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## United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

ANDREW WHEELER, MAJORITY STAFF DIRECTOR  
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September 2, 2005

The Honorable George E. Pataki  
Governor of the State of New York  
State Capitol  
Albany, NY 12224

Dear Governor Pataki:

I am writing to express my continuing concern about International Paper's efforts to burn Tire Derived Fuel (TDF) at their Ticonderoga Paper plant. International Paper's July 5, 2005 revised permit application fails to address many concerns raised by their inadequate February 1, 2005 permit application, and it omits important modeling analysis and monitoring steps necessary to ensuring that a trial burn of TDF can be safely conducted.

IP's continued insistence on burning TDF without upgrading their emissions control technology to include an electrostatic precipitator (ESP) suggests that the corporation does not value highly enough the health of the Champlain Valley and its residents. While I appreciate that many Vermonters may derive economic benefits from this plant, IP's benefit-cost analysis of installing better pollution control does not include the long-term costs to public and environmental health of failing to add such controls.

My staff has surveyed several other pulp and paper mills around the country that burn TDF, and nearly all of these mills use an ESP to control air emissions. In fact, International Paper informed my staff in a May 2004 letter that it uses ESPs on seven of eight of their facilities permitted to burn TDF. The one plant without an ESP reportedly does not routinely burn TDF. Beyond my concerns about the effects this proposal will have on the environment and on the health of the surrounding residents, it indicates that IP is avoiding long-term investment in the Ticonderoga facility that will allow it to continue operating in a safe and sustainable manner for many years.

In addition to my general concerns with IP's proposal, there are several problems with this recent permit application.

- 1) The EPA's March 15, 2005 letter, states that the modeling analysis should include all criteria pollutants, including PM<sub>10</sub>, PM<sub>2.5</sub>, but the most recent application fails to model, or monitor for PM<sub>2.5</sub>. Fine particulates increase when TDF is burned and these emissions are known to cause respiratory disease and heart attacks. Furthermore, a 2003 EPA staff paper has called for the PM<sub>2.5</sub> standards to be tightened, and if the most stringent standards recommended are finalized, Southern Vermont may well be designated as nonattainment. Taking these factors into consideration, I request that IP include PM<sub>2.5</sub> emissions in the modeling analysis, and monitor for this pollutant should a trial burn be conducted.

- 2) IP should model and monitor all particulate emissions such that total annual PM emissions can be estimated with confidence. This is prudent because experts believe that IP Ticonderoga will likely exceed the 15-ton PM threshold for triggering New Source Review and Prevention of Significant Deterioration requirements and therefore be required to apply Best Available Control Technology prior to receiving any permit to use TDF on a regular basis.
- 3) The potential increase in zinc oxide emissions from TDF combustion is also of great concern to me. I have worked for many years to protect and improve the quality of the Lake Champlain ecosystem and increases in zinc and zinc compounds could be detrimental to aquatic organisms. I request that the health of Lake Champlain be given special consideration in any TDF-related permits, and that IP Ticonderoga's wastewater discharge system be monitored in the case of a trial burn. The plant NPDES permit should also be modified to reflect the introduction of new pollutants. Further, I understand that TDF is available with no metal content whatsoever and suggest that the use of such fuel be considered as a condition in any draft test burn permit as well.
- 4) I understand that the Vermont Agency of Natural Resources will have three ambient air monitoring stations available to monitor changes in air quality that may result from IP Ticonderoga's trial burn, but also that none are proposed in the area of the plant in New York. It is important to measure the impacts of the short and long term use of TDF. Please explain what steps the NYDEC plans to take to measure ambient air quality of ambient air in the area of the plant.

Thank you for your attention to my concerns and questions. I appreciate the care that NYDEC took in its earlier review of the previously submitted inadequate IP test burn permit application.

I look forward to your reply and ask that the issues I have raised be resolved prior to the issuance of any draft permit for a TDF test burn. In addition, I request that my staff in Vermont (Tom Berry – 802-658-1737) and Washington, D.C. (Chris Miller – 202-224-2969) be contacted immediately when and if a completeness determination has been made on the most recent IP permit application and any decision is made to issue a draft permit for a test burn for public comment.

Sincerely,



James M. Jeffords

cc: Ms. Denise M. Sheehan, Acting Commissioner  
New York State Department of Environmental Conservation

EPA New England Administrator Robert Varney  
EPA Region 2 Administrator Alan J. Steinberg

The Honorable James Douglas  
Governor, State of Vermont

The Honorable William Sorrell  
Attorney General of Vermont

The Honorable Thomas W. Torti, Secretary  
Vermont Agency for Natural Resources