

**RESPONSE OF ATLANTIC CONCRETE COMPANY, INC., (“ATLANTIC CONCRETE”)
TO PUBLIC COMMENTS TO NATURAL MINOR AIR PERMIT APPLICATION, REVISED
SUBMISSION DATED JANUARY 22, 2021.**

This document provides Atlantic Concrete’s responses to comments pertaining to requests for a Public Hearing, comments made during the May 12, 2021 Public Hearing and comments received prior to May 28, 2021 while the administrative record for the hearing remained open.

I. Request for Public Hearing Letter No. 1, DNREC Exhibit No. 5

1. Letter from Mr. Keith Steck, Vice President Delaware Coalition for Open Government, dated April 5, 2021.

Comments:

- a. *There’s no evidence of whether a PLUS report was done.*
- 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.*
- 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.*
- d. *The application does not mention whether a concrete crushing operation is planned or will be included.*
- 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?*
- 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.*

Responses:

- a. **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.**

- 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.
- c. 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.
- d. Atlantic Concrete has not applied for a permit requesting the authorization to construct/operate a concrete crusher.
- e. 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 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.*
- f. 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 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.

II. Request for Public Hearing Letter No. 2, DNREC Exhibit No. 6

1. Letter from Eul Lee dated March 22, 2021.

Comments:

- 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.*
- 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 case.*
- c. *Bikers on Lewes-Georgetown Trail have been complaining about the dust that force them to cover their nose and mouth. The dust/air regulations must be strict in facilities like that that are surrounded by subdivisions.*

Responses:

- a. **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 Department of Air Quality reviewed the air application and confirmed emission calculations. Emissions fall within National Ambient Air Quality (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 Department 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.**
- 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 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.

- c. **DNREC's Department 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 process and production such as better controls and efficient abatement equipment.

- **By replacing the existing 2 plants with 1 plant; the Facility will reduce the number of emission points associated with concrete production.**
- **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.**
- **The conveyer will be covered to also limit dust emissions. This is a new enhanced feature when compared to the current plant.**
- **The Facility has developed a Dust Control Plan for its operations.**

III. Hearing Comments, DNREC Exhibit No. 15

1. Email from Rick and Marilyn Luzietti, dated May 10, 2021.

Comment:

- a. *I believe this should be allowed!!*

Response

- a. **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.**