



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL

OFFICE OF THE
SECRETARY

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DOVER, DELAWARE 19901

PHONE: (302) 739-9000
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Secretary's Order No. 2014-A-0011

Re: Application of Mountaire Farms of Delaware, Inc. to Amend Air Pollution Control Operating Permits APC-2011/0080, 2011/0081-2011/0082 (thermal oxidizers) 2011/0083-2011/0085 (scrubbers) at the Millsboro Plant, Millsboro, Sussex County

Date of Issuance: July 15, 2014

Effective Date: July 15, 2014

This Order of the Secretary Department of Natural Resources and Environmental Control's (Department) considers the attached Hearing Officer's Report (Report) on Mountaire Farms of Delaware, Inc. (Applicant) application submitted to the Department's Division of Air Quality (DAQ). The Applicant seeks to amend air pollution control permits DAQ previously issued for two natural gas fired thermal oxidizers and three scrubbers (Equipment). Applicant installed the Equipment to reduce odor and air emissions from the Resource Recovery Plant's manufacturing, which is part of the Millsboro (Facility)¹ located at 29106 John J. Williams Highway in an unincorporated area of Sussex County east of the Town of Millsboro. The Resource Recovery Plant uses chicken byproducts² from Applicant's Millsboro and Selbyville to produce finished fats, feed grade meal and pet food meal.

¹ The Facility includes a hatchery, a feed mill, a chicken processing plant and a resource recovery plant.
² Offal, feathers and blood.

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DAQ previously approved permits for the Equipment's construction and operation, and the operating permits were amended twice for the thermal oxidizers and three times for the scrubbers with new information that supplemented the original applications. Applicant seeks amendments to allow the Equipment to control air emissions from an increased amount of chicken byproducts used in Resource Recovery Plant's manufacturing, and to operate more efficiently based upon stack testing results that supported lowering the thermal oxidizers' operating temperature from 1200 degrees Centigrade to 800 degrees and using only one thermal oxidizer at a time.

The two thermal oxidizers were installed to reduce odor and volatile organic compounds and hydrogen sulfide emitted by the manufacturing process. The amendment to operate only one thermal oxidizer at a time was supported by three reasons: 1) increasing the reliability of the manufacturing operations insofar as the second thermal oxidizer would be available on standby for any outage of the operating unit; 2) reducing the thermal oxidizers' natural gas usage by approximately 28%, and 3) increasing from 177,940 tons over a rolling twelve month period to 310,980 tons the amount of chicken byproducts from the Millsboro and Selbyville chicken processing plants used in the manufacturing process, which are byproducts that otherwise may be disposed of as solid waste if not used in the Resource Recovery Plant.

DAQ's experts prepared draft permit amendments, which went on public notice. DAQ received public comments and requests for a public hearing, which the Department granted. A public hearing was October 16, 2013 at the Indian River Senior Center in Millsboro and approximately forty people attended.

The attached Report recommends issuance of the permit amendments, as drafted by the experts in DAQ. The Report reviews the public comments received through the end of the public comment period. The comments on air quality issues were addressed by the Department's experts in DAQ's technical response memorandum (TRM) attached to the Report. The Report is adopted to the extent it is consistent with this Order. The Department finds and concludes that the Department should issue the Applicant the permit amendments consistent with the draft permits prepared by DAQ.

FINDINGS AND REASONS

The Department finds that the permit amendments will result in air emissions that are subject to pollution control equipment that have met the Clean Air Act's Best Available Control Technology standards. The changes were the result of stack testing, which was required in the original permit to be able to evaluate actual air emissions once the equipment began operating. The stack testing results showed that changes to the permits could be made consistent with air quality regulation. The changes will allow increased usage of chicken byproducts at the Resource Recovery Plant, and will reduce the usage of natural gas. In addition, the Resource Recovery Plant will be able to provide a beneficial use of more chicken byproducts from the Millsboro and Selbyville plants.

The Department experts in DAQ properly relied on the information in its files from the permits' original applications. Applicant supplemented the original application with new information from the stack testing. DAQ was satisfied with the information submitted and DAQ was able to prepare the draft permits. The purpose of an application

is to provide the Department with the information it requires, and the Department should have discretion in its ability to gather information even if not on a specific form. The purpose of a public notice is to provide the public with sufficient notice, as determined by the General Assembly, of a pending application, which then allows the public the opportunity to review the information that DAQ relies on. The public notice provided the public with ample opportunity to review the information that DAQ relied upon in preparing the draft permits.

CONCLUSIONS

The permit amendments are supported by the record and will allow the Facility to operate more efficiently using the existing approved equipment. DAQ already has determined that the Equipment meets the Best Available Control Technology (BACT) standard based upon its specifications to reduce odors and air emissions. Accordingly, the Department finds as follows:

- 1.) The Department has jurisdiction under its statutory authority to issue the air pollution control permit in this proceeding;
- 2.) The Department provided adequate public notice of the proceeding and the public hearing in a manner required by the law and regulations;
- 3.) The Department held a public hearing in a manner required by the law and regulations;
- 4.) The Department considered all timely and relevant public comments in making its determination even if not specifically addressed herein;
- 5.) The Department has considered all the factors that the law and regulations require to be considered and determines that the air pollution control permit amendments

should be issued to the Applicant for the Facility based upon the draft permits, as attached to the Report, that includes reasonable conditions to protect the environment and public health consistent with the Department's responsibilities; and

6.) The Department shall publish this Order on its web page and shall provide such other public notice as may be required by its law and regulations.



David S. Small
Secretary

HEARING OFFICER'S REPORT

TO: The Honorable Collin P. O'Mara
Secretary, Department of Natural Resources and Environmental Control

FROM: Robert P. Haynes, Esquire
Senior Hearing Officer, Office of the Secretary
Department of Natural Resources and Environmental Control

RE: Application of Mountaire Farms of Delaware, Inc. pursuant to 7 DE Admin. 1102 to amend Air Pollution Control Operating Permits APC-2011/0080, 2011/0081-2011/0082 (thermal oxidizers) 2011/0083- 2011/0085 (scrubbers) at the Millsboro Plant, Millsboro, Sussex County

DATE: May 14, 2014

I. PROCEDURAL HISTORY

This Report makes recommendations to the Secretary of the Department of Natural Resources and Environmental Control (Department) on Mountaire Farms of Delaware, Inc.'s (Applicant) February 28, 2013 request¹ to amend air pollution control operating permits. The Department's Division of Air Quality (DAQ) issued Applicant federally enforceable permits pursuant to Regulation 1102 of Delaware Regulations Governing the Control of Air Pollution, 7 *DE Admin. Code 1102* to regulate air emissions from two thermal oxidizers and four scrubbers (Equipment). This Equipment was designed to reduce air emissions and odors from the Resource Recovery Plant, which manufactures products from chicken byproducts at Applicant's Millsboro poultry processing plant (Facility), located at 29106 John J. Williams Highway in an unincorporated area of Sussex County east of the Town of Millsboro.

DAQ approved the Equipment's construction based upon Applicant's February 18, 2011 application. DAQ subsequently approved operating permits once the construction was completed in 2011. The operating permits included a condition that stack testing be conducted.

¹ DNREC Ex. 1. The request was submitted to the Department's Division of Air Quality (DAQ) by Beth B. Sise, Applicant's Environmental Manager

DAQ subsequently approved two amendments to the thermal oxidizers permits and three amendments to the scrubber permits.

On May 16-17, 2012, Applicant conducted stack testing of its equipment, which disclosed that the thermal oxidizers were not operating in compliance with the permits. On November 5, 2012, DAQ issued Applicant a Notice of Violation (NOV) based upon the thermal oxidizers' excessive air emissions. On November 9, 2012, Applicant provided DAQ with a Best Available Control Technology (BACT) analysis. Applicant conducted stack testing again on November 5-6, 2012 to optimize the thermal oxidizers' combustion and destruction efficiency. On November 19, 2012 Applicant provided DAQ a response to the NOV. On December 4, 2012, DAQ approved Applicant's BACT analysis. Applicant in a December 14, 2012 letter indicated that the stack testing supported reducing the thermal oxidizers' operating temperature from 1202 degree to 800 degrees Centigrade. In addition, Applicant indicated that it would operate only one oxidizer at a time, and that further stack testing would be conducted in January 2013. On January 11, 14, 15 and 16, 2013 Applicant conducted stack testing On February 27, 2013, Applicant met with DAQ representatives to discuss the permits' modifications.

In a February 28, 2013 letter, Applicant requested DAQ modify the permits to allow the Facility to process 310,980 tons of chicken byproducts, generally, blood, feathers and offal over a rolling twelve month period. This was an increase over the current permit's limit of 88,520 tons per each thermal oxidizer unit, or 177,040 tons for both units. Applicant also requested a change to route all air emissions from the process through one oxidizer at a time, and to operate the thermal oxidizers at a reduced temperature. The Applicant supported the requested changes with the stack testing and the BACT analysis, and indicated that using one thermal oxidizer at a time would: 1) reduce emissions except for carbon monoxide (CO); 2) provide increased reliability with 100% backup with the availability of the second thermal oxidizer on standby; and 3) reduce

natural gas usage by approximately 28% by operating only one thermal oxidizer at a time. The request indicated that emissions rates and BACT were previously determined, as well as fuel usage from operating history that showed less fuel was needed than previously set forth in the construction application, as adopted in the permits. The Applicant proposed a decrease fuel limit of 18,050,000 Scf versus 18,400,000 Scf.

On August 11, 2013, DAQ prepared draft permits pursuant to Regulation 1102 procedures for federally enforceable permits and had published public notice to provide the public with a thirty day opportunity for written comments on the application and draft permits and the opportunity to request a public hearing. DNREC Ex. 2 and DNREC Ex. 9. In addition, DAQ prepared a supporting technical memorandum for the draft permits, which cited the complete application documents for the equipment. DNREC Ex. 2. DAQ's full description of its proposed changes is set forth on pages 5-8 of DAQ's August 1, 2012 memorandum. On August 9, 2013, DAQ sent the draft permits to Applicant. DNREC Ex. 4. During the public comment period, the Department received written comments and requests for a hearing.² DNREC Ex. 5.

Based upon the public interest, the Department determined to hold a public hearing on October 16, 2013 at the Indian River Senior Center in Millsboro. On August 11, 2013 DAQ had the public notice of the public hearing published, which re-opened the public comment period. DNREC Ex. 10. On September 18, 2013, DAQ Director Mirzakhali sent letters to the persons

² The comments were submitted by the following: Lew Podolske, Beverly Fink, April Bowman, Ashley Wilton, Samantha Wilton, Mr. Blant, Bruce Ballantine, Cindy Wilton, Tyler Wilton, Hal Alpiar, Mr. and Mrs. Herman Scherchenger, Ronald Lockard, Jr, Jim and Sandy Hall, James and Ellen Clauson, Joseph Meyer, Dorothy and Daniel LeCates, Holly LeCates, Lesta Fairall; Charity O'Shell, Joanne Haynes, Josephine Hood, Merin, illegible, Tom Herndon, Edward Funk, Thelma Bollack, F. G. Christian, Danielle Diamond on behalf of Social Responsible Agriculture Project and Protect our Indian River. I have excluded two comments that were improperly included in the DNREC Ex. 5 as they commented on the Pinnacle Brownsfield project, which was the subject of another pending DNREC application and public notice issued about the same time.

who contacted the Department notifying them of the public hearing. On September 20, 2013, DAQ Director Mirzakhilili sent a letter to Applicant with notice of the public hearing. DNREC Ex. 7.

I presided over the public hearing and the public comment period closed at the conclusion of the hearing.

On March 20, 2014, I received DAQ's technical response memorandum (TRM) that addresses the public comments and does not recommend any changes to the draft permits.

I consider the record complete for a final decision based upon the information currently in the record, as reviewed below.

II. SUMMARY OF THE RECORD³

The record includes the 86 page verbatim transcript of the public hearing, the documents included as exhibits at the public hearing, and the documents identified above in the procedural history if not otherwise in the record. The following is a summary of the speakers at the public hearing.

The first speaker was DAQ's representative Melanie Smith, who introduced DAQ's exhibits DNREC Exhibits 1-10 for the record. These exhibits were described above in the procedural history, with the exception of the presentation by the second speaker, Paul Foster, P.E., who is the Program Manager for DAQ's Air Permitting Program. Mr. Foster provided a presentation on the Title V air quality regulation, as administered in Delaware by DAQ. The third speaker was Joanna French, a Managing Engineer in DAQ, who continued the presentations by providing background on the federal Clean Air Act's regulation of air quality based upon the establishment of National Ambient Air Quality Standards (NAAQS). She indicated how NAAQS regulates seven pollutants, namely, ozone, carbon monoxide, sulfur

³ This is a recommended record insofar as the Secretary may determine different information should be in it.

dioxide, nitrogen dioxide and two sizes of particulate matter. She reviewed the Delaware effort to improve air quality, and the air emissions from the Facility. She described how the Applicant changed from using No. 6 fuel oil to fire its six boilers to cleaner natural gas fired boilers, which produced significant reductions in air emissions, including a 60 percent reduction in SO₂ emissions.

Beth Sise was the third speaker and provided a brief description on behalf of the Applicant that indicated that the Applicant is a privately owned company that has been in business for over 40 years. She indicated that Applicant purchased the Facility from Townsend Poultry in 2000. She described the Facility as operating a hatchery, a feed mill, a processing plant and a resource recovery plant. She also mentioned the \$3.5 million in improvements to the Facility's wastewater system that reduced nitrogen discharges via the spray irrigation land application by 75%.

The fourth speaker was John Wren, Applicant's Director of Engineering and Environmental Service. Mr. Wren described the Resource Recovery Plant as the most state of the art facility and the only one like it in the United States. He spoke of how the equipment selected for use in the Resource Recovery Plant was based upon BACT. He indicated that the Applicant installed a three stage totally enclosed evaporator system, with the first two stage powered solely by waste energy. He described how the fan equipment mounted on the roof used soft start technology to reduce noise from abrupt start-ups. He also described the building maintained negative air pressure to prevent internal air from leaving the building. He explained the 2.5 million investment in the two thermal oxidizers, which would help control odors as much as 99%. He described how the ducting system collected air from the equipment that produced odors and sent the odorous air to the thermal oxidizers.

The fifth person to speak was Dorothy LeCates, who indicated she was a 42 year resident of Millsboro and lives across the Indian River from the Facility. She complained about odor and her effort to report odor problems to the Department. She commented on loud noise on Monday evenings and asked whether there was a tree buffer. Mr. Wren responded that the spray irrigation field had a buffer as required by the Department, and that the Facility was monitored constantly by computer and that he would look into any problems that may have occurred on Mondays. Mr. Foster responded to the question on the submission of complaints to the Department and he indicated that they are logged in and he gets a list every week. He indicated that complaints are investigated, but the time for response depends on available Environmental Protection Officers.

The sixth person to speak was Maria Payan, who asked about the permit application. Mr. Foster informed her that the permit application was submitted. Ms. Payan requested it and was told there was none. Ms. French spoke in response indicating that the 2010 construction permit application converted to an operating permit and that this amendment was part of a required stack testing to determine the most accurate emission rates from actual operation, as opposed to theoretical determination on emissions. She indicated that the stack testing prompted DAQ to seek the permit amendment because the emissions from the stack testing were lower than originally developed based upon theory and not actual operation. She essentially relied on the original application, which was the supplemented by the actual emissions from the stack testing. Ms. Payan also asked about the additional 133,939 tons of annual throughput. Mr. Wren noted that the process rate per hour is not being changed. Ms. French and Ms. Smith also explained that the stack testing allowed the annual throughput to increase because the actual air emissions were lower than the theoretical calculations used for the original permit. The Applicant sought to increase the annual throughput given the lower actual air emissions in order meet the demand

from Applicant's Millsboro and Selbyville processing plants. Ms. Payan also questioned the potential to emit (PTE) calculations, and Ms. Smith explained that the PTE is calculated from a theoretical maximum possible hours of operation in a year, or 8,760. Ms. Payan questioned various emissions and DAQ provided answers to her questions. She wanted to ask questions on the Facility's wastewater system, but I did not allow such questions as they were outside the scope of the subject of the hearing, which was on the air permit applications.

The seventh person to speak was Cindy Wilton, who complained about odor from the Facility. She requested information on the complaints that the Department received.

The Eighth person to speak was Ken Currie, who asked about the buffer between the Facility and the river and Mr. Wren informed him that there was a spray irrigation field and it had a buffer. He also asked about measuring odor and was informed that no such devices were in used anywhere. He asked questions about the monitoring of odor complaints and the enforcement process, which were answered by Mr. Foster.

The ninth person to speak was Chuck Schonder, who asked about the throughput increase and Mr. Wren informed him that the raw materials were feathers, blood and offal.

The tenth person to speak was James Hall, who asked about regulating noise levels and Mr. Foster informed him that there was no regulation of noise limits.

The eleventh person to speak was Ken Haynes, who commented on the noise from a diesel motor and from vehicle back-up warning alarms.

The public hearing adjourned and the public comment period closed. DAQ provided a TRM dated March 4, 2014 that reviewed the public comments and reaffirmed its recommendation that the Department should issue the draft permits as final permits. I consider the record supports a final decision to issue the draft permits as final permits.

III. DISCUSSION AND REASONS

The air emissions that are the subject of this proceeding operate within the Facility's Resource Recovery Plant, which produces finished fats, feed grade meal, and pet food meal from processed chicken byproducts offal, feathers and blood. The thermal oxidizers and scrubbers were installed as pollution control equipment to reduce odors and air emissions from the manufacturing process from the chicken byproducts, which the Department previously approved as new manufacturing in the Coastal Zone in Secretary's Order No. 2010-CZ-0037 issued November 3, 2010.

The DAQ draft permit and supporting memorandum recommends that the proposed amendment should be allowed to increase the throughput of chicken byproducts on rolling twelve month rolling basis for the resource recovery plant. Applicant noted that only one thermal oxidizer would be needed to operate to control air emissions from the process. As a result of the proposed operating changes, less natural gas would be burned by the thermal oxidizers.

The public comments generally opposed any amendment because of concerns with noise and odor from the current operations at the Facility. In general, the public comments complain about the manufacturing plant that has been in operation for many years. The Department is only able to regulate the Facility's environmental impact through the issuance of permits and the enforcement action taken to bring the Facility into compliance with its permits. The record shows that the Facility was the subject of an enforcement action that resulted in the change proposed for the air permits. I find that the Facility's operations do not provide a valid reason to deny the permit amendment sought because the record shows that the air emissions are within the allowed limits and that the change will reduce energy usage and air emissions from burning natural gas. Most importantly, DAQ considers that the Facility is operating consistent with its

permits and recommends this amendment. I agree with DAQ's assessment that the Facility should be allowed to amend its permits, which will reduce the Facility's use of natural gas. The increased throughput of chicken byproducts will use the supply from the Millsboro and Selbyville manufacturing facilities, which is a beneficial use of chicken products that otherwise may be disposed of as solid waste.

One comment specifically questioned whether there was a proper application to support the proposed permit amendment. I find that the record indicates that DAQ offered DNREC Ex. 1 as an application for the amendment. I find that the Applicant's submitted to DAQ all the information that DAQ required, which is the purpose of an application. DAQ also was able to rely on the information already in its files from the original application and amendments as source material for its draft permit, as set forth in DAQ's August 11, 2012 cover memorandum for the draft permits. Any application to amend a permit must be based upon the original permit application, which remains in effect as a foundation source document for the Department's regulation of the equipment's air emissions. The original application to construct the equipment remains the foundation of the Department's regulation of the equipment for as long as the equipment remains in operation, subject to periodic amendments as may be approved by DAQ.

The purpose of an application on a Department form is to provide the Department with the information that the Department needs to make a decision. The public comment focuses on the public's inability access information it requires. I disagree that the public was unable to access all the information that the Department had in its files. First, the public notice does not require detailed information as the General Assembly recognized that only certain information should be provided in a public notice to inform the public of a pending application. The public notice essentially provides notice that the Department has received a proposed change and the information is available at the Department for review should any member of the public want to

conduct a more thorough investigation of the details of the application. This process avoids the duplication for amendments when the original application remains available for public review so long as the equipment remains in service.

The public notice of an application provides notice of the information in a form, whether it is in a letter or some pre-printed document. Regulation 1102 cites Department forms, which the Department uses to collect the information from an applicant. This Air Regulation does not prevent DAQ from seeking different information than what is requested in the forms, or to change the forms that are used. DAQ determined that Applicant's December 12, 2012 and February 28, 2013 submissions and the information from the original application file provided DAQ's experts with sufficient information to prepare the draft permits issued August 1, 2013. The DAQ determination that it had adequate information to prepare a draft permit is the same information that the public may view in the Department files.

DAQ's TRM indicates that a separate form for any amendment is being considered. I agree that the Regulation could be clarified for amendments consistent with the practice of relying on an original application throughout the equipment's service life, and to then have information from an applicant supplement the original application when a permit amendment is requested. The lack of some prepared form, identified as a permit amendment form, does not prevent DAQ from fulfilling its regulatory responsibility to review the information and to prepare the draft permits. Applicant provided DAQ all the necessary information that DAQ needed to prepare the draft permits. The fact that the information was not provided on some pre-printed form does not provide any valid reason for rejecting the amendment, particularly when it would not change the public notice that was provided. The Department's decision to provide public notice based upon the Applicant's letter and supporting information that supplemented the original application in the Department's files should not be a valid ground to deny the

amendment. The foundation construction application documents were referenced in DAQ's August 11, 2013 the draft permit letter and there can be no claim that the Department relied on any information not readily available from DAQ's files. I will incorporate into this record those foundation documents cited above as a precaution, even though most of them have little or no relevancy to the proposed permit amendments. I see no good reason to require an Applicant to submit to DAQ information that duplicates information that DAQ already has in its files. In this case, the only new information was the information provided from the stack testing, which was required by the original permit.

In sum, the public comments that cite the requirement for an application were satisfied by the information that DAQ received, which supplemented the prior original application and the prior amendments. I disagree with the public comments that the record does not have an application. The objection raised to the application would not change the public notice that was published. The public notice provided the statutory required amount of information that would allow the public to undertake further inquiry from DAQ. I find that the public notice complied with the regulatory requirements, which was sufficient to trigger any person who wanted more information to seek such information from DAQ. The public had ample opportunity to review DAQ's files, including the construction applications and amendments that remain in effect as foundation source material for DAQ's regulation of the operating permits and any amendments thereto.

The record also discloses that the Regulation 1102 provides DAQ with discretion in the exercise of its regulation over the equipment's operation by allowing DAQ to rely on forms to receive information from an applicant. This discretion is appropriate because DAQ needs to tailor its information to a variety of operating equipment. The record indicates that the thermal oxidizers are unique in Delaware as well as in the United States. Regulation 1102 allows DAQ

the discretion to request the information it needs in a form and manner that serves its need to regulate the air emissions. DAQ's discretion to rely on forms also enables a form to be in any type of format that DAQ approves, which in this case was in DNREC Ex. 2. I find that the permit amendment application process form should not require duplicative information as discussed above, but instead produce from the Applicant the relevant information that DAQ needs, which, in turn, should be the same information that the public would review. DAQ's technical memorandum on the draft permits highlighted the reliance on the original application that was submitted on DAQ approved forms, and the application to amend supplemented the original application by providing actual stack test results. The actual stack testing essentially replaced the application's use of a theoretical determination of air emissions as calculated without the benefit of actual operations. This supplement resulted in air emissions of sulfur dioxide greater than the original permit. The air emissions were disclosed in the public notice. The public was provided the opportunity from the public notice to access all the information from DAQ's files that would be needed to provide comments. Again, I find no defect in the amendment's application process, which properly relied on the prior information provided in the original and amended applications.

In sum, DAQ should have discretion to obtain the information it needs to make a determination on a permit amendment. The public notice properly provided the draft permit's relevant information, as determined by the General Assembly. This notice properly allowed the public the opportunity to review information in DAQ's files in order to prepare written comments. I find that the procedures followed by DAQ were consistent with the law and Regulation 1102, and that DAQ properly exercised its discretion to require information from the Applicant in a manner acceptable to DAQ. DAQ was satisfied that Applicant's letter requesting an increased throughput provided DAQ with all the information needed to determine if the

permit amendment should be approved, and this information was available to be reviewed by the public along with the rest of the equipment's applications.

IV. CONCLUSION

I find and conclude that the record supports approval of the DAQ drafted permit amendments for the Facility's thermal oxidizers and scrubbers A draft order is attached hereto.



Robert P. Haynes, Esquire
Senior Hearing Officer

MAR 20 2014

MEMORANDUM

TO: Robert P. Haynes, Esq.

THROUGH: Ali Mirzakhaili, P.E. *AM*
 Paul E. Foster, P.E. *PE*
 Joanna L. French, P.E. *JLF*

FROM: Melanie A. Smith, P.E. *MAS*

**SUBJECT: Mountaire Farms of Delaware, Inc. - Millsboro
 Public Hearing for Resource Recovery
 Permit: APC-2011/0080-OPERATION (Amendment 3)(FE)
 Permit: APC-2011/0081-OPERATION (Amendment 3)(FE)
 Permit: APC-2011/0082-OPERATION (Amendment 4)(FE)
 Permit: APC-2011/0083-OPERATION (Amendment 4)(FE)
 Permit: APC-2011/0084-OPERATION (Amendment 4)(FE)
 Permit: APC-2011/0085-OPERATION (Amendment 4)(FE)**

DATE: March 4, 2014

BACKGROUND

A public hearing for Mountaire Farms of Delaware, Inc. was held on October 16, 2013 in Millsboro. The hearing was for an amendment to the operating permits for Resource Recovery. The amendment requested changes to emissions, operating conditions and an increase in production due to stack testing conducted in January 2013. Approximately 25 people were present.

Public Comments Aired and Addressed at the Hearing

Public concern for odors and noise was voiced. Both the Department and Mountaire responded during the meeting. The Environmental Protection Officers are now contacting Melanie Smith when they receive odor/noise complaints. The Department and Mountaire are responding to these complaints. Mountaire is required to maintain buffer land to cut down on noise and odors. They are not allowed to spray fields within a certain distance of a house, a road, or a body of water. The thermal oxidizers were installed to reduce odors. Presently, the Company monitors odors at Resource Recovery. One person requested the dB level of noise generated from the thermal oxidizers and grain dryers.

Other specific questions and DNREC answers are shown in Table 1 below.

Table 1
Mountaire Public Hearing Questions and Answers by DNREC.

Question	DNREC/DAQ Response
Questions by Maria Payan	
<p>"I was actually looking for the permit application, and I see that there are permit applications online for amendments to the Title V permit, and I'm wondering why there was no application."</p>	<p>The modification to the operating permit was requested using a letter. DAQ at this time does not have a specific application form for this type of modification of conditions in a permit. In response to this question DAQ will explore creating an application form template of this type to avoid this confusion in the future.</p>

MEMORANDUM

Permits: APC-2011/0080 and APC-2011/0081-OPERATION (Amendment 3)(FE)

Permits: APC-2011/0082 through APC-2011/0085-OPERATION (Amendment 4)(FE)

Mountaire Farms of Delaware, Inc.- Millsboro

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<p>"The second question I have is, the change in the throughput is adding 133.939 tons per year to the existing throughput of 177,041 tons per year for the oxidizers. Has this basically doubled the output, and why?"</p>	<p>Emission limits for both the draft permit and the attached proposed permit are based on actual stack testing data and emission results from the January 2013 stack test. This amendment (for both the draft and proposed permit) replaces estimated emissions from the process with actual emissions determined during the stack test. The original throughput limitation was set so that the 12-month rolling emissions of nitrogen oxides (NO_x) remained below a 5 tons per year level and thus avoid the requirements of 7 DE Admin. Code 1124, Section 4, Minor New Source Review. The NO_x emissions demonstrated during the stack test were low enough so that this artificial restriction in annual throughput was no longer needed to keep the annual total to less than 5 tons. Thus the throughput limit restriction was replaced with a number reflecting the maximum design capacity. The process hourly rate did not increase.</p>
<p style="text-align: center;">Question by Chuck Schonder</p>	
<p>"Okay. Do you know what the annual production was for fiscal year 2012 at your plant? ... Can you get that on the record somehow?"</p>	<p>The public requested production records are as follow:</p> <ul style="list-style-type: none">- Since start-up in December 2011, 1,067 tons of blood, feathers, and offal were processed in 2011;- 144,207 tons in 2012, and- 192,339 tons through September 30, 2013

The hearing record remained open until October 30, 2013 with no further comment.

Mountaire Farms of Delaware, Inc. slaughters and processes poultry at the Millsboro facility. A primary grain processing and storage facility (including receiving and drying operations) and a feed mill are also located at the plant. Resource Recovery is a new addition and renders blood, feathers, offal, and carcasses to make animal feed. A description of the Resource Recovery emission units is listed below.

Emission Units	Emission Unit Description
Emission Unit 80	One (1) Haarslev, Inc. Model AS-100 Scrubber
Emission Unit 81	One (1) Haarslev, Inc. Model AS-100 Scrubber
Emission Unit 82	One (1) Haarslev, Inc. Model AS-100 Scrubber
Emission Unit 83	One (1) Haarslev, Inc. Model AS-40 Scrubber
Emission Unit 84	One (1) Haarslev, Inc. Model TRO-25 Thermal Oxidizer, 1.7 MMBTU/hr, fired on natural gas
Emission Unit 85	One (1) Haarslev, Inc. Model TRO-25 Thermal Oxidizer, 1.7 MMBTU/hr, fired on natural gas

MEMORANDUM

Permits: APC-2011/0080 and APC-2011/0081-OPERATION (Amendment 3)(FE)

Permits: APC-2011/0082 through APC-2011/0085-OPERATION (Amendment 4)(FE)

Mountaire Farms of Delaware, Inc.- Millsboro

Public Hearing for Resource Recovery

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RECOMMENDATIONS

I recommend that this memo and the attached final permits be forwarded to the hearing officer. The attached permits remain unchanged from the draft permits that were the source of the public hearing.

PEF:JLF:MAS

F:\EngAndCompliance\MAS\mas13116.doc

pc: Dover Title V File

Enclosures:

1. Final Permits - **Permits: APC-2011/0080 and APC-2011/0081-OPERATION (Amendment 3)(FE)** and **Permits: APC-2011/0082 through APC-2011/0085-OPERATION (Amendment 4)(FE)** [mas14024]
2. Letter to Mountaire Millsboro [mas14025]

MONTH, DY, 2014

Permit: APC-2011/0080-OPERATION (Amendment 3)(FE)
Permit: APC-2011/0081-OPERATION (Amendment 3)(FE)
Permit: APC-2011/0082-OPERATION (Amendment 4)(FE)
Permit: APC-2011/0083-OPERATION (Amendment 4)(FE)
Permit: APC-2011/0084-OPERATION (Amendment 4)(FE)
Permit: APC-2011/0085-OPERATION (Amendment 4)(FE)

Mountaire Farms of Delaware, Inc.
Resource Recovery Plant
Millsboro Complex
P.O. Box 1320
Millsboro, DE 19966

ATTENTION: Ms. Beth Sise
Environmental Manager

Dear Ms. Sise:

Pursuant to the 7 **DE Admin. Code** 1102 Section 2 and Section 11, approval by the Department of Natural Resources and Environmental Control is hereby granted for the operation of Emission Unit (EU) 80, EU 81, and EU 82, all Haarslev, Inc. Model AS-100 scrubbers, EU 83, Haarslev, Inc. Model AS-40 scrubber, and EU 84 and EU 85, Haarslev, Inc. Model TRO-25 thermal oxidizers, each rated 1.7 MMBTU/hr and fired on natural gas, located at the Millsboro Complex facility in Millsboro, Delaware, in accordance with the application submitted on Form Nos. AQM-1, AQM-2, AQM-3.1, AQM-4.1, AQM-4.4, AQM-5, AQM-1001, AQM-1001B, AQM-1001K, AQM-1001N, AQM-1001V, AQM-1001W, AQM-1001X, AQM-1001Y, AQM-1001BB, process flow diagram, and emission calculation sheets dated February 18, 2011 signed by Paul Downes, President, and email dated February 25, 2011 signed by Brian Lyncha, P.E., BCEE, CABE Associates, Inc., and February 28, 2011 signed by Ed Robles, CABE Associates, Inc., emails dated May 9, 2011, June 6, 2011, June 20, 2011, and June 22, 2011 signed by Brian Lyncha, CABE Associates, Inc., letter dated July 19, 2011 signed by John Wren, Director of Engineering & Environmental Services, letter dated December 2, 2011 and email dated December 23, 2011 both signed by Beth Sise, Environmental Manager, emails dated December 28, 2011 and February 3, 2012 both signed by Joanna French, Managing Engineer, email dated March 16, 2012 signed by Beth Sise, email dated March 22, 2012 signed by John Wren, BACT Analysis dated November 9, 2012 signed by Beth Sise, letter dated December 14, 2012 signed by Beth Sise, stack test review meeting notes dated February 27, 2013, letter dated February 28, 2013 signed by Beth Sise, and letter dated May 8, 2013 signed by Beth Sise.

This permit is issued subject to the following conditions all of which are federally enforceable except Condition 6.1.2 and 2.3:

1. General Provisions

- 1.1 Upon presentation of identification, the Company shall authorize officials of the Department to:
 - 1.1.1 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. **(This condition was taken from Permit: AQM-005/00004(R2))** [Reference 7 **DE Admin. Code** 1130 Section 6.3.2.1 dated 12/11/00]
 - 1.1.2 Have access to and copy, at reasonable times, any record(s) that must be kept under the terms and conditions of this permit. **(This condition was taken from Permit: AQM-005/00004(R2))** [Reference 7 **DE Admin. Code** 1130 Section 6.3.2.2 dated 12/11/00]
 - 1.1.3 Inspect, at reasonable times, any record(s) that must be kept under the terms and conditions of this permit. **(This condition was taken from Permit: AQM-005/00004(R2))** [Reference 7 **DE Admin. Code** 1130 Section 6.3.2.3 dated 12/11/00]
 - 1.1.4 Sample or monitor, at reasonable times, any substance or parameter for the purposes of assuring compliance with this permit or any applicable requirement. **(This condition was taken from Permit: AQM-005/00004(R2))** [Reference 7 **DE Admin. Code** 1130 Section 6.3.2.4 dated 12/11/00]
- 1.2 This permit may not be transferred to another location or to another piece of equipment or process. [Reference 7 **DE Admin. Code** 1102 Section 7.1 dated 6/1/97]
- 1.3 This permit may not be transferred to another person, owner, or operator unless the transfer has been approved in advance by the Department. Approval (or disapproval) of the permit transfer will be provided by the Department in writing. A request for a permit transfer shall be received by the Department at least thirty (30) days before the date of the requested permit transfer. This request shall include: [Reference 7 **DE Admin. Code** 1102 Section 7.1 dated 6/1/97 and 7 Del. C., Chapter 79]
 - 1.3.1 Signed letters from each person stating the permit transfer is agreeable to each person; and
 - 1.3.2 An Applicant Background Information Questionnaire pursuant to 7 Del. C., Chapter 79 if the person receiving the permit has not been issued any permits by the Department in the previous five (5) years.
- 1.4 The owner or operator shall not initiate construction, install, or alter 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 pursuant to 7 **DE Admin. Code** 1102, and, when applicable, 7 **DE Admin. Code** 1125, and receiving approval of such application from the Department; except as exempted in 7 **DE Admin. Code** 1102 Section 2.2. [Reference 7 **DE Admin. Code** 1102 Section 2.1 dated 6/1/97]

2. Emission Limitations

- 2.1 The Resource Recovery Plant, including thermal oxidizers EU 84 and 85 and scrubbers EU 80, 81, 82, and 83, shall not exceed the following: **(These conditions will be transferred to**

Permit: **AQM-005/00004(R2)** [Reference 7 *DE Admin. Code* 1130, Section 6.1.1 dated 12/11/00]

- 2.1.1 Hydrogen Sulfide (H₂S) Emissions
H₂S emissions shall not exceed 0.004 tons in any rolling twelve (12) month period.
- 2.1.2 Ammonia (NH₃) Emissions
NH₃ emissions shall not exceed 0.121 pound per ton of raw materials and 19.3 tons in any rolling twelve (12) month period.
- 2.1.3 Sulfur Dioxide (SO₂) Emissions
SO₂ emissions shall not exceed 0.318 pound per ton of raw materials and 49.3 tons in any rolling twelve (12) month period.
- 2.1.4 Nitrogen Oxide (NO_x) Emissions
NO_x emissions shall not exceed 0.0876 pound per ton of raw materials and 13.6 tons in any rolling twelve (12) month period.
- 2.1.5 Carbon Monoxide (CO) Emissions
CO emissions shall not exceed 0.0737 pound per ton of raw materials and 11.4 tons in any rolling twelve (12) month period.
- 2.1.6 Volatile Organic Compound (VOC) Emissions (measured as THC)
VOC emissions (as THC) shall not exceed 0.00465 pound per ton of raw materials and 4.58 tons in any rolling twelve (12) month period.
- 2.1.8 Particulate Matter (PM) Emissions
- 2.1.8.1 PM emissions shall not exceed 0.00963 pound per ton of raw materials and 4.94 tons in any rolling twelve (12) month period.
- 2.1.8.2 For EU 84 and 85 (thermal oxidizers), the Company shall not cause or allow the emission of particulate matter in excess of 0.3 lb/MMBTU heat input, maximum two (2) hour average. **(This condition will be transferred to Permit: AQM-005/00004(R2))** [Reference 7 *DE Admin. Code* 1104, Section 2.0 dated 2/1/81]
- 2.1.8.3 Particulate emissions shall not exceed 0.2 grains of particulate matter per standard cubic foot of exhaust air from thermal oxidizers EU 84 and 85 and scrubbers EU 80, 81, 82, and 83. **(This condition will be transferred to Permit: AQM-005/00004(R2))** [Reference 7 *DE Admin. Code* 1105 Section 2.0 dated 2/1/81]
- 2.2 No person shall cause or allow the emission of visible air contaminants and/or smoke from a stationary or mobile source, the shade or appearance of which is greater than twenty percent (20%) 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. **(This condition was taken from Permit: AQM-005/00004(R2))** [Reference 7 *DE Admin. Code* 1114 Section 2.1 dated 7/17/84]
- 2.3 Odors from this source shall not be detectable beyond the plant property line in sufficient quantities such as to cause a condition of air pollution. **(This condition was taken from Permit: AQM-005/00004(R2))** [Reference 7 *DE Admin. Code* 1119 Section 2.0 dated 2/1/81]

3. Operational Limitations

- 3.1 Fan amperage for each of the scrubbers EU 80 (Scrubber 610), EU 81 (Scrubber 620), and EU 82 (Scrubber 630) shall not fall below 150 amps. **(This condition will be transferred to Permit: AQM-005/00004(R2))** [Reference 7 DE Admin. Code 1130, Section 6.1.1 dated 12/11/00]
- 3.2 Fan amperage for scrubber EU 83 (Scrubber 640) shall not fall below 60 amps. **(This condition will be transferred to Permit: AQM-005/00004(R2))** [Reference 7 DE Admin. Code 1130, Section 6.1.1 dated 12/11/00]
- 3.3 The ORP for the scrubbing solution for scrubbers EU 80, EU 81, EU 82, and EU 83 shall not exceed 705 nor fall below 475. **(This condition will be transferred to Permit: AQM-005/00004(R2))** [Reference 7 DE Admin. Code 1130, Section 6.1.1 dated 12/11/00]
- 3.4 The temperature in the combustion chamber of thermal oxidizers EU 84 and EU 85 shall be at least 800°C (1472°F). **(This condition will be transferred to Permit: AQM-005/00004(R2))** [Reference 7 DE Admin. Code 1130, Section 6.1.1 dated 12/11/00]
- 3.5 The thermal oxidizers EU 84 and EU 85 shall be fired by natural gas only. **(This condition will be transferred to Permit: AQM-005/00004(R2))** [Reference 7 DE Admin. Code 1130, Section 6.1.1 dated 12/11/00]
- 3.6 Raw material usage shall not exceed 588 tons per week blood, 1,176 tons per week feathers, and 4,200 tons per week offal and carcasses. **(This condition will be transferred to Permit: AQM-005/00004(R2))** [Reference 7 DE Admin. Code 1130, Section 6.1.1 dated 12/11/00]
- 3.7 Production for each thermal oxidizer EU 84 and EU 85 shall be limited to 310,128 tons in any rolling twelve month period. **(This condition will be transferred to Permit: AQM-005/00004(R2))** [Reference 7 DE Admin. Code 1130, Section 6.1.1 dated 12/11/00]
- 3.8 Production for both thermal oxidizers EU 84 and EU 85 shall be limited to 310,128 tons in any rolling twelve month period. **(This condition will be transferred to Permit: AQM-005/00004(R2))** [Reference 7 DE Admin. Code 1130, Section 6.1.1 dated 12/11/00]
- 3.9 No person shall cause or allow visible particulate emissions of any material being transported by a motor vehicle. **(This condition will be transferred to Permit: AQM-005/00004(R2))** [Reference 7 DE Admin. Code 1106, Section 4.0 dated 2/1/81]
- 3.10 No person shall cause or allow stockpiling or other storage of material or transport to or from a storage facility in such a manner as may cause a condition of air pollution. **(This condition will be transferred to Permit: AQM-005/00004(R2))** [Reference 7 DE Admin. Code 1106, Section 6.0 dated 2/1/81]
- 3.11 At all times, including periods of startup, shutdown, and malfunction, the owner or operator shall, to the extent practicable, maintain and operate the facility, including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determinations of whether acceptable operating procedures are being used will be based on information available to the Department, which

may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source. **(This condition will be transferred to Permit: AQM-005/00004(R2))** [Reference 7 DE Admin. Code 1101 Section 3 dated 2/1/81 and 7 DE Admin. Code 1102 Section 11.6 dated 6/1/97]

- 3.12 All structural and mechanical components of the equipment covered by this permit and in use shall be maintained in proper operating condition. **(This condition was taken from Permit: AQM-005/00004(R2))** [Reference 7 DE Admin. Code 1101 Section 3 dated 2/1/81 and 7 DE Admin. Code 1102 Section 11.6 dated 6/1/97]

4. Testing and Monitoring Requirements

- 4.1 The Department reserves the right to require that the owner or operator perform emission tests using methods approved in advance by the Department. **(This condition was taken from Permit: AQM-005/00004(R2))** [Reference 7 DE Admin. Code 1117 Section 2.2 dated 7/17/84]
- 4.2 For thermal oxidizers EU 84 and EU 85 and scrubbers EU 80, EU 81, EU 82, and EU 83: The Company shall monitor the presence or absence of visible emissions during thermal oxidizer/scrubber start-up and operation, when the facility is operating during daylight hours and record observations in a log using the following procedure: **(These conditions will be transferred to Permit: AQM-005/00004(R2))** [Reference 7 DE Admin. Code 1130 Section 6.1.3.1.2 and 6.2.1 dated 12/11/00]
- 4.2.1 "Survey of emission point for the presence or absence of visible emissions" shall be defined as a minimum period of five (5) consecutive minutes.
- 4.2.2 The detection of the presence or absence of visible emissions shall be in accordance with the procedures of EPA Reference Method 22 (40 CFR 60, Appendix A) paragraphs 4 and 5 which follow.
- 4.2.3 This procedure does not require that the opacity of the emissions be determined. Since this procedure requires only the determination of whether visible emissions occur and does not require the determination of opacity levels, observer certification according to the procedures of EPA Reference Method 9 (40 CFR 60, Appendix A) is not required. However, it is necessary that the observer is educated on the general procedures for determining the presence of visible emissions. At a minimum, the observer must be trained and knowledgeable regarding the effects on visibility of emissions caused by background contrast, ambient lighting, observer position relative to lighting, wind, and the presence of uncombined water (condensing water vapor).
- 4.2.4 If visible emissions are observed for three (3) consecutive minutes, the visible emission survey shall be stopped and corrective action shall be taken. After the corrective action has been completed, the visible emissions survey shall be resumed.
- 4.2.5 If visible emissions are observed again, an EPA Reference Method 9 visible emissions observation shall be conducted. If visible emissions exceed those limits identified in 7 DE Admin. Code 1114, the thermal oxidizer/scrubber shall be taken off-line and corrective action shall be taken. If visible emissions do not exceed

those limits identified in 7 **DE Admin. Code** 1114, but are still present and not part of normal operations, the survey for the presence or absence of visible emissions and further corrective action shall continue until the problem is corrected or the emission unit is taken off-line.

- 4.3 The fan amperage for scrubbers EU 80, EU 81, EU 82, and EU 83 shall be monitored twice each day. **(This condition will be transferred to Permit: AQM-005/00004(R2))** [Reference 7 **DE Admin. Code** 1130 Section 6.1.3.1 dated 12/11/00]
- 4.4 The ORP of the scrubbing solution for EU 80, EU 81, EU 82, and EU 83 shall be monitored continuously. **(This condition will be transferred to Permit: AQM-005/00004(R2))** [Reference 7 **DE Admin. Code** 1130 Section 6.1.3.1 dated 12/11/00]
- 4.5 The temperature in the combustion chamber of thermal oxidizers EU 84 and EU 85 shall be monitored continuously. **(This condition will be transferred to Permit: AQM-005/00004(R2))** [Reference 7 **DE Admin. Code** 1130 Section 6.1.3.1 dated 12/11/00]
- 4.6 The owner or operator shall conduct a daily odor survey at the perimeter of the facility on days the Resource Recovery Plant is operational according to the following procedure: **(This condition will be transferred to Permit: AQM-005/00004(R2))** [Reference 7 **DE Admin. Code** 1130 Section 6.1.3.1 dated 12/11/00]
 - 4.6.1 The daily surveys shall be conducted five days a week (Monday- Friday).
 - 4.6.2 The Company shall include off-day monitoring if there are any verified odor complaints on any off-day in any subsequent quarter.
 - 4.6.3 If an odor sufficient to cause or create a condition of air pollution is detected, the Company shall take action until an odor survey results in no detection of an odor from the Resource Recovery Plant.
 - 4.6.4 The survey shall be conducted on a weekly basis if no odors from the Resource Recovery Plant are detected in any consecutive seven days.

5. Record Keeping Requirements

- 5.1 The Company shall maintain, at a minimum, all of the information required by this permit for a minimum of five (5) years from such information's date of record. **(This condition was modified from Permit: AQM-005/00004(R2))** [Reference 7 **DE Admin. Code** 1130 Section 6.1.3.2.2 dated 12/11/00]
- 5.2 Records of all test data shall be maintained. This data includes, but may not be limited to:
 - 5.2.1 The date, place and time of sampling measurements;
 - 5.2.2 The date(s) analyses were performed;
 - 5.2.3 The Company or entity that performed the analyses;
 - 5.2.4 The analytical techniques or methods used;

- 5.2.5 The results of such analyses; and
- 5.2.6 The operating conditions existing at the time of sampling or measurement.
[Reference 7 DE Admin. Code 1130 Section 6.1.3.2 dated 12/11/00]
- 5.3 The Company shall record the following in an initialed logbook daily: **(These conditions will be transferred to Permit: AQM-005/00004(R2))** *[Reference 7 DE Admin. Code 1130 Section 6.1.3.2 dated 12/11/00]*
 - 5.3.1 The fan amperage recorded twice each day for scrubbers EU 80, EU 81, EU 82, and EU 83.
 - 5.3.2 The type of fuel combusted in the thermal oxidizers EU 84 and EU 85.
 - 5.3.3 Hours of resource recovery operation.
 - 5.3.4 Methods of compliance with Conditions 3.11 and 3.12.
- 5.4 The Company shall record the following in an initialed logbook weekly: **(These conditions will be transferred to Permit: AQM-005/00004(R2))** *[Reference 7 DE Admin. Code 1130 Section 6.1.3.2 dated 12/11/00]*
 - 5.4.1 Tons of raw blood processed.
 - 5.4.2 Tons of feathers processed.
 - 5.4.3 Tons of offal and carcasses processed.
- 5.5 The Company shall record the following for each month: **(These conditions will be transferred to Permit: AQM-005/00004(R2))** *[Reference 7 DE Admin. Code 1130 Section 6.1.3.2 dated 12/11/00]*
 - 5.5.1 Production for the twelve (12) month period immediately preceding the date of record in TPY for each thermal oxidizer EU 84 and EU 85.
 - 5.5.2 The total production for the twelve (12) month period immediately preceding the date of record in TPY for both thermal oxidizers EU 84 and EU 85.
 - 5.5.3 Statements of compliance showing calculations for the emission factors for NH₃, SO₂, NO_x, CO, VOC (measured as THC), and PM in lb/ton raw material processed.
- 5.6 The Company shall maintain records of the following: **(These conditions will be transferred to Permit: AQM-005/00004(R2))** *[Reference 7 DE Admin. Code 1130 Section 6.1.3.2 dated 12/11/00]*
 - 5.6.1 All routine and non-routine maintenance.
 - 5.6.2 ORP of the scrubbing solution for EU 80, EU 81, EU 82, and EU 83.
 - 5.6.3 The temperature in the combustion chamber of thermal oxidizers EU 84 and EU 85.
 - 5.6.4 Calculations to show compliance with Conditions 2.1.8.2 and 2.1.8.3.

5.6.5 The odor survey log shall be initialed for each day the survey is conducted and includes the following:

5.6.5.1 Presence or absence of odor.

5.6.5.2 Wind direction.

5.6.5.3 Location monitored.

5.6.5.4 Actions taken in response to odors detected.

5.7 The rolling twelve (12) month total emissions shall be calculated and recorded each month in a log for each of the following pollutants. **(These conditions will be transferred to Permit: AQM-005/00004(R2))** [Reference 7 DE Admin. Code 1130 Section 6.1.3.2 dated 12/11/00]

5.7.1 Hydrogen Sulfide (H₂S)

5.7.2 Ammonia (NH₃)

5.7.3 Sulfur Dioxide (SO₂)

5.7.4 Nitrogen Oxide (NO_x)

5.7.5 Carbon Monoxide (CO)

5.7.6 Volatile Organic Compound (VOC) (as THC)

5.7.7 Particulate Matter (PM)

6. Reporting Requirements

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

6.1.1 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. **(This condition was taken from Permit: AQM-005/00004(R2))** [Reference 7 DE Admin. Code 1130 Section 6.1.3.3.2 dated 12/11/00]

6.1.2 Immediately upon discovery by calling the Environmental Emergency Notification and Compliant number, (800) 662-8802. (State Enforceable Only) **(This condition was taken from Permit: AQM-005/00004(R2))** [Reference 7 DE Admin. Code 1130 Section 6.1.3.3.3 dated 12/11/00]

6.2 Discharges to the atmosphere in excess of any quantity specified 7 DE Admin. Code 1203 "**Reporting of a Discharge of a Pollutant or an Air Contaminant**" 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 6.1 of this permit are exempt from this reporting requirement. (This condition was modified from Permit: AQM-005/00004(R2)) [Reference 7 DE Admin. Code 1130 Section 6.1.3.3.3.5 dated 12/11/00 and 7 Del. C. Chapter 60, Section 6028]

6.3 In addition to complying with Condition 6.1 and 6.2 of this permit, any reporting required by 7 DE Admin. Code 1203 "**Reporting of a Discharge of a Pollutant or an Air Contaminant**" and any other reporting requirements mandated by the State of Delaware, the owner or operator shall for each occurrence of excess emissions, within thirty (30) calendar days of becoming aware of such occurrence, supply the Department in writing with the following information:

6.3.1 The name and location of the facility;

6.3.2 The subject source(s) that caused the excess emissions;

6.3.3 The time and date of first observation of the excess emissions;

6.3.4 The cause and expected duration of the excess emissions;

6.3.5 For sources subject to numerical emission limitations, the estimated rate of emissions (expressed in the units of the applicable emission limitation) and the operating data and calculations used in determining the magnitude of the excess emissions; and

6.3.6 The proposed corrective actions and schedule to correct the conditions causing the excess emissions. (This condition was modified from and will be transferred to Permit: AQM-005/00004(R2)) [Reference 7 DE Admin. Code 1112 Section 7.3 paragraphs 1, 2, 3, 4, and 5 dated 11/24/93]

6.4 Each document submitted to the Department/EPA pursuant to 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 language: "I certify, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete." (This condition was taken from Permit: AQM-005/00004(R2)) [Reference 7 DE Admin. Code 1130 Section 5.6 dated 11/15/93 and 6.3.1 dated 12/11/00]

6.5 Each document submitted to the Department/EPA pursuant to this permit shall be sent to the following addresses: (This condition was taken from Permit: AQM-005/00004(R2))

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 (3AP10) 1650 Arch Street Philadelphia, PA 19103
No. of Originals: <u>1</u> & No. of Copies: <u>1</u>	No. of Copies: <u>1</u>

7. Compliance Certification

7.1 Compliance with the 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 and conditions require Compliance Certifications to be submitted more frequently. Such

certifications shall cover the previous calendar year and shall be submitted on Form AQM-1001BB. The Compliance Certification shall include the following information: **(This condition was taken from Permit: AQM-005/00004(R2))** [Reference 7 DE Admin. Code 1130 Section 6.3.5.3.1 dated 12/11/00]

- 7.1.1 The identification of each term or condition of the permit that is the basis of the certification. **(This condition was taken from Permit: AQM-005/00004(R2))** [Reference 7 DE Admin. Code 1130 Section 6.3.5.3.1 dated 12/11/00]
- 7.1.2 The Company's current compliance status, as shown by monitoring data and other information reasonably available to the Company. **(This condition was taken from Permit: AQM-005/00004(R2))** [Reference 7 DE Admin. Code 1130 Section 6.3.5.3.2 dated 12/11/00]
- 7.1.3 Such certification shall indicate whether compliance was continuous or intermittent during the covered period. **(This condition was taken from Permit: AQM-005/00004(R2))** [Reference 7 DE Admin. Code 1130 Section 6.3.5.3.3 dated 12/11/00]
- 7.1.4 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 Conditions 4, 5, and 6. **(This condition was modified from Permit: AQM-005/00004(R2))** [Reference 7 DE Admin. Code 1130 Section 6.3.5.3.4 dated 12/11/00]
- 7.1.5 Such other facts that the Department may require to determine the compliance status of the source. **(This condition was taken from Permit: AQM-005/00004(R2))** [Reference 7 DE Admin. Code 1130 Section 6.3.5.3.5 dated 12/11/00]
- 7.2 Each compliance certification shall be submitted to the Department and EPA and shall be certified in accordance with Condition 6.4 of this permit. **(This condition was modified from Permit: AQM-005/00004(R2))** [Reference 7 DE Admin. Code 1130 Section 6.3.5.4 dated 12/11/00]
- 7.3 Any additional information possessed by the Company that demonstrates noncompliance with any applicable requirement must also be used as the basis for Compliance Certifications. **(This condition was taken from Permit: AQM-005/00004(R2))** [Reference 62 FR 8314 dated 2/24/97]

8. Administrative Conditions

- 8.1 This permit supersedes **Permits: APC-2011/0080-OPERATION (Amendment 2)(FE), APC-2011/0081-OPERATION (Amendment 2)(FE), APC-2011/0082-OPERATION (Amendment 3)(FE), APC-2011/0083-OPERATION (Amendment 3)(FE), APC-2011/0084-OPERATION (Amendment 3)(FE), and APC-2011/0085-OPERATION (Amendment 3)(FE)** dated April 5, 2012.
- 8.2 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. **(This condition was taken from Permit: AQM-005/00004(R2))** [Reference 7 DE Admin. Code 1102 Section 8.1 dated 6/1/97]
- 8.3 Failure to comply with the provisions of this permit may be grounds for suspension or revocation. [Reference 7 DE Admin. Code 1102 Section 6 dated 6/1/97]

Permits: APC-2011/0080 and APC-2011/0081-OPERATION (Amendment 3)(FE)
Permits: APC-2011/0082 through APC-2011-0085-OPERATION (Amendment 4)(FE)
Mountaire Farms of Delaware, Inc.
Millsboro Complex
Resource Recovery Plant
MONTH, DY, 2014
Page 11

Sincerely,

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

PEF:JLF:MAS
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pc: Dover (Title V) File
Melanie Smith

MONTH, DY, 2014

Mountaire Farms of Delaware, Inc.
P.O. Box 1320
Millsboro, DE 19966

ATTENTION: Mr. Paul Downes
President

SUBJECT: Permit: APC-2011/0080-OPERATION (Amendment 3)(FE)
Permit: APC-2011/0081-OPERATION (Amendment 3)(FE)
Permit: APC-2011/0082-OPERATION (Amendment 4)(FE)
Permit: APC-2011/0083-OPERATION (Amendment 4)(FE)
Permit: APC-2011/0084-OPERATION (Amendment 4)(FE)
Permit: APC-2011/0085-OPERATION (Amendment 4)(FE)

Dear Mr. Downes:

Attached you will find the final permits for the Resource Recovery Plant (**Permits: APC-2011/0080 and APC-2011/0081-OPERATION (Amendment 3)(FE) and APC-2011/0082 through APC-2011/0085-OPERATION (Amendment 4)(FE)**). These operating permits are for the two thermal oxidizers and four scrubbers and include the requested changes to emissions, operating conditions and an increase in production rate due to stack testing conducted in January 2013.

A public hearing was held on the draft permits for this equipment on October 16, 2013. Based on the comments received at the public hearing, the Secretary has determined that attached permits meet federal and State regulatory requirements and has ordered that final permit be issued. The attached final permits remain unchanged from the draft permits that were the source of the public hearing.

Sincerely,

Joanna L. French, P.E.
Managing Engineer
Engineering & Compliance Branch

PEF:JLF:MAS
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pc: Dover Title V File
Paul Foster
Melanie Smith
Beth Sise, Environmental Manager, Mountaire Farms of Delaware, Inc., P.O. Box 1320, Millsboro, DE 19966