

MEMORANDUM

TO: Lisa Vest,
Hearing Officer

FROM: Jason W. Sunde,
Environmental Program Administrator, Waste and Hazardous Substances
(WHS)

DATE: April 25, 2024

SUBJECT: Scrap Tire Solution, Inc. Comparison of Draft Permit as Public Noticed
and Final Permit

IMPORTANCE: Normal

The purpose of this memorandum is to summarize the modifications made to the Scrap Tire Solution, Inc. draft solid waste facility permit public noticed on December 10, 2023 and the final permit to be issued by the Division of Waste and Hazardous Substances, Compliance and Permitting Section (CAPS).

An overarching modification of the original draft was to include CAPS template language to ensure inclusion of conditions applicable to all permitted solid waste facilities. Additionally, multiple maps attached to, but not referenced in the draft permit were removed, and replaced with a site map detailing where on the property the permitted solid waste facility activity is to occur, for the entire property is not to be used for the permitted activity.

Additionally, the following modifications were made to the original draft permit.

- **DEFINITIONS** Added definitions of “Prohibited Waste,” “Solid Waste Facility” and “Scrap Tire.” The intent of the inclusion is to improve enforceability.
- **GENERAL CONDITIONS**
 - Clarified the permissible permitted activity.
 - Further identified by title and date the documents submitted and on which the permit is based.
- **FACILITY OPERATIONS**
 - Reduced permitted operating hours to reflect those requested in the submitted permit application.
 - Removed references to equipment make and model to avoid the need for future permit modification when equipment, e.g., a forklift is replaced with a different make or model.

- **ACCEPTABLE WASTE**
 - Removed bobcat tracks from acceptable waste to be received as the waste is not included in the permit application.
 - Clarified the only acceptable waste shall be scrap tires.
- **WASTE ACCEPTANCE PROCEDURES**
 - Required all incoming scrap tires be transported by a permitted Delaware solid waste transporter with records maintained.
 - Clarified scrap tires shall be stored in secure containers during non-operational hours, and not only during transport to ports of exit.
- **PROHIBITED WASTES**

Eliminated ambiguity as regards what constitutes a prohibited waste.
- **WASTE PROCESSING PROCEDURES**
 - Added the requirement that storage containers must be maintained in good condition
 - Clarified containers must be locked during non-operating hours as opposed to secured for transport
 - Removed reference to export from the Port of Wilmington as this port is not one being used. Wording is now more general, i.e., ports of exit
- **PROHIBITED WASTE MANAGEMENT PROCEDURES**
 - Added requirement to quantify prohibited wastes as received.
 - Required notification to generators and transporters upon receipt of prohibited waste to be in writing with a record maintained.
- **WASTE CAPACITY**
 - Modified to detail maximum length (53 feet) of each of the 20 allowed storage containers.
 - Clarified ten containers shall be used for loose tire storage and the remaining ten containers for baled tire storage.
 - Clarified where on the property the scrap tire facility shall operate and included a map demonstrating the scrap tire management facility boundary.
- **WASTE STORAGE**
 - Required containers used for scrap tires storage be maintained in good condition to prevent precipitation from accumulating.
 - Referenced map detailing the boundaries of the permitted solid waste facility on the larger property.
 - Added provision that no loose or baled scrap tires shall be placed or remain on the ground outside of operating hours.

- **STORMWATER MANAGEMENT**
 - Added provision that the permittee has 60 days from issuance of the solid waste (scrap tire) facility permit to obtain any applicable authorization required from the Department's Division of Water or face permit revocation.
- **ODOR CONTROL**
 - Added provision to notify the Department of odor complaints.
- **LITTER**
 - Clarified what is litter.
- **NOISE CONTROL**
 - Required noise complaints to be mitigated and not just attempted to be mitigated.
- **FIRE SAFETY**
 - Increased the distance from the solid waste facility in which smoking is prohibited
 - Removed the need to create a future *Fire Control Plan* and instead reference the *Fire Operations Plan* submitted after the initial permit application.
- **TRAINING**
 - Reduced from 180 days to 30 days the requirement to train new employees.
 - Added requirement to provide training related to conducting inspections.
- **REPORTING**
 - Added provision to submit each year, not only a new closure cost estimate, but documentation any additional monies needed for closure exist.
- **ANNUAL REPORTING**
 - Eliminated as the information is redundant to that submitted quarterly.
- **QUARTERLY REPORTING**
 - Added requirements to detail ports of exit used and the parties to which bailed scrap tires are being shipped (shipments can only be directed to the markets included in the permit application submission).
 - Amended section regarding incident reporting to include all incidents requiring notification and emergency reporting, and not only those initially referenced.
- **ADDITIONAL REPORTING**
 - Added requirement that the Department be notified within 24-hours of any exceedance of permitted storage capacity.
 - Added deadline to report deviations from permit conditions.
 - Added requirement to report within five days, any modification to or termination of the property lease agreement.

- **NOTIFICATION AND EMERGENCY REPORTING**
 - Modified to require immediate reporting (not within 24-hours) of fires or explosions to 9-1-1.
 - Clarified that fire and explosion events must be reported to the Department within 24-hours of occurrence.

- **ASSESSMENT OF CORRECTIVE MEASURES**
 - Added requirement to correct any issues identified by the Department.

- **ON-SITE RECORDS**
 - Modified the required recording of received scrap tires from tons to number as no scale is present at the facility.
 - Modified the required recording of removed scrap tires from tons to containers as only containers are to be removed and no scale is present at the facility.
 - Added recordkeeping requirement for when hot loads and prohibited wastes are received.
 - Added requirement to maintain daily inspection records.
 - Added requirement to include date of employee hire to training records to ensure timely training is provided.
 - Added litter complaints to the records required to be maintained.

- **CLOSURE**
 - Clarified the only waste to be in the solid waste (scrap tire) facility is scrap tires. This was done as the original draft contained a more general reference to solid waste.
 - Reduced the time afforded for closure from 180 days to 90 days.

- **POST-CLOSURE LAND USE**
 - Clarified post closure land use requirements are to be implemented only when applicable.

- **PERMIT SYNOPSIS**
 - Added description of activity being permitted.