

LETTER TO THE EDITOR

DEP Shell Environmental Mitigation Fund (EMCF) - Pay to Pollute Must End!

*By Terrie Baumgartner, Clean Air Council
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I applaud the Pennsylvania Department of Environmental Protection's insistence on the community-driven process that resulted in the selection of "21 Projects..."(May 17) by the Environmental Mitigation Community Fund (EMCF). And I'm grateful for the many hours of volunteer work that community leaders on the Fund's Advisory Board poured into evaluating the 90 project applications.

Now it's up to the media and us as residents to see that Shell is not allowed to pay to pollute, now or in the future. However normalized the Pay-to-Pollute system has become throughout Southwest Pennsylvania, it must end now, with zero tolerance.

That's why the EMCF's project selection criteria matter. Though the opening of the Times' story suggests that "quality of life" was the sole criterion for choosing projects, the first two criteria were, in fact, "Benefits to the Environment" and "Benefits to Health," with EMCF protocol directing applicants to link quality of life to both.

Moreover, the EMCF is not a "Community Fund" or even an "Environmental Community Fund," as the Times' story characterized it: The word "mitigation" is in the EMCF name for a reason. To mitigate is to reduce the harshness, severity, force or intensity of harmful conditions or events – which, in this case, are the repeated toxic emissions exceedances of Shell's ethane cracker plant.

The truth is that penalties have not stopped Shell's massive plastics factory – supported as it is by a \$1.65 billion taxpayer subsidy – from continuing to exceed its permit limits.

Only a few months after beginning operations in November 2022, the plant overshot its entire 12month limits for volatile organic compounds (a major contributor to ozone or smog), nitrogen oxides (poisonous, highly reactive gases that also contribute to smog), hazardous air pollutants (which include carcinogens) and carbon monoxide. Within just a few months, Shell had sent two releases of benzene, a carcinogen, across its fenceline, putting the health of nearby residents at risk. Between January 2022 and June 2023, the plant racked up 51 malfunctions and 16 Notices of Violation. And in May, Clean Air Council and Environmental Integrity Project sued Shell for these violations.

Now, nearly a year later, Shell continues its exceedances of nitrogen oxides.

So, though the plant's appalling startup record necessitated the Consent Order and Agreement that launched the EMCF, the COA was not a victorious wresting of power

from Shell. Neither are its results an exciting development to be celebrated. The project funding is not a prize, an award, a grant, or even just compensation for the communities harmed by Shell's illegal pollution: It is a penalty for Shell's egregious actions.

In recognition of this fact, the EMCF protocol invited project applicants to ask questions like these: How can we lessen the environmental impacts of Shell's air emissions? Can we mitigate them by directly improving the quality of our air, water or land? How can we measurably reduce the risk or impact of poor air quality on resident health? How about the risk or impact of the plant's light, noise or odors? And where does "quality of life" intersect with the plant's impacts on the environment or on our health?

The EMCF exists to enforce a rightful penalty –albeit an inadequate one – by inviting Beaver County communities to do their part in holding Shell accountable for the damage done.

As residents, we need to make sure the 21 projects fulfill that sober mission.

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