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 AND ADMINISTRATIVE PENALTY ASSESSMENT

Pursuant to 7 *Del. C.* § 6005

Secretary's Order No. 2011-A-0016

PERSONALLY SERVED BY AN ENVIRONMENTAL ENFORCEMENT OFFICER

Issued To:
Clean Earth of New Castle, Inc.
Attn: Mr. Paul Lane, Vice President
94 Pyles Lane
New Castle, DE 19720

Registered Agent:
Corporation Service Company
2711 Centerville Road, Suite 400
Wilmington, DE 19808

Dear Mr. Lane:

This letter is to notify Clean Earth of New Castle, Inc. ("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; 7 DE Admin. Code 1100 ("Air Quality Regulations") and that violation is continuing. Accordingly, the Department is issuing this Notice of Conciliation in order to obtain compliance and this Administrative Penalty Assessment, pursuant to 7 *Del. C.* § 6005.

BACKGROUND

Respondent owns and operates a facility located at 94 Pyles Lane in New Castle, Delaware ("Facility") where it treats soils contaminated with non-hazardous materials such as hydrocarbons from fuels. This is achieved through the use of a thermal desorption system designed to remove organic materials from the soil by heating the soil to high temperatures. Operation of the equipment at Respondent's facility has the potential to emit sulfur oxides ("SO_X") and nitrogen oxides ("NO_X") in quantities in excess of the major thresholds for New Castle County, thereby triggering 7 DE Admin. Code 1130, Delaware's Title V State Operating Permit Program ("Regulation 1130" or "Title V") requirements and fees. Respondent has had a

permit issued pursuant to Regulation 1130 ("Title V permit") since 1998 and because Title V permits have expiration dates, during that time has gone through the renewal process once resulting in the issuance of **Permit: AQM-003/00290 (Renewal 1)** effective May 4, 2007, and with an expiration date of December 16, 2009[1] ("Title V Permit-R1").

Regulation 1130 requires applications for renewal permits be submitted six months prior to the expiration of the permit. However, it further allows the Department to set forth a permit condition requiring earlier submission of the application. The Division of Air Quality[2] chose to set an earlier submission requirement, twelve months prior to the expiration date, in Respondent's Title V Permit-R1. Therefore, Respondent was required to submit its application for the second renewal of its Title V permit by no later than December 16, 2008. Respondent submitted its application on March 24, 2009, which was 98 days late.

Delaware's Title V State Operating Permit Program allows a facility to continue to operate after expiration of a Title V permit if a timely and complete renewal application is submitted to the Department and the Department is unable to issue a renewal permit prior to the expiration of the active permit. The Department has not yet completed the process for issuing Respondent's second renewal of its Title V permit. Consequently, because Respondent's renewal permit application was not timely, Respondent's permit expired on December 16, 2009, as did its right to operate its facility. Operation of its facility after that date is considered "operating without a permit", a violation of Delaware law. A Notice of Violation ("NOV") was issued to Respondent on July 22, 2010. To the Department's knowledge, Respondent has not ceased operation of its facility, and the violation continues, as the Department has not yet issued a renewal of Respondent's Title V permit.

FINDINGS OF FACT

1. Operation of equipment at Respondent's facility has the potential to emit pollutants, SO_X and NO_X, in quantities that trigger Title V requirements and fees.
2. Respondent has held a Title V permit since 1998 and has gone through the process of obtaining a renewal permit once before since then.
3. The Department issued to Respondent, **Permit: AQM-003/00290 (Renewal 1)** with an effective date of May 4, 2007, and an expiration date of December 16, 2009.

[1] There is a discrepancy in the permit with respect to the expiration date. The date on the front page of the permit indicates an expiration date of December 16, 2009. However, on page 8 of the permit, an expiration date of December 17, 2009 was used. All correspondence with the company related to the late application uses the date on the front page of the permit, December 16, 2009, as the official expiration date. Therefore, this Order is based on December 16, 2009, as the official expiration date.

[2] The Department has recently undergone a reorganization effective July 1, 2010. Previously the Air Quality Management Section was part of the Department's Division of Air and Waste Management. As of July 1, 2010, the Division of Air and Waste Management was split into two distinct Divisions: the Division of Air Quality ("DAQ") and the Division of Waste Management ('DWM").

4. Respondent's Title V Permit-R1 required it submit its renewal application twelve months prior to the expiration date of its permit, which would have been December 16, 2008.
5. Regulation 1130 and Respondent's Title V Permit-R1 allows for continued operation of its facility after the expiration date if a complete and timely renewal application is received by the Department and the Department is unable to issue the renewal permit before the active permit expires.
6. Respondent submitted it permit renewal application on March 24, 2009, which was 98 days after the December 16, 2008 deadline.
7. To date, the Department has not issued Respondent's second Title V renewal permit.
8. To the Department's knowledge, Respondent has continued to operate its facility since its Title V Permit-R1 expired on December 16, 2009, a violation of Delaware law.
9. A Notice of Violation was issued to Respondent on July 22, 2010.

VIOLATIONS

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

   "No person shall, without first having obtained a permit from the Secretary, undertake any activity in a way which may cause or contribute to the discharge of an air contaminant."

2. Seven *Del. C.* § 6003(b)(1) states:

   "No person shall, without first having obtained a permit from the Secretary, construct, install, replace, modify or use any equipment or device or other article which may cause or contribute to the discharge of an air contaminant."

3. Section 5.1.1.5 of 7 DE Admin. Code 1130 states:

   "Covered sources shall file an application for renewal of an operating permit at least six months before the date of permit expiration, unless a longer period [not to exceed 18 months] is specified in the permit."

4. Section 7.3.2 of 7 DE Admin. Code 1130 states:

   "A source's right to operate shall terminate upon the expiration of its permit, unless a timely and complete renewal application has been submitted at least six months before the date of expiration or such earlier date as the Department may specify in the permit."

5. Condition 2.1.2 of **Permit: AQM-003/00290 (Renewal 1)** states:

   "The Company's right to operate shall cease upon the expiration date unless a timely and complete renewal application has been submitted to the Department twelve (12) months prior to the expiration date of this permit."

CONCLUSION

Based on the above, the Department has concluded that Respondent committed the following violations:

1. Respondent violated 7 *Del. C.* § 6003(a)(1) and (b)(1) and continues to violate the statute by operating equipment at its facility, which may cause or contribute to the discharge of an air contaminant, after its Title V renewal permit expired on December 16, 2009.
2. Respondent violated Section 5.1.1.5 of 7 DE Admin. Code 1130 and Condition 2.1.2 of **Permit: AQM-003/00290 (Renewal 1)** when it failed to submit an application for its Title V renewal permit by December 16, 2008.
3. Respondent violated Section 7.3.2 of 7 DE Admin. Code 1130 and continues to violate that Regulation since it has continued to operate its facility after expiration of its permit on December 16, 2009.

NOTICE OF CONCILIATION

It is the desire of the Department that Respondent acquire a permit for the operation of its Facility in accordance with Delaware law. It is the further desire of the Department that Respondent operate its Facility in a manner that does not endanger the health, safety and welfare of the people and natural resources of the State of Delaware prior to the issuance of the appropriate Title V Operating permit. Therefore, in consideration of the foregoing findings,

IT IS HEREBY ORDERED that Respondent shall take the following actions:

1. Respondent agrees to be bound by the terms of its expired Title V permit that is attached hereto as Exhibit A, from the time of its expiration until the time that a new Title V permit is issued by the Department for the facility. Respondent agrees that any violation of the terms of Exhibit A shall constitute a violation of this Notice of Conciliation and Secretary's Order as set out in 7 *Del. C.* Chapter 60.

2. The Department shall continue to process the late filed renewal application for Respondent's facility and shall issue a Title V Permit as expeditiously as practical.

ASSESSMENT OF PENALTY

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 $12,750 for the violation identified in this Assessment and Order and costs according to 7 *Del. C.* § 6005(c). Respondent shall submit a check to the Department in the amount of

$12,750 within 30 days from the receipt of this Assessment and Order for the aforementioned penalty. The check shall be made payable to the "State of Delaware" and shall be directed to: Valerie M. Satterfield, Deputy Attorney General, Department of Justice, Environmental Unit, 102 W. Water Street-3rd Floor, Dover, Delaware 19904.

PUBLIC HEARING

This Administrative Penalty Assessment and Order shall become effective and final unless the Department receives from Respondent, no later than 30 days from the receipt of this Notice, a written request for a public hearing on these matters as provided in 7 *Del. C.* § 6005(b)(3) and (c). In the event Respondent requests a hearing, the Department reserves the right to withdraw this Assessment and Order and take additional enforcement actions regarding these and other violations at Respondent's facility, 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.

PRE-PAYMENT

Respondent may prepay the administrative penalty of $12,750 and the Department's estimated costs in the amount of $1,913 in the manner described in the attached waiver. By doing so, Respondent waives its right to a hearing and the opportunity to appeal or contest the Assessment which shall become a final Order.

If you have any questions, please contact Paul Foster at (302) 323-4542.

7/26/11
Date

Collin P. O'Mara, Secretary

cc: Valerie M. Satterfield, Deputy Attorney General
Ali Mirzakhalili, P.E., Director
Paul Foster, P.E., Program Manager
Everett DeWhitt, PhD., Managing Engineer
Dawn Minor, Paralegal
Jenny Bothell, Enforcement Coordinator
Dover File

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WAIVER OF STATUTORY RIGHT TO A HEARING

Clean Earth of New Castle, Inc. hereby waives its right to a hearing and its opportunity to appeal or contest this Assessment and Order and agrees to the following:

1. **Clean Earth of New Castle, Inc.,** will pay the administrative penalty in the amount of $12,750 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 Valerie M. Satterfield, Deputy Attorney General, Department of Justice, 102 W. Water Street-3rd Floor, Dover, DE 19904; and

2. **Clean Earth of New Castle, Inc.,** will reimburse the Department in the amount of $1,913 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 Valerie M. Satterfield, Deputy Attorney General, Department of Justice, 102 W. Water Street-3rd Floor, Dover, DE 19904.

3. **Clean Earth of New Castle, Inc., agrees to the terms of this Order, and specifically agrees to abide by the terms of Exhibit A and to be subject to enforcement action for any potential violation of the terms of the Exhibit A as provided hereinabove.**

Clean Earth of New Castle, Inc.

Date: _____ By: _____

Title: _____

EXHIBIT A

****Please Note****
New Address

STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
& ENVIRONMENTAL CONTROL
DIVISION OF AIR & WASTE MANAGEMENT

AIR QUALITY MANAGEMENT
SECTION

Blue Hen Corporate Center
655 S. Bay Road, Suite 5 N
Dover, Delaware 19901

TELEPHONE: (302) 739 - 9402
FAX NO.: (302) 739 - 3106

July 22, 2010

Clean Earth of New Castle
94 Pyles Lane
New Castle, Delaware 19720

ATTENTION: Paul Lane
Vice President

SUBJECT: **Administrative Permit Modification**
Permit: AQM-003/00290-Renewal 1 Revision 1

Dear Mr. Lane:

On July 1, 2010 the Air Quality Management Section became the Division of Air Quality. In addition, the Dover office moved on June 1, 2010. Since the Dover office address is the official reporting address in your Title V Permit, it must be Administratively Amended to reflect this new address. Please use the sticker below to replace the address in Condition 2(a)(3) of your Title V permit. Simply apply this sticker with the new address over the old address.

State of Delaware – DNREC
Division of Air Quality
Blue Hen Corporate Center
655 S. Bay Road, Suite 5 N
Dover, DE 19901
ATTN: Division Director

It is important to record this Administrative Amendment in your permit. Please place the sticker below in the bottom margin of the page with the address change. This will serve as the official record that the address has been changed.

Revision 1 (Administrative) dated July 22, 2010 to
Permit: AQM-003/00290-Renewal 1 (Page 1 of 1)

An example of what your modified page should look like can be found on the back of this letter.

As the responsible official for Clean Earth of New Castle, it is your responsibility to review, understand, and abide by all the terms and conditions of the permit listed above, and any additional amendments made to the permit that may be approved and incorporated into the permit. It is also your responsibility to ensure that any person who operates any emission unit subject to any term and condition of the permit reviews, understands, and abides by the attached conditions.

Any questions concerning the attached permit amendment may be directed to your permitting engineer.

Sincerely,

Paul E. Foster, P.E.
Program Manager
Engineering & Compliance Branch

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pc: Dover Title V File
EPA Region III
Assigned Permitting Engineer

Condition 2- General Requirements (Cont.)

by a Responsible Official and shall contain the following language: "I certify, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete." *[Reference: 7 DE Admin. Code 1130 Section 5.6 dated 11/15/93 and 6.3.1 dated 12/11/00]*

2. Any report of deviations required under Conditions 3(c)(2)(ii) or 3(c)(2)(iii) that must be submitted to the Department within ten calendar days of discovery of the deviation, may be submitted in the first instance without a certification provided a certification meeting the requirements of Condition 2(a)(1) is submitted to the Department within ten calendar days thereafter, together with any corrected or supplemental information required concerning the deviation. *[Reference: 7 DE Admin. Code 1130 Section 6.1.3.3.4 dated 12/11/00]*

3. Each document submitted to the Department/EPA pursuant to this permit shall be sent to the following addresses except as noted in Condition 2(a)(4):

Place Sticker Here →

State of Delaware – DNREC Division of Air Quality Blue Hen Corporate Center 655 S. Bay Road, Suite 5 N Dover, DE 19901 ATTN: Division Director	United States Environmental Protection Agency Associate Director of Enforcement (3AP12) 1650 Arch Street Philadelphia, PA 19103
No. of Originals: 1 & No. of Copies: 1	No. of Copies: 1

b. Compliance.

1. The Owner and/or Operator shall comply with all terms and conditions of this permit. Any noncompliance with this permit constitutes a violation of the applicable requirements under the Clean Air Act, and/or 7 **DE Admin. Code** 1100, and is grounds for an enforcement action; for permit termination, revocation, and reissuance or modification; or for denial of a permit renewal. *[Reference: 7 DE Admin. Code 1130 Section 6.1.7.1 dated 12/11/00]*

2.

i. For applicable requirements with which the source is in compliance, the Owner and/or Operator shall continue to comply with such requirements. *[Reference: 7 DE Admin. Code 1130 Sections 5.4.8.3.1 dated 11/15/93 and 6.3.3 dated 12/11/00]*

ii. For applicable requirements that will become effective during the term of this permit, the Owner and/or Operator shall meet such requirements on a timely basis unless a more detailed schedule is expressly required by the applicable requirement. *[Reference: 7 DE Admin. Code 1130 Sections 5.4.8.3.2 dated 11/15/93 and 6.3.3 dated 12/11/00]*

3. Nothing in Condition 2(b)(1) of this permit shall be construed to preclude the Owner and/or Operator from making changes consistent with Condition 2(m)(3) [Minor Permit Modifications] or Condition 4(a) [Operational Flexibility]. *[Reference: 7 DE Admin. Code 1130 Sections 6.8 dated 12/11/00 and 7.5.1.5 dated 12/11/00]*

4. The fact that it would have been necessary to halt or reduce an activity in order to maintain compliance with the terms and conditions of this permit shall not constitute a defense for the Owner and/or Operator in any enforcement action. Nothing in this permit shall be construed as precluding consideration of a need to halt or reduce activity as a mitigating factor in assessing

State of Delaware
Department of Natural Resources and Environmental Control
Division of Air and Waste Management
Air Quality Management Section

156 South State Street
Dover, DE 19901

Regulation No. 30 Title V Operating Permit
Facility I.D. Number: 100300290
Permit Number: AQM-003/00290 (Renewal 1)

Effective Date: May 4, 2007 Expiration Date: December 16, 2009

Pursuant to 7 Del. C., Chapter 60, Section 6003 and the State of Delaware **"Regulations Governing the Control of Air Pollution,"** Regulation No. 2, Section 2 and Regulation No. 30, Section 7(b), approval by the Department of Natural Resources and Environmental Control (Department) is hereby granted to operate the emission unit(s) listed in Condition 1 of this permit; subject to the terms and conditions of this permit.

This approval is granted to:

Permittee (hereafter referred to as "Company")	**Plant Site Location** (hereafter referred to as "Facility")
Clean Earth of New Castle, Inc. New Castle, DE 19720 Responsible Official: Mr. Michael B. Goebner Title: President	Clean Earth of New Castle, Inc. 94 Pyles Lane New Castle, DE 19720

The nature of business of the Facility is Sanitary Services. The Standard Industrial Classification code is 4959. The North American Industry Classification System code is 562910.

All terms and conditions of this permit are enforceable by the Department and by the U.S. Environmental Protection Agency (EPA) unless specifically designated as "State Enforceable Only." *[Reference Regulation No. 30 Section 6(b)(1) dated 12/11/00]*

Guadalupe J. Reynolds

Guadalupe J. Reynolds
Engineer
Engineering & Compliance Branch
(302) 323-4542

05/04/07
Date

Paul E. Foster, P.E.
Program Manager
Engineering & Compliance Branch
(302) 323-4542

5/4/07
Date

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Condition 1. Emission Unit(s) Identification. *[Reference Regulation No. 30 Section 3(c)(1) dated 11/15/93]*

a. Emission Units Information.

Emission Unit(s)	Emission Unit Description	
Emission Unit Thermotech	60 ton per hour (tph) hydrocarbon (non-RCRA hazardous waste) contaminated soil treatment facility controlled by the following:	
	Control Device Identification	**Control Device Description**
	CYL	Wiedenmann Cyclone
	#1-FF	Baghouse #1
	#2-FF	Auxiliary Baghouse
	AB	Thermal Oxidizer

b. Regulation No. 1102 Permit Identification.

Reference Number	Full Regulation No. 1102 Permit Designation
APC-91/0181	APC-91/0181-OPERATION issued on February 2, 1993
APC-91/0181 (A3)	APC-91/0181-OPERATION (Amendment 3) issued on June 28, 2000

Condition 2. General Requirements.

a. Certification.

1. Each document submitted to the Department/EPA as required by this permit shall be certified by a Responsible Official as to truth, accuracy, and completeness. Such certification shall be signed by a Responsible Official and shall contain the following language: "I certify, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete." *[Reference Regulation No. 30 Section 5(f) dated 11/15/93 and 6(c)(1) dated 12/11/00]*

2. Any report of deviations required under Conditions 3(c)(2)(ii) or 3(c)(2)(iii) that must be submitted to the Department within ten (10) calendar days of the deviation, may be submitted in the first instance without a certification provided a certification meeting the requirements of Condition 2(a)(1) is submitted to the Department within ten (10) calendar days thereafter, together with any corrected or supplemental information required concerning the deviation. *[Reference Regulation No. 30 Section 6(a)(3)(iii)(D) dated 12/11/00]*

3. Each document submitted to the Department/EPA pursuant to this permit shall be sent to the following addresses:

Condition 2. General Requirements Continued

State of Delaware – DNREC Division of Air and Waste Management Air Quality Management Section 156 South State Street Dover, DE 19901 ATTN: Program Administrator	United States Environmental Protection Agency Associate Director of Enforcement (3AP12) 1650 Arch Street Philadelphia, PA 19103
No. of Originals: 1 No. of Copies: 2	No. of Copies: 1

b. Compliance.

1. The Company shall comply with all terms and conditions of this permit. Any noncompliance with this permit constitutes a violation of the applicable requirements under the Clean Air Act, and/or the State of Delaware **"Regulations Governing the Control of Air Pollution,"** and is grounds for an enforcement action, for permit termination, revocation and reissuance or modification, or for denial of a permit renewal. *[Reference Regulation No. 30 Section 6(a)(7)(i) dated 12/11/00]*

2. i. For applicable requirements with which the source is in compliance, the Company shall continue to comply with such requirements. *[Reference Regulation No. 30 Sections 5(d)(8)(iii)(A) dated 11/15/93 and 6(c)(3) dated 12/11/00]*

   ii. For applicable requirements that will become effective during the term of this permit, the Company shall meet such requirements on a timely basis unless a more detailed schedule is expressly required by the applicable requirement. *[Reference Regulation No. 30 Sections 5(d)(8)(iii)(B) dated 11/15/93 and 6(c)(3) dated 12/11/00]*

3. Nothing in Condition 2(b)(1) of this permit shall be construed to preclude the Company from making changes consistent with Condition 2(m)(3) [Minor Permit Modifications] or Condition 4(a) [Operational Flexibility]. *[Reference Regulation No. 30 Sections 6(h) dated 12/11/00 and 7(e)(1)(v) dated 12/11/00]*

4. The fact that it would have been necessary to halt or reduce an activity in order to maintain compliance with the terms and conditions of this permit shall not constitute a defense for the Company in any enforcement action. Nothing in this permit shall be construed as precluding consideration of a need to halt or reduce activity as a mitigating factor in assessing penalties for noncompliance if the health, safety, or environmental impacts of halting or reducing operations would be more serious that the impacts of continuing operations. *[Reference Regulation No. 30 Section 6(a)(7)(ii) dated 12/11/00]*

5. The Company may seek to establish that noncompliance with a technology-based emission limitation under this permit was due to an emergency or malfunction if both the record keeping requirements in Condition 3(b)(2)(iii) and the reporting requirements in Condition 3(c)(2)(ii)(A) are satisfied. *[Reference Regulation No. 30 Section 6(g)(2) dated 12/11/00]*

6. i. In any enforcement proceeding, the Company seeking to establish the occurrence of an emergency or malfunction has the burden of proof. *[Reference Regulation No. 30 Section 6(g)(4) dated 12/11/00]*

Condition 2. General Requirements Continued

ii. The provisions of Regulation No. 30 pertaining to Emergency/Malfunctions as defined in Conditions Nos. 2(b)(5); 2(b)(6); 3(b)(2)(iii); and 3(c)(2)(ii)(A) of this permit are in addition to any emergency or malfunction provision contained in any applicable requirement. *[Reference Regulation No. 30 Section 6(g)(5) dated 12/11/00]*

7. Reserved.

8. If required, the schedule of compliance in Condition 5 of this permit is supplemental to and shall not sanction noncompliance with the applicable requirements upon which it is based. *[Reference Regulation No. 30 Section 5(d)(8)(iii)(C) dated 11/15/93]*

9. Nothing in this permit shall be interpreted to preclude the use of any credible evidence to demonstrate noncompliance with any term of this permit. *[Reference 62 FR 8314 dated 2/24/97]*

c. **Confidentiality**. The Company may make a claim of confidentiality for any information or records submitted to the Department. However, by submitting a permit application, the Company waives any right to confidentiality as to the contents of its permit, and the permit contents will not be entitled to protection under 7 Del. C., Chapter 60, Section 6014. *[Reference Regulation No. 30 Sections 5(a)(4) dated 11/15/93, 6(a)(3)(iii)(E) dated 12/11/00, and 6(a)(7)(v) dated 12/11/00]*

1. Confidential information shall meet the requirements of 7 Del. C., Chapter 60, Section 6014, and 29 Del. C., Chapter 100. *[Reference Regulation No. 30 Section 5(a)(4) dated 11/15/93]*

2. If the Company submits information to the Department under a claim of confidentiality, the Company shall also submit a copy of such information directly to the EPA, if the Department requests that the Company do so. *[Reference Regulation No. 30 Section 5(a)(4) dated 11/15/93]*

d. **Construction, Installation, or Alteration**. The Company shall not initiate construction, installation, or alteration of any equipment or facility or air contaminant control device which will emit or prevent the emission of an air contaminant prior to submitting an application to the Department under Regulation No. 2, and, when applicable, Regulation No. 1125, and receiving approval of such application from the Department; except as exempted in Regulation No.1102 Section 2.2 of the State of Delaware **"Regulations Governing the Control of Air Pollution."** *[Reference Regulation No. 1102 Section 2.1 dated 6/1/97 and Regulation No. 30 Section 7(b)(3) dated 12/11/00]*

e. **Definitions/Abbreviations**. Except as specifically provided for below, for the purposes of this permit, terms used herein shall have the same meaning accorded to them under the applicable requirements of the Clean Air Act and the State of Delaware **"Regulations Governing the Control of Air Pollution."**

1. "Act" means the Clean Air Act, as amended by the Clean Air Act Amendments of November 15, 1990, 42 U.S.C. 7401 et seq. *[Reference Regulation No. 30 Section 2 dated 11/15/93]*

2. "AP-42" means the Compilation Of Air Pollutant Emission Factors, Fifth Edition, AP-42, dated January 15, 1995, as amended with Supplements "A" dated February 1996, "B"

Condition 2. General Requirements Continued

dated November 1996, "C" dated November 1997, "D" dated August 1998, "E" dated September 1999, and "F" dated September 2000 and the December 2001 update, the December 2002 update and the December 2003 update.

3. "CFR" means Code of Federal Regulations.

4. "Emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the sources, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under this permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error. *[Reference Regulation No. 30 Section 6(g)(1) dated 12/11/00]*

5. "Malfunction" means any sudden and unavoidable failure of air pollution control equipment or of a process to operate in a normal or usual manner, and that causes the source to exceed a technology-based emission limitation under this permit, due to unavoidable increases in emissions attributable to the malfunction. A malfunction shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error. *[Reference Regulation No. 30 Section 6(g)(1) dated 12/11/00]*

6. "Number 2 (No. 2) fuel oil" means distillate oil.

7. "Reg." and "Regulation" mean State of Delaware "**Regulations Governing the Control of Air Pollution**."

8. "**Regulations Governing the Control of Air Pollution**" means the codification of those regulations enacted by the Delaware Department of Natural Resources and Environmental Control, in accordance with 7 Del. C., Chapter 60, Section 6010.

f. Duty to Supplement.

1. Upon becoming aware of a failure to submit any relevant facts or a submittal of incorrect information in any permit application, the Company shall promptly submit to the Department such supplementary facts or corrected information. *[Reference Regulation No. 30 Section 5(b) dated 11/15/93]*

2. The Company shall promptly submit to the Department information as necessary to address any requirement(s) that become applicable to the source after the date it filed a complete application but prior to the release of a corresponding draft permit. *[Reference Regulation No. 30 Section 5(b) dated 11/15/93]*

3. The Company shall furnish to the Department, upon receipt of a written request and within a reasonable time specified by the Department:

   i. Any information that the Department determines is reasonable necessary to evaluate or take final action on any permit application submitted in accordance with Condition

Condition 2. General Requirements Continued

2(l) or 2(m) of this permit. The Company may request an extension to the deadline the Department may impose on the response for such information. *[Reference Regulation No. 30 Section 5(a)(2)(iii) dated 11/15/93]*

ii. Any information that the Department requests to determine whether cause exists to modify, terminate, or revoke this permit, or to determine compliance with the terms and conditions of this permit. *[Reference Regulation No. 30 Section 6(a)(7)(v) dated 12/11/00]*

iii. Copies of any record(s) required to be kept by this permit. *[Reference Regulation No. 30 Section 6(a)(7)(v) dated 12/11/00]*

g. **Emission Trading**. No permit revision shall be required under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the permit. *[Reference Regulation No. 30 Section 6(a)(9) dated 12/11/00]*

h. **Fees**. The Company shall pay fees to the Department consistent with the fee schedule established by the Delaware General Assembly. *[Reference Regulation No. 30 Section 6(a)(8) dated 12/11/00 and Section 9 dated 11/15/93]*

i. **Inspection and Entry Requirements**. Upon presentation of identification, the Company shall allow authorized officials of the Department to perform the following:

1. Enter upon the Company's premises where a source is located or an emissions-related activity is conducted, or where records that must be kept under the terms and conditions of this permit are located. *[Reference Regulation No. 30 Section 6(c)(2)(i) dated 12/11/00]*

2. Have access to and copy, at reasonable times, any record(s) that must be kept under the terms and conditions of this permit. *[Reference Regulation No. 30 Section 6(c)(2)(ii) dated 12/11/00]*

3. Inspect, at reasonable times and using reasonable safety practices, any facility, equipment (including monitoring and air pollution control equipment), practice, or operation regulated or required under this permit. *[Reference Regulation No. 30 Section 6(c)(2)(iii) dated 12/11/00]*

4. Sample or monitor, at reasonable times, any substance or parameter for the purpose of assuring compliance with this permit or any applicable requirement. *[Reference Regulation No. 30 Section 6(c)(2)(iv) dated 12/11/00]*

j. **Permit and Application Consultation**. The Company is encouraged to consult with Department personnel before submitting an application or, at any other time, concerning the operation, construction, expansion, or modification of any installation, or concerning the required pollution control devices or system, the efficiency of such devices or system, or the pollution problem related to the installation. *[Reference Regulation No. 30 Section 5(a)(1)(vii) dated 11/15/93]*

k. **Permit Availability**. The Company shall have available at the facility at all times a copy of this permit and shall provide a copy of this permit to the Department upon request. [*Reference Regulation No. 1102 Section 8.1 dated 6/1/97]*

Condition 2. General Requirements Continued

l. **Permit Renewal**. This permit expires on December 17, 2009 except as provided in Condition 2(l)(3) below. *[Reference Regulation No. 30 Section 6(a)(2) dated 12/11/00]*

1. Applications for permit renewal shall be subject to the same procedural requirements, including those for public participation, *affected state* comment, and EPA review, that apply to initial permit issuance under Regulation No. 30 Section 7(a), except that an application for permit renewal may address only those portions of the permit that the Department determines require revision, supplementing, or deletion, incorporating the remaining permit terms by reference from the previous permit. The Department may similarly, in issuing a draft renewal permit or proposed renewal permit, specify only those portions that will be revised, supplemented, or deleted, incorporating the remaining permit terms by reference. *[Reference Regulation No. 30 Section 7(c)(1) dated 12/11/00]*

2. The Company's right to operate shall cease upon the expiration date unless a timely and complete renewal application has been submitted to the Department twelve (12) months prior to the expiration date of this permit. *[Reference Regulation No. 30 Section 7(c)(2) dated 12/11/00]*

3. If a timely and complete application for a permit renewal is submitted to the Department pursuant to Regulation No. 30, Section 5(a)(2)(iv), dated 11/15/93, and Section 7(c)(1), dated 12/11/00, and the Department, through no fault of the Company, fails to take final action to issue or deny the renewal permit before the end of the term of this permit, then this permit shall not expire until the renewal permit has been issued or denied, and any permit shield granted for the permit shall continue in effect during that time. *[Reference Regulation No. 30 Section 7(c)(3) dated 12/11/00]*

m. **Permit Revision and Termination**.

1. i. This permit may be modified, revoked, reopened, and reissued, or terminated for cause. *[Reference Regulation No. 30 Section 6(a)(7)(iii) dated 12/11/00]*

ii. Except as provided under Condition 2(m)(3) [Minor Permit Modification], the filing of a request by the Company for a permit modification, revocation and reissuance, or termination, or of a modification of planned changes or anticipated noncompliance does not stay any term or condition of this permit. *[Reference Regulation No. 30 Section 6(a)(7)(iii) dated 12/11/00 and 7(e)(1)(v) dated 12/11/00]*

2. "Administrative Permit Amendment." When required, the Company shall submit to the Department a request for an administrative permit amendment in accordance with Regulation No. 30 Section 7(d) of the State of Delaware **"Regulations Governing the Control of Air Pollution."** *[Reference Regulation No. 30 Section 7(d) dated 12/11/00]*

3. "Minor Permit Modification." When required, the Company shall submit to the Department an application for a minor permit modification in accordance with Regulation No. 30 Section 7(e)(1) and 7(e)(2) of the State of Delaware **"Regulations Governing the Control of Air Pollution."** *[Reference Regulation No. 30 Section 7(e)(1) dated 12/11/00 and 7(e)(2) dated 12/11/00]*

Condition 2. General Requirements Continued

i. For a minor permit modification, during the period of time between the time the Company makes the change or changes proposed in the minor permit modification application and the time that the Department takes action on the application, the Company shall comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this period the Company, at its own risk, need not comply with the existing terms and conditions of this permit that it seeks to modify. *[Reference Regulation No. 30 Section 7(e)(1)(v) dated 12/11/00 and 7(e)(2)(v) dated 12/11/00]*

ii. If the Company fails to comply with its proposed permit terms and conditions during this time period, the existing terms and conditions of this permit may be enforced against the Company. *[Reference Regulation No. 30 Section 7(e)(1)(v) dated 12/11/00 and 7(e)(2)(v) dated 12/11/00]*

4. "Significant Permit Modification." When required, the Company shall submit to the Department an application for a significant permit modification in accordance with Regulation No. 30 Section 7(e)(3) of the State of Delaware **"Regulations Governing the Control of Air Pollution."** *[Reference Regulation No. 30 Section 7(e)(3) dated 12/11/00]*

5. i. When the Company is required to meet the requirements under section 112(g) of the Act or to obtain a preconstruction permit under the State of Delaware **"Regulations Governing the Control of Air Pollution,"** the Company shall file a complete application to revise this permit within twelve (12) months of commencing operation of the construction or modification. *[Reference Regulation No. 30 Section 5(a)(1)(iv) dated 11/15/93]*

ii. When the Company is required to obtain a preconstruction permit, the Company may submit an application to revise this permit for concurrent processing. The revision request for this permit when submitted for concurrent processing shall be submitted to the Department with the Company's preconstruction review application or at such later time as the Department may allow. Where this permit would prohibit such construction or change in operation, the Company shall obtain a permit revision before commencing operation. *[Reference Regulation No. 1102 Sections 11.2(j), 11.5 and 12.4, dated 6/1/97, and Regulation No. 30 Section 5(a)(1)(iv) dated 11/15/93]*

iii. Where an application is not submitted for concurrent processing, the Company shall obtain an operating permit under the State of Delaware **"Regulations Governing the Control of Air Pollution"** prior to commencing operation of the construction or modification to cover the period between the date operation is commenced and until such time as operation is approved under Regulation No. 30. *[Reference Regulation No. 1102Section 2.1 dated 6/1/97]*

6. "Permit Termination." The Company may at any time apply for termination of this permit in accordance with Regulation No. 30 Section 7(h)(4) or Section 7(h)(5) of the State of Delaware **"Regulations Governing the Control of Air Pollution."** *[Reference Regulation No. 30 Sections 7(h)(4) dated 12/11/00 and 7(h)(5) dated 12/11/00]*

Condition 2. General Requirements Continued

n. Permit Transfer.

1. A change in ownership or operational control of this facility shall be treated as an administrative permit amendment where the Department has determined that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new owner has been submitted to the Department. *[Reference Regulation No. 30 Section 7(d)(1)(iv) dated 12/11/00]*

2. In addition to any written agreement submitted by the Company in accordance with Condition 2(n)(1), the Company shall have on file at the Department a statement meeting the requirements of 7 Del. C., Chapter 79, Section 7902. This permit condition is state enforceable only. *[Reference 7 Del. C., Chapter 79 dated 7/20/92]*

3. The written agreement required in Condition 2(n)(1) of this permit shall be provided to the Department within a minimum of thirty (30) calendar days prior to the specific date for transfer and shall indicate that the transfer is agreeable to both the current and new owner. *[Reference Regulation No. 1102Section 7.1 dated 6/1/97]*

o. Property Rights. This permit does not convey any property rights of any sort, or any exclusive privilege. *[Reference Regulation No. 30 Section 6(a)(7)(iv) dated 12/11/00]*

p. Risk Management Plan Submissions.

1. In the event this stationary source, as defined in the State of Delaware **"Accidental Release Prevention (ARP) Regulation"** Section 4, is subject to or becomes subject to Section 5 of the **"ARP Regulation"**, dated January 11, 1999, the owner or operator shall submit a risk management plan (RMP) to the Environmental Protection Agency's RMP Reporting Center by the date specified in Section 5.10 and required revisions as specified in Section 5.190. A certification statement shall also be submitted as mandated by Section 5.185. *[Reference Regulation No. 30 Section 6(a)(4) dated 12/11/00, State of Delaware "Accidental Release Prevention Regulation" dated 1/11/99 and Delaware; Approval of Accidental Release Prevention Program, Federal Register/Vol. 6, No. 11 pages 30818-22 dated June 8, 2001]*

2. If this stationary source, as defined in the State of Delaware **"ARP Regulation"** Section 4, is not subject to Section 5 but is subject or becomes subject to Section 6 of the **"ARP Regulation"** dated January 11, 1999, the owner or operator shall submit a Delaware RMP to the State of Delaware's Accidental Release Prevention group by the date specified in Section 6.10 and required revisions as specified by Section 6.60(j). *[Reference State of Delaware "Accidental Release Prevention Regulation" dated 1/11/99]*

q. Protection of Stratospheric Ozone.

When applicable, this Facility shall comply with the following requirements: *[Reference 40 CFR Part 82 "Protection of Stratospheric Ozone" revised as of 7/1/01]*

1. The permittee shall comply with the standards for labeling of products using ozone-depleting substances pursuant to 40 CFR Part 82, Subpart E:

Condition 2. General Requirements Continued

i. All containers in which a class I or class II substance is stored or transported, all products containing a class I substance, and all products directly manufactured with a process that uses a class I substance must bear the required warning statement if it is being introduced into interstate commerce pursuant to §82.106.

ii. The placement of the required warning statement must comply with the requirements pursuant to §82.108.

iii. The form of the label bearing the required warning statement must comply with the requirements pursuant to §82.110.

iv. No person may modify, remove, or interfere with the required warning statement except as described in §82.112.

2. Any person servicing, maintaining, or repairing appliances, except for motor vehicles, shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B. In addition, Subpart F applies to refrigerant reclaimers, appliance owners, and manufacturers of appliances and recycling and recovery equipment.

i. Persons owning appliances for maintenance, service, repair, or disposal must comply with the prohibitions and required practices pursuant to §82.154 and §82.156.

ii. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to §82.158.

iii. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to §82.161.

iv. Persons performing maintenance, service, repair, or disposal of appliances must certify with the Administrator pursuant to §82.158 and §82.162.

v. Persons disposing of small appliances, MVACs, and MVAC-like appliances must comply with record keeping requirements pursuant to §82.166. ("MVAC-like appliance" as defined at §82.152)

vi. Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to §82.156.

3. Owners/Operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR Part 82, Subpart F §82.166.

4. If the permittee manufactures, transforms, destroys, imports, or exports a class I or class II substance, the permittee is subject to all the requirements as specified in 40 CFR Part 82, Subpart A, Production and Consumption Controls.

Condition 2. General Requirements Continued

5. If the permittee performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the MVAC, the permittee is subject to all the applicable requirements as specified in 40 CFR Part 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.

   The term "motor vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo, or system used on passenger buses using HCFC-22 refrigerant. These systems are regulated under 40 CFR Part 82, Subpart F.

6. The permittee shall be allowed to switch from any ozone-depleting substance to any alternative that is listed as acceptable in the Significant new Alternatives Program (SNAP) promulgated pursuant to 40 CFR Part 82, Subpart G, Significant New Alternatives Policy Program.

r. **Severability**. The provisions of this permit are severable. If any part of this permit is held invalid, the application of such part to other persons or circumstances and the remainder of this permit shall not be affected thereby and shall remain valid and in effect. *[Reference Regulation No. 30 Section 6(a)(6) dated 12/11/00]*

Condition 3. Specific Requirement(s).

a. **Emission Limitation(s)/Standard(s) and/or Operational Limitation(s)/ Standard(s)**. The Company shall comply with the emission limitations/standards detailed in Condition 3 – Table 1 of this permit. *[Reference Regulation No. 30 Section 6(a)(1) dated 12/11/00]*

b. **Compliance Determination Methodology (Monitoring/Testing, QA/QC Procedures (as applicable) and Record Keeping)**. The Company shall maintain records of all required monitoring data and support information for a period of at least five (5) years from the date of the monitoring sample, measurement, report, or application. Support information includes all original strip-chart recordings, where appropriate, for continuous monitoring instrumentation, and copies of all reports required by the permit. Where appropriate, the permit may specify that records may be maintained in computerized form. *[Reference Regulation No. 30 Section 6(a)(3)(ii)(B) dated 12/11/00]*

1. i. Specific Requirements. The Company shall comply with the operational limitation(s), monitoring, testing, and record keeping requirement(s) detailed in Condition 3 – Table 1 which are in addition to those in Conditions 3(b)(1)(ii) and 3(b)(2). *[Reference Regulation No. 30 Sections 6(a)(1) dated 12/11/00, 6(a)(3)(i) dated 12/11/00, and 6(a)(10) dated 12/11/00]*

   ii. General Testing Requirements. Upon written request of the Department, the Company shall, at the Company's expense, sample the emissions of, or fuel used by, an air contaminant emission source, maintain records and submit reports to the Department on the results of such sampling. *[Reference Regulation No. 17 Section 2.2 dated 7/17/84]*

Condition 3. Specific Requirements Continued

2. General Record Keeping Requirements. The Company shall record, at a minimum, all of the following information.

   i. If required, for each operating scenario identified in Condition 3 – Table 1 of this permit, a log that indicates the operating scenario under which each particular emission unit is operating. The Company shall, contemporaneously with changing from one operating scenario to another, record in this log the scenario under which it is operating. *[Reference Regulation No. 30 Section 6(a)(10) dated 12/11/00]*

   ii. The following information to the extent specified in Condition 3 – Table 1 of this permit. [Reference Regulation No. 30 Section 6(a)(3)(ii)(A) dated 12/11/00]

      A. The date, place, and time of the sampling or measurements. *[Reference Regulation No. 30 Section 6(a)(3)(ii)(A)(aa) dated 12/11/00]*

      B. The date(s) analyses were performed. *[Reference Regulation No. 30 Section 6(a)(3)(ii)(A)(bb) dated 12/11/00]*

      C. The company or entity that performed the analyses. *[Reference Regulation No. 30 Section 6(a)(3)(ii)(A)(cc) dated 12/11/00]*

      D. The analytical techniques or methods used. *[Reference Regulation No. 30 Section 6(a)(3)(ii)(A)(dd) dated 12/11/00]*

      E. The results of such analyses. *[Reference Regulation No. 30 Section 6(a)(3)(ii)(A)(ee) dated 12/11/00]*

      F. The operating conditions as existing at the time of sampling or measurement. *[Reference Regulation No. 30 Section 6(a)(3)(ii)(a)(ff) dated 12/11/00]*

   iii. If the Company is claiming the affirmative defense of emergency or malfunction as provided in Condition 2(b)(5); properly signed, contemporaneous operating log(s), or other relevant evidence which indicates that: *[Reference Regulation No. 30 Section 6(g)(3) dated 12/11/00]*

      A. An emergency or malfunction occurred and the cause(s) of the emergency or malfunction. *[Reference Regulation No. 30 Section 6(g)(3)(i) dated 12/11/00]*

      B. The facility was at the time of the emergency or malfunction being operating in a prudent and professional manner and in compliance with the generally accepted industry operations and maintenance procedures. *[Reference Regulation No. 30 Section 6(g)(3)(ii) dated 12/11/00]*

      C. During the period of the emergency or malfunction the Company took all reasonable steps to minimize levels of emissions that exceeded the emission standard(s), or other requirement(s) of this permit. *[Reference Regulation No. 30 Section 6(g)(3)(iii) dated 12/11/00]*

Condition 3. Specific Requirements Continued

iv. A copy of the written notice required by Condition 3(c)(2)(iii) for each change made under Condition 4(c) [Operational Flexibility] of this permit shall be maintained with a copy of this permit. [Reference Regulation No. 30 Section 6(h)(1) dated 12/11/00]

c. Reporting and Compliance Certification Requirement(s).

1. Specific Reporting/Certification Requirements. The Company shall comply with the Reporting/Certification Requirement(s) detailed in Condition 3 – Table 1 of this permit, which are in addition to those of Conditions 3(c)(2) and 3(c)(3). Each report that contains any deviation(s) from the terms of Condition 3 – Table 1 shall identify the probable cause of the deviation(s) and any corrective action(s) or preventative measure(s) taken. *[Reference Regulation No. 30 Sections 6(a)(3)(iii) dated 12/11/00, 6(a)(3)(iii)(C)(cc) dated 12/11/00, and 6(a)(3)(iii)(C)(dd) dated 12/11/00]*

2. General Reporting Requirements.

i. The Company shall submit to the Department a report of any required monitoring not later than the first day of August (covering the period from January 1 through June 30) and the first day of February (cover the period July 1 through December 31) of each calendar year. Each report shall identify any deviation(s) from the monitoring, record keeping and reporting requirements under this permit, and the probable cause of the deviation(s) and any corrective actions or preventative measures taken. If no deviation(s) has occurred such shall be stated in the report. *[Reference Regulation No. 30 Section 6(a)(3)(iii)(A) dated 12/11/00 and (B) dated 12/11/00, and Section 6(a)(3)(iii)(C)(dd) dated 12/11/00]*

ii. In addition to the semiannual monitoring reports required under Condition 3(c)(2)(i), the Company shall submit to the Department supplemental written report(s)/notice(s) identifying all deviations from permit conditions, probable cause of the deviations, and any corrective actions or preventative measures as follows: *[Reference Regulation No. 30 Sections 6(a)(3)(iii)(C)(cc) dated 12/11/00 and 6(a)(3)(iii)(C)(dd) dated 12/11/00]*

A. If the Company is claiming the affirmative defense of emergency or malfunction as provided in Condition 2(b)(5) of this permit, a notice of any deviation resulting from emergency or malfunction conditions shall be reported to the Department within two (2) working days of the time when the technology-based emission limitations were exceeded. Such notice shall contain a description of the emergency or malfunction, any steps taken to mitigate emissions, and any corrective actions taken. *[Reference Regulation No. 30 Sections 6(a)(3)(iii)(C)(aa) dated 12/11/00 and 6(g)(3)(iv) dated 12/11/00]*

B. Emissions in excess of any permit condition or emissions which create a condition of air pollution shall be reported to the Department:

1. Immediately upon discovery and after activating the appropriate site emergency plan to the Department's 24-hour complaint line (1-800-662-8802) any deviation that poses an imminent and substantial danger to public health, safety, or the environment. *[Reference Regulation No. 30 Section 6(a)(3)(iii)(C)(bb) dated 12/11/00]*

Condition 3. Specific Requirements Continued

2. Immediately upon discovery by calling the Environmental Emergency Notification and Complaint number (800) 662-8802. (State Enforceable Only) *[Reference Regulation No. 30 Section 6(a)(3)(iii)(C)(cc) dated 12/11/00]*

3. In a written report pursuant to Condition 3(c)(2)(i) and/or the specific reporting requirements listed in Condition 3 – Table 1. *[Reference Regulation No. 30 Sections (6)(a)(3)(iii)(C)(cc) dated 12/11/00 and 6(a)(3)(iii)(C)(dd) dated 12/11/00]*

C. Discharges to the atmosphere in excess of any quantity specified in the State of Delaware **"Reporting of a Discharge of a Pollutant or an Air Contaminant"** Regulation shall be reported, immediately upon discovery and after activating the appropriate site emergency plan, either in person or to the Department's 24-hour complaint line (1-800-662-8802). Discharges in compliance with this permit and excess emissions previously reported under Condition 3(c)(2)(ii)(B) of this permit are exempt from this reporting requirement. *[Reference Regulation No. 30 Section 6(a)(3)(iii)(C)(ee) dated 12/11/00 and 7 Del. C., Chapter 60, Section 6028]*

iii. Prior to making a change as provided in Condition 4 [Operational Flexibility] of this permit the Company shall give written notice to the Department and EPA at least seven (7) calendar days before the change is to be made. *[Reference Regulation No. 30 Section 6(h)(1) dated 12/11/00]*

A. The seven (7) day period may be shortened or eliminated as necessary for a change that must be implemented more quickly to address unanticipated conditions posing a significant health, safety, or environmental hazard. *[Reference Regulation No. 30 Section 6(h)(1) dated 12/11/00]*

B. If less than seven (7) calendar days notice is provided because of a need to respond more quickly to such unanticipated conditions, the Company shall provide notice to the Department and EPA as soon as possible after learning of the need to make the change, together with the reason(s) why advance notice could not be given. *[Reference Regulation No. 30 Section 6(h)(1) dated 12/11/00]*

C. The written notice shall include all of the following information: *[Reference Regulation 30 Section 6(h)(1) dated 12/11/00]*

1. The identification of the affected emission unit(s) and a description of the change to be made.

2. The date on which the change will occur.

3. Any changes in emissions.

4. Any permit terms and conditions that are affected, including any new applicable requirements.

iv. The Company shall submit to the Department an annual emissions statement in accordance with Regulation No. 17 Section 7 not later than April 30 of each year, or

Condition 3. Specific Requirements Continued

other date as established by the Department, unless an extension by the Department is granted. Such emissions statement shall cover the preceding calendar year. *[Reference Regulation No. 17 Section 7 dated 1/11/93]*

v. If required, the Company shall submit to the Department a progress report for applicable requirement(s) identified in Condition 5 – Table 1 of this permit. Such reports shall be submitted not later than the first day of August (covering the period from January 1 through June 30) and the first day of February (cover the period July 1 through December 31) of each calendar year. Each progress report shall include the following: *[Reference Regulation No. 30 Sections 5(d)(8) dated 11/15/93 and 6(c)(4) dated 12/11/00]*

A. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved. *[Reference Regulation No. 30 Section 6(c)(4)(i) dated 12/11/00]*

B. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted. *[Reference Regulation No. 30 Section 6(c)(4)(ii) dated 12/11/00]*

vi. Nothing herein shall relieve the Company from any reporting requirements under federal, state or local laws. *[Reference Regulation No. 30 Section 6(a)(3)(iii)(C)(ee) dated 12/11/00]*

3. General Compliance Certification Requirements.

i. Compliance with terms and conditions of this permit shall be certified to the Department not later than the first day of February of each year unless the terms or conditions in Condition 3 – Table 1 require compliance certifications to be submitted more frequently. Such certification shall cover the previous calendar year and shall be submitted on Form AQM-1001BB. The Compliance Certification shall include the following information: *[Reference Regulation No. 30 Section 6(c)(5)(i) dated 12/11/00]*

A. The identification of each term or condition of the permit that is the basis of the certification. *[Reference Regulation No. 30 Section 6(c)(5)(iii)(A) dated 12/11/00]*

B. The Company's current compliance status, as shown by monitoring data and other information reasonably available to the Company. *[Reference Regulation No. 30 Section 6(c)(5)(iii)(B) dated 12/11/00]*

C. Such certification shall indicate whether compliance was continuous or intermittent during the covered period. *[Reference Regulation No. 30 Section 6(c)(5)(iii)(C) dated 12/11/00]*

D. The method(s) used for determining the compliance status of the Company, currently and over the reporting period as required by the monitoring, record keeping, and reporting required under Condition 3. *[Reference Regulation No. 30 Section 6(c)(5)(iii)(D) dated 12/11/00]*

Condition 3. Specific Requirements Continued

E. Such other facts as the Department may require to determine the compliance status of the source. *[Reference Regulation No. 30 Section 6(c)(5)(iii)(E) dated 12/11/00]*

ii. Each compliance certification shall be submitted to the Department and EPA and shall be certified in accordance with Condition 2(a) of this permit. *[Reference Regulation No. 30 Section 6(c)(5)(iv) dated 12/11/00]*

iii. Any additional information possessed by the Company that demonstrates noncompliance with any applicable requirement must also be used as the basis for compliance certifications. *[Reference 62 FR 8314 dated 2/24/97]*

Condition 3 – Table 1 (Specific Requirements)

<table>
<tr><th>Emission Limitation(s)/Standards and/or Operational Limitation(s)/Standard(s)</th><th>Compliance Determination Methodology (Monitoring/Testing, QA/QC Procedures (as applicable) and Record Keeping)</th><th>Reporting/Compliance Certification</th></tr>
<tr><td colspan="3">a. Emission Unit – Thermotech Soil Desorption Unit, including Control Devices identified as 2 CYL, #1 FF, #2 FF, AB</td></tr>
<tr><td>1.0 i. Emission Limitations:
A. Air contaminant emission levels shall not exceed those listed below and those specified by the State of Delaware "Regulations Governing the Control of Air Pollution."
<table>
<tr><th>Air Contaminant</th><th>Hourly Emission Limitation (lb/hr)</th><th>Annual Emission Limitation (tpy)</th></tr>
<tr><td>SO_2</td><td>55</td><td>59</td></tr>
<tr><td>NO_x</td><td>26</td><td>39</td></tr>
<tr><td>CO</td><td>10</td><td>18.7</td></tr>
<tr><td>VOC</td><td>2.4 (stack only)</td><td>7.2 (stack)
17.2 (fugitive)</td></tr>
</table>
[Reference Regulation No. 30 Section 6(a)(1) dated 12/11/00 and Permit APC-91/0181]
B. Particulate emissions shall not exceed 0.04 grain per dry standard cubic foot. [Reference Permit APC-91/0181]
C. The total gaseous non-methane organic emissions shall not exceed 320 ppmv (parts per million, volume) measured as</td><td>ii. Compliance Method:
A. Compliance with the emission limitations listed in Condition 3 Table 1(a)(1)(i)(A),(C),(D), and (F) shall be demonstrated by the monitoring, QA/QC, testing, and recordkeeping requirements of this condition. [Reference Regulation No. 30 Section 6(a)(3) dated 12/11/00]
B. Compliance with the particulate emission limitation of Condition 3 Table 1(a)(1)(i)(B) shall be demonstrated through proper operation and maintenance of the Thermotech soil desorption unit and associated control devices as demonstrated through compliance with Condition 3 Table 1(a)(1) through (15) and as demonstrated through periodic testing as required per Condition 3 Table 1(a)(1)(v). [Reference Regulation No. 30 Section 6(a)(3) dated 12/11/00]

iii. Monitoring/Recordkeeping:
A. The VOC fugitive emissions associated with materials storage and handling shall be calculated and recorded monthly based on</td><td>vi. Reporting Requirement: In addition to the requirements listed in Condition 3(c)(2) of this permit:

A. Performance Testing Notification:
1. A pre-test protocol shall be submitted at least thirty (30) days in advance of any test date. [Reference Regulation No. 17 Section 2.2 dated 7/17/84]
2. The Company shall provide the Department with at least 30 days prior notice of any performance test to afford the Department the opportunity to have an observer present. The Company shall not proceed with the testing until written approval from the Department is received. [Reference Regulation No. 17 Section 2.2 dated 7/17/84]
3. The results of the testing shall be submitted to the Department within 90 days of the test completion. [Reference Regulation No. 17 Section 2.2 dated 7/17/84]
B. Hydrocarbon Monitor: Upon verbal or written request, the owner or operator</td></tr>
</table>

Condition 3 – Table 1 (Specific Requirements)

Emission Limitation(s)/Standards and/or Operational Limitation(s)/Standard(s)	Compliance Determination Methodology (Monitoring/Testing, QA/QC Procedures (as applicable) and Record Keeping)	Reporting/Compliance Certification
carbon on a dry basis. ***[Reference Regulation No. 30 Section 6(a)(1) dated 12/11/00]*** D. The emission of carbon monoxide based on a one (1) hour average shall not exceed 225 ppmv corrected to seven percent (7%) oxygen. ***[Reference Regulation No. 30 Section 6(a)(1) dated 12/11/00]*** E. Air contaminant emission levels from fuel burning alone shall not exceed those listed below:	the EPA document, "Air Emissions from the Treatment of Soils Contaminated with Petroleum Fuels and Other Substances." EPA-600/R-92-124, July 1992. ***[Reference Regulation No. 30 Section 6(a)(3)(i)(B) dated 12/11/00]*** B. Continuous Emission Monitoring (CEM) equipment shall be operated and maintained for oxygen and carbon monoxide for compliance purposes. The monitors shall be operated in such a manner as to assure a minimum data capture of eighty-five (85) percent of the units operating hours in each quarter. ***[Reference Permit APC-91/0181]*** C. The Company shall operate the hydrocarbon monitor continuously and record the outlet VOC emission rate of the thermal oxidizer (expressed in pounds per hour). The Company shall operate the SO_2 monitor continuously and record the outlet SO_2 emission rate (expressed in pounds per hour). ***[Reference Regulation No. 30 Section 6(a)(3)(i)(B) dated 12/11/00]*** D. The Company shall calculate by the fifteenth of each calendar month the emission rate of the air contaminants listed in Condition 3 Table 1(a)(1)(i)(A) for the preceding twelve consecutive month period in tons using the following:	shall submit to the Department a copy of all information and records documenting out-of-control periods including beginning and end dates and descriptions of corrective actions taken. ***[Reference Regulation No. 24 Appendix H(e) dated 11/29/94]*** C. SO_2 Monitor: Within forty five (45) calendar days of the end of each quarter, the Company shall submit a report for the CEM with the accuracy results from 40 CFR Part 60 Appendix F Section 6 and the CD assessment results from 40 CFR Part 60 Appendix F Section 4. Report the drift and accuracy information as a Data Assessment Report (DAR), and include one copy of this DAR for each quarterly audit with the report of emissions. At a minimum, the DAR must contain the following information: 1. Source owner or operator name and address. 2. Identification and location of monitors in the CEMS. 3. Manufacturer and model number of each monitor in the CEMS. 4. Assessment of CEMS data accuracy and date of assessment as determined

Air Contaminant	Natural Gas (lb/10^6 ft^3)	On-Specification Recycled Fuel Oil (lb/10^3 gal)	No. 2 Fuel Oil (lb/10^3 gal)
SO_2	NA	78.5	42.6
NO_x	140	55	20
CO	35	5	5
VOCs	5.8	1.28	0.34

**NA: Not Applicable - natural gas has negligible sulfur amounts.*
[Reference Regulation No. 30 Section 6(a)(1) dated 12/11/00 and AP-42 Fifth Edition]

F. The emission of Hazardous Air Pollutants (HAPs) as defined by Section 112b of the Clean Air Act shall not equal or exceed 10

Condition 3 – Table 1 (Specific Requirements)

Emission Limitation(s)/Standards and/or Operational Limitation(s)/Standard(s)	Compliance Determination Methodology (Monitoring/Testing, QA/QC Procedures (as applicable) and Record Keeping)	Reporting/Compliance Certification
tons per year or more of a single HAP and not equal or exceed 25 tons per or more of HAPs in the aggregate. ***[Reference Regulation No. 30 Section 6(a)(1) dated 12/11/00]***	1. actual fuel usage information and emission factors listed in Condition 3 Table 1(a)(1)(I)(E) for fuel burning equipment. ***[Reference Regulation No. 30 Section 6(a)(3)(i)(B) dated 12/11/00]*** 2. actual amount, type of contamination, and concentration of contaminated soil treated. ***[Reference Regulation No. 30 Section 6(a)(3)(i)(B) dated 12/11/00]*** E. The Company shall retain a copy of the QA/QC procedures for the oxygen and carbon monoxide monitors. ***[Reference Regulation No. 30 Section 6(a)(3)(i)(B) dated 12/11/00]*** F. The Company shall retain a copy of the QA/QC procedure for the hydrocarbon and SO_2 monitors. ***[Reference Regulation No. 30 Section 6(a)(3)(i)(B) dated 12/11/00]*** iv. QA/QC Requirements: A. The oxygen and carbon monoxide monitors must satisfy the performance specification of 40CFR Part 60, Appendix B. A calibration and Quality Assurance Program, developed using 40CFR Part 60, Subpart A, 60.13 and 40CFR Part 60, Appendix F as guidance approved by the Department shall be performed to assure the collection of valid data (basis) during the units operation corrected to seven	by a RATA, RAA, or CGA described in 40 CFR Part 60 Appendix F Section 5 including the RA for the RATA, the A for the RAA or CGA, the RM results, the cylinder gases certified values, the CEMS responses, and the calculation results as defined in 40 CFR Part 60 Appendix F Section 6. If the accuracy audit results show the CEMS to be out-of-control, the CEMS operator shall report both the audit results showing the CEMS to be out-of-control and the results of the audit following corrective action showing the CEMS to be operating within specifications. 5. Results from EPA performance audit samples described in 40 CFR Part 60 Appendix F Section 5 and the applicable RM's. 6. Summary of all corrective actions taken when CEMS was determined out-of-control, as described in 40 CFR Part 60 Appendix F Sections 4 and 5. ***[Reference 40 CFR Part 60 Appendix F Section 7 revised as of 7/1/01]*** vii. Certification Requirement: None in addition to those listed in Condition 3(c)(3) of this permit.

Condition 3 – Table 1 (Specific Requirements)

Emission Limitation(s)/Standards and/or Operational Limitation(s)/Standard(s)	Compliance Determination Methodology (Monitoring/Testing, QA/QC Procedures (as applicable) and Record Keeping)	Reporting/Compliance Certification
	percent (7%) oxygen. ***[Reference Permit APC-91/0181 and Regulation No. 17 Section 2.1 dated 7/17/84]*** B. The hydrocarbon monitor shall be operated, and maintained in accordance with Regulation No. 24 Appendix G and Appendix H. Alternative QA/QC plans shall be submitted to the Department for approval. ***[Reference Regulation No. 30 Section 6(a)(3)(i)(C) dated 12/11/00 and Regulation No. 17 Section 2.1 dated 7/17/84]*** C. The owner or operator shall maintain the fuel flow meters to monitor the fuel feed rates to both the kiln burner and the thermal oxidizer burner in accordance with the manufacturer's recommended operation and maintenance procedures. ***[Reference Regulation No. 30 Section 6(a)(3) dated 12/11/00]*** D. The SO_2 monitor shall be operated, and maintained in accordance with the requirements of 40 CFR Part 60 Appendix F, Quality Assurance Requirements for Gas Continuous Emission Monitoring Systems Used for Compliance Determination, and 40 CFR Part 60 Appendix B, Performance Specification 2, Specifications and test procedures for SO_2 and NOx Continuous Emission Monitoring Systems in Stationary Sources. ***[Reference Regulation No. 30***	

Condition 3 – Table 1 (Specific Requirements)

Emission Limitation(s)/Standards and/or Operational Limitation(s)/Standard(s)	Compliance Determination Methodology (Monitoring/Testing, QA/QC Procedures (as applicable) and Record Keeping)	Reporting/Compliance Certification
	Section 6(a)(3) dated 12/11/00 and Regulation No. 17 Section 2.1 dated 7/17/84] v. Testing: A. The Company shall conduct performance testing of the hydrocarbon and SO_2 monitors, using Department and EPA approved test methods to verify compliance with the VOC and SO_2 stack emission limitations of this condition (Condition 3 Table 1(a)(1)(i)(A)) and that the monitors are functioning properly using EPA and Department approved methods. ***[Reference Regulation No. 17 Section 2.2 dated 7/17/84]*** B. The Company shall conduct performance testing every three years, using Department and EPA approved test methods to verify compliance with the emission limitations of this condition (Condition 3 Table 1(a)(1)(i)(A) through (E)) using EPA and Department approved methods. ***[Reference Regulation No. 17 Section 2.2 dated 7/17/84]*** C. Upon approval by the Department, the Company may proceed with the compliance demonstration. ***[Reference Regulation No. 17 Section 2.2 dated 7/17/84]***	
2.0 i. Operational Limitations: A. The Company shall not process more than	ii. Compliance Method: Compliance with the operational limitations of this condition	vi. Reporting Requirement: None in addition to those listed in Condition 3(c)(2).

Condition 3 – Table 1 (Specific Requirements)

Emission Limitation(s)/Standards and/or Operational Limitation(s)/Standard(s)	Compliance Determination Methodology (Monitoring/Testing, QA/QC Procedures (as applicable) and Record Keeping)	Reporting/Compliance Certification
180,000 tons per year of soils contaminated with non-RCRA hazardous waste from MGP sites; soils contaminated with No. 4, 5, and 6 fuel oils; and non-RCRA waste oil contaminated soils per twelve month period. ***[Reference Regulation No. 30 Section 6(a)(1) dated 12/11/00]*** B. The Company shall not process more than 180,000 tons per year of soils contaminated with distillate and gasoline fuels. ***[Reference Regulation No. 30 Section 6(a)(1) dated 12/11/00]*** C. The thermal soil desorption unit and associated control equipment shall not be operated more than 6,000 hours per year.***[Reference Regulation No. 30 Section 6(a)(1) dated 12/11/00]*** D. The inlet to the soil desorption unit shall not exceed 60 tons per hour of contaminated soil (wet basis). ***[Reference Regulation No. 30 Section 6(a)(1) dated 12/11/00]*** E. The Company shall ensure that the inlet soil feed Total Petroleum Hydrocarbon (TPH) concentration to the desorber is maintained below 1.7% or 17,000 ppm. ***[Reference Regulation No. 30 Section 6(a)(1) dated 12/11/00]*** F. Materials meeting the definition of RCRA hazardous waste shall not be treated in	shall be demonstrated by compliance with the monitoring/recordkeeping and testing requirements of this permit. ***[Reference Regulation No. 30 Section 6(a)(3) dated 12/11/00]*** iii. Monitoring/Recordkeeping: A. The amount of soil treated at the facility for each calendar month including soil characteristic data such as type of soil (clay, loam, sand, etc.), type of contamination (type of contamination defined as: soils contaminated with non-RCRA hazardous waste from MGP sites; soils contaminated with No. 4, 5, and 6 fuel oils; and non-RCRA waste oil contaminated soils; gasoline or distillate fuel oil), and concentration of hydrocarbon contamination per batch sampled. ***[Reference Regulation No. 30 Section 6(a)(3)(i)(B) dated 12/11/00]*** B. The Company shall continuously monitor and record the inlet feed rate to the soil desorption unit in tons per hour. ***[Reference Regulation No. 30 Section 6(a)(3)(i)(B) dated 12/11/00]*** C. The inlet TPH concentration to the desorber expressed in parts per million. ***[Reference Regulation No. 30 Section 6(a)(3)(i)(B) dated 12/11/00]***	vii. Certification Requirement: None in addition to those listed in Condition 3(c)(3).

Condition 3 – Table 1 (Specific Requirements)

Emission Limitation(s)/Standards and/or Operational Limitation(s)/Standard(s)	Compliance Determination Methodology (Monitoring/Testing, QA/QC Procedures (as applicable) and Record Keeping)	Reporting/Compliance Certification
this facility. *[Reference Permit APC-91/0181]* G. The soil desorption unit shall not be operated unless the corresponding thermal oxidizer, single cyclone, mixer cooler, and primary and auxiliary baghouses are operating properly. *[Reference Permit APC-91/0181]* H. A permanent filter housing shall be operated and properly maintained on the inlet of the combustion air fan during operation. *[Reference Permit APC-91/0181]* I. The Company shall only burn natural gas, No. 2 fuel oil, or on-specification recycled fuel oil in the burner in the kiln and the thermal oxidizer. The Company shall not exceed the following a rolling twelve consecutive month fuel consumption rates: 1. When firing only natural gas during a rolling consecutive twelve month period: I. kiln burner: 288×10^6 ft^3 II. thermal oxidizer burner: 102×10^6 ft^3 2. When firing on-specification recycled fuel oil, No. 2 fuel oil, or natural gas during a rolling twelve consecutive month period: I. Kiln burner: 504,000 gallons of on-specification recycled fuel oil	D. The Company shall maintain a copy of the facility's soil sampling and testing protocol for determining the concentration in ppm of TPH in the contaminated soil and to verify that the contaminated soil accepted does not meet the definition of RCRA hazardous waste. *[Reference Regulation No. 30 Section 6(a)(3)(i)(B) dated 12/11/00]* E. A log of operating time for the rotary dryer, thermal oxidizer, primary and auxiliary baghouses, and monitoring equipment. *[Reference Regulation No. 30 Section 6(a)(3)(i)(B) dated 12/11/00]* F. A maintenance log for the rotary dryer, thermal oxidizer, primary and auxiliary baghouses, and monitoring equipment detailing all routine and non-routine maintenance performed including dates and duration of any outages. *[Reference Regulation No. 30 Section 6(a)(3)(i)(B) dated 12/11/00]* G. The manufacturer's recommended operating and maintenance procedures. *[Reference Regulation No. 30 Section 6(a)(3)(i)(B) 12/11/00]* H. The Company shall record the monthly amount and type of fuel burned in both the kiln and thermal oxidizer burners. *[Reference Regulation No. 30 Section 6(a)(3)(i)(B) 12/11/00]*	

Condition 3 – Table 1 (Specific Requirements)

Emission Limitation(s)/Standards and/or Operational Limitation(s)/Standard(s)	Compliance Determination Methodology (Monitoring/Testing, QA/QC Procedures (as applicable) and Record Keeping)	Reporting/Compliance Certification
II. Thermal oxidizer burner: 146,000 gallons of on-specification recycled fuel oil III. Kiln Burner: 216 x 10^6 ft^3 Natural gas IV. Thermal oxidizer burner: 81.3 x 10^6 ft^3 Natural gas V. Kiln burner: 504,000 gallons of No. 2 fuel oil VI. Thermal oxidizer burner: 146,000 gallons of No. 2 fuel oil 3. When burning natural gas, the hourly fuel feed rate shall not exceed 17,000 ft^3 in the thermal oxidizer burner, and 48,000 ft^3 in the kiln burner. 4. When burning No. 2 fuel oil or on-specification recycled fuel oil in the thermal oxidizer burner, the hourly fuel feed rate shall not exceed 119 gallons. 5. When burning No. 2 fuel oil or on-specification recycled fuel oil in the kiln burner, the hourly fuel feed rate shall not exceed 336 gallons. 6. The limit of fuel oil usage is 650,000 gallons/year with a maximum of 1,429 hours/year for operation on oil and 4,571 hours/ year for operation on natural gas. ***[Reference Regulation No. 30 Section***	I. The Company shall record the hourly fuel flow rate in the desorber burner and the thermal oxidizer. ***[Reference Regulation No. 30 Section 6(a)(3)(i)(B) dated 12/11/00]*** J. The Company shall retain a copy of the manufacturer's recommended operation and maintenance procedures for the fuel flow meters. ***[Reference Regulation No. 30 Section 6(a)(3)(i)(B) dated 12/11/00]*** iv. Testing Requirements: The Company shall collect soil samples and analyze for the TPH concentration in accordance with the facility's protocol for each load of contaminated soil accepted at the facility. This protocol shall meet Department approval. ***[Reference Regulation No. 30 Section 6(a)(3)(i)(B) dated 12/11/00]*** v. QA/QC Requirements: The owner or operator shall maintain the fuel flow meters to the desorber burner and the thermal oxidizer burner in accordance with the manufacturer's recommended operation and maintenance procedures. ***[Reference Regulation No. 30 Section 6(a)(3) dated 12/11/00]***	

Condition 3 – Table 1 (Specific Requirements)

Emission Limitation(s)/Standards and/or Operational Limitation(s)/Standard(s)	Compliance Determination Methodology (Monitoring/Testing, QA/QC Procedures (as applicable) and Record Keeping)	Reporting/Compliance Certification
6(a)(1) dated 12/11/00]		
3. i. Heat Exchanger - Operational Limitations: A. The heat exchanger shall be operated with a minimum temperature of 350 degrees Fahrenheit as measured at the outlet of the primary baghouse. Insulation of the ductwork connecting the primary baghouse and heat exchanger shall be insulated and checked during planned shutdowns to ensure integrity of the insulation. ***[Reference Regulation No. 30 Section 6(a)(1) dated 12/11/00]*** B. The heat exchanger shall be operated and maintained in accordance with the Company's standard operating procedure (SOP) manual for this facility. ***[Reference Regulation No. 30 Section 6(a)(1) dated 12/11/00]*** C. The heat exchanger shall be visually inspected during plant shutdowns and any necessary repairs or maintenance performed. ***[Reference Regulation No. 30 Section 6(a)(1) dated 12/11/00]***	ii. Compliance Method: Compliance with the operational limitations of this condition shall be demonstrated by the monitoring/recordkeeping, QA/QC, and testing requirements of this condition. ***[Reference Regulation No. 30 Section 6(a)(3) dated 12/11/00]*** iii. Monitoring/Recordkeeping: A. The temperature of the heat exchanger shall be continuously monitored and recorded. ***[Reference Regulation No. 30 Section 6(a)(3)(i)(B) dated 12/11/00]*** B. The pressure drop across both zones of the heat exchanger shall be continuously monitored. The pressure drops shall be recorded a minimum of once per day while the thermal desorption unit is in operation. ***[Reference Regulation No. 30 Section 6(a)(3)(i)(B) dated 12/11/00]*** C. The results of the heat exchanger inspection and dates of inspections including a check of the insulation integrity of the ductwork connecting the primary baghouse and the heat exchanger as well as routine and non-routine maintenance. Corrective actions taken due to pressure drops below or above the limits specified in the Company's standard operating	vi. Reporting Requirement: None in addition to those listed in Condition 3(c)(2). vii. Certification Requirement: None in addition to those listed in Condition 3(c)(3).

Condition 3 – Table 1 (Specific Requirements)

Emission Limitation(s)/Standards and/or Operational Limitation(s)/Standard(s)	Compliance Determination Methodology (Monitoring/Testing, QA/QC Procedures (as applicable) and Record Keeping)	Reporting/Compliance Certification
	procedure (SOP) manual shall be recorded. This record shall include the date and time of the corrective action and the reason taken. ***[Reference Regulation No. 30 Section 6(a)(3)(I)(B) dated 12/11/00]*** D. The Company shall maintain a copy of the standard operating procedure manual. ***[Reference Regulation No. 30 Section 6(a)(3)(I)(B) dated 12/11/00]*** iv. QA/QC Requirements: A. The differential pressure gauges shall be operated and maintained in accordance with the manufacturer's recommended procedures. ***[Reference Regulation No. 30 Section 6(a)(3)(I)(C) dated 12/11/00]*** B. The thermocouples shall be operated and maintained in accordance with the manufacturer's recommended procedures. ***[Reference Regulation No. 30 Section 6(a)(3)(I)(C) dated 12/11/00]*** v. Testing: None in addition to that required in condition No. 3(b)(1)(ii) of this permit.	
4.0 i. Primary Baghouse - Operational Limitations: A. When soils contaminated with non-RCRA hazardous waste from MGP sites; soils contaminated with No. 4, 5, and 6 fuel oils; and non-RCRA waste oil contaminated	ii. Compliance Method: Compliance with the operational limitations of this condition shall be demonstrated by the monitoring/recordkeeping and testing requirements of this condition. ***[Reference Regulation No. 30 Section 6(a)(3) dated***	vi. Reporting Requirement: None in addition to those listed in Condition 3(c)(2). vii. Certification Requirement: None in addition to those listed in Condition 3(c)(3).

Condition 3 – Table 1 (Specific Requirements)

Emission Limitation(s)/Standards and/or Operational Limitation(s)/Standard(s)	Compliance Determination Methodology (Monitoring/Testing, QA/QC Procedures (as applicable) and Record Keeping)	Reporting/Compliance Certification
soils are being treated the inlet and outlet temperatures of the primary baghouse shall be maintained above 410 degrees Fahrenheit. ***[Reference Regulation No. 30 Section 6(a)(1) dated 12/11/00]*** B. The minimum inlet and outlet temperature of the primary baghouse shall be maintained in accordance with the manufacturer's specification temperature of 350 degrees Fahrenheit when the desorber is treating soils contaminated with gasoline and distillate fuel oils. ***[Reference Regulation No. 30 Section 6(a)(1) dated 12/11/00]*** C. The primary baghouse shall be operated with a pressure drop range of 2.5 and 8.5 inches of water during all periods of operation. ***[Reference Regulation No. 30 Section 6(a)(1) dated 12/11/00]*** D. Any pressure drop readings outside the limits specified above shall be remedied in accordance with the corrective action plan of the Company's standard operating procedure (SOP) manual for this facility. ***[Reference Regulation No. 30 Section 6(a)(1) dated 12/11/00]***	***12/11/00]*** iii. Monitoring/Recordkeeping: A. The primary baghouse pressure drop shall be continuously monitored and recorded in inches of water. ***[Reference Regulation No. 30 Section 6(a)(3)(i)(B) dated 12/11/00]*** B. The Company shall record the results of routine and non-routine maintenance performed on the primary baghouse, including the corrective action taken as a result of pressure drops outside of the range specified in Condition 3 Table 1(a)(4)(C). ***[Reference Regulation No. 30 Section 6(a)(3)(i)(B) dated 12/11/00]*** C. The inlet and outlet temperatures of the primary baghouse shall be continuously monitored and recorded in degrees Fahrenheit. ***[Reference Regulation No. 30 Section 6(a)(3)(i)(B) dated 12/11/00]*** D. The Company shall maintain a copy of the standard operating procedure manual. ***[Reference Regulation No. 30 Section 6(a)(3)(i)(B) dated 12/11/00]*** iv. Testing: None in addition to those listed in Condition 3(b)(1)(ii) of this permit. v. QA/QC Requirements: A. The differential pressure gauges shall be operated and maintained in accordance	

Condition 3 – Table 1 (Specific Requirements)

Emission Limitation(s)/Standards and/or Operational Limitation(s)/Standard(s)	Compliance Determination Methodology (Monitoring/Testing, QA/QC Procedures (as applicable) and Record Keeping)	Reporting/Compliance Certification
	with the manufacturer's recommended procedures. ***[Reference Regulation No. 30 Section 6(a)(3)(i)(C) dated 12/11/00]*** B. The thermocouples shall be operated and maintained in accordance with the manufacturer's recommended procedures. ***[Reference Regulation No. 30 Section 6(a)(3)(i)(C) dated 12/11/00]***	
4.1 i. Auxiliary Baghouse – Operational Limitations: A. The inlet and outlet temperatures of the auxiliary baghouse shall be maintained below the manufacturer's specification temperature of 425 degrees Farenheit. ***[Reference 91/0181(A3) Cond. No. 5a].*** B. The auxiliary baghouse shall be operated with a differential pressure range of 0.5 and 8.5 inches of water during all periods of operation. ***[Reference 91/0181(A3) Cond. No. 5b].*** C. Any differential pressure readings outside the limits specified in paragraph (B) shall be remedied in accordance with the corrective action plan of the Company's standard operating procedure (SOP) manual for this facility. ***[Reference 91/0181(A3) Cond. No. 5c].***	ii. Compliance Method: Compliance with the operational limitations of this condition shall be demonstrated by the monitoring/recordkeeping and QA/QC requirements of this condition. ***[Reference Regulation No. 30 Section 6(a)3 dated 11/15/93].*** iii. Monitoring/Recordkeeping: the Company shall maintain the following records on site for a minimum period of five(5) years and shall be made available to the Department upon request: A. The auxiliary baghouse differential pressure shall be continuously monitored and recorded in inches of water. B. The Company shall record the results of routine and non-routine maintenance performed on the auxiliary baghouse, including the corrective action taken as a result of differential pressure readings outside of the range specified in	vi. Reporting Requirement: None in addition to those listed in Condition 3(c)(2). vii. Certification Requirement: None in addition to those listed in Condition 3(c)(3).

Condition 3 – Table 1 (Specific Requirements)

Emission Limitation(s)/Standards and/or Operational Limitation(s)/Standard(s)	Compliance Determination Methodology (Monitoring/Testing, QA/QC Procedures (as applicable) and Record Keeping)	Reporting/Compliance Certification
	Operational Limitation (B). C. The inlet and outlet temperature of the auxiliary baghouse shall be continuously monitored and recorded in degrees Farenheit. D. The Company shall maintain a copy of the standard operating procedure manual. ***[Reference 91/0181(A3) Cond. No. 6].*** iv. QA/QC Requirements: A. The differential Pressure gauges shall be operated and maintained in accordance with the manufacturer's recommended procedures. B. The thermocouples shall be operated and maintained in accordance with the manufacturer's recommended procedures. ***[Reference 91/0181(A3) Cond. No.7)***	
5. Sulfur In Fuel i. Emission Limitation: The on-specification recycled fuel oil used in the kiln and the thermal oxidizer shall not exceed 0.5% by weight. ***[Reference Regulation No. 30 Section 6(a) dated 12/11/00]*** ii. Emission Standard: No person shall offer for sale, sell, deliver or purchase, or use in any fuel burning equipment, No. 2 fuel oil	iii. Compliance Method: Compliance shall be with the operational limitation of this condition shall be demonstrated by sampling and analysis of fuel burned in the kiln and the thermal oxidizer using the monitoring/testing and/or recordkeeping requirements of this conditions. ***[Reference Regulation No. 30 Section 6(a)(3)(ii)(C) dated 12/11/00]*** iv. Monitoring/Testing: The method used to	vi. Reporting Requirement: All records indicating exceedance(s) of the standard in addition to Condition 3(c)(2) of this permit. vii. Compliance Certification: None in addition to those listed in Condition 3(c)(3) of this condition.

Condition 3 – Table 1 (Specific Requirements)

Emission Limitation(s)/Standards and/or Operational Limitation(s)/Standard(s)	Compliance Determination Methodology (Monitoring/Testing, QA/QC Procedures (as applicable) and Record Keeping)	Reporting/Compliance Certification
having a sulfur content greater than 0.3 percent by weight. ***[Reference Regulation No. 8 Section 2.2 dated 5/9/85]***	determine the sulfur content must be one of the following ASTM Methods: D129-91, D1552-90, D2622-92, D4294-90. ***[Reference Regulation No. 8 Section 2.4 dated 5/9/85 and DAWM Policy for Alternate Testing Methods dated 9/17/97]*** v. Recordkeeping: The Company shall maintain all of the following records: Fuel supplier certification for each on-specification recycled fuel oil shipment received at the facility. Such certification shall indicate: 1. The name of the fuel supplier. 2. Date delivered. 3. Amount delivered. 4. Oil sampling method. 5. The sulfur content of the on-specification recycled fuel oil. 6. The method used to determine the sulfur content. ***[Reference Regulation No. 30 Section 6(a)(3)(i)(B) dated 12/11/00 and Regulation No. 8 Section 2.3 dated 5/9/85]***	
6. i. Sulfur in Soil - Operational Limitation: The maximum percent (%) sulfur in soils contaminated with non-RCRA hazardous waste MGP soils, residual fuel oils, waste oil contaminated soils, and coal tar shall not exceed 0.5 percent (%) as fed into the desorber. ***[Reference Regulation No. 30***	ii. Compliance Method: Compliance with the operational limitations of this condition shall be demonstrated by the monitoring, recordkeeping, testing, and QA/QC requirements of this condition. ***[Reference Regulation No. 30 Section 6(a)(3) dated 12/11/00]***	v. Reporting Requirement: None in addition to those listed in Condition 3(c)(2). vi. Certification Requirement: None in addition to those listed in Condition 3(c)(3).

Condition 3 – Table 1 (Specific Requirements)

Emission Limitation(s)/Standards and/or Operational Limitation(s)/Standard(s)	Compliance Determination Methodology (Monitoring/Testing, QA/QC Procedures (as applicable) and Record Keeping)	Reporting/Compliance Certification
Section 6(a)(1) dated 12/11/00]	iii. Monitoring/Recordkeeping: The monitoring and recordkeeping provisions of Condition 3 Table 1(a)(1) with respect to the SO_2 monitor shall be used to show compliance with the operational limitation of this condition. iv. Testing: None in addition to that required by Condition 3 (b)(1)(ii) of this permit.	
7. Kiln Burner - Nitrogen Oxides: State Only Enforceable This state enforceable section shall become federally enforceable upon approval of the State Implementation Plan containing this regulation by the administrator of the EPA. i. Emission Standard: A. Maximum emission rates for nitrogen oxides from the kiln burner with a rated heat input capacity of less than 65 mmbtu/hr shall not exceed those achieved through an annual tune up performed by qualified personnel. ***[Reference Regulation No. 12, Section 3.3(b) dated 11/24/93]***	iii. Compliance Method: Compliance with the emission standards and operational limitations of this condition shall be demonstrated by the monitoring, testing, QA/QC, and recordkeeping requirements of this condition. ***[Reference Regulation No. 30 Section 6(a)(3) dated 12/11/00]*** iv. Monitoring: The Company shall continuously monitor the fuel flow rate and type of fuel consumed in the kiln burner. ***[Reference Regulation No. 30 Section 6(a)(3)(i)(B) dated 12/11/00]*** v. Testing: If the source is stack tested, EPA test method 7, 7E, or any other appropriate test method which has been	viii. Reporting Requirements: In addition to the reporting requirements listed in Condition 3(c)(2) of this permit: Performance Testing Notification: A. A pre-test protocol shall be submitted at least thirty (30) days in advance of the test date. ***[Reference Regulation No. 17 Section 2.1 dated 7/17/84]*** B. The Company shall provide the Department with at least 30 days prior notice of any performance test to afford the Department the opportunity to have an observer present. ***[Reference Regulation No. 17 Section 2.1 dated 7/17/84]*** C. The results of the tests shall be submitted to the Department within 45 days after completing the test. ***[Reference Regulation No. 12 Section 7.4(b) dated 11/24/93]***

Condition 3 – Table 1 (Specific Requirements)

Emission Limitation(s)/Standards and/or Operational Limitation(s)/Standard(s)	Compliance Determination Methodology (Monitoring/Testing, QA/QC Procedures (as applicable) and Record Keeping)	Reporting/Compliance Certification
ii. Operational Limitations: Compliance with NOx RACT for the kiln burner shall be demonstrated by restricting the fuel flow feed rate of natural gas, No. 2 fuel oil, or on-specification recycled fuel oil to less than 65 mmbtu/hr. A. Operating Scenario No. 1: The Company shall not exceed the following hourly natural gas consumption rate: Kiln burner: 48,000 ft^3/hr. Thermal oxidizer: 17,000 ft^3/hr. B. Operating Scenario No. 2: The Company shall not exceed the following hourly on-specification recycled fuel oil consumption rate: Kiln burner: 336 gallons on-specification recycled fuel oil. Thermal oxidizer: 119 gallons on-specification recycled fuel oil. C. Operating Scenario No. 3: The Company shall not exceed the following hourly No. 2 fuel oil consumption rate: Kiln burner: 336 gallons No. 2 fuel oil. Thermal oxidizer: 119 gallons on-specification recycled fuel oil. ***[Reference Regulation No. 30 Section 6(a)(1) dated 11/15/9***	approved in advance by the Department and EPA shall be used. ***[Reference Regulation No. 12 Section 7.4(b) dated 11/24/93]*** vi. QA/QC Requirements: The owner or operator shall maintain the fuel flow meters in accordance with the manufacturer's recommended operation and maintenance procedures. ***[Reference Regulation No. 30 Section 6(a)(3) dated 12/11/00]*** vii. Recordkeeping: A. The Company shall maintain a log of the tune ups performed on the kiln burner. ***[Reference Regulation No. 12, Section 3.3(b) dated 11/24/93]*** B. The Company shall maintain a file of the qualifications of the personnel performing the annual tune-ups on the kiln burner. ***[Reference Regulation No. 12, Section 3.3(b) dated 11/24/93]*** C. The Company shall record the hourly fuel flow rate in the kiln burner. ***[Reference Regulation No. 30 Section 6(a)(3)(i)(B) dated 11/15/93]***	Excess Emission Reporting: D. The owner or operator of any source subject to this section shall , for each occurrence of excess emissions, within 30 calendar days of becoming aware of such occurrence, supply the Department with the following information: 1. The name and location of the facility. 2. The subject source(s) that caused the excess emissions. 3. The time and date of first observation of the excess emissions. 4. The cause and expected duration of the excess emissions. 5. The proposed corrective actions and schedule to correct the conditions causing the excess emissions. ***[Reference Regulation No. 12 Section 7.3(a) through (f) except (e) dated 11/24/93]*** ix. Certification Requirement: None in addition to those listed in Condition 3(c)(3) of this permit.
8.0 Thermal Oxidizer Burner - Nitrogen	ii . Compliance Method: Compliance with the	v. Reporting Requirements: None in addition

Condition 3 – Table 1 (Specific Requirements)

Emission Limitation(s)/Standards and/or Operational Limitation(s)/Standard(s)	Compliance Determination Methodology (Monitoring/Testing, QA/QC Procedures (as applicable) and Record Keeping)	Reporting/Compliance Certification
Oxides: State Only Enforceable. This state enforceable section shall become federally enforceable upon approval of the State Implementation Plan containing this regulation by the administrator of the EPA. i. Emission Standard: The thermal oxidizer which was constructed prior to November 15, 1992 and used primarily for the control of air pollution is exempt from the demonstration of reasonably available control technology requirement. ***[Reference Regulation No. 12 Section 4.1(b) dated 11/24/93]***	emission standard of this condition shall be demonstrated by the monitoring, recordkeeping, and testing requirements of this condition. ***[Reference Regulation No. 30 Section 6(a)(3) dated 12/11/00]*** iii. Monitoring/Record Keeping: The Company shall maintain records documenting the installation date of the thermal oxidizer. ***[Reference Regulation No. 30, Section 6(a)(3)(i)(B) dated 12/11/00]*** iv. Testing: None in addition to that required by Condition 3(b)(1)(ii) of this permit.	to those listed in Condition 3(c)(2) of this permit. vi. Certification Requirement: None in addition to those listed in Condition 3(c)(3) of this permit.
9. On-Specification Recycled Fuel Oil i. Operational Limitation: The burner shall comply with the requirements of DE Admin. Code 1302, Regulations Governing Hazardous Waste, Section 279.11.	ii. Compliance Method: Compliance with the operational limitation of this condition shall be demonstrated by the monitoring, testing, and recordkeeping requirements of this condition. ***[Reference Regulation No. 30 Section 6(a)(3) dated 12/11/00]*** iii. Monitoring/Testing/Recordkeeping: The company shall determine that on-specification recycled fuel oil that is to be burned for energy recovery meets the fuel specifications of DE Admin. Code 1302, Regulations Governing Hazardous Waste, Section 279.11, by performing analyses or	iv. Reporting Requirements: None in addition to those listed in Condition 3(c)(2) of this permit. v. Certification Requirements: None in addition to those listed in Condition 3(c)(3) of this permit.

Condition 3 – Table 1 (Specific Requirements)

<table>
<tr><th>Emission Limitation(s)/Standards and/or Operational Limitation(s)/Standard(s)</th><th>Compliance Determination Methodology (Monitoring/Testing, QA/QC Procedures (as applicable) and Record Keeping)</th><th>Reporting/Compliance Certification</th></tr>
<tr><td></td><td>obtaining copies of analyses or other information documenting that the on-specification recycled fuel oil meets the specifications. [Reference 7 DE Admin. Code 1302, Regulations Governing Hazardous Waste, Section 279.11, last updated on August 25, 2006]
[Reference 40 CFR Part 761.20(e) revised as of 7/1/06]
<table>
<tr><th>Parameter</th><th>DE Admin. Code 1302, Regulations Governing Hazardous Waste, Section 279.11 and 40 CFR Part 761.20(e) Specification</th></tr>
<tr><td>Flashpoint</td><td>≥ 100 °F</td></tr>
<tr><td>Total Halogens</td><td>≤ 1000 ppm</td></tr>
<tr><td>Lead</td><td>≤ 100 ppm</td></tr>
<tr><td>Arsenic</td><td>≤ 5 ppm</td></tr>
<tr><td>Cadmium</td><td>≤ 2 ppm</td></tr>
<tr><td>Chromium</td><td>≤ 10 ppm</td></tr>
<tr><td>PCBs</td><td>≤ 2 ppm</td></tr>
</table>
[Reference 7 DE Admin. Code 1302, Regulations Governing Hazardous Waste, Section 279.11, last updated on August 25, 2006].
[Reference 40 CFR Part 761.20(e) revised as of 7/1/06].</td><td></td></tr>
<tr><td>10. Thermal Oxidizer
i. Operational Limitations:
During all periods of operation the thermal oxidizer shall be:</td><td>ii. Compliance Method: Compliance with the operational limitations of this condition shall be demonstrated by the monitoring/recordkeeping, QA/QC, and</td><td>vi. Reporting Requirement: None in addition to those listed in Condition 3(c)(2) of this permit.</td></tr>
</table>

Condition 3 – Table 1 (Specific Requirements)

Emission Limitation(s)/Standards and/or Operational Limitation(s)/Standard(s)	Compliance Determination Methodology (Monitoring/Testing, QA/QC Procedures (as applicable) and Record Keeping)	Reporting/Compliance Certification
A. Operated with the combustion chamber set point in the thermal oxidizer shall be no less than that during the most recent performance test that demonstrated that the unit was in compliance. ***[Reference Regulation No. 30 Section 6(a)(1) dated 12/11/00]*** B. Operated with an alarm system to indicate when the thermal oxidizer temperature falls below the required level. ***[Reference APC-91/0181]***	testing requirements of this condition. ***[Reference Regulation No. 30 Section 6(a)(3) dated 12/11/00]*** iii. Testing: None in addition to that required by Condition 3(b)(1)(ii) of this permit. iv. Monitoring/Recordkeeping: A. The temperature shall be continuously monitored and recorded in degrees Fahrenheit. ***[Reference Regulation No. 30 Section 6(a)(3)(i)(B) dated 12/11/00]*** B. The manufacturer's recommended operating, maintenance, and QA/QC procedures for the temperature monitoring equipment. ***[Reference Regulation No. 30 Section 6(a)(3)(i)(B) dated 12/11/00]*** C. The results of all test data including the results of the most previous performance test that demonstrated that the unit was in compliance shall be retained. ***[Reference Regulation No. 30 Section 6(a)(3)(i)(B) dated 12/11/00]*** v. QA/QC: The Company shall operate and maintain the temperature monitoring equipment in accordance with the manufacturer's recommended procedures in addition to the manufacturer's recommended QA/QC.	vii. Certification Requirement: None in addition to those listed in Condition 3(c)(3) of this permit.

Condition 3 – Table 1 (Specific Requirements)

Emission Limitation(s)/Standards and/or Operational Limitation(s)/Standard(s)	Compliance Determination Methodology (Monitoring/Testing, QA/QC Procedures (as applicable) and Record Keeping)	Reporting/Compliance Certification
	[Reference Regulation No. 30 Section 6(a)(3)(i)(C) dated 12/11/00]	
11. Visible Emissions i. Emission Standard: The Company shall not cause or allow the emission of visible air contaminants and/or smoke from any emission unit, the shade or appearance of which is greater than twenty (20%) percent opacity for an aggregate of more than three (3) minutes in any one (1) hour or more than fifteen (15) minutes in any twenty-four (24) hour period. ***[Reference Regulation 14, Section 2.1 dated 7/17/84]***	ii. Compliance Method: Compliance with the emission standard of this condition shall be demonstrated in accordance with the monitoring, testing, and recordkeeping requirements of this condition. ***[Reference Regulation No. 30 Section 6(a)(3) dated 12/11/00]*** iii. Monitoring: A. The Company shall conduct a daily qualitative survey of visible emissions of the stack in accordance with procedures, qualification and testing of this condition during operation of the soil desorption unit and associated control equipment or more frequently if the operator observes visible emissions. The qualitative survey (similar to Method 22) shall evaluate the presence or absence of smoke and/or opacity while the emission units are in operation. This condition shall not be required during months where a Reference Method 9 observation is made [Condition 3, Table 1(a)(11)(iv)(A)]. ***[Reference: Regulation No. 30 Section 6(a)(3)(i)(B), dated 12/11/00]*** B. If opacity is detected under sections A, the site shall take one of the following actions: 1. Take corrective actions to eliminate	v. Reporting Requirement: All records indicating exceedances of the standard in accordance with Condition 3(c)(2). vi. Certification Requirement: None in addition to Condition 3(c)(3).

Condition 3 – Table 1 (Specific Requirements)

Emission Limitation(s)/Standards and/or Operational Limitation(s)/Standard(s)	Compliance Determination Methodology (Monitoring/Testing, QA/QC Procedures (as applicable) and Record Keeping)	Reporting/Compliance Certification
	the cause of the opacity and repeat the qualitative observation to show the actions were effective. C. Once each calendar quarter, the Company shall conduct a visible emissions test per EPA Reference Method 9. ***[Reference: Regulation No. 30 Section 6(a)(3)(i)(B), dated 12/11/00]*** D. A frequency to visually observe the material handling points and material stockpiles - ie the conveyors, drop points, screening, etc. - shall not be required provided compliance with Condition 3 Table 1(a)(12) is maintained. The Company shall survey the material handling and stockpiling areas of the facility in accordance with the protocol required in Condition 3 Table 1(a)(12)(iv) to minimize fugitive particulates. ***[Reference Regulation No. 30 Section 6(a)(3)(i)(B) dated 12/11/00]*** iv. Testing: A. EPA Reference Method 9: Conduct visual observations at fifteen second intervals for a period of not less than one hour except that the observations may be discontinued whenever a violation of the standard is recorded. The additional procedures, qualification, and testing to be used for	

Condition 3 – Table 1 (Specific Requirements)

Emission Limitation(s)/Standards and/or Operational Limitation(s)/Standard(s)	Compliance Determination Methodology (Monitoring/Testing, QA/QC Procedures (as applicable) and Record Keeping)	Reporting/Compliance Certification
	visually determining the opacity shall be those specified in Section 2 and 3 (except for Section 2.5 and the second sentence of Section 2.4) of Reference Method 9 set forth in Appendix A, 40 CFR Part 60 revised as of July 1, 2001. ***[Reference: Regulation No. 20 Section 1.5(c)(1), dated 12/7/88]*** B. EPA Reference Method 22 for observing the presence or absence of visible emissions. ***[Reference: Regulation No. 30 Section 6(a)(3)(i)(B) dated 11/15/93]*** v. Recordkeeping: The Company shall collect and record the following information: A. The date, time and results of the surveys and/or visible emissions testing performed as required by Condition 3 Table 1(a)(11)(iii). ***[Reference: Regulation No. 30 Section 6(a)(3)(i)(B) dated 12/11/00]*** B. The burners are in operation at the time of the testing. ***[Reference: Regulation No. 30 Section 6(a)(3)(i)(B) dated 12/11/00]*** C. The type of fuel and firing rate of each burner at the time of the testing. ***[Reference: Regulation No. 30 Section 6(a)(3)(i)(B), dated 12/11/00]*** D. The name of the personnel that conducted the testing and a copy of their certification	

Condition 3 – Table 1 (Specific Requirements)

Emission Limitation(s)/Standards and/or Operational Limitation(s)/Standard(s)	Compliance Determination Methodology (Monitoring/Testing, QA/QC Procedures (as applicable) and Record Keeping)	Reporting/Compliance Certification
	per Reference Method 9 set forth in Appendix A, 40 CFR Part 60 revised as of July 1, 2001. ***[Reference: Regulation No. 30 Section 6(a)(3)(i)(B), dated 12/11/00]*** E. Corrective actions or maintenance activities performed in response to opacity observed during qualitative observations. [Condition 3, Table 1(a)(11)(iii)(C)] ***[Reference: Regulation No. 30 Section 6(a)(3)(i)(B), dated 12/11/00]*** F. EPA Reference Method 22 shall be retained on-site. ***[Reference: Regulation No. 30 Section 6(a)(3)(i)(B), dated 11/15/93]***	
12. Fugitive Particulate Emissions: i. Emission Standard: Fugitive particulate emissions shall not be emitted in such quantities as to cause or create a condition of air pollution from use of private roads, material handling, or the stockpiling of material. ***[Reference Permit: APC-91/0181]*** ii. Work Practice Standards: A. Approved methods, such as indoor storage or covers, shall be used to minimize fugitive emissions of particulates, from the handling and storage of soils on the site. ***[Reference Permit: APC-91/0181]***	iii. Compliance Method: Compliance with the emission standard and work practice standards of this condition shall be demonstrated by the monitoring/recordkeeping and testing requirements of this condition. ***[Reference Regulation No. 30 Section 6(a)(3) dated 12/11/00]*** iv. Monitoring/Recordkeeping: The Company shall maintain a copy of the dust control measures to satisfy the emission and work practice standards of this condition meeting Department approval. ***[Reference Regulation No. 30***	vi. Reporting Requirement: None in addition to those listed in Condition 3(c)(2) of this permit. vii. Certification Requirement: None in addition to those listed in Condition 3(c)(3) of this permit.

Condition 3 – Table 1 (Specific Requirements)

Emission Limitation(s)/Standards and/or Operational Limitation(s)/Standard(s)	Compliance Determination Methodology (Monitoring/Testing, QA/QC Procedures (as applicable) and Record Keeping)	Reporting/Compliance Certification
B. Dust control measures shall be employed on all non-paved areas and the driveway of the facility to minimize fugitive emissions from vehicular traffic entering or leaving and the materials handling operation. Dust control measures shall include methods such as water tanker/sprinkler trucks, water sprinkler systems, dust retardant sprays, etc. ***[Reference Permit: APC-91/0181]***	***Section 6(a)(3)(i)(B) dated 12/11/00]*** v. Testing: None in addition to that required in Condition 3(b)(1)(ii) of this permit.	
13. Handling, Storage, and Disposal of VOCs i. Work Practice Standards A. The Company shall not cause, allow, or permit the disposal of more than eleven (11) pounds of a volatile organic compound (VOC), or of any materials containing more than eleven (11) pounds of any VOCs, in any one (1) day, in a manner that would permit the evaporation of VOCs into the ambient air. This includes but is not limited to the disposal of VOC from any VOC control devices. This provision does not apply to: 1. Any VOC or material containing VOC emitted from a regulated entity that is subject to a VOC standard under Regulation No. 24. 2. Any VOCs or material containing VOCs used during process maintenance	ii. Compliance Method: Compliance shall be demonstrated by adherence with the VOC handling work practices by providing appropriate training and posting of instructions, and record keeping for storage, use and disposal of VOCs. ***[Reference Regulation No. 30 Section 6(a)(3) dated 12/11/00]*** iii. Monitoring/Testing: Monitor work practice standards and employee training records on a monthly basis, update records as needed. ***[Reference Regulation No. 30 Section 6(a)(3)(i)(B) dated 12/11/00]*** iv. Recordkeeping: The Company shall keep a record of postings, and employee training related to these work practice standards and storage, use and disposal of VOCs. ***[Reference Regulation No. 30 Section***	v. Reporting Requirement: None in addition to Condition 3(c)(2) of this permit. vi. Certification Requirement: None in addition to Condition 3(c)(3) of this permit.

Condition 3 – Table 1 (Specific Requirements)

Emission Limitation(s)/Standards and/or Operational Limitation(s)/Standard(s)	Compliance Determination Methodology (Monitoring/Testing, QA/QC Procedures (as applicable) and Record Keeping)	Reporting/Compliance Certification
turnarounds for cleaning purposes, provided that the provisions of paragraph (B), (C), and (D) of this condition are followed. B. No owner or operator of a facility subject to Regulation No. 24 shall use open containers for the storage or disposal of cloth or paper impregnated with VOCs that are used for surface preparation, cleanup, or coating removal. Containers for the storage or disposal of cloth or paper impregnated with VOCs shall be kept closed, except when adding or removing material. C. No owner or operator of a facility subject to Regulation No. 24 shall store in open containers spent or fresh VOC to be used for surface preparation, cleanup or coating removal. Containers for the storage of spent or fresh VOCs shall be kept closed, except when adding or removing material. D. No owner or operator shall use VOC for the cleanup of spray equipment unless equipment is used to collect the cleaning compounds and to minimize their evaporation to the atmosphere. ***[Reference Regulation No. 24 Section 8 dated 11/29/94]***	***6(a)(3)(i)(B) dated 12/11/00]***	
14. Operational Limitation	ii. Compliance Method: Compliance with the	v. Reporting Requirement: None in addition

Condition 3 – Table 1 (Specific Requirements)

Emission Limitation(s)/Standards and/or Operational Limitation(s)/Standard(s)	Compliance Determination Methodology (Monitoring/Testing, QA/QC Procedures (as applicable) and Record Keeping)	Reporting/Compliance Certification
i. All structural and mechanical components of the equipment covered by this permit shall be maintained in proper operating condition and such equipment shall be operated at all times in a manner consistent with good pollution control practices. ***[Reference Regulation No. 1, Section 3 dated 2/1/81]***	operational limitation of this condition shall be demonstrated by maintenance records, compliance with permit conditions, and adherence to operating instructions/manuals. ***[Reference Regulation No. 30 Section 6(a)(3) dated 12/11/00]*** iii. Monitoring/Testing: The Company shall follow vendor specifications and industrial standards. ***[Reference Regulation No. 30 Section 6(a)(3) dated 12/11/00]*** iv. Recordkeeping: Applicable maintenance records and standard operating procedures. ***[Reference Regulation No. 30 Section 6(a)(3) dated 12/11/00]***	to those listed in Condition 3(c)(2) of this permit. vi. Certification Requirement: None in addition to those listed in Condition 3(c)(3) of this permit.
15. Odors - State Only Enforceable i. Emission Standard: The Company shall not cause or allow the emission of an odorous air contaminant in such quantities as to interfere with any person's enjoyment of life or property. ***[Reference Regulation No. 19, Section 2.1 dated 2/1/81]***	ii. Compliance Method: Compliance shall be demonstrated in accordance with the monitoring/testing and recordkeeping requirements of this condition. ***[Reference Regulation No 30, Section 6(a)(3) dated 12/11/00.]*** iii. Monitoring/Testing: Includes but is not limited to scentometer tests, air quality monitoring, and affidavits from affected citizens and investigators. ***[Reference Regulation No. 19, Section 1.2 dated 2/1/81]***	v. Reporting: All records indicating exceedance(s) of the standard. vi. Compliance Certification: None in addition to Condition 3(c)(3) of this permit.

Condition 3 – Table 1 (Specific Requirements)

Emission Limitation(s)/Standards and/or Operational Limitation(s)/Standard(s)	Compliance Determination Methodology (Monitoring/Testing, QA/QC Procedures (as applicable) and Record Keeping)	Reporting/Compliance Certification
	iv. Recordkeeping: Records of all monitoring/testing shall be maintained. ***[Reference Regulation No. 30 Section 6(a)(3)(i)(B) dated 12/11/00]***	
b. Insignificant Activities		
1. Volatile Organic Compounds: Storage Tanks with a capacity less than 40 m3 (10,566.8 gallons). i. Emission Standard: None. ***[Reference Regulation No. 24, Section 31(e)(2) dated 11/29/94]*** ii. Operational Limitation: The Company shall not store material in the underground storage tanks with a maximum true vapor pressure of 1.0 pounds per square inch atmospheric (psia) or greater. ***[Reference Regulation No. 30 Section 6(a)(1) dated 12/11/00]***	iii. Compliance Method: Compliance with the emission standard and operational limitation of this permit shall be demonstrated by the monitoring/testing and recordkeeping requirements of this condition. ***[Reference Regulation No. 30 Section 6(a)(3) dated 12/11/00]*** iv. Monitoring/Testing: No additional testing requirement to that in Condition 3(b)(1)(ii). v. Recordkeeping: The Company shall, for each storage vessel, maintain records documenting the maximum true vapor pressure of the material stored. ***[Reference Regulation No. 30 Section 6(a)(3)(i)(B) dated 12/11/00]***	vi. Recordkeeping Requirement: None in addition to those listed in Condition 3(c)(2). vii. Certification Requirement: None in addition to those listed in Condition 3(c)(3).
2. Volatile Organic Compounds: Storage Tanks with a capacity of 75 m^3 (19,812.75 gallons) but less than 151 m^3 (39,889.7 gallons). i. Operational Limitation: Storage vessels with a capacity greater	ii. Compliance Method: Compliance with the operational limitation of this permit shall be demonstrated by the monitoring/ recordkeeping and testing requirements of this condition. ***[Reference Regulation No. 30 Section 6(a)(3) dated 12/11/00]***	v. Reporting Requirement: None in addition to those listed in Condition 3(c)(2) of this permit. vi. Certification Requirement: None in addition to those listed in Condition 3(c)(3) of this permit.

Condition 3 – Table 1 (Specific Requirements)

Emission Limitation(s)/Standards and/or Operational Limitation(s)/Standard(s)	Compliance Determination Methodology (Monitoring/Testing, QA/QC Procedures (as applicable) and Record Keeping)	Reporting/Compliance Certification
than 75 m^3 but less than 151 m^3 storing a liquid with a maximum true vapor pressure less than 15.0 kPa shall comply with the requirements of 40 CFR 60.116b paragraphs (a) and (b) - Condition 3 Table 1 (b)(2)(iii)(A) and Condition 3 Table 1(b)(2)(iii)(B) of this permit. ***[Reference 40 CFR 60.110b paragraph (c) revised as of 07/01/01]***	iii. Monitoring/Recordkeeping: A. The owner or operator shall keep copies of all records required by Condition 3 Table 1(b)(2)(iii)(B) for the life of the storage vessel. ***[Reference 40 CFR 60.116b paragraph (a) revised as of 07/01/01]*** B. The owner or operator of each storage vessel shall keep readily accessible records showing the dimension of the storage vessel and an analysis showing the capacity of each of the storage vessels. ***[Reference 40 CFR 60.116b paragraph (b) revised as of 07/01/01]*** iv. Testing: No additional testing requirements to that in Condition 3(b)(1)(ii) of this permit.	
3. Odors - State Only Enforceable i. Emission Standard: The Company shall not cause or allow the emission of an odorous air contaminant in such quantities as to interfere with any person's enjoyment of life or property. ***[Reference Regulation No. 19, Section 2.1 dated 2/1/81]***	ii. Compliance Method: A. Compliance shall be demonstrated in accordance with the monitoring/testing and recordkeeping requirements of this condition. ***[Reference Regulation No 30, Section 6(a)(3) dated 12/11/00.]*** iii. Monitoring/Testing: A. Includes but is not limited to scentometer/olfactometer tests, air quality monitoring, and affidavits from affected citizens and investigators. ***[Reference Regulation No. 19, Section 1.2 dated 2/1/81]***	v. Reporting: A. All records indicating exceedance(s) of the standard. B. Emissions in excess of any permit condition or emissions which create a condition of air pollution shall be reported to the Department immediately upon discovery by calling the Environmental Emergency Notification and Complaint number, (800) 662-8802 or (302) 739-9401.

Condition 3 – Table 1 (Specific Requirements)

Emission Limitation(s)/Standards and/or Operational Limitation(s)/Standard(s)	Compliance Determination Methodology (Monitoring/Testing, QA/QC Procedures (as applicable) and Record Keeping)	Reporting/Compliance Certification
	B. The Company Standard Operating Procedures for Odor Evaluation submitted on September 1, 2004 must conduct daily odor surveys at the perimeter of the facility. The survey shall be conducted by the personnel who have not become desensitized to contaminated soil odor. Additional daily odor surveys shall be conducted in response to citizens' complaints and when requested by the Department. Odors detected beyond the facility boundary shall be reported to the Department immediately. The results of all surveys shall be recorded and submitted to the Department quarterly and shall include the wind direction at the time of the monitoring and the location where the odor was detected. The daily surveys shall be conducted on all days of operation. ***[Reference Regulation No. 30 Section 6(a)(3)(i)(B) dated 12/11/00]*** C. The Scentometer/Olfactometer (nasal organoleptic instrument) used must quantify odor strength in terms of "Dilution-to-Threshold" (D/T). The baseline measurement of this odor threshold or D/T is seven (7). Samples and/or loads with a D/T equal or higher	vi. Compliance Certification: None in addition to Condition 3(c)(3) of this permit.

Condition 3 – Table 1 (Specific Requirements)

Emission Limitation(s)/Standards and/or Operational Limitation(s)/Standard(s)	Compliance Determination Methodology (Monitoring/Testing, QA/QC Procedures (as applicable) and Record Keeping)	Reporting/Compliance Certification
	than seven (7) are unacceptable for processing at the Company's site. ***[Reference Regulation No. 30 Section 6(a)(3)(i)(B) dated 12/11/00]*** D. The owner or operator shall keep readily accessible documentation of the loads of contaminated soil processed (i.e date, amount, type of process, D/T, etc,). ***[Reference Regulation No. 30 Section 6(a)(3)(i)(B) dated 12/11/00]*** iv. Recordkeeping: A. Records of all monitoring/testing shall be maintained. ***[Reference Regulation No. 30 Section 6(a)(3)(i)(B) dated 12/11/00]*** B. The Standard Operating Procedures (SOP) for the odor evaluation for acceptance of biosolids must be kept at the site. ***[Reference Regulation No. 30 Section 6(a)(3)(i)(B) dated 12/11/00]***	
4. i. NHRM (Non-Hazardous Recyclable Materials) Processing System – Operational Limitations: A. The System consists of the following equipment: 1. Live Bottom Feed Hopper Unit with screw auger 2. Liquid transfer pipes 3. Mobile Earthmoving Equipment - Front-end Loaders	ii. Compliance Method: Compliance with the emission standard and work practice standards of this condition shall be demonstrated by the monitoring/recordkeeping and testing requirements of this condition. ***[Reference Regulation No. 30 Section 6(a)(3) dated 12/11/00]*** iii. Monitoring/Recordkeeping:	v. Reporting Requirement: None in addition to those listed in Condition 3(c)(2) of this permit. vi. Certification Requirement: None in addition to those listed in Condition 3(c)(3) of this permit.

Condition 3 – Table 1 (Specific Requirements)

Emission Limitation(s)/Standards and/or Operational Limitation(s)/Standard(s)	Compliance Determination Methodology (Monitoring/Testing, QA/QC Procedures (as applicable) and Record Keeping)	Reporting/Compliance Certification
	than seven (7) are unacceptable for processing at the Company's site. ***[Reference Regulation No. 30 Section 6(a)(3)(i)(B) dated 12/11/00]*** D. The owner or operator shall keep readily accessible documentation of the loads of contaminated soil processed (i.e date, amount, type of process, D/T, etc,). ***[Reference Regulation No. 30 Section 6(a)(3)(i)(B) dated 12/11/00]*** iv. Recordkeeping: A. Records of all monitoring/testing shall be maintained. ***[Reference Regulation No. 30 Section 6(a)(3)(i)(B) dated 12/11/00]*** B. The Standard Operating Procedures (SOP) for the odor evaluation for acceptance of biosolids must be kept at the site. ***[Reference Regulation No. 30 Section 6(a)(3)(i)(B) dated 12/11/00]***	
4. i. NHRM (Non-Hazardous Recyclable Materials) Processing System – Operational Limitations: A. The System consists of the following equipment: 1. Live Bottom Feed Hopper Unit with screw auger 2. Liquid transfer pipes 3. Mobile Earthmoving Equipment - Front-end Loaders	ii. Compliance Method: Compliance with the emission standard and work practice standards of this condition shall be demonstrated by the monitoring/recordkeeping and testing requirements of this condition. ***[Reference Regulation No. 30 Section 6(a)(3) dated 12/11/00]*** iii. Monitoring/Recordkeeping:	v. Reporting Requirement: None in addition to those listed in Condition 3(c)(2) of this permit. vi. Certification Requirement: None in addition to those listed in Condition 3(c)(3) of this permit.

Condition 3 – Table 1 (Specific Requirements)

Emission Limitation(s)/Standards and/or Operational Limitation(s)/Standard(s)	Compliance Determination Methodology (Monitoring/Testing, QA/QC Procedures (as applicable) and Record Keeping)	Reporting/Compliance Certification
4. Three (3) Liquid Storage Units 5. Sludge Storage Unit - covered concrete containment Vault 6. Solid Storage - Fabric covered Quonset Hut storage structure 7. Mixer-Cooler Unit Thermal Desorption Unit 8. Stacking Conveyer 9. Radial Stacker 10. Auxiliary Baghouse Unit ***[Reference Regulation No. 30 Section 6(a)(3)(i)(B) dated 12/11/00 and Permit APC-2005/0039]*** B. The emission rate of particular matter for this NHRM equipment is: 5.96 lb/day. If, at any time, this equipment fails to meet the requirements of Regulation No. 2, Section 2.1(a) by either exceeding the emission limitation of ten (10) lbs/day or causing a condition of air pollution, which excludes odor emissions off the facility site, operation of such equipment shall be immediately discontinued, until all necessary permits have been secured. ***[Reference Regulation No. 30 Section 6(a)(3)(i)(B) dated 12/11/00 and Permit APC-2005/0039]***	The Company shall develop within 180 days of the issue date of this permit renewal and maintain a copy of the dust control measures to satisfy the emission and work practice standards of this condition meeting Department approval. ***[Reference Regulation No. 30 Section 6(a)(3)(i)(B) dated 12/11/00]*** iv. Testing: None in addition to that required in Condition 3(b)(1)(ii) of this permit.	

Condition 4. Operational Flexibility.

a. In addition to the operation flexibility specifically provided in the terms and conditions detailed in Condition 3 – Table 1 of this permit, the Company is authorized to make any changes within the facility which contravenes the terms and conditions of this permit without a permit revision if the change:

1. Is not a modification or otherwise prohibited under any provision of Title I of the Act or the State Implementation Plan (SIP); and *[Reference Regulation No. 30 Section 6(h) dated 12/11/00]*

2. Does not involve a change in any compliance schedule date; and *[Reference Regulation No. 30 Section 6(h) dated 12/11/00]*

3. Does not result in a level of emissions exceeding the emissions allowable under this permit, whether expressed herein as a rate of emissions or in terms of total emissions. *[Reference Regulation No. 30 Section 6(h) dated 12/11/00]*

b. Before making a change under the provisions of Condition 4(a) of this permit, the Company shall provide advance written notice to the Department and to the EPA in accordance with Condition 3(c)(2)(iii) of this permit. *[Reference Regulation No. 30 Section 6(h)(1) dated 12/11/00]*

c. The Company shall keep records of any changes made under Condition 4 of this permit in accordance with Condition 3(b)(2)(iv) of this permit. *[Reference Regulation No. 30 Section 6(h)(1) dated 12/11/00]*

Condition 5. Compliance Schedule.

This permit does not contain a compliance schedule. *[Reference Regulation No. 30 Section 6(c)(3) dated 12/11/00]*

Condition 6. Permit Shield.

This permit does not provide a permit shield and shall not be presumed to provide such a shield. *[Reference Regulation No. 30 Section 6(c)(3) dated 12/11/00]*

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pc: Dover Title V File
Dave Campbell - Section Chief
Permit Section (3AP11)
United States Environmental Protection Agency
Region III
1650 Arch Street
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