

United States Environmental Protection Agency, Region 5  
Air Programs Branch  
Air & Radiation Division  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Response to Comments on  
EPA's Draft Revised Air Pollution Control Title V Permit to Operate  
No. V-IL-1716300103-2014-10 for

Veolia ES Technical Solutions, L.L.C.  
Sauget, Illinois

June 2019

## NOTICE

This document contains EPA's responses to all significant comments that EPA received on the draft revised Clean Air Act Title V Permit No. V-IL-1716300103-2014-10 (Draft Permit) for Veolia ES Technical Solutions, L.L.C., Sauget, Illinois (Veolia). Veolia is a hazardous waste storage and disposal facility located at 7 Mobile Avenue, Sauget, Illinois. EPA issued the Draft Permit on July 13, 2018 and the public comment period ran from July 13, 2018 to November 5, 2018. EPA held a public hearing on August 21, 2018 in Room 2083 of Building B of the Southern Illinois University Edwardsville-East St. Louis Higher Education Campus at 601 James R. Thompson Boulevard, East St. Louis, Illinois from 5:15 p.m. to 7:20 p.m. Along with this response to comments document, EPA is issuing the final Title V permit to Veolia.

Due to the variety of comments received, EPA has grouped the significant comments into subject areas, with each subject area focusing on a different aspect of EPA's proposal. While we have made every effort to group the significant comments into subject areas, some comments inevitably overlap multiple subject areas. For this reason, EPA encourages the public to read all the subject areas specified in this document.

In some cases, EPA has included verbatim the text of comments extracted from the original letter or public hearing transcript. However, to ensure clarity and conciseness, EPA has paraphrased or shortened many of the comments. For each comment, we have provided the name and affiliation (when available) of the commenter, and the docket document identification number assigned to the comment letter or submission. In some cases, the same comment was submitted by two or more commenters. Rather than repeat these comments for each commenter, EPA has listed the comment only once and identified the commenters who submitted the same or a very similar comment. For details on each comment, we refer the reader to the referenced documents under each comment, which are found at [www.regulations.gov](http://www.regulations.gov), docket ID. [EPA-R05-OAR-2014-0280](https://www.regulations.gov/document/EPA-R05-OAR-2014-0280).

EPA's responses to comments are generally provided immediately following each comment. However, in instances where several commenters raised similar or related issues, EPA provided a single response. In addition, there are cross-references in some responses to prior responses that address related subject matter.

EPA notes that most commenters included lengthy introductory statements and timelines in their comment documents. These commenters also included sections in their comment documents that they specifically identified as comments on the Draft Permit. EPA may address some of the introductory statements in the context of responses to specific comments but is not specifically addressing the parts of the comment documents that were not identified as comments on the Draft Permit. EPA's decision to treat these portions of the comment documents in this manner

does not in any way suggest that EPA agrees with or endorses the introductory statements or timelines made by these commenters.

Note that EPA's reference, in this or any other document, to any specific commercial product, process, or service by trade name, trademark, or manufacturer does not constitute or imply its endorsement, recommendation, or favoring by EPA.

Copies of this document, the final permit, the Statement of Basis for the Draft Permit, and other documents associated with this permit action are available by visiting [www.regulations.gov](http://www.regulations.gov), docket ID. EPA-R05-0AR-2014-0280.

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## ACRONYMS AND ABBREVIATIONS

40 C.F.R.	Title 40 of the Code of Federal Regulations
42 U.S.C.	Title 42 of the United States Code
ABC	American Bottom Conservancy
ACI	Activated Carbon Injection
Act	Clean Air Act
ADR	Alternative Dispute Resolution
AWFCO	Automatic Waste Feed Cut-Off System
BP	BP North America, Inc.
CAA	Clean Air Act
CEMS	Continuous Emissions Monitoring System
CMS	Continuous Monitoring System
CO	Carbon Monoxide
CPT	Comprehensive Performance Test
DDT	The common name for the pesticide dichlorodiphenyltrichloroethane
Draft Permit or July 2018 Draft Permit	The draft revised Clean Air Act Title V Permit No. V-IL-1716300103-2014-10 that EPA issued for public comment on July 13, 2018, for Veolia ES Technical Solutions, L.L.C.
EAB	Environmental Appeals Board
EJ	Environmental Justice
EPA	United States Environmental Protection Agency
EJSCREEN	EPA’s environmental justice area screening tool
FAP	Feedstream Analysis Plan
FR	Federal Register
HAP or HAPs	Hazardous Air Pollutants – Also known as toxic air pollutants or air toxics, these are pollutants known or suspected to cause cancer or other serious health effects, such as reproductive effects or birth defects, or adverse environmental effects.
HCl	Hydrogen Chloride
HWC	Hazardous Waste Combustor

HWC NESHAP or HWC MACT	National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors (HWCs), 40 C.F.R Part 63, Subpart EEE
IAQ	Indoor Air Quality
Illinois EPA	Illinois Environmental Protection Agency
LVM	Low Volatility Metals (Arsenic, Beryllium and Chromium)
MACT	Maximum Achievable Control Technology
µg/dscm	Micrograms per dry standard cubic meter
NAACP	The National Association for the Advancement of Colored People
NAAQS	National Ambient Air Quality Standard
NATA	National Air Toxics Assessment
NEIC	The National Enforcement Investigations Center
NEJAC	The National Environmental Justice Advisory Council
NESHAP	National Emission Standards for Hazardous Air Pollutants
NOC	Notification of Compliance
NO <sub>x</sub>	Nitrogen Oxides
NPL	National Priorities List
NSPS	New Source Performance Standard
OPLs	Operating Parameter Limits
PHA	Public Housing Authority
Plan EJ 2014	EPA's Roadmap for Integrating Environmental Justice Into Its Programs, and Policies, September 2011
PM <sub>2.5</sub>	Particulate Matter with an aerodynamic diameter less than or equal to 2.5 micrometers
RCRA	Resource Conservation and Recovery Act
Region 5	EPA's Midwest Regional Office, located at 77 West Jackson Boulevard, Chicago, Illinois. This office serves Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin and 35 federally recognized tribes within the states of Michigan, Minnesota and Wisconsin
RMP	Risk Management Plan
RTC	Response to Comment

SCAQMD	South Coast Air Quality Management District
SIP	State Implementation Plan
SO <sub>2</sub>	Sulfur Dioxide
SOB	Statement of Basis
SVM	Semivolatile Metals (Lead and Cadmium)
TCEQ	Texas Commission on Environmental Quality
Title V permit	A permit issued pursuant to Title V of the Clean Air Act and its implementing regulations at 40 C.F.R. Part 71 or issued by state and local permitting programs based on 40 C.F.R. Part 70
TRI	Toxics Release Inventory
µg/dscm	Micrograms per dry standard cubic meter
U.S.	United States of America
Veolia	Veolia ES Technical Solutions, L.L.C., Sauget, Illinois
VOC	Volatile Organic Compounds
Xact	Xact™ Multi-metals Monitoring Device
Xact 625 or Xact 640	Ambient air and exhaust stack versions of the Xact™ Multi-metals Monitoring Device, respectively

## I. SUMMARY OF PERMIT ACTION

The Clean Air Act (CAA or Act) requires an operating permit – known as a Title V permit – for facilities that emit or have the capacity to emit large amounts of air pollution, and for certain types of facilities that must comply with specific federal air pollution standards. Veolia owns and operates a commercial hazardous waste storage and disposal (by incineration) facility at 7 Mobile Avenue in Sauget, Illinois. Sauget is located south of and directly adjacent to the City of East St. Louis. Veolia is required to obtain a Title V permit to operate the Sauget facility because the facility is subject to federal air pollution standards for hazardous waste incinerators – National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors, 40 C.F.R. Part 63, Subpart EEE (HWC NESHAP), and because the facility has the capacity to emit large amounts of air pollution. *See* 40 C.F.R. § 71.3.

The Title V operating permit program generally does not impose new substantive air quality control requirements, but it does require that each permit contain adequate monitoring, recordkeeping, reporting, and other requirements to assure compliance with applicable requirements.<sup>1</sup> One purpose of the Title V program is to “enable the source, States, EPA, and the public to understand better the requirements to which the source is subject, and whether the source is meeting those requirements.”<sup>2</sup> Thus, the Title V operating permit program is a vehicle for compiling the air quality control requirements as they apply to the source’s emission units and ensuring that there is adequate monitoring, recordkeeping, and reporting such that the permit assures compliance with those applicable requirements.<sup>3</sup> *See* [RTC 12](#) and [RTC 38](#), below, for a discussion of the specific requirements that EPA has included in the final permit.

The HWC NESHAP limits the amount of hazardous air pollutant (HAP) metals, such as arsenic, mercury and lead, as well as other pollutants (dioxins and furans, carbon monoxide (CO), hydrocarbons, particulate matter, and hydrogen chloride and chlorine gas), that can be emitted from the facility. All of the HAP metals emitted by hazardous waste combustors, except for the

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<sup>1</sup> *See* *Sierra Club v. EPA*, 536 F.3d 673 (D.C. Cir. 2008); *see, e.g., In the Matter of Piedmont Natural Gas, Inc. Wadesboro Compressor Station*, Petition No. IV-2014-13, Order On Petition (March 20, 2019), at 2.

<sup>2</sup> *In the Matter of Piedmont Natural Gas* at 2; *see also* *Sierra Club v. Johnson*, 541 F.3d 1257, 1260 (11th Cir. 2008) (“Title V does not generally impose new substantive air quality control requirements.”); *Ohio Pub. Interest Research Group, Inc. v. Whitman*, 386 F.3d 792, 794 (6th Cir. 2004) (“Title V does not impose new obligations; rather, it consolidates pre-existing requirements into a single, comprehensive document for each source, which requires monitoring, record-keeping, and reporting of the source’s compliance with the Act.”); *Sierra Club v. Leavitt*, 368 F.3d 1300, 1302 (11th Cir. 2004) (“Title V imposes no new requirements on sources. Rather, it consolidates existing air pollution requirements into a single document ....”); *Lafleur v. Whitman*, 300 F.3d 256, 262 (2d Cir. 2002) (“Although these operating permit programs do not impose new substantive air quality control requirements, the permits themselves must include limitations on emissions and other conditions (such as regular monitoring, recordkeeping, and reporting) necessary to ensure compliance with the provisions of the CAA, including the PSD program (if applicable)”; *United States v. E. Ky. Power Coop., Inc.*, 498 F. Supp. 2d 1010, 1011 (E.D. Ky. 2007) (“Title V permits were not intended to impose new substantive requirements.”) (citing 57 FR 32,250, 32,250 (July 21, 1992)).

<sup>3</sup> *See, e.g., In the Matter of Piedmont Natural Gas* at 2.



volatile metal mercury, are emitted as a portion of the particulate matter emissions. 70 FR 59409. The HWC NESHAP standards require a facility to measure the amount of metals in the waste being burned and compare these measurements to past air emission test results to show that its air pollutant emissions are below the required levels. The standards require the facility to continuously operate certain air pollution control and emissions monitoring devices to minimize emissions and ensure the facility complies with its emission limits. The HWC NESHAP also allows facilities to ask EPA for permission to install other devices that measure air pollutant emissions. EPA may also, on a case-by-case basis, determine that additional monitoring is necessary. 40 C.F.R. § 63.1209(g)(2); *see also* 40 C.F.R. § 71.6(c)(1).

EPA issued a Title V renewal operating permit No. V-IL-1716300103-2014-10, valid for a term of 5 years, to Veolia on January 18, 2017 (hereinafter the January 2017 Permit). *See* Docket ID. EPA-R05-OAR-2014-0280.<sup>4</sup> Among other requirements, the January 2017 Permit required Veolia to implement enhanced feedstream analysis procedures that were intended to provide a comprehensive analysis of the amount of metals that Veolia feeds into each incinerator. The January 2017 Permit also required Veolia to install and operate, for a period of at least 12 calendar months, multi-metals monitoring devices on each of the three incineration units at the Veolia facility. These devices were intended to ensure that the permit's operating parameter limits (OPLs) for metal feedrates were accurately correlated to actual emissions, such that compliance with the OPLs would have assured compliance with the emission limits established by the HWC NESHAP.<sup>5</sup> *See* 40 C.F.R. § 63.1209(g)(2); *see also* 42 U.S.C. 7661c(c); 40 C.F.R. 71.6(c)(1).

On February 15, 2017, Veolia filed a petition with the Environmental Appeals Board (EAB) challenging the January 2017 Permit. *See In re Veolia ES Technical Solutions, L.L.C.*, EAB CAA Appeal No. 17-02. On March 28, 2018, EPA and Veolia finalized a settlement agreement in which Veolia agreed to install and operate activated carbon injection systems (ACI systems) on two incinerators that previously did not have controls for vapor phase mercury and for EPA to propose to make other revisions to the permit consistent with this agreement. *See* CAA § 113(g) Settlement Agreement, EAB Appeal No. 17-02 (2018 Settlement Agreement); 82 FR 52901 (Nov. 15, 2017); and EPA and Veolia Joint Status Report, Unopposed Motion for Voluntary Remand, and Joint Motion to Dismiss without Prejudice if Voluntary Remand is Granted, EAB Appeal No. CAA 17-02, March 28, 2018. On April 3, 2018, the EAB issued an Order granting EPA's motion for voluntary remand of the January 18, 2017 permit, and dismissing Veolia's

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<sup>4</sup> This docket includes the final January 2017 Permit ([www.regulations.gov](http://www.regulations.gov), Document ID. EPA-R05-OAR-2014-0280-0273), the 2017 Response to Comments (Document ID. EPA-R05-OAR-2014-0280-0274), and the Statement of Basis for the 2014 Draft Permit (Document ID. EPA-R05-OAR-2014-0280-0004), among other documents.

<sup>5</sup> Under the HWC NESHAP, comprehensive performance tests (CPTs) are used to establish a correlation between emission limits established by the NESHAP and actual operating conditions—including feedrates of various metals—and to establish those operating conditions that assure that emissions remain below the HWC NESHAP emission limits as enforceable OPLs. *See* 40 C.F.R. 63.1207(b)(1), (d)(1), 63.1209 (l), (n).

petition for review without prejudice. Concurrently, the EAB remanded the permit back to EPA. *See* Order Granting Unopposed Motion for Voluntary Remand and Dismissing Petition for Review, EAB Appeal No. CAA 17-02, April 3, 2018.

On July 13, 2018, pursuant to Title V of the Act, as amended, 42 U.S.C. § 7401, *et seq.*, and its implementing regulations at 40 C.F.R. Part 71, EPA issued for public review and comment a draft revision to the January 2017 Permit (Draft Permit). The Draft Permit incorporated the changes that EPA and Veolia agreed to make pursuant to the 2018 Settlement Agreement. *See* Document IDs. EPA-R05-OAR-2014-0280-0286 (Draft Permit),<sup>6</sup> EPA-R05-OAR-2014-0280-0287 (Statement of Basis for the Draft Permit (2018 SOB))<sup>7</sup> and EPA-R05-OAR-2014-0280-0288 (Draft Permit "Redline" Version).<sup>8</sup> Specifically, the Draft Permit:

- a) Incorporated requirements from the 2018 Settlement Agreement and a preconstruction permit issued by the Illinois Environmental Protection Agency (Illinois EPA) on January 17, 2018 for new ACI systems on Units #2 and #3 (Construction Permit #17120004; document ID. EPA-R05-OAR-2014-0280-0281);<sup>9</sup>
- b) No longer includes the January 2017 Permit's requirements for multi-metals monitoring devices;
- c) Revised the January 2017 Permit's feedstream analysis procedures consistent with the 2018 Settlement Agreement, including the addition of provisions that distinguish sampling and analytical procedures that apply to feedstreams that are likely to contain metals (suspect wastes) from those that apply to feedstreams that are unlikely to contain metals (non-suspect wastes); and
- d) Made other revisions to the January 2017 Permit consistent with the 2018 Settlement Agreement. *See* Statement of Basis for the Draft Permit (2018 SOB; Document ID. EPA-R05-OAR-2014-0280-0287)<sup>10</sup> at Section 2 for a complete listing of changes made.

This permit action does not revise the underlying applicable requirements of the HWC NESHAP or other applicable state or federal requirements. As discussed in the 2018 SOB, the purpose of the current permitting action is to incorporate the changes that EPA and Veolia agreed to make pursuant to the 2018 Settlement Agreement. Those changes do not include any substantive changes to federal or state standards that currently apply to the Veolia facility.

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<sup>6</sup> <https://www.regulations.gov/document?D=EPA-R05-OAR-2014-0280-0286>

<sup>7</sup> <https://www.regulations.gov/document?D=EPA-R05-OAR-2014-0280-0287>

<sup>8</sup> <https://www.regulations.gov/document?D=EPA-R05-OAR-2014-0280-0288>

<sup>9</sup> <https://www.regulations.gov/document?D=EPA-R05-OAR-2014-0280-0281>

<sup>10</sup> <https://www.regulations.gov/document?D=EPA-R05-OAR-2014-0280-0287>

## II. PUBLIC COMMENTS WITH RESPONSES

### A. PUBLIC PARTICIPATION

1. **Comment:** *At multiple steps in this process, EPA has shown an abysmal lack of dedication to the community members who are supposed to be participants in this public process, and who have the most at stake in this matter. Informing residents of developments in the permitting process should be automatic. However, the news of the public hearing and comment collection was not distributed to local community members. EPA has made it incredibly difficult to comment on this proposal, especially for the people in the community. EPA did not solicit public comment from the affected communities in an open and easily accessible way. A small-print legal listing placed in the back of a newspaper is not adequate notice, and most residents are not going to have any idea they even had a voice in the matter. We are tired of a lack of transparency. In faith terms we believe that everything that is in darkness will be brought to the light. There are people who care but could not make it to the public hearing because they did not get the word quickly enough to participate. Public notice of the public hearing and relevant facts did not reach much of the public before the hearing. Many individuals at the hearing stated they had only recently learned about the hearing and said that they were concerned about the lack of notification or awareness about the hearing. Some commenters mentioned that they had learned of the permit in the days immediately preceding the public hearing, and others indicated they had only learned of the permit the day before the public hearing. This late notice made it harder for them to attend the hearing and provide meaningful comment. Commenters who mentioned learning of the permit late indicated that they learned about it from outside groups, not from the legal notice published in local papers or any outreach activities by EPA. EPA has clearly failed in its goal, as expressed in Plan EJ 2014, to “enhance the ability of overburdened communities to participate fully and meaningfully in the permitting process.” Did EPA bother to look at the regulation that says you have to notify elected officials? Furthermore, the extension of the comment period was poorly publicized, which is unfair to community members who deserve to know all of the current available information on this issue. In the future, public comment periods should be advertised in more than just a tiny newspaper ad, meetings should be held in spaces large enough to accommodate the community, and, once continuous monitoring is installed, community members should be notified if heavy metal levels exceed legal limits. Community members deserve to have a say in this issue, because it has a direct impact on their health and daily lives. Please do better.*

See Commenters 137-310, 312, 315, 316, 317, 326, 329, 331, 332, 334, 336, 339, 340, 341, 344, 345, 347, 348.

**EPA Response:** The CAA and its implementing regulations generally require a Title V permitting authority to provide adequate procedural opportunities for public participation during the air permitting process. Specifically, the CAA states that EPA must promulgate regulations establishing a permit program that includes “[a]dequate, streamlined, and reasonable procedures...for public notice, including offering an opportunity for public comment and a hearing...” *See* 42 U.S.C. § 7661a(b)(6). Under EPA’s current regulations, EPA must give public notice when the following actions occur: initial denial of a permit application, issuance of a draft permit, announcement of a public hearing, reopening of a public comment period, and when it grants a permit appeal under 40 C.F.R. § 71.11(l)(3). *See* 40 C.F.R. § 71.11(d)(1). The public notice must be given by the following methods:

- (i) By mailing a copy of a notice to the following persons:
  - (A) The applicant;
  - (B) Affected States;
  - (C) Air pollution control agencies of affected States, Tribal and local air pollution control agencies which have jurisdiction over the area in which the source is located, the chief executives of the city and county where the source is located, any comprehensive regional land use planning agency and any State or Federal Land Manager whose lands may be affected by emissions from the source;
  - (D) The local emergency planning committee having jurisdiction over the area where the source is located, and State agencies having authority under State law with respect to the operation of such source;
  - (E) Persons on a mailing list, including those who request in writing to be on the list;
- (ii) By posting a notice on a public web site identified by the permitting authority for the duration of the public comment period; and
- (iii) By any other method reasonably calculated to give actual notice of the action in question to the persons potentially affected by it, including press releases or any other forum or medium to elicit public participation.

See 40 C.F.R. § 71.11(d)(3). Importantly, 40 C.F.R. § 71.11 was revised in 2016 to remove the mandatory requirement to provide public notice of a draft air permit through publication in a newspaper, and instead the regulations now require electronic notice (e-notice) for EPA actions. 81 FR 71627 (Oct. 18, 2016). The 2016 change implemented many of the recommendations of the National Environmental Justice Advisory Council (NEJAC) in its 2011 report for improving noticing methods for reaching underserved and environmental justice (EJ) communities, including:

- To ensure meaningful public participation, the public notice and outreach process must include direct communication in appropriate languages through telephone calls and mailings to EJ and tribal communities, press releases, radio announcements, electronic and regular mail, website postings and the posting of signs (where local zoning laws may also apply for example).
- Notification of the public by publishing in the legal section of regional newspapers is antiquated and ineffective. This method should not be counted on to communicate, even if legally required.

See “Enhancing Environmental Justice in EPA Permitting Programs,” NEJAC (April 2011), available at <https://www.epa.gov/sites/production/files/2015-02/documents/ej-in-permitting-report-2011.pdf>, pages 20-21 (Recommendations 37 and 38).<sup>11</sup> As EPA noted in its electronic-noticing (e-notice) final rulemaking (81 FR 71627), several comments received on the proposed rule, including comments from air agencies with practical experience implementing e-notice and electronic access (e-access), strongly supported e-notice and e-access through website postings as more effective in providing public notice of permitting actions to EJ communities than newspaper notice alone.

EPA used various notice methods to announce the availability of the Draft Permit for public comment as well as EPA's plan to hold a public hearing. Specifically, we utilized the following methods:

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<sup>11</sup> See also

- the “1996 NEJAC Model Plan for Public Participation” (<https://www.epa.gov/sites/production/files/2015-02/documents/recommendations-model-guide-pp-2013.pdf>) as updated in 2013 (<https://www.epa.gov/sites/production/files/2015-02/documents/recommendations-model-guide-pp-2013.pdf>);
- the February 11, 1994 Executive Order 12898 entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” (<https://www.epa.gov/environmentaljustice/federal-actions-address-environmental-justice-minority-populations-and-low>);
- Plan EJ 2014 (<https://www.epa.gov/environmentaljustice/plan-ej-2014>); and
- the “EPA Region 5 Regional Implementation Plan to Promote Enhanced Public Participation in Permitting Actions” ([https://www.epa.gov/sites/production/files/2016-12/documents/r5\\_permitting\\_and\\_engagement\\_plan\\_2016\\_update.pdf](https://www.epa.gov/sites/production/files/2016-12/documents/r5_permitting_and_engagement_plan_2016_update.pdf))

- We created a dedicated public website from which we updated the public on all proposed permitting actions for Veolia's Sauget facility. *See* <https://www.epa.gov/caa-permitting/veolia-sauget-air-permitting>. Through this website, members of the public could download, at any time, copies of the Draft Permit and all publicly-available supporting documents.
- We maintained a contact list of members of the public who previously expressed interest in receiving notifications about air permitting actions at the facility. The contact list includes each member of the public who has previously filed comments on a proposed Title V permit for Veolia's Sauget facility, or who has attended any one of the multiple public hearings we have held on the Title V permit for this facility. Our contact list also includes those entities to whom notification must be provided pursuant to 40 C.F.R. § 71.11(d)(3), including Illinois EPA and local government officials. Using this contact list, we notified members of the public by electronic mail (if the recipient has provided us with their e-mail address) or by regular mail. As provided by 40 C.F.R. § 71.11(d)(3)(i)(E), EPA notified the public of the opportunity to be put on the mailing list by including a statement in the public notice and by making available a sign-up sheet at the public hearing. We updated the contact list whenever we received updated contact information.
- We communicated by telephone and email with representatives of at least one community organization, American Bottom Conservancy (ABC),<sup>12</sup> regarding proposed permit actions. Through these communications, we sought suggestions on ways that EPA could improve its public notification process.
- We issued a press release when the proposed permit became available for public comment.<sup>13</sup>
- We published notices in the legal sections of three area newspapers: the St. Louis Post Dispatch, the Belleville News Democrat and the East St. Louis Monitor.

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<sup>12</sup> ABC, through its representatives at the Interdisciplinary Environmental Clinic, Washington University in St. Louis School of Law, has been one of the most active community organizations in the Sauget area. ABC has previously expressed interest in receiving notifications about permitting actions at Veolia and has consistently filed comments on proposed permits.

<sup>13</sup> There were multiple press reports on the Draft Permit and public hearing, including reporting by St. Louis Public Radio (*See* <https://news.stlpublicradio.org/post/environmental-groups-demand-stronger-air-quality-controls-metro-east-incinerator#stream/0> and <https://news.stlpublicradio.org/post/air-quality-plan-metro-east-incinerator-may-relax-heavy-metal-monitoring-requirements#stream/0>) and the Belleville News-Democrat (*See* <https://www.bnd.com/news/local/article217067815.html>)

- We posted signs at the public hearing venue notifying the public of the location for the public hearing.
- We held the August 21, 2018 public hearing in a meeting room that was large enough to accommodate everyone who attended.<sup>14</sup> The public hearing began at approximately 5:15 p.m. and proceeded until all attendees who wished to speak had an opportunity to do so, concluding at approximately 7:20 p.m. See Document ID. EPA-R05-OAR-2014-0280-0330.<sup>15</sup> See also [response to comment \(RTC\) 7](#), below.
- Based on the feedback we received at the August 21, 2018 public hearing, we distributed mass-mailers announcing our decision to extend the public comment period for 60 days. The U.S. Postal Service distributed the mass-mailers on October 1 and 2, 2018 to each postal address within one mile of the Veolia facility (2,272 addresses).

The commenters are incorrect in their suggestion that EPA did not notify local elected officials as these officials are included in the mailing list discussed above. Specifically, consistent with 40 C.F.R. § 71.11(d)(3), we notified the following local officials and offices:

- Office of the Mayor, City of East St. Louis;
- Village of Sauget Office;
- Village of Cahokia Office;
- City of East St Louis Fire Chief;
- East Side Health District Public Health Department;
- City of Saint Louis Department of Air Pollution Control;
- Southern Illinois University Edwardsville, School of Nursing;
- St. Clair County Health District;
- St. Clair County Health District;
- Washington University in St. Louis;
- Missouri Department of Natural Resources;
- Office of the Attorney General; and
- Illinois EPA.

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<sup>14</sup> EPA acknowledges that the initial room provided by the venue was not large enough to hold the persons gathered and EPA changed rooms approximately 20 minutes before the public hearing began. EPA kept a staff member at the original location to direct persons seeking to attend the hearing up until shortly before the hearing started, and also left signage at the original location and instructed University personnel working near the original location regarding where to send persons seeking to attend the hearing.

<sup>15</sup> <https://www.regulations.gov/document?D=EPA-R05-OAR-2014-0280-0330>



We therefore disagree with the suggestion that EPA did not adequately notify the public regarding its proposed actions. In fact, we believe that EPA has exceeded the requirements of the CAA and its implementing regulations pertaining to public notice. We believe that the public was in fact adequately notified of the Draft Permit and public hearing.

2. **Comment:** *EPA should extend the public comment period to provide the public with additional time to review the Draft Permit and supporting documents.*

See Commenters 316, 323, 350.

**EPA Response:** In response to public requests, EPA extended the end of the public comment period for 60 days, from September 5 to November 5, 2018, bringing the total public comment period to 115 days (i.e., from July 13 to November 5, 2018). See Document ID. EPA-R05-OAR-2014-0280-0303.<sup>16</sup> See also [RTC 5](#), below.

3. **Comment:** *The extension of the public comment period is one step in the right direction, but the EPA must keep community residents updated once the monitoring equipment demonstrates what levels of toxic heavy metals are present. There must be a public announcement to all community members if the levels are found to be at a level considered to be unsafe. EPA must release a plan that details how they will notify the public and interested parties in this event. The health of the community should be the number one priority in all decisions made regarding this site. During this round of the public comments process, the EPA should announce exactly how they intend to communicate this information to residents when it becomes available. EPA should be coming into the community and asking them what else they need not just for Veolia but for the other corporate polluters who are probably operating on a lot of old and outdated permits.*

See Commenters 137-310, 315, 321, 332, 336, 340, 341.

**EPA Response:** EPA concurs that it is appropriate to consider enhanced public notification procedures, such as those suggested by this comment, whenever new air monitoring equipment is installed at the Veolia facility and results are provided to EPA. In fact, EPA has in the past worked with regulated entities to publish to a publicly accessible website ambient air monitoring data or a summary of the data collected from EPA-mandated monitoring equipment in EPA Region 5. For example, in 2012, EPA and the U.S. Department of Justice reached an agreement with BP North America, Inc. (BP)

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<sup>16</sup> <https://www.regulations.gov/document?D=EPA-R05-OAR-2014-0280-0303>



in which BP agreed to install, operate and maintain a \$2 million fence line monitoring system at the Whiting Refinery (Whiting, Indiana) and make the data collected available to the public by posting the information on a publicly-accessible website.<sup>17</sup> As further discussed elsewhere in this document, EPA is not requiring that Veolia install additional emissions monitoring equipment as part of the current permitting action; therefore, we are not specifying in the permit additional provisions for enhanced public notification of monitoring data. Should EPA in the future determine that additional fenceline- or stack-based monitoring is appropriate for the Veolia facility, EPA will consider the additional public notification procedures suggested by this comment. However, it would not be appropriate to speculate at this time the specific procedures that EPA would implement for such monitoring since those procedures would be dependent on the purpose of the monitoring, the types of information to be communicated, and the specific audience to be reached, among others.

EPA notes that any member of the public can request monitoring and other data located in EPA's files at any time, although release of certain data (such as trade secret information) is always subject to applicable exemptions from disclosure under the Freedom of Information Act. *See* 5 U.S.C. § 552.

4. ***Comment: I am a civil engineer and when one of our clients wants to develop a new subdivision, the municipality, city or town will notify the neighbors that are going to be impacted. And I did not hear EPA say that that is their procedure. Instead, EPA put a notice in the paper. We do not all read the paper every day from beginning to end. EPA should send the notice to at least the people living within a mile, five miles, or some distance so that they know they are going to be immediately impacted by the action. In my own life, when I am making a decision, I seek out as many different perspectives as possible. In a decision that affects public health, how much more important is it to seek wisdom from as many people as possible? Please do not keep this in the dark. EPA should send letters to all who live within an area affected by the plant just as cities must do when making decisions that will affect neighbors. Those nearby have a basic human right to be informed.***

*See* Commenter 338, 342.

**EPA Response:** As discussed in [RTC 1](#), above, EPA has largely implemented the recommendations included in this comment. We agree that robust public involvement generally leads to more thoroughly vetted decisions. EPA continues to welcome

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<sup>17</sup> *See* <https://www.epa.gov/enforcement/bp-whiting-settlement-flaring>. The fenceline monitoring system continuously monitored benzene, toluene, pentane, hexane, sulfur dioxide, hydrogen sulfide and compounds containing reduced sulfur.

suggestions from the community on how to effectively engage the community in EPA's proposed decisions.

5. **Comment:** *There are persons in the community who can't read and write, they don't listen to the news, they don't have e-mail, but they do breathe the air. They do go to the store, and they probably choose less qualified health and environmental decisions when they smoke, they drink, and they live a nefarious life-style. These are very difficult issues, they take people with scientific knowledge to be the watchman for all of us. They take people who have the tools and the resources. EPA is a special organization in the fact it has the oversight for these specific issues. The American people and the people of this specific community are concerned about who is watching over us if the EPA is not on top of these things. Will there be an opportunity for some review of the permit by these and other people before the final permit is granted?*

See Commenters 324, 334.

**EPA Response:** EPA acknowledges that it has an important role in American life as the federal agency with the mission to protect human health and the environment. EPA air permitting personnel are committed to working to ensure that Americans have clean air, land and water. Reduction of environmental risks is based on the best available scientific information, and federal laws protecting human health and the environment are most effective when administered and enforced as Congress intended and when the public has access to accurate information sufficient to meaningfully participate in managing human health and environmental risks.

As discussed in [RTC 1](#), above, EPA has exceeded the requirements of the CAA and its implementing regulations pertaining to public notice of the availability of, and ways to comment on, the Draft Permit. EPA has provided multiple opportunities for the public to review and comment on the administrative record for the Draft Permit, including the Draft Permit itself, the 2018 SOB, and all data and supporting materials. To accommodate the needs of various members of the public, EPA:

- made certain documents available at multiple locations, including at public libraries in the St. Louis area and on EPA's website (<https://www.epa.gov/caa-permitting/veolia-sauget-air-permitting>). See Public Notice, Document IDs. EPA-R05-OAR-2014-0280-0289<sup>18</sup> and EPA-R05-OAR-2014-0280-0303.<sup>19</sup>

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<sup>18</sup> <https://www.regulations.gov/document?D=EPA-R05-OAR-2014-0280-0289>

<sup>19</sup> <https://www.regulations.gov/document?D=EPA-R05-OAR-2014-0280-0303>

- published public notices announcing the availability of documents for review, and EPA's plan to hold a public hearing on the matter on our website and in three area newspapers. *See* <https://www.epa.gov/caa-permitting/2018-revised-title-v-permit> and Document IDs. EPA-R05-OAR-2014-0280-0289 (Public Notice),<sup>20</sup> EPA-R05-OAR-2014-0280-0291 (Belleville News Democrat),<sup>21</sup> EPA-R05-OAR-2014-0280-0295 (East St. Louis Monitor),<sup>22</sup> and EPA-R05-OAR-2014-0280-0299<sup>23</sup> and EPA-R05-OAR-2014-0280-0300 (St. Louis Post-Dispatch).<sup>24</sup>
- published a press release announcing the public hearing and the availability of permit documents for public review and comment. *See* Document ID. EPA-R05-OAR-2014-0280-0637.<sup>25</sup>

Additionally, following EPA's decision to extend the public comment period, we published a public notice announcing the comment period extension in the Belleville News Democrat. *See* Document ID. EPA-R05-OAR-2014-0280-0641.<sup>26</sup> Further, in response to comments received during the August 21 public hearing, we distributed mass-mailers of a fact sheet to each post office address located within one mile of the Veolia facility on October 1 and 2, 2018. *See* Document IDs. EPA-R05-OAR-2014-0280-0639<sup>27</sup> and EPA-R05-OAR-2014-0280-0640.<sup>28</sup>

EPA believes the actions we have undertaken to notify the public of the availability of the permit documents are above and beyond the minimum requirements for public notification under the CAA and its implementing regulations at 40 C.F.R. Part 71. *See* 40 C.F.R. § 71.11.

EPA has considered all relevant comments received prior to the end of the public comment period and all comments made during the public hearing and has decided to issue the final Title V permit without changes from the Draft Permit. Any person who filed comments or participated in the public hearing may, within 30 days after service of notice of EPA's final permit decision, appeal the permit to the EAB to review any condition of the permit decision. Any person may also petition the EAB to review changes from the draft to the final permit or other new grounds that were not reasonably

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<sup>20</sup> <https://www.regulations.gov/document?D=EPA-R05-OAR-2014-0280-0289>

<sup>21</sup> <https://www.regulations.gov/document?D=EPA-R05-OAR-2014-0280-0291>

<sup>22</sup> <https://www.regulations.gov/document?D=EPA-R05-OAR-2014-0280-0295>

<sup>23</sup> <https://www.regulations.gov/document?D=EPA-R05-OAR-2014-0280-0299>

<sup>24</sup> <https://www.regulations.gov/document?D=EPA-R05-OAR-2014-0280-0300>

<sup>25</sup> <https://www.regulations.gov/document?D=EPA-R05-OAR-2014-0280-0637>

<sup>26</sup> <https://www.regulations.gov/document?D=EPA-R05-OAR-2014-0280-0641>

<sup>27</sup> <https://www.regulations.gov/document?D=EPA-R05-OAR-2014-0280-0639>

<sup>28</sup> <https://www.regulations.gov/document?D=EPA-R05-OAR-2014-0280-0640>

foreseeable during the public comment period, in accordance with 40 C.F.R. § 71.11(l). EAB petitions/appeals should be filed with the Hearing Clerk following the procedures found at the EAB website.<sup>29</sup> Pursuant to 40 C.F.R. § 71.11(i)(2), the final permit will become effective 30 days after the service of notice of EPA's decision to issue the permit unless the permit is appealed to the EAB as discussed above. If the permit is appealed, the specific terms and conditions of the permit which are the subject of the appeal will be stayed during the pendency of the appeal. 40 C.F.R. § 71.11(i)(2)(ii).

The final permit and permit record have been reviewed by technical staff from various offices within EPA, including by technical staff located within Region 5 and the Office of Air Quality Planning and Standards. The final permit is a public record that can be obtained for review by any member of the public from [www.regulations.gov](http://www.regulations.gov), docket ID. EPA-R05-OAR-2014-0280; and at the EPA Region 5 Air and Radiation Division Office at 77 West Jackson Boulevard, 18th floor, Chicago, Illinois, 60604.

6. **Comment:** *I read that Veolia sent one lobbyist to talk with then-EPA Administrator Scott Pruitt and that overturned years of study. That is a classic case of corporate cronyism. Behind closed doors, the EPA decided to protect Veolia's profit margins rather than public health. Did the Administrator come to East St. Louis and talk to anyone in the community? Did the EPA hold meetings with community members in East St. Louis? You can't just meet with one side. I am not aware of any community member from East St. Louis having a lobbyist go to Washington, DC to talk to the Administrator. EPA should sit down with every local person that has to live here and breathe this air just like it sat down with Veolia, and just like Administrator Pruitt sat down with Veolia's lobbyists. This should be an ongoing conversation.*

See Commenters 137-310, 326, 332, 338, 341, 345.

**EPA Response:** EPA believes that the meeting referenced in this comment occurred during the week of March 27, 2017 and was between Veolia, a Veolia consultant, EPA Administrator Scott Pruitt and EPA Chief of Staff Ryan Jackson (the Pruitt Meeting).

To begin, regulated entities and their representatives, as well as other persons and entities, have the ability to communicate directly with government decision makers (i.e., the agency's senior management) on issues of concern.<sup>30</sup> EPA is unaware of persons

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<sup>29</sup> [http://yosemite.epa.gov/oa/EAB\\_Web\\_Docket.nsf/](http://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/)

<sup>30</sup> EPA notes that any such communication should be consistent with the appropriate bar rules. *See, e.g.*, American Bar Association Model Rule 4.2 ("Communication with Person Represented by Counsel"); *see also* American Bar Association Formal Opinion No. 97-408.

besides Veolia and its representatives requesting to meet with government decision makers in relation to the January 2017 Permit. However, since 2006 when EPA first became the CAA Title V permitting authority for the Veolia facility,<sup>31</sup> EPA has held multiple public hearings near the Veolia facility to solicit comments from local residents. EPA first held a public hearing in the Sauget area on July 8, 2008 to solicit comments on the first draft permit it proposed for the Veolia facility. *See* Document ID. EPA-R05-OAR-2008-0235-0277.<sup>32</sup> We also held public hearings on February 19, 2013, December 3, 2014 and, most recently, on August 21, 2018. *See* Document IDs. EPA-R05-OAR-2012-0649-0083,<sup>33</sup> EPA-R05-OAR-2014-0280-0102<sup>34</sup> and EPA-R05-OAR-2014-0280-0330,<sup>35</sup> respectively. All public hearings were held at the Southern Illinois University Edwardsville – East St. Louis Higher Education Campus, 601 James R. Thompson Blvd., East St. Louis, Illinois. EPA will continue to meet with area residents to hear concerns about significant actions being proposed by EPA.

As already described, by the time of the Pruitt meeting, Veolia had appealed the January 2017 Permit to the EAB. EPA prefers to settle cases, when appropriate, in order to conserve the resources of the federal government. This includes an administrative appeal of an EPA action under the CAA Title V operating permit program. In some cases, EPA negotiates with a party to the litigation directly. In other cases, EPA utilizes Alternative Dispute Resolution (ADR) tools, such as the EAB ADR Program. *See* [https://yosemite.epa.gov/oa/EAB\\_Web\\_Docket.nsf/General+Information/Alternative+Dispute+Resolution%20\(ADR\)?OpenDocument](https://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/General+Information/Alternative+Dispute+Resolution%20(ADR)?OpenDocument). In this case, on March 2, 2017, EPA and Veolia jointly informed the EAB that both parties agreed to participate in the EAB ADR Program. On March 31, 2017, just prior to an initial ADR call between EPA, Veolia, and Judge Aaron P. Avila (the Settlement Judge selected for the EAB ADR process in the case), counsel for Veolia informed the EAB of the Pruitt Meeting (which can be characterized as a settlement meeting). On May 1, 2017, counsel for EPA informed the EAB that the parties had reached a settlement agreement in principle. The parties filed a

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<sup>31</sup> Prior to 2006, Illinois EPA was the Title V permitting authority for the Veolia facility. On February 1, 2006, EPA issued an order granting in part and denying in part a petition to object to a Title V permit proposed by Illinois EPA for the Veolia facility. *See* EPA-R05-OAR-2014-0280-0185 ([www.regulations.gov](http://www.regulations.gov)). This Order was amended on August 9, 2006. *See* EPA-R05-OAR-2014-0280-0185 0185 ([www.regulations.gov](http://www.regulations.gov)). Illinois EPA did not timely revise the permit as directed by EPA. The Sierra Club and American Bottom Conservancy (ABC) filed a complaint with the U.S. District Court for the Northern District of Illinois, alleging EPA failed to perform a nondiscretionary duty under CAA section 505(c), 42 U.S.C. § 7661d(c), to issue by May 2, 2006, a Title V operating permit for Veolia under 40 C.F.R. Part 71. *Sierra Club v. Johnson*, Case No. 06-CV-4000 (N.D. Ill.). On September 29, 2006, EPA announced its intent to issue or deny a federal Title V permit for Veolia. Subsequently, Veolia submitted a Title V permit application to EPA on May 2, 2007.

<sup>32</sup> <https://www.regulations.gov/document?D=EPA-R05-OAR-2008-0235-0277>

<sup>33</sup> <https://www.regulations.gov/document?D=EPA-R05-OAR-2012-0649-0083>

<sup>34</sup> <https://www.regulations.gov/document?D=EPA-R05-OAR-2014-0280-0102>

<sup>35</sup> <https://www.regulations.gov/document?D=EPA-R05-OAR-2014-0280-0330>

detailed contingent settlement with the EAB on October 23, 2017 (followed by a March 28, 2018 notification to the EAB that EPA's General Counsel had reached a final decision not to withhold or withdraw consent from the contingent settlement agreement between the Parties – thus effectively finalizing the settlement and ending the litigation). There is nothing unusual about conducting settlement meetings in order to conclude matters in litigation or under administrative appeal. In fact, several Title V appeals to the EAB in recent years have been resolved through settlement negotiations. *See In re Deseret Power Electric Cooperative Bonanza Power Plant*, CAA 15-01, CAA 15-02 (dismissing administrative appeal after EPA fulfilled the requirements of a settlement agreement); *In re BP America Projection Company, Florida River Compression Facility*, CAA 10-04 (dismissing an environmental groups administrative appeal as the parties had entered into a settlement agreement).<sup>36</sup>

7. ***Comment: The public hearing was a great starting point and I am glad that people have been given a platform to actually voice their experiences. But I think four minutes for each speaker is not enough. The community has so much they need to say. Why hasn't EPA previously held such a public hearing? Why does the public hearing have to be limited to one day? Also, the public hearing was held in a room much too small for the many local residents that came to protest the injustice being done, showing evidence that the EPA and Veolia has been dismissive of the community surrounding the incinerator. Although EPA is only required to put a notice about a public hearing in the legal section of a local newspaper one day before the public comment period, this standard is unjust and immoral. EPA clearly did not care to hear public comments at the public hearing because the room it was held in was very small with few seats. EPA was not prepared to receive the large group of interested parties.***

*See Commenter 315, 336, 345.*

**EPA Response:** The commenters are incorrect in their assertion that we have not held similar public hearings in the past. As discussed in [RTC 6](#), above, EPA has previously held multiple public hearings near the Veolia facility to solicit comments from local residents on proposed Title V permits for the Veolia facility, including public hearings held on July 8, 2008, February 19, 2013, December 3, 2014 and August 21, 2018. Following each public hearing, EPA assesses logistics for the next public hearing based on such factors as historical attendance, feedback received from previous public hearings, the type of action proposed, media coverage of the proposed action, among other things. Based on these factors, EPA estimates the attendance for the public hearing which in turn determines the capacity of the room that EPA reserves for the hearing. With respect to the

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<sup>36</sup> The dockets for both of these administrative appeals can be found by searching the EAB's Closed Dockets: [https://yosemite.epa.gov/oa/EAB\\_Web\\_Docket.nsf/Closed+Dockets?OpenView](https://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/Closed+Dockets?OpenView).



August 21, 2018 public hearing, EPA estimated the capacity of the hearing room based on the level of attendance in each of the last three public hearings it conducted for the Veolia facility at the same location. As observed by the commenters, EPA moved the hearing to a different room within the same venue once it became clear that the room initially reserved by EPA would no longer be large enough to accommodate the number of people who actually arrived at the hearing venue. It is not uncommon for the actual number of attendees at a public event to exceed initial estimates; but it is also common for the actual number to be much less than initial estimates. Further, as discussed in [RTC 1](#), above, the public was in fact adequately notified of the Draft Permit and public hearing.

To ensure that all participants at a public hearing have ample opportunity to speak, it is reasonable for EPA to consider limiting the amount of speaking time that is allocated to each participant. The specific amount of time allocated to each speaker generally depends on the scheduled length of the public hearing, the number of participants who have expressed interest in speaking, and the expected duration of each commenter's speaking time based on EPA's experience from past hearings. In the case of the August 2018 Veolia public hearing, EPA determined that four minutes for each commenter would reasonably balance these competing factors based on EPA's estimation of the projected number of speakers, the scheduled duration of the hearing, and the historical amount of speaking time allocated to each speaker in past hearings. EPA has similarly limited speaking time in past public hearings for Veolia CAA Title V permits to five minutes in 2008 (*see* Document ID. EPA-R05-OAR-2008-0235-0277),<sup>37</sup> two minutes in 2013 (*see* Document ID. EPA-R05-OAR-2012-0649-0083),<sup>38</sup> four minutes in 2014 (*see* Document ID. EPA-R05-OAR-2014-0280-0102),<sup>39</sup> and four minutes in 2018 (*see* Document ID. EPA-R05-OAR-2014-0280-0330).<sup>40</sup> Notably, in each instance, EPA has consistently invited each speaker to return and finish any comments left after the initially-allotted speaking time. *See*, for example, Document ID. EPA-R05-OAR-2014-0280-0330 at 7 ("After everyone has gotten a chance to comment, if time is still available before the close of the hearing, you may return and finish your comments."). EPA has generally not prescribed limits for any additional speaking time requested by commenters. Following each public hearing, EPA assesses whether additional hearings are necessary based on any public requests for additional hearings, whether all registered speakers were able to speak at the hearing, and whether or not EPA proposes to make significant changes to its initial proposal. Based on these factors, along with the additional activities that EPA undertook as discussed in [RTC 1](#) and [RTC 5](#), above, EPA believes it provided for robust

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<sup>37</sup> <https://www.regulations.gov/document?D=EPA-R05-OAR-2008-0235-0277>

<sup>38</sup> <https://www.regulations.gov/document?D=EPA-R05-OAR-2012-0649-0083>

<sup>39</sup> <https://www.regulations.gov/document?D=EPA-R05-OAR-2014-0280-0102>

<sup>40</sup> <https://www.regulations.gov/document?D=EPA-R05-OAR-2014-0280-0330>

public involvement while maintaining an “[a]dequate, streamlined, and reasonable procedures for expeditiously . . . offering an opportunity for public comment and a hearing” and completing the permitting action. *See* 42 U.S.C. § 7661a(b)(6).

EPA is committed to meeting with area residents as necessary to hear concerns about significant actions being proposed by EPA, and to discuss potential solutions to issues identified by the community. In recent years, EPA met with a number of community organizations in the East St. Louis area to hear community concerns and issues, and undertook a number of projects with some of these organizations. Specifically, we met with the following government agencies in the East St. Louis area: City of East St. Louis, Illinois EPA, East Side Health District, Illinois Department of Public Health, East-West Gateway Council of Governments, the Federal Deposit Insurance Corporation, St. Clair County Transit District, Army Corp of Engineers, East St. Louis Public Housing Authority, the U.S. Department of Housing and Urban Development, Illinois Housing Development Authority, and East St. Louis School District 189. We have also met with various local non-governmental organizations and community groups, including: the National Association for the Advancement of Colored People (NAACP), New Life Community Church, Ameren Illinois, Lessie Bates Davis Neighborhood House, UniPres Kindercottage, East Side Aligned/United Way, SIUE and Better Family Life. Through our meetings with these organizations, we heard a number of concerns from the community, including air quality, soil and drinking water contamination, flooding, funding for redevelopment, employment, abandoned homes, housing quality, concerns with nearby industry, illegally dumped tires, and more.

Since 2017, EPA has undertaken the following activities in the East St. Louis area to address the above concerns:

- Partnered with Illinois EPA to remove 163 tons of illegally dumped tires;
- Performed advanced air monitoring using specialized equipment;
- Conducted inspections at local facilities and identified Clean Air Act violations;
- Ensured that East St. Louis School District 189 is environmentally safer for its kids, by working with Illinois Department of Public Health and the School District to identify and address 103 lead-containing potable water sources;
- Assessed senior centers and childcare facilities and remediated indoor air quality (IAQ) issues;
- Conducted IAQ assessments with the East St. Louis Public Housing Authority (PHA) and incorporated IAQ into their annual inspections;
- Partnered with the local utility company to install, at no cost, \$36,028 worth of energy efficiency products in over 1400 PHA residences, saving more than 9,356 million British thermal units of energy and 4,428 pounds of air pollution; and



- Brought together the City of East St. Louis and the local utility company that resulted in \$59,434 funding assistance to install LED street lights along 1.9 miles of State Street. The LEDs will remove 3,586 pounds of air pollution.

On April 2, 2018, EPA joined Mayor Jackson-Hicks in a townhall meeting held at New Jerusalem SDA Church to provide and distribute information to residents related to air quality, soil contamination, and how to cope with and prevent asthma triggers. EPA will continue to look for opportunities to work with local government agencies, community residents, industry and organizations to address the various challenges faced by East St. Louis residents. Residents may also submit concerns and proposed solutions to EPA at any time by phone, mail, or by visiting its Region 5 office in Chicago, Illinois.

8. ***Comment: EPA's responses to public comments should be made available to everyone, not just to the person who asked the question. It is wrong that EPA does not make its answers more public. It's very difficult for people to get straight answers, and EPA should be fighting for people instead of just going through the motions.***

See Commenter 339.

**EPA Response:** We disagree with the suggestion that we have not made these responses to public comments publicly available. Once EPA makes a final decision to issue or deny the permit, EPA makes its response to public comments available to all members of the public. EPA notifies each member of the public who has expressed interest in the permit action, and has provided EPA with contact information, of the availability of the final permit decision and response to comments. While EPA must send a copy of the response to comments to each member of the public who commented on the permit, EPA must also send a copy of the final permit decision and response to comments to any member of the public who requests it. At any time, any member of the public can download our responses to public comments for the current and previous permitting actions from the online dockets located at [www.regulations.gov](http://www.regulations.gov) (Docket IDs. EPA-R05-OAR-2008-0235, EPA-R05-OAR-2012-0649 and EPA-R05-OAR-2014-0280) or from EPA's website (<https://www.epa.gov/caa-permitting/veolia-sauget-air-permitting>).

Additionally, EPA makes every effort to respond to each comment raised with reasonable specificity during the public comment period. The commenter has not identified the specific comments for which EPA has not provided "straight answers."

Finally, EPA takes its mission of protecting human health and the environment seriously, and EPA disagrees with the contention that it is "just going through the motions" in this case.



**B. ACTIVATED CARBON INJECTION SYSTEMS IN LIEU OF MULTI-METALS MONITORING DEVICES**

9. **Comment:** *Commenter Veolia stated it believes the most effective way to reduce air emissions from the facility is through Veolia's investment in and installation of additional pollution control equipment. The commenter stated that it has spent "significant resources on state-of-the-art pollution control equipment as recognized and set forth in the Draft Permit." The commenter stated that it incurred "this financial burden in order to finalize its Title V permit, reduce emissions and protect the environment, while allowing Veolia to remain an active, vibrant and employment-providing participant in the Southern Illinois economy." The commenter stated that it has already installed and begun operating the Activated Carbon Injection (ACI) systems on Units #2 and #3 consistent with the provisions of the Draft Permit. The commenter stated that it will "continue to control, monitor, and record its operations and emissions and comply with existing federal air pollution control requirements as it has always done."*

See Commenter 322.

**EPA Response:** EPA notes this comment.

10. **Comment:** *The addition of ACI systems to Units #2 and #3 is a positive and necessary provision for the control of mercury emissions, and American Bottom Conservancy (ABC) fully supports the installation of these systems. However, these devices will not resolve the problems that led EPA to previously require use of the multi-metals monitoring devices. Neither Veolia nor EPA knows today the mercury content of the feedstreams fed to any of Veolia's incinerator units. In fact, the evidence in the record shows that feedstream mercury levels may be many times larger than Veolia recorded. It is optimistic to assume without corroboration that the ACI systems will remove enough mercury to ensure compliance with the emissions limits. EPA claims that because Unit #4, which already has an ACI system installed, has significantly lower mercury emissions than Units #2 and #3, the addition of ACI systems to those units will necessarily lower their mercury emissions into an acceptable range well below the permit limits. While mercury emissions from Units #2 and #3 might be lower after installation of the ACI systems, perhaps even 90 percent lower, nothing in the record demonstrates how low they will be. The ACI systems are considered an add-on control technology which controls for mercury pollution, but they do not ensure the adequacy of OPLs nor accurately characterize waste and should not be considered an alternative to multi-metals monitoring.*

*See Commenter 323.*

**EPA Response:** EPA disagrees with the commenter's suggestion that the addition of ACI systems will not resolve the problems that led EPA to previously require use of multi-metals monitoring devices. As discussed in the 2018 SOB, EPA expects that the installation and operation of the ACI systems to Units #2 and #3 will resolve the relevant issues related to mercury emissions that motivated EPA's prior decision to require multi-metals monitoring devices.

After re-evaluating the various technical bases provided with the EPA's January 2017 Permit, EPA realized that the most relevant data in the permit record were the results of a 2013 Comprehensive Performance Test (CPT), which showed high variability in mercury emissions relative to relevant HWC NESHAP limits for Units #2 and #3, which were not previously controlled with ACI (*see* 2018 SOB at 9, Table 1). This data showed that even with a set mercury feedrate to Units #2 and #3, uncontrolled stack emissions of mercury were highly variable and threatened to exceed the HWC NESHAP limit. Thus, the primary driver of the EPA's decision to temporarily require multi-metals monitoring devices was the possibility that, even if Veolia complied with the feedrate limits set during the last CPT, the variability of mercury emissions from uncontrolled units could nonetheless result in a violation of the HWC NESHAP standards.

The installation and operation of ACI systems on Units #2 and #3 is expected to resolve these exact concerns. As explained in the 2018 SOB (pp. 9–10), the EPA expects that mercury emissions from Units #2 and #3 will be significantly reduced with the installation and operation of ACI systems, dramatically reducing the likelihood that any remaining variability in mercury emissions could cause a violation of the HWC NESHAP standards.

The commenter acknowledges that the ACI systems could significantly reduce mercury emissions, but challenges EPA's reliance on this principle because "nothing in the record demonstrates how low they will be." The EPA is not, as the commenter suggested, "assuming without corroboration" that the ACI units will remove enough mercury to assure compliance with the HWC NESHAP limits. Rather, multiple lines of reasoning support this expectation, and commenters have not provided any information to persuade EPA otherwise. First, as the commenter acknowledged, ACI is a well-established technology for controlling mercury emissions. Second, specific to Veolia, as discussed in the 2018 SOB at 10, the historical performance of Unit #4 demonstrates the effectiveness of ACI. During the 2013 CPT, Unit #4, equipped with ACI, achieved about 99 percent

reduction in mercury emissions with resulting mercury emissions under 8 percent of the HWC NESHAP standard.<sup>41</sup>

Given the extent of expected reductions, even if the commenter is correct that the actual mercury content of feedstreams may be many times larger than recorded, it is unlikely that this would result in an exceedance of the HWC NESHAP limits. As discussed further in Section II.C of this document, enhancements to the feedstream analysis (such as reporting of undetected concentrations as equal to half or the full detection limit depending on the waste type, restrictions on the types and quantity of feedstreams that are exempt from sampling and analysis, among other things) will provide better characterizations of the feedstreams processed by Veolia, including more accurate quantification of the mercury content in the feedstreams. *See also* the SOB for the January 2017 Permit (2014 SOB; Document ID. EPA-R05-OAR-2014-0280-0004)<sup>42</sup> at 47-48 and the 2018 SOB at 12-16. Thus, not only will mercury emissions be significantly better controlled—thus minimizing the impact that variability in mercury feedrates would have on mercury emissions—any variability in mercury feedrates should be better accounted for due to the enhancements to Veolia's feedstream analysis plan (FAP).

In summary, EPA's past concerns centered on a lack of confidence that compliance with the OPLs would assure compliance with the HWC NESHAP limits, particularly due to the significant variability in mercury emissions from Units #2 and #3. Given the installation of ACI on these units and the expected reduction in mercury emissions (along with enhanced feedstream analysis and other monitoring provisions), we are now confident that compliance with the OPLs set during performance tests will be sufficient to assure compliance with the HWC NESHAP standard for mercury (and, as discussed further below, for other pollutants), as envisioned by the HWC NESHAP. *See* 40 C.F.R. §§ 63.1207(b)(1), (d)(1), 63.1209(l), (n); *see also* CAA § 504(c); 40 C.F.R. § 70.6(a)(3)(i)(A), 70.6(c). The temporary installation of multi-metals monitoring devices is, therefore, no longer necessary as an alternate approach to establish the OPLs in order to assure compliance with the HWC NESHAP standards for mercury.

11. **Comment:** *Even assuming EPA is correct about the ACI systems' effect on Veolia's mercury emissions, the ACI systems will do nothing to reduce emissions of arsenic, beryllium and chromium (i.e., low volatility metals, or LVM), or lead and cadmium (i.e., semi-volatile metals, or SVM). With regard to these metals, EPA claims that the*

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<sup>41</sup> As noted in the 2018 SOB, EPA has also added additional safeguards to Veolia's current Permit to ensure the proper operation of the ACI systems on Units #2 and #3. The final permit requires Veolia to submit a report detailing technical and operational methods used by Veolia for improving and maintaining the system removal efficiency of Unit #2 and Unit #3 ACI systems at the facility with a goal of 90 percent or better. Veolia must also comply with the terms of Construction Permit #17120004 issued by Illinois EPA for the ACI systems.

<sup>42</sup> <https://www.regulations.gov/document?D=EPA-R05-OAR-2014-0280-0004>

*results of the CPTs that showed exceedances of emissions limits were “anomalous” and unlikely to happen again. The high lead emissions that occurred during the 2006 CPT are now attributed to an incorrectly installed baghouse, while the high arsenic emissions during the 2008 CPT are now attributed to a similar mechanical anomaly. Although Veolia had offered these explanations many times before over the last ten years and EPA found them wanting, EPA “review[ed] Veolia’s representations” and reached the opposite conclusion – SVM and LVM are well-controlled at the Veolia plant and do not require additional monitoring to ensure that they do not exceed permit limits. EPA’s 2017 decision to require multi-metals monitoring to confirm the accuracy of the OPLs for LVM and SVM was not based solely on the results of the CPTs from 2006 and 2008. As with mercury emissions, the reason for supplemental monitoring of other metals was based on a constellation of problems with Veolia’s operating procedures, which resulted in anomalies during prior CPTs and an arsenic spike in East St. Louis.*

See Commenter 323.

**EPA Response:** The installation of the ACI systems on Units #2 and #3 is not the only basis for the EPA’s determination that multi-metals monitoring devices are no longer necessary to assure compliance with the LVM and SVM limits in the permit. Rather, as explained in the 2018 SOB (pp. 8–12) and in [RTC 10](#), above, after reevaluating the technical bases which EPA previously used to support the need for multi-metals monitoring devices, EPA realized this data related primarily to mercury, and not to LVM or SVM emissions. EPA explained that the data relating to LVM or SVM emissions involved anomalous results from a single performance test involving lead (an SVM) and another performance test involving arsenic (an LVM), and EPA concluded that these anomalous single data points were not enough to support a conclusion that multi-metals monitoring devices were necessary. *See* 2018 SOB at 10-11.<sup>43</sup> As explained in the 2018 SOB, the causes of these anomalous results appear to be rectified, and Veolia demonstrated a large margin of compliance in its 2013 performance test. *See* 2018 SOB at 11 (describing large margins of compliance from the 2013 CPT, ranging from 99.5 to 93.5 percent for SVM, and from 97.2 to 89 percent for LVM ). Additionally, as we observed in the 2018 SOB, the 2013 CPT showed that the facility’s SVM and LVM emissions are confined within a very narrow band at the low end of the emission standards (average measured emissions during the 2013 CPT ranged from 0.41 to 6.5 percent of the 230 µg/dscm standard for SVM, and from 2.8 to 11 percent of the 92

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<sup>43</sup> The commenter discusses the ambient arsenic spike, which was previously observed in East St. Louis and that *may* have originated at Veolia’s facility. However, as the commenter suggests, this spike appears to be anomalous (to the extent it was even attributable to Veolia), and EPA has no evidence at this time suggesting that such an event might recur.

µg/dscm standard for LVM). Thus, we expect any variability would be confined approximately to the bottom 6.5 percent of the SVM standard, and the bottom 11 percent of the LVM standard, which suggests that any variability would likely be inconsequential with respect to compliance with the relevant standards.

12. **Comment:** *Commenter 323 stated that in 2013, 2014 and 2017, EPA determined, based on significant evidence, that the CAA required the installation of multi-metals monitoring devices and the employment of enhanced feedstream analysis to document compliance with the HWC NESHAP emissions standards. However, the Draft Permit eliminates the requirement that Veolia install and operate multi-metals monitoring devices, which renders the monitoring and testing requirements in the Draft Permit insufficient to assure compliance with the HWC NESHAP.*

*EPA has the authority and obligation under the CAA to impose monitoring and testing requirements that are sufficient to assure compliance with the HWC NESHAP. Under the CAA, even when there are periodic testing requirements, the permitting authority still has the obligation to impose supplemental monitoring requirements if it decides, based on a review of site-specific factors, that the existing monitoring requirements are inadequate to ensure compliance with the permit terms and conditions. EPA has consistently deemed Veolia's monitoring and feedstream analysis procedures inadequate, recognizing that the likelihood that Veolia will (or could without detection) violate the metal HAP feedrate and emission limits, as well as other OPLs, is well documented in the administrative record. Such inadequate monitoring is likely to result in endangerment of public health and is unacceptable.*

See Commenter 323.

**EPA Response:** Although EPA agrees that it has the authority and obligation to impose any additional monitoring requirements so that the Title V permit assures compliance with the HWC NESHAP, EPA does not agree with the commenter's assertion that the multi-metals monitoring devices are necessary at this facility to assure compliance with the HWC NESHAP emission standards. As discussed in [RTC 10](#) and [RTC 11](#), above, given the wide margin of compliance with respect to mercury, LVM, and SVM at the Veolia facility, EPA considers the traditional approaches contained in the NESHAP for establishing and assuring compliance with the OPLs, along with the supplemental feedstream analysis procedures discussed in Section II.C, below, to be sufficient to assure compliance with emission limits for mercury, LVM, and SVM.

EPA has discussed Title V's requirements for monitoring, recordkeeping, and reporting, which have also been the subject of federal court decisions, in responses to Title V

petitions. *See, e.g., In the Matter of CITGO Refining and Chemicals Company, L.P.*, Petition Number VI-2007-01 (May 28, 2009) (*CITGO*), at 6-7 (<http://www.epa.gov/title-v-operating-permits/title-v-petition-database>); *Sierra Club v. EPA*, 536 F.3d 673, 677-679 (D.C. Cir. 2008). EPA's Part 71 monitoring rules, found at 40 C.F.R. § 71.6, are designed to satisfy the statutory requirement that "[e]ach permit issued under [Title V] shall set forth . . . monitoring . . . requirements to assure compliance with the permit terms and conditions." Clean Air Act (CAA) § 504(c), 42 U.S.C. § 7661c(c); *see also Sierra Club*, 536 F.3d at 680-681 (stating that the "most reasonable reading" of 40 C.F.R. § 70.6(c)(1), which is identical to 40 C.F.R. § 71.6(c)(1), is that it serves to ensure that "all Title V permits include monitoring 'sufficient to assure compliance with the terms and conditions of the permit.'").

As the Title V permitting authority for Veolia's Sauget facility, EPA uses a three-step analysis to ensure that this permit's monitoring requirements meet its regulations and satisfy the mandates of CAA § 504. First, under 40 C.F.R. § 71.6(a)(3)(i)(A), EPA must ensure that monitoring requirements contained in applicable requirements are properly incorporated into the Title V permit. Second, if the applicable requirement contains no periodic monitoring, EPA must add "periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit." 40 C.F.R. § 71.6(a)(3)(i)(B). Third, if there is some periodic monitoring in the applicable requirement, but that monitoring is not sufficient to assure compliance with the permit terms and conditions, EPA must supplement monitoring to assure such compliance. 40 C.F.R. § 71.6(c)(1).

The adequacy of monitoring in any particular circumstance is a context-specific determination. The analysis begins by assessing whether the monitoring required in the applicable requirement is sufficient to assure compliance with permit terms and conditions. In many cases, monitoring required in the applicable requirement will be sufficient to assure compliance with permit terms and conditions. EPA has routinely directed permitting authorities to consider the following factors when assessing the adequacy of monitoring: (a) the variability of emissions from the unit in question; (b) the likelihood of a violation of the requirements; (c) whether add-on controls are being used for the unit to meet the emission limit; (d) the type of monitoring, process, maintenance, or control equipment data already available for the emission unit; and (e) the type and frequency of the monitoring requirements for similar emission units at other facilities. *CITGO* at 7-8. These factors are intended to be a starting point, and other site-specific factors may be considered.

In determining the appropriate monitoring to include in Veolia's Title V permit, EPA must first ensure that the monitoring requirements contained in the HWC NESHAP are



incorporated into the permit. Under the HWC NESHAP, monitoring for mercury, SVM, and LVM, includes establishing and complying with OPLs on certain key parameters, including: maximum metal feedrates, combustor operating parameters, and control device operating parameters. 40 C.F.R. § 63.1209(l) and (n). This permit contains such OPLs. Compliance with maximum feedrate OPLs is determined through the implementation of a FAP that describes the analysis a source will perform to determine metal concentrations in the incoming waste, including whether and how the source will perform testing and sampling. *Id.* § 63.1209(c). By default, a source establishes OPLs during a CPT conducted every five years. *Id.* § 63.1207(b) and (d)(1). Therefore, generally under the HWC NESHAP, compliance with the emission limits for mercury, SVM, and LVM is determined through compliance with the applicable OPLs, performance of CPTs every five years to re-establish the OPLs, and implementation of a FAP, as opposed to direct measurement of emissions, unless a source petitions EPA to approve the use of a continuous emissions monitor to measure emissions of mercury, SVM, and LVM. *Id.* § 63.1209(g)(1) and (a)(5). EPA has incorporated these standard monitoring requirements of the HWC NESHAP into Veolia's Title V permit as required under Step 1 of the three-step analysis described above.

The HWC NESHAP also provides that “[t]he Administrator may determine, on a case-by-case basis at any time . . . that alternative approaches to establish limits on operating parameters may be necessary to document compliance with the emission standards of this subpart.” 40 C.F.R. § 63.1209(g)(2). Thus, the applicable rule itself authorizes EPA at any time, on a case-by-case basis, to create alternative approaches to establish the OPLs. Consistent with this discretionary authority, EPA previously determined that an alternative approach to establishing OPLs, using *both* an enhanced FAP (compared to the prior FAP in the 2008 Part 71 permit) *and* at least 12 months of data from multi-metals monitoring devices to correlate metal feedrates and emissions, was necessary to document compliance with the emission standards of the HWC NESHAP. *See* January 2017 Permit (Document ID. EPA-R05-OAR-2014-0280-0273)<sup>44</sup> and the 2017 Response to Comments (Document ID. EPA-R05-OAR-2014-0280-0274).<sup>45</sup> However, as further discussed in this RTC, EPA has now determined that an alternative approach to establishing limits on OPLs for the Veolia facility pursuant to 40 C.F.R. § 63.1209(g)(2) is not necessary.

Under the second and third steps of the three-step analysis discussed above, EPA must add periodic monitoring that is sufficient to assure the source's compliance with the permit terms and conditions, if no such monitoring already exists in the applicable requirement, or it must supplement the existing monitoring to assure such compliance.

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<sup>44</sup> <https://www.regulations.gov/document?D=EPA-R05-OAR-2014-0280-0273>

<sup>45</sup> <https://www.regulations.gov/document?D=EPA-R05-OAR-2014-0280-0274>

Here, the applicable requirement (HWC NESHAP limitations and standards) contains some periodic monitoring, and EPA has incorporated this monitoring into the permit. This monitoring includes:

- Continuous Emissions Monitoring Systems (CEMS) for CO and oxygen;
- Continuous Opacity Monitoring Systems (COMS) for opacity;
- Continuous monitoring of particulate matter control device performance using bag leak detection systems;
- Continuous monitoring of key incinerator operating parameters (incinerator temperature, flue gas flowrate, hazardous waste feedrate and incinerator pressure);
- Operation of an automatic waste feed cutoff (AWFCO) system that immediately and automatically cuts off the hazardous waste feed when: any OPL specified in the permit or any emission standard monitored by a CEMS is exceeded; the span value of any continuous monitoring system (CMS) detector, except a CEMS, is met or exceeded; upon malfunction of any CMS that monitors an OPL or an emission level; or any component of the AWFCO system fails;
- Periodic performance testing every 2.5 years for dioxins and furans and every 5 years for metals; and
- Analysis of feedstreams to document compliance with feedrate limits.

To determine whether it must supplement the above monitoring requirements under the third step of the three-step analysis, EPA has evaluated the 5 factors discussed in *CITGO* as follows:

- (1) ***Variability of emissions***: Available information shows that Veolia's feedstreams can vary significantly, and Veolia's historical feedstream analysis procedures were flawed and occasionally resulted in wastes not being properly sampled and analyzed. The results from historical emissions tests showed that, even when inlet metals concentrations were known, emissions from the units varied considerably. This was particularly true for Units 2 and 3, which are identical in terms of heat input, design, and emissions control equipment. Veolia has stated that Unit #3 is a mirror image of Unit #2. See Veolia's 2013 CPT Plan for Unit #2, Section 2.1. (June 27, 2013), at 2-1 (Document ID. EPA-R05-OAR-2014-0280-0064);<sup>46</sup> see also Veolia's 2008 CPT Plan for Unit #2, Section 2.1 (May 2008), Page 1 of 12 (Document ID. EPA-R05-OAR-2014-0280-0124);<sup>47</sup> and Veolia's April 11, 2008 response to EPA memorandum on Veolia's data-in-lieu request (Document ID. EPA-R05-OAR-2014-0280-0224) at 12

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<sup>46</sup> <https://www.regulations.gov/document?D=EPA-R05-OAR-2014-0280-0064>

<sup>47</sup> <https://www.regulations.gov/document?D=EPA-R05-OAR-2014-0280-0124>

(“In addition, even though the waste that these units are incinerating vary considerably, the units themselves perform identically when incinerating them.”).<sup>48</sup> Due to their similarity, Veolia had previously requested that future CPTs be conducted on either Unit #2 or Unit #3 but not on both units, and that EPA use the test data on one unit to infer emissions from the untested unit. *See* Document ID. EPA-R05-OAR-2014-0280-0224 at 10-12. As discussed in [RTC 10](#), above, EPA has determined that EPA's historical concern with the variability in emissions was primarily related to mercury emissions and will be alleviated through the installation of ACI systems on Units 2 and 3, and by the enhancements to the FAP, as discussed in Section II.C, below.

Accordingly, the likelihood of violation of the HWC NESHAP limits for LVM and SVM is expected to remain low, regardless of the variability of feedstreams or any uncertainty related to the composition of feedstreams and consequent feedrates.

- (2) **Likelihood of a violation:** The historic variability in emissions, as discussed in Factor 1, above, increased the likelihood of a violation of the applicable NESHAP emission standards. However, as discussed in Factor 1, above, EPA believes that the installation of ACI systems on Units 2 and 3, and the enhancements to the FAP, as discussed in Section II.C, below, will substantially minimize the likelihood of a violation of the emission standards.
- (3) **Whether add on controls are being used:** Under the terms of the revised permit, Veolia will operate ACI systems to control mercury emissions whenever Units 2, 3 or 4 are burning hazardous waste.
- (4) **Type of monitoring, process, maintenance, or control equipment already available:** Veolia's complete process, including a summary of the key design specifications for each of the three incineration units, is discussed in sections 2.1.1 and 2.1.2 of the 2014 SOB. The HWC NESHAP requires Veolia to perform the following standard monitoring, process control, maintenance and control equipment data collection: sampling and analysis of waste fed into the incinerators unless the waste is specifically exempted from sampling and analysis due to safety or other specified concerns; process control to comply with specific operating parameters, and compilation and retention of process data on control devices; and periodic stack testing. *See* 40 C.F.R. Part 63, Subpart EEE (HWC NESHAP), and Document ID. EPA-R05-OAR-2014-0280-0143 (FAP).<sup>49</sup>

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<sup>48</sup> <https://www.regulations.gov/document?D=EPA-R05-OAR-2014-0280-0224>

<sup>49</sup> <https://www.regulations.gov/document?D=EPA-R05-OAR-2014-0280-0143>

EPA has determined that if Veolia complies with the terms of the revised permit (including proper operation of the ACIs and compliance with the enhanced FAP), the monitoring required under the HWC NESHAP will be sufficient to demonstrate continuous compliance with the emission limits in the HWC NESHAP.

- (5) ***Type and frequency of monitoring for similar units***: Hazardous waste incinerators generally employ the same standard monitoring approaches required by the HWC NESHAP. For example, the two other commercial hazardous waste incinerators in Region 5; namely, Heritage-WTI, a hazardous waste combustor located in East Liverpool, Ohio, and Ross Incineration Services, Inc. (Ross), a hazardous waste combustor located in Grafton, Ohio. Both Heritage-WTI and Ross comply with the standard monitoring requirements of the HWC NESHAP to demonstrate compliance with the NESHAP limits.

Given the wide margin of compliance demonstrated during the 2013 CPT, EPA expects that the OPLs established during the 2018 CPTs, coupled with the enhanced feedstream analysis procedures and other monitoring requirements specified in the final permit, will be sufficient to assure compliance with the HWC NESHAP limits for LVM and SVM. Therefore, EPA no longer considers additional approaches to set OPLs for LVM and SVM (such as the operation of multi-metals monitoring devices) to be necessary. Because multi-metals monitoring devices are not necessary to assure compliance, EPA is not required to require them under Title V and we are using our discretion to not require them under the HWC NESHAP.

13. ***Comment: The monitoring requirements of the HWC NESHAP are inadequate in Veolia's case due to site specific factors. Veolia's heterogeneous feedstreams are a site-specific factor that warrants supplemental monitoring. According to EPA's National Enforcement Investigations Center (NEIC), which performed an investigation of Veolia in 2011, nearly 70 percent of the feedstreams incinerated at its Sauget facility between 2009 and 2013 were considered distinct. As Veolia acknowledged in 2014, its feedstreams vary minute by minute and contain widely diverse waste streams from unrelated sources. Further, EPA confirmed in its 2017 Response to Comments that Veolia's feedstreams are far more variable than those of the other commercial hazardous waste incinerators in Region 5. The feedstream variability is further substantiated by EPA's analysis of Veolia's historic emissions. Finally, Veolia's existing feedstream analysis procedures are also unreliable, resulting in the underestimation of metals.***

***In addition to the variability of the feedstreams themselves, the results from the CPTs performed by Veolia have indicated that the two nearly identical incineration units***

*(Unit #2 and #3), burning waste containing the same amount of metals, can produce significantly different metals emissions. On those rare occasions when Veolia knew the exact mercury content of a feedstream – only during a CPT – there was still no linear relationship between the mercury content of the feedstream and the mercury emissions from Units #2 and #3.*

See Commenter 323.

**EPA Response:** The heterogeneity and variability of Veolia's feedstreams, as well as the variability of emissions resulting from the combustion of known feedrates, result in two distinct but related issues: (1) difficulties in understanding the composition of incoming feedstreams, and (2) a lack of confidence that compliance with OPLs (e.g., metal feedrates) assures compliance with corresponding HWC NESHAP emission limits. For mercury, EPA expects that the first issue will be adequately resolved by the conditions of the final permit regarding implementation of the enhanced feedstream analysis procedures, and the second issue will be resolved by the conditions in the final permit regarding the installation and operation of ACI systems on Units #2 and #3. As discussed in [RTC 10](#), above, once the ACI units are installed, any remaining variability in mercury feedrates—or in mercury emissions given a known feedrate—is unlikely to result in a violation of the HWC NESHAP emission limits for mercury due to the large margin of compliance associated with the OPLs for mercury. For non-mercury metals, EPA expects that both issues will be adequately resolved by the conditions of the final permit regarding implementation of the enhanced feedstream analysis procedures (as discussed further in Section II.C, below), and other monitoring required by the final permit (e.g., operation of bag leak detection systems for baghouses, compliance with OPLs for minimum incinerator temperature, maximum flue gas flowrate, maximum hazardous waste feedrate and maximum incinerator pressure, and CPTs conducted every 5 years). As discussed in [RTC 11](#), above, given the large margin of compliance associated with the emissions of LVM or SVM, any variability in feedrates or emissions of those metals is unlikely to result in a violation of the LVM or SVM emission standards.

14. **Comment:** *Under 40 C.F.R. § 63.1209(g)(2), site-specific factors warrant using alternative approaches to establish OPLs that are necessary to document compliance. The requirement to use certain monitoring devices to establish a reliable correlation between compliance with the OPLs and compliance with the emission limits in the HWC NESHAP constitutes an alternative approach. Use of the multi-metals monitoring over a 12-month period coupled with the enhanced feedstream analysis procedures would supply the link between feedstreams and emissions and ensure that the OPLs are accurate. Since multi-metals monitoring devices monitor actual*

*emissions in real time, they can confirm the adequacy of Veolia's OPLs at any given time.*

See Commenter 323.

**EPA Response:** As envisioned by the HWC NESHAP, the CPTs supply the link between feedstreams and emissions and ensure that the OPLs are accurate. While multi-metals monitoring devices might provide additional information to confirm the accuracy of OPLs on a more frequent basis, given the relevant facts available to EPA at this time, including the installation of mercury controls for Units #2 and #3, EPA has decided to exercise its discretion under 40 C.F.R. 63.1209(g)(2) to not require the use of multi-metals monitoring devices as an alternative, or in addition, to CPTs for purposes of establishing OPLs for the Veolia facility. See [RTC 10](#), [RTC 11](#), and [RTC 12](#), above, and [RTC 15](#), below.

15. **Comment:** *Because of site-specific factors, conducting a CPT once every five years is inadequate to establish accurate OPLs that ensure compliance at the Veolia facility. Without accurate OPLs, the likelihood of metals emission exceedances or violations increases. It is unreasonable to assume that a CPT conducted once every five years would determine adequate OPLs for all of Veolia's heterogeneous feedstreams during that time, especially given the variability of feedstreams, Veolia's inadequate testing procedures, the lack of a clear linear relationship between the feedstream and the stack emissions, and difficulties in determining whether the CPT conditions reflect the extreme range of normal operations. Further, Veolia's CPTs have been plagued by a series of problems in most of the years they were conducted.*

See Commenter 323.

**EPA Response:** EPA does not agree with the commenter's suggestion that CPTs are inadequate to establish accurate OPLs. CPTs are a well-established method to correlate feedrates and other combustion parameters with resulting emissions. Any suggestion that the OPLs are "inaccurate" are misplaced: the OPLs, set at the exact values of the various parameters present during the last CPT, are inherently accurate so far as those parameters are concerned. Rather than demonstrating that the CPTs are somehow an "inaccurate" method of establishing OPLs, the commenters appear to suggest that the CPTs are an incomplete method of establishing OPLs because not all possible operating scenarios and combinations of different parameters can be tested during a CPT. EPA appreciates this comment, particularly in light of the variability of Veolia's feedstreams. However, the fact that a CPT cannot reflect every conceivable operating scenario does not limit its utility in establishing OPLs. Fundamentally, the CPT establishes a baseline of OPLs that,



if collectively complied with, are expected to ensure compliance with the underlying emission limits the OPLs are intended to protect. Thus, regardless of the exact composition of the feedstreams incinerated by Veolia, so long as Veolia continuously complies with the collective set of OPLs (including feedrate limits) based on the latest performance test, Veolia's emissions are expected to remain under the HWC NESHAP limits. This is particularly true in situations where the margin of compliance associated with the OPLs is significant, as should be the case here with the installation of mercury controls on Units #2 and #3. See [RTC 10](#) and [RTC 11](#), above.

16. **Comment:** *EPA and courts have previously ruled that infrequent testing does not always assure compliance with short-term emissions limits. In *In re the Title V Air Operating Permit for A Pig Iron Mfg. Plant St James Parish*,<sup>50</sup> EPA reviewed a permit that required manual stack testing every 2.5 to 5 years and determined that the testing was too infrequent to adequately determine compliance with the short-term limits for nitrogen oxides (NO<sub>x</sub>), sulfur dioxide (SO<sub>2</sub>), and CO, especially because the plant's emissions were from "largely batch processes that are highly variable." Similarly, in *In re Williams Four Corners*,<sup>51</sup> EPA found that an annual "snapshot of sampling of emissions, as required by the permit under review, could not ensure compliance with hourly NO<sub>x</sub> and CO limits." In *Sierra Club v. EPA*,<sup>52</sup> the D.C. Circuit similarly acknowledged the difficulty of determining compliance with an hourly emissions limit based on annual emissions testing.*

See Commenters 323.

**EPA Response:** In suggesting that the CPTs are not frequent enough to assure compliance with the short-term HWC NESHAP limits, commenters both ignore most of the additional requirements that apply to hazardous waste incinerators such as Veolia and misapply EPA precedent on this point. In both of the case-specific examples cited by commenters, EPA found that infrequent stack testing, *taken alone*, was inadequate to assure compliance with short-term emission limits. That is not the case here; monitoring at Veolia does not consist solely of infrequent stack testing.

First, all hazardous waste combustors subject to the HWC NESHAP must conduct initial and periodic CPTs to demonstrate compliance with the HWC NESHAP emission standards, establish limits for the operating parameters provided by 40 C.F.R. § 63.1209, and demonstrate compliance with the performance specifications for continuous

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<sup>50</sup> *In re Title V Air Operating Permit for A Pig Iron Manufacturing. Plant St James Par.*, 2010 WL 10836670 at \*31, \*32 (EPA, June 25, 2010).

<sup>51</sup> See *In re Williams Four Corners*, 2011 WL 12482512, at \*15.

<sup>52</sup> *Sierra Club v. E.P.A.*, 536 F.3d at 675.

monitoring systems. 40 C.F.R. § 63.1207(b). Subject facilities must also commence periodic comprehensive performance testing no later than 61 months after the date of commencing the previous CPT used to show compliance with the standards. 40 C.F.R. § 63.1207(d)(1). Veolia must also conduct a dioxin/furan confirmatory performance test no later than 31 months after the date of commencing the previous comprehensive performance test (i.e., midway between comprehensive performance tests). 40 C.F.R. § 63.1207(d)(1).<sup>53</sup> The facility must establish limits (as applicable) on the feedrate of metals, chlorine and ash, key combustor operating parameters, and key operating parameters of the air pollution control device based on operations during the CPT.

Second, under the HWC NESHAP, Veolia must conduct various monitoring activities to ensure compliance with the limitations and standards of the HWC NESHAP. *See* [RTC 12](#), above. For example, Veolia must continuously monitor combustion parameters (e.g., temperature, pressure, gas flow) with a CMS. 70 FR 59413. Veolia must also operate CEMS for CO and oxygen, and COMS for opacity, must continuously monitor particulate matter control device performance using bag leak detection systems, and an AWFCO system that immediately and automatically cuts off the hazardous waste feed when: any OPL specified in the permit or any emission standard monitored by a CEMS is exceeded; the span value of any CMS detector, except a CEMS, is met or exceeded; upon malfunction of any CMS that monitors an OPL or an emission level; or any component of the AWFCO system fails.

In addition to the performance testing and monitoring requirements described above, Veolia must submit various notifications and reports to EPA, including:

- Notification of changes in design, operation, or maintenance (§ 63.1206(b)(5)(i));
- Notification of performance test and continuous monitoring system evaluation, including the performance test plan and continuous monitoring system performance evaluation plan (§ 63.1207(e));
- Notification of compliance, including results of performance tests and continuous monitoring system evaluations (§§ 63.1210(b), 63.1207(j), 63.1207(k), and 63.1207(l));
- Notification of excessive bag leak detection system exceedances;
- Startup, shutdown, and malfunction plans;
- Excessive exceedances reports;

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<sup>53</sup> The facility must use the following stack test methods to document compliance with the emission standards: (1) Method 29 for mercury, semivolatile metals, and low volatile metals; and (2) Method 26/26A, Methods 320 or 321, or ASTM D 6735-01 for hydrogen chloride and chlorine; (3) either Method 0023A or Method 23 for dioxin/furans; and (4) either Method 5 or 5i for particulate matter. 70 FR 59412. The facility must use CO or hydrocarbon continuous emission monitors (as well as an oxygen continuous emissions monitor to correct the CO or hydrocarbon values to 7% oxygen) to ensure compliance with the CO or hydrocarbon emission standards. *Id.*



- Emergency safety vent opening reports; and
- Any other notifications and reports required by 40 C.F.R. Part 63, Subpart A (General Provisions) or the HWC NESHAP as specified in Condition 2.1(E) of the final permit.

See 40 C.F.R. §§ 63.1210 and 63.1211(a). See also 70 FR 59413. The facility must keep records documenting compliance with the requirements of the HWC NESHAP, including (but not limited to) records of:

- The FAP;
- Startup, shutdown and malfunction plans;
- Calculation of hazardous waste residence time;
- Documentation of the facility's investigation and evaluation of excessive exceedances during malfunctions;
- Corrective measures for any automatic waste feed cutoff that results in an exceedance of an emission standard or operating parameter limit;
- Documentation and results of the AWFCO system operability testing;
- Method used for control of combustion system leaks;
- Corrective measures for any emergency safety vent opening;
- Documentation of changes in modes of operation; and
- Documentation of compliance as required by 40 C.F.R. § 63.1211(c).

See 40 C.F.R. § 63.1211(b). The above notifications, reports and records provide EPA and the public with an opportunity to review the facility's ongoing compliance with the HWC NESHAP standards.

Thus, the HWC NESHAP compliance assurance regime is based on a combination of longer-term stack testing (CPTs) coupled with short-term monitoring of operating parameters and emissions data in order to assure continuous compliance with the short-term HWC NESHAP emission limits. EPA has previously explained that longer-term stack testing, supplemented by short-term parametric monitoring, can be sufficient to assure compliance with short-term limits in certain situations. See, e.g., *In the Matter of Yuhuang Chemical Inc. Methanol Plant*, Order on Petition No. VI-2015-03 at 18 n.16 (August 31, 2016); *In the Matter of Gallatin Fossil Plant*, Order on Petition Nos. IV-2016-11 and IV-2017-17 at 14 (January 30, 2018).<sup>54</sup> The HWC NESHAP contemplates exactly this kind of multi-prong approach by requiring periodic performance tests, supplemented by short-term parametric monitoring of the OPLs set during these performance tests and combined with recordkeeping and reporting requirements. As discussed in [RTC 10](#), [RTC 11](#) and [RTC 12](#), above, EPA has evaluated the need for

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<sup>54</sup> EPA's Title V orders are available online: <https://www.epa.gov/title-v-operating-permits/title-v-petition-database>

additional monitoring, considering site-specific factors at the Veolia facility, and determined that, with the use of ACI on Units #2 and #3 to control mercury emissions, the NESHAP's standard monitoring requirements discussed above, along with the supplemental feedstream analysis procedures discussed in Section II.C, below, are sufficient to assure compliance with emission limits of the HWC NESHAP.

17. **Comment:** *Because Veolia constantly receives highly heterogeneous and variable feedstreams from a dynamic array of waste suppliers, and because its calculations of the metals content of those feedstreams are unreliable, Veolia could not ensure that the CPT was conducted at the extreme end of normal operating conditions. Therefore, it could not rely on the OPLs generated from the CPT to ensure compliance with permit limits.*

*See Commenter 323.*

**EPA Response:** The commenter is correct that under 40 C.F.R. §§ 63.7(e)(1) and 63.1207(g), Veolia must conduct performance testing “under operating conditions representative of the extreme range of normal conditions.” However, regardless of whether the CPT was conducted at the “extreme range of normal conditions” (as required by 40 C.F.R. §§ 63.7(e)(1) and 63.1207(g)), the CPT results are translated into binding, enforceable OPLs. Thus, provided there is no extrapolation of feedrates, as allowed by 40 C.F.R. §§ 63.1209(l)(1)(v) or 63.1209(n)(2)(vii), and the permit includes sufficient monitoring to ensure compliance with the OPLs, EPA believes actual emissions under normal operation would be in compliance with the HWC NESHAP limits. We concur with the commenter that heterogeneity of feedstreams generally makes it challenging for a facility to determine the operating conditions that would constitute the “extreme range of normal operations” for purposes of the CPT. For this reason, EPA recently denied Veolia’s request to establish feedrate OPLs at rates that would have been higher than the feedrates measured during the CPT. *See* 2013 SOB for the Proposed Significant Modification to Title V Permit No. V-IL-1716300103-08-01, document ID. EPA-R05-OAR-2012-0649-0002, at 14-15; 19.<sup>55</sup>

In the final permit, EPA has retained OPLs from the 2013 CPT, without extrapolation, while it completes review of Veolia’s proposed OPLs from the 2018 CPT. Following the conclusion of its review of the 2018 CPT results, and upon receipt of a request for a minor permit modification from Veolia, EPA expects to reopen and revise the facility’s Title V permit to incorporate OPLs from the 2018 CPT (as documented in the 2019 NOC) as enforceable OPLs. *See* 64 FR 52828, 52977-8 (Sept. 30, 1999) (which provides

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<sup>55</sup> *See* <https://www.regulations.gov/document?D=EPA-R05-OAR-2012-0649-0002>.

guidance on how operating requirements in a NOC arising from a CPT should be incorporated into a Title V permit). Thus, provided Veolia complies with the OPLs (including feedrate limits), EPA is confident that Veolia's emissions will remain significantly below the numerical emission limits in the HWC NESHAP. If the CPT was not conducted at the extreme end of normal operating conditions, it may be more difficult for Veolia to comply with its emission limits and could require Veolia to ramp down waste feedrates in order to continue to comply. This scenario would likewise ensure that Veolia's emissions will remain below the numerical emission limits in the HWC NESHAP. The enhanced feedstream analysis procedures are expected to provide important information regarding Veolia's compliance with the OPLs, as discussed in Section II.C, below.

If Veolia violated its OPLs, this would be a separate compliance matter to be addressed if and when it occurred, and would not itself undermine the validity of the OPLs established during the CPT.

18. **Comment:** *Some commenters asserted that continuous real time monitoring is inherently superior to periodic testing. One commenter alleged that the approach for estimating emissions based on performance testing makes several potentially incorrect assumptions as demonstrated by the results of real-time monitoring conducted using the Xact continuous multi-metals monitoring device at a California secondary lead smelter. Specifically, this commenter claimed it is incorrect to assume that 1) the concentrations of metals are uniform in each type of waste that is periodically measured, 2) control efficiency remains the same for all types of waste that are burned, and 3) the control efficiency remains the same over a 5-year period. According to this commenter, emissions can vary by an order of magnitude even in highly controlled industrial facilities, including in facilities that process "far more homogenous" material than Veolia's and with more air pollution controls than Veolia. This commenter asserted that the only way to determine the variability of Veolia's emissions, and for EPA to provide assurance to Veolia's neighbors that it is truly operating in compliance with its emissions limits, is to perform continuous multi-metals monitoring.*

*See Commenters 323, 337.*

**EPA Response:** Some of the comments challenging specific assumptions underlying the use of CPTs to establish OPLs are related to the characterization of wastes and are addressed by enhancements to Veolia's FAP, as discussed in Section II.C, below. Regarding the commenters' concerns that the control efficiency (and, thus, emissions) could vary depending on the type of waste burned, or that control efficiency might not

remain constant over the 5-year period between CPTs, any such variability is not expected to result in a violation of the standards given the wide margin of compliance demonstrated during the CPTs. See [RTC 10](#) and [RTC 11](#), above. Additionally, EPA expects that the technical report developed by Veolia (with a goal of improving and maintaining ACI system removal efficiency) should further ensure successful operation of the ACI controls.<sup>56</sup>

Although continuous real-time monitoring may offer benefits over periodic testing combined with parametric monitoring, that does not mean continuous monitoring must always be required. See, e.g., CAA § 504(b). That is, the fact that one approach has advantages over another does not mean the first approach is required by law or regulation. In fact, EPA has previously determined that where an applicable requirement does not mandate the use of continuous emissions monitoring, other approaches to monitoring may be sufficient. See, e.g., *In the Matter of Gallatin Fossil Plant*, Order on Petition (January 30, 2018) at 14-16; *In the Matter of Xcel Energy, Cherokee Station*, Order on Petition (September 29, 2011) at 11-12. Here, as described above, EPA has determined that the monitoring regime established in the HWC NESHAP, supplemented by additions to Veolia's FAP and the use of ACI controls on all three units, are sufficient to assure compliance with the relevant limits of the HWC NESHAP. Thus, even if multi-metals monitoring devices might offer some advantages over the CPT-based approach contained in the final permit, EPA has determined that it is not necessary to employ these devices at this time as an alternative means to establish the OPLs in order to assure compliance with the HWC NESHAP limits. See [RTC 10](#), [RTC 11](#) and [RTC 12](#), above.

19. ***Comment: Commenters objected to the removal of the higher level of safeguards provided for in the January 2017 Permit, especially the removal of the requirements for multi-metals monitoring devices from Condition 2.1(D)(1)(i). EPA has previously stated that the data these monitors would provide "is essential to protecting human health and the environment in the Sauget area" and that they are "necessary to fulfill EPA's obligations as the permitting authority." Given EPA's own analysis, these monitors should not be removed from the permit. East St. Louis suffers from some of the worst air pollution in all of Illinois and will suffer even more if the heavy metals coming from Veolia's incinerator go unmonitored. The greater St. Louis metropolitan area has its share of pollution concerns including ambient arsenic levels. Veolia is a potential source for some of these pollutants for the greater metropolitan area and certainly for the local population of Sauget and East St. Louis. The decision to remove the multi-metals monitors does not take adequate account that the affected communities have already been subjected to prior unacceptable levels of arsenic and***

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<sup>56</sup> This technical report is not required or necessary if the ACI systems demonstrate a removal efficiency of 90 percent or better at Units #2 and #3 as measured during the 2018 CPT.

*possibly other heavy metals from past operations. It does not take adequate account of the numerous other sources of carcinogens and other toxins from numerous other sources in and around East St. Louis.*

*EPA has not provided any new information or data to justify the removal of multi-metals device requirements. It simply "re-evaluated" the data it previously said supported more rigorous monitoring and testing requirements and changed its mind. There has been no change in environmental conditions since the EPA decided against continuous heavy metal monitoring. The fact that Veolia's permit changed only after Veolia representatives met with former EPA Administrator Scott Pruitt provides evidence that this change was done out of a blatant disregard to the health of the community. It has every appearance of being motivated by a desire to compromise the agency's mission of protecting the environment in order to contain Veolia's costs and maintain its profit margins at the expense of public and environmental health. Please put public health before Veolia's profits.*

See Commenters 1-136, 310, 315, 326, 328, 335-337, 340-341, 344, 347, 349.

**EPA Response:** EPA disagrees with commenters' suggestions that there have not been any new data or changes in environmental conditions since EPA determined that the multi-metals monitoring devices were necessary, or that the changes to Veolia's permit were done without regard to the health of the community. On the contrary, EPA's decision to not require these devices was based on Veolia's installation and operation of ACI systems, which will reduce Veolia's mercury emissions significantly. Instead of merely monitoring the mercury emissions from Veolia, EPA is now requiring Veolia to better control those emissions to such an extent that additional monitoring is no longer necessary to assure compliance with the numerical limits in the HWC NESHAP. EPA expects this will result in better air quality and reduced pollution exposure for all nearby residents.

In addition, as explained in [RTC 11](#), above, EPA determined that the data relating to LVM or SVM emissions involved anomalous results from a single performance test involving lead emissions and another performance test involving arsenic emissions, and concluded that these anomalous single data points were not enough to support a conclusion that multi-metals monitoring devices were necessary for LVM and SVM. EPA believes the causes of these anomalous results have been rectified as illustrated by the large margin of compliance that Veolia demonstrated in its 2013 CPT.

See also [RTC 6](#), above (addressing the Pruitt Meeting).

20. **Comment:** *The monitoring devices are necessary for good data collection. Real time metals monitoring represents the best way of assessing the effectiveness of new controls that will be required on the facility and provides the best assessment of the facility's actual health risk to the surrounding community. The proposed revisions substitute the enhanced feedstream analysis for actual monitoring of the composition of the actual effluents being emitted from the site. While the rationale for doing so appears to be sound on the surface, it is tantamount to declaring that educated guesswork on the levels of toxic metals being emitted from the plant is an adequate substitute for actual measurement of the levels of toxic metals being emitted from the plant, and will sufficiently ensure that the health of the public and the eco-system is protected. That is simply not adequate. It does not conform to the precautionary principle.*

See Commenters 1-136, 310, 315, 326, 336-337, 340, 344, 347, 349.

**EPA Response:** Although EPA agrees that real time multi-metals monitoring could provide additional information about Veolia's emissions and offers various benefits, because Veolia has agreed to install ACI controls on Units #2 and #3 and after reevaluating the previous analysis in light of this (see [RTC 10](#) and [RTC 11](#), above), EPA no longer considers the installation of multi-metals monitoring devices necessary to assure compliance with relevant HWC NESHAP limits.<sup>57</sup> As discussed in [RTC 12](#), above, EPA is confident that the use of periodic CPTs and continuous monitoring of various operating parameters will be sufficient to establish OPLs that assure compliance with all emission limits. Contrary to the commenters' suggestions, these are all forms of direct measurement, rather than educated guesswork. Because the ACI systems will be so effective at reducing mercury emissions (see [RTC 10](#), above) and because EPA considers the OPLs for other metals to be sufficiently protective (see [RTC 11](#), above), EPA has determined that the multi-metals monitoring devices are no longer necessary.

21. **Comment:** *The use of multi-metals monitoring devices would provide other benefits to Veolia, including maximizing efficiency and cost savings. Since multi-metals monitoring devices monitor actual emissions in real time, they can simultaneously allow Veolia to make their operations more efficient.*

*Veolia should "behave as a good corporate citizen" and perform continuous metals monitoring in its stacks. This commenter stated that the large number of comments submitted by community members in support of the metals monitoring requirement, as*

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<sup>57</sup> While EPA agrees that current and past air pollution in the East St. Louis and Sauget areas is of concern, the Title V permitting process is not the proper forum to address these broader issues. EPA's role as the Title V permitting authority for Veolia is limited: Title V permits simply "consolidate 'existing air pollution requirements into a single document, the Title V permit, to facilitate compliance monitoring' without imposing any new substantive requirements." *U.S. Sugar Corp. v. EPA*, 830 F.3d 579, 597 (D.C. Cir. 2016) (citation omitted).

*well as the high number of community members who participated at the public hearing, indicate substantial community concern about emissions from Veolia's facility. This commenter stated that Veolia is a large French-based transnational company with revenues in 2017 of over 25 billion Euros and thus could afford to conduct real time metals monitoring on its Sauget facility's stacks to assure the community that its operations do not pose a significant health risk.*

See Commenters 323, 337.

**EPA Response:** EPA acknowledges that multi-metals monitoring devices could potentially provide additional benefits to Veolia, including the ability to identify and quantify any spikes in actual emissions resulting from combustion of heterogeneous feedstreams and potential cost-savings due to no longer being required to conduct feedstream analysis. See 2014 SOB at 56-57. Veolia does have the option to voluntarily elect to install continuous emissions monitoring systems as a method of demonstrating compliance with the HWC NESHAP. See 40 C.F.R. § 63.1209(a)(5). However, Veolia has not done so to date, and, as already discussed, EPA has not determined that such supplemental monitoring is necessary in the Title V permit. For the reasons stated above, EPA has determined that the installation of the multi-metals monitoring devices is not necessary to establish OPLs in order to assure compliance with the HWC NESHAP limits and therefore, EPA is not requiring Veolia to install those devices.

22. **Comment:** *If it is true that there are no continuous metals monitoring devices installed anywhere in the country or in the world, maybe this is Veolia's opportunity to be the test-bed for that device. Seems to me that even if it is an experimental system, it would give us more information rather than none. We have all heard about the Detroit water scandal where we were told not to worry about it despite people calling to say the water didn't seem right. Turns out it wasn't right, but nobody had the knowledge of it. Then we had the Volkswagen emissions scandal where they got away with tampering with the system and changing everything for years and years, and they finally got caught after the fact. It is possible that even the non-suspect waste (such as certain pharmaceutical drugs) that Veolia burns contains lead, dioxins, cadmium, arsenic and various toxins that could be released to the air. These metals could be detected by the continuous metals monitoring device. Veolia says there is nothing we should be worried about and that everything is fine. If there is nothing to see, put a continuous heavy metal monitor up and we will see what there is to see. And if there is nothing to see, then we can all hear about it. But there needs to be that level of transparency and accountability to the community; transparency about what is going into the air because it's hard to determine what pollutant is coming from what site when you have so many*



***in the area. East St. Louis needs better monitors in general, but this site needs to have a monitor. If you don't measure it coming out, how can you even set permit limits?***

See Commenters 309, 311, 341.

**EPA Response:** As discussed in [RTC 21](#), above, EPA acknowledges various benefits associated with the additional information that could be provided by multi-metals monitoring devices. And, as discussed in [RTC 21](#), above, Veolia has the option to voluntarily install CEMS as a means of demonstrating compliance. However, Veolia has not elected to do so, and EPA has determined that the installation of multi-metals monitoring devices is not necessary to establish OPLs in order to assure compliance with relevant HWC NESHAP limits. See [RTC 12](#), above. Source-specific stack test data collected during Veolia's 2013 CPT were used to set Veolia's permit limits.

Because EPA has determined that multi-metals monitoring devices are not necessary to assure compliance with the HWC NESHAP emission limits, as discussed in [RTC 10](#), [RTC 11](#) and [RTC 12](#), above, EPA cannot require them in the Title V permit and does not believe it would be an appropriate use of our discretion in these circumstances to require their use under 40 CFR § 63.1209(g)(2).

23. ***Comment: Multi-metals monitoring devices are commercially available and have been proven to be effective. Commenter 337 asserted that the Xact multi-metals monitoring technology, which EPA evaluated as part of the January 2017 permitting action, has continued to demonstrate its reliability, accuracy and precision in numerous studies and applications, and is accepted by the general monitoring community. The commenter stated that the stack version of the Xact multi-metals monitoring device (Xact 640) has been accepted as a compliance monitor by the South Coast Air Quality Management District (SCAQMD), the Texas Commission on Environmental Quality (TCEQ) and by EPA. The commenter claimed the instrument has demonstrated ability to operate in a wide variety of conditions including the types of conditions found in Veolia's facility. The commenter cited a number of peer-reviewed journal articles by independent researchers that the commenter claimed to have validated the accuracy and precision of the Xact multi-metals monitoring device. According to the commenter, there are currently more than 150 ambient air versions of the Xact multi-metals monitoring devices installed at various locations throughout the world. The commenter explained that the ambient air version of the Xact multi-metals monitoring device (Xact 625) uses the same core technology as the Xact 640. The commenter discussed the results of demonstration projects and other instances where regulatory agencies have required the installation and operation of the Xact 640 stack-based continuous multi-metals monitoring device, including a demonstration project undertaken by the***



***SCAQMD on a secondary lead smelter in the City of Industry, California, and a permit requirement by the TCEQ instructing a refinery catalyst recycling facility to install and operate a multi-metals monitoring device to continuously measure emissions of certain heavy metals.***

See Commenter 337.

**EPA Response:** EPA is not requiring Veolia to temporarily install and operate multi-metals monitoring devices. However, EPA did not make this change due to any perceived concerns regarding the availability, reliability, or accuracy of these devices, whether generally or in relation to Veolia's incinerators. Rather, EPA determined that these devices are no longer necessary to establish OPLs in order to assure compliance with the relevant HWC NESHAP standards. See [RTC 10](#), [RTC 11](#) and [RTC 12](#), above. Because multi-metals monitoring devices are not being required for this reason, rather than the reasons provided in this comment, EPA does not believe it is necessary to respond to the substance of this comment.

24. **Comment:** *Veolia agreed with EPA's decision to not include the multi-metals monitoring devices in the Draft Permit "because these devices have not been proven to work and are not necessary to assure compliance." Veolia stated that it supports EPA's inclusion of ACI systems in lieu of the requirements for use of continuous multi-metals monitoring devices as contained in Condition 2.1(D)(1)(i) of the January 2017 Permit because the multi-metals monitoring devices "are unproven, unworkable, and are not a reasonable choice to address emissions from the Veolia incinerators." The commenter asserted that multi-metals monitoring devices have never been successfully used in a commercial hazardous waste incinerator; do not reduce emissions; compile unverifiable results; are incapable of providing accurate information while operating in Veolia's stacks and cannot be used for compliance. Veolia claimed the Xact multi-metals monitoring device "has never been audited for the type of pollution control systems used by Veolia" and that no performance specifications have been promulgated and approved for the use of multi-metals monitoring devices in the conditions which exist at Veolia; namely, incinerators using exclusively dry pollution control systems and producing off gases with the high variable moisture (typically more than 40 percent and at times as high as 45 percent) and high temperature produced by Veolia's incinerators. Veolia alleged that "the only entity that claims to have vetted and verified the multi-metals [monitoring device] is the developer of the technology, who has a pecuniary interest in its success."*

See Commenter 322.

**EPA Response:** See [RTC 23](#), above.

25. **Comment:** *Veolia stated that it already “completely complies” with the monitoring requirements of the HWC NESHAP. Veolia asserted that “Veolia cannot use an alternative method (such as [a multi-metals monitoring device]) that it has not requested and is not approved under the [HWC NESHAP] to demonstrate compliance with the HWC NESHAP.” The commenter stated that the HWC NESHAP “does not contemplate” EPA requiring a source to install multi-metals monitoring devices of the type which have been removed from the January 2017 Permit. Veolia claimed the Xact multi-metals monitoring device does not demonstrate compliance pursuant to EPA Reference Method 29, which is the test method required by the HWC NESHAP.*

See Commenter 322.

**EPA Response:** See [RTC 23](#), above.

## C. FEEDSTREAM ANALYSIS PROCEDURES

26. **Comment:** *The Draft Permit waters down a provision requiring Veolia to test all incoming waste for hazardous metals. Under the proposed permit, different testing procedures would apply to “suspect” and “non-suspect” waste, and the procedures would be less rigorous than those in the January 2017 Permit regardless of how waste is categorized. When Veolia first proposed categorizing waste as “suspect” or “non-suspect,” EPA said it would not accept Veolia’s proposed categorization because it believed certain “non-suspect” wastes that actually contain high levels of metals could slip through the cracks. The revised feedstream analysis procedures found in Condition 2.1(D)(2)(d)(ii) of the Draft Permit do not eliminate the problems that led to the need for the enhanced feedstream analysis requirements of the January 2017 Permit – the over-reliance on generator-supplied information and the assumption that each shipment bearing the same waste profile contained the same metals content. EPA has not provided any new information or data to justify the changes to the feedstream analysis procedures. EPA simply “re-evaluated” the data it previously said supported more rigorous monitoring and testing requirements and changed its mind. Please put public health before Veolia's profits.*

See Commenters 1-136; 323, 335, 341.

**EPA Response:** EPA disagrees with the implication that the enhanced feedstream analysis procedures included in the Draft Permit are inadequate to assure compliance with the feedrate limits for mercury, LVM and SVM. It is correct that when Veolia first proposed categorizing incoming feedstreams as “suspect” and “non-suspect” wastes, EPA objected to the proposed categorization because the Agency was concerned that certain “non-suspect” wastes could contain metals. However, it is incorrect to suggest that EPA’s initial reluctance to accept Veolia’s proposal indicates that EPA cannot reach a different conclusion after a more thorough evaluation of the underlying facts. EPA continues to believe that proper characterization of feedstreams is essential to ensuring Veolia does not violate its HWC NESHAP emission limits. Specifically, we believe that an enhanced analysis of feedstreams will enable Veolia to establish and maintain a reliable correlation between the wastes that go into its incineration units and the emissions of mercury, LVM and SVM generated by those units. In other words, EPA adjusted the feedstream analysis procedures in the permit based on a review of the facts, and we believe the FAP included in this permit will enable Veolia to establish and maintain this reliable correlation to ensure compliance with the HWC NESHAP while better focusing the company’s resources on characterizing those wastes that are most likely to contain high levels of metals.

In its objections to the January 2017 Permit, Veolia identified several areas within the January 2017 Permit's enhanced feedstream analysis procedures that it requested EPA to revise to clarify the level of sampling and analysis that is appropriate for various categories of wastes. Veolia requested that the sampling and analysis procedures for "non-suspect" wastes be less vigorous and less frequent compared to the procedures for suspect wastes. A "suspect waste" would be defined as a feedstream that may contain, or is expected to contain mercury, LVM or SVM based on information that Veolia obtains from the generator of the waste or another source. A feedstream would be classified as a suspect waste if the profile for that feedstream contains a hazardous waste code<sup>58</sup> that is associated with the potential presence of mercury, LVM or SVM, or if other information Veolia obtains from the generator of the waste or another source indicates the potential for mercury, LVM or SVM to be present. Conversely, a feedstream would only be classified as a "non-suspect waste" if it is not expected to contain mercury, LVM or SVM. A feedstream would be classified as a non-suspect waste if the profile for that feedstream does not contain a hazardous waste code that is associated with the potential presence of mercury, LVM or SVM, and if other information Veolia obtains from the generator or another source indicates that mercury, LVM or SVM are not present.

As we discussed in the 2018 SOB, EPA carefully reviewed Veolia's concerns and determined that Veolia's proposed approach is consistent with industry practice and would continue to ensure a thorough accounting of the metal concentrations in all of Veolia's feedstreams. Upon reevaluation, EPA determined that by distinguishing the procedures for suspect wastes from those for non-suspect wastes, Veolia would invest the most resources in conducting frequent analyses of wastes that have the greatest potential of containing elevated concentrations of metals. Veolia would sample and analyze non-suspect wastes for metals at a lower frequency than the sampling and analysis frequency for suspect wastes whenever information on the process generating the non-suspect waste changes and whenever it receives information suggesting that metals may be present in the non-suspect waste. *See* Condition 2.1(D)(4)(d)(ii).

EPA disagrees with the assertion that the January 2017 Permit required Veolia to "test all incoming waste for hazardous metals." In the January 2017 Permit, EPA required Veolia to conduct "representative sampling" using the methods specified in 40 C.F.R. Part 261, Appendix I, "of each shipment" of waste prior to feeding the waste into any incinerator and to "analyze" such samples for mercury, LVM and SVM using appropriate quality assurance and quality control procedures and test methods. *See* Condition

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<sup>58</sup> EPA's regulations establish two ways of identifying solid wastes as hazardous under the Resource Conservation and Recovery Act (RCRA): a waste may be considered hazardous if it exhibits certain hazardous properties (characteristics) or if it is included on a specific list of wastes EPA has determined are hazardous because EPA found them to pose substantial present or potential hazards to human health or the environment.

2.1(D)(4)(d)(ii)(B) of the January 2017 Permit. EPA included this provision in the January 2017 Permit to address, in part, the requirement in 40 C.F.R. §1209(c)(1) that prior to feeding material into the incinerator, the Permittee must obtain “an analysis of each feedstream” that is sufficient to document compliance with the applicable feedrate limits. However, the requirement to conduct an “analysis” does not imply that each feedstream must be “sampled” and analyzed in a laboratory as the comment suggests. *See*, for example, 40 C.F.R. §1209(c)(2)(ii), which provides that the Permittee must specify in the FAP whether it will obtain the “analysis” by performing “sampling and analysis” or “by other methods, such as using analytical information obtained from others or using other published or documented data or information.” Accordingly, EPA determined that it is appropriate to clarify in the revised permit that for certain feedstreams, Veolia has the option to “sample and analyze” those feedstreams or use laboratory analytical information obtained from others to document metal concentrations. *See* Condition 2.1(D)(4)(d)(ii) (B)(VI)(aa) (requiring that in lieu of conducting sampling and analysis as described in Conditions 2.1(D)(4)(d)(ii)(B)(I) through (III), the Permittee may elect to use a combination of laboratory analysis and acceptable knowledge (as described in Condition 2.1(D)(4)(d)(ii)(B)(VI)(bb)) for certain specified wastes whose physical nature may make it technically impracticable to obtain a representative laboratory sample).

Veolia's extensive experience with certain feedstreams includes Veolia collecting sufficient analytical information for those feedstreams such that more frequent sampling and analysis is unlikely to change the analytical results for those feedstreams. For those feedstreams, EPA believes that Veolia can correctly identify the feedstreams that do not contain metals and can sample and analyze them less frequently. Veolia must document this activity as required in Condition 2.1(D)(4)(d)(ii). It should be noted that if any metals analysis result for a “non-suspect” feedstream is greater than or equal to the detection/reporting limit as defined in Condition 2.1(D)(4)(d)(ii)(E)(III), that feedstream will be classified as a “suspect” feedstream and sampling and analysis must be performed following the procedures for “suspect” feedstreams. *See* Condition 2.1(D)(4)(d)(ii)(B)(III)(bb). Also, Veolia must conduct follow-up sampling and analysis whenever a “discrepant analytical result” is obtained. *See* Condition 2.1(D)(4)(d)(ii)(B)(V). A “discrepant analytical result” is any subsequent analytical result for any shipment of a feedstream that exceeds the initial analytical result for that feedstream. Condition 2.1(D)(4)(d)(ii)(B)(V)(aa). Finally, Veolia must document its basis for classifying wastes as “suspect” vs. “non-suspect.” *See* Condition 2.1(D)(4)(d)(ii) (requiring that Veolia must maintain records of all analyses, reports and written determinations in accordance with Condition 2.1(E)(21)). Veolia is responsible for ensuring that it does not misclassify waste such that the metal concentrations in the wastes are underestimated. EPA reserves the right to require subsequent sampling and

analysis of any feedstream should it determine that such sampling and analysis is necessary to document compliance with any metal feedrate or emission limit.

EPA recognizes that due to the large quantity of feedstreams Veolia incinerates annually, it would be impractical to “sample and analyze” each feedstream for metal content. Because of the physical or chemical characteristics of some wastes, certain feedstreams cannot be safely sampled or analyzed using available analytical procedures. Thus, in addition to allowing Veolia to categorize certain feedstreams as “suspect” and others as “non-suspect,” we have retained (with minor changes) the January 2017 Permit’s exemptions from sampling and analysis for feedstreams that pose unique safety concerns or profound sampling difficulties. *See* Condition 2.1(D)(4)(d)(ii)(F). For such feedstreams, Veolia must determine and document the metal content of the feedstream using generator knowledge, safety data sheets, and container labels for the purpose of tracking metal feedrates. Any feedstream, even if exempted from sampling pursuant to Conditions 2.1(D)(4)(d)(ii)(F)(I)(aa) through (ff), for which there is insufficient information to allow Veolia to make a reasonable determination of the amount of metals present in the feedstream cannot be exempted from sampling and analysis under the terms of this final permit. To address infrequent waste shipments that Veolia determines to be impractical to sample, we are allowing Veolia to request case-by-case exemptions for those feedstreams, as similarly provided in the January 2017 Permit. *See* Condition 2.1(D)(4)(d)(ii)(F)(IV).

EPA disagrees with the suggestion that the revised feedstream analysis procedures fail to address EPA’s concerns with Veolia’s existing feedstream analysis procedures, including Veolia’s past over-reliance on generator-supplied information, infrequent sampling and laboratory analysis of feedstreams, among others. As already discussed, EPA is requiring Veolia to conduct representative sampling of shipments of wastes accepted for incineration unless the permit specifically exempts a shipment from sampling and analysis. While the frequency of sampling varies depending on the categorization of the waste, the revised permit includes provisions that would ensure that any metal-containing waste is sampled and/or analyzed. For wastes that are sampled, the revised permit includes provisions that ensure metal concentrations are not underestimated; for example, metal concentrations that were previously reported as “undetected” in the laboratory analysis (i.e., a concentration of zero) must be reported as either one-half of the detection limit or the full detection limit depending on whether the waste is a non-suspect or suspect waste, respectively. Conditions 2.1(D)(4)(d)(ii)(B)(I)(aa) and (III)(aa). EPA believes the feedstream analysis procedures in the revised permit would address its previous concerns with Veolia’s existing feedstream analysis procedures. Additionally, as discussed elsewhere in this document, the new ACI systems would minimize the likelihood of Veolia violating its mercury emissions limits.

27. **Comment:** *The Draft Permit's suspect/non-suspect distinction does not differ significantly from Veolia's prior use of the "dynamic suspect list" as a basis for its determination of which waste shipments were likely to contain metals. As the NEIC previously determined, a number of metals-containing waste shipments occasionally slip through the cracks unaccounted. Moreover, EPA does not explain its decision to back away from the NEIC Report recommendation, the 2014 Draft Renewal Permit, and the January 2017 Final Permit conditions requiring testing of all shipments. The 2018 SOB simply states that "EPA has determined that this approach will continue to ensure a thorough accounting of metals concentrations in feedstreams." The 2018 SOB makes much of the use of Resource Conservation and Recovery Act (RCRA) codes, but does not indicate why EPA now believes waste generators are more accurate in their determinations than they were in 2011, 2014, or 2017. NEIC has previously demonstrated that even when the waste-generators correctly supplied the appropriate RCRA codes indicating that there were metals in the shipment, Veolia did not always test the shipments to confirm the metals content. In fact, EPA previously rejected Veolia's request to include a "suspect/non-suspect" distinction in the final permit, stating: "[EPA] would not adopt Veolia's proposed categorization of wastes into 'suspect' vs 'non-suspect' wastes because we believe certain 'non-suspect' wastes that actually contain high levels of metals could slip through the cracks." There is nothing in the record that demonstrates that EPA was wrong then. This sort of "[u]nexplained inconsistency" between two agency actions is an example of "an arbitrary and capricious change" (citing *Mingo Logan Coal Co. v. EPA*, 70 F.Supp.3d 151, 165 (Dist. D.C. 2014)).*

See Commenter 323.

**EPA Response:** As already discussed in [RTC 26](#), above, it is incorrect to suggest that EPA's initial reluctance to accept Veolia's proposed categorization of wastes as suspect versus non-suspect indicates that EPA cannot reach a different conclusion after a more in-depth evaluation of the underlying facts and cognizant of the changed circumstances now that mercury controls have been installed on all three units. We disagree with the notion that we are backing away from addressing the issues identified in the NEIC Report as documented in the 2014 SOB (Document ID. EPA-R05-OAR-2014-0280-0004).<sup>59</sup> As addressed in [RTC 26](#), above, the revised permit would continue to address our concerns as documented in the NEIC Report.

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<sup>59</sup> <https://www.regulations.gov/document?D=EPA-R05-OAR-2014-0280-0004>

With respect to Veolia's "dynamic suspect list," under the new procedures, Veolia must document its basis for classifying wastes as suspect or non-suspect. Condition 2.1(D)(4)(d)(ii). Veolia is not permitted to exempt waste from sampling and analysis unless EPA has approved an exemption for such waste. Condition 2.1(D)(4)(d)(ii)(F)(I) and (IV). In the situations where a waste is impractical to sample due to safety or other concerns, Veolia must still estimate the metal concentrations in those wastes following the procedures discussed in the revised permit. Conditions 2.1(D)(4)(d)(ii)(B)(VI), (F)(II) and (F)(III). Thus, under the revised permit's feedstream analysis procedures, feedstreams that were previously incinerated without representative sampling are now likely to be sampled and analyzed.

28. **Comment:** *Veolia does not analyze each of the varied feedstreams it receives and largely relies on generator-provided information which is often inaccurate. Besides the questionable adequacy of Veolia's OPLs, there is no assurance that these OPLs are appropriately utilized through Veolia's proposed, past or present feed-stream analysis plan. In its 2014 SOB, EPA identified "numerous problems" in Veolia's FAP, which relies heavily on its analytical database. Based on the investigation conducted by NEIC, EPA concluded that these problems include a lack of sampling and analysis of the highly heterogeneous and variable feedstreams Veolia received. As EPA has noted, a waste generator does not have an incentive to test each scheduled shipment and ascertain the precise amount of metals or any other potentially toxic constituent of its waste. In addition to its concern about generator-provided information, the NEIC found significant inconsistencies in Veolia's internal records. Without sampling and analyzing for the actual content of all of its waste streams, blind reliance on Veolia's outdated database and generator's profile package would lead to significant underreporting of metal concentrations in feedstreams and inaccurate feedrate calculations. Veolia's record of unreliable procedures provides evidence that Veolia's feedstream analysis procedures coupled with infrequent CPTs are inadequate to ensure compliance with the HWC NESHAP standards. Further, the high possibility of future violations supports inclusion of the enhanced FAP and multi-metals monitoring device requirements in Veolia's Title V permit.*

See Commenter 323.

**EPA Response:** See [RTC 12](#) and [RTC 26](#), above, and [RTC 33](#), below.



#### **D. ENVIRONMENTAL JUSTICE AND OTHER COMMENTS**

29. **Comment:** *EPA has confirmed that it considers the area surrounding Veolia as an area with EJ concerns. Veolia emits a variety of air pollutants including HAPs, as do other nearby industrial facilities including chemical and ethanol plants and copper and steel manufacturing plants. Due in part to these facilities' emissions, St. Clair County is included in the St. Louis, MO-IL nonattainment area for both the 1997 PM<sub>2.5</sub> National Ambient Air Quality Standard (NAAQS) and the 2015 ozone NAAQS. Legacy pollution also poses a threat to community members in the Sauget area. St. Clair County is home to four Superfund sites, two of which are in Sauget. Sauget is also where the Solutia, Inc. facility, a RCRA corrective action site, is located. Finally, Toxic Release Inventory (TRI) data show that facilities in Sauget dispose of or release large amounts of toxic chemicals every year. Nine facilities in Sauget disposed of or released 898,000 pounds of TRI-covered chemicals in 2017, with Veolia responsible for the largest share. EPA's EJSCREEN tool shows that the community surrounding Veolia (within a 5-mile radius) scores in the 90th percentile or above for every "EJ Index", EPA's combined measures of demographic and environmental indicators, in both the state of Missouri and in EPA Region 5. The area surrounding Veolia has a significant minority population (about 65 percent), and a substantial proportion of all persons living within three miles of Veolia (over 30 percent) live below the federal poverty level. Due to these concerns and other site-specific factors the multi-metals monitoring devices and the enhanced feedstream analysis procedures found in the January 2017 Permit are necessary components of any Title V permit for Veolia and should be restored. EPA has an obligation to impose these monitoring and testing requirements as necessary means to ensure that Veolia is in compliance with the HWC NESHAP. These requirements are also essential to protect the Metro East's vulnerable communities, which bear a disproportionate environmental burden as a result of the area's concentration of large industrial polluters and contaminated sites. EPA should be acting "to develop permits that address EJ issues to the greatest extent practicable under existing environmental laws," in accordance with their own goals, which were enumerated in Plan EJ 2014. This goal stems from EPA's responsibility as a federal agency under Executive Order 12898 to "make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations." EPA has accurately identified Sauget as an at-risk area and should address EJ concerns there "to the greatest extent practicable." The backtrack on the permit requirements will only magnify the air pollution problem and its detrimental effects on the community.*

*The EJ concerns with respect to Veolia's facility also constitute an important site-specific factor in relation to the other two commercial hazardous waste incinerators in Region 5. The EJ indices calculated by EJSCREEN for the communities surrounding the other two incinerators (within a 5-mile radius) in Region 5 are considerably lower than Veolia's; one site scores in the 64th percentile or lower and the other scores in the 46th percentile or lower for every category in their respective states. The EJ concerns surrounding the Veolia facility are especially serious as compared to the other hazardous waste facilities in Region 5 and merit special attention in the permitting process.*

See Commenters 323, 327, 336.

**EPA Response:** The federal government generally, and EPA specifically, has recognized the importance of environmental justice since at least 1983, when the United States General Accounting Office conducted the study: "Siting of Hazardous Waste Landfills and Their Correlation with Racial and Economic Status of Surrounding Communities."<sup>60</sup> EPA has since established a number of tools and resources to facilitate and support the incorporation of environmental justice considerations into agency actions, including air permitting. See [https://www.epa.gov/sites/production/files/2017-09/documents/epa\\_office\\_of\\_environmental\\_justice\\_factsheet.pdf](https://www.epa.gov/sites/production/files/2017-09/documents/epa_office_of_environmental_justice_factsheet.pdf). These cross-cutting efforts aim to create consistency and clarity around how EPA identifies and addresses environmental justice concerns. Further, EPA Region 5 implements EPA's EJ policy through the "EPA Region 5 Regional Implementation Plan to Promote Enhanced Public Participation in Permitting Actions," which is publicly available at [https://www.epa.gov/sites/production/files/2016-12/documents/r5\\_permitting\\_and\\_engagement\\_plan\\_2016\\_update.pdf](https://www.epa.gov/sites/production/files/2016-12/documents/r5_permitting_and_engagement_plan_2016_update.pdf). For the Veolia CAA Title V permit, as discussed in [RTC 1](#), above, EPA has also followed the recommendations of NEJAC as contained in its report, titled "Enhancing Environmental Justice in EPA Permitting Programs," NEJAC (April 2011), pages 20-21 (Recommendations 37 and 38), available at <https://www.epa.gov/sites/production/files/2015-02/documents/ej-in-permitting-report-2011.pdf>.

When examining the EJ issues related to the Veolia facility, EPA determined that the facility is located in an area that has a significant proportion of low-income and minority communities. Further, EPA concluded that the area in which the facility is located is disproportionately affected by environmental pollution. The Agency therefore worked to conduct meaningful public engagement and establish appropriate permit terms and conditions to address EJ concerns to the extent supported by the relevant information and

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<sup>60</sup> <https://www.gao.gov/assets/150/140159.pdf>

law. We have explained in [RTC 1](#), [RTC 5](#) and [RTC 7](#), above, EPA's efforts to engage the community regarding this permit.

However, EPA is limited to addressing these concerns only to the extent practicable under existing environmental laws. EPA's role as the Title V permitting authority for Veolia is a limited one: Title V permits simply "consolidate 'existing air pollution requirements into a single document, the Title V permit, to facilitate compliance monitoring' without imposing any new substantive requirements." *U.S. Sugar Corp. v. EPA*, 830 F.3d 579, 597 (D.C. Cir. 2016) (citation omitted); *Citizens Against Ruining the Environment v. EPA*, 535 F.3d 670, 672 (7th Cir. 2008) ("Title V does not impose *additional* requirements on sources but rather consolidates all applicable requirements in a single document to facilitate compliance." (emphasis added)). While EPA previously determined that the temporary use of multi-metal monitoring devices was necessary to help establish OPLs to ensure compliance with the HWC NESHAP numerical emission limits in the Title V permit, that determination was based primarily on the variation in mercury emissions from Units #2 and #3. See [RTC 10](#), above; 2018 SOB at 8-11. As EPA previously explained, with the installation of mercury controls for these units, EPA is confident that the OPLs established during the CPT will be sufficient to ensure compliance with the numerical emission limits. [RTC 10](#), above. Likewise, cognizant of the changed circumstances because of the installation of mercury controls, EPA believes that the changes made to the FAP will provide sufficient testing to ensure compliance with the metal feedrate OPLs and allow Veolia to focus its resources on testing those feedstreams that are more likely to contain high levels of metals. Therefore, while the commenter requests that EPA require the use of multi-metals monitoring devices and the previous FAP, based on the changed circumstances, neither is required. See [RTC 10](#), [RTC 11](#) and [RTC 12](#), above.

EPA does not have the authority to address cumulative risk in this Title V permit. EPA acknowledges that the cumulative risks from aggregate exposures to multiple agents or stressors is an important area for further development. However, the commenter has not identified, nor is EPA aware of, an existing national or State Implementation Plan (SIP)-approved regulatory requirement applicable to Veolia that requires the facility to address cumulative risk. Without such an applicable requirement, EPA does not have the authority in Title V to add such a substantive requirement. EPA is continuing to explore approaches to cumulative risk in various contexts.<sup>61</sup> However, at this time, EPA has not yet developed a procedural guide nor a regulatory requirement to address cumulative risk in individual CAA Title V permits.

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<sup>61</sup> See <https://www.epa.gov/risk> (portion of the EPA website which addresses risk assessment).

EPA undertook the most practicable steps we could under existing environmental laws to address the concerns of the surrounding EJ community. *See* [RTC 1](#), above. The commenters have not suggested what regulatory requirement is not included in the permit or provided sufficient reasoning for why, given the changed circumstances with the installation of mercury controls, the extensive monitoring, recordkeeping, and reporting that EPA has included in this Title V permit are insufficient to ensure compliance.

Turning to the specific additional concerns from the commenters, EPA notes that on May 28, 2019, EPA took final action redesignating the Illinois portion of the St. Louis, MO-IL, nonattainment area (the St. Louis area) to attainment for the 1997 PM<sub>2.5</sub> annual NAAQS. *See* 84 FR 24395. The Illinois portion of the St. Louis area includes Madison, Monroe and St. Clair counties, and Baldwin Township in Randolph county. EPA took this action because it determined that the St. Louis area is attaining the annual 1997 PM<sub>2.5</sub> NAAQS based on the most recent three years of certified air quality data. EPA also approved a revision to the Illinois SIP that would ensure the St. Louis area maintains compliance with the 1997 annual PM<sub>2.5</sub> NAAQS through 2030. Thus, due to its reclassification as an attainment area for the 1997 PM<sub>2.5</sub> NAAQS, St. Clair County is subject to existing and new air quality planning and control requirements that will improve air quality in the area. Additionally, due to its classification as a nonattainment area for the 2015 8-hour NAAQS for ozone, St. Clair County is subject to air quality planning and control requirements that apply to areas designated as nonattainment for any NAAQS under the Illinois SIP. Specifically, Veolia and other nearby industrial facilities must comply with SIP limitations that have been established for this area, including the limitations at Title 35 of the Illinois Administrative Code (35 IAC) Part 219, "Organic Material Emission Standards And Limitations For The Metro East Area."

As recognized by this comment, in its assessment of the EJ status of any given geographic location such as the Sauget area, EPA uses an EPA screening and mapping tool called "EJSCREEN," which provides EPA with a nationally consistent dataset and approach for combining environmental and demographic indicators.<sup>62</sup> EJSCREEN includes environmental and demographic indicators ranging from estimates of human health risk to proxies for potential exposure such as proximity to hazardous waste sites or traffic. *See* EJSCREEN Technical Documentation (available at [https://www.epa.gov/sites/production/files/2017-09/documents/2017\\_ejscreen\\_technical\\_document.pdf](https://www.epa.gov/sites/production/files/2017-09/documents/2017_ejscreen_technical_document.pdf)) at Section 2. In this regard, TRI facilities that emit HAPs are considered through the National Air Toxics Assessment (NATA) indicators (*Id.* at 32), and many others are included in the Risk Management Plan (RMP) indicator (*Id.* at 15). Nearby Superfund sites are addressed under the

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<sup>62</sup> <https://www.epa.gov/ejscreen/what-ejscreen>

National Priorities List (NPL) indicator (*Id.*). Thus, EPA believes that commenters' concerns with respect to nearby TRI or Superfund sites have appropriately been considered in the determination of the EJ status of the Sauget area. The EJ status of the area where the Veolia facility is located and the proximity of the Veolia facility to other sources of environmental concern does not demonstrate any deficiency in the Draft Permit or that EPA's action is arbitrary and capricious.

To the extent the commenters alleged specific deficiencies in individual provisions of the Draft Permit (one commenter identified an alleged "backtrack on the permit requirements" contained in the January 2017 Permit), EPA has included responses to comments in this document which explain the basis for the differences between the January 2017 Permit and the Draft Permit. To summarize, the revised permit includes requirements that would minimize emissions from the Veolia facility, including enhanced feedstream analysis procedures to better quantify metal emissions, requirements for ACI systems that will reduce mercury emissions from all three incinerators, and other monitoring and testing requirements. *See also* [RTC 10](#), [RTC 11](#) and [RTC 12](#), above.

30. ***Comment: Veolia's facility sits in unincorporated Sauget, Illinois, adjacent to the city of East St. Louis. East St. Louis ranks among the lowest cities in the state in terms of income, and the inhabitants are overwhelmingly people of color. It is unacceptable for Veolia to leverage the economic and political vulnerability of the city's residents by continuing to emit toxic metals and volatile organic compounds (VOC) into the air they breathe. A staggeringly high proportion of community residents currently suffer from asthma, respiratory diseases, and cancers as a result of poor air and water quality. Ignoring the urgent need to protect public health in this city would be in blatant contradiction with the EPA's official mission to protect human health and the environment. In 2017, the EPA proposed a permit which required Veolia to install multi-metals monitoring systems on each of its three incinerators. At the time, EPA defended this decision as necessary to collect data on emissions of toxic emissions, which can be used to identify potential lack of compliance with the Clean Air Act. Since then, EPA has inexplicably removed this provision without publicly explaining the decision to do so. Allowing Veolia to continue expelling lead, arsenic, and mercury-among other substances-into the lungs of an economically under-resourced, African-American community perpetuates the trend of environmental racism in this country, and should be unacceptable to all. What is happening here is racism, environmental injustice and murder. The lack of multi-metals monitoring and subsequent lack of communication with the low-income and minority community is an act of extreme environmental racism and classism. It is also in direct opposition to the ethics and value code of Veolia, itself. While the company "ensures strict compliance with the***

***international laws and treaties governing people's human and social rights," the current permit is a blatant example of environmental racism and classism.***

See Commenters 137- 310, 315, 317, 328, 329, 332, 333, 336, 345.

**EPA Response:** As noted in [RTC 29](#), above, EPA has long worked to address EJ concerns in its actions. EPA agrees that the Agency's mission is to protect the environment and human health. EPA has determined that the facility is located in an area that has a significant proportion of low-income and minority communities. Further, EPA identified the area in which the facility is located as an EJ community.

As previously noted (*see* [RTC 29](#), above), a Title V permit includes pollution control requirements from federal or state regulations that apply to a source. The Title V operating permit program generally does not authorize permitting authorities to establish new substantive air quality control requirements (referred to as "applicable requirements") other than monitoring, recordkeeping, reporting and other compliance requirements necessary to assure compliance with existing applicable requirements. *Citizens Against Ruining the Environment v. EPA*, 535 F.3d 670, 672 (7th Cir. 2008) ("Title V does not impose *additional* requirements on sources but rather consolidates all applicable requirements in a single document to facilitate compliance." (emphasis added)); *see In the Matter of Onyx Environmental Services*, Petition No. V-2005-1 (Order on Petition) (February 1, 2006) at 2. The Title V program is a vehicle for ensuring that existing air quality control requirements are appropriately applied to facility emission units in a single document and that compliance with these requirements is assured. *Onyx* at 2. Thus, EPA generally does not have authority under Title V to impose new substantive emissions control requirements beyond those monitoring, recordkeeping, reporting and other compliance requirements that are necessary to assure compliance with existing applicable requirements.

Among other applicable requirements (including requirements from construction permits, federal air quality rules and the Illinois SIP as we discussed at length in Section 4.2 of the 2014 SOB), Veolia must comply with the emissions control requirements of the HWC NESHAP. The standards in the HWC NESHAP implement section 112(d) of the CAA by requiring hazardous waste combustors (HWCs) to meet HAP emission standards reflecting the performance of the maximum achievable control technology (MACT). This regulatory structure is a vital part of Congress' effort to address human health concerns in the CAA. The applicable requirements of the HWC NESHAP are contained in the Draft Permit. The commenter has not identified, nor is EPA aware of, any additional applicable requirements that may be applicable to Veolia's operations. EPA has done what we can under the CAA: we have included all of the applicable requirements and ensured there is



adequate monitoring, recordkeeping, and reporting in this Title V permit. See [RTC 10](#), [RTC 11](#), [RTC 12](#) and [RTC 26](#), above.

Finally, EPA disagrees that the changes between the January 2017 Permit and the Draft Permit were not explained at the time of issuance of the Draft Permit. The 2018 SOB (*see* Section 2.0) explained the changes proposed in the July 2018 Draft Permit as well as the circumstances that prompted EPA's decision to reevaluate its conclusions in the January 2017 Permit. EPA has also included responses to comments in this document which reiterate the basis for the differences between the January 2017 Permit and the July 2018 Draft Permit. *See, e.g.*, [RTC 10](#), [RTC 11](#), [RTC 12](#) and [RTC 26](#), above.

*See also* [RTC 34](#), below.

31. **Comment:** *It is unconscionable that so many sources of contaminants have been permitted to be sited in a concentrated manner in and around East St. Louis, Cahokia, National City, Washington Park and surrounding communities. This is what environmental racism looks like. You don't see these kinds of pollutants in Ladue, Chesterfield or Clayton. You see it in low income level areas. Considering this, and the cumulative and synergistic adverse health impacts of concentrating so many sources of contaminants in one area, we stand with those demanding that the EPA act in conformance with the precautionary principle, and restore the terms and conditions contained in the January 2017 Permit. EPA should make sure that any such polluting company for which it is responsible does not locate in the United States, let alone East St. Louis. The community would support an EPA policy that would end the practice of incinerating hazardous waste in the first place.*

*See* Commenters 137- 310, 325, 334, 338, 349.

**EPA Response:** EPA concurs that the area surrounding the Veolia facility has many sources of air pollution. However, we disagree with the implication that EPA has authority under Title V to deny a Title V permit renewal because many other sources of air pollution are located in proximity of the source. While EPA has authority to deny a Title V permit under the criteria in 40 C.F.R. § 71.7, the regulations do not authorize EPA to deny an application that meets the completeness criteria in 40 C.F.R. § 71.5(a)(2). Further, as noted in [RTC 29](#), above, while EPA acknowledges that the combined risks from aggregate exposures to multiple agents or stressors can be an important consideration, EPA is not addressing, and cannot address cumulative risks in this permit as there is no underlying applicable requirement that allows us to do so. EPA has considered cumulative risks in its assessment of the EJ status of the Sauget area (through its EJ screening tool, EJSCREEN) and in its determination of the need for enhanced

public participation for the Draft Permit. Consistent with its obligations under Title V of the Act, EPA has determined that the monitoring, recordkeeping and reporting requirements in the Draft Permit are sufficient to assure compliance with all applicable requirements.

The Title V issuance process is also not the venue for addressing zoning issues, which are generally addressed by the local government. As already discussed, EPA believes it has authority to include in the Title V permit those provisions that are necessary to assure compliance with existing requirements. The commenters have not identified any applicable requirements for which the Veolia facility is currently in noncompliance.

Should EPA determine that the compliance procedures in the revised permit are inadequate to assure compliance with any applicable requirement, EPA reserves the right to reopen the permit to incorporate additional compliance procedures for those applicable requirements. With respect to the overall air quality in the Sauget area, EPA will continue to explore other opportunities, as appropriate, for reducing emissions from air pollution sources in this area.

32. ***Comment: I stand in solidarity with all the people in the Metro East who breathe so many toxins every day. We have been dealing with all the particulate matter. Madison and St. Clair Counties have not met EPA air quality standards for years, we still do not. And now we are considering adding more heavy metals to the mix. Heavy metals are not good for your body. I have a sister who is seeing multiple doctors because she has heavy metals that have affected her small intestine, she cannot absorb her food. And so I have seen it in my family, and I do not want it to spread to all our families. I do not think the proposed permit action is wise from a people point of view. It might be good for the bottom line for some of the executives and the corporations, but it is going to come back to bite them because people know what is happening and we are going to stand up and demand better. It is just not right.***

See Commenter 339.

**EPA Response:** The Veolia facility is located in St. Clair County, Illinois, an area that is currently designated as a marginal nonattainment area for the 2015 8-hour NAAQS for ozone.<sup>63</sup> St. Clair County is classified as attainment or unclassifiable with respect to all other NAAQS. Accordingly, St. Clair County is subject to air quality planning and control requirements that apply to areas designated as nonattainment for any NAAQS.

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<sup>63</sup> See <https://www3.epa.gov/airquality/greenbook/ancl.html>.



Under CAA section 107(a), Illinois EPA has the primary responsibility for assuring air quality within the entire geographic area comprising Illinois and must submit a SIP which will specify the manner in which all NAAQS will be achieved and maintained within each air quality control region in the State. Section 110 of the CAA identifies specific requirements that each SIP must meet. However, the commenter has not identified any applicable requirements that are missing from the Title V permit. As noted in [RTC 29](#), above, EPA's role as the current Title V permitting authority for Veolia is limited to consolidating existing air pollution requirements into a single document, the Title V permit, without imposing any new substantive requirements other than those required to assure compliance with the existing air pollution requirements.

33. **Comment:** *We object to the Draft Permit as presented. While it is understandable that there is a need to dispose of hazardous waste, it does not necessarily need to be done in ways that will most impact disadvantaged communities. We urge the EPA to reinstate the permit as was proposed by the EPA in January 2017, to reinstate the continuous multi-metals monitoring and enhanced feedstream analysis provisions. This requires attentiveness to the health effects each of those metals have upon disadvantaged communities. Many of us worked long and hard to get an air permit that would protect all the folks that live and work in this part of the Metro East. We thought we had achieved this in January 2017 when a new permit was issued that required stack monitoring of heavy metals emissions such as arsenic. I was shocked to receive the news that the permit was challenged and is to be replaced by a much weaker permit. I find it reprehensible that anyone would hold such little regard for the lives of the residents of the Metro East. If you don't know what goes in and what comes out, you can't protect the environment.*

See Commenters 315, 318, 326, 346, 347, 350.

**EPA Response:** We agree that responsible disposal of hazardous waste is essential to protecting communities from the harmful effects of hazardous waste. For this reason, EPA has promulgated a number of federal standards that apply to hazardous waste treatment, storage and disposal facilities such as Veolia's Sauget facility. For example, as previously discussed, Veolia's Sauget facility is subject to federal emission standards for hazardous waste combustors. Those standards require Veolia to comply with stringent limits on emissions of dioxins and furans, heavy metals such as mercury, arsenic, lead and others, and other HAPs such as hydrogen chloride (HCl). These standards also include monitoring, testing and recordkeeping requirements to ensure Veolia complies with its emission limits.

Although EPA is no longer requiring the use of the temporary continuous metals emissions monitoring requirements that were included in the January 2017 Permit, we have added requirements for new mercury control devices that would remove mercury emissions on a permanent basis rather than simply monitor them. Thus, we expect mercury emissions to be lower because of the revised permit as compared to the January 2017 Permit or the 2008 permit and allow Veolia to devote its resources to analyzing those feedstreams most likely to contain high levels of metals. Additionally, EPA believes the feedstream analysis procedures in the revised permit are more rigorous than the procedures that Veolia currently follows pursuant to the 2008 permit.

34. **Comment:** *I live in East St. Louis. After hearing what EPA has said about the proposed permit action, I do not know whether to cry, to get angry, to scream, to run, or what to do because it affects my grandchildren and great grandchildren and their livelihood. I am a 77-year old great grandmother raising three children and trying to give them the best possible life that they can have, but when you hear about all of this you go wow, wow. I have an 11-year old who started a garden a few months ago, and we cannot eat anything out of it. You can come to my house and see it. I just watch it and I tell them we cannot eat this, it is not good for human consumption. My baby has had seizures. Her doctor says they do not understand what happened. I taught at Southern Illinois University in early childhood, and I used to wonder why our children had such a high level of lead. You can check the record, it is from ages seven and up. Can the child learn that way? No, they cannot. It affects all parts of the child; their health, their learning, their longevity of life. We are robbing them, and I just say stop it for a dollar. It is hard for me to accept anything other than what was required in the January 2017 Permit. Do not compromise because it affects my children and the surrounding community.*

See Commenter 313.

**EPA Response:** EPA agrees that the area surrounding Veolia faces significant environmental challenges. We agree that community members have the right to enjoy their property, including the ability to cultivate vegetables in their gardens. EPA is committed to continuing to engage the community and other partners, including local government, universities and private partners, to develop lasting solutions to the environmental issues faced by this area as documented in this comment. However, we do not believe this permit action is the appropriate venue to address these concerns. This action is specific to the revisions to the January 2017 Permit that Veolia and EPA negotiated and documented in the 2018 Settlement Agreement to primarily address monitoring for the applicable requirements specified in the permit. The 2018 Settlement Agreement does not require Veolia or EPA to undertake projects that are designed to

assess the area's air quality. Additionally, EPA's authority under Title V of the CAA is limited to the addition of those provisions that are necessary to assure compliance with applicable requirements.

35. **Comment:** *EPA says the cost of additional waste and heavy metal monitoring is high and that EPA's guesswork is good enough for what is going into the incinerator. Is EPA the Economic Protection Agency or the Environmental Protection Advocate? Why is the desire of this corporation being placed above the needs of this community? Veolia has the money to do this. Veolia is constantly buying new companies. Just in July 2018 Veolia spent \$27 million to purchase Illinois American and different sites in Illinois from water in Galena to wastewater in Litchfield and Lincoln. Veolia is constantly acquiring new companies. Veolia can afford to do right. Veolia should accept the original permit requirements and show itself to be a good company to the public. EPA should make Veolia do that because we entrust our future and our children's future to them.*

See Commenter 311, 334, 338, 342, 343.

**EPA Response:** EPA has not assessed the claims made in this comment with respect to Veolia's ability to afford additional monitoring equipment. EPA's authority under Title V of the CAA to add to the Title V permit those provisions that are necessary to assure compliance with applicable requirements does not include an assessment of the Permittee's economic valuation. EPA must require monitoring that is sufficient to assure compliance with applicable requirements included in the permit. In this permit action, EPA has determined that the requirements that Veolia and EPA negotiated and documented in the 2018 Settlement Agreement are sufficient to assure compliance with all applicable requirements. See [RTC 10](#), [RTC 11](#), [RTC 12](#) and [RTC 26](#), above.

36. **Comment:** *How does a verifiably dangerous situation suddenly become safe? How does life that was once valued become devalued? In U.S. history, regulations have never been bargaining chips. They are safeguards. We all agree, for instance, that it is unsafe to allow small children to ride in a car without a regulation car seat, until they reach a certain age and size. The government assessed a dangerous situation by listening to experts, then set standards and regulations, and continues to hold drivers accountable if they fail to comply. I sense it is highly unlikely the government would consider rolling back that regulation, even if a car company challenged it, wanting to save money on vehicle design. Human life is at stake, and the government has assessed the situation as dangerous and stands firm on protecting human life by enforcing this regulation. Why then, in the case of the permit issued to Veolia by the EPA just a little over a year ago, did things change? Veolia's waste incinerator—a confirmed source of*

*significant hazardous air pollutant emissions in East St. Louis and surrounding areas— has magically become less hazardous, at least according to the Trump EPA. Less than two years ago, the EPA said with authority that new monitoring and testing requirements on Veolia's waste incinerator were [quote] "essential to protecting human health and the environment in the Sauget area" and that they are "necessary to fulfill EPA's obligations as the permitting authority." Yet, it took a little more than a challenge to the permit by Veolia to bend the Trump EPA in their favor. And, voila! Suddenly the arsenic, cadmium, mercury and lead are no longer a threat—they no longer need monitoring. While failing to provide any new information that would justify the elimination of the monitoring and testing requirements, the EPA suddenly saw no danger, suddenly realized this community didn't matter and most likely didn't have a voice to fight back. Suddenly social justice violations and threats to human life could occur without repercussion. Suddenly, magically, people's health and wellbeing were devalued. The EPA needs to do its job, as the government has done in protecting the lives of children by requiring car designs that meet federal standards for child safety seats. The EPA must not bow to the greedy desires of corporate polluters, but protect the people and the environment from harm. The EPA must put public health before Veolia's profits and restore the multi-metals monitoring and enhanced feedstream analysis provisions that were in the 2017 permit.*

See Commenter 335.

**EPA Response:** We disagree with the suggestion that EPA was not mindful of public health when it negotiated revisions to the January 2017 Permit to resolve Veolia's appeal of the permit. In fact, EPA has remained focused on seeking solutions that would reduce emissions from the Veolia facility and potentially improve the air quality in the Sauget area. Although EPA did conclude in 2017 that continuous metals emissions monitoring on a temporary basis was appropriate to assure compliance with the emissions limits for certain heavy metals, we did not require that Veolia install new mercury control devices on the two incineration units that did not have mercury control devices. This is because EPA did not believe it had the authority to demand those control devices under Title V of the Act.

However, following Veolia's appeal of the January 2017 Permit, EPA determined that the additional mercury control devices that Veolia voluntarily agreed to install, which would be operated permanently and continuously, would achieve far greater reductions in emissions than may have resulted from operation of the temporary continuous emissions monitoring devices. As discussed in the 2018 SOB, we expect that if the air pollution control systems on Units #2 and #3, including the new ACI systems, are operated and

maintained as required by this revised permit, the resulting mercury emissions will be less than 10 percent of the applicable HWC NESHAP mercury emission standard.<sup>64</sup>

Additionally, the revised feedstream analysis procedures retain the majority of the procedures that EPA included in the January 2017 Permit. None of those procedures are in the 2008 permit. EPA has determined that the revised feedstream analysis procedures would continue to be more rigorous than the 2008 procedures and are sufficient to assure compliance with the limits on the amount of metals Veolia is allowed to feed into its incinerators. In this regard, it is incorrect to suggest that EPA will no longer require Veolia to monitor its arsenic, cadmium, mercury or lead emissions, or that EPA is somehow now considering Veolia to be a non-hazardous incinerator. To the contrary, compared to its current procedures, Veolia will be required to implement more rigorous procedures for sampling and analyzing feedstreams for the concentrations of arsenic, beryllium, cadmium, chromium, lead and mercury as specified in the revised FAP. We also believe with the addition of ACI controls, the revised FAP will allow Veolia to focus on those feedstreams that are most likely to contain metals. *See* additional discussion in Section II.C, above.

Thus, although EPA is no longer requiring the temporary continuous metals emissions monitoring requirements contained in the January 2017 Permit, we have added requirements for new mercury control devices that are expected to reduce mercury emissions, on a permanent and continuous basis, to levels that are likely to be lower than those that would be emitted pursuant to the January 2017 Permit or the 2008 permit.

37. ***Comment: As a lifelong resident of the Metro East, I have seen through my own observation that environmental regulations protect people as well as other living plant and animal life. I know from my own experience that in the 1970's our region was not a destination to observe overwintering bald eagles as it is today. The reason being that by 1963, according to the U.S. Fish and Wildlife Service, the national symbol of the United States was in danger of extinction due to habitat destruction, illegal shooting and food source contamination due to the use of the pesticide DDT. Habitat protection from the Endangered Species Act, conservation measures taken by the American public and the EPA banning DDT brought our national symbol off the endangered species list and restored it to enjoy a healthy population today. I use this example of common sense regulations to argue against issuing a new permit to Veolia. The permit issued in January 2017 included monitoring and testing requirements to ensure Veolia is in compliance with federal limits on emissions of hazardous materials. The incinerator emits arsenic, cadmium, mercury and lead. We know through science that***

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<sup>64</sup> Based on Veolia's proposal to feed mercury to Units #2 and #3 at a rate of no more than 0.02 lb/hr during the 2018 CPT. *See* 2018 SOB at 10.

*these metals cause bad health outcomes in communities affected by their emissions. Some of these outcomes include damage to internal organs, learning disabilities and cancer. The proposed permit eliminates the requirement for Veolia to have heavy metal monitoring equipment. The testing procedure under the proposed permit is less rigorous and could potentially let high levels of metal toxins spill into the air we breathe. We cannot afford to take a step backward with the health of our communities, and especially in this community surrounding the incinerator. A community whose citizens are disproportionately affected by poor air quality. In the case of the Veolia hazardous waste incinerator I urge the EPA to take a lesson from their own play book when they banned DDT in 1972 to save the fate of the American Bald Eagle. Have the courage now and in the future to put people over profits. Restore the multi-metals monitoring and enhanced feedstream analysis provision from the 2017 permit. EPA should direct Veolia to monitor the "poison" they are putting in the air so at least we can know how much is out there that is killing us. Commenter 320 expressed that he has a respiratory illness that makes him vulnerable to air pollution.*

See Commenters 319, 320, 351.

**EPA Response:** EPA agrees that the area surrounding Veolia faces significant environmental challenges. We agree that community members have the right to breathe clean air and enjoy their property. Compared to Veolia's 2008 Title V permit (which is the permit under which Veolia currently operates), the revised permit includes significantly improved procedures for monitoring the concentrations of metals that Veolia feeds into the incinerators. By measuring the concentrations of metals fed into the incinerators more accurately and frequently, EPA and Veolia will have better information on Veolia's actual emissions of metals. Such information will help EPA assess any additional improvements that should be made to the monitoring requirements contained in the Title V permit.

EPA disagrees with the suggestion that the Draft Permit eliminates all requirements for monitoring of heavy metals from the facility. As discussed in [RTC 12](#), above, under the HWC NESHAP, Veolia must determine compliance with the emission limits for mercury, SVM, and LVM through compliance with the applicable OPLs, performance of CPTs every five years to re-establish the OPLs, and implementation of a FAP. EPA has incorporated these standard monitoring requirements of the HWC NESHAP into Veolia's Title V permit. Additionally, EPA has incorporated requirements for new ACI systems that will reduce mercury emissions from two of Veolia's incineration units that previously did not have such controls. Finally, EPA has specified additional requirements for the FAP to supplement the minimum requirements of the HWC NESHAP.

38. **Comment:** *What is being incinerated? What is really being emitted? How much? Guesses are not good enough. What standards are being used to determine what is incinerated and emitted? Who developed them? Will EPA eliminate the monitoring included in the 2017 permit?*

See Commenter 309, 334.

**EPA Response:** Veolia's Sauget facility is a commercial hazardous waste incinerator, which accepts, treats, stores and disposes of offsite waste through incineration. As a commercial facility, Veolia incinerates waste from thousands of waste-generators. The types of waste that Veolia incinerates varies from time to time based on Veolia's clients at the time. To maintain client confidentiality, Veolia is not required to disclose its clients, but it must analyze and record certain characteristics of each waste that it receives pursuant to Condition 2.1(D)(4) of the Draft Permit. *See* 40 C.F.R. Part 2, Subpart B (contains regulations governing business confidentiality claims, the handling by EPA of business information which is or may be entitled to confidential treatment, and determinations by EPA of whether information is entitled to confidential treatment for reasons of business confidentiality).

Emissions from the facility include products of combustion such as NO<sub>x</sub>, sulfur oxides, particulate matter, CO, volatile organic compounds and carbon dioxide. The facility also emits HAPs, including dioxins and furans, HCl, heavy metals such as mercury, arsenic, beryllium, lead, cadmium and chromium, among others. Section 2 of the Draft Permit includes emissions limitations and monitoring, recordkeeping and reporting requirements for these pollutants.

In addition to requirements imposed by other statutes (such as RCRA), Veolia is required to comply with a number of federal and state air pollution control requirements as imposed by the CAA. These CAA requirements, which we have incorporated into the Title V permit, include:<sup>65</sup>

- National Emission Standards for HAPs (NESHAPs), which are federal standards promulgated under the authority of Section 112 of the CAA and codified at 40 C.F.R. Parts 61 and 63;
- New Source Performance Standards (NSPS), which are federal standards promulgated under the authority of Section 111 of the CAA and codified at 40 C.F.R. Part 60;

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<sup>65</sup> See Table 7 of the 2014 SOB ([www.regulations.gov](http://www.regulations.gov), Document ID. EPA-R05-OAR-2014-0280-0004) for the specific applicable subparts.

- The Illinois SIP, which is a compilation of EPA-approved regulations for the State of Illinois as codified in Title 35 of the Illinois Administrative Code (35 IAC) and 40 C.F.R. § 52.720; and
- Construction and operating permits issued by Illinois EPA to Veolia, including Construction Permit #17120004, which Illinois EPA issued to Veolia on January 17, 2018 for the construction and operation of ACI systems on Units #2 and #3.<sup>66</sup>

Under the above requirements, Veolia must establish and comply with applicable OPLs, perform CPTs every five years to re-establish the OPLs, and implement a FAP. Additionally, Veolia must operate new ACI systems that will reduce mercury emissions from two of its incineration units that previously did not have such controls. Veolia must also implement enhanced feedstream analysis procedures to monitor the amount of metals it feeds into its incinerators.

39. **Comment:** *Will there be a system in place to monitor air quality to assess the health of poor and underinsured people living in the community? How will the public be informed of the monitoring results? What is an acceptable level?*

See Commenter 334.

**EPA Response:** This permit action does not require Veolia to install and operate an ambient air quality monitor to monitor the area immediately surrounding the Veolia facility. The commenter has not identified any applicable requirement that would require Veolia to install and operate an ambient air monitor. See [RTC 29](#), above.

EPA notes that, as required by federal regulations, Illinois EPA operates ambient air monitors around the state, including within the East St. Louis area, which collect data on the concentrations of the following common pollutants (also termed “criteria pollutants”): carbon monoxide, nitrogen dioxide, sulfur dioxide, ozone, particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), and lead.<sup>67</sup> These monitors will remain in place to ensure that the community has information about the air that they are breathing. Each year, Illinois EPA publishes its proposed air monitoring network plan for the following year for public review and comment prior to submitting it to EPA.<sup>68</sup> Among other information, this plan includes

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<sup>66</sup> See Table 6 of the 2014 SOB ([www.regulations.gov](http://www.regulations.gov), Document ID. EPA-R05-OAR-2014-0280-0004) for a listing of previously-issued preconstruction permits.

<sup>67</sup> See <https://www2.illinois.gov/epa/topics/air-quality/outdoor-air/air-monitoring/Pages/network.aspx>

<sup>68</sup> [The Illinois Ambient Air Monitoring Network Plan for 2020](https://www2.illinois.gov/epa/topics/air-quality/outdoor-air/air-monitoring/Documents/2020%20Network%20Plan%20%28For%20Comment%20Period%29.pdf) is available at: <https://www2.illinois.gov/epa/topics/air-quality/outdoor-air/air-monitoring/Documents/2020%20Network%20Plan%20%28For%20Comment%20Period%29.pdf>



location information (address and latitude/longitude), site type, objectives, spatial scale, sampling schedule, and equipment type.

40. **Comment:** *We are dedicated to protecting and restoring air, soil and water resources, including the Mississippi River. Where there is not clean air, there is not clean water, there is not clean soil, etc. This is injustice to the community and environment. Veolia says it burns pharmaceuticals so that they don't end up in the water. But what are they doing in the air? If it goes in the air, it is going to fall in the water. We have many gardens and they are raised beds. Wouldn't it be nice to go into some soil without having to call a university or something like that to test the soil to see if we can first eat the food?*

See Commenter 312, 313, 330.

**EPA Response:** EPA agrees that the area surrounding Veolia faces significant environmental challenges. We agree that community members have the right to enjoy their property, including the ability to cultivate vegetables in their gardens. However, this permit action is specific to the revisions to the January 2017 Permit that Veolia and EPA negotiated and documented in the 2018 Settlement Agreement. While the 2018 Settlement Agreement *does* require the Veolia facility to comply with the CAA and its implementing regulations, it *does not* require Veolia or EPA to undertake projects that are designed to assess the area's air quality. Further, both the HWC NESHAP and Illinois' EPA-approved regulations allow Veolia to burn pharmaceuticals in its incinerators provided it complies with any applicable emissions limits and permitting requirements.

41. **Comment:** *I attended the August 21 hearing in East St. Louis, Illinois. I want to add my dismay that the EPA might back away from reasonable requirements that Veolia properly treat all wastes products incinerated at the Sauget plant. EPA has not provided any new information or data to justify the proposed changes to the 2017 permit. The only new documents since January of 2017 are filings from the EAB proceeding, the public notice, etc. No new technical information whatsoever to justify the proposed changes, and that's a travesty. EPA needs to make this permit right, to stop the changes, and go back to the original well justified restrictions. Veolia seems to want to have loopholes that would allow them to skirt around their responsibility to make sure carcinogens are not spewed into the air I breathe. As a Metro East resident, I find this a real failure on the part of the company to meet its responsibilities to people they do not even know. If the EPA does not stick with its January 2017 permit requirements, the EPA will fail in its duty to protect residents who must breathe this air. If these requirements were put in place in 2017, they are just as important, maybe more important in 2018.*

See Commenters 1-136, 308, 311, 323, 328, 331.

**EPA Response:** EPA has included information in the record (which was available during the public comment period) explaining its decision to revise specific provisions of the January 2017 Permit, including its justification for the addition of ACI systems on Units #2 and #3 in lieu of removal of the multi-metals monitoring requirements. See section 2.2 of the 2018 SOB. In its public notices announcing the public comment period and public hearing for the Draft Permit, EPA made clear that this information was available for review during the public comment period. See, e.g., EPA-R05-OAR-2014-0280-0289 and EPA-R05-OAR-2014-0280-0639.

We disagree with commenters' suggestions that there have not been any new data or changes in environmental conditions since we issued the January 2017 Permit. EPA's decision to revise specific provisions of the January 2017 Permit was based on Veolia's installation and operation of ACI systems, which will reduce Veolia's mercury emissions significantly. Instead of merely monitoring mercury emissions from Veolia, EPA is now requiring Veolia to better control that air pollutant, to such an extent that additional monitoring is no longer necessary to assure compliance with the numerical limits in the HWC NESHAP. EPA expects this will result in better air quality and reduced pollution exposure for all nearby residents. With respect to LVM and SVM, EPA explained in the 2018 SOB that it had reevaluated the emissions data in the record for those pollutants and determined that the data included anomalous results from a single performance test involving lead (an SVM) and another performance test involving arsenic (an LVM). Accordingly, EPA concluded that these anomalous single data points were not enough to support a conclusion that multi-metals monitoring devices were necessary.

See also [RTC 11](#) and [RTC 19](#), above.

42. **Comment:** *The proposed action removes regulations from the permit that are needed to manage hazardous waste. Hazardous waste that is improperly managed poses a serious threat to human health and the environment. The definition of hazardous waste is a waste with properties that make it dangerous or capable of having a harmful effect on human health or the environment. Hazardous waste is generated from many sources ranging from industrial manufacturing to batteries, may come in many forms, etc. So whether or not there are suspect or non-suspect materials that Veolia is incinerating, how on earth can Veolia say that they are responsibly disposing of anything just because they are burning it? That doesn't make it less toxic.*

See Commenter 345.

**EPA Response:** EPA disagrees that the July 2018 Draft Permit or this final permit removes regulations from the Title V permit. The revisions made between the January 2017 Permit and the July 2018 Draft Permit involved changes to monitoring requirements based on changed circumstances, namely the installation of mercury control devices at Units #2 and #3, and a reevaluation of the underlying data and EPA's previous assumptions and determinations. The revisions did not and do not involve the removal of underlying substantive requirements derived from regulations that are applicable to Veolia.

We do agree that responsible disposal of hazardous waste is essential to protecting communities from the harmful effects of hazardous waste. For this reason, EPA has promulgated a number of federal standards that apply to hazardous waste treatment, storage and disposal facilities such as Veolia's Sauget facility. For example, as previously discussed, Veolia's Sauget facility is subject to federal emission standards for hazardous waste combustors, which we have incorporated into the Title V permit. Those standards require Veolia to comply with stringent limits on emissions of dioxins and furans, heavy metals such as mercury, arsenic, lead and others, and other HAPs such as HCl. These standards also include monitoring, testing and recordkeeping requirements to ensure Veolia complies with its emission limits. As necessary, EPA has supplemented the monitoring, testing, recordkeeping and reporting requirements in the permit to ensure Veolia complies with all applicable emission limits. It is the position of EPA that when performed properly, incineration destroys the toxic organic constituents in hazardous waste and reduces the volume of the waste. For specifics regarding the disposal function of a hazardous waste treatment, storage and disposal facility, EPA refers the commenter to the RCRA statute and its implementing regulations.

43. **Comment:** *Commenter 322 asserted it agrees with the revised Conditions 2.1(C)(2) and (5); 2.1(D)(4); 2.1(D)(7)(b); 2.1(D)(14)(k); and 2.7(D)(4) as set forth in the Draft Permit. The commenter invites the public to visit the plant and take a tour of the facility.*

*See Commenter 322.*

**EPA Response:** EPA notes this comment.

### III. LISTING OF COMMENTERS

No.	First Name	Last Name	Organization (if Specified)	Comment Docket ID.
1.	Jennifer	Alongi		EPA-R05-OAR-2014-0280-0441
2.	Donna	Andrzejewski		EPA-R05-OAR-2014-0280-0313
3.	Anonymous	Anonymous		EPA-R05-OAR-2014-0280-0429
4.	Carol	Asbury		EPA-R05-OAR-2014-0280-0393
5.	Greg	Baker		EPA-R05-OAR-2014-0280-0355
6.	Alison	Baltz		EPA-R05-OAR-2014-0280-0397
7.	Donna	Barrett		EPA-R05-OAR-2014-0280-0443
8.	Laura	Bernstein		EPA-R05-OAR-2014-0280-0383
9.	Ella	Binz		EPA-R05-OAR-2014-0280-0387
10.	Linda	Bridges		EPA-R05-OAR-2014-0280-0378
11.	Lesley	Brinkman-Mosiman		EPA-R05-OAR-2014-0280-0425
12.	Michele	Burke		EPA-R05-OAR-2014-0280-0346
13.	Donly	Chorn		EPA-R05-OAR-2014-0280-0439
14.	Traci	Crane		EPA-R05-OAR-2014-0280-0431
15.	Sandy	Crawford		EPA-R05-OAR-2014-0280-0323
16.	P	Crookham		EPA-R05-OAR-2014-0280-0418
17.	Sonya	Curry		EPA-R05-OAR-2014-0280-0390
18.	Mary	Dalton		EPA-R05-OAR-2014-0280-0358
19.	William	Dawe		EPA-R05-OAR-2014-0280-0402
20.	Mary	DeClue		EPA-R05-OAR-2014-0280-0324
21.	James	Dixon		EPA-R05-OAR-2014-0280-0312
22.	Ellen	Domke		EPA-R05-OAR-2014-0280-0380
23.	Mary	Dosch		EPA-R05-OAR-2014-0280-0347
24.	Eric	Edwards		EPA-R05-OAR-2014-0280-0400
25.	Christine	Favilla		EPA-R05-OAR-2014-0280-0428

No.	First Name	Last Name	Organization (if Specified)	Comment Docket ID.
26.	Janice	Figman		EPA-R05-OAR-2014-0280-0407
27.	Beth	Fischer		EPA-R05-OAR-2014-0280-0375
28.	Lisanne	Freese		EPA-R05-OAR-2014-0280-0456
29.	Krista	Furgerson		EPA-R05-OAR-2014-0280-0327
30.	Jeffrey	Gahris		EPA-R05-OAR-2014-0280-0409
31.	Wendy	Galczak		EPA-R05-OAR-2014-0280-0354
32.	Karen	Gallagher		EPA-R05-OAR-2014-0280-0432
33.	Kate	Goetz		EPA-R05-OAR-2014-0280-0445
34.	Daniel	Goldberg		EPA-R05-OAR-2014-0280-0452
35.	Barrett	Goldflies		EPA-R05-OAR-2014-0280-0430
36.	Stuart	Greene		EPA-R05-OAR-2014-0280-0427
37.	Anne	Gricevich		EPA-R05-OAR-2014-0280-0326
38.	Brad	Hanahan		EPA-R05-OAR-2014-0280-0371
39.	Donald	Hanrahan		EPA-R05-OAR-2014-0280-0316
40.	Sarah	Hasler		EPA-R05-OAR-2014-0280-0318
41.	Randy	Heidenfelder		EPA-R05-OAR-2014-0280-0342
42.	Ruth	Henderson		EPA-R05-OAR-2014-0280-0420
43.	Robert	Hilgenbrink		EPA-R05-OAR-2014-0280-0369
44.	Donna	Hippensteel		EPA-R05-OAR-2014-0280-0426
45.	Randi	Holt		EPA-R05-OAR-2014-0280-0367
46.	RoseMarry	Howard		EPA-R05-OAR-2014-0280-0329
47.	Lindsey	Hudak		EPA-R05-OAR-2014-0280-0398
48.	Melodie	Huffman		EPA-R05-OAR-2014-0280-0365
49.	Bonita	Jane		EPA-R05-OAR-2014-0280-0435
50.	Carol	Johnson		EPA-R05-OAR-2014-0280-0366
51.	Bob	Jorgensen		EPA-R05-OAR-2014-0280-0401
52.	Laura	Juozunas		EPA-R05-OAR-2014-0280-0423
53.	Rita	Kain		EPA-R05-OAR-2014-0280-0433
54.	Cindy	Klein-Webb		EPA-R05-OAR-2014-0280-0422

No.	First Name	Last Name	Organization (if Specified)	Comment Docket ID.
55.	Ron	Kochman		EPA-R05-OAR-2014-0280-0424
56.	Maureen	Koneval		EPA-R05-OAR-2014-0280-0386
57.	Jean	Korte		EPA-R05-OAR-2014-0280-0389
58.	Ira	Kriston		EPA-R05-OAR-2014-0280-0406
59.	Jessica	Kronika		EPA-R05-OAR-2014-0280-0385
60.	Alan	Kwit		EPA-R05-OAR-2014-0280-0350
61.	Paige	Lambrich		EPA-R05-OAR-2014-0280-0421
62.	Michael	Lampe		EPA-R05-OAR-2014-0280-0307
63.	Noreen	Lassandrello		EPA-R05-OAR-2014-0280-0449
64.	Winston	Lee		EPA-R05-OAR-2014-0280-0404
65.	Joe	Lewis		EPA-R05-OAR-2014-0280-0395
66.	Bob	Lichtenbert		EPA-R05-OAR-2014-0280-0374
67.	Denice	Link		EPA-R05-OAR-2014-0280-0417
68.	Mary	Liss		EPA-R05-OAR-2014-0280-0356
69.	Laura	Long		EPA-R05-OAR-2014-0280-0413
70.	Stephanie	Malench		EPA-R05-OAR-2014-0280-0320
71.	Patrick	Maloney		EPA-R05-OAR-2014-0280-0437
72.	Wendi	Martin		EPA-R05-OAR-2014-0280-0388
73.	Melissa	Mazias		EPA-R05-OAR-2014-0280-0362
74.	Janet	McDonnell		EPA-R05-OAR-2014-0280-0454
75.	Shannon	Meadows		EPA-R05-OAR-2014-0280-0466
76.	Nzinga	Medley		EPA-R05-OAR-2014-0280-0325
77.	Stephanie	Miklavcic		EPA-R05-OAR-2014-0280-0442
78.	Christine	Morningstar		EPA-R05-OAR-2014-0280-0317
79.	Sarah	Mulholland		EPA-R05-OAR-2014-0280-0414
80.	Nadine	Mungai		EPA-R05-OAR-2014-0280-0373
81.	Elisabeth	N.		EPA-R05-OAR-2014-0280-0348
82.	Logan	Nelson		EPA-R05-OAR-2014-0280-0396

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83.	Barbara	Niechciol		EPA-R05-OAR-2014-0280-0450
84.	Ben	Ogren		EPA-R05-OAR-2014-0280-0353
85.	Dylan	Parker		EPA-R05-OAR-2014-0280-0361
86.	Nancy	Parris		EPA-R05-OAR-2014-0280-0349
87.	Roger	Podewell		EPA-R05-OAR-2014-0280-0341
88.	Kathy	Powell		EPA-R05-OAR-2014-0280-0392
89.	Rhenda	Price		EPA-R05-OAR-2014-0280-0382
90.	Libby	Reuter		EPA-R05-OAR-2014-0280-0399
91.	Bonnie	Richardson		EPA-R05-OAR-2014-0280-0384
92.	Cindy	Risvold		EPA-R05-OAR-2014-0280-0368
93.	Michael	Rosen		EPA-R05-OAR-2014-0280-0403
94.	Michael	Rynes		EPA-R05-OAR-2014-0280-0357
95.	Cecelia	Samp		EPA-R05-OAR-2014-0280-0446
96.	Karen	Sandefur		EPA-R05-OAR-2014-0280-0321
97.	Jay	Schelman		EPA-R05-OAR-2014-0280-0379
98.	Thomas	Schmidt		EPA-R05-OAR-2014-0280-0351
99.	Mike	Scholl		EPA-R05-OAR-2014-0280-0410
100.	Elizabeth	Scrafford	Sierra Club	EPA-R05-OAR-2014-0280-0328
101.	Jeff	Shelden		EPA-R05-OAR-2014-0280-0314
102.	Robin	Sherwin		EPA-R05-OAR-2014-0280-0352
103.	Lisa	Simonin		EPA-R05-OAR-2014-0280-0344
104.	Alexandra	Sipiora		EPA-R05-OAR-2014-0280-0440
105.	Jaime	Skizas		EPA-R05-OAR-2014-0280-0311
106.	Matthew	Slade		EPA-R05-OAR-2014-0280-0419
107.	William	Slowinski		EPA-R05-OAR-2014-0280-0411
108.	Mark	Snawadzki		EPA-R05-OAR-2014-0280-0453
109.	Mary	Stanton		EPA-R05-OAR-2014-0280-0364
110.	Greg	Stawinoga		EPA-R05-OAR-2014-0280-0408
111.	Dorothy	Stoner		EPA-R05-OAR-2014-0280-0391

No.	First Name	Last Name	Organization (if Specified)	Comment Docket ID.
112.	Tom	Stukel		EPA-R05-OAR-2014-0280-0339
113.	Eric	Sullivan		EPA-R05-OAR-2014-0280-0372
114.	Katherine	Sutton		EPA-R05-OAR-2014-0280-0447
115.	Ra	Szumal		EPA-R05-OAR-2014-0280-0415
116.	Terrance	Taylor		EPA-R05-OAR-2014-0280-0322
117.	Jan	Tervydis		EPA-R05-OAR-2014-0280-0376
118.	Gerald	Thompson		EPA-R05-OAR-2014-0280-0434
119.	Linda	Townill		EPA-R05-OAR-2014-0280-0340
120.	A.	Volz		EPA-R05-OAR-2014-0280-0444
121.	Laura	Wachal		EPA-R05-OAR-2014-0280-0315
122.	Russ	Wagner		EPA-R05-OAR-2014-0280-0343
123.	Ann	Waller		EPA-R05-OAR-2014-0280-0405
124.	Tedd	Ward, Jr.		EPA-R05-OAR-2014-0280-0345
125.	Megan	Warren		EPA-R05-OAR-2014-0280-0394
126.	Michael	Weaver		EPA-R05-OAR-2014-0280-0370
127.	Susan	Welch		EPA-R05-OAR-2014-0280-0436
128.	Anne	Wengerd		EPA-R05-OAR-2014-0280-0438
129.	Eugene	Wickham		EPA-R05-OAR-2014-0280-0360
130.	Marcelle	Wilkins		EPA-R05-OAR-2014-0280-0381
131.	Jenna	Wilson		EPA-R05-OAR-2014-0280-0416
132.	Hailey	Wood		EPA-R05-OAR-2014-0280-0377
133.	Margaret	Wood		EPA-R05-OAR-2014-0280-0451
134.	Virginia	Woulfe-Beile		EPA-R05-OAR-2014-0280-0310
135.	Cortney	Zaret		EPA-R05-OAR-2014-0280-0412
136.	Russ	Ziegler		EPA-R05-OAR-2014-0280-0359; EPA-R05-OAR-2014-0280-0363
137.	Yalanda	Ballard	Shawnee Hills & Hollers	EPA-R05-OAR-2014-0280-0569
138.	Jasmire	Brooks	Shawnee Hills & Hollers	EPA-R05-OAR-2014-0280-0566
139.	Shannon	Brooks	Shawnee Hills & Hollers	EPA-R05-OAR-2014-0280-0551



<b>No.</b>	<b>First Name</b>	<b>Last Name</b>	<b>Organization (if Specified)</b>	<b>Comment Docket ID.</b>
140.	Kristin	Broussard	Shawnee Hills & Hollers	EPA-R05-OAR-2014-0280-0550
141.	Bettye	Brown	Shawnee Hills & Hollers	EPA-R05-OAR-2014-0280-0560
142.	Dymond	Burnett	Shawnee Hills & Hollers	EPA-R05-OAR-2014-0280-0547
143.	William	Campbell	Shawnee Hills & Hollers	EPA-R05-OAR-2014-0280-0549
144.	Brenda	Casp	Shawnee Hills & Hollers	EPA-R05-OAR-2014-0280-0568
145.	Gilbert	Clemon	Shawnee Hills & Hollers	EPA-R05-OAR-2014-0280-0563
146.	Florethia	Clemons	Shawnee Hills & Hollers	EPA-R05-OAR-2014-0280-0557
147.	Marie & Lee	Danley	Shawnee Hills & Hollers	EPA-R05-OAR-2014-0280-0581
148.	Josephine	Drake	Shawnee Hills & Hollers	EPA-R05-OAR-2014-0280-0553
149.	Jameria	Ford	Shawnee Hills & Hollers	EPA-R05-OAR-2014-0280-0545
150.	Shontay	Ford	Shawnee Hills & Hollers	EPA-R05-OAR-2014-0280-0465
151.	W	Fort	Shawnee Hills & Hollers	EPA-R05-OAR-2014-0280-0571
152.	Kimberly	Foster	Shawnee Hills & Hollers	EPA-R05-OAR-2014-0280-0561
153.	Sam	Franklin	Shawnee Hills & Hollers	EPA-R05-OAR-2014-0280-0548
154.	Mim	Goree	Shawnee Hills & Hollers	EPA-R05-OAR-2014-0280-0578
155.	Bernard	Grant	Shawnee Hills & Hollers	EPA-R05-OAR-2014-0280-0559
156.	M.	Greer	Shawnee Hills & Hollers	EPA-R05-OAR-2014-0280-0558
157.	Angela	Guerro	Shawnee Hills & Hollers	EPA-R05-OAR-2014-0280-0576
158.	Gerald	Harim	Shawnee Hills & Hollers	EPA-R05-OAR-2014-0280-0565
159.	Kevin	Higgerson	Shawnee Hills & Hollers	EPA-R05-OAR-2014-0280-0580
160.	Dasha	Houston	Shawnee Hills & Hollers	EPA-R05-OAR-2014-0280-0544
161.	Monte	Kenton	Shawnee Hills & Hollers	EPA-R05-OAR-2014-0280-0582
162.	Regina	McNeil	Shawnee Hills & Hollers	EPA-R05-OAR-2014-0280-0570
163.	Stephanie	Miles	Shawnee Hills & Hollers	EPA-R05-OAR-2014-0280-0574
164.	Anitress	Montgomery	Shawnee Hills & Hollers	EPA-R05-OAR-2014-0280-0543
165.	Cheryl	Neal	Shawnee Hills & Hollers	EPA-R05-OAR-2014-0280-0575
166.	Wilma	Nichols	Shawnee Hills & Hollers	EPA-R05-OAR-2014-0280-0556
167.	Melvina	O'Dell	Shawnee Hills & Hollers	EPA-R05-OAR-2014-0280-0546
168.	Patresa	Parker	Shawnee Hills & Hollers	EPA-R05-OAR-2014-0280-0572

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169.	Toni	Perrin	Shawnee Hills & Hollers	EPA-R05-OAR-2014-0280-0554
170.	Classie	Poe	Shawnee Hills & Hollers	EPA-R05-OAR-2014-0280-0583
171.	Adrian	Stillman	Shawnee Hills & Hollers	EPA-R05-OAR-2014-0280-0567
172.	Penance	Stith	Shawnee Hills & Hollers	EPA-R05-OAR-2014-0280-0577
173.	Catherine	Talbott	Shawnee Hills & Hollers	EPA-R05-OAR-2014-0280-0562
174.	Wanda	Walker	Shawnee Hills & Hollers	EPA-R05-OAR-2014-0280-0552
175.	Darral	Walker	Shawnee Hills & Hollers	EPA-R05-OAR-2014-0280-0564
176.	Christopher	Walter, Jr.	Shawnee Hills & Hollers	EPA-R05-OAR-2014-0280-0555
177.	Karen	Warr	Shawnee Hills & Hollers	EPA-R05-OAR-2014-0280-0573
178.	Jaylen	Wilks	Shawnee Hills & Hollers	EPA-R05-OAR-2014-0280-0579
179.	Mari	Ant	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0623
180.	Wanda	Bester	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0621
181.	Gwendolyn	Brown	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0600
182.	Mamie	Casey	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0586
183.	Balnetta	Crawford	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0629
184.	Patricia	Dancy	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0611
185.	Mia	Ellison	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0593
186.	Jeojok	Elter	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0594
187.	Jessica	Farkino	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0618
188.	John	Ford	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0604
189.	Angela	Hall	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0601
190.	Darrion	Hamilton	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0630
191.	Marcus	Haynes	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0609
192.	Lettie	Hicks	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0587
193.	Fonda	Hicks	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0589
194.	Don	Honeycutt	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0612
195.	Christopher	Hughes	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0616

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196.	Demond	Hunt	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0634
197.	Willie	Hunter	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0622
198.	Gloria	Jackson-Glover	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0607
199.	George	Jenkins	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0615
200.	Jesse	Jones	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0617
201.	Bessie	Kemp	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0584
202.	Tyko	King	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0592
203.	William	Lee	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0610
204.	Dorothy	Lewis	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0603
205.	Trina	Little	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0605
206.	Kenneth	Lohnes	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0619
207.	Lorrisa	Lohnes	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0626
208.	Lorenzo	McCall	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0632
209.	Thelma	McDougle	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0590
210.	DeMarcus	Miller	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0625
211.	Donna	Oliver	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0624
212.	Alvin	Penelton	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0595
213.	Alvin	Penelton	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0596
214.	Johnnie	Penelton	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0613
215.	Micheala	Scott	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0606
216.	Anthony	Shepherd	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0602
217.	Michael	Sloan	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0620
218.	Leann	Swain	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0635
219.	Crystal	Taylor	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0591
220.	Shannon	Van	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0633
221.	Joan	Van	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0588

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222.	John	Watson	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0627
223.	Mechalia	Werner	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0631
224.	LaWanda	Williams	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0628
225.	Jamol	Williams	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0636
226.	Mariane	Williams	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0585
227.	Julia	Willingham	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0597
228.	Jones	Wilson	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0608
229.	Tierney	Wooten	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0598
230.	Yolanda	Wooten	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0599
231.	Martha	Young	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0614
232.	Emily	Alpert		EPA-R05-OAR-2014-0280-0495
233.	Abby	Baka		EPA-R05-OAR-2014-0280-0496
234.	Anton	Beer		EPA-R05-OAR-2014-0280-0507
235.	Melissa	Behnke		EPA-R05-OAR-2014-0280-0481
236.	Jane	Berry		EPA-R05-OAR-2014-0280-0508
237.	Charlie	Bosco		EPA-R05-OAR-2014-0280-0524
238.	Aaron	Butler		EPA-R05-OAR-2014-0280-0509
239.	Haider	Cheema		EPA-R05-OAR-2014-0280-0482
240.	Tiffany	Chiang		EPA-R05-OAR-2014-0280-0510
241.	Emerine	Cummings		EPA-R05-OAR-2014-0280-0483
242.	Shelby	Davis		EPA-R05-OAR-2014-0280-0468
243.	Selaam	Dollisso		EPA-R05-OAR-2014-0280-0511
244.	Gregory	Dudick		EPA-R05-OAR-2014-0280-0512
245.	Helena	Epstein		EPA-R05-OAR-2014-0280-0500
246.	Caroline	F		EPA-R05-OAR-2014-0280-0484
247.	Jenny	Fang		EPA-R05-OAR-2014-0280-0485

No.	First Name	Last Name	Organization (if Specified)	Comment Docket ID.
248.	Julia	Feller		EPA-R05-OAR-2014-0280-0469
249.	Grace	Fellman		EPA-R05-OAR-2014-0280-0525
250.	Rylee	Fitzgerald		EPA-R05-OAR-2014-0280-0526
251.	Quintin	Frerichs		EPA-R05-OAR-2014-0280-0486
252.	Lajbanti	Ganguly		EPA-R05-OAR-2014-0280-0470
253.	Mary	Gay		EPA-R05-OAR-2014-0280-0527
254.	John	Gibson		EPA-R05-OAR-2014-0280-0528
255.	Mohammad	Hadji		EPA-R05-OAR-2014-0280-0523
256.	Saoirse	Hahn		EPA-R05-OAR-2014-0280-0513
257.	Madeline	Halpern		EPA-R05-OAR-2014-0280-0529
258.	Zoe	Hancock		EPA-R05-OAR-2014-0280-0501
259.	Zoe	Hancock		EPA-R05-OAR-2014-0280-0514
260.	Lindsey	Hauck		EPA-R05-OAR-2014-0280-0515
261.	Candace	Hayes	Washington University in St. Louis	EPA-R05-OAR-2014-0280-0537
262.	Maeve	Hindenberg		EPA-R05-OAR-2014-0280-0487
263.	Henry	Holtz		EPA-R05-OAR-2014-0280-0516
264.	Mark	Hua		EPA-R05-OAR-2014-0280-0530
265.	Kay	Ingulli		EPA-R05-OAR-2014-0280-0471
266.	Claire	Irawan		EPA-R05-OAR-2014-0280-0517
267.	David	Kibbe		EPA-R05-OAR-2014-0280-0518
268.	Tyler	Kotler		EPA-R05-OAR-2014-0280-0472
269.	Christina	Lee		EPA-R05-OAR-2014-0280-0488
270.	Alexandra	Lindstrom		EPA-R05-OAR-2014-0280-0538
271.	Alexander	Mahmoud		EPA-R05-OAR-2014-0280-0531
272.	Dugan	Marieb		EPA-R05-OAR-2014-0280-0473
273.	Morgan	Matke		EPA-R05-OAR-2014-0280-0502

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274.	Morgan	Matcke		EPA-R05-OAR-2014-0280-0539
275.	Gaby	Musickant		EPA-R05-OAR-2014-0280-0489
276.	Swetha	Nakshatri		EPA-R05-OAR-2014-0280-0499
277.	Risako	Nozaki		EPA-R05-OAR-2014-0280-0503
278.	Rohan	Palacios		EPA-R05-OAR-2014-0280-0490
279.	Cheyenne	Parson		EPA-R05-OAR-2014-0280-0497
280.	Bo	Peng		EPA-R05-OAR-2014-0280-0474
281.	Flora	Perlmutter		EPA-R05-OAR-2014-0280-0540
282.	Saras	Perry-Anderson		EPA-R05-OAR-2014-0280-0519
283.	Hanna	Peterman		EPA-R05-OAR-2014-0280-0532
284.	Margaret	Pierce		EPA-R05-OAR-2014-0280-0533
285.	Satvik	Reddy		EPA-R05-OAR-2014-0280-0475
286.	Jake	Reiner		EPA-R05-OAR-2014-0280-0491
287.	Madison	Ronchetto		EPA-R05-OAR-2014-0280-0492
288.	Antonia	Rosenthal		EPA-R05-OAR-2014-0280-0534
289.	Kiva	Runnels		EPA-R05-OAR-2014-0280-0476
290.	Elle	Saluck		EPA-R05-OAR-2014-0280-0541
291.	Ethan	Sauerberg		EPA-R05-OAR-2014-0280-0477
292.	Daniel	Schwartz		EPA-R05-OAR-2014-0280-0504
293.	Manya	Segireddy		EPA-R05-OAR-2014-0280-0493
294.	Kelli	Showalter		EPA-R05-OAR-2014-0280-0478
295.	Shreya	Sodhi		EPA-R05-OAR-2014-0280-0479
296.	Isabella	Solaro		EPA-R05-OAR-2014-0280-0535
297.	Christina	Sossenheimer		EPA-R05-OAR-2014-0280-0520
298.	Andrew	Takata		EPA-R05-OAR-2014-0280-0498
299.	Jason	Tang		EPA-R05-OAR-2014-0280-0521

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300.	Joshua	Valeri		EPA-R05-OAR-2014-0280-0494
301.	Anjali	Vishwanath		EPA-R05-OAR-2014-0280-0522
302.	David	Waldman		EPA-R05-OAR-2014-0280-0467
303.	Jacob	Weinstein		EPA-R05-OAR-2014-0280-0480
304.	Lacy	Wilder		EPA-R05-OAR-2014-0280-0505
305.	Olivia	Williams		EPA-R05-OAR-2014-0280-0542
306.	Hanson	Xia		EPA-R05-OAR-2014-0280-0536
307.	Sophia	Zhukovsky		EPA-R05-OAR-2014-0280-0506
308.	Kay	Ahaus		EPA-R05-OAR-2014-0280-0304
309.	David	Andrew	St. Clair County Green Party; Sierra Club	EPA-R05-OAR-2014-0280-0330
310.	Randy	Auxier	Committee to Elect Auxier	EPA-R05-OAR-2014-0280-0460
311.	Joyce	Blumenshine	Sierra Club Conservation Committee, Illinois Chapter	EPA-R05-OAR-2014-0280-0330
312.	Stephanie	Bush	Innovate East St. Louis; United Congregations of Metro-East; Sierra Club; Indivisible; Gamaliel; Community Development Sustainable Solutions	EPA-R05-OAR-2014-0280-0330
313.	Mamie	Cosey	United Congregations of Metro-East, Parentx Advocacy	EPA-R05-OAR-2014-0280-0330
314.	Georgia	de la Garza	Shawnee Hills & Hollers	EPA-R05-OAR-2014-0280-0330
315.	Liam	Engel		EPA-R05-OAR-2014-0280-0332
316.	Albert	Ettinger	Sierra Club Illinois Chapter	EPA-R05-OAR-2014-0280-0463
317.	Shayan	Farhang		EPA-R05-OAR-2014-0280-0336
318.	Mark	Feldworth	American Bottom Conservancy	EPA-R05-OAR-2014-0280-0330
319.	Marie	Franklin	Concerned Citizens of Precinct #12, East St. Louis, Illinois	EPA-R05-OAR-2014-0280-0330
320.	Sam	Franklin	Concerned Citizens of Precinct #12, East St. Louis, Illinois	EPA-R05-OAR-2014-0280-0330

No.	First Name	Last Name	Organization (if Specified)	Comment Docket ID.
321.	Sabrina	Hardenbergh		EPA-R05-OAR-2014-0280-0309
322.	Doug	Harris	Veolia ES Technical Solutions, L.L.C.	EPA-R05-OAR-2014-0280-0457; EPA-R05-OAR-2014-0280-0330
323.	Elizabeth	Hubertz	Interdisciplinary Environmental Clinic at Washington University in St. Louis, School of Law	EPA-R05-OAR-2014-0280-0459; EPA-R05-OAR-2014-0280-0464
324.	Louis	Jones	Catholic Campaign for Human Development	EPA-R05-OAR-2014-0280-0330
325.	Milton	Jones	United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0330
326.	Eric	Judson		EPA-R05-OAR-2014-0280-0448
327.	Carol	Juen	United Congregations of Metro-East; Sierra Club	EPA-R05-OAR-2014-0280-0330
328.	Khalid	Mahmood		EPA-R05-OAR-2014-0280-0331
329.	Lucy	Meigs		EPA-R05-OAR-2014-0280-0337
330.	Kristen	Mertz	1 Mississippi	EPA-R05-OAR-2014-0280-0330
331.	Kenneth	Miller	Interdisciplinary Environmental Clinic at Washington University	EPA-R05-OAR-2014-0280-0330
332.	Rohan	Mishra		EPA-R05-OAR-2014-0280-0338
333.	Gregory	Norris	Illinois NAACP; State Conference on Environment, Climate & Justice Committee Member	EPA-R05-OAR-2014-0280-0330
334.	Carl	Officer	Former Mayor of East St. Louis, Illinois; United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0330
335.	Toni	Oplt	Metro-East Green Alliance; Sierra Club; Action Metro-East	EPA-R05-OAR-2014-0280-0319; EPA-R05-OAR-2014-0280-0461; EPA-R05-OAR-2014-0280-0330
336.	Arianna	Parkhideh		EPA-R05-OAR-2014-0280-0333
337.	Krag	Petterson	Sunset CES Incorporated (Formerly Cooper Environmental Services, L.L.C)	EPA-R05-OAR-2014-0280-0458
338.	Tom	Prost	Sierra Club	EPA-R05-OAR-2014-0280-0330



No.	First Name	Last Name	Organization (if Specified)	Comment Docket ID.
339.	Elaine	Ramsay	Sierra Club	EPA-R05-OAR-2014-0280-0330
340.	Kristen	Riedinger		EPA-R05-OAR-2014-0280-0334
341.	Elizabeth	Scrafford	Sierra Club	EPA-R05-OAR-2014-0280-0306; EPA-R05-OAR-2014-0280-0328; EPA-R05-OAR-2014-0280-0330
342.	Cheryl	Sommer	Catholic Campaign for Human Development; United Congregations of Metro-East	EPA-R05-OAR-2014-0280-0308; EPA-R05-OAR-2014-0280-0330
343.	Terrance	Taylor	Community Development Sustainable Solutions	EPA-R05-OAR-2014-0280-0330
344.	Grace	Tedder		EPA-R05-OAR-2014-0280-0335
345.	Jessie	Thornton	Fossil Free Washington University; Shawnee Hills & Hollers	EPA-R05-OAR-2014-0280-0330
346.	Ron	Trimmer	Citizens' Climate Lobby	EPA-R05-OAR-2014-0280-0330
347.	Jennifer	Warren Hauser (Rev)	United Congregations of Metro-East; First United Presbyterian Church, Granite City, IL	EPA-R05-OAR-2014-0280-0330
348.	Jessica	Wernli		EPA-R05-OAR-2014-0280-0330
349.	Rich	Whitney	Auxier for Congress, Shawney Green Party, Illinois Green Party	EPA-R05-OAR-2014-0280-0330
350.	Dale	Wojtkowski	Sierra Club – Kaskakia Group; American Bottom Conservancy	EPA-R05-OAR-2014-0280-0330
351.	Virginia	Woulfe-Beile		EPA-R05-OAR-2014-0280-0462; EPA-R05-OAR-2014-0280-0330
352.	Anonymous	Anonymous		EPA-R05-OAR-2014-0280-0455

#### IV. DOCUMENTS INCLUDED IN THE ADMINISTRATIVE RECORD

In addition to specific online references cited in the body of this response to comments document, and all comments that EPA received during the public comment period as listed in Section III, above, EPA has included the following additional documents in the docket to support the current permit action. These documents are available from [www.regulations.gov](http://www.regulations.gov), docket ID. EPA-R05-OAR-2014-0280. EPA maintains hard copies of certain referenced documents, including any confidential business information, used to support today’s permit decision at its offices at 77 West Jackson Blvd., Chicago, Illinois.

Document ID as Posted at <a href="http://www.regulations.gov">www.regulations.gov</a>	Document Date (or Date Posted) <sup>69</sup>	Document Title/Description
EPA-R05-OAR-2014-0280-0277	10/23/2018	Signed Veolia-EPA Contingent Settlement Agreement
EPA-R05-OAR-2014-0280-0278	4/3/2018	Final EAB Order Dismissing Veolia's Petition and Remanding Permit
EPA-R05-OAR-2014-0280-0279	11/15/2017	Federal Register Notice Announcing Proposed Title V Settlement
EPA-R05-OAR-2014-0280-0280	2/15/2017	Veolia’s Petition to the EAB
EPA-R05-OAR-2014-0280-0281	1/17/2018	Construction Permit for Veolia’s New Activated Carbon Injection Systems for Units #2 and #3
EPA-R05-OAR-2014-0280-0282	10/30/2017	Email to Interested Parties
EPA-R05-OAR-2014-0280-0283	11/15/2017	Email to Interested Parties
EPA-R05-OAR-2014-0280-0284	3/28/2018	Veolia and EPA Status Report and Motion to the EAB
EPA-R05-OAR-2014-0280-0285	6/20/2018	Veolia’s Notification of Installation of Powdered Activated Carbon Injection Systems for Units #2 and #3
EPA-R05-OAR-2014-0280-0286	7/13/2018	Draft Revised Permit (“Clean” Version)
EPA-R05-OAR-2014-0280-0287	7/13/2018	Statement of Basis for the Draft Permit
EPA-R05-OAR-2014-0280-0288	7/13/2018	Draft Revised Permit (Redline Version)
EPA-R05-OAR-2014-0280-0289	7/13/2018	Public Notice for the Draft Permit
EPA-R05-OAR-2014-0280-0290	7/13/2018	Interested Parties Email Message
EPA-R05-OAR-2014-0280-0291	7/19/2018	Belleville News Democrat Ad
EPA-R05-OAR-2014-0280-0293	7/17/2018	Cahokia Library Repository Letter

<sup>69</sup> If the document’s publication date is not clear from the document, the date that the document was posted to [www.regulations.gov](http://www.regulations.gov) is shown. Such dates are marked with \*.

<b>Document ID as Posted at <a href="http://www.regulations.gov">www.regulations.gov</a></b>	<b>Document Date (or Date Posted)<sup>69</sup></b>	<b>Document Title/Description</b>
EPA-R05-OAR-2014-0280-0294	7/17/2018	St. Louis Central Library Repository Letter
EPA-R05-OAR-2014-0280-0295	7/23/2018*	East St. Louis Monitor Certificate of Publication
EPA-R05-OAR-2014-0280-0296	7/13/2018	Draft Revised Permit Cover Letter
EPA-R05-OAR-2014-0280-0297	7/19/2018	Interested Party Letters
EPA-R05-OAR-2014-0280-0298	7/16/2018	Email to Community Contacts
EPA-R05-OAR-2014-0280-0299	7/29/2018	St. Louis Post-Dispatch Ad as Published
EPA-R05-OAR-2014-0280-0300	8/9/2018	St. Louis Post-Dispatch Affidavit of Publication
EPA-R05-OAR-2014-0280-0301	8/28/2018	Veolia Comment Period Extension Letter to Ettinger
EPA-R05-OAR-2014-0280-0302	8/28/2018	Comment Period Extension Letter to Hubertz
EPA-R05-OAR-2014-0280-0303	8/28/2018	Notice of Extension of Comment Period
EPA-R05-OAR-2014-0280-0305	8/29/2018	Public Library Letters on Comment Period Extension
EPA-R05-OAR-2014-0280-0330	9/5/2018	Public Hearing Transcript
EPA-R05-OAR-2014-0280-0637	7/19/2018	Press Release for the Draft Permit
EPA-R05-OAR-2014-0280-0638	9/4/2018	Press Release for Comment Period Extension
EPA-R05-OAR-2014-0280-0639	10/1/2018	Fact Sheet for Mass Mailers
EPA-R05-OAR-2014-0280-0640	10/4/2018	Mass-Mailers Confirmation
EPA-R05-OAR-2014-0280-0641	10/10/2018	Belleville News Democrat Comment Period Extension Notice
EPA-R05-OAR-2014-0280-0642	1/28/2019	Notification of Compliance for the 2018 CPT, January 2019 (2019 NOC)
EPA-R05-OAR-2014-0280-0643	1/28/2019	2018 CPT Final Report, January 2019 (Includes Appendices)