



August 20, 2020

Ms. Abby M. Snyder (abby.snyder@dec.ny.gov)
Regional Director, Region 9
NYS Department of Environmental Conservation
270 Michigan Avenue
Buffalo, NY 14203-2915

Re: PFAS Incineration

Dear Ms. Snyder:

In response to your inquiry regarding receipt of Aqueous Film Forming Foam (AFFF) at the Covanta Niagara Energy-from-Waste facility (Covanta), Covanta Environmental Solutions (CES) initiated an investigation resulting in the following information:

- CES has determined that waste from a Vexor Technologies, Inc (Vexor) facility in Medina, Ohio was shipped by SGS Recovery, LLC – Niagara Falls (SGS) to Covanta from January 2017 - December 2019 under SGS non-hazardous industrial waste approval 15146.
- SGS delivered approximately 7,128 tons of material over a three year period to Covanta under the non-hazardous industrial waste 15146 approval. Subsequent information provided by Vexor and SGS in the course of this investigation revealed that small amounts of AFFF were contained in this waste. Neither AFFF nor PFAS were identified by SGS in the waste categorization profile approved by CES.
- Based on information obtained from Vexor, approximately 12.9 tons of the 7,128 tons of waste delivered to Covanta under the 15146 approval is estimated to be AFFF. The mass of PFAS estimated to have been included in those 12.9 tons is 0.4 – 1.3 tons over three years, based on information obtained from the Chemguard 3% AFFF C-303 Material Safety Data Sheet (dated January 25, 2006). For reference, from January 2017 - December 2019, Covanta processed almost 2.4 million tons of municipal solid waste and non-hazardous industrial waste.

Covanta's customers are contractually bound to deliver only CES and DEC approved materials pursuant to the information provided in the waste categorization profiles. SGS's delivery of unapproved material to Covanta was in breach of that agreement, and in response, CES has revoked all current SGS and Vexor waste approvals.

In January 2020, CES verbally advised waste generators that although PFAS are not subject to regulation as RCRA hazardous waste, Covanta facilities do not solicit or accept PFAS containing waste including AFFF. In March 2020, that message was reiterated in writing and in 2020, no PFAS waste has been processed at the facility. Please note that Covanta is equipped with a firefighting system on the tipping floor that contains PFAS-free AFFF. If that system were to be activated, the AFFF would discharge to the refuse bunker.

CES and Niagara's current waste characterization protocols include:

- A CES Material Characterization Form and NY Form 47-19-7 must be completed by the customer, which includes laboratory analysis by a NYSDEC certified lab and accompanying Safety Data Sheets;
- All wastes are reviewed by CES and Covanta for environmental, health, safety, permit, and operational compliance prior to receipt and processing; and,
- Inspections of industrial waste deliveries are performed by Covanta personnel.

To reduce the likelihood of processing PFAS/PFOA containing AFFF in the future and to safeguard against processing materials that are unapproved, CES and Covanta will complete the following additional steps:

- CES will review all active waste profiles to identify PFAS/PFOA potential customers, waste types, or industries that could have PFAS/PFOA as part of their process and/or waste stream;
- All open waste profiles are in the process of being reviewed and recertified, where applicable;
- CES to re-issue "No PFAS/PFOA" letter to all Covanta customers;
- Covanta will increase the number of inspections of industrial waste deliveries; and,
- All current SGS and Vexor waste approvals have been revoked.

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CES and Covanta are committed to implementing protocols to ensure that only CES and DEC-approved wastes are being received and processed by Covanta. We believe that the above improvements and open dialogue with our non-hazardous industrial waste customers will help to ensure that unapproved wastes are not delivered to the facility.

As stated above, Covanta does not solicit or accept PFAS/PFOA containing waste including AFFF at the facility and will not seek any modifications to the Air Title V Permit (DEC ID 9-2911-00113/00039) or Solid Waste Permit (DEC ID 9-2911-00113/00023) to process these materials. Further, Covanta is modifying Section 3 of the O&MM plan, the Waste Control Plan, to explicitly include PFAS/PFOA containing wastes as prohibited from disposal at Covanta.

USEPA has developed a PFAS Action Plan (link to <https://www.epa.gov/pfas/epas-pfas-action-plan>) to protect public health associated with these substances, including research on high temperature destruction. That research is being implemented through EPA's Office of Research and Development (ORD) which established a PFAS Innovative Treatment Team (PITT) in April of 2020 to fast track development of new technologies and establish science-based performance data for existing technologies. The PITT is conducting research to evaluate the efficacy of incineration of PFAS containing materials (e.g., firefighting foam) and PFAS contaminated waste/media (e.g., contaminated soil). One facet of the EPA program is to conduct field research, including emissions testing at the municipal waste combustor facility operated by Covanta Union, Inc. in Rahway, NJ.

Please contact Brian Kent at 716-278-8506 should you have any questions regarding this correspondence. For more information regarding the USEPA's PFAS Action Plan please contact Paul Gilman at 862-345-5204.

Sincerely,



Brian Kent
Plant Manager