



**CITY OF PHILADELPHIA
DEPARTMENT OF PUBLIC HEALTH
AIR MANAGEMENT SERVICES (AMS)**

**Britton Industries, Incorporated
8901 Torresdale Avenue
Philadelphia, PA 19136**

Plan Approval IP16-000291

**Installation of a Portable Screeners and Crushers, Grinders, Mills, Conveyors and
Engines to Process Soils, Concrete, Aggregates, and Mulch at the Facility**

**AMS Response Document to Written Comments Received &
Public Hearing Testimonies on June 19, 2018**

**Holmesburg Recreation Center
4500 Rhawn Street
Philadelphia, PA 19136**

Prepared By:

**AMS - Source Registration
321 University Avenue
Philadelphia, PA 19104**

January 30, 2019

PART I: PROJECT BACKGROUND

Company Description:

Britton Industries, Inc operates a commercial soil, aggregate, and concrete recycling facility located 8901 Torresdale Ave, Philadelphia, PA 19136.

Project Description:

On Dec 13, 2016, Philadelphia Air Management Services received Plan Approval Application No. IP16-000291 from Britton Industries for legalization of existing soil, aggregate, and concrete recycling plant located at 8901 Torresdale Avenue.¹ The Plan Approval provides for the operation of the following emissions sources²:

- Portable Screener #1 110 horsepower (hp) diesel engine.
- Portable Screener #2 151 hp diesel engine.
- Portable Concrete Crusher 350 hp diesel engine for concrete processing operations. Portable Jaw Crusher a 275 hp diesel engine for crushing operations. Concrete processing operations are control by water suppression system.

On June 2, 2018, notice of the proposed issuance of the Plan Approval for the project was published in the Pennsylvania Bulletin (Volume 48, Number 22). The 30-day public comment period on the proposed Plan Approval began to run from the publication date. The public hearing on the proposed Plan Approval was held at the Holmesburg Recreation Center, 4500 Rhawn Street, Philadelphia, PA 19136 on July 19, 2018, at 6:30 PM.

PART II: SUMMARIES OF COMMENTS AND AMS RESPONSE TO COMMENTS MADE DURING JUNE 19, 2018 PUBLIC HEARING, AND WRITTEN COMMENTS RECEIVED DURING THE 30-DAY COMMENT PERIOD.

Note: The written comments, and the testimony of commenters at the public hearing, raised identical or similar concerns. Accordingly, these comments have been summarized and condensed by AMS where possible. The summarized comments, and attendant responses, are presented below in no particular order.

¹ These sources are currently being operated in accordance with June 7, 2018 Court Order entered in City of Philadelphia v. Britton Industries, Inc., CP No. 171102651.

² Note, the Plan Approval also includes provisions for the operation of equipment related to mulching operations that was carried out at the facility. However, such mulching operations, and the attendant operation of such equipment, ceased effective August 1, 2018.

Comment 1: The Plan Approval should be denied because Britton's facility has been the source of numerous odor and dust issues in the surrounding neighborhood. Britton will never be a good neighbor and this type of processing should not be permitted in a residential area.

Response:

AMS is aware that operations at Britton's facility have been the source of numerous dust and odor complaints. However, the Plan Approval requires the facility operator to adopt specific work practices and other related requirements to ameliorate dust and odor nuisances. These measures, which have been in place since June 7, 2018 have proven to be effective.

Specifically, AMS conducted multiple inspections of the Britton facility and issued approximately fifty-five (55) Notices of Violation (NOVs) in the roughly two and a half (2 ½) year period between December 16, 2015 and June 7, 2018. The vast majority of these NOVs were for malodors originating from mulch production and storage activities at the facility. A handful of these NOVs cited the facility for dust violations stemming from vehicle traffic at the site.

As per the June 7, 2018 Consent Order entered in Philadelphia v. Britton Industries, Inc., CP No. 1711-02651, all mulch operations at the facility were to cease by no later than August 1, 2018. The Consent Order also required the facility adopt measures to address vehicle borne dust. These measures included, but were not limited to, tarping / covering of trucks conveying materials to the facility, washing of tires before trucks leave the facility, regular treatment of access roads within the facility to prevent dust, and regular cleaning of roadways around the facility to remove tracked-out dirt. The dust and odor control measures in the Consent Order have been incorporated into the Plan Approval, and the attendant Odor and Dust Control Plan.

In the six (6) months since the entry of the Consent Order, AMS has received only two complaints regarding the facility, one for malodors and one for dust. AMS also conducted five (5) separate inspections of the facility since the entry of the Consent Order.³ Out of all these inspections, AMS only identified two (2) separate dust violations.⁴ The comparative decrease in both complaints and violations indicate that the mitigation measures carried over from the Consent Order into the Plan Approval and attendant Odor and Dust Control Plan are effective.

Finally, AMS would also note that the land the facility occupies, like the properties it abuts on the East side of Torresdale Road, are all zoned I-2 in which limited and general industrial activities are permitted. See Phila. Code Secs. 14-602(10)(b), (c). The

³ Inspections were conducted on July 23, 2018; August 3, 2018; August 10, 2018; August 20, 2018; and on December 12, 2018.

⁴ The dust incidents that led to the issuance of violations by AMS occurred on July 23 and December 12, 2018 respectively.

activities contemplated by the Plan Approval fall within the uses for which the facility is zoned. AMS does not have authority to revisit, or otherwise change the zoning, for the facility.

Comment 2: The facility will emit an unacceptable amount of air pollutants that will pose a threat to health of members in the community.

Response:

As noted in the Response to Comment 1, historically the primary source of the air pollution violations at the facility were related to mulch production. The discontinuing of this activity under the June 7, 2018 Consent Order and the Plan Approval addresses this concern.

The sources of air pollution at the facility, other than fugitive dust and odor, are emissions from the diesel-powered equipment. Collectively, the emissions from the diesel-powered equipment, when operated in accordance with the requirements set forth in the Plan Approval, are not large enough to pose a threat to public health. As discussed in the Response to Comment 1, the Plan Approval and attendant Odor and Dust Control Plan include sufficient work practice and other operational requirements to prevent dust and odor nuisances.

Comment 3: How will the community be assured that the facility will comply with the requirements of the Plan Approval?

Response:

AMS, as it has in the past, will continue to investigate complaints made by community members, and will conduct air pollution inspections as necessary. AMS may issue NOVs to the facility operator if it determines that violations of the Plan Approval, and other applicable air pollution requirements are determined to exist. Among other things, AMS is authorized to seek civil penalties, order correction of said violations, and / or suspend air pollution permits issued to the facility as necessary. Complaints regarding air pollution from the facility made be made to AMS via telephone (i.e. (215) 685-7580 during business hours, (215 -686-4514 at other times).

Comment 4: What, if any, financial penalties will be levied in the event the Plan Approval is violated?

Response:

As per the June 7, 2018 Consent Order, if future odor or dust violations (i.e. malodor or visible dust detectable beyond facility perimeter) Britton will pay AMS a stipulated penalty of four hundred dollars (\$400.00) per occurrence. For other violations of the Plan Approval, the AMS is authorized to seek a maximum civil penalty of up to twenty-five thousand dollars (\$25,000) per violation for everyday said violation exists. See 35 P.S.

Secs. 2009.1, 4012(g). The actual penalty sought by the AMS for future violations of the Plan Approval; however, will depend on the factual circumstances.

Comment 5: Does the City of Philadelphia (City) have a contract with Britton? Any such contract would be a conflict of interest.

Response:

AMS is the primary enforcement agency for federal, state, and local air pollution requirements in Philadelphia. AMS is not involved in entering into purchasing or waste disposal contracts on behalf of the City. AMS does not know whether Britton otherwise holds any such contracts with the City. Nonetheless, all facilities in Philadelphia, regardless of whether they are utilized by the City, must comply with all applicable federal, state, and local air pollution requirements.