

November 8, 2024

**Re:** ReWorld (Covanta) “Confident” It Can Meet New EPA Incinerator Emission Limits

Attached are excerpts of a Response to Comments document prepared by Covanta (now known as ReWorld) in which Covanta states that it is “confident” that its incinerator located in Newark, New Jersey, can meet lower emission limits in EPA’s upcoming revision to the Large Municipal Waste Combustor Rule since the emission limits in EPA’s current rule are up to 100 times higher than the facility’s actual emissions. The document was uploaded onto the New Jersey Department of Environmental Protection’s website on October 17, 2024.

During a public hearing on the permit, commenter Maria Lopez-Núñez of the Ironbound Community Corporation, an organization which represents the environmental justice community where the Covanta facility is located, asked, “I am wondering given that EPA has not updated its incinerator standards since two thousand, and whatever six, five, you know, in sixteen years. How the impact would be if the EPA actually updated its incinerator standards.”<sup>1</sup>

In response, Covanta stated, “To your question about the EPA incinerator standards, those are delineated according to new or existing facilities. *Covanta is confident that we can meet any new standard issued for existing incinerators.* We refer you to Table 1 earlier in this document for our emissions performance versus our permit limits. All the data in that table was verified by emissions testing, the most accurate way of attaining worst-case emissions profiles.”<sup>2</sup>

Table 1 shows Covanta’s actual emissions to be 84-99% below EPA’s current emission limits, and therefore suggests that Covanta would still be in compliance with EPA’s emission limits if EPA were to promulgate emission limits up to 99% lower than the current limits.<sup>3</sup> Nevertheless, in the Response to Comments document, Covanta rejects commenters’ calls for the State agency to adopt lower emission limits in the permit renewal.

It is therefore incumbent upon EPA to promulgate lower emission limits that incinerator companies like Covanta are “confident” they can meet, but will not incorporate into their permits until mandated by EPA.

Attached are excerpts from the Response to Comments document that include the above exchange and Table 1. The full 1,725 page Response to Comments document is available at <https://dep.nj.gov/wp-content/uploads/ej/covanta-essex-response-to-comments-20221116.pdf>.

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*On behalf of the Ironbound Community Corporation*

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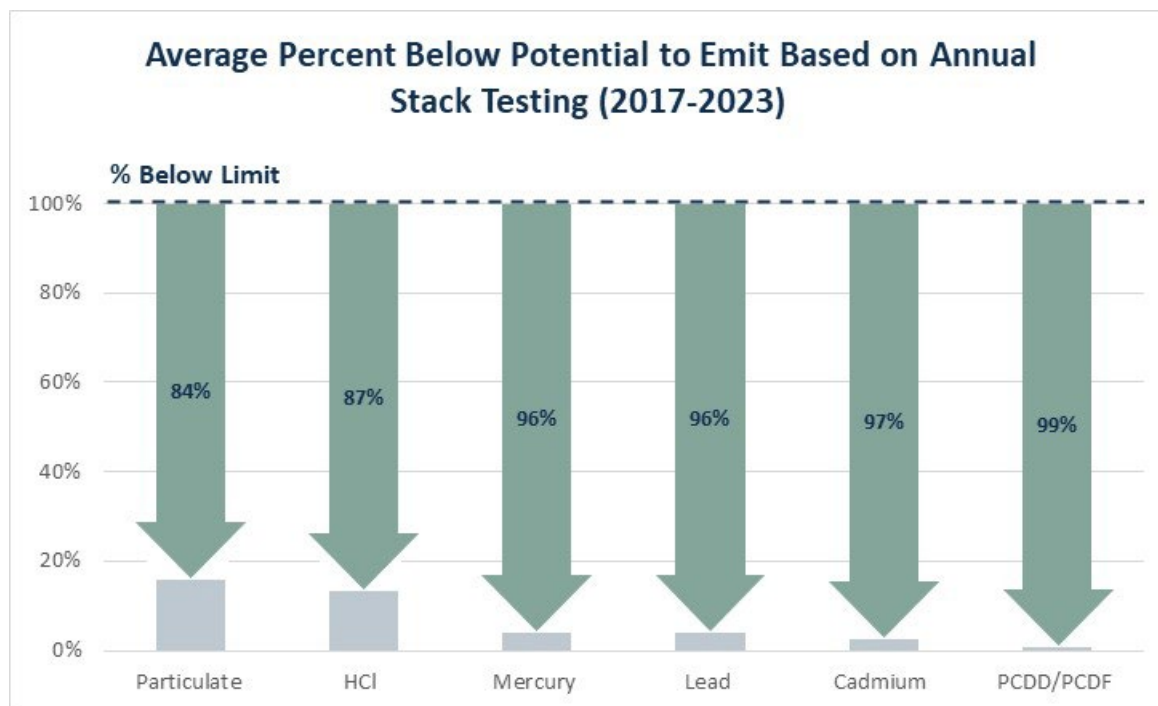
<sup>1</sup> Response to Comments Document at 45-46 (attached here).

<sup>2</sup> *Id.* at 46 (emphasis added).

<sup>3</sup> Response to Comments Document at 11 (attached here).

the facility.<sup>12</sup> Table 1 (below) includes a breakdown of the last seven (7) years of stack test data since completion of the baghouse installation project on all three emission units and compares those findings to permitted emission concentration limits. This is the most comprehensive way to judge facility emissions as stack testing must be conducted at representative operating conditions. We voluntarily proposed and accepted new technology-based emission limits with the baghouse installations.

Table 1 – Average Percent Below Potential to Emit Based on Annual Stack Testing (2017-2023)



## Health Risk Assessment

In order to evaluate the potential health effects of the ECRRF (Essex County Resource Recovery Facility) in accordance with NJDEP major source permit renewal regulations, ECRRF (Essex County Resource Recovery Facility) contracted with AECOM to conduct a risk assessment of the facility focusing on potential inhalation effects of hazardous air pollutants (HAPs). A copy of the air dispersion modeling report is included in this document as Attachment 2. The maximum permitted short-term hourly emission rates and the permitted annual emission rates of air toxics were modeled in accordance with an approved protocol using USEPA's preferred dispersion model, AERMOD, to obtain air concentrations and deposition rates for the area surrounding the facility. The approach was conservative in that maximum allowable emission rates were used (as opposed to actual emission rates) and in that it assumed all three (3) MWCs (Municipal Waste Combustors) operated continuously (8,760 hours per year). The analysis was also conducted in accordance with the requirements in NJDEP's *Technical Manual 1003 -Guidance on Risk Assessment for Air Contaminant Emissions (November 18, 2009)* and NJDEP's

<sup>12</sup> Based on 2020 US EPA National Emissions Inventory data; the most complete and current regional emissions source inventory.

municipal solid wastes (MSW). Perhaps composting will help on a larger scale someday but for now it is limited in scope and constrained by space requirements<sup>21</sup>.

## 22. Maria Lopez – Nunez, Ironbound Community Corporation

**Public Hearing Comment:** Can Covanta share what happens to the used bag houses? Don't you burn them afterwards?

**Live response provided by Trish Earls of Covanta:** Yes, Maria, we do process our bags that we change out of our bag houses. We do change them out on a regular basis to ensure that they're operating optimally. We follow EPA guidance which allows us to combust the used bags in our emission units. The idea is that it allows the air pollution controls to control any toxic emissions that might come out of that, which makes more sense environmentally. So yes, we do process them.

**Public Hearing Comment:** Thank you for letting me speak, and I guess thank you at least, that this is an attempt at a conversation. I know that there's a long road ahead of us. I am wondering given that EPA has not updated its incinerator standards since two thousand, and whatever six, five, you know, in sixteen years. How the impact would be if the EPA actually updated its incinerator standards. My understanding is also that, the emission limits that you're claiming to be ninety-nine percent or ninety percent below are actually a miscalculation that you were taken to court over. So I just want that really reflected on the record. I think it is important that you use the words incineration and not waste to energy. Waste to Energy is very misleading. It makes it seem like you're mostly an electric company when we know that you're not. We know that you burn trash and we just want you to get more honest about that, so that we can actually have a community dialogue. I don't like how initially Covanta painted the community members almost as criminals, you know, trying to adjust our behavior and really setting ground rules that I thought were an antagonistic right, seeing like you're going to be attacked. People have a lot of feelings, and I do think it's your job to hear people out and do your best to just make it on the record, you know. Answer technically and be respectful. I would love to see Covanta to be a better neighbor, not just sponsoring football teams, but maybe you could replace the windows at Hawkins Street, you know, so that the kids don't have to smell the emissions or help people in Jersey City with their medical bills. You know there's like deeper ways that you can be a good neighbor. There are incinerators that pollute a lot less than you. That are of your size, and only have about forty violations in the same amount of time. So I think that it's important for you to just stay honest and be committed to an honest conversation and stop publishing pieces on the Internet. Thank you.

**Covanta Response:** Maria, thank you for the comments. As we have stated a few times in this document, we feel that the name “waste-to-energy” most accurately reflects our operations. Incinerator implies a single process – bring in trash and burn it, we do much more than that. The Benefits from the ECRRF section earlier in this document details many of these beneficial processes including metals recycling, power to the grid, and comparative emissions benefits versus landfilling an equal volume of MSW. Your suggestions about improved engagement practices are good ones but please note that odor studies done in the past have not sourced our facility as a key odor driver. Rather most of the objectionable

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<sup>21</sup> Vigneswaran, S., Kandasamy, J., & Johir, M. A. H. (2016). Sustainable operation of composting in solid waste management. *Procedia Environmental Sciences*, 35, 408-415.

odors that were cited during the study came from small commercial dumpsters, flooding issues, the highways, and other industries in the area. To your question about the EPA incinerator standards, those are delineated according to new or existing facilities. Covanta is confident that we can meet any new standard issued for existing incinerators. We refer you to Table 1 earlier in this document for our emissions performance versus our permit limits. All the data in that table was verified by emissions testing, the most accurate way of attaining worst-case emissions profiles.

## 23. Patricia Cortado

### **Public Hearing Comment:**

My name is Patricia Cortado. I'm a resident of Ironbound. There seems like there's a lot of secrets Covanta is holding on to like this 860 air permit violations, since 2004, or what the one percent equivalence is out of the overall emission you all shared earlier, or the fact that Covanta is number two emitter of nitrogen oxides, mercury, hydrogen chloride out of the state of New Jersey. It's also very tasteless for you to put responsibility to the people to sort out unpermitted or harmful waste. I quote iodine is added to table salt. Do you know whose neighborhood you're occupying? How are we supposed to eat anyway? Going back to the facts the EJ law protects us from facilities like Covanta. If we did not need any protection, then the EJ law doesn't need to be as strong as it is. I wish we did not need any protection, but the Ironbound community has been fighting for decades. That is generational. This permit goes beyond the land that you're occupying. The chronic illnesses that we're subjected to. It's not fair. It is not just. The Covanta Rep. basically, said "There's no way around occupying black and brown communities." And so, as a community member, I see what kind of neighbor, you continue to be. The kind who is okay to treat the people as disposable and sacrifice them for the sake of the one percent overall emission. The more you continue to burn waste in Ironbound in New Jersey. The bare minimum asked is how you would actually lessen your 860 air permit violations since 2004, if that's even possible. I was only nine years old in 2004, and I'm a whole adult now, and from the looks of it there's hope for me not to have to fight for facilities like you for the rest of my life because of the people here, the support, the leaders who are fighting against you and the leaders that are fighting for the EJ law. You have the opportunity to move away from the European model. You have the opportunity to move away from an outdated European model, a colonizer's model. Do what's right. There are better ways, and the maximum ask is to stop dumping on Newark. Thank you.

**Covanta Response:** Thank you for the comments Patricia. We agree with your basic premise that too many industrial facilities are located in EJ areas. Since Covanta took over ownership of the facility and the site in 2012, and then a few years later (2016) installed the baghouse upgrades, we saw emissions and permit violations fall drastically. The facility processes large volumes of MSW from local communities and New York City cleaner than any other currently viable option. We cannot control the location of the site prior to Covanta acquiring operation of the facility in 2005, but we can manage it in the most professional and respectful way possible, and we are constantly looking for ways to improve our already well-performing practices.

**Public Hearing Comment:** Can you explain your comment about Covanta accounting for 1% of the local airshed? Please give a numerical equivalent.