ago.⁴ He has since resigned from both positions. Obviously, there was a conflict of interest in the issuance of the Hawbaker zoning permit, which appears to be in direct conflict with the Barkeyville Zoning Ordinance. This matter is currently being litigated and updates on the litigation can be followed at protectbarkeyville.org. [On March 20, 2007, the Barkeyville Borough Zoning Hearing Board granted the plaintiffs in this case a hearing before the Board to be heard on April 11, 2007 at the Barkeyville Borough Building.]

It seems that it would be premature and unwise to grant permission to any pollution source whose very right to construct in a particular location is uncertain and is being earnestly contested through legal channels by the citizens of the locality.

Sincerely,

Joseph C. Jenkins
Barkeyville Borough property and business owner

¹Clean Air Task Force [<http://www.catf.us/projects/diesel/dieselhealth/county.php?c=42121&site=0>]

²CleanAir.org [<http://www.cleanair.org/dieseldifference/healthinfo/index.html>]

³The Health Effects Institute [<http://www.healtheffects.org/Pubs/diesum.htm>]

⁴ Oil Region Alliance January, 2007 Newsletter [http://www.barkeyvilleborough.org/downloads/dovey_jan_newsletter.pdf]