



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL

OFFICE OF THE
SECRETARY

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Secretary's Order No. : 2015-A-0026

RE: Application of Green Recovery Technologies, LLC, for a Regulation 1102 Air Quality Management Permit (as a natural minor facility) for its Protein Loadout Station Dust Collector Unit at 42 Lukens Drive in the Riveredge Industrial Park, New Castle, Delaware

Permit No.: APC-2015/0106-CONSTRUCTION/OPERATION

Date of Issuance: **July 10, 2015**

Effective Date: **July 10, 2015**

Under the authority vested in the Secretary of the Department of Natural Resources and Environmental Control ("Department" or "DNREC") pursuant to 7 *Del.C.* §§6001 *et seq.*, and 7 DE Admin. Code §1102, the following findings of fact based on the record, reasons and conclusions are entered as an Order of the Secretary.

Background, Procedural History and Findings of Fact

This Order considers Green Recovery Technologies, LLC's ("Applicant", "GRT") application for an Air Quality Management ("AQM") natural minor permit under Department Regulation 1102, *Regulations Governing the Control of Air Pollution*, 7 DE Admin. Code §1102. The Applicant submitted its application on May 11, 2015 to the Department's Division of Air Quality ("DAQ") for a natural minor air permit to

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authorize construction/operation of its Protein Loadout Station Dust Collector at 42 Lukens Drive, New Castle, Delaware. Said permit application concerns the minor quantities of particular matter and trace volatile organic compounds (“VOCs”) that will exit the exhaust of the Protein Loadout Station Dust Collector while finished product is conveyed for shipment.

The Department’s DAQ reviewed GRT’s AQM permit application in detail, and determined it was complete. DAQ staff have checked all engineering calculations, and inspected the facility itself, which will qualify as a natural minor facility due to the low emissions. DAQ’s experts prepared a draft permit, which was the subject of the Department’s public notice on May 24, 2015, and a duly noticed public hearing, which was held by the Department on June 17, 2015, at the DNREC offices located at 391 Lukens Drive, New Castle, Delaware. It should be noted that said public hearing was held without the Department having received any meritorious request for the same from the public. Due to the fact that the Department had already scheduled a public hearing on June 17, 2015 to receive comment regarding GRT’s Coastal Zone Act permit application (also pending before the Department at that time), the Applicant offered to submit to a *second* public hearing on the same night, in order to receive comment on the AQM natural minor permit application. Thus, both these hearings were held by the Department on June 17, 2015, with the AQM permit hearing immediately following the conclusion of the Coastal Zone permit hearing.

Public comment regarding this AQM permit application was received by the Department at the time of the aforementioned hearing, and the same was thoroughly addressed by DAQ, as reflected in the hearing record generated in this matter.

Subsequent to the public hearing of June 17, 2015, the Department's presiding Hearing Officer, Lisa A. Vest, prepared a Hearing Officer's Report dated July 9, 2015 ("Report").

Reasons and Conclusions

The Department finds that the Report's recommendations to issue the proposed permit, as prepared by DAQ, are well-supported by the record, developed by the DAQ experts and established by the Hearing Officer's Report. Therefore, the recommendations of the Hearing Officer are hereby adopted, and I direct that the draft AQM Permit Application of Green Recovery Technologies, LLC (Permit: APC-205/0106-CONSTRUCTION/OPERATION), be *granted*.

Accordingly, I direct that the aforementioned AQM permit be issued to the Applicant, and that the following reasons and conclusions are entered:

1. The Department has jurisdiction under its statutory authority to make a determination in this proceeding;
2. The Department provided adequate and lawful public notice of the proceeding and of the public hearing held on June 17, 2015, and held said hearing to consider any public comment that may be offered on the application, in a manner required by the law and regulations;
3. The Department considered all timely and relevant public comments in making its determination;
4. The Department has reviewed GRT's AQM permit application in detail, checked all engineering calculations, and inspected the Applicant's facility, which will qualify as a natural minor facility due to the low emissions;

5. **Permit: APC-2015/0106-CONSTRUCTION/OPERATION** shall be issued to the Applicant, Green Recovery Technologies, LLC, to authorize construction/operation of its Protein Loadout Station Dust Collector to be used at its facility at 42 Lukens Drive, New Castle, Delaware;
6. The Department has an adequate Record for its decision, and no further public hearing is appropriate or necessary;
7. The Department shall publish this Order on its webpage, and shall provide notice of this action by publication of legal notices in a manner consistent with the public notice of the application, and shall provide such other notice as it may determine appropriate.



David S. Small
Secretary

HEARING OFFICER'S REPORT

TO: The Honorable David S. Small
Cabinet Secretary, Department of Natural Resources and Environmental Control

FROM: Lisa A. Vest 
Public Hearing Officer, Office of the Secretary
Department of Natural Resources and Environmental Control

RE: **Application of Green Recovery Technologies, LLC, for a Regulation 1102 Air Quality Management Permit (as a natural minor facility) for its Protein Loadout Station Dust Collector Unit at 42 Lukens Drive in the Riveredge Industrial Park, New Castle, Delaware.**

Permit No.: APC-2015/0106-CONSTRUCTION/OPERATION

DATE: July 9, 2015

I. BACKGROUND AND PROCEDURAL HISTORY:

On Wednesday, June 17, 2015 at 7:30 p.m., a public hearing was held at the DNREC office located at 391 Lukens Drive, New Castle, Delaware, in order to receive comment on Green Recovery Technologies, LLC's ("Applicant", "GRT") application for an Air Quality Management ("AQM") natural minor permit under Department Regulation 1102, *Regulations Governing the Control of Air Pollution*, 7 DE Admin. Code §1102. The Applicant submitted its application on May 11, 2015 to the Department's Division of Air Quality ("DAQ") for a natural minor air permit to authorize construction/operation of its Protein Loadout Station Dust Collector at 42 Lukens Drive, New Castle, Delaware. Said permit application concerns the minor quantities of particular matter and trace volatile organic compounds ("VOCs") that will exit the exhaust of the Protein Loadout Station Dust Collector while finished product is conveyed for shipment.

GRT's proposed operation at its facility located at 42 Lukens Drive, New Castle, Delaware will result in air emissions generated at the Applicant's facility by three units: (1) the fume hood; (2) the boiler; and (3) the dust collector. While the minimal amount of air emissions associated with both the fume hood and the boiler units do not necessitate GRT to obtain an air permit from DNREC's DAQ, the emissions generated by the dust collector unit will require an Air Quality Management ("AQM") permit under Department Regulation 1102, *Regulations Governing the Control of Air Pollution*, 7 DE Admin. Code §1102. Accordingly, the Applicant has submitted its AQM application to authorize the construction and operation of its aforementioned processing line, as noted above.

The Department's DAQ reviewed GRT's AQM permit application in detail, and determined it was complete. DAQ staff have checked all engineering calculations, and inspected the facility itself, which will qualify as a natural minor facility due to the low emissions. DAQ's experts then prepared a draft permit, based upon GRT's AQM permit application. The Department's public notice on May 24, 2015 provided the formal legal notice of GRT's AQM permit application, which was the subject of a duly noticed public hearing held by the Department on June 17, 2015, at the DNREC offices located at 391 Lukens Drive, New Castle, Delaware. It should be noted that said public hearing was held without the Department having received any meritorious request for the same from the public. Due to the fact that the Department had already scheduled a public hearing on June 17, 2015 to receive comment regarding GRT's Coastal Zone Act permit application (also pending before the Department at that time), the Applicant offered to submit to a *second* public hearing on the same night, in order to receive comment on the AQM natural minor permit application. Thus, both these hearings

were held by the Department on June 17, 2015, with the AQM permit hearing immediately following the conclusion of the Coastal Zone permit hearing.

Public comment regarding this AQM permit application was received by the Department at the time of the aforementioned hearing, and the same was taken into consideration and reviewed by the Department with respect to this pending permit application.

II. SUMMARY OF THE PUBLIC HEARING RECORD:

The public hearing record consists of the following exhibit documents, which are hereby marked by this Hearing Officer as follows: (1) a verbatim transcript; (2) two documents introduced at the public hearing by Paul Foster, Program Manager II (Chief of Air Permitting) with DNREC's Division of Air Quality as Department Exhibits 1 & 2, to wit: #1 – GRT Permit Application package; and #2 – legal notice affidavits; (3) written comment from Amy Roe, Ph.D., Conservation Chair, Delaware Audubon Society, dated June 17, 2015, previously marked as "Roe Exh. #1"; and (4) Technical Response Memorandum dated July 8, 2015, written by Joe Koetas, DNREC Division of Air Quality, as requested by this Hearing Officer.

The Department's person primarily responsible for reviewing the AQM Permit Application, Paul Foster, developed the record with the relevant documents in the Department's files. Representatives of Green Recovery Technologies, LLC were present at the hearing, including, but not limited to, John Tracey, Esq., counsel for the Applicant in this matter. Following opening remarks from Mr. Foster on behalf of the Department (and the introduction of the Department's exhibits to be entered into the hearing record), Mr. Tracey proceeded to offer a brief summary with regard to GRT's pending AQM permit application before the Department on behalf of the Applicant for the benefit of the record regarding this proposed project. At the

conclusion of the Applicant's presentation, the floor was then opened for the purpose of offering public comment on the record regarding GRT's proposed project.

Several members of the public attending the public hearing on June 17, 2015 offered comment regarding the Applicant's proposed project. Common concerns voiced by the public with regard to GRT's proposed project included, but were not limited to, the possibility of negative impacts on the overall quality of life for the neighboring community, offensive odor from the feedstock materials, and the use of "experimental technology" by the Applicant in this matter. In response to these concerns, a brief Technical Response Memorandum ("TRM") was requested by this Hearing Officer from the Department's DAQ, to ensure that all issues surrounding this proposed project had been fully addressed prior to a final decision being made by the Secretary regarding this AQM permit application. DAQ provided the requested TRM on July 8, 2015, and confirmed therein that the Department's DAQ has thoroughly reviewed the Applicant's AQM permit application in detail, checked all engineering calculations, and inspected the GRT facility. DAQ also confirmed therein that DAQ has no further concerns or questions regarding this matter, and recommends the issuance of this AQM permit at this time.

III. RECOMMENDED FINDINGS AND CONCLUSIONS:

This application is for a natural source AQM permit issued under Department Regulation 1102, *Regulations Governing the Control of Air Pollution*, 7 DE Admin. Code §1102. The record developed in this matter indicates that the Department's experts have considered the above referenced factors and have recommended issuance of a permit to the Applicant in this matter. I agree with the recommendations of the Department's experts.

Based on the record developed, I find and conclude that the Applicant has adequately demonstrated its compliance with all requirements of the *Regulations Governing the Control of*

Air Pollution, as noted herein, and that the record supports issuance of GRT's AQM natural minor permit. In conclusion, I recommend that this draft AQM Permit Application of Green Recovery Technologies, LLC (Permit: APC-205/0106-CONSTRUCTION/OPERATION), be issued at this time.

Further, I recommend the Secretary adopt the following findings and conclusions:

1. The Department has jurisdiction under its statutory authority to make a determination in this proceeding;
2. The Department provided adequate and lawful public notice of the proceeding and of the public hearing held on June 17, 2015, and held said hearing to consider any public comment that may be offered on the application, in a manner required by the law and regulations;
3. The Department considered all timely and relevant public comments in making its determination;
4. The Department has reviewed GRT's AQM permit application in detail, checked all engineering calculations, and inspected the Applicant's facility, which will qualify as a natural minor facility due to the low emissions;
5. Permit No. APC-2015/0106-CONSTRUCTION/OPERATION shall be issued to the Applicant, Green Recovery Technologies, LLC, to authorize the construction/operation of its Protein Loadout Station Dust Collector to be used at its facility at 42 Lukens Drive, New Castle, Delaware;

6. The Department has an adequate Record for its decision, and no further public hearing is appropriate or necessary; and
7. The Department shall publish this Order on its webpage, and shall provide notice of this action by publication of legal notices in a manner consistent with the public notice of the application, and shall provide such other notice as it may determine appropriate.



LISA A. VEST
Public Hearing Officer