



STATE OF NEVADA

Department of Conservation & Natural Resources

Brian Sandoval, Governor

Leo M. Drozdoff, P.E., Director

DIVISION OF ENVIRONMENTAL PROTECTION

Colleen Cripps, Ph.D., Administrator

April 14, 2011

Jeanne Benedetti
Fulcrum BioEnergy
4900 Hopyard Road
Pleasanton CA 94588

Reference: With respect to Fulcrum BioEnergy and the correspondence dated March 12, 2009

Subject: Review of Application to Permit a Waste Processing Facility (Application)

Dear Ms. Benedetti:

Thank you for your Application to conduct Waste Processing activities in the State of Nevada. The Nevada Division of Environmental Protection (NDEP) has had opportunity to review your Application and has the following comments. In accordance with NAC 444.676 please provide the following information.

Please include the Financial Instrument(s) that will be used to provide Closure funding for the Facility.

In general please remove any language that does not allude to a particular section of the application or specific regulation or plan. For example section 2.1.4(d) "Facility personnel will be trained to inspect...", please identify what portion of the training /inspection program will be used. Also Section 4.2 alludes to (3rd sentence) "...all applicable local, state and federal regulations..." please be specific as to what regulation(s) will be used.

Please include a list of potential facilities that will provide Feedstock to the Facility.

Section 1.1.5 Material Recovered from Facility

Please include a proposed destination disposal facility(ies) for approval by the NDEP for those wastes that are no longer considered a usable product.

Section 1.3.3 Roles and Responsibilities

Please identify those positions that will be in a position of authority to determine whether the Contingency Plan is implemented and what steps will be taken in the event of an emergency.

Please include seeking agreements with local authorities, Fire Department, nearest medical facility, sheriff's office, Washoe County HazMat etc. If they refuse to enter into such agreement please document in the operating record.

The syngas generation units have a proclaimed processing rate of 125 tons per day, Section 2.2.1 identifies a waste acceptance rate of 375 to 675 tons per day. The NDEP would like to clarify an accurate waste acceptance rate as it relates to what will be the permitted volume for facility. Please review your projections for incoming and waste storage volume specifically for the purposes of permitting the facility.

Please include a Training Program (there are multiple references to a training program) that encompasses all aspects, waste identification, materials management, Contingency Plan implementation emergency procedures *etc.* for review and approval to the Division. The NDEP is providing an outline of an Integrated Site Wide Contingency Plan for your convenience. Attachment 3 Emergency Response Plan was not included in the Application.

Section 2.0

As this site will be the terminus for waste (Feedstock) received from sources both within and without the state of Nevada please include a description of the notification process for the origination facility/sites outside the state of Nevada that will include references to the requirements of the Permit. The details of waste acceptance criteria regardless of whether accepted from within the state or without must be consistent with the conditions identified within the application and therefore the Permit. Specifically, onsite personnel may not have knowledge of a particular shipment of "Feedstock". Accordingly, the Fulcrum facility would then be dependent upon the training and knowledge of the personnel at the point of origin. Please provide a description within Section 2.1.4 that discusses waste acceptance criteria, including sampling, and a program of rejection criteria. Please modify this section to include a variable schedule that involves more than merely two customers, for example every third truckload every 2000 yds³ *etc.* Include how "Prohibited" materials will be determined by offsite personnel.

Section 2.1.2 Residual Materials

Please provide an estimated quantity and timeline for storage at the facility of Residuals.

Within Section 2.1.4 please include a Hazardous /PCB Waste Management Program with a reference to the 40 CFR §262.34 requirements that includes;

1. § 262.30 Packaging.
2. § 262.31 Labeling.
3. § 262.32 Marking.
4. § 262.33 Placarding.
5. § 262.34 Accumulation time

Records Maintenance

Please identify the exact location of the records that will be maintained for the site. This location should contain all records for the site inclusive of;

1. Training
2. Waste Records
3. Personnel
4. Activation of the Contingency Plan
5. Etc.

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Please include the Contingency Plan approved by the local fire authority. I have included a copy of an Integrated Site Wide Contingency Plan outline for your convenience. Please note that there may be specific requirements if the facility will be operating 24 hrs. Per day, for example a buddy system, communications requirements etc. Please include a hierarchy of responsibility, by example in Section 6.0 who will “assess” the fire, who will decide who fights a fire and who does not. Please include an evacuation systems routes notifications etc. Please note that any employee required to perform an activity outside of the normal job description will necessitate requisite training associated with that activity.

Any questions regarding this may be directed to the undersigned at 775-687-9477 or jtaylor@ndep.nv.gov.

Sincerely,

Original Signed

Jon Taylor PE CEM
Staff Engineer III
Solid Waste Branch
Bureau of Waste Management

JT:cb

encl: [Integrated Site Wide Contingency Plan guidance document](#)

cc/ec: Art Gravenstein

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