



**Permit Issued Date**  
**Solid Waste Facility Permit**  
**Permit SW-26/08**

Effective Date: Month XX, XXXX

Last Modified: n/a

Expiration Date: Month XX, XXXX

Site ID Number: DE-ST-000237

Permittee: Fitzgerald Salvage and Recycling

**Facility Location Address**

17115 Fitzgerald Road  
Lincoln, DE 19960

**Mailing Address**

PO Box 26  
Lincoln, DE 19960

Pursuant to 7 Del.C. §6003 and 7 DE Admin. Code §1301, Delaware's "Regulations Governing Solid Waste" (DRGSW), approval of the Department of Natural Resources and Environmental Control (DNREC or Department) Fitzgerald Salvage and Recycling is hereby granted to operate a solid waste facility located at 17115 Fitzgerald Road, Lincoln, Delaware, subject to the terms and conditions of this permit. All terms and conditions of this permit are enforceable by the Department.

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Division of Waste and Hazardous Substances  
Compliance and Permitting Section  
(302) 739-9403

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Date

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Jason W. Sunde

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Date

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## I. GENERAL CONDITIONS

### A. Permit Issuance

Pursuant to 7 Del.C. §6003 and 7 DE Admin. Code §1301, Delaware's "Regulations Governing Solid Waste" (DRGSW), the Department of Natural Resources and Environmental Control (DNREC), Division of Waste and Hazardous Substances (WHS), Compliance and Permitting Section (CAPS) issues Solid Waste Facility Permit SW-26/XX (Permit) to Fitzgerald Salvage and Recycling (Fitzgerald), for the purpose of storing scrap tires generated from its qualifying business at the property located at 17115 Fitzgerald Road, Lincoln, Delaware. Solid Waste Facility Permit SW-26/XX incorporates the requirements of and supersedes Scrap Tire Facility Permit DE-ST-000237-01.

### B. Applicability

This Permit applies to the ~ 40-acre property identified as Sussex County, Delaware, Tax Parcel Number 130-6.00-88.0, illustrated within the image dated July 21, 2025, as included as the site map figure within the submitted "Scrap Tire Facility Operations Manual of July 21, 2025."

1. Operation and maintenance of the Fitzgerald solid waste facility.
2. Environmental monitoring, recordkeeping, and reporting for the Fitzgerald solid waste facility.
3. Closure of the Fitzgerald solid waste facility.

### C. Definitions

For the purposes of this Permit, the following definitions shall apply:

**CAPS** means the Compliance and Permitting Section of the DNREC WHS

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**Department** means Delaware's Department of Natural Resources and Environmental Control

**DNREC** means Delaware's Department of Natural Resources and Environmental Control

**DRGHW** means Delaware's Regulations Governing Hazardous Waste (7 DE Admin. Code 1302)

**DRGSW** means Delaware's Regulations Governing Solid Waste (7 DE Admin. Code 1301)

**Enclosed by a building** means a permanent fixed structure surrounded on all sides by four solid walls, a structurally sound roof, and an impermeable floor, with no permanent openings.

**Group 2 Scrap Tire Facility** means an accumulation of scrap tires having a total volume of scrap tires no greater than 901 square feet by 10 feet high, with the height being measured from the lowest point on the lowest tire and the square footage measured using the furthestmost tires.

**Litter** means all rubbish, waste material, refuse, paper, cans, bottles, garbage, trash, debris, dead animals, or other discarded materials.

**Prudent or practical-** means:

- a) Tread depth shall not be less than 2/32 of an inch deep;
- b) Free from chunking, bumps, knots, or bulges evidencing cord, ply, or tread separation from the casing or other adjacent materials; and
- c) Tire cords or belting materials shall not be exposed, either to the naked eye or when cuts or abrasions on the tire are probed.

**Qualifying Business** means a business that generates and accumulates scrap tires but whose primary purpose is not to accumulate scrap tires.

**Rubbish** means any nonputrescible solid waste, excluding ashes, such as cardboard, paper, plastic, metal, or glass food containers, rags, waste metal, yard clippings, small pieces of wood, excelsior, rubber, leather, crockery, and other waste materials.

**Scrap tire** means:

a tire that is no longer prudent or practical for vehicular use; or  
a tire that has not been used on a vehicle for more than 6 months after the last date it was used on a vehicle; or  
a tire that is six years or older from the date of manufacture.

**Solid Waste Facility** means a Group 2 Scrap Tire Facility.

**WHS** means Division of Waste and Hazardous Substances

#### D. Application and Modification Documents

The Department issues Permit SW-26/XX on Month XX, XXXX in accordance with the permit application dated July 31, 2025, which included the following documents:

1. Scrap Tire Facility Operations Manual as revised and dated July 21, 2025 (operations manual).
2. And all communications related to the content of the application prior to this Permit being issued.

#### E. General Conditions

This Permit is issued subject to the following general conditions:

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1. This Permit does not relieve Fitzgerald, nor any of its contractors, or persons/entities acting on behalf of Fitzgerald, from complying with any other applicable federal, state, or local laws, regulations, or ordinances. All construction and operations at the solid waste facility shall be conducted in accordance with all federal, state, county, and municipal environmental statutes, ordinances, and regulations, including but not limited to: Delaware's "Regulations Governing Solid Waste," Delaware's "Regulations Governing Hazardous Waste," "Regulations Governing the Control of Water Pollution," the "Delaware Surface Water Quality Standards," Delaware's "Regulations Governing the Construction and Use of Wells," and Delaware's "Regulations Governing the Control of Air Pollution."

2. Permit SW-26/08 shall expire no later than Month XX, XXXX.

3. Financial Assurance

No later than October 1, Fitzgerald shall demonstrate adequate financial assurance with a valid financial assurance mechanism for closure of the solid waste facility in accordance with the requirements of DRGSW and shall:

- a. Submit proof of financial assurance.
4. Pursuant to DRGSW Section 4.1.6, Fitzgerald shall submit a permit application with all supporting documentation to the Department at least 180 calendar days prior to the expiration of this Permit if the applicant desires to renew the Permit. The application package is to be submitted by (INSERT Date), 180 calendar days prior to the permit expiration date. Fitzgerald may be required to submit additional documentation as needed at the Department's sole discretion.
5. The CAPS may initiate modification of this Permit, including, but not limited to, additional limitations, requirements, and/or special

- conditions, at any time if the CAPS finds that the existing conditions are either not adequate or not necessary to protect human health and the environment, as set forth in DRGSW Section 4.1.7.2, or in the event that regulations governing the activities authorized in this Permit are revised.
6. At least sixty (60) calendar days prior to the date of any proposed transfer, Fitzgerald must submit all documentation required by DRGSW Section 4.1.8. The actual transfer will be contingent upon the transferee meeting all Permit and regulatory requirements; until such time, the current permittee will remain liable for compliance regardless of who owns the solid waste facility.
  7. Reserved.
  8. Fitzgerald shall immediately make available, upon request, a readable copy of this Permit to any representative of the Department or any law enforcement officer.
  9. Failure to comply with any condition of this Permit or any provisions within the aforementioned documents is a violation of this Permit.
  10. Failure to remit the annual permitting fee as required by the Department shall result in revocation of this permit.
  11. Any violation of any condition of this Permit, promulgated regulations, Secretary's Orders, or provision of 7 Del.C. Chapters 60 and 63, shall justify revocation or suspension of this Permit and implementation of appropriate enforcement action.

## II. CONSTRUCTION [RESERVED]

## III. FACILITY OPERATION

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A. General Operations

Fitzgerald shall operate the solid waste facility in accordance with DRGSW, this Permit and approved plans, operations manual, policies, programs, and procedures cited within Condition I.D of this Permit. The solid waste facility shall be operated in a manner that will prevent degradation of adjacent land, air, surface water, or groundwater.

B. Protection of Control Systems [Reserved]

C. Operating Hours

All generation and handling of scrap tires shall be limited to the posted operating hours of Fitzgerald.

D. Access

Access to the solid waste facility shall be limited to those times when staff are on duty and to those persons authorized to place or remove scrap tires into or from the solid waste facility. Access to the solid waste facility by unauthorized persons during non-business hours shall be prevented by the use of a locked security fence or other suitable means. Representatives of the Department may, at any reasonable time, enter the solid waste facility to verify compliance with the conditions of this Permit, DRGSW, and 7 Del.C. Chapter 60.

E. Staffing

Sufficient numbers and types of personnel shall be available at the solid waste facility to ensure operations are in accordance with DRGSW and this Permit.

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F. Equipment

1. All equipment necessary to ensure the operations of the solid waste facility in accordance with the operations manual, DRGSW, and this Permit shall be maintained at Fitzgerald.
2. All equipment being used to manage scrap tires shall be routinely maintained to ensure operations are in accordance with DRGSW and this Permit.

G. Waste Transportation

1. All vehicles transporting scrap tires from Fitzgerald shall have a valid Delaware Solid Waste Transporter Permit issued by the CAPS to haul scrap tires to a facility permitted to accept the waste. Vehicles transporting solid waste other than scrap tires waste must also have a valid Delaware Solid Waste Transporter Permit issued by the CAPS to haul solid waste to a facility permitted to accept the waste.
2. Any scrap tires transported from Fitzgerald must be hauled to a facility permitted or approved to accept scrap tires.
3. A record of transporters, including the company name, address, and telephone number, along with the number, volume, or tonnage of scrap tires for each individual shipment hauled from the Fitzgerald facility, e.g., a receipt, shall be maintained in accordance with Condition VI of this Permit.

H. Acceptable Wastes

1. Fitzgerald is permitted to store only scrap tires in the solid waste facility in accordance with DRGSW and this Permit.

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I. Prohibited Wastes

1. Fitzgerald shall not accept any waste, including scrap tires, generated at locations other than the facility address.
2. Fitzgerald shall not place any waste other than what is listed within Condition III.H of this Permit into the solid waste facility.
3. Fitzgerald shall exercise reasonable care to ensure prohibited waste is not placed in the solid waste facility. Prohibited wastes include:
  - a. No wastes other than those specified within Condition III.H of this Permit.
  - b. Regulated hazardous waste.
  - c. Regulated infectious waste.
  - d. Licensed radioactive material (as described in the "Delaware Radiation Control Regulations"), and any radioactive material considered source, special nuclear, or by-product material as defined by Atomic Energy Act of 1954.
  - e. Liquid waste.
  - f. Special solid wastes
  - g. Municipal solid waste.
  - h. Dry waste.
  - i. Asbestos-containing materials.
4. Any prohibited waste found at the solid waste facility must be immediately removed upon discovery and managed according to all applicable local, state, and federal regulations.
5. Reporting the receipt of, or discovery of, a prohibited waste at the solid waste facility shall be in accordance with Condition V of this Permit.

J. Waste Capacity

1. Fitzgerald shall not accumulate scrap tires in the solid waste facility in a pile of a size greater than 901 square feet by 10 feet high, with the height being measured from the lowest point on the lowest tire and the square footage measured using the furthestmost tires.
2. Records demonstrating compliance with waste capacity criteria shall be maintained in accordance with Condition VI of this Permit. Reporting shall be in accordance with Condition V of this Permit.

K. Waste Storage (Scrap Tire Storage)

1. Fitzgerald shall store scrap tires in the designated solid waste facility, as identified in the "Scrap Tire Facility Operations Manual of July 21, 2025," specifically the Site Map listed in Figure 1, dated July 21, 2025.
2. The solid waste facility is to be enclosed by a fence.
3. No scrap tires shall be stored outside of the solid waste facility unless enclosed by a building.
4. The area under the solid waste facility must be adequately stabilized to prevent any scrap tires from sinking below ground level and to prevent any significant unintended movement of the tires on the solid waste facility.
5. There shall be a mineral strip firebreak of at least 50 feet surrounding the solid waste facility.
6. The solid waste facility and firebreak must remain free of grasses, weeds, brush, debris, and other combustible materials.

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7. No activities involving the use of open flames, blow torches, or highly flammable substances shall be conducted within the solid waste facility or within the required fire break.
8. Smoking is prohibited within the solid waste facility and the required fire break.
9. Records demonstrating compliance with scrap tire storage criteria shall be maintained in accordance with Condition VI of this Permit. Reporting shall be in accordance with Condition V of this Permit.

L. Waste Acceptance Procedures

1. Fitzgerald shall exercise reasonable care to ensure only scrap tires generated onsite by Fitzgerald are placed in the solid waste facility.
2. Any water held in scrap tires shall be removed immediately prior to placement in the solid waste facility.
3. Fitzgerald shall maintain records of all outgoing waste from the solid waste facility. Records shall be maintained in accordance with Condition VI of this Permit. Reporting shall be in accordance with Condition V of this Permit.

M. Waste Management/Processing Procedures

1. Only waste specified within Condition III.H shall be managed in the solid waste facility.
2. Waste handling shall be performed in accordance with the operations manual and this Permit.
3. Adherence to all Waste Capacity within Condition III.J and Waste Storage within Condition III.K requirements shall be maintained at all times. Scrap tires shall be removed from the solid waste facility

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at a frequency to ensure compliance with waste capacity and waste storage criteria.

4. All waste shall be managed in compliance with applicable federal, state, or local laws, regulations, or ordinances while awaiting offsite transportation.
5. Transportation of all scrap tires from Fitzgerald must be performed by a Delaware permitted solid waste transporter in compliance with all other applicable federal, state, or local laws, regulations, or ordinances while in transit to a facility permitted to accept the scrap tires.
6. Records demonstrating compliance with waste management procedures shall be maintained in accordance with Condition VI of this Permit. Reporting shall be in accordance with Condition V of this Permit.

N. Scavenging

Scavenging is prohibited at the solid waste facility.

O. Salvaging

Salvaging is prohibited at the solid waste facility.

P. Groundwater Monitoring Network Maintenance and Preservation  
[Reserved]

Q. Surface Water Management and Erosion & Sediment Controls

Fitzgerald shall ensure, as applicable, compliance with 7 Del. Admin. Code § 7201 Delaware's "Regulations Governing the Control of Water Pollution," Section 9, "General Permit Program."

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R. Leachate Management [Reserved]

S. Leakage Detection System [Reserved]

T. Gas Extraction [Reserved]

U. General maintenance

Good housekeeping practices shall be employed to protect human health and the environment and to prevent the accumulation of solid waste other than scrap tires at the solid waste facility. This includes operating the solid waste facility in a manner to prevent the establishment of habitats for vectors/nuisance organisms such as mosquitoes, mosquito larvae, flies, maggots, roaches, rodents, and similar vermin.

V. Odor Control

1. Fitzgerald shall operate the solid waste facility in a manner that nuisance odors, detectable outside the boundaries of the property, are prevented.
2. Fitzgerald shall record all odor complaints it receives concerning the solid waste facility and shall investigate complaints in a timely manner. A record of all odor complaints and any actions taken shall be maintained in accordance with Condition VI of this Permit.
3. Fitzgerald shall report odor complaints in accordance with Condition V of this Permit.

W. Litter

1. Litter includes that found both inside and outside the solid waste facility, regardless of whether it is specifically linked to the operations of the facility.

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2. Fitzgerald shall not allow litter to migrate from the solid waste facility. They shall also collect any off-site litter attributable to the solid waste facility operations.
3. Fitzgerald shall provide for routine maintenance and general cleanliness of the solid waste facility and the property at which the facility resides. Fitzgerald shall inspect for litter at least once every thirty (30) calendar days and ensure that litter is collected and properly disposed of. Inspection records shall be maintained in accordance with Condition VI of this Permit.
4. Fitzgerald shall record all litter complaints they receive concerning the solid waste facility or the property at which the solid waste facility resides and shall investigate complaints within 24-hours of receipt. A record of all litter complaints and any actions taken shall be maintained in accordance with Condition VI of this Permit.
5. Fitzgerald shall report litter complaints in accordance with Condition V of this Permit.

X. Noise Control

1. Fitzgerald shall operate the solid waste facility in a manner to prevent noise generated from the solid waste facility from interfering with any person's enjoyment of life or property.
2. Fitzgerald shall implement noise mitigation, as necessary.
3. Fitzgerald shall document any complaint received pertaining to noise emanating from the solid waste facility and any subsequent noise mitigation practices implemented. A record of all noise complaints and any action taken shall be maintained in accordance with Condition VI of this Permit.
4. Fitzgerald shall report noise complaints in accordance with Condition V of this Permit.

Y. Dust Control

1. The solid waste facility shall be operated in a manner to prevent dust emissions from causing a condition of air pollution (injurious to human, plant, or animal life or unreasonably interfering with the enjoyment of life and property).
2. Fitzgerald shall implement dust control measures when necessary.
3. Fitzgerald shall record all dust complaints they receive concerning the solid waste facility and shall investigate complaints in a timely manner. A record of all dust complaints and any actions taken shall be maintained in accordance with Condition VI of this Permit.
4. Fitzgerald shall report dust complaints in accordance with Condition V of this Permit.

Z. Operational Inspections

While the solid waste facility is operating, Fitzgerald shall conduct operational inspections of the facility and shall maintain those records in accordance with Condition VI of this Permit. As a minimum, operational inspections shall consist of the following:

1. Operating staff must inspect the solid waste facility within 12 hours after the end of a precipitation event to identify any standing water. If standing water is found, Fitzgerald must take one of the following actions:
  - a. Within 24 hours of the end of the precipitation event, remove any standing water from each tire to prevent its accumulation; or
  - b. Within 48 hours of the end of the precipitation event, effectively apply a larvicide that is registered for mosquito control by the U.S. Environmental Protection Agency to all

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water-holding tires, in accordance with Condition III.HH.3 of this permit.

2. Operating staff shall inspect the solid waste facility at least once monthly to identify and correct problems with waste capacity.
3. Operating staff shall inspect the facility at least once each month to identify and correct problems with all emergency equipment identified in the Scrap Tire Facility Operations Manual, as well as first aid kits, personal protective equipment, and spill kits, where present.
4. Operating staff shall inspect the solid waste facility at least once each month to identify and ensure correction of problems with
  - a. access and security
  - b. maintenance of the firebreak and maintaining the firebreak free of combustible materials and ignition sources
  - c. operating equipment
  - d. general housekeeping
  - e. litter
  - f. odors, noise, and vectors other than mosquitoes.
5. Operating staff shall inspect the solid waste facility at least once each month to identify and correct problems with the presence of accumulated precipitation and mosquitoes.

AA. Health and Safety

1. Fitzgerald shall implement health and safety practices for all employees and contractors that work at the solid waste facility that align with Occupational Safety and Health Administration (OSHA) requirements and guidance.
2. Fitzgerald shall provide all employees and contractors with health and safety training appropriate for each individual's assigned duties

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and responsibilities. Condition III.CC of this Permit outlines minimum training requirements. Fitzgerald shall document all health and safety training provided to each employee and retain the records in accordance with Condition VI of this Permit.

3. First aid equipment shall be maintained and readily available at the solid waste facility within the main office.
4. As a minimum, when required, use of personal protective equipment (PPE) shall be in accordance with 29 CFR §1910.132.

BB. Fire Management and Safety

1. Fire prevention and management shall be in accordance with the Scrap Tire Facility Operations Manual.
2. Fire management equipment and systems shall be maintained and shall be in a fully functional condition. Fire management equipment and systems shall be kept clear of obstructions at all times. Inspections of the fire management equipment and systems shall be in accordance with the Scrap Tire Facility Operations Manual. Records of the inspections shall be maintained in accordance with Condition VI of this Permit.
3. Fitzgerald shall ensure that all employees and contractors have been trained on the solid waste facility's fire management procedures and retain a record of the training in accordance with Condition VI of this Permit.
4. Fitzgerald shall notify the CAPS in the event of a fire at the solid waste facility in accordance with Condition V of this Permit.

CC. Training

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1. Fitzgerald shall provide all employees and contractors who work at the solid waste facility with training appropriate for each individual's assigned duties and responsibilities.
2. In addition to any training otherwise required by Fitzgerald, each employee and contractor shall have trainings covering the following topics:
  - a. Operational Procedures
  - b. Inspection Requirements
  - c. Health and Safety Procedures
  - d. Emergency Response and Contingency Procedures
  - e. Spills and Accidental Releases
  - f. Fire Prevention and Management
3. All training shall be completed within sixty (60) calendar days of initial hire.
4. Fitzgerald shall retain a record of employee and contractor trainings in accordance with Condition VI of this Permit.

DD. Contingency

1. Fitzgerald shall maintain the capability to react appropriately to emergencies. Fitzgerald shall react to spills, fires, accidents, and other emergencies so as to protect human health and safety and the environment.
2. Equipment specified for use during emergencies shall be properly maintained and readily available for use.
3. Fitzgerald shall maintain a current and correct list of emergency contact telephone numbers. At a minimum the list must include Emergency Coordinator(s) and 911, but may also include nearby ambulances, hospital, police, and fire services.

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4. The list shall, at a minimum, be prominently displayed within the main office.
5. Fitzgerald shall notify the CAPS in writing within seven (7) calendar days of changes to Emergency Coordinator(s).
6. Fitzgerald shall ensure that a reliable telephone is available onsite.
7. Employees and contractors responding to emergencies at the solid waste facility shall be appropriately trained, pursuant to Condition III.CC of this Permit. A record of the training must be maintained in accordance with Condition VI of this Permit.

EE. Landfilling Plan [Reserved]

FF. Daily/Operational Cover [Reserved]

GG. Intermediate Cover [Reserved]

HH. Mosquito Control

1. Fitzgerald must implement and maintain mosquito control by removing any accumulation of water in any tire prior to placement within the solid waste facility.
2. Fitzgerald must prohibit the growth of mosquitoes following the placement of tires in the solid waste facility by either:
  - a. Having punched, drilled, or bored holes in the scrap tires prior to placement within the solid waste facility to prevent the accumulation of water; or
  - b. Covering the scrap tires to prevent the accumulation of water; or
  - c. Removing all standing water from the tires no later than 24 hours following the conclusion of a precipitation event; or

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- d. Effectively applying a larvicide that is registered for mosquito control by the U.S. Environmental Protection Agency to all water-holding tires within 48 hours of the conclusion of a precipitation event pursuant to Condition III.HH.3 of this permit.
3. Fitzgerald, when applying a larvicide, shall ensure:
- a. The application is performed safely and in accordance with all product label instructions and federal and state regulations.
  - b. The application is performed by a qualified professional pesticide applicator, and in the event that a Restricted Use pesticide is utilized, it is purchased and applied by a Delaware Certified Pesticide Applicator in accordance with Delaware Department of Agriculture regulations.
  - c. Application continues to be performed at a frequency to maintain good larval control.
  - d. Documentation related to larvicide application must be maintained in accordance with Condition VI.A.5, which at a minimum shall include:
    - i. the name, type, and amount of larvicide applied per tire;
    - ii. the EPA registration number of the larvicide and product lot used;
    - iii. the date and time of application; and
    - iv. the name of the person applying the larvicide with their Delaware Certified Pesticide Applicator Number if a Restricted Use pesticide was applied.
4. Should the owner/operator not implement or maintain mosquito control and DNREC finds the existence of excessive numbers of adult mosquitos or mosquito larvae on the premises, the owner or operator must apply an adulticide and/or larvicide registered for mosquito control by the U.S. Environmental Protection Agency to all water-holding tires within 24 hours of notice from DNREC in accordance with Condition III.HH.3 of this permit

#### **IV. MONITORING AND CHARACTERIZATION [RESERVED]**

#### **V. REPORTING**

##### **A. Financial Assurance**

- a. No later than October 1 of each year, Fitzgerald shall demonstrate adequate financial assurance with a valid financial assurance mechanism for closure of the solid waste facility in accordance with the requirements of DRGSW.

##### **B. Annual Operations Report**

No later than March 1 of each year, Fitzgerald shall submit an Annual Operations Report to the CAPS. Fitzgerald shall provide this report in a format acceptable to the CAPS. The Annual Operations Report shall summarize the solid waste facility operations for the previous calendar year and include:

1. A solid waste facility annual report on a form provided by the CAPS.
2. Summary of fires, spills, and uncontrolled releases that occurred at the solid waste facility.
3. A summary of all complaints received by Fitzgerald related to the solid waste facility during the reporting year.
4. A summary of all instances requiring notification and emergency reporting to the CAPS pursuant to the conditions of this Permit during the reporting year.
5. Descriptions of any intentional or accidental deviations from the operations manual and this permit.

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C. Annual Monitoring Report [Reserved]

D. Additional Reporting

1. Reserved
2. Fitzgerald shall maintain a current and correct emergency coordinator and emergency services list at the solid waste facility and shall notify the CAPS within seven (7) calendar days of any changes therein.
3. Should Fitzgerald be unable to comply with any of the reporting requirements within this permit, Fitzgerald must provide written notice and justification to the CAPS two (2) weeks prior to the reporting deadline.
4. Upon discovery, Fitzgerald shall report to the CAPS any intentional or accidental deviation from the operations manual and this permit.

E. Notification and Emergency Reporting.

1. Emergency Reporting and Notification
  - a. Fitzgerald shall immediately report the discovery of the following events to 911 or to the Department's TOLL-FREE 24-HOUR LINE 1-800-662-8802.
    - i. Fire or explosion at the solid waste facility.
    - ii. Any spill or non-permitted release.
  - b. Fitzgerald shall submit a written notification to the CAPS no later than seven (7) calendar days following any event requiring Notification or Emergency Reporting. The notification shall include the following:
    - i. Date and time of occurrence/discovery.

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- ii. Date and time reported to the 911 or the Department's 1-800 number.
- iii. Materials and quantities involved.
- iv. Agencies notified.
- v. Narrative describing how the incident occurred and the actions taken by Fitzgerald and other response personnel.
- vi. Report of injuries/damage.
- vii. Proposal for follow-up or remedial actions including schedule.

2. Notification

- a. Fitzgerald shall notify the CAPS at (302) 739-9403 within 24 hours of the discovery of any of the following events.
  - i. Any time the scrap tire capacity limit of the solid waste facility is exceeded.
  - ii. Fire or explosion at the solid waste facility.

F. Assessment of Corrective Measures [RESERVED]

**VI. RECORDKEEPING**

A. General Recordkeeping and Maintenance

The following information must be recorded in a timely manner, and the records must be retained by Fitzgerald for at least three (3) years. The information shall be kept on-site or made available to Department representatives within seven (7) calendar days of being requested.

- 1. Records, in the form of individual invoices or receipts, demonstrating the number or tonnage of scrap tires removed from the solid waste facility at the time of each removal. These records must include the name of each transporter accepting the scrap tires and the name of the designated disposal or recycling facility.

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2. Training records that document all required training for all solid waste facility staff.
3. Records of all inspections required by this Permit.
4. A record of fires, spills, explosions, and uncontrolled releases that occurred at the solid waste facility.
5. Records pertaining to mosquito control.
6. Records of any corrective actions required at the solid waste facility.
7. Records of all complaints received by Fitzgerald from the public concerning odors, litter, noise, or dust at the solid waste facility.
8. Reports required by this permit.

B. On-Site Records

The following information must be recorded and maintained by Fitzgerald until clean closure is complete. The information must be kept on-site and immediately made available, upon request, to any representative of the Department or any law enforcement officer.

1. All documents cited in Condition I.D of this Permit.
2. Deeds, leases, covenants, and any land use agreements in effect. The deed notation, or some other instrument that is normally examined during the title search, will, in perpetuity, notify any potential purchaser of the property that the land has been used as a solid-waste disposal facility, and the use of the land is restricted under DRGSW.

## **VII. CLOSURE AND INTERIM CLOSURE**

### **A. Closure in Accordance with DRGSW.**

1. Fitzgerald shall close the solid waste facility in accordance with DRGSW and this Permit.
2. The solid waste facility must be closed in a manner that minimizes the need for further maintenance, and so that it will not pollute any waters, contaminate the ambient air, constitute a hazard to health or welfare, or create a nuisance.
3. Minimum closure expectations include, but are not limited to, the following:
  - a. Should Fitzgerald wish to cease the activities cited within this Permit, all scrap tires shall be properly transported and disposed of or recycled.
  - b. By the cessation date provided by Fitzgerald, all scrap tires and ancillary solid wastes and all collected litter from the solid waste facility shall be removed. Hazardous-waste determinations for all solid waste to be removed from the Fitzgerald site shall be in accordance with DRGHW. Management of all waste shall be in accordance with the applicable requirements of DRGSW and DRGHW.

### **B. Notification**

Fitzgerald shall notify the CAPS in writing at least ninety (90) calendar days prior to the date when the solid waste facility is to close. The notice shall include the following:

1. The date on which scrap tires will no longer be placed into the solid waste facility.

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2. The estimated date on which closure of the solid waste facility will begin.
3. The date on which closure of the solid waste facility will be completed.
4. The name and permit number of the permitted Delaware permitted solid waste (scrap tire) transporter responsible for transporting the scrap tires from the solid waste facility.
5. The permitted facility to which the scrap tires will be transported.

C. General Closure Activities

1. Closure activities shall not commence until the Department has provided written acknowledgement of receipt of the notification to close.
2. Fitzgerald shall complete closure in accordance with the date specified in the submitted and acknowledged notification unless an alternate date is submitted to the CAPS and approved in writing.
3. Closure of the solid waste facility shall meet the closure requirements set forth in DRGSW Section 12.0.
4. Fitzgerald must notify the CAPS in writing within ten (10) calendar days following the completion of closure.
5. During and after closure has been completed, the CAPS may conduct site visits, monitoring and/or maintenance activities at Fitzgerald to prevent or detect and mitigate any adverse environmental or health impacts.

D. Protection of Capping Systems [Reserved]

## **VIII. POST-CLOSURE**

### **A. Post-closure Care**

Post-closure care and monitoring (if applicable) shall be in accordance with DRGSW and an issued Permit

### **B. Post-closure Land-Use [Reserved]**

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**PERMIT MODIFICATION SYNOPSIS**

SW-26/08

Month XX, XXXX: Renewal permit issued.

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