

# BUCKS COUNTY Courier Times

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## DEP issues 'draft' denial of Elcon, citing deficiencies

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The DEP issued a draft decision Wednesday to reject a controversial application to build a hazardous waste treatment facility near the Delaware River in Lower Bucks County.

The Pennsylvania Department of Environmental Protection on Wednesday rejected a proposal to build a hazardous waste treatment center in Falls.

The decision appears to be a significant setback for Elcon Recycling Services LLC, which has been working for years to try and win approval for the controversial facility. According to the company, the facility would process between 150,000 and 210,000 tons of chemical and pharmaceutical waste each year, on a 23-acre plot of land in the Keystone Industrial Port Complex, formerly the footprint of U.S. Steel.

“After a rigorous review of the application, supplemental materials submitted by the company, and input from the public, DEP will not approve this application in its current form,” DEP Secretary Patrick McDonnell said in a prepared statement. “Unless the company can address these outstanding deficiencies, DEP will have no choice but to move forward with a full application denial.”

As alluded to by McDonnell, the decision is not a final blow. Virginia Cain, regional spokeswoman for the DEP, said the notice was only a “draft” decision that noted 18 deficiencies in Elcon’s application to treat hazardous waste. There will be a 45-day comment period from June 1 to July 15, at which time Elcon could potentially submit materials to correct the deficiencies.

“If Elcon doesn’t satisfy that, then we would move forward with the denial,” Cain said, adding that DEP could also choose to accept the changes and put forth a draft permit.

A DEP statement accompanying the draft denial lays out the deficiencies. Among the issues are Elcon’s final plans having a larger footprint than was laid out in an initial site review, omissions of pertinent documents in its application, the proposed pathways for vehicles to navigate the property, and concerns over environmental monitoring.

Detailing one deficiency, the DEP said it wanted Elcon to conduct quarterly groundwater sampling, as opposed to Elcon’s proposal it only conduct such sampling in the event of a spill. Such monitoring would “provide the best assurance of the earliest detection of any releases from hazardous waste management units,” the DEP wrote.

The DEP also wants assurances that Elcon has identified appropriate hazardous waste landfills to dispose of solids left over after treatment, clarification on whether or not it would accept PCB-contaminated wastes, and a correction that estimates show the facility will hire 55 employees, not 120. DEP said Elcon estimated the higher number based on a theoretical future expansion.

Fred Stine, citizen action coordinator for the Bristol Borough-based nonprofit Delaware Riverkeeper Network, cheered the decision.

“The sun is out, both literally and figuratively,” Stine said. “I think it’s another nail in the coffin ... but it’s not the final denial.

Stine said he was concerned that more than four years into the application process, question marks as large as what kinds of waste would be accepted still exist. Elcon previously went through several revisions of prior application materials after the DEP noted deficiencies.

“It causes you to question Elcon’s corporate responsibility,” Stine said.

Bucks POWA, an environmental advocacy group that formed around the issue, said in a statement it considers DEP’s decision a “huge step.” However, the group noted the decision’s draft status.

“We caution people to keep in mind that this decision is unfortunately not final, yet, and Elcon can still submit changes,” POWA stated in an email.

Joel Bolstein, an attorney with Fox Rothschild, whose Warrington offices are representing Elcon, wrote in an email the company plans on doing so.

“Elcon intends to submit responses to PADEP that fully address each of the remaining technical deficiencies identified,” Bolstein wrote.

Cain added Elcon also has two other pending applications, one for air quality and another a general permit primarily dealing with stormwater.

“Those two applications are still going through the review process,” Cain said, adding that there is no timeline for decisions.

Bolstein said Elcon will continue to pursue approval.

“Elcon ... intends to proceed forward with its efforts to obtain all of permits and approvals needed for its proposed facility,” he wrote.

The DEP’s finding that Elcon’s application was deficient marks the second significant setback for Elcon in just over two weeks. The Falls Township Board of Supervisors voted unanimously last month to deny a land development application. The board appeared to primarily base their decision over concern the facility’s footprint was too small to adequately allow for emergency services.

“I don’t think your site fits in this space,” Supervisor Jeffrey Dence said.

Supervisor Chairman Bob Harvie also laid out numerous inaccuracies and shortcomings he said Elcon made in its application materials to the township.

Jeff Tittel, director of the New Jersey Sierra Club, called the parallel decisions a “one-two punch.”

“This is a major step forward in ending the Elcon project,” Tittel said. “Elcon should get the message that they should withdraw their application and leave.”

The Elcon proposal has been one of the most controversial in Bucks County over the past several years. Environmental groups, residents, and a collection of townships all raised concerns over the potential for polluting emissions, floods,

and spills, particularly with the Delaware River not far away.

Elcon representatives have pushed back, saying their facility would use a series of pollution control technologies that would result in little emissions, and changing their design plans to elevate the facility out of a floodplain and provide for additional spill containment measures.

Cain said public comments will be accepted once the DEP posts its draft intention to deny in the Pennsylvania Bulletin on June 1. Comments can then be emailed to [RA-EPHWELCON@pa.gov](mailto:RA-EPHWELCON@pa.gov) through July 15.