



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL
CONTROL

DIVISION OF WASTE AND HAZARDOUS SUBSTANCES
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COMPLIANCE &
PERMITTING

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MEMORANDUM

TO: Lisa A. Vest, DNREC Hearing Officer

THROUGH: Jason Sunde, Environmental Program Administrator, WHS-CAPS *MS 3/27/2024*

FROM: Doug Godfrey, Environmental Scientist III, WHS-CAPS *DG 3/27/2024*

SUBJECT: January 24, 2024 Public Hearing Technical Response Memorandum for Scrap
Tire Solution, Inc. (STS), located at 195 Hay Road, Wilmington, Delaware

DATE: March 27, 2024

INTRODUCTION

Lisa Vest, 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 regarding the pending permit application for a Division of Waste and Hazardous Substances (WHS) Compliance and Permitting Section (CAPS) Solid Waste Facility Permit for the purpose of aggregating scrap tires for recycling at 195 Hay Road, Wilmington, Delaware.

PROJECT SITE

The property is located at 195 Hay Road, Wilmington, Delaware (tax parcel: 06-155.00-002).

PROJECT DESCRIPTION

STS has submitted a permit application for a solid waste facility for the purpose of aggregating scrap tires for recycling. Baled and containerized scrap tires will be picked up from the STS facility and transported to the Port of Wilmington, or other port, to be exported for recycling.

The facility would have the capacity to receive, process, and store up to 375 tons (125 tons scrap tires daily, and maximum baled storage 250 tons).

The project requires a solid waste facility permit from the Department of Natural Resources and Environmental Control (DNREC) Division of Waste and Hazardous Substances.

The Solid Waste Facility Permit would provide permission to operate a solid waste facility located at 195 Hay Road, in Wilmington, DE. STS would aggregate scrap tires for recycling. Stored baled scrap tires will be picked up from the facility by a permitted solid waste transporter and delivered to a permitted recycling facility for processing.

PUBLIC PARTICIPATION

On Sunday, December 10, 2023, DNREC issued a Public Notice of permit application. The Public Notice was made available on DNREC's website on December 11, 2023. The public comment period was 15 days.

During the public comment period, DNREC received six public comments.

On January 3, 2024, DNREC issued a Public Notice of a Public Hearing. The Public Notice was made available on DNREC's website on January 3, 2024. The date of the Public Hearing was January 24, 2024. The public record closed on February 23, 2024. The public comment period was 30 days.

During the public comment period, DNREC received three public comments.

PUBLIC HEARING

On behalf of DNREC, Hearing Officer, Ms. Lisa A. Vest conducted the public hearing. Mr. Douglas Godfrey presented an overview of the permit application for the Division of Waste and Hazardous Substances. Mr. Eric Gonzalez presented an overview of the project on behalf of the company.

Detailed below are DNREC's responses to the comments provided during the January 24, 2024, Virtual Public Hearing and prior to the February 23, 2024, closing of the administrative public hearing record for the permit application associated with Scrap Tire Solution, LLC's request to aggregate scrap tires for recycling at 195 Hay Road, Wilmington, Delaware.

Where possible, similar comments provided have been combined and edited for clarity and brevity in the table. Verbatim statements can be found in the SCRAP TIRE SOLUTION, INC APPLICATION, the Hearing Transcript prepared by Veritext Legal Solutions, and the public

comments posted on the DNREC webpage. This response document is attached for your reference.

General Public Comment Summary	DNREC Responses
<p>Stock piling tires is a fire and pollution hazard. How will fires at the facility be prevented, contained and/or managed?</p>	<p>The combined tonnage of loose scrap tires and baled scrap tires at the facility is not permitted to exceed 375 tons at any given time. This limits the total amount of scrap tires that can be at the facility.</p> <p>Scrap tires at this location will not be stored outside of trailers. All loose scrap tires will be stored in up to ten (10) enclosed trailers, no longer than 53 feet. Baled scrap tires will be placed in up to twenty (20) enclosed trailers, no longer than 53 feet, for transport.</p> <p>A review by DNREC indicates that baled tires are harder to burn and easier to extinguish than unbaled tires. The storage of scrap tires in enclosed trailers also decreases the possibility of fire. Additionally, the permit requires that STS control access to the facility to prohibit the entry of unauthorized individuals which should prevent the likelihood of arson at the facility.</p> <p>The facility permit explicitly states minimum actions that must be implemented by the facility to minimize the likelihood of fires at the facility.</p> <p>The facility permit requires STS maintain the capability to react appropriately to emergencies such as fires. Contact information for fire services is required to be readily available at the facility. Additionally, all employees who work with the scrap tires are required to have training that includes fire prevention and protection.</p> <p>Scrap tires stored in the enclosed 53-foot trailers will not be exposed to environmental conditions and should not pose a pollution hazard.</p>
<p>How will it be ensured that this won't become a tire dump/storage site.</p>	<p>All scrap tires are to be stored within enclosed 53-foot trailers. Scrap tires will not be stored outside of the enclosed trailers. DNREC will conduct periodic inspections to verify compliance with the facility permit. DNREC will respond to complaints about the facility, if reported.</p> <p>The combined tonnage of loose scrap tires and baled scrap tires at the facility is not permitted to exceed 375 tons at any given time.. When an enclosed 53-foot trailer is filled with</p>

General Public Comment Summary	DNREC Responses
	baled tires, it will be picked up from the STS location for delivery to the Port of Wilmington, or other port, to be exported for recycling.
Concern that STS will cause damage to the New Castle County's Edgemoor Sewer Pump Station and associated underground force main infrastructure	STS is required by permit to maintain all setbacks and right of ways. Enclosed trailers will not be located within the setbacks and right of ways. The site plan has been updated in the draft permit to identify the setbacks and storage areas. The approximate alignment of the force main is included within the updated site plan.
Has an analysis been conducted to determine whether the weight of the containers, bailing equipment and heavy equipment will impact the underground sewer force main that runs through the property?	No, an analysis was not completed to determine whether there would be any impact to the force main. However, STS has updated its site plan. The new site plan excludes the area noted to be the approximate alignment of the force main. STS then included an additional 10-foot setback from the approximate boundary of the force main alignment. No activities are to occur over the force main.
Scrap Tire Piles are mosquito breeding grounds.	Unbaled tires are breeding grounds for mosquitoes; however, STS will be storing both their unbaled tires and baled tires in enclosed 53-foot trailers. This removes the possibility of water collection in the tires required by mosquitoes to breed.
STS will add additional unhealthy air level related to diesel emissions.	STS was determined to not require an air permit by DNREC's Division of Air Quality.
STS will be processing and burning tires as a processing plant.	STS is not processing or burning tires. STS will bail and containerize scrap tires for pick up from the STS location for delivery to the Port of Wilmington, or other port, to be exported for recycling.
How can the public have accessibility to information related to the STS facility.	Persons have the ability to submit Freedom of Information Act requests (i.e., FOIA requests) at any time to inquire about the STS facility. Persons may also be able to view STS documents online via the Delaware Environmental Navigator portal (https://den.dnrec.delaware.gov/).
Lack of public engagement related to the permitting process.	Notices were published in the News Journal, Delaware State News, and through DNREC online systems requesting comments for the application. Notices were published in those same outlets to announce the public hearing.

General Public Comment Summary	DNREC Responses
Shipping of American-made waste products to East Asia is a global environmental justice issue	The Commerce Clause of the United States Constitution provides that the Congress shall have the power to regulate interstate and foreign commerce. The plain meaning of this language might indicate a limited power to regulate commercial trade between persons in one state/country and persons outside that state/country.