



Powering Today. Protecting Tomorrow.

Covanta Essex Company

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September 1, 2023

Mr. Jeffrey Meyer, Manager
Division of Air Enforcement
Bureau of Air Compliance & Enforcement - Northern
7 Ridgedale Avenue
Cedar Knolls, NJ 07927

Subject: Essex County Resource Recovery Facility
Program Interest (Title V) Number 07736
NEA200001-07736 – Administrative Consent Order
Progress Report #18

Dear Mr. Meyer:

On behalf of Covanta Essex Company and in accordance with the Item #17 under the above referenced Administrative Consent Order (ACO) NEA200001-07736, attached is Progress Report #18 explaining the status of Covanta Essex Company's compliance with the Compliance Schedule required by the ACO.

If you have any questions or need additional information, please contact Patricia Earls at 973-817-7322 or pearls@covanta.com.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Earls", is written over a light blue horizontal line.

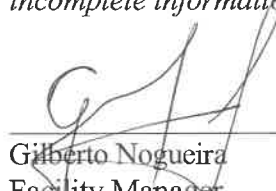
Patricia Earls
New Jersey Regional Environmental Manager

Attachments

Mr. Jeffrey Meyer

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"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this letter and all attached documents and, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant civil and criminal penalties, including the possibility of fine or imprisonment or both, for submitting false, inaccurate, or incomplete information."



Gilberto Nogueira
Facility Manager

Sep 01, 2023

Date

Covanta Essex Company, PI #07736
Progress Report #18
NEA200001-07736 – Administrative Consent Order, Item #17

A. Identification of Site and Reference to ACO

Covanta Essex Company, PI #07736
Administrative Consent Order (ACO) NEA200001-07736

B. Status of Permitting and Planning Approvals, and any work at the site and progress to date

Status of Permitting and Planning Approvals:

Other than the Title V Operating Permit Renewal (BOP170001) and the Solid Waste Operating Permit Renewal (RRF200001), there are currently no other permitting or planning approvals currently pending or in progress related to the requirements of the ACO.

Work at the site and progress since submittal of Progress Report #17 on June 29, 2023:

- Implementation of the Communications and Community Engagement Plan is ongoing. The latest Open Meeting was held in person on June 15, 2023, from 5 pm to 7 pm at the Blue Print Café on Raymond Boulevard in Newark. Invitations to the meeting were emailed to individuals on our Open Meeting contact list and the invitation was also published in the Luso Americano Portuguese newspaper in Newark, the Star Ledger, and the Latino Street Newspaper which covers Essex, Passaic, Hudson, Union, and Bergen counties in NJ as well as Brooklyn, Queens, and Staten Island, NY.
- On August 17, 2021, Covanta Essex Company also posted a Hotline number on the Covanta Essex website. The Hotline remains available 24 hours per day, 7 days per week and allows the public to contact Covanta to obtain the latest information on facility incidents or announcements. The Hotline has the capability to speak to residents in English, Spanish, and Portuguese. Since the hotline was established, there have been no calls received from the public to the hotline.
- The Response to Comments document for the AO-25 public hearing held via a Zoom webinar on November 16, 2022, is still in progress. There were an estimated 105 comments received during both the hearing and public notice period that need to be included in the document along with Covanta responses.

C. Difficulties or problems encountered during the reporting period, and actions taken to rectify any difficulties or problems

There have been no difficulties encountered during this reporting period.

D. Activities planned for the next reporting period

Activities planned for the next reporting period are as follows:

- Covanta will continue to work on the Response to Comments document referenced above for submittal to NJDEP's OPPN pursuant to Administrative Order AO-2021-25 for the Essex County Resource Recovery facility.

E. The required and actual completion dates for each item required by this ACO

See the updated table, included as Attachment 1 to this report, that lists action items required by the ACO along with required due dates and actual completion dates where applicable. The only action item that remains open is the incorporation of the purple plume mitigation procedures into the Title V Operating Permit renewal and the Solid Waste Operating Permit renewal which are both pending with the NJDEP.

F. An explanation of any non-compliance with the compliance schedule

There are no instances of non-compliance with the schedule.

G. Evaluation of all corrective measures implemented to date

Covanta Essex Company continues to implement our Community Outreach efforts and enhanced tipping floor inspection procedures to prevent iodinated waste from being combusted in the boilers. The successful identification of the source of the iodinated waste believed to have caused the purple plume events in 2019 and 2020, and subsequent permanent re-direction of that waste to another non-Covanta disposal facility, has resulted in no further purple plume opacity events at Covanta Essex Company since April 7, 2020.

Going forward, Covanta Essex Company hosts two Open Meetings per year. Each December, the Open Meeting is held virtually to avoid weather issues and allow for a greater level of attendance as observed during the December 2020 and December 2021 meetings. Each June, the Open Meeting is an in-person event held either at the facility or at the Blue Print Café on Raymond Boulevard in Newark which is within a mile of the facility.

As part of greater transparency with the local community, Covanta Essex Company has implemented an additional notification procedure whereby the Ironbound Community Corporation (ICC) is contacted by phone and email of any emission exceedance events at the facility. Ms. Maria Lopez-Nunez, who is the Deputy Director, Organizing and Advocacy for the ICC, is notified of each event. Efforts have been made to get other organizations and local residents to sign up for the mailing list on our webpage to receive notifications of facility events, but no sign ups have been received to date from these groups. We will continue these efforts during the Open Meetings and all correspondence from Covanta.

In 2018, Covanta Essex installed 10 HD digital cameras on the tipping floor. These originally included 2 cameras with additional pan, tilt and zoom (PTZ) capability. In 2019, after the increase in purple plume events, 2 of 10 HD digital cameras in the overhead location in front of Bays 2 and 13 were replaced with the PTZ cameras for a total PTZ capability for 4 of 10 cameras. This PTZ capability allows for greater visual observation of loads. All recorded video footage by the cameras is stored and available for review for up to 40 days.

Attachment 1

Covanta Essex Company ACO Requirements

| Requirement | Description | Deadline | Required Due Date | Actual Completion Date |
|--------------|---|---|-------------------|--|
| Phase I a) | COVANTA ESSEX COMPANY ("COVANTA") shall hire an independent public relations consultant or other similarly qualified consultant to develop a formal public outreach program and/or review and supplement as necessary, COVANTA's existing program if one either formally or informally exists. A plan, detailing the program, shall be developed and shall include, but not be limited to, procedures to provide timely updates on any operational upsets that result in permit excursions, periodic notifications to local community groups, including electronic and other agreed to forms of communication and the establishment of a website link. COVANTA shall reach out to local community groups to determine notification schedules and deliverables for purposes of planning and program development. | Within 30 calendar days of effective date of ACO | 11/9/2020 | 11/6/2020 |
| Phase I b) | The plan and program shall also provide that COVANTA conduct a community outreach event to communicate with local community groups on a bi-annual basis. | Bi-annual | Ongoing | 12/16/2021 |
| Phase I c) | COVANTA shall complete and submit the plan to the Department for comment. | Within 90 calendar days of effective date of ACO | 1/7/2021 | 1/7/2021 |
| Phase I c) | Within fourteen (14) calendar days after addressing any modifications to the plan, COVANTA shall initiate the planned program. | Within 14 calendar days of addressing NJDEP comments on Community Outreach plan | 11/16/2021 | 11/16/2021 - Plan implementation was already in progress |
| Phase I d) | COVANTA shall hire an independent waste operations consultant to review and develop new protocols or supplement as necessary, COVANTA's existing waste receipt, inspection and handling protocols. Protocols shall include but are not limited to items listed below under Phase I d)i through v. | Within 30 calendar days of effective date of ACO | 11/9/2020 | 11/6/2020 |
| Phase I d)i | Procedures to increase education and outreach to all customers and haulers via direct communications with responsible entities and printed messaging on all invoice bills regarding acceptable/prohibited waste types. | Within 90 calendar days of effective date of ACO | 1/7/2021 | 1/7/2021 |
| Phase I d)ii | Specific procedures to address iodinated wastes including methodologies to identify potential generators/sources of these wastes, development of proactive steps to ensure these wastes are not included in the waste streams coming to the facility and inspection/interception protocols to ensure these waste types are not processed through the facility. | Within 90 calendar days of effective date of ACO | 1/7/2021 | 1/7/2021 |
| Phase I d)ii | As a potential measure for enhancing COVANTA's iodine waste inspection/interception protocols, Iodine monitors shall be evaluated for their potential effectiveness to monitor vapor phase iodine. The evaluation shall be submitted to the Bureau of Air Monitoring within thirty (30) calendar days of the effective date of this ACO. | Within 30 calendar days of effective date of ACO | 11/9/2020 | 11/6/2020 |

| Requirement | Description | Deadline | Required Due Date | Actual Completion Date |
|---------------|--|--|---------------------|--|
| | Response to NJDEP comments on iodine monitor evaluation received on 12/11/20 | No required deadline for response | NA | 4/6/2021 |
| | Response to NJDEP comments on iodine monitor evaluation received on 5/18/21 | No required deadline for response | NA | Call held on 6/29/21 to discuss comments |
| | Submittal of Halogenated Waste Pollution Prevention Plan report to NJDEP by July 30, 2021 pursuant to agreement made on call on 6/29/21 | 7/30/2021 | 7/30/2021 | 7/29/2021 |
| Phase I d)ii | If the Department deems that the monitors are effective in monitoring vapor phase iodine, the monitors shall be installed, in accordance with Department review and approval, within 60 calendar days of such approval. | Within 60 calendar days of effective date of ACO | NA | NA |
| Phase I d)iii | Installation of Digital Cameras at appropriate locations throughout the facility to monitor waste streams being tipped in the transfer house and being conveyed into the boilers. The Digital Cameras should have recording capability and data retention that can record for 30 days. | Within 90 calendar days of effective date of ACO | 1/7/2021 | 1/7/2021 |
| Phase I d)iv | Additional dedicated training to employees responsible for 1) monitoring truck deliveries and unloading and 2) operating the grapples used to mix waste in the pit and transfer waste from the pit to the feed hopper for each boiler, to train the employees to identify inappropriate waste material. | Within 90 calendar days of effective date of ACO | 1/7/2021 | 1/7/2021 |
| Phase I d)v | Enhanced employee training program to ensure compliance with COVANTA's Solid Waste and Air Permits, applicable Best Management Practices, and procedures for identifying and preventing iodine from entering the Facility. | Within 90 calendar days of effective date of ACO | 1/7/2021 | 1/7/2021 |
| Phase I e) | Within ninety (90) calendar days of the effective date of this ACO, excepting the Iodine monitor evaluation noted in d)ii. above, COVANTA shall provide the protocols and procedures outlined above for Department comment. | Within 90 calendar days of effective date of ACO | 1/7/2021 | 1/7/2021 |
| Phase I e) | Within fourteen (14) calendar days after addressing any modifications to the protocols and procedures, COVANTA shall implement same. COVANTA is encouraged to proactively implement any enhanced protocols and procedures outlined above prior to the required 90-day due date | Within 14 calendar days of addressing NJDEP comments on Waste Receipt, Inspection and Handling protocols | 5/7/2022 (Saturday) | 5/9/2022 |
| Phase II a) | Identification and estimation of air pollutant emissions and the air dispersion modeling of the impacts of the identified purple plumes shall be performed by an independent third party, and reports containing the air dispersion modeling results shall be submitted to the Department detailing the estimated potential health impacts associated with the purple plume events. Modeling shall include the impact of iodine associated acid gases with an estimation of emissions. Modeling reports shall be provided to the DEP by a qualified thirdparty modeling expert acceptable to the Bureau of Evaluation and Planning. | Within 45 days of protocol approval | 7/23/2021 | 7/20/2021 |

| Requirement | Description | Deadline | Required Due Date | Actual Completion Date |
|---------------|---|---|-------------------|--|
| Phase II a)1. | Prior to conducting and modeling or health risk assessment COVANTA ESSEX COMPANY shall provide detailed estimates of all emissions associated with the purple plumes including, but not limited to, iodine and other associated acid gases and, the methodologies used to estimate the amount and duration of the emissions within 45 calendar days of the Effective Date of this ACO. | Within 45 calendar days of effective date of ACO | 11/23/2020 | 11/19/2020 |
| Phase II a)2. | Within 90 calendar days of the Effective Date of this ACO but prior to conducting and modeling or health risk assessment COVANTA ESSEX COMPANY shall submit a written protocol that is prepared by an independent third party for DEP approval to the Bureau of Evaluation and Planning that is consistent with a) Technical Manual 1002 Guidance on Preparing an Air Quality Modeling Protocol b) Technical Manual 1003 Guidance on Preparing Risk Assessment for Air Contaminant Emissions. | Within 90 days of effective date of ACO | 1/7/2021 | 1/7/2021 |
| | Response to NJDEP comments on air quality modeling protocol received on 2/26/21 | Within 60 days of receipt of comments | 4/26/2021 | 4/21/2021 |
| Phase II a)3. | Once reviewed and approved by the Department, an independent third party shall conduct the modeling and risk assessment consistent with the protocol approval and submit results within 45 calendar days of Department approval. | Within 45 calendar days of protocol approval | 7/23/2021 | 7/20/2021 |
| Phase II a)4. | If upon completion of DEP's review of the modeling and risk assessment identified in Phase 2, Paragraph a.3 of this ACO, there are verified findings that the emission of the purple plumes caused a non-negligible health impact (See NJDEP Division of Air Quality Technical Manual 1003) to the public, Covanta shall disclose the findings to the public. In doing so, Covanta is encouraged to include posting the findings on its website. Covanta will disclose the non-negligible health impact within 5 days of receiving the verified findings. | Within 5 days of receiving non-negligible health impact results | NA | No non-negligible health impacts identified |
| Phase II b) | A mitigation plan shall be submitted to the Department for inclusion into COVANTA ESSEX COMPANY's Solid Waste and Title V permits. The mitigation plan shall consider findings from the evaluation of waste generators and how tipping floor procedures can be adjusted to improve a visual assessment of waste deliveries. Upon approval, the mitigation plan shall be referenced in the pending Title V Operating Permit renewal (BOP170001) under review by the Department and shall be incorporated into the renewal of the current Solid Waste Facility Permit (RRF190001) which expires February 23, 2021. | Plan shall be submitted upon approval by the Department of the protocols and procedures required to be submitted under Phase I e) within 90 days of effective date of ACO | 1/10/2022 | Modification of O&M manual to include procedures was submitted in response to SW Operating Permit NOD on 1/10/22. Response to second technical NOD submitted on 5/9/22. This will also be incorporated in the Title V renewal. |

| Requirement | Description | Deadline | Required Due Date | Actual Completion Date |
|-------------|---|--|-------------------|--------------------------|
| Phase II c) | COVANTA ESSEX COMPANY shall provide a written report detailing efforts made at the facility located in Lancaster PA and operated by Covanta Lancaster, Inc. The report shall include information that explains the formation of purple plumes including the estimated iodine feed rate where the creation of a plume event has been made. | Within 60 calendar days of effective date of ACO | 12/8/2020 | 12/7/2020 |
| Item 14 | All reports submitted to the Department shall be made available on COVANTA ESSEX COMPANY's website within one week of being submitted to the Department. This requirement shall exclude the report required and identified in Phase II, paragraph c. | Within 1 week of submittal of any required report to NJDEP. | Ongoing | Completed as applicable. |
| Item 17 | COVANTA ESSEX COMPANY shall submit progress reports to the Department by the first calendar day of every other month beginning 30 calendar days from the Effective Date of this ACO. Each report shall explain the status of COVANTA ESSEX COMPANY's compliance with the Compliance Schedule required by this ACO and shall include, but not be limited to, the following: A. identification of the site and reference to this ACO; B. the status of permitting and planning approvals, and any work at the site and progress to date; C. difficulties or problems encountered during the reporting period, and actions taken to rectify any difficulties or problems; D. activities planned for the next reporting period; E. the required and actual completion dates for each item required by this ACO; F. an explanation of any non-compliance with the compliance schedule; and G. evaluation of all corrective measures implemented to date. | First calendar day of every other month beginning 30 calendar days from the effective date of ACO. | 11/1/2022 | 11/1/2022 |
| Item 18 | In settlement of the violations cited in the above findings, COVANTA ESSEX COMPANY shall pay a penalty of \$24,400 (Twenty Four Thousand, Four Hundred Dollars) by check made payable to the "Treasurer, State of New Jersey" and remitted to the Division of Revenue at the address stated on the enclosed invoice(s) within thirty (30) calendar days of the Effective Date of this ACO. | Within 30 calendar days of effective date of ACO | 11/9/2020 | 11/5/2020 |