



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL

OFFICE OF THE
SECRETARY

89 KINGS HIGHWAY
DOVER, DELAWARE 19901

PHONE: (302) 739-9000
FAX: (302) 739-6242

**Notice of Conciliation Proceedings, Administrative Penalty
Assessment and Secretary's Order**
Issued Pursuant to 7 *Del. C.* § 6005

Order No. 2013-WH-0027

***PERSONALLY SERVED BY
AN ENVIRONMENTAL PROTECTION
OFFICER***

Issued To:

Peninsula Compost Company, LLC
Wilmington Organic Recycling Center
c/o Mr. Brian Schaffer
612 Christiana Avenue
Wilmington, DE 19801

Registered Agent:

Dallas Winslow, Esquire
803 Shipley Street
Wilmington, DE 19801

This Assessment and Order serves to notify Peninsula Compost Company, LLC ("Respondent" or "Peninsula") that the Secretary of the Delaware Department of Natural Resources and Environmental Control ("Department") has found Respondent in violation of 7 *Del. C.* Chapter 60, 7 DE Admin Code 1301, Delaware's *Regulations Governing Solid Waste* ("DRGSW") and Beneficial Use Determination ("BUD") #29C/082513. Accordingly, the Department is issuing this Notice of Conciliation Proceedings, Administrative Penalty Assessment and Secretary's Order, pursuant to 7 *Del. C.* § 6005(b)(2) and (b)(3).

BACKGROUND

Respondent owns and operates Wilmington Organic Recycling Center ("WORC"), a commercial food and yard waste composting facility located in Wilmington, Delaware. WORC operates under BUD #29C/082513, issued first by the Department on August 25, 2008 and most recently modified on January 27, 2012, to accept and process hatchery waste, food waste, yard waste, wood waste, and animal bedding, in order to produce compost on Tax Parcel Numbers 2606300018, 2606300019, and 2606600005, located at 612 Christiana Avenue in Wilmington.

Delaware's Good Nature depends on you!

“Compost means a product of composting that has been stabilized to a humus-like product, is free of pathogens at an infectious level and of viable plant seeds, that does not attract insects or vectors, can be handled and stored without nuisance, and is beneficial to the growth of plants” (DRGSW, February 21, 2011). The composting process begins with mixing particular wastes together to achieve a specific carbon to nitrogen ratio that is optimal for the composting process.

At Peninsula, once the desired mixture is blended, it is placed in windrows (elongated piles) for the first of three phases of the composting process as described by Peninsula. During the first two phases of the process, the windrows are covered with a GoreTex® fabric designed specifically for composting, which helps to manage air and moisture and helps to reduce odors. Healthy compost piles generate moderate heat. Accordingly, probes are inserted into the piles to monitor temperature and oxygen, both of which are critical to the composting process. The probes send continuous readings to a computer that turns blowers on and off, as necessary, to meet pre-set parameters.

During the third phase of the composting process, the windrows are completely uncovered. Once this phase is complete, the compost is run through a screen and is ready to be distributed to end users.

On February 25, 2013, Department representatives conducted a compliance assessment at Peninsula. During the assessment, eight (8) violations of BUD #29C/082513 were identified. Department representatives observed wood waste piles, Phase 3 windrows, and yard waste storage; all exceeding their size limit parameters. Department representatives also observed storage of feedstocks, unscreened compost, and finished product outside of the BUD approved boundary limits, without any type of approval from the Department (see area delineated on the attached map; as a portion of 601 Christiana Avenue (hereinafter “601 Christiana Avenue”). Additionally, Department representatives observed prohibited waste including painted wood (at 601 Christiana Avenue) and plastic in the form of plastic bags (at both 601 Christiana Avenue and the BUD approved site).

Department representatives determined as well that based on the quantity of material on both the BUD approved site and the unapproved site at 601 Christiana Avenue , along with the closure cost estimate that Respondent reported in its 2012 annual report, Respondent’s current financial assurance was inadequate.

Consequently, the Department issued NOV No. 13-SW-03¹, dated March 11, 2013, to Respondent, requiring compliance within twenty (20) days of receipt of the NOV and documented proof of compliance within thirty (30) days of receipt of the NOV. Respondent

¹ NOVs for similar violations were previously issued to Respondent on August 19, 2011 (NOV 11-SW-27) and on June 7, 2012 (NOV 12-SW-43).

responded to the violations in a letter dated March 19, 2013, in addition to requesting a meeting with the Department.

The Department met with Respondent on April 4, 2013, wherein Respondent provided written documentation indicating that the windrow piles that had exceeded their size limits on the BUD approved site, were now in compliance. Respondent indicated that Peninsula had submitted a modified operations plan to the Department, for its review and approval, to address the material stored on the currently unapproved site at 601 Christiana Avenue and, at the Department's insistence, further agreed to submit to proof of current markets for their compost material. Additionally, Respondent was reminded about plastic bags being a prohibited waste and agreed to reach out to their haulers to inform them that delivered waste cannot contain plastic bags. Respondent agreed as well to submit an updated financial assurance estimate to the Department, for its review, prior to modifying their current letter of credit.

On April 24, 2013, Department representatives conducted an unannounced follow-up compliance assessment at Peninsula to monitor Respondent's progress. During that assessment, the Department determined that Respondent had corrected three (3) violations that were identified during the February compliance assessment, however, a majority of the violations were continuing and one additional violation was noted. This additional violation and an odor violation, documented in previously issued NOV 12-SW-43, brings the total number of BUD violations in this Order to ten (10). Included as well are two (2) statutory violations, for a total of twelve (12) violations in this Order.

Feedstocks, unscreened compost, and finished product were all still being stored outside of the property boundary specified in the BUD; some Phase 3 windrows still exceeded the maximum width specified in the BUD; prohibited waste, consisting of plastics, in the form of plastic bags, was observed being unloaded; financial assurance continues to be inadequate; facility operations were not being conducted according to Peninsula's June 2008 Operations Plan; and daily records of incoming and outgoing material were not immediately available for inspection by the Department.

Respondent repeatedly operated composting windrows above approved size limits. Compost piles that exceed their regulated size parameters are at much higher risk for spontaneous combustion; an elevated concern since there have been fires on three (3) separate occasions (April 8, 2012, April 9, 2012, and May 13, 2013) involving Peninsula.

**FINDINGS OF VIOLATION INCLUDING STATUTORY,
REGULATORY, AND BUD REQUIREMENTS**

1. **Seven Del. C. § 6003(a)(4) states in part:**

“(a) No person shall, without first having obtained a permit from the Secretary, undertake any activity...

(4) In a way which may cause or contribute to the collection, transportation, storage, processing or disposal of solid wastes, regardless of the geographic origin or source of such solid wastes; or ...”

Section 4.1.1.1 of DRGSW states:

“No person shall engage in the construction, operation, material alteration, or closure of a solid waste facility, unless exempted from these regulations under Section 2.3, without first having obtained a permit from the Department.”

On February 25, 2013, Department representatives determined that the height of the ground wood waste pile outside the receiving building exceeded the limit specified in the BUD. On February 25, 2013 and April 24, 2013, Department representatives determined the width of the Phase 3 windrows on the western side of the BUD approved site exceeded the limit specified in the BUD. Also on February 25, 2013 and April 24, 2013, Department representatives determined that approximately 28,597 cubic yards and more than 18,903 cubic yards, respectively, of feedstocks, unscreened compost, and finished product, were being stored outside of the approved boundary limits specified in both the BUD and the site plan submitted with Respondent’s BUD application; violations of 7Del. C. § 6003(a)(4) and Section 4.1.1.1 of DRGSW.

2. **Seven Del. C. § 6025(b) states:**

“(b) No person shall cause or contribute to the disposal or discharge of solid waste anywhere in the State including any surface or ground water, except:

(1) Through municipal or private solid waste collection systems which have received a permit from the Department; or

(2) In solid waste disposal facilities which have received a permit from the Department; or

(3) In containers specially provided for solid waste collection by any state or municipal agency or private or public group, organization, agency, or company which has received a permit from the Department.”

On February 25, 2013 and April 24, 2013, Department representatives determined that approximately 28,597 cubic yards and more than 18,903 cubic yards, respectively, of feedstocks, unscreened compost, and finished product were being stored outside of the approved boundary limits specified in both the BUD and the site plan submitted with Respondent's BUD application; violations of 7Del. C. § 6025(b) and Section 4.1.1.1 of DRGSW.

3. **Section III.D of BUD #29C/082513 states in part:**

"The yard and/or wood waste pile contained in the outside storage area shall have a maximum height of no greater than 12 feet."

On February 25, 2013, Department representatives determined the height of the ground wood waste pile outside of the receiving building to be fifteen (15) feet, a violation of Section III.D of BUD #29C/082513.

4. **Section I.A of BUD #29C/082513 states in part:**

"...issues Beneficial Use Determination #29C/082513 (Approval) to Peninsula Compost Company, LLC (Peninsula) for accepting and processing hatchery waste, food waste, yard waste, wood waste, and animal bedding to produce compost on Tax Parcel Nos. 2606300018, 2606300019, and 2606600005 located on 612 Christiana Avenue in Wilmington, Delaware..."

Section III.D of BUD #29C/082513 states in part:

"Yard waste and wood waste shall be stored inside the receiving building or in the designated outside storage area."

Section IV of BUD #29C/082513 states in part:

"Product: Finished compost shall be stored outside, in the designated finished product storage and screening area..."

On February 25, 2013 and April 24, 2013, Department representatives determined that approximately 28,597 cubic yards and more than 18,903 cubic yards, respectively of feedstocks, unscreened compost, and finished product were being stored outside the approved boundary limits specified in both the BUD and the site plan submitted with Respondent's BUD application; violations of Sections I.A, III.D, and IV of BUD #29C/082513.

5. **Section III.G of BUD #29C/082513 states:**

"No composting windrow shall exceed 185 feet in length, 26 feet in width, or 15 feet in height."

On February 25, 2013 and April 24, 2013, Department representatives observed that the Phase 3 windrows on the western side of the compost processing area were not sized according to the limits specified in the BUD. In February Department representatives determined the width of the pile to be approximately 207 feet. In April, Department representatives determined the width of two piles to be 45 feet and 51 feet; violations of Section III.G of BUD #29C/082513.

6. Section III.D of BUD #29C/082513 states in part:

“The outside storage area shall contain no more than 470 cubic yards of any combination of yard waste and wood waste. This waste can be stored as ground or un-ground material.”

On February 25, 2013, Department representatives determined that the volume of wood and yard waste in the outside storage area was approximately 1,469 cubic yards, which is three times the specified limit; a violation of Section III.D of BUD #29C/082513.

7. Section IV of BUD #29C/082513 states in part:

“Product: Finished compost ... shall not exceed 25,000 cubic yards in volume nor 18,750 tons in weight.”

On February 25, 2013, Department representatives determined that the volume of finished product stored was approximately 30,630 cubic yards, nearly 23% more than the specified limit; a violation of Section IV of BUD #29C/082513.

8. Section II.P of BUD #29C/082513 states in part:

“Prohibited Waste Types: 1. Plastics... 2. Painted, stained or treated wood...”

On February 25, 2013 and April 24, 2013, Department representatives observed prohibited waste consisting of plastic, in the form of plastic bags, in the yard waste pile outside of the receiving building, in the uncovered Phase 3 windrows, and in the unscreened compost. Department representatives further observed prohibited waste on February 25, 2013 consisting of painted wood in a wood waste pile at 601 Christiana Avenue; violations of Section II.P of BUD #29C/082513.

9. Section II.M.2 of BUD #29C/082513 states in part:

“Annually: ...Peninsula shall provide an updated closure cost estimate, taking into account inflation. If the cost estimate has increased over the amount of financial assurance provided, Peninsula shall accordingly provide increased financial assurance...”

Following the February 25, 2013 compliance assessment, Department representatives determined that, based on the 2012 annual report submitted by Respondent and received by the Department on January 15, 2013, the closure cost estimate does not factor in any of the waste material at 601 Christiana Avenue, nor does it account for the unscreened compost at either 601 Christiana Avenue or the BUD approved site; a violation of Section II.M.2 of BUD #29C/082513.

10. **Section I.B of BUD #29C/082513 states in part:**

“This Approval shall be conducted in accordance with the conditions herein and with the following documents, as submitted to the Department: (1) Application for Beneficial Use Determination, dated April 3, 2008; (2) “Checklists for Persons Applying for a BUD” and its attachments dated June, 2008...”

On February 25, 2013 and April 24, 2013, Department representatives determined that some facility operations were not being conducted in accordance with Respondent’s June 2008 Operations Plan. Feedstocks and product were being stored outside of the approved property limits; prohibited wastes were being accepted by Respondent, including plastic, which was being re-integrated into the beginning of the composting process; violations of Section I.B of BUD #29C/082513.

11. **Section II.E of BUD #29C/082513 states in part:**

“Odors resulting from the Peninsula facility shall not be perceived beyond the boundaries of the Peninsula property.”

Odors detected beyond Respondent’s facility have been documented by the Department since June 2012. Peninsula’s call center records show that they received ten (10) odor complaints from August 5, 2012 through February 26, 2013. As a result, NOV No. 12-SW-43 was issued to Respondent in June 2012; a violation of Section II.E of BUD #29C/082513.

12. **Section II.L.2 of BUD #29C/082513 states in part:**

“Recordkeeping: ... All data required by this Approval shall be recorded and maintained by Peninsula for a minimum of three (3) years and immediately made available to the Department as requested, including: (a) Daily, weekly, and yearly tonnages for all incoming waste and materials (b) Daily, weekly, and yearly tonnages for all outgoing waste and materials...”

On April 24, 2013, Department representatives asked to see Respondent’s records for daily incoming and outgoing material; however, Respondent was unable to provide them during the compliance assessment; a violation of Section II.L.2 of BUD #29C/082513.

CONCLUSIONS

Based on the foregoing, the Department has concluded that Respondent has violated, the above cited statutory, regulatory, and BUD provisions despite the Department's efforts to work with the Respondent to achieve compliance.

NOTICE OF CONCILIATION AND SECRETARY'S ORDER

It is the desire of the Department that Respondent correct all current violations and avoid any future violations. Therefore, in consideration of the foregoing findings, notice is hereby given that it is proposed, pursuant to 7 *Del. C.* § 6005(b)(2), Respondent can best achieve compliance by undertaking the following actions.

In a manner in full compliance with all applicable laws and regulatory requirements, Respondent shall:

1. Within three (3) calendar days of receipt of this Assessment and Order, remove and properly dispose of prohibited waste, including, but not limited to, plastic bags and coated, stained, painted, or treated wood. This includes the BUD approved property as well as the material at 601 Christiana Avenue. Proper disposal shall be documented by supplying tipping receipts from the permitted recycling or disposal facilities that are used.
2. Within thirty (30) calendar days of receipt of this Assessment and Order, modify the operations plan to include the following:
 - a. The 601 Christiana Avenue property shall **only** be used for:
 - i. The storage of marketable, ½ inch (or smaller) screened compost;
 - ii. The storage of approved, high-carbon wood and yard waste feedstock;
 - iii. Additional screening of the already ½ inch (or smaller) screened compost to meet market specifications;
 - iv. Final curing of the ½ inch (or smaller) screened compost if necessary to meet market specifications; and
 - v. The grinding of the approved wood and yard waste.
 - b. Identify, on a site plan, locations and capacity limits for each specific phase, step and area in the composting process. Each phase, step and area shall have a name that clearly identifies the specific process it refers to,

and those activities situated outside of the aerated windrow sections of the facility shall not reference phases 1-3 in their identification.

- c. The addition of a preliminary 2-inch screening to the compost screening process.
- d. The maximum volume of yard waste and wood waste to be stored in the "Wood & Yard Waste Storage Area" as designated on Respondent's November 2012 site map.
- e. Any prohibited waste on-site shall be segregated, properly contained, and sent for proper disposal within 72 hours. This is only for incidental amounts, as incoming loads shall be inspected and rejected if containing prohibited waste.
- f. Quarterly reports shall also include quantities of waste in all phases of composting (from initial placement in the composting windrow to the final screening).
- g. The daily inspections and Facility Inspection Form shall also address daily temperature monitoring for all material in the process of curing.

Prior to this, or any, operations plan being approved by the Department, the Department may require other modifications and Peninsula shall include such modifications in the operations plan.

3. Within thirty (30) calendar days of receipt of this Assessment and Order, increase the financial assurance mechanism to \$405,675 to cover the closure costs for the maximum amount of material managed by the facility (see Attachment 2).
4. Within thirty (30) calendar days of receipt of this Assessment and Order, remove from 601 Christiana Avenue, everything except 1/2" (or smaller) screened, finished compost that is immediately ready for sale (or distribution), approved wood waste feedstock, and approved yard waste feedstock.
5. Within thirty (30) calendar days of receipt of this Assessment and Order, place all material in all phases of composting (from initial placement in the composting windrow to the final screening) into windrows. No windrow shall be greater than 185 feet in length, 26 feet in width, or 15 feet in height.
6. Within thirty (30) calendar days of receipt of this Assessment and Order, notify all customers in writing of unacceptable feedstocks, and the need to reject incoming loads containing unacceptable feedstocks. A copy of the correspondence shall be provided to the Department to support this requirement. All new customers shall be

initially notified in writing of unacceptable feedstocks prior to Peninsula's receipt of their waste.

7. Within thirty-five (35) calendar days of receipt of this Assessment and Order, provide written documentation that all of the actions in this Notice of Conciliation and Secretary's Order, have been completed.

Submit all documentation and correspondence to:

Mindy Anthony
Department of Natural Resources and Environmental Control
Solid and Hazardous Waste Management Section
89 Kings Highway
Dover, DE 19901

ASSESSMENT OF PENALTY AND COSTS

Pursuant to the provisions of 7 *Del. C.* § 6005(b)(3), this is written notice to Respondent that on the basis of its findings, the Department is assessing Respondent an administrative penalty of \$25,000.00 for the violations identified in this Assessment and Order.

In addition to the penalty assessment, Respondent is hereby assessed estimated costs in the amount of \$3,750.00, pursuant to 7 *Del. C.* § 6005(c), which were incurred by the Department in the investigation of the noted violations.

Should Respondent fail to achieve the deadlines in items 1-7, above, Respondent shall be assessed \$1,000.00 per day for each day of non-compliance, beginning on the 31st day after receipt of this Assessment and Order.

The checks shall be made payable to the "State of Delaware" and shall be directed to: Ralph K. Durstein III, Deputy Attorney General, Department of Justice, Environmental Unit, 102 W. Water Street-3rd Floor, Dover, Delaware 19904.

PUBLIC HEARING

This Assessment and Order and all proposals included in this Order, shall become effective and final, and are hereby ordered, unless the Department receives from Respondent, no later than thirty (30) days from receipt of this Assessment and Order, a written request for a public hearing on these matters as provided in 7 *Del. C.* § 6005(b)(2). In the event Respondent requests a hearing, the Department reserves the right to withdraw this Assessment and Order and take additional enforcement actions against Respondent regarding these and other violations, including but not limited to, the imposition of civil penalties and recovery of the Department's

costs and attorney's fees. The Department does not otherwise intend to convene a public hearing on these matters, but reserves the right to do so at its discretion.

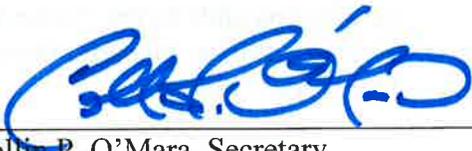
Nothing in this document shall be deemed to estop, or in any way preclude, any additional enforcement action for these or any other violations, including administrative and civil penalties for each day of violation, or an action for the recovery of Department costs expended in abating these violations.

PRE-PAYMENT

Respondent may prepay the administrative penalty of \$25,000.00 and the Department's estimated costs in the amount of \$3,750.00 in the manner described in the assessment section above. By doing so, Respondent waives its right to a hearing and the opportunity to appeal or contest the Assessment and Order which shall become a final Order.

If you have any questions, please contact Mindy Anthony at (302) 739-9403.

Date: 7/25/13



Collin P. O'Mara, Secretary
Department of Natural Resources
and Environmental Control

PCC APO9 071613

xc: Ralph K. Durstein III, Deputy Attorney General
Marjorie A. Crofts, Director, WHS
Nancy C. Marker, Program Administrator, SHWMS
William D. Miller, Program Manager, SHWMS
Mindy Anthony, Environmental Scientist, SHWMS
Jennifer M. Bothell, Environmental Coordinator
Susan S. Baker, Paralegal, SHWMS
Phil Auld, Peninsula Compost Group, LLC
Eric Meyers, Waste Management
Andrew Disabatino, EDiS
Mike Evanko, Greenhull Compost, LLC
Waylon Pleasanton, Peninsula Compost Company, LLC
SHWMS File

WAIVER OF STATUTORY RIGHT TO A HEARING

Peninsula Compost Company, LLC hereby waives its right to a hearing and its opportunity to appeal or contest this Assessment and Order and agree to the following:

1. **Peninsula Compost Company, LLC** will pay the administrative penalty in the amount of \$25,000.00 by sending a check payable to the "State of Delaware" within 30 days of receipt of this Assessment and Order. The check shall be directed to Ralph K. Durstein III, Deputy Attorney General, Department of Justice, 102 W. Water Street-3rd Floor, Dover, DE 19904; and
2. **Peninsula Compost Company, LLC** will reimburse the Department in the amount of \$3,750.00 which represents the Department's estimated costs. The reimbursement shall be paid within 30 days of receipt of this Assessment and Order. The check shall be made payable to the "State of Delaware" and be directed to Ralph K. Durstein III, Deputy Attorney General, Department of Justice, 102 W. Water Street-3rd Floor, Dover, DE 19904.

Peninsula Compost Company, LLC

Date: _____

By: _____

ATTACHMENT 1 - SITE MAP



Approximate Outline of
601 Christiana Avenue

Approximate Outline of
Peninsula Compost Company's
WORC Facility
(612 Christiana Avenue)

ATTACHMENT 2
DNREC-Calculated Closure Cost Estimate
for
Peninsula Compost Company, LLC

Wood and Yard Waste (612 Christiana Ave)		
Quantity (cubic yards)	470	
Quantity (tons)		
Loading	8 hrs @ \$75/hr =	\$600
Transportation	Put in process	\$0
Disposal	Put in process	\$0
TOTAL:		\$600
Wood and Yard Waste (601 Christiana Ave)		
Quantity (cubic yards)	9,250	
Quantity (tons)		
Loading	157 hrs @ \$75/hr =	\$11,775
Transportation	Put in process	\$0
Disposal	Put in process	\$0
TOTAL:		\$11,775
Land Clearing Debris		
Quantity (cubic yards)	1,008	
Quantity (tons)	544	
Loading	4.5 hrs @ \$75/hr =	\$338
Transportation	51 hrs @ \$65/hr =	\$3,315
Disposal	\$28/ton =	\$15,241
TOTAL:		18,894
Receiving Building (Food and Hatchery waste)		
Quantity (cubic yards)	935	
Quantity (tons)	700	
Loading	4 hrs @ \$75/hr =	\$300
Transportation	47 hrs @ \$65/hr =	\$3,055
Disposal at Covanta Delaware Valley, L.P.	\$28/ton =	\$19,600
TOTAL:		\$22,955
Biofilter		
Quantity (cubic yards)		
Quantity (tons)		
Loading	32 hrs @ \$75/hr =	\$2,400
Transportation	Put in process	\$0
Disposal	Put in process	\$0
TOTAL:		\$2,400
Windrows in Process		
Quantity (cubic yards)	59,400	
Quantity (tons)		
Loading from one phase to another	960 hrs @ \$75/hr =	\$72,000
Transportation	Put in process	\$0
Disposal	Put in process	\$0
TOTAL:		\$72,000

ATTACHMENT 2
DNREC-Calculated Closure Cost Estimate
for
Peninsula Compost Company, LLC

Finished Compost Already Produced at Time of Closure		
Quantity (cubic yards)	25,000	
Quantity (tons)	18,750	
Loading	960 hrs @ \$75/hr =	\$72,000
Transportation	customer's cost	\$0
Disposal	customer's cost	\$0
TOTAL:		\$72,000
Finished Compost Created During Closure		
Quantity (cubic yards)	37,800	
Quantity (tons)		
Screening	378 hrs @ \$75/hr =	\$28,350
Loading	1,454 hrs @ \$75/hr =	\$109,050
Transportation	customer's cost	\$0
Disposal	customer's cost	\$0
TOTAL:		\$137,400
Unscreened Compost		
Quantity (cubic yards)	4,350	
Quantity (tons)		
Screening	43.5 hr @ \$75/hr =	\$3,263
Loading	167.5 hr @ \$75/hr =	\$12,563
Transportation	customer's cost	\$0
Disposal	customer's cost	\$0
TOTAL:		\$15,826
Solid Waste		
Quantity (cubic yards)		
Quantity (tons)	1125 tons	
Loading	167 hrs @ \$75/hr	\$12,525
Transportation	120 hrs @ \$65/hr =	\$7,800
Disposal	\$28/ton =	\$31,500
TOTAL:		\$51,825
CURRENT FINANCIAL ASSURANCE:		\$219,299
TOTAL CALCULATED FINANCIAL ASSURANCE NEEDED:		\$405,675
PENINSULA PROPOSED FINANCIAL ASSURANCE:		\$293,480
DIFFERENCE:		\$112,195