



LEAGUE OF WOMEN VOTERS®
OF NEW JERSEY

October 14, 2015

Hazardous Waste Facility Siting Team Leader
Hazardous Waste Department
Pennsylvania Department of Environmental Protection
2 East Main Street
Norristown, PA 19401

Re. Comments on Elcon Site Permit by the League of Women Voters of New Jersey

To Whom it May Concern:

The League of Women Voters believes that natural resources should be managed as interrelated parts of life-supporting ecosystems. Pollution of these resources must be controlled in order to preserve the physical, chemical and biological integrity of ecosystems and to protect public health.

The League of Women Voters of New Jersey believes in decision-making processes that provide for ample and effective opportunities for public participation. This is especially relevant to the site selection and suitability of the facility that Elcon Recycling Services, LLC has proposed for treating hazardous and radioactive waste in Morrisville, Falls Township, Pennsylvania. We are disappointed to be told at this late stage that the Pennsylvania Department of Environmental Protection will not allow the 2 week extension that would have provided one full month for the written comment period. This is particularly inappropriate since Elcon has substantially changed the design of the facility in their re-submission.

The LWVNJ supports a full Environmental Impact Statement assessing the short and long term environmental impacts this facility will have on air, water and land; an examination of alternative sites and methods of treatment and disposal; a comparison of the short-and long-term costs - such as liability insurance; post-closure maintenance; groundwater, surface water, and air monitoring; and a full evaluation of the potential loss of land or water resources due to contamination.

We join with our sister Leagues in Pennsylvania and Delaware in their request that an independent PADEP Environmental Impact Analysis be performed, subject to public review and comment, prior to the issuance of a siting permit.

Elcon will treat and store 175,000 tons of commercial hazardous waste a year consisting of over 500 different contaminants from mining and drilling, pharmaceutical, paint and other operations. The waste stream will contain a variety of organic and inorganic chemicals, including solvents and heavy metals like mercury, cadmium and lead. Wastewater from the hydraulic fracturing for natural gas will contain bromides, radioactive materials, and endocrine disruptors.

Elcon will be baking this hazardous waste in a thermal oxidizer, producing over 2 tons of hazardous sludge per day and 5,000 tons of hazardous salts per year. In their most recent application they claim that air emissions will meet all standards, with zero wastewater discharges. Not only is this an unproven technology, there are serious questions about Elcon's compliance problems at its facility in Israel.

In August 2015, the Israel Ministry of Environmental Protection proposed to significantly protect the public health in the Haifa Bay community by reducing air pollution and environmental risks. One of the methods for accomplishing this depends on four hazardous material facilities relocating to another area. One of these facilities is the Elcon Recycling Center.

It is presently the only facility of this type that Elcon operates. It is designed with a wastewater discharge – like the one that Elcon had originally proposed to the PADEP. According to the Clean Air Council, this facility exceeded the standards of Israel's Environmental Protection Ministry for various pollutant levels in its discharged water in April of 2013. It released illegal levels of Total Organic Carbon, Chloride, Potassium, Sulfates, Copper and Nickel. It also routinely exceeded levels of sulfide emissions and Halogenated Organic Compounds, and exceeded the Chromium limit in August of 2012.

Elcon's compliance problems should be a serious concern to the PADEP, and raise doubts about its ability to follow Departmental regulations. It has one plant operating in Israel. It was purchased in 2014 by another Israeli company. It is a Limited Liability Corporation. What reliable assurances will the PADEP accept on behalf of the public that will insure that Elcon will assume all the liability and costs should there be a major explosion, fire, spill, tank rupture that extensively contaminates the air and the Delaware River?

Knowing this, the PADEP is unambiguously responsible to fully investigate Elcon's enforcement history in Israel – not later in the permitting process, but now, as part of its Phase I review.

The facility would be sited less than a half mile from the Delaware River, a source of drinking water and agricultural irrigation for millions of residents of New Jersey, Pennsylvania and Delaware. There are several wetlands and small waterbodies on the 33 acre site, which is at an elevation of only 20 feet above sea level. Railcars will pass within the 50-foot buffer that is specifically established to keep hazardous waste away for ecologically sensitive wetlands. The PADEP is on record stating that they may use their administrative discretion to allow this because Elcon will not stage any of the railcars in the 50-foot encroachment. The LWVNJ urges the PADEP not to waive this important protective element of the regulations because of the potential for accidental spills.

Elcon has determined that the facility will be sited outside of the 100-year flood plain. Based on the Recommendations of the DRBC Flood Advisory Committee for more effective Floodplain Regulations in the Delaware River Basin (Oct 2009), critical facilities such as hazardous waste facilities should be sited outside the 500-year floodplain because destructive flooding and hurricanes are becoming increasingly common.

The DRBC Recommendations were reinforced by a recent Princeton University study that assessed how the impacts from sea-level rise and Hurricane Sandy-like storms are predicted to occur with greater intensity and frequency due to global warming. Storm water runoff in the watershed has increased with the significant

changes in land use and population over the past 60 years. Concepts like the “100-year floodplain” and the 1955 “Flood of Record” are not necessarily reliable predictors anymore. The LWVNJ cautions the PADEP against siting a hazardous waste chemical facility within the 100 or the 500-year floodplain.

Air pollution doesn't respect political boundaries. Prevailing winds will send toxic air emissions to populated neighborhoods in Burlington and Bordentown, New Jersey.

Elcon has applied for an air permit as a minor source for the present. But in severe non-attainment areas for ozone, facilities emitting 25 tons of NOx per year are major, not minor sources.

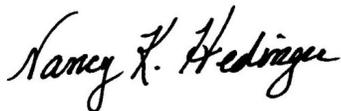
In Table 3-1 of the original application, their estimate for emissions of nitrogen oxides (NOx) from both the treatment process and from their 20 million BTU boiler is 22.86 tons per year. In a table in Section 2.1.5, Footnote 1 states that Elcon will be seeking to increase their permitted emissions to 25 tons per year. And this is from their original application, the only one with the proposal for these emissions that is presently available for review, according to the Clean Air Council - when the design included a release to surface water as well as to the air.

One of the ingredients for ozone is NOx. In 1999, EPA named the Philadelphia-area as a severe non-attainment area for ozone pollution. In 2014, Bucks County was second only to Pittsburgh and Philadelphia for days with elevated levels of ozone. The LWVNJ recommends that the PADEP scrutinize the NOx emissions proposed in the current application - which is now designed for releasing all pollutants to the air - to be certain that Elcon's air permit is accurately designated, and does not further degrade the region's ambient ozone levels.

The LWVNJ believes that the PADEP treat this proposal with caution and meticulously consider its potential as a major source of pollution in a vulnerable area.

For these reasons, and those expressed by the League of Women Voters of Delaware and the League of Women Voters of Pennsylvania, we request that an independent Pennsylvania Department of Environmental Protection Environmental Impact Analysis be performed, subject to public review and comment, prior to the issuance of a permit to site the Elcon Industries hazardous waste treatment facility in Falls Township, Pennsylvania.

Sincerely,



Nancy Hedinger
President
League of Women Voters of New Jersey
204 West State Street
Trenton, New Jersey 08608