

OFFICE OF ADJUDICATIONS

IN THE MATTER OF : ***APPLICATIONS NOs. 201203594***
201203557

PHOENIX SOIL, LLC : ***JUNE 26, 2013***

PROPOSED FINAL DECISION

I

SUMMARY

On June 20, 2013, Phoenix Soils, LLC (Applicant) and staff of the Department of Energy and Environmental Protection (DEEP) jointly filed the attached Agreed Draft Decision for my review and consideration. ([Appendix 1.](#)) Regs., Conn. State Agencies § 22a-3a-6(1)(3)(A). I have reviewed this submission, the record and the relevant law in this matter. I find that the Applications filed by Phoenix Soil, LLC to construct and operate an Astec low temperature thermal desorption unit (Applications) comply with the applicable statutes and relevant provisions of the implementing regulations. Furthermore, I find that the parties' Agreed Draft Decision, as supplemented herein, satisfactorily conveys the factual findings and legal conclusions necessary to support my recommendation. I adopt this Agreed Draft Decision as part of my Proposed Final Decision.

The DEEP has prepared draft permits authorizing the project. ([Appendix 2](#) (waste), [Appendix 3](#) (air).) The record and these draft permits, as modified by the Agreed Draft Decision, reflect staff's consideration of all the relevant criteria set forth in the applicable statutes and regulations governing the proposed activity.

If conducted as proposed and in accordance with the terms and conditions of the draft permits, the regulated activities would be consistent with all relevant statutes and regulations regarding a new source

permit from the Bureau of Air Management and a permit for the construction and operation of a waste facility pursuant to General Statutes § 22a-454 from the Bureau of Materials Management and Compliance Assurance.

I therefore recommend issuance of the draft permits subject to the Agreed Draft Decision and the supplemental findings and conclusions of law set out below.

II

DECISION

A

FINDINGS OF FACT

The following findings supplement the statement of facts contained in the Agreed Draft Decision.¹

1

Procedural History

1. A Notice of Tentative Determination was published in the New Britain Herald on March 1, 2013.
2. On March 27, 2013, William Sambrook filed a petition with the Office of Adjudications. The cover letter attached to the petition indicates that Mr. Sambrook is the chairman of a group called People for a Clean Environment and is requesting “a contested case hearing on the air and waste permit Applications of Phoenix Soil, LLC. . . .”
3. The petition did not contain the language necessary to designate an “authorized person” who may withdraw the petition, as set forth in General Statutes § 22a-6bb.

¹ Documents referenced in these findings are part of the administrative record of this matter, are maintained in the “docket file” by the Office of Adjudications and are available for inspection.

4. In a letter dated April 15, 2013, and received by this office on April 19, 2013, Mr. Sambrook indicated that he wished to have his earlier letter and the petition “removed” and that he and other members of his organization now supported the Applications of Phoenix Soils, LLC.
5. On April 19, 2013, counsel for Phoenix Soil, LLC filed a motion seeking to terminate the hearing process in this matter. The motion made several arguments as to why the hearing process should be terminated, including: defects on the face of the petition; Mr. Sambrook’s April 15, 2013 correspondence withdrawing the request for hearing; and, indication from eighteen signatories of the petition that they wished to withdraw their signatures.
6. On April 29, 2013, counsel for Phoenix Soil, LLC withdrew its motion, and this hearing process moved forward.
7. In light of the attempted withdrawal of the petition and the informational hearing held on April 4, 2013, it was determined that there was not sufficient public interest to require an evening public hearing be held in Plainville. Instead, a public comment session was held on May 30, 2013 at 6:00 PM in the Russell Room at DEEP Headquarters in Hartford during a recess in the evidentiary hearing on this matter. No members of the public commented on the Applications during that session.

Modifications to the Draft Waste Permit

8. At the hearing, certain language regarding the amount and type of financial assurance required for the proposed activities was unresolved. The parties, in Attachment A to the Agreed Draft Decision, have suggested language which resolves this issue by setting forth a specific dollar amount for the financial assurance and indicating that it must be, “in a form acceptable to the Commissioner.” The

parties have also added language regarding annual adjustment of the security instrument. The draft waste permit, as revised by the Agreed Draft Decision, will also require construction of flood gates before contaminated soil can be transported to the Property. ([Attachment A](#) to the Agreed Draft Decision ([Appendix 1](#))). (Ex. DEEP-13; test. 5/30/13, Sigmund).

III

CONCLUSIONS OF LAW

David LaRiviere, an Air Pollution Control Engineer, and William Sigmund, an Environmental Analyst who holds degrees in biological science and ecology, each testified on behalf of the DEEP. Both testified that the Applications and the draft permits comply with the relevant statutory and regulatory schemes, as set out in the Agreed Draft decision. I rely upon the testimony of Mr. LaRiviere and Mr. Sigmund as expert testimony. See *Connecticut Building and Wrecking Co. v. Carothers*, 218 Conn. 580, 593 (1991) (“An agency composed of [experts] is entitled . . . to rely on its own expertise within the area of its professional competence.”) The expert testimony of Mr. LaRiviere and Mr. Sigmund was uncontradicted. “An administrative agency is not required to believe any of the witnesses, including expert witnesses... but it must not disregard the only expert evidence available on the issue” *Bain v. Inland Wetlands Commission*, 78 Conn. App. 808, 817 (2003). “The trier of fact is not required to believe un rebutted expert testimony, but may believe all, part or none of such un rebutted expert evidence.” *Bancroft v. Commissioner of Motor Vehicles*, 48 Conn. App. 391, 405 (1998). In this instance, I find the uncontradicted expert testimony of Mr. LaRivire and Mr. Sigmund to be credible and reliable.

I further find that the testimony of Mr. LaRiviere and Mr. Sigmund constitutes substantial evidence that the Applications and the draft permits prepared by staff comply with the statutory and regulatory criteria governing the proposed activities.

The substantial evidence rule governs judicial review of administrative fact finding under General Statutes (Rev. to 1987) § 4-183(g). . . . An administrative finding is supported by 'substantial evidence' if the record affords a substantial basis of fact from which the fact in issue can be reasonably inferred. . . . In determining whether an administrative finding is supported by substantial evidence, a court must defer to the agency's assessment of the credibility of the witnesses and to the agency's right to believe or disbelieve the evidence presented by any witness, even an expert, in whole or in part. . . .

(Citations omitted; internal quotation marks omitted.) *Connecticut Bldg. Wrecking Co., supra*, 218 Conn. at 593 (Conn. 1991). The expert testimony of Mr. LaRivire and Mr. Sigmund affords a substantial basis of fact from which I can determine compliance. For this reason, in addition to those reasons set forth in the Agreed Draft Decision, I recommend approval of the Applications.

IV

CONCLUSION

The Applications meet the relevant statutory and regulatory criteria that guide the Commissioner's decision to grant such an Applications. This conclusion is supported by substantial evidence in the record, including the testimony of Mr. LaRivirie and Mr. Sigmund as well as other evidence as set out in the Agreed Draft Decision.

V

RECOMMENDATION

I recommend that the Commissioner issue the requested permits incorporating the terms and conditions set forth in the draft permits ([Appendix 2](#) and [Appendix 3](#)).

A handwritten signature in blue ink, appearing to read 'BS', is written above a horizontal line.

Brendan Schain, Hearing Officer

P A R T Y L I S T

Proposed Final Decision concerning Phoenix Soil, LLC, Application Nos. 201203594 & 201203557

PARTY

REPRESENTED BY

The Applicant

Phoenix Soil, LLC
P.O. Box 1750
Waterbury, CT 06721

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psllc@aol.com

Department of Environmental Protection

Waste Engineering and Enforcement Division
Bureau of Materials Management
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David LaRiviere
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Petitioner

William Sambrook
356 Munger Lane
P.O. Box 485
Bethlehem, CT 06751

William Sambrook
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IN THE MATTER OF : APPLICATIONS NUMBERED.
: 201203594 FOR NEW SOURCE REVIEW
: & 201203557 TO CONSTRUCT
: AND OPERATE A SOIL
: TREATMENT AND RECYCLING
: FACILITY
: AND
: PROPOSED PERMIT NO. 146-0042
PHOENIX SOIL, LLC : & PROPOSED PERMIT FOR
CGS SECTION 22a-454 : CGS SECTION 22a-454
WASTE FACILITY : WASTE FACILITY
58 NORTH WASHINGTON STREET :
TOWN OF PLAINVILLE : JUNE 19, 2013

PARTIES' AGREED DRAFT DECISION

Together with Phoenix Soil, LLC, staff of the Department of Energy and Environmental Protection Bureau of Materials Management and Compliance Assurance and Bureau of Air Management provides the following:

Background

On April 17, 2012 Phoenix Soil, LLC (Applicant), submitted to the Department of Energy and Environmental Protection (the Department), applications for the proposed establishment of a soil treatment and recycling facility. Such applications referenced above sought authorization to install the equipment and construct appurtenances necessary to treat soil contaminated with organic compounds and render those soils reusable. Both applications were processed and recommendations made by Department staff for the approval of those applications. The publication on March 1, 2013 of a notice of tentative determination to approve both applications and issue a permit each for a new source through the Bureau of Air Management and the construction and operation of a CGS Section 22a-454 waste facility through the Bureau of Materials Management and Compliance Assurance also noticed a public information hearing on the applications for April 4, 2013.

During the thirty (30) day public comment period initiated by the publication of the Commissioner's notice of tentative determination to approve the subject applications a petition for a hearing on the Commissioner's intent to issue two permits to Phoenix Soil, LLC for the proposed location in the Town of Plainville was submitted by Mr. William Sambrook of People

for a Clean Environment, on March 27, 2013. The public information hearing was held as noticed at Plainville High School and formal public comment was received on the record.

Comments from Mr. Michael Lannon of Tech Environmental concerning the design of the wet scrubber were received and do not affect the Best Available Control Technology (BACT) determination made associated with the proposed Bureau of Air Management New Source Review Permit. The wet scrubber chosen by the Applicant meets the requirements of BACT and will be verified by stack emissions testing.

Also at the public information meeting comment was provided by Mr. John Kisluk regarding the nature of the facility and his concerns included the flooding potential in the vicinity of the proposed facility. Mr. Kisluk also expressed his opinion that the proposed facility is not a manufacturing operation and therefore is not consistent with the Town of Plainville's zoning requirements for this location. In his testimony, David Green of Phoenix Soil, LLC provided approvals from both the Zoning and Inland Wetlands agencies of the town of Plainville, approving the use as a manufacturing use and addressing issues related to the adjoining river (APP-2). The concerns regarding the potential for flooding at the proposed location have been addressed by the requirements of Section V of the proposed permit for a CGS 22a-454 Waste Facility, specifically with the installation of flood control equipment¹.

Legal Issues

1. Were Applications Numbered 201203594 and 201203557 developed and submitted in accordance with Connecticut General Statutes (the Statutes) Sections 22a-6, 22a-6g, 22a-208a as well as Regulations of Connecticut State Agencies (the Regulations) Sections 22a-209- 1 et seq., 22a-174-2a, 22a-174-3a, and 22a-3a-5?

Both applications submitted by Phoenix Soil, LLC in order to establish the proposed facility in the town of Plainville were determined by Department Staff to comply with the appropriate and applicable regulations and statutes under which they were required to be developed and submitted.

In his testimony (exhibit DEEP-14), Mr. David LaRiviere cites Section 22a-174-3a(a)(1) of the Regulations which identifies the types of stationary sources for which there is a permit requirement. He further states that the proposed facility meets such requirements. Additionally Section 22a-174-3a of the Regulations provides the structure under which applications for permits must be developed by the applicant and reviewed by the appropriate Department staff. Application No. 201203594 was deemed administratively sufficient on April 23, 2013(exhibit DEEP-17).

In his testimony (exhibit DEEP-13), Mr. William Sigmund cited Sections 22a-454 and 22a-208a of the Statutes which provide the Commissioner the authority to require persons intending to perform certain regulated activities to obtain a permit. Those activities identified in Section 22a-454 of the Statutes are collection, storing or treating waste oil or petroleum or chemical

¹ Please note that the proposed CGS Section 22a-454 waste facility permit incorporates changes to the draft permit submitted as exhibit DEEP-10. Those changes are itemized and provided as Attachment A hereto

liquids or hazardous wastes. Section 22a-208a of the Statutes provides the Commissioner his authority in requiring a person who proposes to construct or operate a facility managing solid waste to obtain a permit. The Regulations also provide the applicant and the Department the framework for the contents necessary for the application and the structure of the permit that may be drafted for the proposed activities. The specific sections of the Regulations are 22a-449(c)-100 through 119, which pertains to the management of hazardous wastes, 22a-3a-5(a)(1) (the Rules of Practice in portion), which prescribes the process by which licenses are applied for and issued, and portions of 22a-209-4 pertaining to the aspects of constructing and operating a solid waste facility. Application No. 201203557 one of the subjects of this matter, was determined sufficient, and a Notice of Sufficiency was issued on June 12, 2012 (exhibit DEEP-2).

2. Were the proposed Bureau of Air Management New Source Review Permit and the Bureau of Materials Management and Compliance Assurance CGS Section 22a-454 Waste Facility Permit, developed in response to Applications Numbered 201203594 and 201203557, drafted in accordance with Sections 22a-174-2a, 22a-174-3a, 22a-209-1 et seq., 22a-3a-5 of the Regulations and applicable Department policy?

Mr. LaRiviere conducted his evaluation of the technical merits of Application No. 201203594. The Best Available Control Technology (BACT) that was proposed in Application No. 201203594 was evaluated in accordance with the Section 22a-174-3a of the Regulations which provides the acceptable standards to which the emissions resulting from the use of a new source must be compared. In the application BACT was proposed for particulate matter (PM), sulfur oxides (SO₂), nitrogen oxides (NO_x), volatile organic compounds (VOCs) and carbon monoxide (CO). Mr. LaRiviere reviewed the BACT proposed for the facility and concurred that BACT had been achieved.

Mr. Sigmund conducted his review of Application No. 201203557 for its technical merits. He determined that certain information that had been presented in the application package required updating. Mr. Sigmund identified that the engineered diagrams for the facility required modification in order that the labeling and identification of the site features be consistent between different diagrams. In addition, Mr. Sigmund also determined that the proposed closure cost estimate was not adequate. The amount of the financial assurance proposed was evaluated and found insufficient to cover the costs associated with the closure plan submitted. The Closure Plan was largely complete, except that it did not include a cost estimate for the use of a vacuum truck to capture and remove wash-water that would be generated during the decontamination process as described. This issue remained outstanding during the technical review process and the bulk of the public comment period. The amount of the financial assurance mechanism was resolved during a meeting on April 1, 2013 to the satisfaction of both the Applicant and the Department's Waste Engineering and Enforcement Division.

Conclusion

The Parties contend that the Applications which are subjects of this matter (Applications Numbered 201203594 and 201203557) were developed and submitted in accordance with Sections 22a-6, 22a-6g, 22a-208a of the Statutes as well as Sections 22a-209- 1 et seq., 22a-174-2a, 22a-174-3a and 22a-3a-5 of the Regulations. Additionally the applications were evaluated

for sufficiency and technical merit in accordance with those same Statutes and Regulations by the Department's technical staff.

The proposed permits identified as exhibits DEEP-10 and DEEP-28 have been shown to be drafted in accordance with the Regulations applicable to the programs involved, specifically Sections 22a-174-2a and 22a-174-3a of the Regulations for the Bureau of Air Management, Engineering and Enforcement Division, Permitting Group and Sections 22a-209-1 et seq. of the Regulations for the Bureau of Materials Management and Compliance Assurance, Waste Engineering and Enforcement Division, Solid Waste Permitting program, as well as Section 22a-3a-5 of the Regulations for all permitting programs of the Department.

In light of the testimony and exhibits provided as well as the comments received and the responses to those comments from the permitting programs involved in this process it is the Department's position and the Applicant concurs that the proposed permits presented as Exhibit DEEP-28 and DEEP-10 (modified as described in Attachment A), meet the regulatory and technical requirements of the Department and that they be issued.

Respectfully submitted by:

/s/ Gabrielle Frigon
Gabrielle Frigon
Supervising Environmental
Analyst
Waste Engineering and
Enforcement Division
Bureau of Materials
Management
and Compliance Assurance

/s/ David LaRiviere
David LaRiviere
Air Pollution Control
Engineer 3 Permitting Group,
Engineering and Enforcement
Division, Bureau of Air
Management

/s/ Mark Shipman.
Mark Shipman, Esq.
Shipman, Stokesbury and
Fingold, LLC

**Phoenix Soil, LLC
Agreed Draft Decision - Attachment A**

22a-454 Waste Facility Permit

All changes made to the draft Phoenix Soil Waste Permit occurred in Section V and are detailed by paragraph below.

Paragraph B.1. (Establishment of Financial Assurance)

Language at NTD:

The Permittee shall submit for the Commissioner's review and written approval documentation demonstrating that Phoenix Soil, LLC's current cost estimate has been revised and current mechanism for financial assurance for closure has been replaced, and/or an additional mechanism(s) has been established, such that the value of the mechanism is at least **Insert surety value based upon PSLLC revised trans/disposal handling costs**. The value of the mechanism(s) may be less than the above figure only if an alternate amount has been approved in writing by the Commissioner. Documentation demonstrating compliance with this provision will depend on the type of financial assurance mechanism used, and must comply with the requirements of 40 CFR 264 subpart H as incorporated by the RCSA.

Revised Language:

Within sixty (60) calendar days of the effective date of this permit, the Permittee shall submit for the Commissioner's review and written approval documentation demonstrating that Phoenix Soil, LLC's current cost estimate has been revised and the proposed mechanism for financial assurance for closure has been replaced, and/or an alternate mechanism(s) has been established in a form acceptable to the Commissioner, such that the initial value of the mechanism is in an amount no less than \$235,598.00. Thereafter, the Permittee shall continue to fund the financial assurance mechanism(s) annually in an amount no less than \$49,850.50 per year for four consecutive years. The Permittee shall ensure that each annual deposit into the financial assurance mechanism(s) is made no later than the anniversary date of the initial installment. The value of the mechanism(s) may be less than the above figure only if an alternate amount has been approved in writing by the Commissioner. Documentation demonstrating compliance with this provision will depend on the type of financial assurance mechanism used, and must comply with the requirements of 40 CFR 264 subpart H as incorporated by the RCSA.

Rational: Negotiations regarding the total amount of financial assurance required for the Phoenix facility were ongoing and finalized during the 30-day NTD public comment period. The changes shown above (in italics) were made to detail the dollar amounts that the facility will be required to post during the five year period of this permit. Language was also added to emphasize the 60-day deadline to submit its financial assurance mechanism to DEEP for review and approval.

Paragraph B.1.e. (Annual Inflationary Adjustment of Financial Assurance Amount)

Language at NTD:

The Permittee shall ensure that the financial assurance instrument is adjusted annually for inflation within the sixty (60) days prior to the anniversary date of the instrument, and

whenever there is a change in operations that affects the cost of closing the Facility in accordance with the requirements of 40 CFR 264.142(b) as incorporated in the RCSA Section 22a-449(c)-104.

Revised Language:

The Permittee shall ensure that the amount of the financial assurance instrument is adjusted annually for inflation within the sixty (60) days prior to the anniversary date of the instrument, and whenever there is a change in operations that affects the cost of closing the Facility in accordance with the requirements of 40 CFR 264.142(b) as incorporated in the RCSA Section 22a-449(c)-104. *The annual adjustment shall be calculated based on the amount of the then current value of the instrument.*

Rational: The language in italics above was added to address the fact that Phoenix Soil's Financial Assurance Mechanism will be funded incrementally over the 5 year period of the permit. The language details how the required annual inflationary adjustment is to be calculated.

Paragraph C.1.a. (Construction of Regulated Waste Bulk Storage Area)

Language at NTD:

Within ninety (90) days of the effective date of this permit, the Permittee shall construct the Regulated Waste Bulk Storage Area in accordance with the plans and specifications contained within this permit and those of the application materials, and shall submit for the Commissioner's review verification in writing that construction has been completed.

Revised Language:

Within ninety (90) days of the effective date of this permit, the Permittee shall construct the Regulated Waste Bulk Storage Area in accordance with the plans and specifications contained within this permit and those of the application materials, *including the construction of all emergency flood control gates and all associated installation/fastening provisions as detailed in Attachment H of the application.* The Permittee shall submit for the Commissioner's review verification in writing that construction has been completed.

Rational: The language in italics above was added to address public comment that expressed concerns about the flood potential that exists at the proposed facility location, as well as concerns regarding the potential for contaminated soil to be swept away by flood waters during a flooding event. While the application materials address the flood control issue by incorporating emergency flood control equipment into the facility design, they do not address how these features fit into the facility's construction sequence. Therefore, the above change was made to the permit language to require that the flood control equipment be constructed, available, and deployable *before* contaminated soil can be transported to and staged inside of the treatment building.

CERTIFICATION

I hereby certify that a copy of the foregoing **Agreed Draft Decision** was delivered via electronic mail, this 20th day of June, 2013 to:

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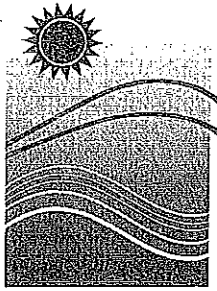
/s/ Gabrielle Frigon
Gabrielle Frigon
Supervising Environmental Analyst
Waste Engineering and Enforcement Division
Bureau of Materials Management and

Compliance Assurance

DRAFT CONNECTICUT 22a-454 WASTE PERMIT

Due to the length of the document, the draft waste permit has not been reproduced here. It is available online by following the link below:

[DRAFT WASTE PERMIT](#)



Connecticut Department of
**ENERGY &
ENVIRONMENTAL
PROTECTION**

**BUREAU OF AIR MANAGEMENT
NEW SOURCE REVIEW PERMIT
TO CONSTRUCT AND OPERATE A STATIONARY SOURCE**

Issued pursuant to Title 22a of the Connecticut General Statutes (CGS) and Section 22a-174-3a of the Regulations of Connecticut State Agencies (RCSA).

Owner/Operator:	Phoenix Soil, LLC
Address:	POB 1750, Waterbury, CT 06721
Equipment Location:	58 North Washington Street, Plainville, CT 06062
Equipment Description:	Astec Low Temperature Thermal Desorption Unit

Town-Permit Numbers:	146-0042
Town-Premises Numbers:	146-0143
Permit Issue Date:	
Expiration Date:	

Macky McCleary
Deputy Commissioner

Date

79 Elm Street, Hartford, CT 06106-5127
www.ct.gov/deep
Affirmative Action/Equal Opportunity Employer

ORIGINAL

**PERMIT FOR LOW TEMPERATURE TREATMENT/SOIL
REMEDICATION EQUIPMENT**

DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION
BUREAU OF AIR MANAGEMENT

This permit specifies necessary terms and conditions for the operation of this equipment to comply with state and federal air quality standards. The Permittee shall at all times comply with the terms and conditions stated herein.

PART I. DESIGN SPECIFICATIONS

A. General Description

This system is designed to desorb oil and other organic compounds from contaminated materials in a rotary kiln style primary treatment unit (PTU) which is fired by a single 34 MMBTU/hr Astec burner. A material blending operation will process up to 100 tons per hour of materials. This process operation will be vented to the controls serving the secondary treatment unit (STU) with a 26 MMBTU/hr Astec burner. Off-gases are then treated before being emitted through the stack. Treatment will depend on the capability to fire either natural gas or specification oil in the burners. The off-gasses are water cooled and sent through a fabric filter baghouse followed by a wet scrubber.

Prior to treatment, the material is tested for contaminant concentrations and may be blended to meet feed restrictions on contaminant concentrations. Emissions from screening, blending and storage of contaminated materials are treated by the STU which is required to be in operation while screening and/or blending and while alarm conditions exist within the enclosed facility.

Materials that will be processed in the equipment are soil, sediment, sand, concrete and granulated absorbents used in oil and fuel cleans ups, and debris such as rocks, grass, stems and roots that are normally found in soil excavations.

B. Equipment Design Specifications

1. PTU

a. Make and Model: Astec Model SJ-1260X

2. Auxiliary Burner System

	PTU	STU
Maximum Total Fuel Heat Input (MMBtu/h)	34	26
Maximum Natural Gas Firing Rate (ft³/h)	33,333	25,940
Maximum Specification Oil Firing Rate (gph)	246	188

FIRM NAME: Phoenix Soil, LLC

EQUIPMENT LOCATION: 58 North Washington Street, Plainville, CT 06062

EQUIPMENT DESCRIPTION: Astec Low Temperature Thermal Desorption Unit

Town No: 146

Premises No: 0143

Permit No: 0042

Stack No: 1

ORIGINAL

**PERMIT FOR LOW TEMPERATURE TREATMENT/SOIL
REMEDICATION EQUIPMENT**

**DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION
BUREAU OF AIR MANAGEMENT**

PART I. DESIGN SPECIFICATIONS, continued

- a. PTU and STU Burner Manufacturer: Astec
b. Number of Burners: One each for PTU and STU

3. Material Handling Equipment Design Throughput

- a. Screening Unit (tph): 100
b. Blending Unit (tph): 100

C. Control Equipment Design Specifications

1. Cyclone

- a. Make and Model: Astec Model MTC-70
b. Inlet Temperature (°F): 550-900
c. Number of Cyclones: 30
d. Control Efficiency (%): 50

2. STU

- a. Make and Model: Astec, Model SJ 1200X
b. Operating Temperature (°F): 1500-1800
c. Control Efficiency (%): 99
d. Residence Time (sec): 2

3. Fabric Filter

- a. Make and Model: Astec Model SBH-50:SR
b. Number of Bags in Use: 1024
c. Bag Material: P-84 Felt
d. Air/Cloth Ratio: 4:1
e. Cleaning Method: Pulse Jet
f. Pressure Drop (in H₂O): 4-6
g. Design Outlet Grain Loading (gr/dscf): 0.04
h. Control Efficiency (%): 99

4. Wet Scrubber with Mist Eliminator

- a. Make and Model: Ceilcote Model SPT-132-144
b. Static Pressure Drop Across Scrubber: 3.5
c. Packing Material and Height: No. 3 Type K Polypropylene
Tellerettes. 144 inches
d. Scrubber Geometry
i. Length in Direction of Gas Flow (ft): 12
ii. Cross Sectional Area (ft²): 95
e. Scrubbing Liquid: NaOH
f. Minimum pH: 8.0, measured in the scrubber sump tank
g. Scrubbing Liquid Flow Rate (gpm): 570
h. Fresh Scrubbing Liquid Make-up Rate (gpm): 0.5-3.0
i. No. of Spray Nozzles: 1

FIRM NAME: Phoenix Soil, LLC
EQUIPMENT LOCATION: 58 North Washington Street, Plainville, CT 06062
EQUIPMENT DESCRIPTION: Astec Low Temperature Thermal Desorption Unit

**PERMIT FOR LOW TEMPERATURE TREATMENT/SOIL
REMEDICATION EQUIPMENT**

DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION
BUREAU OF AIR MANAGEMENT

PART I. DESIGN SPECIFICATIONS, continued

- j. Scrubbing Liquid Line Pressure (psig): 50
 k. Full Process Exhaust Flow Rate (scfm @ $\overline{68^{\circ}\text{F}}$): 18463
 l. Control Efficiency (%): 95
5. Quench Tank
 a. Make and Model: Astec Model EEC-1023V
 b. Capacity: 70 gallons of water per minute

D. Stack Parameters

1. Minimum Stack Height (ft above grade): 115
 2. Minimum Hourly Exhaust Gas Flow Rate (acfm): 48,266
 3. Minimum Distance from Stack to Property Line (ft): 265

PART II. OPERATIONAL CONDITIONS AND SPECIFICATIONS

A. Operating Limits

1. PTU
 a. Maximum Hourly Material Throughput (tons): 50
 b. Maximum Annual Material Throughput (tons): 325,000
 c. Maximum PTU Operating Temperature ($^{\circ}\text{F}$): 900
 d. Maximum Hours of Operation (h): 6,500 over any consecutive 12 month period
2. PTU and STU Burner System
 a. Fuel Type: Natural Gas
 b. PTU Maximum Hourly Fuel Usage (ft^3/h): 33,000
 c. STU Maximum Hourly Fuel Usage (ft^3/h): 25,490
 d. Maximum Fuel Consumption over any Consecutive 12 Month Period:
382 MMft³ (total)
 e. Fuel Type: Specification Oil
 f. PTU Maximum Hourly Fuel Usage (gal/h): 246
 g. STU Maximum Hourly Fuel Usage (gal/h): 188
 h. Maximum Fuel Consumption over any Consecutive 12 Month Period:
706,500 gallons (total)

B. Operating Requirements

1. Equipment or methods which control air pollutant emissions from this source shall be maintained in operation at all times that the source is in operation or emitting air pollutants. This includes all instruments which measure those source operating parameters which affect air pollutant emissions, air pollution control equipment, or other instruments which measure data required by permit, order or regulation.

FIRM NAME: Phoenix Soil, LLC
 EQUIPMENT LOCATION: 58 North Washington Street, Plainville, CT 06062
 EQUIPMENT DESCRIPTION: Astec Low Temperature Thermal Desorption Unit

**PERMIT FOR LOW TEMPERATURE TREATMENT/SOIL
REMEDICATION EQUIPMENT**

DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION
BUREAU OF AIR MANAGEMENT

PART II. OPERATIONAL CONDITIONS AND SPECIFICATIONS, continued

2. When the STU is not in operation all facility doors and windows shall remain closed, except when necessary to transport material, items, etc. to and from the facility. Any and all broken windows, doors, walls and roof of the facility shall be repaired or replaced within 24 hours.
3. The STU shall be equipped with an interlock system such that the feed conveyor to the PTU is rendered physically incapable of operating whenever the STU operating temperature falls below 1500°F. Under no circumstances shall this interlock system be bypassed nor shall the feed conveyor be operated without the use of the STU. Nothing shall enter the PTU except through the feed conveyor.

The STU burner shall be fired-up within 5 minutes of start-up of the equipment exhaust fan.

4. Specification oil shall not be burned during the ozone season (May 1 to September 30, inclusive).

C. Material and Fuel Specifications

1. Allowable Material Types

Only the following types of contaminated material are allowed to be processed by this system: soil, sediment, sand, concrete, granulated absorbents used in oil and fuel spill clean-ups, and debris such as rocks, grass, stems and roots that are normally found in soil excavations. The treatment of contaminated water and liquids, and the treatment of soil and material containing an aqueous phase (i.e., sludge) is not allowed.

The treatment of any material classified as hazardous waste under the Resource Conservation and Recovery Act (RCRA) or CGS §22a-448 is not allowed.

Only the following types of contaminants are allowed in contaminated materials to be treated at this facility:

- a. The following unused virgin petroleum products: Nos. 2, 4 and 6 fuel oil, diesel fuel, kerosene, jet fuel A-1, jet fuel JP-4, jet fuel JP-5, leaded gasoline, and/or unleaded gasoline.
- b. The following waste oils: lubricating oil, cutting oil, water soluble oil, coolants, hydraulic oil and/or quench oil.
- c. Aromatic and aliphatic hydrocarbons, coal tar residue, a.k.a. coal tar pitch.
- d. Combinations of constituents in the above contaminants.

Additional material constraints, as outlined elsewhere in this permit, must also be complied with.

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PART II. OPERATIONAL CONDITIONS AND SPECIFICATIONS, continued

2. Contaminant Concentrations

The concentrations of contaminants in material entering the PTU shall not exceed the following limits:

Contaminant	Material Limit (ppmw)
Total Petroleum Hydrocarbons (TPH)	10,000
Polychlorinated Biphenyls (PCB)	3.5
Total Halogenated Solvents (THS)	50
Coal Tar Pitch Volatiles	275
Mercury	0.49
Cyanides (total)	30.1
Chromium	400
Chlorine (Cl)	50
Aromatic/Aliphatic	4,700

3. Allowable Fuel Types

The PTU and STU may burn either of the following fuels:

- a. Natural Gas
- b. Specification oil which meets the following requirements
 - i. Sulfur content which does not exceed 0.3% by weight;
 - ii. Ash content which does not exceed 1.00% by weight;
 - iii. Arsenic content which does not exceed 5 ppm;
 - iv. Cadmium content which does not exceed 2 ppm;
 - v. Chromium content which does not exceed 10 ppm;
 - vi. Lead content which does not exceed 100 ppm;
 - vii. Total Halogen content which does not exceed 1000 ppm; and
 - viii. Flash point which is greater than or equal to 100°F

D. Material Handling Equipment

1. Material Screening Unit

- a. Maximum Design Unit: 100 ton/h

2. Material Blending Unit

- a. Maximum Design Throughput: 100 ton/h

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**PART III. CONTINUOUS EMISSION MONITORING REQUIREMENTS AND ASSOCIATED
EMISSION LIMITS**

The Permittee shall comply with the CEM requirements as set forth in RCSA §22a-174-4. CEM shall be required for CO and O₂ and enforced on the following basis:

Pollutant/Operating Parameter	Averaging Times	Emission Limit
CO	1 hour block	100 ppmvd @ 7% O ₂ (O ₂ ≤ 14%)
CO	1 hour block	50 ppmvd (when O ₂ > 14% for 1 hour block)
O ₂	1 hour block	n/a

At flue gas oxygen concentrations of fourteen percent or less (one hour block average), the emissions limit for carbon monoxide is 100 ppmvd corrected to seven percent oxygen averaged over any one hour block period. When oxygen concentrations in the flue gas exceed fourteen percent (one hour block average), the emissions limit for CO shall be 50 ppmvd uncorrected for oxygen. During start-up of the STU, when the PTU is empty and the STU is coming up to operating temperature from ambient, and provided such time does not exceed three hours duration, the source is exempt from the CO emission limits stated above.

PART IV. MONITORING AND RECORD KEEPING REQUIREMENTS

A. Monitoring

1. The Permittee shall install and operate a thermocouple, a continuous temperature recorder (e.g., chart recorder) to continuously monitor and/or record the PTU and STU operating temperatures.
2. The Permittee shall install, operate and maintain a fuel meter to continuously monitor the individual quantity and type of fuel fed to the PTU and STU burners.
3. The Permittee shall continuously monitor the amount of material processed in the PTU.
4. The Permittee shall install and operate equipment capable of continuously monitoring the fabric filter inlet temperature and the pressure drop across the baghouse.
5. The Permittee shall continuously monitor liquid flow rate through the wet scrubber and shall record the flow rate on a daily basis.
6. The Permittee shall continuously monitor the scrubber liquid line pressure near the scrubber head and shall record the application pressure on a daily basis.

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PART IV. MONITORING, RECORD KEEPING REQUIREMENTS, continued

7. The Permittee shall continuously monitor the scrubber liquid pH at the sump tank and shall record the pH on a daily basis.
8. The Permittee shall continuously monitor the pressure differential across the scrubber and shall record such pressure on a daily basis.
9. The Permittee shall monitor and maintain compliance, both by analyses of materials prior to treating them and by stack testing, with all applicable material limits as specified under Parts II.C.1 and II.C.2, and with the requirement that the Permittee analyze and control the sulfur content of the material to be treated based on operational experience. Material sampling and analyses shall be conducted as follows:

- a. The Permittee shall take one sample each from the front, middle and back of each truck/container entering the site and composite these samples into a single truck/container sample. The Permittee may composite a maximum of ten single truck/container composite samples from the same waste stream. The Permittee shall sample each small container (≤ 1 cubic yard) entering the facility, and may composite up to 20 samples of such containers from the same waste stream.

The Permittee shall analyze each composite sample for total petroleum hydrocarbons (TPH), polychlorinated biphenyls (PCB), total halogenated solvents (THS), mercury, total cyanides, chromium, chlorine (Cl) and sulfur. Additionally, the Permittee shall analyze materials contaminated with coal tar residue or coal tar pitch for coal tar pitch volatiles.

- b. The Permittee may blend allowable material types of various contaminant levels in order to reduce contaminant concentrations to material contaminant concentrations allowed by this permit or to levels necessary such that the emissions shall not exceed allowable emissions limits.

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PART IV. MONITORING, RECORD KEEPING REQUIREMENTS, continued

- c. If material blending is conducted, then after such blending the material shall be sampled and analyzed for the contaminant(s) for which blending was necessary. This sampling and analysis shall be carried out, by the Permittee, in the following manner:
- i. A minimum of one composite sample from three discrete sample locations for up to 10 cubic yards of material shall be made by taking a core of material from 1 discrete location and making a composite of it with 2 core samples taken from two other locations. For quantities of greater than 10 but less than or equal to 50 cubic yards, a minimum of 2 composite samples shall be collected; for quantities of greater than 50 but less than or equal to 100 cubic yards, 3 composite samples shall be collected; for quantities of greater than 100 cubic yards, a minimum of 3 composite samples shall be taken for each additional 100 cubic yards. Physical manipulation of the material samples during the collection shall be minimized.
 - ii. The samples shall then be mixed into a composite and analyzed for the appropriate contaminant(s). Samples shall be made into a composite from a maximum contaminated material area of 250 cubic yards. At least 1 additional material sample shall be taken from the most heavily contaminated area of the stockpiled material, as determined by sensory inspection.
- d. All sampling shall be performed in accordance with "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", EPA Publication SW 846. All analyses to determine concentrations of pollutants or chemicals required to demonstrate compliance with any part of this permit shall be conducted by a laboratory that is certified by the State of Connecticut Department of Public Health.

All test methods used to demonstrate compliance with the levels in Part II.C.2 shall be capable of detecting contaminant levels at least as low as the levels indicated in Part II.C.2.

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- e. Testing of material for TPH concentration shall be conducted no earlier than five days prior to the material being treated in the PTU. If a given material storage pile is not treated within five days of determining an acceptable TPH concentration (i.e., a concentration below the limit set in Part II.C.2), the material shall be reanalyzed before it is treated in the PTU. Such reanalysis shall require only one composite sample to be taken, consisting of individual samples taken from the top center, middle center and bottom center of the material storage pile. If that analysis shows that the material is in compliance with permit limits, the Permittee may process the material. The Permittee shall keep records indicating the TPH concentration of each batch of material processed.
 - f. For each material storage pile, the Permittee shall ensure that all sample analyses of all applicable contaminant concentrations are readily available to the equipment operators and to the Department.
10. The Permittee shall install a bag leak detection system which is certified by the manufacturer to be capable of continuously detecting and recording particulate matter emissions at concentrations of 1.0 milligram per actual cubic meter of air flow. The bag leak detection system shall provide output of relative particulate matter loadings and shall be made relative to the most recently conducted Department approved particulate emissions test. The system shall be maintained and operated in a manner consistent with the manufacturer's written specifications and recommendations for installation, operation, and adjustment. The Permittee shall continuously monitor and continuously record the relative particulate matter loadings determined by this system.
11. The Permittee shall monitor TPH indoor air concentration to insure that it is maintained at less than 10% of the lower explosive limit (LEL).

B. Record Keeping

- 1. The Permittee shall make and keep records of the PTU's hourly specification oil usage. The Permittee make and keep records of the STU's hourly specification oil usage. The Permittee shall total specification oil usage for each month and for each consecutive twelve months. The consecutive 12 month specification oil usage shall be determined by adding the current month's usage to that of the previous 11 months. The Permittee shall make these calculations within 30 days of the end of the previous month.

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2. The Permittee shall make and keep records of the PTU's and STU's daily natural gas usage. The Permittee shall total natural gas usage for each month and for each consecutive twelve months. The consecutive 12 month natural gas usage shall be determined by adding the current month's usage to that of the previous 11 months. The Permittee shall make these calculations within 30 days of the end of the previous month.
3. Each specification oil shipment for this equipment shall include a shipping receipt from the fuel supplier and a certification from the fuel supplier certifying the type of fuel in the shipment and the weight percent of sulfur in the fuel. The shipping receipt and/or certification shall include the name of the oil supplier, the sulfur content of the oil and the method used to determine the sulfur content of the oil. The Permittee shall maintain records of each shipping receipt and certification.
4. The Permittee shall certify in writing that each specification oil shipment for this source satisfies each of the criteria listed in Part II.C.3.b of this permit. Such certification shall include documentation of test methods and results used as basis for making such demonstration.
5. The Permittee shall record the number of hours of operation for the PTU for each day, each month and each consecutive twelve months. The Permittee shall record the number of hours of operation for the STU for each day, each month and each consecutive twelve months.
6. The Permittee shall record the amount of material processed in the PTU for each day, for each month and for each consecutive twelve months.

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PART IV. MONITORING, RECORD KEEPING REQUIREMENTS, continued

7. For each shipment of material received from a site, the following information shall be maintained at the facility:
 - a. The owner of the land from which the material originated.
 - b. The name(s) of the company(s) or persons responsible for the spill or release.
 - c. The amount (in tons) of material received from the site.
 - d. A brief history of the site and an explanation of how the material became contaminated.
 - e. All types of contaminants found or expected to be found in the material.
 - f. All results of laboratory analyses conducted as required by this permit. Results are to be recorded for each composite sample analyzed and must include: the identity of the laboratory conducting the analysis, the date each analysis was conducted, the concentration of the contaminant measured in such analysis, identification of the method used to determine such concentration, the accuracy of such method, the detection limits of such method.
8. All records shall indicate the date and time of occurrence of the recorded event.
9. The Permittee shall make and keep records sufficient to demonstrate continued compliance with each of the emissions limits and conditions contained in this permit.
10. The Permittee shall review all recorded data daily and report to the Department within three working days the details of any exceedance of an emission limit and any apparent deviations from any conditions of this permit.

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PART IV. MONITORING, RECORD KEEPING REQUIREMENTS, continued

11. All Continuous Emissions Monitoring data shall be recorded and maintained at the site for inspection at the Department's discretion. These records shall be required for all periods of operation, including start-up and through shut-down. The Permittee shall be required to review all recorded data daily and report to the Department within three working days any exceedance of an emission limit or apparent deviations from any conditions of this permit.
12. The Permittee shall keep all records required by this permit for a period of no less than five years and shall submit such records to the commissioner upon request.

PART V. SPECIAL REQUIREMENTS

- A. The Permittee shall operate and maintain this equipment in accordance with the manufacturer's specifications and written recommendations.
- B. The Permittee shall properly operate all control equipment at all times that this source is in operation and emitting air pollutants whether or not material is being processed through the PTU.
- C. VOC emissions from the soil stockpile shall be controlled by the Secondary Treatment Unit (STU). When necessary, the STU shall operate even at times when soil is not being processed through the thermal treatment unit. The following steps are to be taken:
 1. When the existing LEL monitors (which measure the air inside the soil storage building) detect a concentration that exceeds 10% LEL an alarm shall sound.
 2. Plant personnel shall respond to the alarms by starting the appropriate draft fans and lighting the STU burner.
 3. The STU shall be operated at a temperature which results in the plant stack monitor measuring a combustible concentration <100 ppm.
 4. The intake point for the building gases shall be the primary and secondary combustion air fan. This fan shall be operated with a maximum amount of air being pushed to the STU burner (for combustion air), and the PTU blower inlet (which will be pulled directly in the STU chamber). This will maximize flame contact with the building gases.

The maximum amount of building air that can be treated in this manner is 30,000 CFM, but, the intake fan will be operated at a lower rate which

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PART V. SPECIAL REQUIREMENTS, continued

proves to be sufficient for maintaining conditions inside the building of <10% LEL.

- D. The Permittee shall comply with all applicable parts of the "Standards for the Management of Used Oil" under 40 CFR 279.

PART VI. ENFORCEMENT CONDITIONS

- A. The Permittee shall ensure that the equipment operators are trained in the operation and maintenance of the PTU and all pollution control equipment. A signed certification indicating the completion of operator training and the extent of such training shall be submitted to the commissioner for his review and written approval prior to issuance of a permit to operate. Future equipment operators shall also receive formal training. Signed certifications indicating the completion and extent of such training shall be kept on premise at all times.
- B. The Permittee shall operate this source and premises at all times in a manner so as not to violate or significantly contribute to a violation of any applicable state requirements for the control of fugitive dust emissions, as set forth in RCSA §22a-174-18(c). The Permittee shall take the following steps to reduce fugitive dust emissions:
1. Sufficient wetting, grading, covering and maintenance of material storage piles, both temporary and permanent, to comply with a maximum 10% fugitive dust opacity limit.
 2. Use of water or an equivalent means of dust control, as necessary to reduce fugitive particulate emissions in any unpaved roads within the premises. During winter months water shall be used to the extent that it is feasible and practical so as to not cause a safety hazard.
 3. Paved roadways within the premises shall be swept, as necessary, to reduce fugitive particulate emissions.
 4. All open-bodied trucks and vehicles transporting materials likely to give rise to airborne dust must be covered at all times when in motion.
 5. Truck speed within the premises shall be limited so as not to cause excessive fugitive emissions.

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PART VII. ALLOWABLE EMISSION LIMITS

The Permittee shall not exceed the emission limits stated herein at any time.

Pollutant	lb/h	Gr/dscf @ 7% O ₂	tpy
PM	4.60	0.04	14.95
PM-10	4.60	0.04	14.95
PM-2.5	4.60	0.04	14.95
SO _x	1.61		2.93
NO _x	18.4		39.0
VOC/HC	1.00		3.25
CO	4.94		16.1
Pb	0.0054		0.0176

STATE ONLY REQUIREMENT: This source shall not cause an exceedance of the Maximum Allowable Stack Concentration (MASC) for any hazardous air pollutant (HAP) emitted and listed in RCSA §22a-174-29.

OPACITY: The Permittee shall not exceed 10% opacity during any six minute block average as measured by 40 CFR 60, Appendix A, Reference Method 9.

Demonstration of compliance with the above emission limits shall be met by calculating the emission rates using emission factors from stack test data for this source.

The commissioner may require other means (e.g. stack testing) to demonstrate compliance with the above emission limits, as allowed by state or federal statute, law or regulation.

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PART VIII. STACK EMISSION TEST REQUIREMENTS

Stack testing shall be performed in accordance with the latest Emission Test Guidelines available on the DEEP website:

<http://www.ct.gov/dep/cwp/view.asp?a=2684&q=322076&depNav GID=1619>

Initial stack testing shall be required for the following pollutant(s):

- PM SO_x NO_x CO VOC Pb
- Other (HAPS): Part VIII.A
- Opacity

- A.** Annual Testing is required to demonstrate compliance with the emissions limits for particulate matter, nitrogen oxides, VOC and sulfur oxides. Initial testing and every five years thereafter expanded testing is required to demonstrate compliance for particulate matter, mercury, antimony, arsenic, barium, beryllium, cadmium, chromium, cobalt, copper, lead, manganese, nickel, phosphorous, selenium, silver, thallium, zinc, cyanide, nitrogen oxides, total hydrocarbons and VOC, sulfur oxides, carbon monoxide, sulfuric acid and hydrogen chloride. The annual tests shall occur within 14 days following the date of the previous annual test.
1. The Permittee shall submit an Intent-to-Test (ITT) Protocol to the Stack Test Group of the Bureau of Air Management at least 30 days prior to the scheduled testing date.
 2. In addition to the requirements of this permit to record data on a daily basis, the ITT Protocol shall include provisions to monitor and record such data over each test run.
 3. The Bureau may require, as condition of approval of the ITT package, that testing be conducted under specific conditions which may have occurred historically at the facility.
 4. The ITT Protocol shall include provisions to characterize the material as fed into the PTU during the test. Such characterization shall include, but not be limited to, Total Petroleum Hydrocarbon concentration, moisture content, and particle size distribution.
 5. The Permittee shall conduct the initial stack testing within 180 days after the initial startup date or within 60 days after reaching maximum rated capacity.

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PART VIII. STACK EMISSION TEST REQUIREMENTS, continued

6. Within 45 days of completion of the scheduled testing the Permittee shall submit a test report to the Bureau of Air Management. The test report shall clearly describe all relevant parameters as they occurred during the test. Such parameters shall include, but not be limited to: those parameters required to be measured or monitored by this permit, those parameters relevant to the ITT Protocol, and those parameters necessary to characterize the material fed into the PTU during the test.

PART IX. SPECIAL REQUIREMENTS

- A. STATE ONLY REQUIREMENT: The Permittee shall operate this facility at all times in a manner so as not to violate or contribute significantly to the violation of any applicable state noise control regulations, as set forth in RCSA §§22a-69-1 through 22a-69-7.4.
- B. STATE ONLY REQUIREMENT: The Permittee shall operate in compliance with the regulations for the control of odor, as set forth in RCSA §22a-174-23.

PART X. ADDITIONAL TERMS AND CONDITIONS

- A. This permit does not relieve the Permittee of the responsibility to conduct, maintain and operate the regulated activity in compliance with all applicable requirements of any federal, municipal or other state agency. Nothing in this permit shall relieve the Permittee of other obligations under applicable federal, state and local law.
- B. Any representative of the DEEP may enter the Permittee's site in accordance with constitutional limitations at all reasonable times without prior notice, for the purposes of inspecting, monitoring and enforcing the terms and conditions of this permit and applicable state law.
- C. This permit may be revoked, suspended, modified or transferred in accordance with applicable law.
- D. This permit is subject to and in no way derogates from any present or future property rights or other rights or powers of the State of Connecticut and conveys no property rights in real estate or material, nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state or local laws or regulations pertinent to the facility or regulated activity affected thereby. This permit shall neither create nor affect any rights of persons or municipalities who are not parties to this permit.

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PART X. ADDITIONAL TERMS AND CONDITIONS, continued

- E.** Any document, including any notice, which is required to be submitted to the commissioner under this permit shall be signed by a duly authorized representative of the Permittee and by the person who is responsible for actually preparing such document, each of whom shall certify in writing as follows: "I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in the submitted information may be punishable as a criminal offense under §22a-175 of the Connecticut General Statutes, under §53a-157b of the Connecticut General Statutes, and in accordance with any applicable statute."
- F.** Nothing in this permit shall affect the commissioner's authority to institute any proceeding or take any other action to prevent or abate violations of law, prevent or abate pollution, recover costs and natural resource damages, and to impose penalties for violations of law, including but not limited to violations of this or any other permit issued to the Permittee by the commissioner.
- G.** Within 15 days of the date the Permittee becomes aware of a change in any information submitted to the commissioner under this permit, or that any such information was inaccurate or misleading or that any relevant information was omitted, the Permittee shall submit the correct or omitted information to the commissioner.
- H.** The date of submission to the commissioner of any document required by this permit shall be the date such document is received by the commissioner. The date of any notice by the commissioner under this permit, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is personally delivered or the date three days after it is mailed by the commissioner, whichever is earlier. Except as otherwise specified in this permit, the word "day" means calendar day. Any document or action which is required by this permit to be submitted or performed by a date which falls on a Saturday, Sunday or legal holiday shall be submitted or performed by the next business day thereafter.
- I.** Any document required to be submitted to the commissioner under this permit shall, unless otherwise specified in writing by the commissioner, be directed to: Office of Director; Engineering & Enforcement Division; Bureau of Air Management; Department of Energy and Environmental Protection; 79 Elm Street, 5th Floor; Hartford, Connecticut 06106-5127.

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