

## HEARING OFFICER'S REPORT

**TO:** The Honorable Shawn M. Garvin  
Cabinet Secretary, Department of Natural Resources and Environmental Control

**FROM:** Theresa L. Newman  
Regulatory Specialist, Office of the Secretary  
Department of Natural Resources and Environmental Control

**RE:** Natural Minor Construction Permit Application of Atlantic Concrete Company, Inc.

**DATE:** July 26, 2021

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### **I. BACKGROUND AND PROCEDURAL HISTORY:**

A virtual public hearing was held on Wednesday, May 12, 2021, at 6:00 p.m. via the State of Delaware Cisco WebEx Meeting Platform by the Department of Natural Resources and Environmental Control (“DNREC,” “Department”) to receive comment on the revised application submitted by Atlantic Concrete Company, Inc. (“Applicant”) for a Natural Minor Construction Permit to construct a new concrete manufacturing plant to replace two existing plants located at 16762 Old Orchard Road, Lewes, DE (“Application”) in accordance with 7 DE Admin. Code 1102 - *Permits* (“Regulation”).

Pursuant to 7 *Del.C.* Ch. 60, facilities are required to obtain air quality permits for equipment which has the potential to discharge air contaminants into the atmosphere. The Department identifies the proposed plant as a natural minor source because of its potential to emit air pollutants is below the major source threshold for Sussex County.

On July 29, 2020 the Department's Division of Air Quality ("DAQ") received the initial application to construct a new concrete plant, the Stephens Empire Concrete Dry Batch Plant, at the same location as the current facilities located at 16762 Old Orchard Road, Lewes, DE and decommission two of the existing plants at this same location, once the new plant is constructed. The Applicant initially proposed the new plant would produce 530 tons per hour ("TPH") of concrete, consisting of a 14-yard cement batcher; one (1) Stephens Multiple Compartment Storage Silo; one (1) C&W Model RA120 Reverse Air Central Dust Collector; three (3) Stephens SOS-1020 Cartridge Pulse Silo Dust Collectors; one (1) Stephens SV-20 Cement Batcher Vent; and ancillary equipment. The Applicant also proposed that the new plant would utilize an electric air compressor to provide power to operate the plant and an 8.0 MMBtu (Million British Thermal Unit)/hour boiler, utilizing natural gas to heat the water. It should be noted that the boiler size does not require additional permitting to operate at the facility and the emissions from the boiler have been included as a part of the potential to emit pollutants.

Subsequent to the initial application being received by the Department, the Applicant submitted an initial application for a Coastal Zone Act status decision on September 22, 2020 and then a revised version of the same application on December 1, 2020. On January 29, 2021 the Secretary determined that the proposed activity does not require a Coastal Zone Act permit as it is considered a replacement in-kind of existing equipment.

Thereafter the Secretary issued the Coastal Zone Act status decision, the Department received a revised Application submitted by the Applicant on January 22, 2021. The Applicant

proposes to construct a new manufacturing plant (as provided in the initial application), however the revised Application proposes a reduced amount of concrete produced per hour.

Currently, one of the existing facilities, the Heltzel Batch Concrete Plant, is permitted to produce 150 TPH of concrete and the other facility, the Truck Mix Concrete Batch Plant, is permitted to produce 200 TPH of concrete. The Applicant proposes that the new manufacturing plant will produce a combination of the two existing facilities, equaling a total of 350 TPH of concrete. The Applicant requests a throughput restriction of 200,000 cubic yards of concrete per rolling twelve (12) month period, which is the same as the restriction permitted for the Truck Mix Concrete Batch Plant. In addition, the Applicant requested an annual (rolling twelve month) restriction of 3,744 hours of operation and to maintain its annual concrete production restriction and hours of operation restriction, identified by the current Air Operating Permit associated the Truck Mix Concrete Batch Plant, thus not increasing its environmental impact. All equipment noted in the initial application, remains the same. The new manufacturing plant is expected to be more efficient and environmentally- friendly.

As a part of the application review process, the Department's DAQ performed air dispersion modeling using the Environmental Protection Agency's National Ambient Air Quality Standards (NAAQS) for particulate matter (PM), measured as PM10 and PM2.5. The emissions calculation was compared with the NAAQS for particulate matter and was found to be below the NAAQS for particulate matter for all averaging periods. Based on this screening analysis, the DAQ concluded that the public health, safety, and welfare are presumed to not be adversely impacted by the emissions.

The Department placed the revised application on public notice on March 21, 2021. To that, the Department received correspondence from the public in objection to the revised application and a public hearing was requested.

On May 12, 2021, the virtual public hearing was held by the Department. There were six (6) members of the public in attendance at the virtual hearing, along with the Applicant, a representative of the Applicant and DAQ staff. The record remained open through May 28, 2021 and comment was received from the public. Subsequent to the record closing, this Hearing Officer requested a Technical Response Memorandum (“TRM”) from the expert staff of DAQ and will be discussed in further detail below. Proper notice of the hearing was provided as required by law.

## **II. SUMMARY OF THE PUBLIC HEARING RECORD:**

The public hearing record (“Record”) consists of the following documents: (1) a verbatim transcript; (2) fifteen (15) documents introduced by responsible Department staff at the public hearing held on May 12, 2021 and marked by this Hearing Officer accordingly as "Department Exhibits 1-15"; (4) two (2) documents submitted by Amber Moore, Project Manager of Applicant and marked by this Hearing Officer accordingly as "Applicant Exhibit 1-2"; and (4) the TRM from Phaniel C. K. Bediako, Ph.D., Engineer, Division of Air Quality. The Department's person primarily responsible for reviewing this Natural Minor Construction Permit Application, Mr. Bediako, developed the Record with the relevant documents in the Department's files.

Representing the Applicant at the hearing was Amber Moore, Project Manager of RainWise Environmental Solutions, LLC. Following opening remarks from Mr. Bediako on behalf of the Department (and the introduction of the Department's exhibits to be entered into the Record), Ms. Moore, proceeded to offer a brief background of Atlantic Concrete Inc. and provided an overview of the project as proposed in the revised Application. Ms. Moore concluded the presentation on behalf of the Applicant with the request to submit the visual presentation as an exhibit.

The Department received 5 letters from the public with 1 comment in favor of approving the Application. The other comments received addressed concerns regarding the health and safety of the public as it relates to the concrete dust. Subsequent to receiving the comments, the Department received a letter on May 25, 2021 submitted by Ms. Moore addressing the concerns of the public, marked hereby this Hearing Officer as Applicant's Exhibit #2.

The Record closed with regard to public comment 15 days following the public hearing, on May 28, 2021.

Subsequent to the close of the Record as noted above, this Hearing Officer requested a TRM from the DAQ's technical experts to: (1) address the concerns associated with this pending Application, as set forth in the public comment received by the Department; (2) provide a formal regulatory review of the Applicant's proposed project; and (3) offer the DAQ's conclusions and recommendations with regard the pending Application for the benefit of the Record generated in this matter.

The Department's DAQ technical experts addressed the concerns regarding the public's health, the pollution to the air caused by the dust, the noise levels, the Application process, and other concerns not directly related to the Application. In addition, the TRM provided a response from the Applicant, addressing comments of the same.

As note previously, the Department's DAQ performed air dispersion modeling and confirmed air emissions at the new plant's property line would not adversely affect the public's health, welfare, and safety. Additionally, the Applicant has developed the following plans to control and reduce issues addressed by the public, a Dust Control Plan entitled, *Daily Procedures for Dust Control Plan*, to minimize fugitive dust emissions and a Noise Reduction Plan to minimize noise levels outside the plant property boundary. In conclusion, DAQ recommended the issuance of the permit as the Application complies with all applicable zoning requirements and federal and state air pollution control laws and regulations.

I find that the DAQ's TRM offers a detailed regulatory review of all aspects of the Applicant's proposed revised Application, identifies all of the concerns raised by the public and responds to them in a balanced manner, with accurately reflecting the information contained in the Record. Thus, the TRM is attached hereto as Appendix "A" and expressly incorporated herein as such.

### **III. RECOMMENDED FINDINGS AND CONCLUSIONS:**

The Applicant has applied for a Natural Minor Construction Permit, seeking approval to construct a new concrete manufacturing plant to replace two existing plants located at 16762 Old Orchard Road, Lewes, DE. I find that the Applicant's proposed revised Application meets the requirements established in the Regulations.

In reviewing the applicable statutes and regulations, the Department's experts in the DAQ have concluded that the aforementioned project complies with all applicable zoning requirements and federal and state air pollution control laws and regulations. Should this Application be approved, the Natural Minor Construction Permit that would be issued by the Department would be reflective of the revised Application submitted and would include all necessary requirements intended to protect public health and the environment. I find and conclude that the Applicant has adequately demonstrated its compliance with all requirements of the statutes and regulations, as noted herein, and that the record supports approval of the Application submitted by the Applicant.

In conclusion, I recommend that the Natural Minor Construction Permit necessary for the proposed project as set forth in the revised Application submitted by the Applicant consistent with the Record developed in this matter, be issued by the Department in the customary form, and with appropriate conditions.

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

1. The Department has jurisdiction under 7 *Del.C.* §§6003, 6004, 6006(4) and all other relevant statutory authority, to make a final determination of the Application after holding a public hearing, considering the public comments, and reviewing all information contained in the Record generated in this matter;
2. The Department provided proper public notice of the Application submitted by Atlantic Concrete Inc., and of the public hearing held on May 12, 2021, and held said hearing to consider all public comment that may be offered on the Application, in a manner required by the law and regulations;
3. The Department has carefully considered the factors required to be weighed in issuing the lease required by this Application, and finds that the Record supports approval of the Application and the issuance of the Natural Minor Construction Permit associated with the same;
4. The Department shall issue the Natural Minor Construction Permit to the Applicant, Atlantic Concrete Inc., to construct a new concrete manufacturing plant to replace two existing plants at their facility located at 16762 Old Orchard Road, Lewes, consistent with the Record developed in this matter. Furthermore, said permit shall include all conditions as set forth in the Department's draft permit, to ensure that Delaware's environment and public health will be protected from harm;
5. The Department has an adequate Record for its decision, and no further public hearing is appropriate or necessary; and

6. The Department shall serve and publish its Order on its internet site and shall provide legal notice of the Order in the same manner that the Department provided legal notice of the Application.



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Theresa L. Newman  
Public Hearing Officer

\\ahear\ Atlantic Concrete Inc. Natural Minor Construction Permit. 2021

Attachments/Appendices:

Appendix A: Technical Response Memorandum (July 12, 2021)

**MEMORANDUM**

TO: Theresa Newman  
Hearing Officer

THROUGH: Angela D. Marconi, P.E. *ADM*  
Division Director

Joanna L. French, P.E. *JLF*  
Acting Program Administrator

FROM: Phanuel C. K. Bediako, Ph.D. *PCKB*  
Engineer

**SUBJECT: Technical Response Memorandum for Atlantic Concrete Company, Inc.’s application to construct a new 350 tons per hour Concrete Dry Batch Plant, located at 16762 Old Orchard Road in Lewes, Delaware  
Permit: APC-2021/0011-CONSTRUCTION  
Public Hearing Response Document**

DATE: July 12, 2021

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**BACKGROUND**

Theresa Newman, Public Hearing Officer, requested a Technical Response Memorandum (TRM) to provide expert technical assistance for the Hearing Officer’s Report and recommendations to the Secretary with regard to the pending Atlantic Concrete Company, Inc.’s air quality application to construct a new Stephens Empire Concrete Dry Batch Plant as replacement for two (2) existing concrete plants located at 16762 Old Orchard Road in Lewes, Delaware. The existing facility consists of the following: one (1) 150 ton per hour Heltzel Batch Concrete Plant, including a cement silo, a batch weigh hopper and truck loader; and one (1) 200 ton per hour Truck Mix Concrete Batch Plant fitted with two (2) Griffin Environmental Company, Inc. baghouses, and silo vent filter fitted with C and W Manufacturing and Sales Company baghouse. The TRM includes a thorough investigation of issues raised by letters requesting a public hearing, written comments received after the May 12, 2021 public hearing prior to May 28, 2021 while the administrative record for the hearing remained open and a record of decision to assist and support the Secretary’s final determination. There were no public comments at the May 12, 2021 virtual hearing.

**Application Timeline**

<b>Date</b>	<b>Subject</b>
July 29, 2020	Received construction permit application
September 22, 2020	Application for Coastal Zone Act (CZA) Status Decision
December 1, 2020	Revised CZA Status Decision Application received
January 22, 2021	Revised construction permit application
January 29, 2021	Secretary’s CZA Status Decision
March 21, 2021	Legal Ad for construction permit application
April 5, 2021	Letter requesting public hearing received
April 18, 2021	Legal notice for public hearing
May 12, 2021	Virtual Public Hearing

**REVIEW OF APPLICATION AND PUBLIC HEARING**

The Division of Air Quality (DAQ) issued a public hearing notice on the 7 **DE Admin. Code** 1102 Natural Minor Permit Application submitted by Atlantic Concrete Company, Inc. (Atlantic Concrete). The legal notice was published in the **Sunday News Journal** and the **Delaware State News** on Sunday, April 18, 2021. A virtual public hearing was held on Wednesday, May 12, 2021 at 6 PM to receive comments on the application. The deadline for accepting public comments ended on May 28, 2021.

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On behalf of DNREC, Hearing Officer, Ms. Theresa Newman, conducted the public hearing. Prior to opening the hearing for public comments, the Division of Air Quality (DAQ) Engineer, Phaniel C. K. Bediako, Ph.D. presented the background information on air permitting actions that would be associated with the construction permit application. Ms. Amber Moore of RainWise Environmental Solutions, LLC made a presentation on behalf of Atlantic Concrete. No member of the public spoke at this hearing.

Detailed below are the Division of Air Quality's (DAQ) responses to the comments provided in connection with the May 12, 2021 virtual public hearing and prior to the May 28, 2021 closing of the administrative public hearing record for the Atlantic Concrete's proposed concrete plant.

The comment letters that were submitted for the public hearing have been edited for clarity and brevity and are included in the table below. Additionally, Ms. Amber Moore of RainWise Environmental Solutions, LLC submitted responses on behalf of Atlantic Concrete via email on May 25, 2021 and June 7, 2021, to comments received in connection with the Public Hearing. The response documents from Atlantic Concrete are attached for your reference.

General Public Comment Summary	DAQ Responses
<p><b>Request for Public Hearing Letter No. 1, DNREC Exhibit No. 5 Letter from Mr. Keith Steck, Vice President Delaware Coalition for Open Government, dated April 5, 2021:</b></p> <p>Comments:</p> <ol style="list-style-type: none"> <li>a. There's no evidence of whether a PLUS report was done.</li> <li>b. There's no evidence a review was done for compliance with the Source Water Protection Area Ordinance and the applicable Delaware Source Water Protection Law of 2001.</li> <li>c. While there is no Wellhead Protection Area at the site, the western/southern portion of the site is covered by an Excellent Groundwater Recharge Area. The proposed new plant location will be in the area, so the county Source Water Protection Area ordinance applies.</li> <li>d. The application does not mention whether a concrete crushing operation is planned or will be included.</li> <li>e. There's no documentation provided regarding Sussex County's approval of this project. Also, there is no information regarding any conditions placed on this site, either the original plant or the newly proposed facility. Do any of the proposed buildings or structures exceed Sussex County height restrictions and therefore require any waivers or conditions?</li> <li>f. The application incorrectly says the site is NOT in Delaware's Coastal Zone. A search of DE's ARCGIS/FirstMap shows the site is well within the Coastal Zone.</li> </ol>	<p><b><u>Comment (a):</u></b> <b>Atlantic Concrete Response</b> This comment does not pertain to the subject matter of the hearing. Atlantic Concrete has only addressed those comments that pertain to the air permit application for the new concrete manufacturing plant. I would like to mention that the land use associated with the proposed plant will not change and no change in zoning is required. No effects on land use acreage will occur. The proposed concrete manufacturing plant will be situated on the same five (5) acre parcel of land utilized by its current concrete plants.</p> <p><b>DAQ Response</b> This comment is not germane to the air permit application.</p> <p><b><u>Comment (b):</u></b> <b>Atlantic Concrete Response</b> This comment does not pertain to the subject matter of the hearing. Atlantic Concrete has only addressed those comments that pertain to the air permit application for the new concrete manufacturing plant. Atlantic Concrete will comply with all regulatory requirements and ordinances as applicable.</p> <p><b>DAQ Response</b> This comment is not germane to the air permit application.</p> <p><b><u>Comment (c):</u></b> <b>Atlantic Concrete Response</b> This comment does not pertain to the subject matter of the hearing. Atlantic Concrete has only addressed those comments that pertain to the air permit application for the new concrete manufacturing plant. Atlantic Concrete will comply with all regulatory requirements and ordinances as applicable.</p> <p><b>DAQ Response</b> This comment is not germane to the air permit application.</p> <p><b><u>Comment (d):</u></b> <b>Atlantic Concrete Response</b> Atlantic Concrete has not applied for a permit requesting the authorization to construct/operate a concrete crusher.</p>

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	<p><b>DAQ Response</b> The Company did not submit an application for a concrete crusher.</p> <p><b><u>Comment (e):</u></b> <b>Atlantic Concrete Response</b> The site is correctly zoned, with approved zoning for the proposed plant and did not require changes as part of the application. Atlantic Concrete submitted a revised Coastal Zone Act Status Decision Application dated December 1, 2020. Attachment 2 of the Application Package provides proof of local zoning. Specifically, in a letter dated September 9, 2020 from Ms. Jennifer Norwood, Ms. Norwood indicated the property located at 16762 Old Orchard Rd. Lewes, DE is zoned AR-1 (Agricultural Residential District). Atlantic Concrete has existed on this site prior to the introduction of the Zoning Code in 1970 the use is therefore considered to be non-conforming. The non-conforming use is permitted to continue on this site provided the use does not remain idle or unused for a continuous period of two years. There are no known zoning violations at this property. Given the above, the proposed replacement concrete plant would be permitted at this location due to the history and use of the property currently</p> <p><b>DAQ Response</b> Parcel ID: 335-11.00-57.00 at 16762 Old Orchard Road is zoned AR-1-Agricultural/Residential District with Use Code-CO-Commercial.</p> <p><b><u>Comment (f):</u></b> <b>Atlantic Concrete Response</b> A revised Air Permit Application package was submitted on January 22, 2021. The revised Air Permit Application package indicates the site is within the Coastal Zone. A Coastal Zone Act Status Decision Application was submitted on September 22, 2020 and subsequently revised and resubmitted on December 1, 2020. Atlantic Concrete received a decision from DNREC’s Secretary Garvin on Jan. 26, 2021. The Secretary determined that the proposed activity does not require a Coastal Zone Act permit as it is considered a replacement in-kind of existing equipment. The Facility has requested to maintain its annual concrete production</p>

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	<p>restriction and hours of operation restriction identified by the current Air Operating Permit associated with its 200 ton per hour plant, thus not increasing its environmental impact. The Coastal Zone Act Status Decision was issued as Atlantic Concrete successfully demonstrated that operation of the new plant would not have an increased impact on the environment, economy, neighboring land uses, and other factors.</p> <p><b>DAQ Response</b></p> <p>Upon receipt of the application DAQ notified Atlantic Concrete that the facility was located within the Coastal Zone. Amber Moore, the project Consultant for Atlantic Concrete was directed to consult the Coastal Zone Act (CZA) Staff for further guidance. Laura Mensch of the CZA Program assisted Atlantic Concrete until the Secretary’s CZA Status Decision was issued.</p>
<p><b>Request for Public Hearing Letter No. 2, DNREC Exhibit No. 6 Letter from Eul Lee dated March 22, 2021:</b></p> <p>Comments:</p> <ul style="list-style-type: none"><li>a. There is enough concern for potential health effects as listed in the application, and I believe the local residents must be aware of potential health effects.</li><li>b. The application says this site is not in the Coastal Zone. The purple area in the Delaware Coastal Zone Map shows otherwise. This type of oversight can be detrimental in some cases.</li><li>c. Bikers on Lewes-Georgetown Trail have been complaining about the dust that forces them to cover their nose and mouth. The dust/air regulations must be strict in facilities like this that are surrounded by subdivisions.</li></ul>	<p><b>Comment (a):</b></p> <p><b>Atlantic Concrete Response</b></p> <p>The Application addresses matters of health and safety as they relate to regulatory criteria and demonstrates that the Facility will be in compliance with those criteria. DNREC’s Division of Air Quality reviewed the air application and confirmed emission calculations. Emissions fall within National Ambient Air Quality Standards (NAAQS) and DNREC regulations. NAAQS were established by the EPA to protect the health of all citizens, including those at greater risk such as children, elderly people, and people with asthma. DNREC’s Division of Air Quality performed air dispersion modeling and confirmed air emissions at the plant’s property line would not adversely affect the public’s health, welfare, and safety.</p> <p><b>DAQ Response</b></p> <p>The EPA has established primary National Ambient Air Quality Standards (NAAQS) for particulate matter (PM), measured as PM10 and PM2.5. Emissions from the concrete batching are particulates. There are three vents or stacks associated with the plant emissions. The cumulative maximum downwind concentrations of these particulate emissions were added to the representative background concentration and then compared with the NAAQS for particulate matter. The combination was below the NAAQS for particulate matter for all averaging periods. Based on this screening analysis, DAQ concluded that the public health, safety, and</p>

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	<p>welfare are presumed to not be adversely impacted by the emissions.</p> <p><b><u>Comment (b):</u></b> <b>Atlantic Concrete Response</b> A revised Air Permit Application package was submitted on January 22, 2021. The revised Air Permit Application package indicates the site is within the Coastal Zone. A Coastal Zone Act Status Decision Application was submitted on September 22, 2020 and subsequently revised and resubmitted on December 1, 2020. Atlantic Concrete received a decision from DNREC’s Secretary Garvin on Jan. 26, 2021. The Secretary determined that the proposed activity does not require a Coastal Zone Act permit as it is considered a replacement in-kind of existing equipment. The Facility has requested to maintain its annual concrete production restriction and hours of operation restriction identified by the current Air Operating Permit associated with its 200 ton per hour plant, thus not increasing its environmental impact. The Coastal Zone Act Status Decision was issued as Atlantic Concrete successfully demonstrated that operation of the new plant would not have an increased impact on the environment, economy, neighboring land uses, and other factors.</p> <p><b>DAQ Response</b> Upon receipt of the application DAQ notified the applicant that the facility was located within the Coastal Zone. Amber Moore, the project Consultant for Atlantic Concrete was directed to consult the Coastal Zone Act (CZA) Staff for further guidance. Laura Mensch of the CZA Program assisted Atlantic Concrete throughout the review process until the Secretary’s CZA Status Decision was issued.</p> <p><b><u>Comment (c):</u></b> <b>Atlantic Concrete Response</b> DNREC’s Division of Air Quality performed air dispersion modeling and confirmed air emissions at the plant’s property line would not adversely affect the public’s health, welfare, and safety. The emissions at the Facility will fall within the limits set by applicable regulations and standards, which are designed to be protective of human health. Additionally, the new plant offers a host of improved efficiencies in</p>

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	<p>process and production such as better controls and efficient abatement equipment.</p> <ol style="list-style-type: none"><li>1) By replacing the existing two plants with one plant; the Facility will reduce the number of emission points associated with concrete production.</li><li>2) Emissions from loading, transfer, and mixing will be controlled by highly efficient baghouses. Operational controls ensure the baghouses are operating at all times to ensure proper abatement of dust emissions.</li><li>3) The conveyer will be covered to also limit dust emissions. This is a new enhanced feature when compared to the current plant.</li><li>4) The Facility has developed a Dust Control Plan for its operations.</li></ol> <p><b>DAQ Response</b> The facility has developed a Dust Control Plan entitled, <i>Daily Procedures for Dust Control Plan</i>. Full implementation of the dust control measures in the Plan will minimize fugitive dust emissions.</p>
<p><b>Hearing Comments, DNREC Exhibit No. 15</b> Email from Rick and Marilyn Luzietti dated May 10, 2021.</p> <p>Comment: I believe this should be allowed!!</p>	<p><b>Atlantic Concrete Response:</b> Atlantic Concrete agrees. Atlantic Concrete believes that it has supplied all of the information requested by the Department and reaffirms its commitment to implementing the latest technology and practices for the continuous improvement of all its processes and conducting its operations in an environmentally sound manner.</p> <p><b>DAQ Response</b> No comments</p>
<p><b>Document from Mr. Keith Steck, entitled <i>Comments on New Atlantic Concrete Plant Application DNREC Hearing, May 28, 2021.</i></b></p>	<p><b>Atlantic Concrete Response</b></p>

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<p><u>Comment (a):</u> Inaccurate and Missing Information The initial application contained inaccurate information. In particular, it erroneously indicated that the location is not within Delaware’s Coastal Zone, thereby implying the Coastal Zone Act (CZA) did not apply. Specifically, Question 29 asks if the facility is located in the CZA but was marked “NO.” However, it is well within the CZA. And although a new revised application was date stamped “Received April 29, 2021,” it looks like the old page 2 incorrectly answering Question 29 was replaced with a new page with a hand-marked X for question 29, the signature sheet still shows “12/22/20” for the date in the signature block. This new page 2 is not dated or otherwise annotated to show when it was provided, but it was submitted sometime after public review and the request for a hearing was made. From an internal control and accountability perspective, this is highly inappropriate; in the absence of some indication of the submission of the new page 2 on that page, the signature page should have been updated to reflect the date of the change with initials and/or the signature page replaced with a legitimate date.</p>	<p>The original air permit application submission was rescinded, and a revised Air Permit Application package was submitted on January 22, 2021. The revised Air Permit Application package correctly indicated the site is within the Coastal Zone. A Coastal Zone Act Status Decision Application was submitted on September 22, 2020 and subsequently revised and resubmitted on December 1, 2020. DNREC’s Division of Air Quality was notified that a Coastal Zone Act Status Decision Application package was submitted and Atlantic Concrete was informed that the Division of Air Quality would not process the air permit application package until approval from the Division of Coastal Programs was received. Atlantic Concrete received a decision from DNREC’s Secretary Garvin on Jan. 26, 2021. The Secretary determined that the proposed activity does not require a Coastal Zone Act permit as it is considered a replacement in-kind of existing equipment. The Facility has requested to maintain its annual concrete production restriction and hours of operation restriction identified by the current Air Operating Permit associated with its 200 tons per hour plant, thus not increasing its environmental impact. The Coastal Zone Act Status Decision was issued as Atlantic Concrete successfully demonstrated that operation of the new plant would not have an increased impact on the environment, economy, neighboring land uses, and other factors.</p> <p>The air permit application package was revised to identify Coastal Zone Act applicability. DNREC’s Division of Air Quality indicated the air permit application package would not be processed until Atlantic Concrete received authorization from the Secretary and the Division of Coastal Programs. This explains why the application was signed in December 2020 and not submitted until January 2021. The application package was finalized by Atlantic Concrete in December 2020 but was not submitted until after the Coastal Zone Act Status Decision was approved. It should be mentioned that an electronic copy of the application package was submitted as well as hard copies. As all are aware, the COVID-19 pandemic resulted in hardships experienced by the United States Postal Service. Additionally, the COVID-19 pandemic required social distancing and limited DNREC employees from performing work duties at the office</p>

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	<p>location; rather employees were required to work remotely. As such, the hard copies were not received by DNREC, for whatever the reason. DNREC notified Atlantic Concrete that it had not received hard copies of its application package; at which time, Ms. Amber Moore hand-delivered copies to DNREC’s office. This explains the date stamp of April 2021.</p> <p><b>DAQ Response</b> Upon receipt of the application DAQ notified the applicant that the facility was located within the Coastal Zone. Amber Moore, the project Consultant for Atlantic Concrete was directed to consult the Coastal Zone Act (CZA) Staff for further guidance. Laura Mensch of the CZA Program assisted Atlantic Concrete throughout the review process until the Secretary’s CZA Status Decision was issued. So even though the initial permit application erroneously stated that the facility was not within the Coastal Zone, Atlantic Concrete has complied with all CZA reviews. DAQ received a revised application as an e-mail attachment on January 22, 2021. The hard copies of the revised application were mailed by Atlantic Concrete but were not delivered by the Postal Service. Hard copies were hand delivered by Amber Moore on April 29, 2021.</p> <p>Both the initial and revised permit applications were part of the DNREC public hearing exhibits.</p>
<p><b>Document from Mr. Keith Steck, entitled <i>Comments on New Atlantic Concrete Plant Application DNREC Hearing, May 28, 2021.</i></b> <u>Comment (b):</u> Another example of missing information is when was the Coastal Zone Decision letter issued? This is Exhibit 13 in the application docket, but it is undated. Why is there no date on this document? It appears this is yet another situation of poor internal agency quality control.</p>	<p><b>Atlantic Concrete Response</b> This is correct. The Coastal Zone Decision letter does not identify an issue date. Atlantic Concrete identified the same issue to Ms. Laura Mensch of the Coastal Programs Division.</p> <p><b>DAQ Response</b> A public notice of the Secretary’s CZA Status Decision was published in the Cape Gazette and the News Journal on Friday, January 29, 2021.</p>
<p><b>Document from Mr. Keith Steck, entitled <i>Comments on New Atlantic Concrete Plant Application DNREC Hearing, May 28, 2021.</i></b></p>	<p><b>Atlantic Concrete Response</b> The site is correctly zoned, with approved zoning for the proposed plant, and did not require changes as part of the application. Atlantic Concrete submitted a revised Coastal Zone Act Status Decision Application dated</p>

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<p><u>Comment (c):</u> Further, the application shows in item 36 that Proof of Local Zoning is included, but the 123-page application packet included in the original application packet and revised packet do not include any such documentation—or at least was not provided as part of the two publicly available documents. There is no documentation indicating Sussex County project review or zoning consideration and decisions, or other relevant information regarding this project for the public to see. What was submitted in the 123 pages regarding County information was a single page that one has to assume is meant to indicate County support. This page is a map dated July 27, 2020, taken from what looks to be the Sussex County property search database and identifies the owner—Atlantic Concrete—and provides the owner’s Milford mailing address; it doesn’t even show the physical address of the property in Lewes. Further, while the applicant’s representative stated during the May 12, 2021 hearing that the company has Sussex County zoning documentation, none of it was included in the application information and was not available to the public. So, the public cannot tell what, if any conditions, the County placed on the project or whether other reviews were conducted—see the discussion below regarding Sussex County Chapter 29, the Source Water Protection Ordinance. DNREC needs to verify this and should note it in its decision, given there’s no public awareness of the County approval via this application. Also, there is no evidence whether the State Office of Planning Coordination did a Preliminary Land Use Service (PLUS) review or issued a report for this site or project. A check of the state’s PLUS Dashboard shows nothing listed. Given the age of the original plant(s), they were likely built before this practice was implemented. However, the application describes this as a new facility with new equipment—see page 1 of the application form (p. 6 of the full packet). DNREC should consult with the State Office of Planning Coordination about the applicability of the PLUS process.</p>	<p>December 1, 2020. Attachment 2 of the Application Package provides proof of Zoning. Specifically, in a letter dated September 9, 2020 from Ms. Jennifer Norwood, Ms. Norwood indicated the property located at 16762 Old Orchard Rd. Lewes, DE is zoned AR-1 (Agricultural Residential District). Atlantic Concrete has existed on this site prior to the introduction of the Zoning Code in 1970 the use is therefore considered to be non-conforming. The non-conforming use is permitted to continue on this site provided the use does not remain idle or unused for a continuous period of two years. There are no known zoning violations at this property. Given the above, the proposed replacement concrete plant would be permitted at this location due to the history and use of the property currently. The letter from Ms. Norwood is attached.</p> <p>In regard to the Source Water Ordinance/PLUS comment, this comment does not pertain to the subject matter of the hearing. Atlantic Concrete has only addressed those comments that pertain to the air permit application for the new concrete manufacturing plant. Atlantic Concrete will comply with all regulatory requirements and ordinances as applicable. I would like to mention that the land use associated with the proposed plant will not change and no change in zoning is required. No effects on land use acreage will occur. The proposed concrete manufacturing plant will be situated on the same five (5) acre parcel of land utilized by its current concrete plants.</p> <p><b>DAQ Response</b> Parcel ID: 335-11.00-57.00 at 16762 Old Orchard Road is zoned AR-1-Agricultural/Residential District with Use Code-CO-Commercial. The existing plants and the new plant share the same 16762 Old Orchard Road address. In such cases, DAQ considers proof of local zoning approval to have been previously submitted.</p>
<p><b>Document from Mr. Keith Steck, entitled <i>Comments on New Atlantic Concrete Plant Application DNREC Hearing, May 28, 2021.</i></b> <u>Comment (d):</u></p>	<p><b>Atlantic Concrete Response</b> As indicated during the public hearing, Atlantic Concrete has not applied for a permit requesting the authorization to construct/operate a concrete crusher. The application makes no mention of concrete crushing activities</p>

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<p>Information Lacking Regarding Concrete Crushing: The application packet makes no mention about whether there is or will be a concrete crushing operation at the site. This is partly due to the application not asking a simple question: Will this concrete plant include concrete crushing equipment now or in the future? This kind of equipment and concrete crushing operations can produce highly dangerous silica dust, crystalline silica, and other particulates and lead to silicosis—see this relevant National Institute for Occupational Safety and Health (NIOSH) report <a href="https://www.cdc.gov/niosh/docs/2004-108/pdfs/2004-108.pdf">https://www.cdc.gov/niosh/docs/2004-108/pdfs/2004-108.pdf</a> --and should not be allowed in close proximity to existing and planned homes and trail users. Although this point was briefly discussed during the May 12, 2021 hearing and a statement was made that there would not be any concrete crushing operation and is appreciated, this prohibition should be written in this project documentation and permit because of the close proximity to residences and the Lewes Georgetown [biking, jogging, walking] Trail that parallels the northern edge of this concrete company’s property. Moreover, DNREC should update its application to ask whether concrete crushing equipment will be used now or in the future.</p>	<p>as the Facility did not submit an application requesting authorization of this activity. It should be mentioned that concrete crushing operations in the State require air operating permits which are only issued if the operation meets National Ambient Air Quality Standards and DNREC regulations. It is unnecessary to include language restricting crushing operations as it is understood since the proposed permit does not authorize crushing operations. Atlantic Concrete does not offer comment regarding DNREC’s application process and suggested improvements. Atlantic Concrete will continue to comply with all permit application requirements and or obligations and permit requirements.</p> <p><b>DAQ Response</b> Form AQM-3.1 is a Generic Process Equipment Application. Section 3 is where Atlantic Concrete provided a brief description of the equipment or process and states categorically that it is a concrete batch plant. Nowhere does the application indicate crushing operations will be performed at the site. It is not necessary for DAQ to include a condition specifically prohibiting concrete crushing in the permit.</p> <p><b>Condition 1.7 of the Permit states:</b> “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 <b>DE Admin. Code</b> 1102, and, when applicable 7 <b>DE Admin. Code</b> 1125, and receiving approval of such application from the Department; except as exempted in 7 <b>DE Admin. Code</b> 1102 Section 2.2.”</p> <p>So, if Atlantic Concrete wants to crush concrete at the site in the future, it must apply for a permit for that purpose.</p> <p><b>Condition 7.2 of the Permit states:</b> “Failure to comply with the provisions of this permit may be grounds for suspension or revocation.”</p> <p>As explained later, the industry practice is to transport crushing equipment</p>

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	to the demolition site, crush the concrete and move the crusher to a new demolition location. If Atlantic Concrete were to install crushers at the facility in the future, they would have to transport concrete from a demolition site. This is not a feasible option.
<p><b>Document from Mr. Keith Steck, entitled <i>Comments on New Atlantic Concrete Plant Application DNREC Hearing, May 28, 2021.</i></b> <u>Comment (e):</u> Also, in the interest of public health, DNREC should place air monitoring points along the trail and should consider putting up notices to riders, walkers, cyclists, joggers that concrete dust may reach the trail.</p>	<p><b>Atlantic Concrete Response</b> No response as this comment is directed at DNREC.</p> <p><b>DAQ Response</b> DNREC operates and maintains an ambient air monitoring network throughout the State that meets the monitoring requirement of the EPA. The site in Seaford monitors Ozone and PM2.5; the Lewes site monitors Sulfur Dioxide and Ozone, the Killens Pond site in Kent County monitors Ozone and PM2.5. If citizens in the area are interested in particulate fence line monitoring the Division of Air Quality can follow up with some monitoring options.</p>
<p><b>Document from Mr. Keith Steck, entitled <i>Comments on New Atlantic Concrete Plant Application DNREC Hearing, May 28, 2021.</i></b> <u>Comment (f):</u> Failure to Comply with Source Water Protection Review. Significantly, there apparently has been no review of this project for compliance with the County’s source water protection area requirements--Sussex County chapter 89, known as the Source Water Protection Ordinance. This ordinance is based on state law pertaining to source water protection, see Delaware Source Water Protection Law of 2001 as codified in 7 Del. C. 60, Subchapter VI. The law essentially is meant to evaluate proposed project sites to determine whether primate source water protection areas exist on a site and identifies whether development restrictions should apply. Based on the Sussex County ordinance, this project would not be exempt because County site plan and project approval apparently took place between June 2019 and spring 2021, well within the year the ordinance was enacted. Had this check been done by the County and DNREC asked on its application whether this requirement had been followed, both DNREC and the public would know the answer. In fact, a check of Delaware’s First Map datasets on Well Head Protection and Groundwater Recharge Areas shows that the entire western half of the parcel--335-11.00-57.00--is an Excellent Groundwater</p>	<p><b>Atlantic Concrete Response</b> This comment does not pertain to the subject matter of the hearing. Atlantic Concrete has only addressed those comments that pertain to the air permit application for the new concrete manufacturing plant. Atlantic Concrete will comply with all regulatory requirements and ordinances as applicable.</p> <p><b>DAQ Response</b> This Comment is not within the ambit of the Division of Air Quality programs. However, the Secretary’s CZA Status Decision stipulates, among other things, that:</p> <ul style="list-style-type: none"><li>• Atlantic Concrete obtain allocation permits for any wells needed for operations through DNREC’s Division of Water, Water Allocation Program; and</li><li>• Atlantic Concrete comply with the facility industrial stormwater permit authorized by DNREC’s Division of Water, Surface Water Discharges Section.</li></ul> <p>No further action is necessary by DAQ.</p>

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<p>Recharge Area –see <a href="https://opendata.firstmap.delaware.gov/datasets/94d6d5387d814951837b3ee5ef4b5200_0/explore?location=38.754632%2C-75.168772%2C16.00">https://opendata.firstmap.delaware.gov/datasets/94d6d5387d814951837b3ee5ef4b5200_0/explore?location=38.754632%2C-75.168772%2C16.00</a>. Moreover, because the proposed new concrete plant and supporting operations appear to be at the edge of this Excellent Groundwater Recharge area, this would have triggered the project engineering firm and others to evaluate and address the Chapter 89 requirements. These would include noting in engineering documents and on maps any applicable Chapter 89 requirements and restrictions. DNREC should verify this before it approves any site plan and approves any permit(s). Note that Sussex County has a history of failing to ensure project proposals comply with this ordinance; recently the County has started reviewing project proposals after local residents discovered this problem and raised this issue. To ignore this statutory requirement would seem to be tantamount to breaking the law. More seriously, if this project does not comply with Chapter 89 requirements, it could put the aquifer and Sussex County drinking water supply at risk of contamination. Because each county is to have its own source water protection ordinance and Delaware state law requires source water protection, DNREC should therefore include a line item/question on its permit applications to indicate whether a project has been reviewed for this compliance.</p>	
<p><b>Document from Mr. Keith Steck, entitled <i>Comments on New Atlantic Concrete Plant Application DNREC Hearing, May 28, 2021.</i></b> <u>Comment (g):</u> DNREC’s Application and Review Process Needs to be Enhanced. The problems identified above are symptomatic of DNREC staff failing to adhere to internal controls and the need for enhanced efforts to obtain relevant information. This is not the first time that permit applications have errors and are missing information and that DNREC has not provided documents to the public as part of the hearing process. But allowing these problems of failing to adhere to or have adequate internal controls to ensure applications are complete and accurate is a disservice to the Department staff and the public. Worse, these deficiencies, including not making sure applicants follow the stated instructions before accepting applications, undermine the public’s confidence in DNREC’s oversight. Equally serious, they also delay the applicants’ plans, construction, and project completion and can result in increased project costs. If DNREC staff were to ensure complete</p>	<p><b>Atlantic Concrete Response</b> Atlantic Concrete revised application package was complete and required information provided. Additionally, the Coastal Zone Act Status Decision process required review and input from multiple Departments within DNREC.</p> <p><b>DAQ Response</b> Upon receipt of the application DAQ notified the applicant that the facility was located within the Coastal Zone. Amber Moore, the project Consultant for Atlantic Concrete was directed to consult the Coastal Zone Act (CZA) Staff for further guidance. Laura Mensch of the CZA Program assisted Atlantic Concrete throughout the review process until the Secretary’s CZA Status Decision was issued.</p> <p>Whether Atlantic Concrete had affirmatively declared on the initial application that the facility was located within the Coastal Zone, the CZA review process would have been the same. No additional information</p>

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<p>and accurate applications before accepting them or putting them out for public review, those actions would likely result in fewer comments and concerns about the application and likely lead to fewer public hearings. Similarly, ensuring the full set of application supporting documents are made accessible to the public would also likely result in fewer comments, concerns, and possibly fewer hearings. Please, do yourselves and the public a favor and do your due diligence up front as part of the application review and not at the backend of the application process and after hearings. Finally, implement the changes noted above, especially the ones asking additional questions about whether concrete crushing will be done and if Source Water Protection reviews have been done.</p>	<p>would have been included in the air permit application. So, there is no missing information here. As such, DAQ did not request any additional information from Atlantic Concrete.</p> <p>The CZA deficiency was remedied or cured when the Secretary’s CZA Status Decision was published on January 29, 2021. If Atlantic Concrete had not followed through with the CZA review process, the application would have been returned.</p> <p>DAQ followed permit application review protocols and procedures. Further processing of the application was put on hold until the CZA review was completed. Furthermore, there was coordination between DAQ and CZA staff; DAQ staff checked emissions calculations Atlantic Concrete submitted for both the initial and revised CZA applications.</p> <p>. See DNREC’s May 12, 2021 Public Hearing Exhibit 1 through Exhibit 15 (Docket #2021-P-A-0005).</p> <p>Atlantic Concrete did not request confidentiality, so all application materials were made available to the public.</p> <p>DAQ recommends but does not require pre-application meetings. During such meetings held at the request of the applicant, the draft permit applications are reviewed for missing information or errors. If Atlantic Concrete had requested such a meeting, the Coastal Zone error would have been corrected prior to submission of the application. If the facility were requesting to operate a crushing facility at the location, a specific application form for a crusher would be required (AQM-3.9).</p>
<p><b>Email from Beth Maskell, Director of The Villages of Five Points Property Owners’ Association, dated May 28, 2021, providing comments on the public hearing.</b></p> <p><u>Comment (a):</u></p> <p>Noise. The application states noise from plant operations does not seem to be a nuisance to nearby residences. We believe this is false, misleading, and inaccurate. Atlantic Concrete clearly has had complaints given the sign they have out front of their business. We understand that sounds at or below 70 dBA are generally considered safe. But, any sound at or above 85 dBA is more likely to damage your hearing over time. A simple phone app has frequently captured noise levels well over 85 dBA. Trucks are frequently moving around midnight and we are often</p>	<p><b>Atlantic Concrete Response</b></p> <p>As an industrial facility, there are several sources of potential noise that occur due to the normal operations conducted at this location. Various sources of noise from the plant operations are detailed in a Noise Control Plan that was submitted as part of the air permit application package. To reduce the dispersion of noise across property lines, the northern and southern portions of the Facility entrance are fenced. The fence, which is constructed of solid wood slats, is intended to assist in the control of possible fugitive dusts and at the same time, the fence serves as a barrier to attenuate noise produced during operations at the facility and the amount of noise traveling across the property line. Vegetation planted at various</p>

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<p>woken by back up alarms and loud noises as early as 6:15 am.</p>	<p>locations of the facility also serves as attenuating barriers to noise dispersion in a manner similar to that of the fencing. Additionally, Atlantic Concrete encourages each driver to obey the posted speed limits while on public roads as well as abide by a facility speed limit of 10 mph. this may reduce the noise generated from the truck braking systems. Occupational Safety and Health Administration (OSHA) requires the use of back up alarms on earthmoving equipment (such as loaders) under 29 CFR 1926.602(a)(9)(ii). This standard states: “No employer shall permit earthmoving or compacting equipment which has an obstructed view to the rear to be used in reverse gear unless the equipment has in operation a reverse signal alarm distinguishable from the surrounding noise level...”</p> <p>As stated above, OSHA requires companies to maintain backup alarms on equipment in good working order to safely notify workers that equipment is operating in reverse. Accordingly, it is unsafe to completely remove these alarms. However, the facility has installed backup alarm systems on its earth moving equipment that automatically determine the surrounding noise level and will alarm, when in use, at a level of five (5) decibels above the ambient conditions. This is intended to minimize the impulse noise levels at the facility when this equipment is being operated.</p> <p><b>DAQ Response</b> Atlantic Concrete has developed a Noise Reduction Plan as discussed above. If properly implemented, it would minimize noise levels outside the plant property boundary.</p>
<p><b>Email from Beth Maskell, Director of The Villages of Five Points Property Owners’ Association, dated May 28, 2021, providing comments on the public hearing.</b></p> <p><u>Comment (b):</u> Hours of operations. The application states hours are 10-12-hour days Monday to Friday and Saturday 6-12 hours. One chart indicates - based on Atlantic Concrete's calculations - they anticipate 12-hour days Monday to Saturday to achieve 3744 operation hours. This is between 56 to 72 hours a week, with some occasional night work. It also says the plant will produce more concrete per hour but operate fewer hours a day which contradicts a request to operate 10-12 hours and Saturday</p>	<p><b>Atlantic Concrete Response</b> The Facility has requested to maintain its annual concrete production restriction and hours of operation restriction identified by the current Air Operating Permit associated with its 200 tph plant, thus not increasing its environmental impact. The Coastal Zone Act Status Decision was issued as Atlantic Concrete successfully demonstrated that operation of the new plant would not have an increased impact on the environment, economy, neighboring land uses, and other factors. Although the new plant is designed to produce 350 tons per hour of concrete, the Facility does not anticipate operating at the maximum production rate. The hours of operation restriction along with the annual concrete production restriction</p>

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<p>6-12 hours and to retain 3744 operational hours. Given the 200 tph replaced with a 350 tph the per hour production levels will be higher, there is no need to operate all the existing hours (3744 operational hours). Another chart shows the hours of operations are 3744 hours per year. This means that they are running at the max hours a day, not as outlined in other parts of the application (3744 hours divided by 313 days excluding Sunday = 11.96 hours a day). Page 2 of 2 The application also mentions the new plant will slightly decrease the frequency of deliveries received during normal business hours, but it does not say it will eliminate overnight deliveries. It states most are during normal business hours. In the next paragraph it says the opposite of most deliveries during business hours. It says the facilities expect most of those deliveries will be received during evening or early morning hours.</p>	<p>limits plant operations. Production rates are based on customer demand. If anything, the proposed plant will result in a slightly decrease in emissions as the delivery frequency may be reduced slightly. It is also believed that the new plant will result in a slight decrease with regards to the frequency of deliveries received during normal business hours. The sand supplier is a local company operating between 6:30 am until 4:30 pm. Typically, the Facility receives 8-10 loads of sand daily and that will not change as overall production will not change. The aggregate supplier has a similar schedule. The Facility currently receives 12-15 loads a day and most are during normal business hours. Both companies won't change their operations once the proposed plant commences operation. Based on the same hours of operation restriction and annual throughput, the overall delivery schedule will remain the same.</p> <p><b>DAQ Response</b> Atlantic Concrete is required to monitor the daily hours of operation and the daily concrete production in cubic yards. Records of monthly and cumulative rolling twelve-month totals of these parameters will also be kept. Atlantic Concrete is replacing two existing plants with an aggregate capacity of 350 tons per hour with a new 350 tons per hour concrete plant.</p>
<p><b>Email from Beth Maskell, Director of The Villages of Five Points Property Owners' Association, dated May 28, 2021, providing comments on the public hearing.</b> <u>Comment (c):</u> Dust. The application states the new process will reduce emissions - we hope that is true.</p>	<p><b>Atlantic Concrete Company Response:</b> Dust emitted from operation of the new plant is not expected to exceed air emissions as current permitted emissions are based on the annual concrete production restriction and baghouse efficiency. Emissions from loading, transfer, and mixing will be controlled by highly efficient baghouses. The conveyers will be covered to also limit dust emissions. This is a new enhanced feature when compared to the current plant.</p> <p><b>DAQ Response</b> The facility has developed a Dust Control Plan entitled, <i>Daily Procedures for Dust Control Plan</i>. Full implementation of the dust control measures in the Plan will minimize fugitive dust emissions.</p>
<p><b>Email from Beth Maskell, Director of The Villages of Five Points Property Owners' Association, dated May 28, 2021, providing comments on the public hearing.</b></p>	<p><b>Atlantic Concrete Response</b> This comment does not pertain to the subject matter of the hearing. Atlantic Concrete has only addressed those comments that pertain to the air permit application for the new concrete manufacturing plant. Atlantic</p>

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<p><u>Comment (d):</u> Stormwater management. The application states that Atlantic Concrete will continue to manage stormwater. However, there is no indication on how they will solve the existing problems, and/or future ones with higher tons per hour volumes. The water overflows from their pond across our berm, walking path, and into our stormwater management pond that leads out to the bay. We have lost several of our trees along this fence line and strongly believe the dust is causing this.</p>	<p>Concrete will comply with all regulatory requirements and ordinances as applicable. It should be mentioned Atlantic Concrete is currently authorized to discharge stormwater under Delaware’s General Industrial Stormwater Permit Program. The Facility has developed a Stormwater Pollution Prevention Plan approved by DNREC. Atlantic Concrete does not have a stormwater management pond onsite.</p> <p><b>DAQ Response</b> This Comment is not within the scope of the Division of Air Quality programs. However, the Secretary’s CZA Status Decision stipulates, among other things, that:</p> <ul style="list-style-type: none"><li>• Atlantic Concrete obtain allocation permits for any wells needed for operations through DNREC’s Division of Water, Water Allocation Program; and</li><li>• Atlantic Concrete comply with the facility industrial stormwater permit authorized by DNREC’s Division of Water, Surface Water Discharges Section.</li></ul>
<p><b>Email from Beth Maskell, Director of The Villages of Five Points Property Owners’ Association, dated May 28, 2021, providing comments on the public hearing.</b></p> <p><u>Comment (e):</u> These issues were not addressed in the application but are continuing concerns for our community: Trash along our walking path · Speeding · Spilling debris in the roads · Using private roads our community maintains. We want to be a good neighbor, support local businesses, and work with them. However, we’ve been unable to get a meeting with their representatives to understand how the expansion will impact our community.</p>	<p><b>Atlantic Concrete Response</b> This comment does not pertain to the subject matter of the hearing. Atlantic Concrete has only addressed those comments that pertain to the air permit application for the new concrete manufacturing plant. Atlantic Concrete has been in communication with Victor Padilla of the community to schedule an outreach effort to answer questions and concerns.</p> <p><b>DAQ Response</b> This is not the forum for addressing these comments.</p>

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**RECOMMENDATIONS**

DAQ has prepared the “Proposed” **Permit: APC-2021/0011-CONSTRUCTION** for the Department’s review of comments, findings, and suggestions. The proposed project and the “Proposed” Permit comply with all applicable zoning requirements and federal and state air pollution control laws and regulations. DAQ will recommend submitting the completed permit and the technical response memorandum as part of the hearing record.

I hope this information will assist you in reviewing the issues and making your recommendations to the Secretary of the Department of Natural Resources and Environmental Control. If you have any questions, please contact the Division at (302) 739-9402.

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Attachments:       Atlantic Concrete’s May 25, 2021 Response Document  
                          Atlantic Concrete’s June 7, 2021 Response Document