



City of Cleveland

Office of the Council

Brian J. Cummins

Councilman, Ward 14

Committees: • Public Service – Vice Chair • Aviation & Transportation • Community & Economic Development

• Public Safety • Public Utilities Sub-Committee: • Sustainability • Community Relations Board

January 5, 2012

Scott Nally, Director
Ohio EPA
50 W. Town St., Suite 700
Columbus, OH 43216-1049

Subject: Request for format change for draft air permit hearing for Cleveland Public Power's proposed Electric Power Generation, Solid Waste Combustors and Incinerators project¹.

Dear Director Nally,

We are writing regarding the OEPA public hearing for the Cleveland Public Power gasification facility air permit. The hearing is scheduled for Monday, January 9th at 6:00 p.m. at Estabrook Recreation Center, 4125 Fulton Road , Cleveland , Ohio 44144.

We have been told that the planned format for this hearing is for a presentation by OEPA or the City, then a "brief" question and answer period, then public comment. However, given the many complexities of this proposal, the brief time citizens have had to review it, and the many unanswered questions, we believe a different format should be used.

We propose that this meeting be used for a presentation by the permit applicant, followed by an on-the-record question and answer session, where community residents and all interested parties can ask questions. People cannot be expected to comment on a proposal where there has been no record of public meetings previously about this project held within neighborhoods and communities that would be impacted by this proposed facility. To clarify, we know of only one public meeting held for residents that live within a mile or so of the site. The promotion of that meeting was limited and fewer than 10 residents participated.

Once answers to questions raised on Monday are received, OEPA should schedule a second public meeting, which would include both clarifying questions and answers and an official public comment portion. In addition, the public comment period should be extended beyond the current date of January 23, 2012 as there will be more time needed to ensure adequate public notice is provided for a second meeting.

¹ [Cleveland Public Power - Ridge Road; Permit Number: P0107767; Facility ID: 131800875](#)

Here are just a few examples of some of the basic types of information that the permit applicant, Cleveland Public Power, has so far withheld or failed to provide to the community:

- 1) Information on the feedstock for the combustors and incinerators: what will be burned? paper? plastics? tires? medical waste?
- 2) Information on why, when the draft OEPA permit required the facility to be operated at 72% of capacity, rather than the 92% requested by Cleveland Public Power, emissions for certain highly toxic chemicals like mercury, increased, rather than decreased?
- 3) The community has not seen any understandable air modeling for the emissions for this facility. CDAQ has not provide it to us. OEPA provided data in a format which requires proprietary software, which we do not have, to open.
- 4) Information on why no sources of fugitive emissions are listed for this facility.
- 5) The facility would be located in a community in which we've requested an Environmental Justice area of concern designation². There are primary neighborhoods impacted by the proposed facility that are low-income with up to 43% Hispanic minority population. Extra considerations must be given to include public comment and to make materials available in Spanish.

Cleveland Public Power has held no public information sessions since the permit application was submitted. And, full-page ads taken out by CPP in local papers last week, along with mailings sent to CPP customers, omitted any mention of the January 9th hearing, even though the date was well known to the city at that time. In addition, the hearing is being held on the day and time of the first 2012 Cleveland City Council meeting (scheduled for 7:00 pm), effectively inhibiting their public participation.

We are certain that Ohio EPA wants to make sure that all citizens have adequate information before they can participate in a meaningful way on this highly complex and very controversial proposal. Ohio EPA has implemented this two-meeting format for other facilities in the past, and it is certainly a good model for this situation.

Thank you for your attention to this important matter and please contact us to discuss the format for this hearing, and to discuss options for a second hearing. Thank you in advance for your prompt response.

Sincerely,



Councilman Brian J. Cummins, Ward 14, Cleveland City Council, 216-333-5453 cell

Co-signers:

Stuart Greenberg, Executive Director, Environmental Health Watch

Chris Trepal, Executive Director, Earth Day Coalition

Sandy Buchanan, Executive Director, Ohio Citizen Action

Randy Cunningham, Chair, NE Ohio Sierra Club Coal and Energy Committee

Teresa Mills, Ohio Children's Health Organizer, Center for Health Environment and Justice

Cc: Mayor Frank Jackson & Ken Sillman Chief of Staff , City of Cleveland; Kristopher Weiss, Public Involvement Coordinator, Ohio EPA Public Interest Center; and, Cheryl L. Newton, Division Director, Air and Radiation Division, US EPA Region 5.

² Requested through Alan Walts, Director, Office of Enforcement and Compliance Assurance , U.S. EPA, Region 5
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