



STATE OF DELAWARE  
DEPARTMENT OF NATURAL RESOURCES  
AND ENVIRONMENTAL CONTROL  
89 KINGS HIGHWAY  
DOVER, DELAWARE 19901

OFFICE OF THE  
SECRETARY

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**NOTICE OF ADMINISTRATIVE PENALTY ASSESSMENT  
AND SECRETARY'S ORDER**

Pursuant to 7 *Del. C.* § 6005

**Order No. 2008-A-0027**

*PERSONALLY SERVED BY ENVIRONMENTAL  
ENFORCEMENT OFFICER*

**Issued To:**

Hanover Foods Corporation  
Attn: William D. Simpson, Plant Manager  
Rt. 6 and Duck Creek Road  
P.O. Box 1150  
Clayton, DE 19938

**Registered Agent:**

Harvard Business Services, Inc.  
16192 Coastal Highway  
Lewes, DE 19958

Dear Mr. Simpson:

This is to notify Hanover Foods Corporation ("Respondent") that the Secretary of the Department of Natural Resources and Environmental Control ("Department") has found Respondent in violation of 7 *Del. C.* Chapter 60 and its permit. Accordingly, the Department is issuing this Notice of Administrative Penalty Assessment and Secretary Order ("Assessment and Order") pursuant to 7 *Del. C.* § 6005(b)(3).

***BACKGROUND***

Respondent owns and operates a frozen food processing plant located on Route 6 and Duck Creek Road in Clayton, Delaware ("Facility"). The Facility processes various types of vegetables for sale and distribution.

Respondent currently operates the Facility under Regulation No. 30 Operating Permit "(Title V permit)" **AQM-001/00024 (Renewal 2)** dated January 25, 2008, which governs the operation of its boilers, degreasers and a storage tank. This latest permit replaces the previous Title V permit **AQM-001/00024 (Renewal 1)** dated August 21, 2003. The violations set out herein relate to the previous Title V permit **AQM-001/00024 (Renewal 1)**. Respondent is

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subject to Regulation No. 30 due to the Facility's potential to emit Nitrogen Oxides ("NO<sub>x</sub>") and Sulfur Oxides ("SO<sub>x</sub>") in excess of 25 and 100 tons per year, respectively.

Respondent submitted its 2006 annual compliance and semi-annual reports on January 31, 2007. A review of the reports showed that Respondent reported a failure to conduct the annual Modified Reference Method 9 visible emissions tests ("visible emissions tests") on its boilers, emission units 001 and 002 ("boilers" or "units 001 and 002") for the year 2006 as required by its permit. The Department conducted an annual inspection at Respondent's Facility on May 4, 2007, and discovered that Respondent had also failed to perform annual tune ups for its boilers for the year 2006 as required by its permit. In addition, this was not reported by Respondent, as required, in the reports received January 31, 2007. The annual tune ups establish the annual NO<sub>x</sub> emission limits for the boilers. A Notice of Violation was issued to Respondent on November 15, 2007.

Respondent has previously failed to conduct, to adequately conduct and/or to document that it conducted visible emissions tests on its boilers. This is also not the first time that Respondent has failed to perform annual tune ups for its boilers. The requirements to conduct visible emissions testing and annual tune ups on its boilers and reporting requirements have been conditions of Respondent's Title V permit since its initial issuance on September 20, 1998, and subsequent renewals.

Violations of these conditions were discovered on January 23, 2004, when the Department conducted a Federal Fiscal Year 2004 annual inspection at Respondent's Facility which included a records review. Respondent was unable to produce records demonstrating it had conducted an annual visible emissions test for year 2003 on either of its boilers. A Notice of Violation was issued to Respondent on March 4, 2004. On March 18, 2005, the Department conducted a Federal Fiscal Year 2005 annual inspection at the Facility. It was discovered that even though the Respondent conducted the annual visible emissions tests on its boilers for year 2004, the duration of the visible emissions observation for each boiler was 30 minutes instead of a minimum of 1 hour as required by Regulation No. 20, Section 1.5(c). A Notice of Violation was issued April 15, 2005. On May 17, 2006, the Department issued an Amended Administrative Penalty Assessment and Secretary's Order No. 2006-A-0023 to Respondent to resolve the previously issued Administrative Penalty Assessment and Secretary's Order No. 2006-A-0018. These Orders addressed violations associated with visible emissions tests for years 2003 and 2004.

Respondent had prior permit violations in 2000 and 2001. Respondent failed to conduct annual visible emissions tests on its boilers for years 2000 and 2001. Respondent also failed to conduct an annual tune up on one of its boilers for year 2000 and on both of its boilers for year 2001. On March 1, 2002, the Department issued Administrative Penalty Assessment and Secretary's Order No. 2002-A-0014 to Respondent to resolve the previously issued Administrative Penalty Assessment and Secretary's Order No. 2001-A-0019 as well as address three additional violations.