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DEPARTMENT OF NATURAL
RESOURCES & ENVIRONMENTAL CONTROL

..

-- PUBLIC HEARING --

IN THE MATTER OF:)
)
Green Recovery Technologies, LLC)
Application for Coastal Zone Permit)

..

DNREC
391 Lukens Drive
New Castle, DE 19720

Wednesday, October 22, 2014
6:00 p.m.

..

BEFORE: LISA VEST, Hearing Officer
Department of Natural Resources &
Environmental Control

..

-- Transcript of Proceedings --

WILCOX & FETZER
1330 King Street
Wilmington, DE 19801
(302) 655-0477
www.wilfet.com

1 MS. VEST: While the last few people
2 are getting signed up and situated, I want to go
3 ahead and start tonight's proceedings.

4 I would like to welcome you all here
5 tonight. For those of you that may not have seen me
6 here before, my name is Lisa Vest. And the Secretary
7 of DNREC has designated me to be the hearing officer
8 for tonight's proceedings.

9 I'm just going to give you a little
10 protocol of what to expect and how tonight is going
11 to go. As soon as I know that everybody has got a
12 seat and has signed in, we will go ahead and start.

13 One thing of note is that we are here
14 to conduct a public hearing to receive comment
15 specifically regarding the pending Coastal Zone Act
16 permit for Green Recovery Technologies LLC. There
17 are a lot of things that a business like this may
18 have to do with respect to permits with DNREC as a
19 whole. Tonight is just Coastal Zone.

20 We are going to have some opening
21 remarks from Kevin Coyle, who operates the Coastal
22 Zone program within the Department. And then I'm
23 going to turn the floor over to the applicant,
24 themselves, who I believe have a brief five-minute

1 presentation.

2 After that, what we will do is I'm
3 just going to go down the list of the people who have
4 signed in. And, by the way, there is a sign-in
5 sheet. If you did not put your name on it, we would
6 greatly appreciate if you did put your name and
7 contact information. We like to keep a good record
8 of who comes to these proceedings.

9 After the applicant concludes its
10 presentation, we are just going to go down the list.
11 And if you would like to offer comment, by all means,
12 this is the forum to do it.

13 It's not really a situation where it's
14 going to be a question and answer period. Obviously,
15 if there is a very simplistic, straightforward
16 question that's asked, if we are in a position to
17 answer it, we can. We may not be in a position to do
18 that. We may need to get back to you.

19 That being said and because of the
20 interest of this proceeding, I'm going to go ahead
21 and keep the record open through close of business
22 next Friday, which is October 31. So any kind of
23 comment that would like to be given for the
24 Department's consideration, it all bears the same

1 weight. So, whether you want to offer it tonight
2 orally at the time of the hearing -- if you have
3 written comment, I would be more than willing and
4 happy to take that tonight, too -- or if you want to
5 go home and offer a comment based on what you have
6 heard tonight, by all means, you can do that. All
7 comment bears equal weight.

8 When we get to the point where
9 comments will be given, I'm going to ask that people
10 keep it to about three to five minutes a piece so
11 that we have time for everybody to speak.

12 And when you are recognized, if you
13 would give your name for the benefit of the court
14 reporter. She is keeping a verbatim transcript of
15 tonight's proceedings.

16 I should also note that no decision
17 about this matter is made tonight. This is simply a
18 forum where the public can come and offer comment for
19 the Secretary's consideration. Ultimately, the
20 decision of issuing this permit and granting it is
21 Secretary Small's decision. We are just merely
22 gathering comment for him tonight.

23 That being said, I'm going to turn it
24 over to Kevin Coyle, who has some opening remarks,

1 and then we will move forward with the applicant
2 presentation.

3 MR. COYLE: Thank you, Madam Hearing
4 Officer. Good evening, everyone. I'm Kevin Coyle.
5 I'm a planner in the Division of Energy and Climate
6 at the Department of Natural Resources and
7 Environmental Control.

8 I would like to welcome all of you to
9 tonight's public hearing for the Coastal Zone Act
10 permit application from Green Recovery Technologies
11 LLC.

12 I would just like to go over again the
13 purpose of tonight's hearing is to review the Green
14 Recovery Technologies LLC -- or henceforth we will
15 just call them GRT for short -- their application for
16 a Coastal Zone Act permit to construct and operate a
17 facility here in the Riveredge Industrial Park, New
18 Castle, that separates proteins and lipids from
19 poultry processing, wastewater sludge, for use in the
20 pet food industries.

21 The purpose of this hearing is to
22 solicit public comment on the GRT permit application.
23 And as the hearing officer said, no decision will be
24 made on this permit application this evening. The

1 Secretary of DNREC will make a decision. Once the
2 record has been closed and reviewed, the hearing
3 officer will prepare a report and go forward from
4 there.

5 Just one thing about a unique item
6 with Coastal Zone Act permits is the notion of an
7 offset. And I would just like to make some remarks
8 about the offset proposal requirements.

9 The regulations governing Delaware's
10 coastal zone require an application for a CZA permit
11 for any activity that could result in any negative
12 environmental impact to the coastal zone. The
13 regulations require all applications for a coastal
14 zone permit to contain an offset proposal, and that
15 offset proposal must more than offset the negative
16 environmental impacts associated with the proposed
17 project or activity requiring coastal zone permit.

18 That concludes my opening remarks.
19 And now, if I could, Madam Hearing Officer, I would
20 like to read into the record a list of exhibits for
21 tonight's public hearing.

22 MS. VEST: Proceed.

23 MR. COYLE: Exhibit 1 is an
24 application for a Coastal Zone Act permit dated

1 August 22, 2014 and received on August 28, 2014.

2 Exhibit 2 is an e-mail with an
3 attachment from Jeff Stone of the Delaware Economic
4 Development Office to Phillip Cherry, DNREC, dated
5 September 2, 2014, conveying the executed letter of
6 agreement granting emission reduction credits to
7 Green Recovery Technologies.

8 Exhibit 3 is an e-mail from me, Kevin
9 Coyle at DNREC, to Joe Caulfield with Green Recovery
10 Technologies dated September 9, 2014 requesting
11 additional information.

12 Exhibit 4 is an e-mail with an
13 attachment from Joe Caulfield, Green Recovery
14 Technologies, to me, Kevin Coyle at DNREC, dated
15 September 9, 2014, providing a revised air quality
16 emissions table.

17 Exhibit 5 is the Secretary's
18 Environmental Assessment Report dated September 2014
19 and signed on September 23, 2014.

20 Exhibit 6 is an affidavit of
21 publication from the News Journal announcing receipt
22 of the CZA permit application and scheduling
23 tonight's public hearing. That affidavit of
24 publication is dated October 1, 2014.

1 Exhibit 7 is an affidavit of
2 publication from the New Castle Weekly dated
3 October 1, 2014.

4 Exhibit 8 is an e-mail with an
5 attachment from Brad Verrico of Verrico Associates to
6 Kevin Coyle of DNREC, dated October 17, 2014,
7 providing a Material Safety Data Sheet for dimethyl
8 ether.

9 And, finally, Exhibit 9 is an e-mail
10 with an attachment from Brad Verrico of Verrico
11 Associates to Kevin Coyle of DNREC, dated October 21,
12 2014, providing a Material Safety Data Sheet for
13 poultry fines feed stock and correcting an entry at
14 Item 5.4 on Page 12 of the application for a Coastal
15 Zone Act permit.

16 Madam Hearing Officer, that concludes
17 the list of exhibits.

18 MS. VEST: Okay. Thank you,
19 Mr. Coyle. Let the record reflect that Exhibits 1
20 through 9, as identified just now by the Department,
21 are hereby entered into the hearing record.

22 Does the Department have any other
23 introductory remarks they wish to give at this time?

24 MR. COYLE: Not at this time.

1 MS. VEST: Okay. Thank you. At this
2 point I would like to open the floor to the
3 applicant. I believe they do have a brief
4 presentation.

5 MR. LAUBSCH: So my name is Ken
6 Laubsch. I'm the president and CEO of Green
7 Recovery. We have a brief -- I'll try to keep it to
8 five minutes. If I go too fast, just let me know.

9 What we formed the company to do is
10 really to extract proteins and oils using a set of
11 gases that have some pretty interesting properties
12 and doing all these separations in an environmentally
13 responsible manner.

14 Our products are to be sold in the
15 aquaculture markets -- that's farm-raised fish -- and
16 the biodiesel markets, which are alternative fuels,
17 using an extraction technology that we have designed
18 and developed.

19 In 2012 the company was formed. We
20 did a full year of risk reduction, including R&D,
21 intellectual property patents, and got some key
22 personnel on staff.

23 In 2013 we started designing an
24 extraction facility to be placed in New Castle,

1 Delaware. We originally were going to go and
2 manufacture the feedstock ourselves. And it turns
3 out that we can actually buy a better product on the
4 market for our feedstock. And so we didn't do a lot
5 with the thermal desorber.

6 And in 2014, really since February, we
7 moved into an existing facility at 42 Lukens and
8 basically set up equipment to be able to do the
9 extraction.

10 All the funding for the project has
11 been 100 percent private. We have taken no federal
12 funds, no state funds, no loans. It's all been done
13 by Delaware-based individuals.

14 So our process -- and if anybody has
15 read the application -- so we are able to take a
16 biomass and extract oil, protein, and a little bit of
17 residual water that comes to us in the feedstock
18 using a liquefied gas. That gas is dimethyl ether.
19 I have the MSDS on dimethyl ether. I will be happy
20 to explain what it does and what's unique about it.

21 All of our feedstock is purchased on
22 the open market from a company that's based in both
23 Virginia and North Carolina. They aggregate it; they
24 dry it. And so what we receive at our plant is

1 bio-inactive. We basically are able to take a
2 bioactive compound and make it shelf stable.

3 So we have samples at our facility
4 that we take something that normally would decompose
5 in 12 hours. It's been on the shelf for three years.
6 It doesn't decay or doesn't mold or do anything. And
7 there is no biological contaminants in there. We
8 have done over 400 tests to show that.

9 Feedstock deliveries would amount to
10 two trucks per day, and this material would be
11 extracted with a liquefied gas.

12 The initial operating capability is
13 converting 2 tons of feedstock. And it's almost
14 one-to-one in terms of feedstock conversion ratio.
15 There is a little bit of water that's left over, but
16 it has been distilled and it actually goes directly
17 to the New Castle County sewer.

18 We basically get a 98 percent recovery
19 with all the proteins and oils from the raw material.
20 And when you see our technology, we invested about
21 50 percent of the capital in doing solvent recovery.
22 So we don't emit solvents to the atmosphere. We
23 don't emit water to the atmosphere. There are no
24 emissions that come out of the plant. So that has

1 been a big change in terms of what we have been
2 doing.

3 The offsets called out in the CZA only
4 refer to boiler emissions. That's the only thing
5 that comes out of the top of the building, is a
6 boiler like you would have at your high school or
7 mall or whatever other commercial building makes
8 steam.

9 Why what we have done is inherently
10 safe and environmentally responsible: So I just
11 noted a lot of our CAPEX has gone to the solvent
12 recovery system. It's doubly redundant. It's fully
13 instrumented and designed by Delaware professional
14 engineers. We can sense where the gas is, what's
15 happening to it. There is a fully-integrated fire
16 suppression system that will detect and expel gas --
17 or put out any fires that could potentially happen,
18 along with all the automated gas shutoff, detection
19 and shutoff. Everything is integrated. You can't
20 man-override it. Basically, there are so many
21 sensors, it responds.

22 And I don't know if you can see. All
23 of the solvent that the plant uses is in this one
24 tank here. So, basically, we take 1,000 gallons of

1 solvent. And here it's pumped into the system. It's
2 recycled in a closed loop. And about once a year you
3 have to top the system off, but it's less than
4 1 percent solvent loss a year of operating.

5 Because it's also our corporate
6 office, a couple of things are to our favor. So when
7 you make this the bio-inactive, it stops smelling
8 because it's not decomposing. There is no odor like
9 in traditional organic recycling operations.

10 But a second level of defense, we
11 actually receive everything in sealed, one-ton totes.
12 These one-ton totes are transferred directly from a
13 truck directly into the process equipment. There is
14 no pile. There is no pit. There is not any of that.
15 It goes right from the one-ton bins, the sealed
16 equipment.

17 The finished product that comes out of
18 the plant, which is protein and oil, goes directly in
19 the trucks. So there are no tanks.

20 That was the purpose. We designed the
21 plant so we wouldn't have tanks and pits. These are
22 sealed, and this is how we get the material from our
23 supplier.

24 We also have contingency plans in

1 place. So any of the materials that we make can go
2 into -- the dry materials go into one-ton super
3 sacks. So, if a truck is late, we can literally take
4 the super sacks, put them into inventory. We don't
5 need storage sheds or silos or anything like.

6 All the oil goes into 330-gallon
7 isototes, and that's pumped in the tanker trucks. So
8 we definitely have contingencies in place for
9 feedstock arrivals, finished product.

10 And then, you know, the real dirty
11 part of the business is the dewatering, and that's
12 done out of the state in North Carolina and Virginia.
13 None of it happens at our facility.

14 And the material that we receive is 2
15 percent moisture. It started out at 70 percent
16 moisture. GRT requires our suppliers to dewater to
17 the maximum extent possible.

18 We talk about the gases that we use.
19 So, again, an extraordinary amount of capital went
20 into designing a class-one Div II compliant process.

21 This is just a chart. We follow all
22 the OSHA regs for doing that. So our processing room
23 is fire-isolated. All the devices, switches are
24 rated for being in contact with flammable gases if

1 there was a leak.

2 It actually has its own air turn-over
3 system that exceeds code by a factor of five. This
4 is to maintain a safe work environment for our 30
5 workers and all the people that will ultimately
6 occupy the facility.

7 So when we talk about production
8 readiness, although we haven't operated the plant,
9 the design and construction has been reviewed,
10 approved, inspected and/or permitted by all of these
11 agencies. So I have broken them up into New Castle
12 County, State of Delaware. The facility, we have all
13 of our construction, land use, fire, electrical and
14 occupancy permits.

15 The State of Delaware gave us a review
16 meeting in March, and we complied with all of the
17 data requests that they made up to this point. Our
18 boiler was inspected. Our tanks were inspected and
19 permitted.

20 And the only thing -- oh, in case
21 anybody wants to see it, I have this. If anybody is
22 worried about the gas, this slide speaks for itself.
23 And this doesn't come from us. This is from a third
24 party.

1 As many people know, dimethyl ether is
2 developed to replace chloroflouro carbons in
3 hairspray. It's 80 percent by way of hairspray.
4 Dimethyl ether, if anybody ever uses wart remover at
5 home, it's what makes wart remover cold. It's used
6 in decaffeinated coffee. There are plants all over
7 the world that use this as a solvent. It's not
8 harmful to the ozone layer. It's not harmful -- they
9 have done toxicology tests on human and animal
10 exposure. And I'm happy to discuss this further.
11 But that's not our words; that's the words of the
12 International DME Association. That's it.

13 MS. VEST: Okay.

14 SENATOR HENRY: Did you pass out any
15 handouts?

16 MR. LAUBSCH: No.

17 MS. VEST: Okay. Does the applicant
18 have any comments they wish to make on the record
19 before we go into the public comment phase?

20 Okay. What I am going to do now is
21 I'm just going to go down this sign-up sheet. For
22 some of you that came in late, if you did not have an
23 opportunity, by all means we would like you to sign
24 it. We do like to keep a list of everybody that

1 attends our hearings.

2 I'm just going to go down the list.

3 If you have changed your mind and you now decide that
4 you do wish to speak, I will give you an opportunity
5 once I get through the list. But I'm going to start
6 with just hitting the people that have said yes.

7 Again, when I recognize you, if you would give your
8 name for the benefit of the court reporter who is
9 producing a transcript of tonight's proceedings.

10 And, also, if you do have your comments in written
11 format, I'm more than happy to take them, as well.

12 I'm going to start with -- I'm going
13 to mess up the first name -- Ken.

14 MR. LAUBSCH: I just talked.

15 MS. VEST: Okay. That's you.

16 MR. LAUBSCH: That's all right.

17 MS. VEST: Just making sure. Peggy?

18 MS. SCHULTZ: My name is Peggy

19 Schultz. I'm representing the League of Women Voters
20 of Delaware. Thank you for this opportunity to
21 comment on the Green Recovery Technology's
22 application for a Coastal Zone permit.

23 As you may know, the League of Women
24 Voters of Delaware have a proud history of support

1 for the Coastal Zone Act since before its passage in
2 1971. We do not take lightly attempts to lessen the
3 impact of the Act.

4 In order to better understand this
5 situation described in the applicant's permit
6 request, several of our members visited this site on
7 October 10, viewing the entire site, including the
8 laboratory where the proposed process is carried out
9 on a one-to-72 scale, when operational plant
10 officials told us GRT will produce enough oil to fill
11 a tank car every 36 hours and enough protein to fill
12 two trucks per day.

13 We learned that operation has been
14 tested at a laboratory in Houston at 50 percent
15 capacity, assuring us that the process is viable.

16 As you know, Delaware processes
17 565 million chickens per year, resulting in waste
18 which is currently spread or plowed onto farm fields
19 or recycled at company-owned operations.

20 Offensive odors and harmful runoff
21 from this practice are well documented. GRTs
22 operations could help with diminishing the waste from
23 chicken processing plants and thereby reduce
24 environmental issues connected to this waste.

1 Because GRT's processing takes place
2 in a nearly closed apparatus and because materials
3 will be stored in tightly covered containers, there
4 does not appear to be a potential for odor escaping
5 into the neighborhood.

6 The Coastal Zone Act regulations state
7 that an activity or facility that will result in any
8 negative environmental impacts shall contain an
9 offset proposal. This regulation is partially
10 accomplished by the applicant's payment of a fee to
11 DEDO which determines the number of environmental
12 credits needed for an offset.

13 The offset purchase option is not
14 clearly explained to the public, either on DNREC's
15 website or on DEDO's website. An explanation of the
16 principles of these purchased offset credits,
17 including how the cost is determined and the nature
18 of the offset, is important so that the public can
19 fully engage in the permit process.

20 Many supporters of the Coastal Zone
21 Act look forward to the time that the goals and
22 indicators are put into effect as required by the
23 Act's regulations so that both businesses and the
24 public have a standardized expectation and full

1 knowledge of what is taking place in terms of
2 offsets.

3 The permit for which GRT applied
4 relates to the nitrogen oxide resulting from
5 combustion of natural gas in the boilers that help to
6 run the system. Boiler emissions from the
7 gas-powered heaters amount to 5 tons of NOx per year.
8 To provide a comparison, University of Delaware emits
9 40,000 tons of NOx per year, and the formerly
10 proposed Data Center at the University of Delaware
11 Chrysler Plant facility was projected to emit 54 tons
12 per year.

13 Even without a full understanding of
14 the DEDO offsets, we conclude that the harmful effect
15 of sending 5 tons of NOx into the environment is
16 dwarfed by the successful reuse of thousands of tons
17 of poultry waste that would otherwise be spread onto
18 farms and super load our waterways with unnecessary
19 organic material.

20 However, before a permit is granted,
21 we urge that the applicant be required by DNREC to
22 submit a more complete application, including safety
23 responses to the handling of dimethyl ether, an
24 unusually volatile material. DME, as you know, is

1 both a health and safety hazard. Its use could lead
2 to fires and explosions, and accidental release into
3 the atmosphere can promote ozone formation.

4 Additional safety data should be
5 included in a revised application. In particular,
6 the League looks forward to filing additional or
7 expanded information. And then we cite a number of
8 specific situations which I'm not going to read.

9 MS. VEST: Okay.

10 MS. SCHULTZ: Because it extends my
11 time too much, actually. (Laughter)

12 MS. VEST: That's fine.

13 MS. SCHULTZ: In addition to the need
14 for DNREC to supply adequate public information
15 regarding offset credits, DNREC ought to require that
16 the applicant modify the application to explicitly
17 include process solvents. And we have an attachment,
18 again which we are not going to read, but we will be
19 happy to supply you with that.

20 And let me see. And we need to have
21 information about offset credits. And DNREC ought to
22 require that the applicant modify the application to
23 explicitly include process solvents, correct typos
24 relative to section numbers, fill in the final column

1 labeled, "The Offset Sufficiency in the Coastal Zone
2 Environmental Impact Offset Matrix" in the Appendix.

3 And we also are happy that you are
4 leaving the record open.

5 MS. VEST: Thank you. Thank you,
6 Peggy. Let the record reflect that Ms. Schultz has
7 given me a formal written statement.

8 I'm going to go ahead and enter this
9 into the record as League of Women Voters of Delaware
10 Exhibit 1.

11 Thank you again, Ms. Schultz, for your
12 comments.

13 MS. SCHULTZ: Thank you. You're
14 welcome.

15 MS. VEST: Moving right down the list.
16 I promise I'm going to stop with these name problems.
17 Is it Katherine?

18 MS. NEAMAND: Now, I walked in here,
19 and I have more questions than what I walked in here
20 with. I know businesses have come in here. They
21 promise no odor, no stink. And we get everything but
22 the opposite. They promise no pollution. You got
23 the Delaware River right here. You know, once you
24 change it, you can't go back. And that's all I have

1 to say.

2 MS. VEST: Thank you, Katherine.

3 David Trinci?

4 MR. TRINCIA: Hi. My name is David
5 Trincia. I am the president of Minguadale Civic
6 Association.

7 And the first thing I want to say is
8 I'm a little appalled that this company has already
9 got their foot in the door here. They bought their
10 building. They got a capital building all ready for
11 their management and so forth and so on. And we
12 haven't even had a hearing yet.

13 You know, and that's, to me, that's
14 putting the apple before the cart, you know, on this
15 thing, you know.

16 The other thing is, you know, as
17 Sussex County some months back or a year or so back,
18 about the chicken waste down in Sussex County
19 actually polluting the inland bays and stuff of
20 Sussex County. You know, we're probably a stone
21 throw away from the Delaware River here. And
22 probably their facility is probably even closer than
23 what we are sitting here to the Delaware River.

24 But, you know, this is not going to do

1 anything but pollute our rivers and the groundwater
2 that surrounds this local area.

3 That's all I have to say.

4 MS. VEST: Thank you, sir. Moving
5 down the list, Jerry Collins.

6 MR. COLLINS: Hi. My name is Jerry
7 Collins. I live in Holloway Terrace. And I am a
8 member of the Holloway Terrace Civic Association.
9 And now that I found out about they have already got
10 a building started here and everything, why the hell
11 are we here?

12 MS. NEAMAND: That's right!

13 MR. COLLINS: Why are we here if they
14 are given a building? This is what I was going to
15 present before this came out that they already got
16 their foot in the door.

17 On April 15th they wanted to build a
18 recycle process animal waste right here where they're
19 not supposed to. The plant will extract feed-type
20 proteins from poultry and meat wastewater skimmings.

21 There will be a truck and a half of
22 fats and a partial truckload of protein and water
23 from about two truckloads daily of dissolved air
24 floatation.

1 When I am done, I would like you to
2 tell me what "dissolved air floatation" is. Okay?

3 The category of "waste" is ranked at
4 times as an environmental headache, especially in the
5 Delmarva Peninsula.

6 A flammable gas, which we know now
7 as --

8 MR. LAUBSCH: DMS.

9 MR. COLLINS: DMS. There is going to
10 be inner nitrogen gas to prevent fires. Now, that
11 was on April 15th.

12 Now, on October 1 when they apply for
13 the permit, it states right here, "Environmental
14 impacts to air quality are anticipated." And, also,
15 "The facility will be separating proteins and
16 lipids," which you can explain lipids to me. It's
17 sludge. That's how it's going to be made.

18 Now they are saying, "Green Recovery
19 Technologies plan to develop a factory." Well,
20 forget that one. That's already here. Right?

21 MS. NEAMAND: Right. Done deal.

22 MR. COLLINS: Green Recovery's
23 proposal would take in about two truckloads of
24 processing waste daily, steaming it in a closed

1 system with a solvent to extract about a truckload of
2 protein, a toxic chemical, solvent, dimethyl ether,
3 would be used in the process.

4 Next to last, a comment by the
5 Delaware River Keeper Conservation Group noted that,
6 "We are not sure that these industrial facilities
7 with unproven technologies are appropriate for
8 protected areas -- Coastal Zone Conservation law, as
9 far as new heavy industries, from the 275,000 acres
10 zoned along the edge of the Delaware River, Delaware
11 Bay, and Atlantic Coast."

12 And the last two things speak for
13 themselves. (Holding up sign that says NIMBY.) Does
14 anybody know what that means? "Not In My Backyard."

15 The last thing, everybody can read
16 this (Holding up sign saying "Enough Is Enough.")

17 MS. NEAMAND: Enough is enough.
18 That's right.

19 MR. COLLINS: Enough is enough.

20 MS. NEAMAND: We just got done with
21 the compost.

22 MR. COLLINS: And now I might as well
23 take these papers and just throw them in the trash as
24 I leave, because you people are telling me that you

1 have already got the building started. So where do
2 we go from here?

3 MS. NEAMAND: Yep. Yep.

4 MR. COLLINS: You have got the
5 building in here. This was a permit to operate and
6 look to find a place. They have already got the
7 building. I don't know how it started, how much it's
8 finished or not. Do you have part of your corporate
9 headquarters here?

10 MR. LAUBSCH: Yes.

11 MR. COLLINS: So that's already here;
12 right?

13 MR. LAUBSCH: Yes.

14 MR. COLLINS: Is this a new building
15 or existing building?

16 MR. LAUBSCH: Existing.

17 MR. COLLINS: It doesn't matter if
18 it's existing or a new building. You are here. We
19 are here for a hearing. We have protested. We
20 called a lot of people to let them come to the
21 hearing. And what do we get? Here we are, folks.
22 It's a waste.

23 UNIDENTIFIED SPEAKER: Somebody
24 getting paid off! That's all!

1 MR. COLLINS: Huh?

2 UNIDENTIFIED SPEAKER: Somebody
3 getting paid off!

4 MR. COLLINS: Well, I don't want to go
5 that far, now.

6 UNIDENTIFIED SPEAKER: I'm going that
7 far. Somebody getting paid off. There's no sense --
8 they got the thing already. And they told us that
9 they done just going to have a meeting about this
10 permit. And they have granted them a permit in order
11 to start the building already.

12 MR. COLLINS: It's not your turn to
13 speak, now. Wait a minute. But also, in the same
14 breath, I belong to a coalition called 913. We
15 started real small. A lot of people got involved in
16 it, a lot of people.

17 The end result -- we started 913
18 Coalition to do something about Peninsula. That's a
19 whole separate story. But if you stay together, get
20 signatures, whatever we have to do, we'll see if we
21 can stop this.

22 But you see it. The building is
23 already here. So it's going to be a long haul.
24 Thank you.

1 MS. VEST: Thank you, Mr. Collins. I
2 appreciate your comments. Jim Black?

3 MR. BLACK: Yes. I was one of the
4 people that went with the League of Women Voters on
5 the tour of the facility.

6 And what they developed there is very
7 unique, and I was very impressed with what they are
8 able to do. Like Ken was saying, the material that's
9 coming in is in a dehydrated form. So, when you talk
10 about sludge, it's no longer sludge.

11 The article in the newspaper is wrong
12 about that. It was sludge, but it's been dehydrated.
13 And it's also been sterilized at a high temperature.

14 So when it comes in -- and you have a
15 little sample of it.

16 MR. LAUBSCH: Uh-huh. (Handing)

17 MR. BLACK: So you can smell the
18 product. It smells like when you open a bag of dog
19 food. But that smell won't even go into the
20 community, because it's in a sealed container and the
21 building has an air system that's controlled.

22 (Passing around)

23 MS. NEAMAND: That's what they said
24 about compost.

1 UNIDENTIFIED SPEAKER: That's right.

2 MS. VEST: Okay. Just -- I'm sorry.

3 I didn't mean to interrupt you.

4 MR. BLACK: But the question I would
5 like to pose, and I think it's the one that's on a
6 lot of people's minds --

7 MS. NEAMAND: That crap stinks!

8 (Smelling container)

9 MR. BLACK: I don't think that whoever
10 was doing the funding would have advanced you the
11 money to build the facility unless you had full legal
12 advice that you would be allowed to operate.

13 And would you be able to explain to
14 everyone in the room how you came to build before you
15 have the Coastal Zone permit?

16 MR. LAUBSCH: Well, we know we can't
17 operate without a Coastal Zone permit. That's what
18 our counsel said. But they didn't say that you
19 couldn't build. So that was their interpretation of
20 the law. So we set up a lab. We did all of our lab
21 work on site there, the place that you saw.

22 We haven't operated. So the capital
23 that has been invested by investors, it's a financial
24 risk. But we knew we were never going to run it

1 until we got through this process.

2 MR. BLACK: Yeah, but it seems like
3 quite a risk to take.

4 MR. LAUBSCH: That's what the board
5 directed.

6 MR. BLACK: Okay. That's all I wanted
7 them to answer. And thank you very much. Thank you
8 for the tour.

9 MS. VEST: Thank you, Mr. Black.
10 Representative Johnson.

11 REPRESENTATIVE JOHNSON: Thank you. I
12 am Representative James Johnson. I represent the
13 16th District, which is technically not where the
14 operation is going to be at. However, we will be
15 affected by a negative reaction to this facility. So
16 I'm here representing the 16th District.

17 Let me first begin by saying that I
18 shared the same concern raised by the Sierra Club
19 that the notice that was in the newspaper was
20 incomplete. It didn't give the location of where the
21 hearing would be held. And I share that same
22 concern.

23 I also have a lot of concerns about
24 the operation, itself, even though it was presented

1 to us tonight. I will be giving further comments
2 before October 30th.

3 And I would like to know if this
4 presentation that was given tonight would be online
5 where we could further review it.

6 And I'm also concerned about the
7 by-product or the production product that would be
8 brought from North Carolina. I thought it was
9 dealing with the waste material here in the State of
10 Delaware; but, apparently, they are bringing waste
11 from other places.

12 And I'm also concerned about the waste
13 that would be going into New Castle sources.

14 And, like I said, I will be giving
15 further comments, written comments, before the
16 closing date.

17 MS. VEST: Okay. Very good. Thank
18 you, Representative Johnson.

19 Brenda Goggin?

20 MS. GOGGIN: Good evening. I'm Brenda
21 Goggin with the Delaware Nature Society. I apologize
22 in advance. The Delaware Nature Society did not feel
23 as if we had enough information included in the
24 Coastal Zone application in order to make a formal

1 statement here this evening.

2 We do share some of the same concerns
3 that have already been expressed. Most especially,
4 Kevin, I did have a question. What did you say was
5 the credits that were purchased, the number?

6 MR. COYLE: Seven.

7 MS. GOGGIN: Seven. Thank you. We
8 would respectfully request if there is an opportunity
9 for the public comment period to be longer than just
10 one week, as the presentation is the first that most
11 folks have had an opportunity to have any real
12 explanation as to what it is Green Recovery
13 Technologies is proposing, as well as an opportunity,
14 if the applicant is open to it, receiving questions
15 regarding some of the concerns that have been heard
16 here tonight so that he may address them in a more
17 open dialogue than what this public hearing allows.
18 Thank you.

19 MS. VEST: Thank you, Brenda. Coralee
20 Pryde?

21 MS. PRYDE: I'm commenting on behalf
22 of the Delaware Sierra Club. We are troubled that
23 DNREC has judged the application submitted by Green
24 Recovery Technologies to be acceptably complete and

1 accurate. And basing that on the application that we
2 all saw online, not the additional information that
3 has been supplied and I have not seen, nor have other
4 people, that I know of, seen.

5 We have two critical concerns: One is
6 that the procedures outlined in the document,
7 "Regulations Governing Delaware's Coastal Zone," be
8 adhered to in every respect, because a failure to do
9 so would set a damaging precedent; and, two, that the
10 Secretary makes it clear that DNREC will employ all
11 means legally available to protect the health and
12 safety of those who work, live, and recreate in the
13 Coastal Zone.

14 On this first issue, the fact that all
15 the processing equipment was constructed before a
16 Coastal Zone permit was obtained suggests that some
17 aspects of the regulation may not have been adhered
18 to. My understanding, the first step requires that
19 DNREC receive proof that the property occupied by the
20 development is appropriately zoned for the use and
21 that the whole project is in compliance with the
22 comprehensive development plan for that area.

23 You know, a form delineating these
24 requirements, which is page six of the application,

1 was not signed by GRT. They did submit a document
2 attachment to, but that letter, mind you, clearly
3 indicates strong questions as to whether the second
4 criterion was met. Nothing that we saw in the file
5 yet has shown that it was met.

6 It was certainly my understanding,
7 looking at the regulations, that the land use
8 department should not grant permits for any
9 significant changes in the buildings or the equipment
10 therein until they are assured that the Coastal Zone
11 permit has been signed.

12 Well, the permit seems to have been
13 granted, and so I don't understand what happened in
14 that process.

15 Finally, the certification by
16 applicants signed by GRT's CTO requires that all
17 information submitted must be true and complete.
18 There are clearly cases in which the answers do not
19 meet these criteria. Just one, on page seven, asks
20 about the environmental impacts to the air. The
21 response is, "The greenhouse gas emissions are
22 limited to oxides of sulfur and nitrogen." That's
23 not true.

24 A response in the appendix of the

1 first page of the attachment shows that it will have
2 tons of carbon dioxide, methane, and other VOCs
3 coming out there.

4 The other major concern that we have
5 is on the subject of the dimethyl ether. We feel
6 that, looking at the application, there is simply
7 not -- well, certainly the name "dimethyl ether" is
8 not listed, and no MSDS was submitted in the
9 application despite the fact, you know, regardless of
10 that, the Secretary signed it as being complete and
11 satisfactory.

12 The fact that the dimethyl ether is
13 only referred to as something like a fractionating
14 solvent or liquefied gas is very disturbing, because
15 that could cover 100 different things that might be
16 put in there. Some of them might be far more
17 dangerous than dimethyl ether.

18 They were also asked in the
19 application to show -- to discuss precisely what will
20 happen in the case of a failure of human error or
21 some apparatus failure.

22 Now, we have been shown and told about
23 certain safety systems that are in effect, but I am
24 not enough of an engineer to follow the drawings that

1 were submitted, and I found nothing about this in the
2 written text that any of us could read.

3 And it's particularly concerning that
4 this facility will be within 2,000 feet of a large
5 number of houses, which are some of you, and a park
6 and playgrounds where your children can play.

7 We are not saying that we have
8 evidence of that this operation is unsafe. I'm
9 simply saying that we don't have the evidence to show
10 that it is safe.

11 MS. NEAMAND: That it's safe.

12 MS. PRYDE: And we believe we would
13 like to see a continuance of the comment period for
14 an additional 30 days.

15 We would like to have a chance to see
16 all the other comments that come in. And we would
17 also like to be supplied in a timely fashion any
18 additional material the GRT submits so that we don't
19 waste our time making comments that are irrelevant to
20 the file as it exists.

21 I mean, at the time in looking at the
22 file we have received at the Sierra Club, we, you
23 know, we would ask that this permit be denied. The
24 question should be reopened when there is complete --

1 a truly complete file that is present and the public
2 has had a chance to examine it and, as someone
3 suggested, ask the questions in a forum which they
4 will feel comfortable that all the questions may be
5 answered.

6 I'm very concerned that some of the
7 rules regarding getting a Coastal Zone permit and
8 what you can do with and without it have been
9 disregarded here. And we cannot set a precedent like
10 that. Thank you.

11 MS. VEST: Thank you, ma'am.
12 Stephanie Herron.

13 MS. HERRON: Well, I'm Stephanie
14 Herron. I think you already know how to spell my
15 name, because I have been to a lot of hearings with
16 you. But it's H-E-R-R-O-N.

17 I would just like to express I also
18 took the tour of the GRT plant with the League of
19 Women Voters group on October 10th. And I
20 appreciated the opportunity to do that, and I would
21 thank the people from GRT for showing us around and
22 for being relatively forthcoming with information
23 that way and via e-mail.

24 However, I would also really echo all

1 of the concerns that Coralee raised and also those of
2 the community members who are here, that this project
3 seems to -- it's already built. All of the equipment
4 is already inside. And when I was there, all the
5 lights were on, and it seemed like all the machines
6 were on. There were employees there, which indicates
7 to me that they are operating at some capacity, which
8 I feel is totally inappropriate, not to mention
9 completely against the law as I understand it.

10 So that's very concerning to me.
11 Obviously, the company feels extremely confident that
12 they are going to get this permit and all their other
13 permits, confident enough to put all of their
14 investment in building the facility and putting all
15 of their materials in there, which is concerning that
16 they have that level of confidence, which implies to
17 me that there has been some sort of inappropriate
18 dealing with someone in the state government.

19 And I would also just like to say
20 that, after reviewing the permit myself, as someone
21 who is not nearly as qualified as Coralee or other
22 people -- I was an English major in college -- and I
23 found some pretty glaring just omissions.

24 So, not having any type of technical

1 background, I'm easy extremely concerned that this
2 application was considered to be complete by the
3 Department given the contradictory information and
4 omissions that are in the application.

5 And I would just also, on a personal
6 note, say that I am extremely concerned about a
7 facility operating -- or about folks operating a
8 facility of this nature and scale that are not
9 apparently qualified to fill out a permit application
10 (laughter) that I could fill out.

11 So that's all. Thank you for the
12 opportunity to comment.

13 MS. VEST: Thank you, Ms. Herron.

14 At this point that goes through
15 everybody that indicated that they wanted to speak.

16 I do want to take this opportunity to
17 thank everybody that did speak. I can certainly
18 appreciate the passion in the room. It does not go
19 unnoticed by me.

20 Again, we are just here to get comment
21 right now. No decision whatsoever has been made by
22 the Department regarding this matter. And with the
23 requests that several of you have had indicating more
24 time for comment and that the period for comment be

1 extended, I will certainly take that under advisement
2 when I go back to Dover.

3 For now, I'm going to keep it to
4 October 31, and we will see what happens when we get
5 there, if we have gotten a lot of the comment that is
6 supposed to be coming in, whether it has come in.

7 But it is most definitely an open
8 matter. This is the first time that we are receiving
9 comment on this, and so it is greatly appreciated.

10 At this point if there is anybody else
11 that wishes to speak and had previously indicated no
12 but now wants to, this is certainly the time. Can I
13 have you identify yourself for the record?

14 SENATOR HENRY: I'm Senator Margaret
15 Rose Henry.

16 MS. VEST: Okay.

17 SENATOR HENRY: And I came in late
18 because I couldn't get in. There was no sign on the
19 front door. And several other people were trying to
20 figure out how to get into the building.

21 So I would hope, the next time you
22 have a hearing, that there is a sign on the front
23 door to let you know to come to the back. You know,
24 that would have been helpful.

1 The other thing is that as elected
2 officials, we should have been invited to really tour
3 and all that, and we were not. I was not. And I
4 take offense to that. Because I'm a legislator that
5 will have to respond to the public about this
6 particular facility, and we were not invited to come
7 and tour it or anything, so I take exception to that
8 too.

9 The other thing is that this -- and
10 I'm also not happy that there are no handouts tonight
11 so that people have something they can take home and
12 read. Because I asked were there handouts, and I was
13 told no.

14 So something of this magnitude, people
15 need to be able to digest and review and have time to
16 go back and see what the points are. And we have
17 nothing today.

18 Now, I know stuff is put online and
19 all of that, but most people like to have something.
20 And I would have liked to have a handout. So I'm
21 very concerned about that.

22 And I have heard from some of the
23 communities that I represent. We just finished
24 working with the compost issue, and this is just so

1 much to digest and consider at this time, I have to
2 say, on behalf of my communities. So those are my
3 comments.

4 MS. VEST: Thank you, Madam Senator.
5 Anyone else that has not previously spoken? Yes,
6 ma'am, you in the back.

7 MS. SMITHERS: My name is Sandra
8 Smithers. I'm the president of the Dunlee Civic
9 Association.

10 And I just have a couple of
11 observations that, first of all, there must be a
12 process that involves transparency when we are
13 dealing with new industry and the community. And I
14 would just like to know -- and I think the community
15 should know -- what that process is because, clearly,
16 transparency is not evident here.

17 The other thing is with regard to the
18 odor. I think that we have different levels of
19 tolerance for odor. And that vial that was passed
20 around to me --

21 MS. NEAMAND: That stunk!

22 MS. SMITHERS: -- if you magnify that
23 several hundred times, I'm sure at least, and impose
24 that on the community, we have another situation of

1 stench similar to Peninsula Compost.

2 There were people with Peninsula
3 Compost who did not feel that that stench was
4 unbearable. And I think that it's important that the
5 community in close proximity to this facility be
6 given an opportunity to make comments and to make a
7 feed -- have feedback with regard to the decisions
8 that are being made. And these decisions are
9 definitely going to impact the quality of life in
10 this area.

11 None of that has been considered. And
12 I think that we can say -- I know I can -- that if
13 this permit is granted, it will not be a happy
14 situation operating in this area, because we have
15 been inundated with odors constantly.

16 And I agree with everything that has
17 been said previously, that if there was not some
18 commitment already with regard to the ability to
19 operate in this area, there would not be a facility
20 that was already operating. At some point some laws
21 were violated, some process was violated. And my
22 question is where did that happen?

23 And I think that we, as a public,
24 deserve to know at what point that permit was given,

1 although it might have been just a wink and a nod.
2 But somebody gave somebody information that it was
3 going to be allowed, because no investors make
4 millions of dollars of investment in any property or
5 any project without a clear understanding that they
6 are going to be allowed to operate.

7 UNIDENTIFIED SPEAKERS: That's right!

8 MS. SMITHERS: And I think -- I
9 feel -- and I'm sure that I can speak for my
10 neighbors, that we have been completely violated.

11 And when we look to DNREC to protect
12 the public and to protect the environment, I'm not
13 sure that this is a confidence-inspiring situation.

14 And that's all I have to say.

15 MS. VEST: Thank you, Ms. Smithers.
16 Again, I appreciate the passion. I appreciate the
17 comment. Anyone else who has not spoke previously?
18 Yes, sir?

19 MR. JARMAN: My name is Lee Jarman,
20 and I am the president of Overview Gardens-Garfield
21 Park Civic Association. And I am a member of the 913
22 Alliance which consists of about ten civic
23 associations along the Route 9 corridor.

24 Once we made a mistake. People were

1 persuaded to agree with the company coming to our
2 community to process food waste, hazardous waste, and
3 other products. It didn't end so good.

4 Our community has been inundated with
5 unfair environmental issues. We can no longer go
6 that route. Enough is enough. And it's time for us
7 now to stand up and say, "No, we did not agree with
8 the issuance of such a permit."

9 There are so many environmental issues
10 that we have here, including asthma, people having
11 different heart problems and cancer, and we have just
12 had enough.

13 So I stand with our community and the
14 majority of the people in this room and the majority
15 of the people in our community. There is thousands
16 of people that we represent, the civic presidents and
17 our elected officials. We will not stand by idly and
18 allow such permit to be issued. Okay.

19 MS. VEST: Thank you, Mr. Jarman.

20 (Representative Johnson is raising
21 hand.)

22 MS. VEST: Yes, sir.

23 REPRESENTATIVE JOHNSON: I would just
24 like to make a comment for full disclosure, that I

1 was offered an opportunity to tour the facility, not
2 by a member of the company, but unofficially, and I
3 declined because I didn't feel it was appropriate.

4 I didn't feel the plant should be in
5 operation now. And I felt that if I did tour the
6 facility, it would be staged, and I declined.

7 MS. VEST: Thank you, Representative.
8 Anyone else that's not spoken previously?

9 MR. BURG: Steve Burg, New Castle
10 County. I heard Senator Henry ask if there was any
11 handouts, and they said no.

12 Is there a possibility we can get a
13 copy of that or e-mailed to us?

14 MS. VEST: I'm going, when I get back
15 to the office tomorrow, I'm going to make sure that
16 we can get this stuff up online.

17 MR. BURG: Okay. Thank you.

18 MS. VEST: And I do apologize for not
19 having any handouts this evening.

20 Anyone else that has not spoken
21 previously? I didn't mean to ignore you guys back
22 here. Yes, sir.

23 MR. MCDONALD: I have a question. My
24 name is Pat McDonald. I live in Holloway Terrace.

1 They said that they would bring only
2 dehydrated product in. I build dehydrators. As far
3 as I know, they are bringing lipids in, which is fat.

4 You can't dehydrate fat. What are you
5 going to do with the fat? And are you going to have
6 aerating tanks out there?

7 I have been to these rendering plants.
8 The fly problems are immense. Five miles around, the
9 flies will come and be everywhere. That's my
10 question, about how they are going to handle fat and
11 the fly problem.

12 MS. VEST: Thank you, sir.

13 MR. MCDONALD: Besides the stink.

14 MS. VEST: Thank you, sir, for your
15 comment. I do not mean to ignore anyone behind me.
16 I apologize.

17 Is there anybody else that has not
18 spoken previously? Okay. Sir, did you want to give
19 one last comment, and then we will conclude the
20 matter?

21 MR. COLLINS: The bottom line is we
22 are here to discuss a permit that they applied for.
23 Right?

24 MS. VEST: You are here to offer

1 comment for the record.

2 MR. COLLINS: That's what I am saying.
3 Okay. The building is already in operation, or we
4 think it's in operation. So what is giving them the
5 permit any good? They have already got the building
6 there. They are going to be operating soon. So it's
7 a done deal, I think.

8 MS. VEST: Well, sir, I can tell you
9 that no decision has been made with regard to this
10 permit. This is the opportunity to offer comment.

11 And many of you have offered the
12 concern about that. And, trust me, it is in the
13 record now. And it's definitely something that needs
14 to be looked at. And I appreciate it.

15 Again, the passion does not escape me.
16 I appreciate everybody's comments on this matter.
17 And it's something that will really need to be
18 reviewed.

19 MR. COLLINS: Because how can they
20 turn a permit down now and say, "No, you can't do
21 this," when they have got all that money invested in
22 that property? How could they do that?

23 MS. VEST: All I can tell you is there
24 has been no decision made. So, you know --

1 MR. COLLINS: I mean, that's like
2 almost you are telling me no decision has been made.

3 MS. VEST: No permit has been granted.

4 MR. COLLINS: No permit has been
5 granted, which I understand. But how are you going
6 to say, "No, we're gonna turn this permit down.
7 We're not going to let you operate here."

8 And then what's this company going to
9 do? "Oh, well, we spent millions of dollars. Oh,
10 well, we'll just write it off. You know, we'll just
11 write it off." It's ridiculous.

12 MS. VEST: Thank you, sir. Yes.

13 MR. TRINCIA: One thing I would like
14 to say, for the elected officials and also civic
15 leaders and business leaders, is format a letter and
16 send it to Secretary Small opposing them granting any
17 type of permit for GRT, anything.

18 MS. VEST: Thank you, sir.

19 MR. TRINCIA: Uh-huh.

20 MS. VEST: All right. I want to thank
21 everybody for their courtesies extended today. There
22 was certainly a lot of comment and, again, a lot of
23 passion in the room. I appreciate it. That's what
24 we are here for, to take all of this in.

1 We will do our best to make sure that
2 we get as much as possible up on the website first
3 thing tomorrow.

4 If anyone wishes to get any additional
5 information or if they wish to submit written
6 comments, again, for right now it's open through at
7 least Halloween, close of business next Friday,
8 October 31.

9 If you would like to get a card from
10 either Mr. Coyle or myself, please feel free to step
11 up after the conclusion of the proceedings tonight.
12 The comments can be addressed to either myself or
13 Mr. Coyle.

14 Okay. I want to thank everybody for
15 coming on a bad-weather night. This meeting is
16 adjourned.

17 (Adjourned at 7:05 p.m.)

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CERTIFICATE

I, Lorena J. Hartnett, a Notary Public and Registered Professional Reporter, do hereby certify that the foregoing is an accurate and complete transcription of the proceeding held at the time and place stated herein, and that the said proceeding was recorded by me and then reduced to typewriting under my direction, and constitutes a true record of the testimony given by said witnesses.

I further certify that I am not a relative, employee, or attorney of any of the parties or a relative or employee of either counsel, and that I am in no way interested directly or indirectly in this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office on this 27th day of October 2014.

Lorena J. Hartnett
Registered Professional Reporter