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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF ENFORCEMENT

DATE: May 16, 1977
SUBJECT: Emissions Offset Policy-City of Philadelphia
FROM: Director, Division of Stationary Source Enforcement
TO: Howard R. Heim, Chief
Air Programs Branch, Region III

This is in response to your memo dated April 8, 1977, requesting a determination of applicability concerning a proposed refuse-fired steam generator to be located in the city of Philadelphia. After reviewing the information submitted in your original request and the consent order with the city of Philadelphia, subsequently submitted to this office, we have determined that the emission decrease effected by the closure of the Bartrum incinerator cannot be used to offset the emissions from the proposed new refuse-fired steam generator.

Paragraph IV. C. (3) at page 55529 of the interpretative ruling states that "a source may be credited with emission reduction achieved by shutting down an existing source or permanently curtailing production or operating hours below that which existed at the time the new source application was submitted." Since the Bartrum incinerator was closed prior to submittal of the application for the new source, emission offsets allowed under this paragraph are not appropriate.

The footnote to this paragraph further states "however, where an applicant can establish that it shut down or curtailed production after SIP approval as a result of enforcement action providing for a new source as a replacement for the shutdown or curtailment, credit for such shutdown or curtailment may be applied to offset emissions from the new source." The consent order states that the Bartrum incinerator shall cease operation commensurate with the date for the delivery of trucks needed for the run between various transfer facilities and the landfills. Since Bartrum was to be used after this date solely as a transfer station and its closure did not provide for the construction of the refuse-fired steam generator, emission offset credit cannot be allowed.

If you have any questions on this please contact Rich Biondi (755-2564) of my staff.

Edward E. Reich

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

SUBJECT: Acceptability of Emission Offsets Proposed
by the City of Philadelphia
FROM: Howard R. Heim, Chief
Air Programs Branch, 3AH10
TO: John B. Rasnic, Chief
Compliance Monitoring Branch, EN-341

Please advise us as to whether you consider the emission offsets

proposed by the City of Philadelphia, and described below, acceptable under the Offset Policy.

The City plans to construct a refuse-fired steam generator which will emit more than 100 tons per year of particulate matter. To comply with the requirements of the Policy, the City proposes to use as offset credit the particulate emissions reductions that resulted from the shutdown in 1975 of the City's Bartrum incinerator. This shutdown was required by a consent order between EPA and the City.

1. The new facility has been planned since 1971 as a replacement for the Bartrum incinerator.

2. The new facility will be located at approximately the same site as the old incinerator and therefore the emission offset will produce a positive net air quality improvement in the affected area.

3. The proposed offset will produce a 2 to 1 reduction in particulate emissions.

Although we believe the City may have a valid argument for its position, I am requesting your decision on this matter before we inform the City of the acceptability of the proposed offsets. Enclosed are relevant documents submitted to us by the City.

If you have any questions concerning this issue, please contact me or Mr. Jim Sydnor of my staff at 8/597-8181.

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

In the Matter of:

CITY OF PHILADELPHIA, DEPARTMENT OF STREETS
840 Municipal Services Building
Philadelphia, Pennsylvania 19107

CONSENT ORDER
Findings of Fact

1. The City of Philadelphia, Department of Streets (City), operates six municipal waste incinerator facilities, as follows:
 - a. East Central - Delaware Avenue and Spring Garden Street (Continuous Feed incineration)
 - b. Northwest - Domino Lane and Umbria Street (continuous)
 - c. Northeast - Delaware Avenue and Wheatshaf Lane (batch feed incineration)
 - d. Southeast - Seventh Street and Pattison Avenue (batch)
 - e. Bartram - 51st Street and Grays Avenue (batch)
 - f. Harrowgate - "G" Street and Ramona Avenue (batch)
2. With the exceptions of Southeast and East Central, each facility has the capability of serving, and does serve, as a transfer facility for landfill operations. Such operations are an integral part of the Department of Streets' solid waste management system.
3. Present operating conditions at five of the incinerator facilities (excluding Northwest) are such that each emits particulate matter in excess of 0.2 lbs/1000 lbs. of gas, adjusted to 12% CO₂, which is the limit imposed in the federally approved Philadelphia regulations relating to incinerators.

Conclusions of Law

The omission of particulate matter from five of the incinerator facilities (excluding Northwest) of the Department of Streets, City of Philadelphia causes air pollution, as the term is defined in the Commonwealth of Pennsylvania Air Pollution Control Act, as amended, 35 P.S.

Section 4001 et seq. That Act, as well as "Regulations of the Air Pollution Control Board, City of Philadelphia,

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Relating to Control of Incinerators" are contained in the Implementation Plan which was approved in part by the Administrator of the Environmental Protection Agency on May 31, 1972, pursuant to Section 110 of the Clean Air Act of 1970, 42 USCA Section 1857 c-5, 40 CFR Section 52.202 et seq., 37 F.R. 10842, 10889, (May 31, 1972).

Compliance Program

The following compliance program deals with three of the six incinerators. A similar program has been established for the other three incinerators.

1. Southeast:
This facility currently lacks waste transfer capability. The City shall provide for such capability on the following schedule:

Completion of Engineering Work: August 15, 1974
Preparation of Bids: October 15, 1974
Awarding of Bids: November 15, 1974
Beginning of Site Construction: February 1, 1975
Completion of Construction: June 1, 1975
2. Bartram:
This facility shall cease incineration operations on the date on which the truck delivery specified in Paragraph 4 occurs. Bartram shall then operate solely as a transfer station.
3. Northeast:
This facility shall cease incineration operations on the date on which the truck delivery specified in Paragraph 4 occurs. Northeast shall then operate solely as a transfer station.
4. Landfill Operations:
For efficient servicing of the landfill component of the City's solid waste system, 46 tractor trailer vehicles are needed for the run between the various transfer facilities and the landfills. The necessary vehicles shall be acquired as follows:

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Original order of 22 trucks - completed as of date of this Consent Order
Additional Order of 20 trucks - November 1, 1974
Delivery of Original Order - July 1, 1975
Delivery of November 1, 1974 Order - January 1, 1976

The vehicles shall be added to the present fleet of 29 trucks upon their receipt, and Southeast, Bartram and Northeast Incinerators shall cease incineration operation, as set forth in Paragraphs 1, 2, and 3 respectively. The shutdowns shall occur in each case as soon as sufficient trucks are available to service the facility in question. The fleet will thereafter be operated, maintained, and periodically augmented in such a way that 46 or more vehicles will be in regular service for landfill operations. If trucks are delivered before the dates set forth above, the terms of this paragraph shall be effective on the date of such delivery.

5. The City shall use its best efforts to complete the actions required of it within the time limits set forth herein; provided, that if the City is delayed in the implementation of these compliance plans by strikes, lockouts, fire, unavoidable casualties, delays in equipment deliveries, labor shortage or any other causes beyond the reasonable control of the City, then the dates specified in this Order shall be extended for a period of time which requires compliance to be achieved as expeditiously as practicable. The reporting of such delays shall be in accordance with para. 6.

6. Reporting Agreement:

It is the responsibility of the City to provide the Region III office of the U.S. Environmental Protection Agency (EPA) with the following information:

- a. Reports of the meeting of the increments of progress in installation of transfer facilities at Southeast, as specified in para. 1.
- b. Reports of the cessation of incineration at Southeast, Bartram and Northeast, as specified in para's. 1, 2, and 3 respectively.
- c. Reports of the meeting of the increments of progress in the acquisition of vehicles, as specified in para. 4. In addition, reports shall be made on October 1, 1974; January 1, 1975; March 1, 1975 and May 1, 1975, concerning estimated delivery dates.

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- d. Such other information as the City determines will be helpful in enabling the U. S. Environmental Protection Agency to monitor the City's progress in meeting this compliance program.

Reports shall be in writing, and will be sent to the Air Compliance Branch, Enforcement Division, Region III office, with copies sent to Air Management Services, City of Philadelphia.

AND NOW, this day of , 1974 the Environmental Protection Agency hereby issues this Order.

Daniel J. Snyder, III
Regional Administrator
Environmental Protection Agency
Region III

The City of Philadelphia, Department of Streets, hereby consents to the terms of this Order, and agrees to comply with all requirements contained herein.

Furthermore, City of Philadelphia, Department of Streets, waives its right to receive a Notice of violation prior to the issuance of this Order, as required by Section 113(a)(1) of the Clean Air Act, (42 U.S.C. Section 1857c-8(a)(1)), and the right to request a conference as required by Section 113(a)(4) of the Clean Air Act (42 U.S.C. Section 1857c-8(a)(4)).

AND NOW, this 3rd day of October , 1974 the City of Philadelphia, Department of Streets, by its duly authorized officer, consents to the issuance of this Order.

City of Philadelphia
Department of Streets

BY _____
David J. Damiano
Commissioner,
Department of Streets

The City of Philadelphia, Air Management Services has been notified of the proceedings, and hereby concurs in the issuance and terms of this Consent Order. Air Management Services also waives its right to be notified, under Section 113(a)(1) of the Clean Air Act, of the violation.

BY _____
William Reilly
Asst. Health Commissioner
Air Management Services