

Exhibit 1

Request for Permit Modification

Adam Schlachter
Environmental Program Manager
DNREC - Waste and Hazardous Substances Division
Compliance and Permitting Section
Waste Management and Reduction Branch
89 Kings Highway
Dover, DE 19901

February 2, 2022

RE: Tonnage Increase

Mr. Schlachter,

All corrective actions have been taken and inspection has been completed to resolve NOV 21-SW-50. Magnus has made the requested changes to the Plan of Operations and changes in its daily operation to avoid any possibility of exceeding the maximum tonnage permitted. Magnus has also adopted a tracking and reporting spreadsheet developed and supplied by DNREC. This will monitor daily incoming and outgoing waste and assist Magnus to remain in compliance as well as give DNREC the ability at any time to check or monitor Magnus and tons on site. Magnus also had an inspection by the Division of Ground Water. No violations were found and Magnus maintains its non-exposure status.

The pandemic has hit the trucking industry extremely hard and continues to cause issues. The trucking industry is suffering from a shortage of drivers, and current working drivers are missing time because of CoVid. As you know, our company relies on trucking for all aspects of the operation and one missed day by a driver, or a company that's behind schedule due to lack of drivers, can cause a complete shut-down of the facility in order for us to remain in compliance.

Consequently, Magnus is requesting to increase our maximum permitted tons to a maximum of 80 tons. This will allow magnus to continue operations if a day is missed due to schedules being backed up, drivers calling out sick, or weather conditions.

Please let me know if you have any other questions, and what else you would need from us to proceed with increasing our permitted on-site tonnage.

Sincerely,



Joseph R. Matteo

Exhibit 2
Updated Operations Plan

1.0 FACILITY OVERVIEW

1.1 Purpose and Overview

This Plan of Operation (the "Plan") has been prepared pursuant to the requirements specified in Section 4.4.1.3. of Delaware's Regulations Governing Solid Waste ("DRGSW") for the Resource Recovery Facility ("RRF") operated by Magnus Environmental Corporation ("Magnus"). This Plan is being submitted for the modification of our permit. The Magnus RRF operation currently accepts source-separated recyclable waste, specifically used scrap tires.

Magnus has been conducting this business of collecting and processing scrap tires for 27 years.

Magnus is operating under an existing Resource Recovery Permit No. SW-21/02 issued by the Department of Natural Resources and Environmental Control ("DNREC" or the "Department"). The RRF commenced operating after the issuance of the original Beneficial Use Determination (#21/121116B, then BUD #39) in 1995. Magnus has been operating within this facility since September 21, 2010. Prior to that date Magnus was operating an RRF at 1000 South Heald Street in Wilmington, Delaware.

Scrap tires coming from tire dealers, tire pile cleanups, townships, counties, states and businesses and individuals who accumulate scrap tires are brought to the facility for processing.

Currently, Magnus rents 2 acres at our location at 220 Marsh Lane in New Castle, Delaware, just off of Route 13, near the New Castle County Police Department Headquarters. The square footage of our building is 11,000 square feet. We have been recycling tires at this location for the past ten years, and processing scrap tires in Delaware for the past 25 years. The maximum tonnage of incoming and outgoing tires and product to be stored is 80 tons. This Plan of Operation provides detailed information on the controls and procedures that have been implemented at the Magnus facility. This Plan of Operation has also been developed to ensure that all operations conducted are in compliance with all applicable Federal, State, and local laws and regulations pertaining to Resource Recovery Facilities.

1.2 General Description

The Facility has been operating under Resource Recovery Facility Permit #SW-21/02 issued on April 3, 2021 by DNREC to accept, process, store and recycle used scrap tires. Currently, the facility is permitted to accept used scrap tires. Magnus does not engage in C&D recycling. Magnus processes the used scrap tires and the tire shreds we produce using physical sorting techniques.

This Plan of Operation addresses the approved recycling operation.

The facility site encompasses approximately 2 acres of land (Tax Parcel 10-004.00-002). The property, as shown on the Site Plan, (see Attachment I), includes one permanent structure totaling 11,000 square feet. The structure is used for the housing of trucks and maintenance equipment. It also has a small office, lunchroom, and restroom. There is also an office trailer at the entrance to the property, next to a truck scale. The office trailer houses an office, a restroom, and an open area for the dispatcher/weighmaster to weigh in trucks and conduct clerical work.

Finally, there are 8 open bins used to sort tires by size and type, and to store tire rims until they are disposed of.

The facility's operating yard provides suitable access and supports unobstructed movement of equipment and trucks at the site. The facility has one drive-on truck scale, located at the entrance of the site next to the scale trailer, shown in the attached site plan. The scale provides appropriate measures to monitor and track waste receipts and shipments at the facility.

The facility will receive used scrap tires for processing and recycling.

The facility is designed to process up to 12,500 tons of scrap tires per year.

1.2.1 State and Local Permits

A copy of all applicable state and local permits required to operate the facility are kept and will be kept in the Facility Manager's office. This information will be made available for review by the Department upon request.

1.3 Recyclable Wastes Marketplace Overview

As referenced in Section 1.2, above; Magnus is currently approved to accept used scrap tires for recycling or for further processing at another recycling company. Upon approval, Magnus will continue to provide this service to commercial, private, state, and institutional facilities at the 220 Marsh Lane location. Magnus keeps track of the tires from DNREC and any other state agency in two ways: Weighslips are kept for all tires coming in from DNREC's projects, so the tonnage coming in to the facility corresponds to the tonnage leaving the facility. Also those tires from DNREC's projects are separated from the other tires in their own designated storage bins.

1.4 End Market Users

Magnus currently disposes of the tire shreds as recycled material. While this is our primary disposal method, we have also identified reliable markets that purchase the shredded tires that our Resource Recovery Facility will be producing. This second method depends upon demand and market fluctuations.

1.5 Out Throws/Unprocessable Wastes/Incidental Wastes/Residues

The primary objective of the Magnus facility is to ensure that the tire shreds are disposed of with minimal contamination of non-recyclable components. For our process, this is relatively simple. The vast majority of our incoming tires are clean tires from dealers that have been put on trucks and trailers by hand. Essentially, the vast majority of loads are comprised of nothing but tires.

If a load of tires arrives with waste other than tires, the load is rejected and sent back to the customer. We simply do not accept anything but tires. Our process does not produce residual waste – the tires are simply shredded into a flattened, stripped form. If an incoming load has errant trash included, the trash is put into dumpsters and disposed of. The only other possible out throws are tire rims, which are separated from the tires and sold off as scrap metal. As the rims would add weight and therefore increase the cost to our customers, the vast majority of tires we receive are without rims.

2.0 FACILITY SETTING AND DESCRIPTION

2.1 Site Location

The site is located at 220 Marsh Lane in New Castle, Delaware, just off of Route 13, near the New Castle County Police Department Headquarters. Magnus currently leases the facility from Clifton Mills Associates, at the same location. Our lease is renewable every five years. The lease is up for renewal on October 15, 2020, and our landlord has agreed to extend our lease for another five years. A site location map of the area and an aerial map of the site are provided in Attachment II & Attachment III.

2.2 Surrounding Land Use and Topography

The site is zoned HI, heavy industry, which permits recycling or storage uses, including tire recycling, as a limited use, pursuant to Table 40.03.110 of the New Castle County Unified Development Code (UDC). The site is surrounded by other heavy industrial facilities and roads sufficient to handle heavy truck traffic. The nearest residential property is located approximately 150 feet to the East of the property boundary, beyond a partition wall. It lies roughly 1/2 of a mile from the Christina River, which lies beyond Interstate 495.

An aerial photograph and a U.S.G.S. topographic map of the area surrounding the site is provided in Attachment IV & V.

2.3 Water Resources

2.3.1 On-Site Water Supplies

The facility is served by public water and sewer. The water supplier has the infrastructure to supply ample water to the facility to meet all operational needs.

2.3.2 Surface Water Bodies

The facility property is located over a half of a mile from the Christina River. There are no water bodies (ponds, lakes, rivers) located on any portion of the facility. The RRF area is impervious, covered by concrete and asphalt.

2.3.3 Groundwater

Groundwater is not currently being used on-site for a supply of process or potable water. As described above, all processing activities will take place on areas with concrete or asphalt groundcover and flooring.

2.3.4 Stormwater

The proposed operation is designed to minimize potential exposure of wastes to precipitation. Magnus's processes involve no chemicals, nor produce any liquid or water-soluble waste that could enter the groundwater or stormwater. Tires and the tire shreds we produce are stable and inert, and do not break down. None of our processes produce anything that will be exposed to stormwater.

3.0 FACILITY DESCRIPTION AND ENVIRONMENTAL MANAGEMENT CONTROLS

3.1 Facility Layout and Design

The Magnus RRF operation is designed to quickly and efficiently: 1) receive scrap tires; 2) process the scrap tires into shreds; and 3) ship the shreds out to their final end users or the landfill. The facility design and environmental controls are intended to satisfy the minimum design requirements specified in Section 9.3.4. of DRGSW.

The facility layout is depicted in the Site Plan Attachment I.

All incoming tires will be weighed in at the scale house by a licensed weighmaster. Its cargo is evaluated and the driver is charged based upon the net weight of the load. Any loads with contaminants other than tires are rejected. The truck then proceeds into the yard to have the scrap tires removed from the truck. All outgoing material will also be weighed and weigh tickets printed for incoming and outgoing material.

The received tires will be taken and dumped (if the incoming truck is designed to dump) at the conveyor of our tire shredder. Our tire shredder is a Barclay tire shredder, powered by electric. With proper maintenance the lifespan of the shredder is unlimited. The Barclay is capable of shredding 20 tons of tires per hour. If the delivering vehicle is not equipped to dump, the incoming tires will be removed by hand and placed at the conveyor of our shredder. As the shredder is placed near the outside storage bins, any tires with rims will be placed in the storage bin for future de-rimming. Once de-rimmed, they will also be placed in the shredder, and the rims will be placed in another outside storage bin. The facility also has an outdoor storage area for emptied and full trailers. The Trailer Storage Area can accommodate up to 30 units, though we usually have about 15, mostly empty. If trailers are delivered at the end of the day, they are parked there until the following day when they are emptied. As our permit allows only 80 tons to be onsite per day, we schedule and gauge our on-site tonnage and incoming tires not to exceed 80 tons.

Finally, a Site Traffic Flow Map is included in Attachment VI that depicts the management of incoming and outgoing shipments at the site. Traffic management at the site is intended to facilitate the efficient movement of recyclable wastes and out-bound commodities at the facility.

3.1.1 Facility Capacity

The proposed facility has the *capacity* to accept and process up to 100 tons per day of scrap tires. As our permit allows only 80 tons allowed on-site, we do not exceed 80 tons at any given time, and we gauge our trailers and incoming tires accordingly.

Scrap tires are processed directly following receipt at the facility. The only exception, as mentioned above is if a trailer arrives late in the day and any tires in the trailer are processed the next day. The facility has the capability to store up to 100 tons of scrap tires in the Trailer Storage Area at the site, but again, this is not permitted per our permit, so it does not exceed 80 tons. The facility's outdoor storage bins can also be used to store up to 100 tons of processed tire shreds, but again, we do not anticipate any increase in the daily storage limit of 80 tons, nor do we want an increase in capacity.

3.2 Facility Access and Traffic Management

Access and egress to the proposed site is provided through the main entrance gate located off of Marsh Lane. All vehicles entering and exiting the site will be required to check-in at the facility's office/scale area. Trailers will be weighed on the facility's scale. The scale tickets for incoming tires are maintained on site at the Marsh Lane facility as part of the operating record and will be made available upon request to any applicable Federal, State, or local agency.

Deliveries to our facility, trailer pick-ups, and routing of our smaller box trucks are scheduled and conducted by our dispatcher, located at the scale house at the Marsh Lane location.

3.2.1 Operating Hours

The facility's operating hours are Monday through Friday, 7:00 am to 3:00 pm. Extended hours may be required, as needed, to affect maintenance and repairs at the facility and/or manage periods of peak deliveries.

3.2.2 Site Security

The Magnus site is surrounded by six-foot (6-ft.) high chain link fencing and gates which are closed during non-operating hours. During normal operating hours, a scale attendant is on-duty to limit access to only authorized vehicles and personnel. Additionally, security cameras are provided by our landlord's facility, located immediately next to our location. These cameras encompass our facility as well.

3.2.3 Area Roadway and Truck Routing

Scrap tires are delivered to the site using Route 13 which connects to Marsh Lane. These access roadways provide major traffic routes that are designed for heavy vehicle usage and can handle the traffic volume expected to access the facility. It is the quickest, easiest, and only way to get to our facility.

3.2.4 Traffic Volumes and Potential Impacts

The facility is capable of accepting up to 80 tons/day. However, the average daily volume is less than 80 tons/day, either from our own trailer or box truck delivery or customers dropping off at our facility. The total number of truck traffic to our facility is only 8-10 vehicles per day, some small trucks, some tractor trailers. This number has been consistent for the past ten years of our operation at the site, has not impacted local traffic, and Marsh Lane has not been congested or suffered from heavy traffic in the last decade.

3.2.5 Internal Traffic Management and Procedures

3.2.5.1 Signs and Directional Routing

Appropriate signage is located on the entrance to Marsh Lane, the entrance to our site, and on the scale house. Furthermore, the scale attendant notifies the driver where to go before the truck leaves the scale. Additionally, there are employees on the property at all times to direct the incoming trucks. A Site Traffic Flow Map is included in Attachment VI which shows the routing of vehicles at the site. Trucks will exit the site using the same gate where they entered the facility, after being weighed a second time to determine the weight of their tires.

3.2.5.2 Truck Queuing and Staging

Our incoming truck volume is too low to need truck queuing. However, our scale is two truck lengths from the entrance of our facility. 5 or more small trucks can line up before our scale, and two large trucks would be able to line up before our scale. Though again, this has never been an issue in our ten years of operating at the site. The operations yard at the Magnus facility is a large open area that permits efficient vehicle movement while trucks are on-site. See Site Traffic Flow Map in Attachment VI.

3.3. Nuisance Dust, Odors, and Vector Management

3.3.1. Dust Management

Due to the nature of tires and our process, dusts are not generated during storage, handling, or processing. Accordingly, tire shredding activities do not create a dust nuisance.

3.3.2. Odor Control

As with dust, tires are inert and do not break down and release odors when shredded or handled. Consequently, odors have not been an issue for creating an odor migration.

3.3.3. Vector Attraction Reduction

Magnus conducts daily site inspections of the facility at least once each operating day. During that inspection, potential for nuisance organisms are monitored. Any potential habitat or population of nuisance organisms are reported to the Facility Manager. The nature of tire shredding provides no habitat for nuisance organisms. While theoretically whole tires holding water may provide a habitat for mosquitos, the tires that arrive are usually dry, and furthermore are shredded within a very short period of time before the mosquitos can gestate and reach maturity.

3.3.4. Litter Control

Good housekeeping practices are utilized to minimize litter at the facility. Monitoring the facility grounds for litter are a part of the daily facility procedures. If litter is observed during the daily site inspection, litter is immediately collected and placed in the appropriate container for subsequent disposal at an approved disposal site.

3.4 Process Areas and Controls

Magnus rents 2 acres at our location at 220 Marsh Lane in New Castle, Delaware, just off of Route 13, near the New Castle County Police Department Headquarters.

Our layout is quite simple. We have only one permanent building on-site, a cinderblock structure in excellent condition with concrete flooring and three overhead doors. The square footage of our building is 11,000 square feet. The structure is used for the housing of OTR tires, large tires waiting for shredding, tires that require de-rimming and subsequent shredding, trucks, spare tires, and small maintenance equipment and tools. It also has a small office, lunchroom, and restroom. There are no drains or sumps within the building.

There is also a semi-permanent office trailer at the entrance to the property, next to the truck scale. The office trailer houses an office, a restroom, and an open area for the dispatcher/weighmaster to weigh in trucks and conduct clerical work.

Finally, there are 8 open bins used to sort tires by size and type. Wastes stored in their appropriate locations in accordance with the Site Plan in Attachment I, and rims stored in a 30-yard dumpster or in the remaining 3 bins not designated for other waste. Refer to Attachment I for designated waste storage locations in the Site Plan.

The facility's operating yard provides suitable access and supports unobstructed movement of equipment and trucks at the site. The facility has one drive-on truck scale, located at the entrance of the site next to the scale trailer, shown in the attached site plan. The scale provides appropriate measures to monitor and track waste receipts and shipments at the facility.

The Magnus RRF operation is designed to quickly and efficiently: 1) receive scrap tires; 2) process the scrap tires into shreds; and 3) ship the shreds out to their final end users or the landfill. The facility design and environmental controls are intended to satisfy the minimum design requirements specified in Section 9.3.4. of DRGSW.

The facility layout is depicted in the Site Plan Attachment I.

All incoming tires will be weighed in at the scale house by a licensed weighmaster. Its cargo is evaluated and the driver is charged based upon the net weight of the load. Any loads with contaminants other than tires are rejected. The truck then proceeds into the yard to have the scrap tires removed from the truck. All outgoing material will also be weighed and weigh tickets printed for incoming and outgoing material.

The received tires will be taken and dumped (if the incoming truck is designed to dump) at the conveyor of our tire shredder. Our tire shredder is a Barclay tire shredder, powered by electric. With proper maintenance the lifespan of the shredder is unlimited. The Barclay is capable of shredding 20 tons of tires per hour. If the delivering vehicle is not equipped to dump, the incoming tires will be removed by hand and placed at the conveyor of our shredder. As the shredder is placed near the outside storage bins, any tires with rims will be placed in the storage bin for future de-rimmed. Once de-rimmed, they will also be placed in the shredder, and the rims will be placed in another outside storage bin. The facility also has an outdoor storage area for emptied and full trailers. The Trailer Storage Area can accommodate up to 30 units, though we usually have about 15, mostly empty. If trailers are delivered at the end of the day, they are parked there until the following day when they are emptied. As our permit allows only 80 tons to be onsite per day, we schedule and gauge our on-site tonnage and incoming tires not to exceed 80 tons.

We also utilize a front-end loader to help unload tires and load tire shreds for shipment to the landfill.

Finally, a Site Traffic Flow Map is included in Attachment VI that depicts the management of incoming and outgoing shipments at the site. Traffic management at the site is intended to facilitate the efficient movement of recyclable wastes and out-bound commodities at the facility.

4.0 Waste Management and Processing Procedures

4.1 Waste Acceptance Procedures

4.1.1. Acceptable Recyclable Wastes

Magnus accepts only one thing - used scrap tires. These are primarily car and truck tires. On occasion, we receive small farm tractor tires and golf -cart/sport cart tires. No other waste is allowed to enter our yard, and trailers or trucks containing any other waste are rejected and sent off before entering our yard. Magnus only accepts waste that can be processed on-site – tires.

4.1.2 Receipt/Log-In

Tires are delivered to the site in various types of trucks, including straight trucks and tractor trailers. Each trailer and delivery vehicle will be weighed at the facility's certified scale prior to proceeding in the yard for unloading. The scale operator will key the information pertaining to the shipment into the facility's computerized scale system. This information will include the company or customer name and type and number of tires being delivered – car tires or truck tires.

Once the truck is weighed and cleared by the scale operator, the driver will be instructed to proceed in the yard for unloading. Following delivery of the tires to the yard, the vehicle will return to the scale where an empty weight will be recorded. The customer is then charged on the calculated weight of the tires delivered.

4.1.3 Vehicle Unloading and Inspection Procedure

Regular, reliable customers know that we reject loads with anything other than tires, so they know to bring only tires in their loads. New customers have their loads visually inspected by either the weighmaster/dispatcher in the scale trailer or the Facility Manager before leaving the scale. The loads are checked to make sure the vehicle has nothing but tires. No incidental or other wastes, other than tires are accepted. If any unacceptable waste is identified during the inspection, facility personnel will follow the rejection procedures outlined in Section 4.1.4, below. If the load contains nothing but tires, it is directed into the yard for unloading near the shredder. When emptied, a weigh ticket is given to the driver of the vehicle.

4.1.4 Rejection of Unacceptable Wastes

Anything other than tires are unacceptable waste. All of our employees are instructed to allow nothing but tires into the yard, and their qualifications require only a visual evaluation of the load. Nothing but tires are allowed. Unacceptable waste is usually caught at the scale before entering the yard. If a vehicle dumps its load and anything other than tires is discovered in a large quantity (other than the errant piece of trash), the load is rejected and the waste is loaded back into the customer's vehicle. No truck is not allowed to leave the facility until the entire load is verified in the yard. If other waste is discovered in the load, photos are taken and emailed or texted to the manager of the company which sent the load. Customers who repeatedly submit any waste other than tires are turned away at the scale and dismissed as customers.

4.1.5 Vehicle Staging and Truck Queuing

Over the past ten years, Magnus has had no need for truck queuing. The volume of trucks entering the yard has always been minimal, with rarely more than one or two trucks entering at any one time. The facility entrance provides vehicles adequate space to queue before getting on the scale. The staging area can accommodate an adequate number of vehicles to allow the facility to weigh trucks in and minimize trucks in the scale queuing area. This will help to eliminate possible queuing of vehicles on Marsh Lane.

4.2 Processing

Used scrap tires are the waste processed at the Magnus facility, and the process is very simple. The used tires are shredded by our Barclay Roto-Shred machine, and shredded into flat strips. The only manual aspect of the process is loading the tires onto the conveyor into the machine

4.2.1 Processing Equipment

The facility operates one piece of processing equipment, an electric Barclay Roto Shred. It is permanently fixed in position, but can be easily moved should the need arise. The Barclay is capable of shredding 20 tons of tires per hour.

4.2.2 Segregation of Out-Throws/Unprocessable Wastes/Incidental Wastes/Residues

As indicated above, only tires are accepted into the facility, so residual waste, like errant pieces of trash, are placed in the dumpsters and disposed of by Waste Management of Delaware. Some tires come in with metal

rims. These rims are removed from the tires, placed in one of the remaining 3 outdoor storage bins not designated for other waste storage or in a 30-yard container outside, and sold once the pile of metal rims is large enough to sell to a scrap metal dealer.

4.2.2.1 Storage of Out-Throws

Some tires come in with metal rims. These rims are removed from the tires, placed in one of the 3 remaining outdoor storage bins not designated for other waste storage or a 30-yard container, and sold once the pile of metal rims is large enough to sell to a scrap metal dealer.

4.2.2.2 Disposition and/or Recovery

Metal rims are sold once the pile of metal rims is large enough to sell to a scrap metal dealer.

4.3 Recyclable Product Management

4.3.1. Product Storage Area

The tire shreds produced by our process are usually loaded directly onto our walking floor trailer and immediately taken to the landfill. If shreds remain at the end of the day, they are stored in outdoor storage bins 4 & 5 until they can be loaded the next day. Our permit allows no more than 80 tons of material – tires and/or shreds – to be stored on site at any one time. The maximum number of tire shreds stored outside would not exceed 50 tons. This includes shreds in dumpsters awaiting pickup. The shreds are not containerized nor packaged. They are loaded onto our walking floor trailer and taken to the landfill.

4.3.2. Secondary Processing and Packaging

Magnus has no secondary processing.

4.3.2.1. Storage Duration

The maximum length of time processed tire shreds will be stored at the facility is 7 days, though this is rare as the tires are usually loaded the same day or next day onto our walking floor trailer and shipped.

4.3.2.2. Inventory Control

Magnus utilizes an electronic scale software system to monitor and determine tire and shred inventory by type and quantity. The scale system records all incoming wastes and out-bound shipments to maintain a suitable accounting of on-site inventory. Processed tires are managed on a first-in/first-out principle to ensure that inventory turnover does not exceed the storage

limits specified in Section 4.3.2.1, above. Magnus maintains both a physical and electronic record of the facility's inventory on-site.

4.3.3 Alternative Storage of Processed Wastes

Magnus produces no other waste. We only produce recycled tires in the form of tire shreds.

4.3.4 Out-Throws/Unprocessable Wastes/Incidental Wastes/Residues Alternative Storage

The only other out-throw Magnus produces are rims. We generate so little of them (one or two truck loads per year) that there is no concern of alternative storage.

4.3.5. Shipping

Processed tire shreds are loaded by front-end loader directly from our Barclay shredder into our walking floor trailer. The trailer then crosses our scale, is weighed for tonnage, then taken to their destination. No special transportation or equipment or conditions are necessary for the transport or to load or unload the tires. There is no limitation to where the tire shreds will or can be transported.

4.4 Additional Management Conditions/Procedures

Should there be an outage or unplanned facility shutdown – natural disaster or other problem, Magnus would easily be able to cover the downtime. As tires and tire shreds are inert and do not break down, and do not require any control method to keep them stable, there is no immediate danger to the public. Should Magnus need to shut down temporarily or permanently, incoming tires would no longer be accepted, and the remaining 80 tons or less of tires and shreds remaining would be disposed of at the landfill or with Emanuel Tire in Conshohocken, PA, who has agreed to accept any tires in case of a shutdown. A Letter of Credit with Cornerstone Bank has been secured to cover the cost if needed. See Attachments VII.

A labeled map of the storage bins is attached. Each bin is assigned a particular type of tire or shred or other material, each of which can only be placed in its designated bin. Tires will be segregated and stored according to their determined use when accepted and placed in the numbered storage area.

Tires outside will only be stored on concrete or asphalt for 7 days. Any tires not immediately shredded will be placed in the designated area - Bins 1 and 2.

Bin 2 is for tires ready to shred and Bin 1 is for oversized tires and tires on rims that will be moved inside within 7 days for de-rimming or any other preparation needed before shredding.

Any tires placed in the bins will be recorded at the time of placement on the daily tracking worksheet including Bin 1 placement and Bin 2 placement. The shredding of tires outside will be completed in a 7-day time frame or sooner. Once the bins are empty of all tires it will be recorded in the daily tracking worksheet confirming that the temporary storage has not exceeded 7 days.

Anything stored inside is on concrete. Anything stored outside in bins is stored on concrete as well as a 12-foot Extension Apron extending beyond the bins. Our Shredder is placed on the asphalt extension apron.

Any discharge from the shredder is also discharged onto the asphalt and concrete Extension Apron.

5.0 Facility Inspection and Maintenance Procedures

5.1. Routine Inspections of Storage and Process Areas

5.1.1. Facility Inspections

Site conditions are monitored by all employees, who are instructed to notify the Facility Manager should anything look amiss or problematic. Additionally, the Facility Manager conducts inspections of the site every morning and every evening. Standing water, odor, safety protocols, and equipment are monitored by the Facility Manager. Every driver is required to go through a checklist before leaving the site. The Facility Manager oversees all, and he has over 25 years of experience overseeing and running every aspect of the tire process and management of the facility. Anything amiss is immediately addressed and any malfunctioning equipment is immediately repaired.

5.1.2. Unsatisfactory Conditions

Any unsatisfactory conditions found during daily inspections such as odors, dust, or litter is immediately reported to the Facility Manager, who addresses such concerns at the earliest feasible opportunity. If conditions pose an immediate threat to human health or the environment, or could result in significant damage to the facility or operating equipment, the Facility Manager stops operations and takes immediate corrective actions to address the condition(s).

5.2. Routine Maintenance of Processing Equipment

Magnus currently utilizes a preventative maintenance program that calls for daily review and service of most pieces of machinery/equipment. This program includes routine inspections of equipment including the shredder, all trucks and the front-end loader, conveyor, other support equipment, and all mobile equipment. The inspections will follow manufacturer's recommended guidelines and will be performed by a qualified technician for the purpose of minimizing unexpected down time.

6.0 Training

Magnus provides its employees with the training necessary to safely and competently complete their assigned tasks and duties. The facility manger, or his designee, will provide Magnus employees with health and safety, operations, and administrative training necessary to be successful. The training will begin with a plant tour of process operations, followed by a hands-on training period in the area where the employee will work. Most new employees are paired with veteran employees to learn the ropes.

6.1 Health and Safety

All employees are trained on safety issues in all aspects of the facility, whether they will be working in that area or not. Training begins immediately after hire by the Facility Manager, then with the veteran employee they are paired with. All employees are required to pass drug tests and health tests, should their position, such as a driver, require it. Records of the drug and health tests are kept on record on site.

All facility employees work under appropriate health and safety guidelines established by the Occupational Safety and Health Administration (OSHA). Use of personal protective equipment is in accordance with 29 CFR 1910.132, as a minimum. First aid equipment is maintained and available in the facility office. Emergency telephone numbers of nearby ambulance, hospital, police, and fire services are prominently displayed at appropriate areas on-site.

The training program also ensures certain facility personnel are properly trained with the knowledge to effectively respond to emergency situations. These employees are shown the location of emergency equipment, such as fire extinguishers, absorbent materials, and first aid supplies, and are given appropriate instruction on the equipment use. Refresher training is provided to employees annually, or as otherwise specified by OSHA.

6.2. Operational

All employees who are required to utilize equipment for the proper operation of the facility are appropriately trained in the operation and maintenance of the equipment prior to use. Employees also receive training on work flow, process documentation procedures, facility inspection procedures, etc. Refresher training are provided to employees annually, or as otherwise recommended by the equipment manufacturer.

6.3. Administrative

All employees are provided training on administrative topics such as timekeeping, accrual and utilization of paid time off, personnel records access, accessing training opportunities, etc. Such training is offered to employees as policies and

procedures change or when the Facility Manager determines improved competency in relevant topics is warranted.

7.0 Contingency and Emergency Response Plan Procedures

Should there be an outage or unplanned facility shutdown due to a natural disaster or other problem, Magnus would easily be able to clean up and the site and shut down for the time needed while still meeting the requirements of our permit. As tires and tire shreds are inert and do not break down, and do not require any control method to keep them stable, there is no immediate danger to the public. Should Magnus need to shut down temporarily or permanently, incoming tires would no longer be accepted, and the remaining 80 tons or less of tires and shreds remaining would be disposed of at the landfill or with Emanuel Tire in Conshohocken, PA, who has agreed to accept any tires in case of a shutdown. **A Standby Letter of Credit with Cornerstone Bank** has been secured to cover the cost if needed. See Attachments VII.

8.0 Recordkeeping

8.1 Operating Records

Each incoming vehicle that arrives at the facility is weighed-in and the following information is collected and recorded:

- Weight of the tires received;
- Name, address, and phone number of transporters;
- Transporter's solid waste transporter number (if applicable);
- Name, address, and phone number of the customer; and,
- Type of tires delivered.

Records for rejected loads, including the reason for rejection, are maintained at the facility.

Records of shipments of commodities to off-site end markets are recorded and maintained electronically and can be provided on the same day as requested. The records include:

- Weight of tires shipped;
- Type of tires; and,
- Name and address of the end market or reuse facility.

Records of shipments of out-throws/rims that are sent off-site for disposal are recorded and maintained on-site. These records include:

- Weight of out-throws shipped;
- Name and address of the receiving or disposal facility where the out-throws were sent; and,
- The transporter and solid waste transporter number.

The electronic recordkeeping system employed by Magnus maintains an

electronic file of all scale transactions; electronic copies are available upon request. The facility maintains, and makes available, all records outlined in this Plan of Operation for DNREC's review upon request, and as addressed in Section 9.4.3. of DRGSW.

These will include:

- Records documenting the information on in-bound and out-bound shipments as defined in Section 8.1, above;
- Inventory Records
- Records of the weight and percentage of out-throws generated by facility operations as described in Section 8.1, above;
- Records of injuries or incidents where the Contingency and Emergency Response Plan was implemented;
- Training records;
- Records of any fire or safety inspections; and,
- Daily inspections.

8.2. Incident Reports

Reports of any significant operating issues or emergencies are maintained on-site. This includes injuries, vehicular accidents, fires, and spills, that occur at the facility or any loads received at the facility.

8.3. Periodic Reports

8.3.1 Quarterly Facility Report

Magnus submits to the Department all quarterly reports summarizing facility operations for the preceding calendar quarter in accordance with Section 9.4.4 of DRGSW. The reports summarize all processing and monitoring activities conducted in the previous calendar quarter. The quarterly reports include all bullet points below:

- Quantity of tires accepted at the facility by date.
- Types and daily quantity of processed tires sent off-site and the corresponding name and address of the end market user.
- A detailed description of any deviations, whether intentional or accidental, from the approved Plan of Operation.
- Summary of all instances of non-compliance with the permit.

8.3.2 Annual Facility Report

Magnus submits to the Department an annual report summarizing facility operations for the preceding calendar year in accordance with Section 9.4.4 of DRGSW. The report summarizes all processing and monitoring activities conducted in the previous calendar year. The report includes the following information:

- Quantity of tires received at the site;

- Monthly average of stored tires, processed shreds, and rims.
- Types and quantity of tire shreds sent off-site and the identification of the end market user;
- Quantity of rims (out throws) and ultimate disposal of the rims.
- A complete list of the commercial haulers that delivered tires to or removed processed shreds or rims from the site during the calendar year to include the transporter's Delaware solid waste transporter number.
- A detailed description of all construction or corrective work conducted at the site
- A summary of all shutdowns, fires, explosions, spills, non-permitted or uncontrolled releases, or other emergencies that occurred at the facility.
- A summary of any unintentional or accidental deviation from the approved Plan of Operation; and
- A summary of all instances of noncompliance with the Permit.

8.3.3 Annual Financial Assurance Review

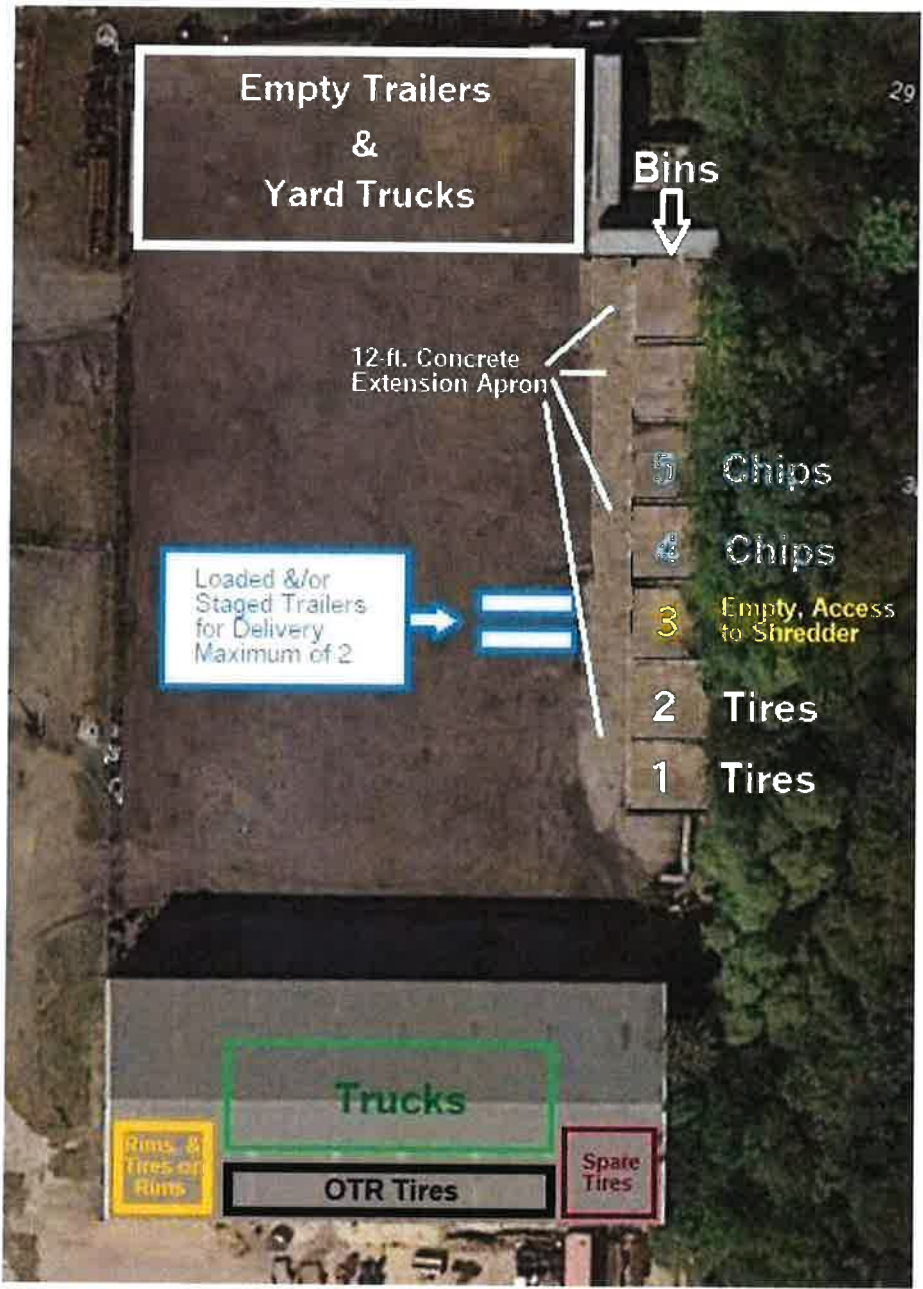
Magnus regularly submits to the Department a review of its conceptual closure plan for the facility. In the event that the annual review indicates that the conceptual closure plan is not consistent with current facility operations, Magnus will submit an updated conceptual closure plan. In addition, Magnus will annually recalculate estimated closure costs to compensate for modifications to the conceptual closure plan and/or to adjust for common economic variables. The update will include adjustments for inflation, facility expansion, wage rates, equipment rental rates, and any other applicable requirements which impact the cost of closure. DRGSW provides multiple mechanisms to furnish Financial Assurance to the State. Concurrent with the annual review of its conceptual closure plan and estimate closure costs, Magnus will review and consider its selected financial assurance mechanism with regard to the variety of financial assurance options available.

Magnus's third-party financial assurance attached Attachment VII.

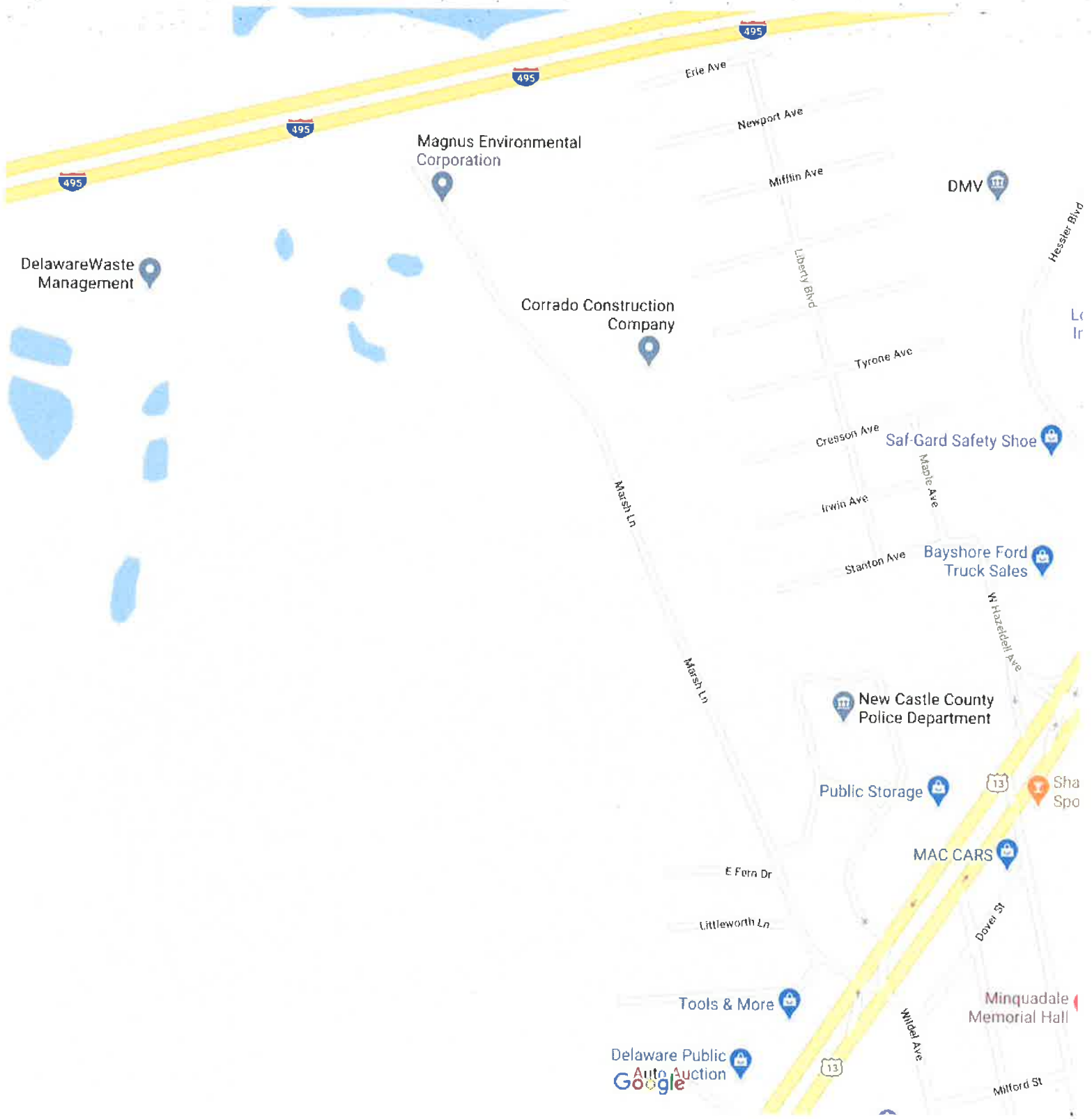
8.3.4 Annual Recycling Report

In accordance with the Universal Recycling Law, the facility will submit an annual report to the Department no later than February 15th of each year. The report will include all recycling activities pursuant to the reporting guidelines established by the Department and the Recycling Public Advisory Council.

Attachment I
Site Plan



Attachment II
Location Map



DelawareWaste Management

Magnus Environmental Corporation

Corrado Construction Company

DMV

Saf-Gard Safety Shoe

Bayshore Ford Truck Sales

New Castle County Police Department

Public Storage

MAC CARS

Tools & More

Delaware Public Auto Auction

Minquadale Memorial Hall

495

495

495

495

13

13

Erie Ave

Newport Ave

Mifflin Ave

Liberty Blvd

Tyroe Ave

Cresson Ave

Irwin Ave

Stanton Ave

N Hazen Rd

Marsh Ln

E Fern Dr

Littleworth Ln

Dover St

Wildel Ave

Milford St

Hessler Blvd

Le Ir

Google

Attachment III
Aerial Imagery



495

495

495

495

Magnus Environmental Corporation

Delaware Waste Management

Corrado Construction Company

Saf-Gard Safety Shoes

Bayshore Ford Truck Sales

New Castle County Police Department

Public Storage

MAC CARS

Tools & More

Delaware Public Auto Auction

Google

Erie Ave

Newport Ave

Martin Ave

Liberty Blvd

Tyrene Ave

Cresson Ave

Twin Ave

Stanton Ave

W. Hazeldell Ave

Marsh Ln

Marsh Ln

E Fern Dr

Littleworth Ln

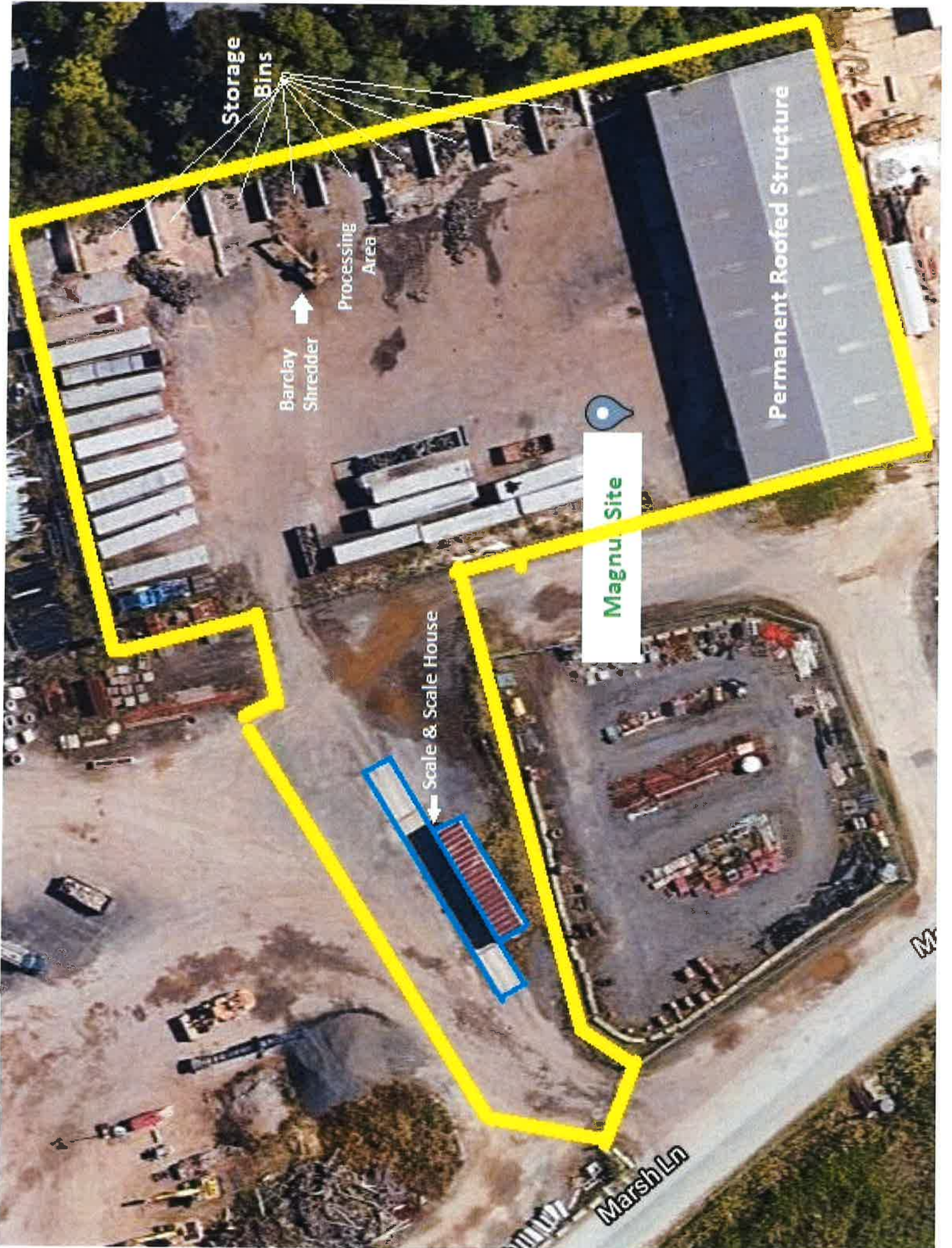
Wildel Ave

Minquadae Memorial Ha

Millard St

Hessling

Attachment VI
Site Boundaries



Storage
Bins

Barclay
Shredder

Processing
Area

Permanent Roofed Structure

Magnus Site

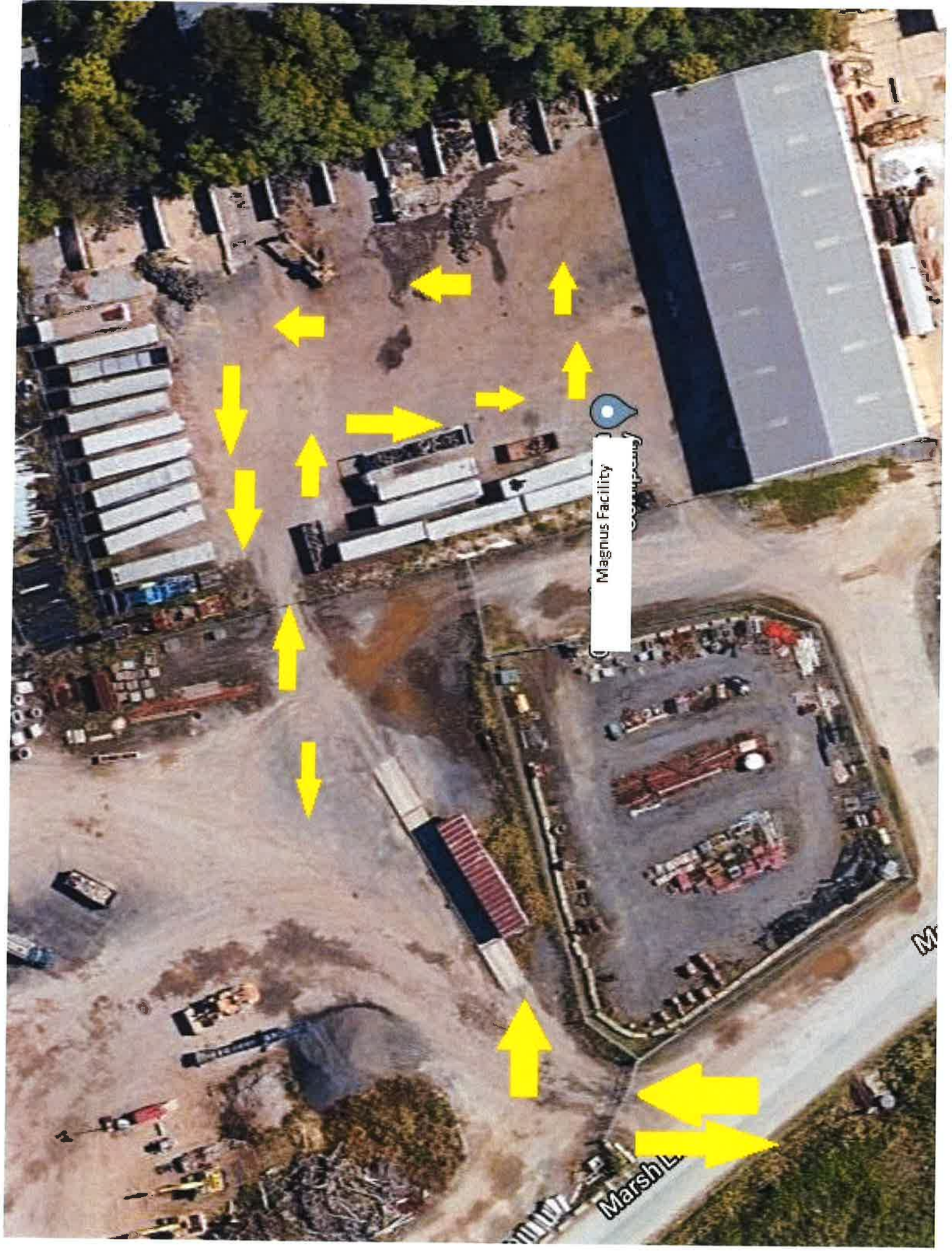
Scale & Scale House

Marsh Ln

Attachment V
Topography



Attachment VI
Traffic Flow



Magnus Facility

Marsh Ln

Attachment VII
Financial Assurance Document

Attachment VIII
Daily Tire Tracking Worksheet

Daily Tire Tracking Worksheet: January

Date	Inbound Waste	Outbound Waste	80 Ton Limit	Tires Shall Not Be Stored Outdoors for Longer Than 7 Days		Comments	Instances Causing, or Potentially Causing, Non-Compliance with Resource Recovery Facility Permit
				Tires with Rims or Oversized Tires Stored in Bin 1? (yes/no/emptied-yes/emptied-no)	Whole Tires Stored in Bin 2? (yes/no/emptied-yes/emptied-no)		
12/31/2021							
1/1/2022			0				
1/2/2022			0				
1/3/2022			0				
1/4/2022			0				
1/5/2022			0				
1/6/2022			0				
1/7/2022			0				
1/8/2022			0				
1/9/2022			0				
1/10/2022			0				
1/11/2022			0				
1/12/2022			0				
1/13/2022			0				
1/14/2022			0				
1/15/2022			0				
1/16/2022			0				
1/17/2022			0				
1/18/2022			0				
1/19/2022			0				
1/20/2022			0				
1/21/2022			0				
1/22/2022			0				
1/23/2022			0				
1/24/2022			0				
1/25/2022			0				
1/26/2022			0				
1/27/2022			0				
1/28/2022			0				
1/29/2022			0				
1/30/2022			0				
1/31/2022			0				
Totals	0	0					

Exhibit 3

Updated Closure Plan and Proof of Market

**MAGNUS ENVIRONMENTAL CORPORATION
CONCEPTUAL CLOSURE PLAN**

Should Magnus Environmental Corporation have to close, the closure plan is very simple.

Emanuel Tire (whose letter has been attached) will remove any remaining tires from the site and take them to their facility to be recycled.

As the facility never has more than 80 tons of tires on site – and usually much less – the maximum estimated cost to close the facility is \$10,000.00

We do not know any planned post-closure use of the property. As our facility does not produce any contaminants, the facility will be clean and available for any use seen fit.



Emanuel Tire, LLC

ALL SIZE CASING AND USED TIRES
SCRAP TIRE REMOVAL PROCESSING
1300 MORELAND AVENUE
BALTIMORE, MARYLAND 21216

(410)947-0660
(410)947-0725

FAX (410) 947-3708

2/18/22

Shawn Garvin, Secretary
Department of Natural Resources and Environmental Control
89 Kings Highway
Dover, DE 19901

Attention: Shawn Garvin, Secretary

Re: Magnus Environmental

Dear Jeff Martin,

Emanuel Tire, LLC agrees to clean up 80 tons of whole tires and tire shreds mixed at the Magnus Environmental plant, to be cleaned up for \$10,000.00. This proposal is valid if Magnus leaves or shuts down the tire recycling operation in New Castle, Delaware. This proposal includes loading, transportation and the processing of the tires and shreds from the site.

This proposal is valid if Magnus leaves or shuts down the tire recycling operation in New Castle, Delaware, and is extended to the State of Delaware in the event the State is responsible for cleaning up the site.

This proposal is good for one-year effective February 1, 2022.

If you need additional information, please contact me.

Sincerely,

Mark Rannie
Vice President
Emanuel Tire, LLC

Exhibit 4
Updated Financial Assurance

**AMENDMENT
TO
IRREVOCABLE STANDBY LETTER OF CREDIT**

Amendment Date: April 12, 2022

Beneficiary:

Secretary of the Department of Natural
Resources and Environmental Control
State of Delaware
89 Kings Highway
Dover, DE 19901

Applicant:

Magnus Environmental Corporation
220 Marsh Lane
New Castle, DE 19720

Letter of Credit #: 

Amount: \$10,000.00

Original Issuance Date:

December 28, 2011

Expiration Date:

December 28, 2022

To Whom It May Concern:

Cornerstone Bank hereby amends its **Irrevocable Standby Letter of Credit**, as numbered above, in favor of the above-named **Beneficiary** for the account of the above-named **applicant**, for a sum not exceeding the amount listed above, as follows:

- Letter of Credit amount: increased from \$5,000.00 to \$10,000.00

Except as changed by the Amendment, all other terms and conditions contained in the original **Letter of Credit**, as amended by any previous Amendments, remain in full force and effect. This Amendment is a specific part of the original **Letter of Credit** and must accompany the original **Letter of Credit** upon presentation of **Beneficiary's** sight draft or drafts for any drawing under the **Letter of Credit**.

Cornerstone Bank

By: 

Brian R. Ford Jr. Senior Vice President/Credit Officer

Exhibit 5
Updated DRAFT Permit

DRAFT

Resource Recovery Facility Permit # SW-21/02

Effective Date: April 23, 2021

Amendment Date: May 16, 2022

Expiration Date: April 23, 2026

Facility Name: Magnus Environmental Corporation
Mailing Address: 220 Marsh Lane
New Castle, DE 19720

Primary Contact: Joseph R. Matteo, President
(302) 655-4443 or (609) 413-5830

Secondary Contact: John Matteo
Matteooffices@gmail.com
(856) 227-2413

Location of Approved Activity: 220 Marsh Lane
New Castle, DE 19720
Tax Parcel Number: 10-004.00-005

I. GENERAL CONDITIONS

- A. Pursuant to 7 Del. C., Section 6003 and Section 4.1 of DRGSW, the Department hereby issues a permit for Magnus Environmental Corporation ("Magnus") to operate a materials recovery facility at 220 Marsh Lane in New Castle, Delaware.
- B. This permit applies to the acceptance, processing, and storage of whole or shredded scrap tires. The acceptance, processing, or storage of waste other than described above and herein is prohibited.
- C. This permit is issued based upon the information provided in the following submittals:
 1. A letter dated February 2, 2022 received from Magnus requesting a modification to increase the facility's accepted daily tonnage.
 2. Updated Closure Plan and Proof of Market as required by DRGSW.
 3. Updated Financial Assurance: Letter of credit in the amount of \$10,000 dated April 12, 2022.
 4. Conditions of this permit shall take precedence over any of the above listed documents.

5. Failure to comply with any condition of this permit or any provisions within the aforementioned documents is a violation of this permit.
- D. This permit is issued subject to the following general conditions:
1. Access
Access to the facility by unauthorized persons shall be prevented by barriers, fences, and gates, or other suitable means. Representatives of DNREC may, at any reasonable time, enter the facility to verify compliance with the permit requirements, DRGSW, and 7 Del. C., Chapter 60.
 2. Revocation or Suspension
This permit may be revoked or suspended upon violation of any condition of this permit, DRGSW, or 7 Del. C., Chapter 60.
 3. Renewal
Per DRGSW Section 4.1.6, the permittee shall submit a permit application with all supporting documentation to DNREC at least one hundred and eighty (180) days prior to expiration if applicant desires to renew the permit.
 4. Modifications
The Department may initiate modification of this permit if it finds that the existing permit conditions are either not adequate or not necessary to protect public health and the environment, as set forth in DRGSW Section 4.1.7.2. If the permittee desires to initiate a request for a major permit modification, the request shall be submitted to DNREC at least sixty (60) days prior to the desired implementation date.
 5. Permit Availability
A copy of this permit and the *Magnus Environmental Corp. Operations Plan 2020* shall be maintained at the facility and immediately made available to any Department representative upon request.
 6. Permit Transfer
At least 60 days prior to the date of the proposed transfer, the permittee must submit all documentation required by DRGSW Section 4.1.8. The actual transfer will be contingent upon the transferee's meeting all permit and regulatory requirements; until such time, the original permittee will remain liable for compliance regardless of who owns the facility.
 7. Hours of Operation
Tires shall be received/processed five days per week, Monday through Friday 7:00 a.m. to 3:00 p.m., with the exception of holidays, emergency situations or other reasons as determined necessary by Magnus. Employees in the tire receiving and tire processing area may work beyond the stated hours as required.
 8. Odor Control
This facility shall not cause or allow the emission of an odorous air contaminant in such quantities as to interfere with any person's enjoyment of life or property. No odors shall be perceived beyond the property boundary.
 9. Litter
Magnus shall provide for litter removal and general cleanliness of the entire site. This includes removal and proper disposal and/or recycling of any tires or tire chips that fall along Marsh Lane.
 10. Vectors
The materials recovery facility shall be operated in a manner to prevent the establishment of habitats for nuisance organisms (such as mosquitoes, flies, maggots, roaches, rodents, and similar vermin) and to mitigate nuisances and hazards to public health and the environment.

11. Dust Control

The materials recovery 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). No dust generated from solid waste management activities shall be allowed to migrate outside of the facility boundaries.

12. General Maintenance

Good housekeeping practices shall be employed to protect public health and the environment and keep solid waste from accumulating onsite.

13. Health and Safety

- a. Employees at the site shall work under all appropriate health and safety guidelines established by the Occupational Safety and Health Administration.
- b. At a minimum, use of personal protective equipment shall be in accordance with 29 CFR Part 1910.132.
- c. First aid equipment shall be immediately available at the site.

14. Training

All employees who are to work in the tire processing area shall have received initial training in (1) Health and safety procedures, (2) Fire prevention and protection, (3) Emergency first aid and (4) CPR. Prior to working in the tire processing area, employees shall receive tire processing equipment operation training conducted by the equipment manufacturer's representative or another person specifically knowledgeable in the operation of the equipment. Training shall include the manufacturer's operating and maintenance manual, operation instruction, equipment safety features, and hazards that might be encountered. Unless otherwise specified by a nationally recognized training provider (for example, the American Red Cross as a training provider for First Aid), training shall be required initially and annually thereafter.

15. Contingency

- a. Magnus shall react to spills, fires, accidents, and other emergencies so as to protect public health and safety and the environment.
- b. Magnus shall maintain a current and correct list of emergency coordinators and emergency contact telephone numbers and shall notify the CAPS within 5 business days of any changes therein. The most current list shall be prominently displayed in the scale house and in the Main building. All operating personnel shall be informed of its location and function.

II. OPERATIONS

A. Operations

1. Operations at Magnus shall be conducted in accordance with all federal, state, county, and municipal environmental statutes, ordinances, and regulations, including, but not limited to: DRGSW, Delaware's *Regulations Governing Hazardous Waste*, Delaware's *Regulations Governing the Control of Water Pollution*, Delaware's *Surface Water Quality Standards*, and Delaware's *Regulations Governing the Control of Air Pollution*.
2. Operations at the material recovery facility shall be conducted in accordance with this permit and the Resource Recovery Permit Application, including the *Magnus Environmental Corp. Operations Plan 2020*. Operations shall be conducted in a manner protective of public health and the environment.

B. Staffing

Sufficient numbers and types of personnel shall be available at the site to ensure capability for operation in accordance with DRGSW, the *Magnus Environmental Corp. Operations Plan 2020*, and this permit.

C. Waste Acceptance and Processing:

1. Magnus may accept any type of tire, in any condition, with or without a rim.
2. All incoming waste, rejected waste, outgoing waste, and outgoing products shall be weighed and recorded.
3. Upon arrival at the facility, all incoming loads of tires shall be inspected prior to, and after, unloading.
4. Any prohibited wastes listed in section II.F of this permit that are visible shall be reloaded onto the truck and removed immediately. If these wastes are noticed after the hauler/customer has left the Magnus facility, these wastes shall be immediately containerized and lawfully removed from the site within 72 hours of initial receipt.¹

D. Storage

1. The total whole and processed tires on site shall not exceed 80 tons. This total includes all tires, whether they are stored outside, inside the building, or inside a trailer or other vehicle, as well as those tires intended for sale to tire merchants.
2. Tires shall not be stored outside for more than seven (7) days from receipt by Magnus.
3. Tires shall be removed and properly recycled/disposed of off-site within 72 hours of a request by the Department.

E. Acceptable Wastes

Magnus may accept any tire, in any condition, with or without rims.

F. Prohibited Wastes

Magnus shall exercise reasonable care to ascertain whether waste accepted by the facility is prohibited waste, and shall not accept the following prohibited waste, including but not limited to:

1. Plastics, glass
2. Municipal solid waste (trash/garbage)
3. Batteries, electronics
4. Sewage sludge and septage
5. Used oil or other automotive wastes
6. Infectious and medical wastes, radioactive materials, universal wastes or hazardous wastes

Reasonable care shall include contacting the waste transporter or individual generator if a visual determination regarding the acceptability of the waste material cannot be made.

Any loads that appear to contain any of the prohibited wastes listed above shall be rejected. These wastes shall be reloaded onto the truck and removed immediately. If these wastes are noticed after the hauler/customer has left the Magnus facility, these wastes shall be immediately containerized and lawfully removed from the site within 72 hours of initial receipt.¹

G. Operational Inspections

¹ For information on the proper handling and disposal of sewage sludge and septage, please contact the Division of Water at (302) 739-9946. For information on the proper handling and disposal of all other listed prohibited wastes, please contact the CAPS at (302) 739-9403.

Daily operational inspections of the facility shall be conducted to ensure operations are being performed in accordance with the *Magnus Environmental Corp. Operations Plan 2020*. Any deficiencies noted during the inspection shall be corrected.

III. REPORTING

A. Financial Assurance

No later than February 1 of each calendar year, Magnus shall provide an updated closure cost estimate of third-party closure of the facility which has been adjusted for inflation. An updated agreement from Emanuel Tire, LLC must also be provided as long as they play a part in Magnus' conceptual closure plan. If the estimate has increased over the amount of financial assurance provided, Magnus shall accordingly provide increased financial assurance, along with an updated Irrevocable Standby Letter of Credit, within six weeks of the submission of the updated closure cost estimate.

B. Quarterly Solid Waste Facility Report

1. No later than the 15th day of the month following the end of the quarter (1st quarter report is due by April 15th, 2nd quarter report is due by July 15th, 3rd quarter report is due by October 15th, and 4th quarter report is due by January 15th). The following information shall be included in quarterly reports:

- a. Daily total of waste accepted, reported in tons;
- b. Daily total of waste sent off-site for further recycling or disposal, reported in tons;
- c. Daily destination of all waste sent off-site for further recycling or disposal;
- d. Daily total of wastes stored on-site, reported in tons;
- e. Daily status of tires stored in Bin 1, with respect to the 7-day outdoor storage limit;
- f. Daily status of tires stored in Bin 2, with respect to the 7-day out-door storage limit; and
- g. A detailed description of all instances that caused any deviation, whether intentional or accidental, from this permit or the approved *Magnus Environmental Corp. Operations Plan 2020*, and the status of those matters at the time of report submission.

C. Annual Solid Waste Facility Report

1. No later than February 1 of each calendar year, Magnus shall submit an annual report for the previous calendar year and include the following information:

- a. Quantity of tires received, reported in tons;
- b. Monthly average of stored tires, processed shreds, and rims, reported in tons;
- c. Types and quantity of tire shreds sent off-site, reported in tons, and the identification of the end market user;
- d. Total quantity of rims (out-throws) generated, reported in tons, and the ultimate destination of the rims;
- e. A complete list of the commercial haulers that delivered tires to or removed processed shreds or rims from the site during the calendar year, to include the transporter's Delaware Solid Waste Transporter Permit number;

- f. A detailed description of all construction or corrective work conducted at the site;
- g. A summary of all shutdowns, fires, explosions, spills, non-permitted or uncontrolled releases, or other emergencies that occurred at the facility; and
- h. A summary of all instances that caused any deviation, whether intentional or accidental, from this permit or the approved *Magnus Environmental Corp. Operations Plan 2020*.

D. Emergency Reporting

- 1. Magnus shall notify the CAPS immediately (or, if after business hours, the Environmental Emergency toll-free hotline at 1-800-662-8802) in the event of:
 - a. A shut down that results in solid waste being diverted from the facility.
 - b. Fire or explosion at the facility.
 - c. Receipt of prohibited waste at the facility.
 - d. Any spill or non-permitted release.
- 2. Magnus shall submit a written notification to the Department no later than five business days following any event requiring Emergency Reporting. The notification shall include the following:
 - a. Date and time of occurrence/discovery.
 - b. Date and time reported to DNREC. Include a reference number if reported to the Environmental Emergency hotline. When applicable, reports required to be submitted to the Department per Delaware's "Reporting of a Discharge of a Pollutant of Air Contaminant" regulations are in addition to and not in lieu of those herein.
 - c. Materials, quantities, and area involved. For spills or releases, include a sketch showing location and dimensions of the contaminated area.
 - d. List of agencies notified.
 - e. Narrative describing how the incident occurred and actions taken by Magnus and other response personnel to remedy the situation.
 - f. Report of injuries and/or damage.
 - g. Proposal for follow-up remedial actions including a schedule for implementation.

E. Noncompliance Reporting

Magnus shall report any instance of noncompliance with this permit to the CAPS within 5 business days. Magnus shall take immediate action to correct the noncompliance.

F. Facility Changes

Magnus shall notify the CAPS in writing within twenty-four (24) hours of any changes in the ownership, operators, name, or company officials.

- G. Written notifications and reports shall be submitted via e-mail to Zachary.Taylor@Delaware.gov or regular mail, as specified above, to:

Zack Taylor
Department of Natural Resources and Environmental Control
Compliance & Permitting Section
89 Kings Highway
Dover, DE 19901

IV. RECORDKEEPING

- A. Magnus shall record and maintain on site all data required by this Permit for a minimum of three (3) years and the records shall be immediately provided to the Department upon request, including:
1. Daily, monthly, and annual tonnages for all incoming tires and rims
 2. A record of the type and weight of recyclable materials sent offsite each day and the name and address of the end-market user to which the recyclable materials were shipped.
 3. A record of any rejected loads and the reason for rejection.
 4. A record of the transporters (company name, address, telephone number, and solid waste transporter number, if applicable) delivering recyclable waste materials to the facility or removing solid wastes from the facility.
 5. A record of fires, spills, explosions, and uncontrolled releases that occurred at the facility.
 6. Operational inspection records
 7. Training records
 8. Records of any odor, litter, vector or dust complaints received by Magnus concerning the facility.
- B. A copy of the most current version of this permit shall be maintained at the facility and made immediately available to DNREC representatives upon request.

V. CLOSURE

- A. Magnus shall immediately notify the Department in writing the estimated date of facility closure and/or the date wastes will no longer be accepted.
- B. Magnus shall notify the Department in writing when closure activities are started, and again when closure is complete.
- C. Should Magnus cease the processing of scrap tires or disposal of tires at a waste-to-energy facility, within one hundred and eight (180) days of cessation of operation, all feedstock and shredded tires shall be recycled, re-used or disposed of off-site. All closure activities, including but not limited to, disposal, re-use, and recycling activities, undertaken in this section must be conducted per the requirements of the *DRGSW* and Delaware Code.
- D. During the 180 day closure period, the total amount of tires, whole and shredded, and by-products stored on site shall not exceed the limits specified in this Permit. By the end of the 180-day period, Magnus shall have all tires and by-products removed from the site.

VI. ADDITIONAL CONDITIONS

- A. This Permit does not relieve Magnus from complying with any other applicable Federal, State, or Local laws, regulations or ordinances.
- B. Any violation of any condition of this Permit, regulation promulgated by the Department, Secretary's Orders, or provisions of 7 Del.C., Chapter 60, shall justify termination of this Permit, and implementation of appropriate enforcement action.

VII. MODIFICATIONS AND RENEWALS

- A. April 23, 2021
1. Permit renewal from SW-16/03 to SW-21/02
- B. April 19, 2022

1. Major Modification

- a. Site permitted tonnage limit increased from 40 tons to 80 tons
 - a. Supported by correlating revisions to:
 - i. *Magnus Environmental Corp Operations Plan 2020*;
 - ii. Conceptual Closure Plan;
 - iii. 3rd-party closure cost estimates from Emanuel; and
 - iv. Increased to financial assurance amounts to reflect the additional waste storage permitted.
 - b. Added quarterly reporting requirements inserted as section III.B.
 - c. Revised annual reporting requirements, now section III.C.
 - d. Administrative revisions
 - a. Updated all mentions of SHWMS to CAPS; and
 - b. Updated all mentions of *Plan of Operations* to *Magnus Environmental Corp. Operations Plan 2020*.

Jason Sunde
Environmental Program Administrator
Compliance and Permitting Section

Date

Magnus Environmental Corporation
220 Marsh Lane
New Castle, DE 19720
Facility Boundaries

