



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL
DIVISION OF WASTE AND HAZARDOUS SUBSTANCES
COMPLIANCE AND PERMITTING SECTION

89 KINGS HIGHWAY
DOVER, DELAWARE 19901

TELEPHONE: (302) 739-9403
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July 23, 2021

Mr. David Schnackenberg, Environmental Manager
Allan Myers DE, Inc.
638 Lancaster Avenue
Malvern, PA 19355

Subject: Recycling Permit #SW-21/06
Reference: Allan Myers DE, Inc. – Bay Road, File Code: 02.B

Dear Mr. Schnackenberg,

Enclosed is Recycling Permit #SW-21/06 (Permit), formerly Recycling Permit #SW-18/02, issued by the Compliance and Permitting Section (CAPS). The Permit approves Allan Myers DE, Inc., doing business as Allan Myers Materials, to accept, stockpile, and grind pre-consumer asphalt shingle waste for use in hot mix asphalt on Tax Parcel Number ED-00-096.00-01-15.00/00001 located at 3700 Bay Road in Dover, Delaware. The Permit is granted for a period of five years and will expire on July 2, 2026.

If you have any questions concerning this Permit, please contact Zack Taylor at (302) 739-9403.

Sincerely,

A handwritten signature in blue ink, appearing to read "JWS", written over a faint circular stamp.

Jason W. Sunde
Environmental Program Administrator
Compliance and Permitting Section

Enclosure

JWS:ZT:jmp
ZT:21060.doc

RECYCLING PERMIT #SW-21/06

Effective Date: July 23, 2021
Expiration Date: July 23, 2026

Facility Name: Allan Myers DE, Inc. doing business as Allan Myers Materials
Mailing Address: 638 Lancaster Avenue
Malvern, PA 19355

Facility Phone Number: (302) 854-9285

Contact Person: David Schnackenberg, Environmental Manager
Phone Number: (610) 222-3182

Alternate Contact Person: Jay Miller, Area Operations Manager
Phone Number: (610) 842-4128

Location of Approved Activity: 3700 Bay Road
Dover, DE 19901
Tax Parcel Number: ED-00-096.00-01-15.00/00001

I. GENERAL CONDITIONS:

- A. In accordance with Delaware's *Regulations Governing Solid Waste* ("DRGSW"), Section 2.5.2, the Department of Natural Resources and Environmental Control ("the Department") issues Recycling Permit #SW-21/06 ("Permit") to Allan Myers DE, Inc. doing business as Allan Myers Materials ("Allan Myers") for the purpose of accepting, stockpiling, and grinding pre-consumer asphalt shingle waste for use in hot mix asphalt on Tax Parcel Number ED-00-096.00-01-15.00/00001 located at 3700 Bay Road in Dover, Delaware (see attached site map).
- B. This Permit shall be conducted in accordance with the conditions herein and with the following documents, as submitted to the Department: (1) Recycling Permit Application, dated April 28, 2021 and associated documentation; (2) Supplemental Information dated May 14, 2021 and June 4, 2021; (3) Letter of Credit, issued August 6, 2015, in the amount of \$153,750.00 and Standby Trust Agreement, with amendment effective on April 10, 2015, and related documents; and (4) other procedures and policies specifically referenced in this Permit. Conditions of this Permit shall take precedence over any of the above listed documents. Failure to comply with any condition of this Permit or any provision within the aforementioned documents is a violation of this Permit.
- C. Allan Myers shall, upon request, present a copy of this Permit to any law enforcement officer or representative of the Department.
- D. Allan Myers shall notify the Department's Compliance and Permitting Section (CAPS) in writing within twenty-four (24) hours of any changes in the ownership, operators, name, or company officials.

- E. Allan Myers shall notify the CAPS in writing at least thirty (30) days prior to the anticipated need to implement any change in waste characteristics, changes that will alter the beneficial use of the incoming waste material, or changes to processes, operations, or procedures described in the Application documents referenced in Section I.B., or to this Permit. Allan Myers shall not implement said changes unless and until they have been notified in writing from the CAPS agreeing to the change(s).
- F. This Permit may be modified by the Department at any time, including additional limitations, requirements and/or special conditions. In the event the regulations governing activities authorized in this Permit are revised, this Permit may be modified.
- G. In the event that any condition of this Permit cannot be achieved or is violated, Allan Myers shall immediately notify the CAPS and take immediate action to correct the violation.

II. GENERAL OPERATING CONDITIONS:

- A. Operating hours:

Allan Myers' operating hours are 6:00 am to 6:00 pm Monday through Friday. Allan Myers shall operate in accordance with the Kent County Levy Court September 2012 approval, with conditions, and Certificate of Use issued on May 24, 2013.
- B. Security:

Access to the Allan Myers facility shall be controlled to prohibit the entry of unauthorized individuals.
- C. Access:

Representatives of DNREC may, at any reasonable time, inspect this facility to verify compliance with the requirements of this Permit, the DRGSW and 7 *Del. C.* Chapter 60.
- D. Litter control:

Litter shall be controlled and collected daily. This includes collection, removal and proper disposal of any solid waste not approved for processing. It also includes collection and proper disposal of any asphalt shingle feedstock, and outgoing recycled asphalt product that falls along Bay Road adjacent to the Allan Myers-Bay Road site entrance. Good housekeeping practices throughout the site shall keep litter to a minimum. Litter shall be collected, placed in a covered container and sent for disposal at an approved disposal facility within 72 hours of the container becoming full or at the Department's request to dispose of the waste (whichever comes first).
- E. Dust control:
 1. All storage piles shall be wetted as needed to control any fugitive dust.
 2. Prior to grinding, the asphalt shingles shall be wetted with water, as needed, to minimize the generation of dust during grinding.
 3. The ground asphalt shingle storage piles shall be wetted with water, as needed, to ensure that the outer layer of material is sufficiently wet to form an encrustation barrier over the stockpiles to limit potential fugitive dust.
 4. Trucks entering and leaving the facility with asphalt shingle waste shall be tarped.
 5. Access roads shall be cleaned or wetted down as needed.
- F. Odor control:

All asphalt shingles on site shall be managed in order to prevent the presence of odors. If odors from the asphalt shingles become an issue, Allan Myers shall develop and implement an odor control plan.

G. Vector control:

Allan Myers shall monitor the facility for the presence of any rodents or other undesirable vectors daily. Allan Myers shall document the presence of any undesirable vectors and legally eradicate them.

H. Fire safety:

All asphalt shingles onsite shall be managed in order to prevent the possibility of fires.

I. Employee Health and Safety:

Employees shall work under appropriate health and safety guidelines established by the Occupational Safety and Health Administration. Use of personal protective equipment shall be in accordance with 29 CFR Part 1910.132 as a minimum. First aid equipment shall be maintained and available onsite. Emergency telephone numbers of nearby ambulance, hospital, police and fire services shall be prominently displayed on-site.

J. Equipment Usage, Inspection and Maintenance:

Allan Myers may use a grinder along with manual labor to process the incoming waste material and to handle the final ground shingle product. Processing equipment shall be selected and operated in compliance with the Department's Division of Air Quality regulations. Allan Myers shall only use, or contract for use, grinders properly permitted by the Division of Air Quality (DAQ) and secure any necessary DAQ permits in the future. All operating equipment shall be operated and inspected in accordance with the manufacturer's recommendation, permits, and this Permit. Equipment shall be maintained and operated in a manner that protects Allan Myers' employees, the public and the environment.

K. Training:

All employees who are to work in the receiving or processing area shall have received initial training within 180 days of hiring in (1) Health and safety procedures and (2) Fire prevention and protection, and (3) Emergency first aid. Prior to working in the asphalt shingle area, employees shall receive training in equipment operation 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.

L. Recordkeeping:

1. Allan Myers shall maintain all training records at the Bay Road site for a minimum of three (3) years and these records shall be immediately provided to the Department upon request. These records shall document that required training has been provided to all employees who are to work in the asphalt shingle waste receiving and processing areas.
2. Allan Myers shall record and maintain at the Bay Road 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:
 - a. Monthly and annual tonnage for all incoming asphalt shingles
 - b. A list of all sources of asphalt shingles
 - c. Records of shipments of processed shingles to end users
 - d. Records of shipments of litter, incidental waste, and unacceptable shingle waste for proper disposal, including the date shipped and facility name and location where it was sent.

M. Reporting:

1. Quarterly:

The following information is required on a quarterly basis, to be received by the Department no later than the 15th (April 15th, July 15th, October 15th, and January 15th) after every quarter:

- a. The amount of asphalt shingles accepted at the site
- b. The amount of asphalt shingles processed at the site
- c. The amount of unprocessed asphalt shingles stored on site
- d. The amount of processed asphalt shingles stored on site
- e. The amount of processed asphalt shingles sold
- f. The amount of litter, incidental waste (III.A.8), and unacceptable shingle waste sent for proper disposal, including the date shipped and facility name and location where it was sent.
- g. A list of any shipments rejected and purpose for rejection

2. Annually:

- a. No later than February 1 of each calendar year, Allan Myers shall submit an annual report for the previous calendar year which includes a summary of all of the information submitted in the quarterly reports.
- b. No later than February 1 of each calendar year, Allan Myers shall provide an updated closure cost estimate, taking into account inflation. An updated letter from Allan Myers MD, Inc. shall also be provided, as long as they play a part in Allan Myers' conceptual closure plan. If the cost estimate has increased over the amount of financial assurance provided, Allan Myers shall accordingly provide increased financial assurance, along with an updated financial assurance mechanism, within six weeks of the submission of the updated closure cost estimate.

The quarterly reports, annual report and updated closure cost estimate shall be sent via email to the CAPS project officer at Zachary.Taylor@Delaware.gov.

N. Authorized Waste:

Allan Myers shall accept only pre-consumer asphalt shingles (i.e. discards, cut-offs, off-specification shingles, etc.) generated in the manufacturing of new asphalt shingles.

O. Prohibited Waste:

Allan Myers 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. Post-consumer (tear-off) shingle waste such as shingles that have previously been used as roofing cover material that result from roof repairs, removals or residential/commercial demolition operations.
2. Asphalt shingles containing or suspected of containing asbestos
3. Fiber glass, insulation material, liquid materials, floor tiles, siding, cementitious shingles, and shake shingles
4. Construction and demolition waste
5. Incidental waste associated with incoming loads exceeding a total of 10 percent by weight or volume of the overall load
6. Plastics, glass, metal
7. Mixed municipal solid waste (trash/garbage), tires
8. Batteries, electronics
9. Sewage sludge and septage

10. 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 Allan Myers facility, these wastes shall be immediately containerized and lawfully removed from the site within 72 hours of initial receipt.¹

III. WASTE ACCEPTANCE, PROCESSING AND STORAGE:

A. Procedures for Waste Acceptance: Waste acceptance and processing shall be conducted in accordance with Allan Myers' submitted Plan of Operation, DRGSW, Delaware Code, and the conditions below.

1. All incoming waste, rejected waste, outgoing waste, and outgoing products shall be weighed and recorded.
2. All trucks delivering asphalt shingle waste to Allan Myers shall be tarped.
3. Upon arrival at the facility, all incoming loads of asphalt shingle waste shall be inspected prior to, and after, unloading by a competent person trained under OSHA 29 CFR 1926.1101(o)(4)(ii) or US EPA 40 CFR 763.93(a)(2), for suspected asphalt shingles that may contain asbestos, excess incidental waste or other prohibited wastes.
4. Any prohibited wastes listed in section II.O 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 Allan Myers facility, these wastes shall be immediately containerized and lawfully removed from the site within 72 hours of initial receipt.¹
5. Asphalt shingles accepted at the site shall be placed in the designated staging area where they will remain until they are ground.
6. If suspected asbestos containing material is noticed, the material must be handled in accordance with the DNREC Air Regulations 1121 (Emission Standards for Hazardous Air Pollutants), Section 10. If Allan Myers receives asbestos containing material, they shall report to the CAPS Project Officer by the following business day by phone at (302) 739-9403 and via e-mail to Zachary.Taylor@Delaware.gov.
7. Incidental waste associated with incoming loads shall not exceed a total of 10 percent by weight or volume of the overall load. Should the incidental wastes be determined to be greater than 10 percent, the entire load shall be rejected and sent to a permitted solid waste facility for reprocessing, disposal, or recycling.

B. Procedures for Processing of Waste:

1. Asphalt shingles shall be ground using a permitted grinder. The grinder shall be operated in a manner to minimize the generation of dust.
2. All litter, incidental waste (see condition III.A.6), or unprocessable shingles shall be placed into a single container and properly disposed of or recycled within 72 hours of becoming full or within 72 hours of a request by the Department, whichever comes first.

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 suspected asbestos containing material, please contact the Division of Air Quality at (302) 324-2070. For information on the proper handling and disposal of all other listed prohibited wastes, please contact the CAPS at (302) 739-9403.

C. Procedures for Storage:

1. The total amount of shingles stored, both ground and whole, shall not exceed 10,000 tons. Pile height shall not exceed 20 feet.
2. Asphalt shingles, both ground and whole, shall be stored in such a manner as to prevent the emissions of fugitive dust and particulates.
3. Hot mix asphalt product may be stored overnight in silos. The amount of overnight storage shall not exceed 300 tons.

IV. CLOSURE:

- A. Allan Myers shall immediately notify the Department in writing the estimated date of facility closure and/or the date asphalt shingle wastes will no longer be accepted.
- B. Allan Myers shall notify the Department in writing when closure activities are started, and again when closure is complete.
- C. Should Allan Myers cease the processing of asphalt shingles for use in hot mix asphalt, within one hundred and eighty (180) days of cessation of operation, all shingles shall be recycled, re-used, or properly disposed of off-site. All disposal, re-use, and recycling activities undertaken in this section must be conducted per the requirements of DRGSW and Delaware Code.
- D. During the 180 day closure period, the total amount of asphalt shingles stored on site, both ground and whole, shall not exceed a total of 10,000 tons.
- E. By the end of the 180-day period, all shingles, both ground and whole, shall be removed from the Allan Myers Bay Road site.

V. ADDITIONAL CONDITIONS:


- A. If Allan Myers desires to renew this Permit, Allan Myers shall submit a new application no later than 180 days prior to the Permit expiration date. Allan Myers may be required to submit additional documentation as needed at the Department's sole discretion.
- B. Allan Myers shall maintain proper coverage under the Department's National Pollutant Discharge Elimination System ("NPDES") stormwater permit program.
- C. This Permit does not relieve Allan Myers from complying with any other applicable Federal, State, or Local laws, regulations or ordinances.
- D. Any violation of any condition of this Permit, regulations promulgated by the Department, Secretary's Orders, or provision of 7 *Del. C.* Chapter 60, shall justify termination of this Permit, and implementation of appropriate enforcement action.

VI. MODIFICATIONS AND RENEWALS:

- A. October 21, 2015
 1. Renewed and modified to reflect company name change, effective April 10, 2015, from Independence Construction Materials to Allan Myers DE, Inc. and
 2. Increased storage tonnage from 5,000 tons to 15,000 tons.
 3. Expiration date: September 1, 2018.
- B. July 2, 2021: Permit Renewal from SW-18/02 to SW-21/06
 1. Permit valid for a period of five (5) years expiring July 2, 2026
 2. Updated Sections III.C.1. and V.D. which include storage limits of asphalt shingle waste, adjusted from the previous limit of 15,500 tons to 10,000 tons at the request of Allan Myers

Allan Myers DE, Inc. doing business as Allan Myers Materials
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3. Updated Section III.A.6. emergency reporting contact info and requirements in the event Allan Myers receives asbestos containing material
4. Removed Section IV. Beneficial Use and Application
 - a. Language is no longer necessary with full Recycling Permit



Jason W. Sunde
Environmental Program Administrator
Compliance and Permitting Section

Date 7/23/21

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Allan Myers DE, Inc. doing business as Allan Myers Materials
Bay Road, Dover location
Recycling Permit #SW-21/06

Allan Myers DE, Inc. – Bay Road Site Map

