



STATE OF DELAWARE  
DEPARTMENT OF NATURAL RESOURCES  
AND ENVIRONMENTAL CONTROL  
89 KINGS HIGHWAY  
DOVER, DELAWARE 19901

Office of the  
Secretary

Phone: (302) 739-9000  
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**Secretary's Order No.: 2018-W-0049**

**RE: Application of Mountaire Farms of Delaware, Inc., for Renewal of its existing Non-Hazardous Liquid Waste Transporters Permit (DE OH-091)**

**Date of Issuance: September 4, 2018**

**Effective Date: September 4, 2018**

Under the authority vested in the Secretary of the Department of Natural Resources and Environmental Control ("Department" or "DNREC") pursuant to 7 *Del.C.* §§6003, 6004(b), 6006(4), and all other relevant statutory authority, the Department issues this Order, approving the permit renewal application ("Application") of existing State of Delaware Non-Hazardous Liquid Waste Transporters Permit No. DE OH-091 ("Permit"), currently held by Mountaire Farms of Delaware, Inc. ("Mountaire," "Applicant"). Mountaire's existing Permit provides for the inventory of vehicles, vehicle requirements, and the proper equipping of the vehicles for transporting non-hazardous liquid waste over public roads.

**BACKGROUND AND FINDINGS OF FACT**

The State of Delaware's Non-Hazardous Liquid Waste Transporters Permits are issued by the Groundwater Discharges Section ("GWDS") of the Department's Division of Water, under the authority of 7 DE Admin. Code 7101, *Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal Systems*. In addition to the provisions previously listed above, Mountaire's current Permit also governs the safe hauling, conveyance, or transport of any non-hazardous liquid waste with the intention of delivering the waste from one authorized location to another over the public roads of the State of Delaware.

After finding the Application submitted by Mountaire on March 15, 2018 to be administratively complete, the Department placed the same on public notice on March 21, 2018 to open the fifteen day public comment period. During the public notice period, the GWDS received a request for a public hearing regarding this matter.

Accordingly, the Department held its public hearing at the Indian River Senior Center in Millsboro, Delaware on June 14, 2018. The hearing was attended not only by Department staff and representatives of the Applicant, but also by approximately twenty (20) individuals from the public, who offered comment for inclusion into the formal hearing record generated in this matter. Proper notice of the hearing was provided as required by law.

Following the public hearing of June 14, 2018, the technical experts in the Department's Division of Water prepared a Technical Response Memorandum ("TRM") to (1) specifically address the public concerns raised at the time of the hearing; (2) provide a formal regulatory review of the Applicant's permit renewal application; and (3) offer the Division of Water's conclusions and recommendations with regard to this pending Application for the benefit of the hearing record generated in this matter. This TRM was subsequently received from the Division of Water for inclusion into the hearing record by Hearing Officer Lisa A. Vest.

Thereafter, Hearing Officer Vest prepared her Hearing Officer's Report ("Report"), which attached the aforementioned TRM as referenced above, and expressly incorporated the same therein. Ms. Vest's Report set forth the procedural history, summarized and established the record of information ("Record") relied on in the Report, and provided findings of fact, reasons, and conclusions that recommend that the Department approve this Application, subject to the conditions set forth in the draft Permit renewal for No. DE OH-091. The Report also addressed the public comments received in this matter, and concluded that the same did not warrant the Department's denying this Application, or delaying this permit decision to receive additional information.

## REASONS AND CONCLUSIONS

This application is for the renewal of existing Non-Hazardous Liquid Waste Transportation Permit No. DE OH-091, which governs the safe hauling, conveyance, or transport of any non-hazardous liquid waste with the intention of delivering the waste from one authorized location to another over the public roads of the State of Delaware. I find that the Applicant's proposed permit renewal would provide for the inventory of vehicles, vehicle requirements, and the proper equipping of the vehicles for transporting non-hazardous liquid waste over public roads. I further find that such renewals to existing State of Delaware's Non-Hazardous Liquid Waste Transporters Permits are issued by the Groundwater Discharges Section of the Department's Division of Water, under the authority of 7 DE Admin. Code 7101, *Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal Systems*.

In reviewing the applicable statutes and regulations, as well as weighing public benefits of this project against potential detriments, the Department's experts in the Division of Water have concluded that all regulatory requirements have been met by the Applicant in this matter, and have therefore recommended the renewal of existing State of Delaware Non-Hazardous Liquid Waste Transportation Permit No. DE OH-091, in accordance with Mountaire's permit renewal Application.

The concerns voiced at the June 14, 2018 public hearing have been addressed in the Department's aforementioned TRM. With regard to the public comments regarding the land application of sludge and biosolids on area farm fields, the storage of biosolids, and the monitoring of land application activities, those activities are governed by 7 DE Admin. Code 7103, *Regulations Governing the Land Treatment of Waste*, and thus fall outside the purview of this specific Application. The public may, however, submit comment concerning such activities for the Department's consideration during future permit application and renewal process reviews for Agricultural Utilization Permits governing such activities in this area.

In response to the public concerns raised about the proposed hauling activities under this Application, it should be noted that Mountaire's existing Permit already authorizes the transport of municipal or industrial biosolids and/or other non-hazardous liquid waste in the State of Delaware to authorized locations. Said Permit also mandates that none of the aforementioned wastes shall be deposited into ditches, watercourses, lakes, ponds, tidewater sources, landed property, or at any point other than the disposal site(s) listed above. All waste material collected by the permittee shall be transported and disposed of in accordance with Department regulations, and upon authorization by the disposal site(s) listed above. None of these wastes may be disposed of within the State of Delaware without specific permission of the Department.

Additionally, all vehicles used for such transport shall be operated and maintained so as to be in compliance with all state and federal regulations, and not present a hazard to human health or the environment through unsafe vehicle conditions. The Applicant is responsible for the operation and maintenance of all vehicles operated under this Permit, and that all transporters shall maintain a current copy of their plan for the prevention, control, and cleanup of accidental discharges on file with the Division of Water's GWDS.

With regard to the requests that the Department place a moratorium on all Mountaire permits until such time as legal and environmental concerns resulting from its recent wastewater treatment plant failure are resolved, DNREC must assess each permit application based on its merits, accuracy, and consistency with applicable law. In this instance, the Applicant has met all regulatory requirements for the renewal of this Permit. Issuance, renewal, or continuance of other Mountaire permits is outside the purview of this present Application.

Lastly, in response to the comments made at the public hearing suggesting that waste transportation permits should be considered in conjunction with the activities occurring at both the pickup and destination locations, the Department agrees that, under the context of such permits, consideration must be given to the nature of the waste to be transported, as well as the final destination/disposition of the same.

Pursuant to the regulatory requirements which govern such permit issuance, the Applicant is required to submit the following information as a component of its Application: (1) a description of the non-hazardous liquid waste, including the source of the waste, the quantity to be transported, and any treatment the waste has undergone before transportation; and (2) the destination of the non-hazardous liquid waste, a description of what is to be done with the waste at the destination, and a copy of the permit/authorization letter from each disposal facility. This information was submitted by Mountaire as part of its Application for renewal of Permit DE OH-091, and the same has been taken into consideration by the Department in this matter.

I find and conclude that the Applicant has adequately demonstrated its compliance with all requirements of the statutes and regulations, as noted herein, and that the record supports approval of the permit renewal Application submitted by Mountaire Farms of Delaware, Inc. Accordingly, this Order approves and directs that a renewal of existing State of Delaware Non-Hazardous Liquid Waste Transporters Permit No. DE OH-091, consistent with the record developed in this matter, be issued by the Department in the customary form, and with appropriate conditions.

Further, the Department concludes and directs the following:

1. The Department has jurisdiction under 7 *Del. C.* §§6003, 6004, 6006(4), and all other relevant statutory authority, to make a final determination on the Application, after holding a public hearing and considering the public comments and all information contained in the Record generated in this matter;
2. The Department provided proper public notices of the Application submitted by Mountaire Farms of Delaware, Inc., and of the public hearing held on June 14, 2018, and held said hearing in a manner required by the law and regulations;
3. The Department considered all timely and relevant public comments in the Record, as established in the Report, prior to issuing this Order as its final decision;

4. The Department has carefully considered the factors required to be weighed in issuing a renewal of the Applicant's existing Permit, and finds that the Record supports approval and issuance of the same;
5. The Department shall issue a renewal of the Applicant's current State of Delaware Non-Hazardous Liquid Waste Transporters Permit No. DE OH-091, to govern the safe hauling, conveyance, or transport of any non-hazardous liquid waste with the intention of delivering the waste from one location to another over the public roads of the State of Delaware. Furthermore, said Permit shall include all conditions as set forth in the Department's draft permit renewal, to ensure that Delaware's environment and public health will be protected from harm;
6. The Department adopts the Report and its attachments as further support for this decision;
7. The Department has an adequate Record for its decision, and no further public hearing is appropriate or necessary; and
8. The Department shall serve and publish its Order on its internet site, and shall provide legal notice of the Order in the same manner that the Department provided legal notice of the Application.

Date

9/3/18

  
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Shawn M. Garvin, Secretary  
Department of Natural Resources and  
Environmental Control

## HEARING OFFICER'S REPORT

**TO:** The Honorable Shawn M. Garvin  
Cabinet Secretary, Department of Natural Resources and Environmental Control

**FROM:** Lisa A. Vest  
Public Hearing Officer, Office of the Secretary  
Department of Natural Resources and Environmental Control

**RE:** Application of Mountaire Farms of Delaware, Inc., for Renewal of its existing  
Non-Hazardous Liquid Waste Transporters Permit No. DE OH-091

**DATE:** August 22, 2018

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### **I. BACKGROUND AND PROCEDURAL HISTORY:**

A public hearing was held on Thursday, June 14, 2018, at 6:00 p.m. by the Department of Natural Resources and Environmental Control (“DNREC,” “Department”) at the Indian River Senior Center in Millsboro, Delaware, to receive comment on the application of Mountaire Farms of Delaware, Inc. (“Mountaire,” “Applicant”) to renew its current State of Delaware Non-Hazardous Liquid Waste Transporters Permit No. DE OH-091 (“Permit”). The Applicant’s current Permit provides for the inventory of vehicles, vehicle requirements, and the proper equipping of the vehicles for transporting non-hazardous liquid waste over public roads.

The State of Delaware’s Non-Hazardous Liquid Waste Transporters Permits are issued by the Groundwater Discharges Section (“GWDS”) of the Department’s Division of Water, under the authority of 7 DE Admin. Code 7101, *Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal Systems*. In addition to the provisions previously listed above, Mountaire’s current Permit also governs the safe hauling, conveyance, or transport of any non-hazardous liquid waste with the intention of delivering the waste from one authorized location to another over the public roads of the State of Delaware.

The application from Mountaire (submitted on March 15, 2018) to renew its current Permit was placed on public notice by the Department on March 21, 2018 to open the fifteen day public comment period. During the public notice period, the GWDS received a request for a public hearing regarding this matter.

The Department held its public hearing concerning this matter at the Indian River Senior Center in Millsboro, Delaware on June 14, 2018. The hearing was attended not only by Department staff and representatives of the Applicant, but also by approximately twenty (20) individuals from the public. Comment was received from the public at that hearing, and will be discussed in further detail below. Proper notice of the hearing was provided as required by law.

## **II. SUMMARY OF THE PUBLIC HEARING RECORD:**

The public hearing record consists of the following documents: (1) a verbatim transcript; (2) seven documents representing the Department's Exhibits concerning this permitting matter; (3) statement read into the hearing record by Elio Battista, Jr., Esq., counsel for Applicant, marked by this Hearing Officer as "Applicant Exh. 1"; (4) documentation offered by John Austin marked as "Austin Exh. 1"; (5) documentation offered by Jay Meyer marked as "Meyer Exh. 1"; and (6) Technical Response Memorandum ("TRM") dated August 2, 2018, from Jack Hayes, Environmental Program Manager, GWDS, through the Division of Water Management, including, but not limited to, Jennifer Roushey, Environmental Program Administrator. The Department's person primarily responsible for reviewing this Application, Mr. Hayes, as referenced above, developed the record with the relevant documents in the Department's files.

The hearing record generated in this matter indicates that the comments made during the public hearing were made by citizens who are concerned about the existing pollution in the area from the land application of sludge and biosolids on area farm fields, the storage of biosolids,

and the monitoring of land application activities. A variety of questions were also raised concerning the proposed hauling activities under this Application, as well as other comments requesting that the Department place a moratorium on all pending permits submitted by this Applicant until such time as legal and environmental concerns resulting from Mountaire's recent wastewater treatment plant failure are resolved. Lastly, those in attendance at the aforementioned public hearing asked that the Department not look at these waste transportation permits as just the moving of non-hazardous liquid waste from one authorized location to another, but rather consider the same in conjunction with the activities occurring at both locations.

Following the public hearing of June 14, 2018 (and in response to the concerns voiced by the public in this matter), the technical experts in the Department's Division of Water prepared a Technical Response Memorandum ("TRM") to (1) specifically address the public concerns raised at the time of the hearing; and (2) offer conclusions and recommendations with regard to this pending Application for the benefit of the hearing record generated in this matter.

In its TRM, the Department's experts in the Division of Water address the aforementioned public concerns in this matter. With regard to the public comments regarding the land application of sludge and biosolids on area farm fields, the storage of biosolids, and the monitoring of land application activities, the Department notes that those activities are governed by 7 DE Admin. Code 7103, *Regulations Governing the Land Treatment of Waste*, and thus fall outside the purview of this specific Application. The public may, however, submit comment concerning such activities for the Department's consideration during future permit application and renewal process reviews for Agricultural Utilization Permits governing such activities in this area.

In response to the concerns raised about proposed hauling activities under this Application, the Department notes that Mountaire's current Permit already authorizes the transport of municipal or industrial biosolids and/or other non-hazardous liquid waste in the State of Delaware. If approved, this permit renewal would mandate that none of the aforementioned wastes shall be deposited into ditches, watercourses, lakes, ponds, tidewater sources, landed property, or at any point other than the disposal site(s) listed above. All waste material collected by the permittee shall be transported and disposed of in accordance with Department regulations, and upon authorization by the disposal site(s) listed above. Moreover, none of these wastes may be disposed of within the State of Delaware without specific permission of the Department. All vehicles used for such transport shall be operated and maintained so as to be in compliance with all state and federal regulations, and not present a hazard to human health or the environment through unsafe vehicle conditions. Furthermore, the Applicant is responsible for the operation and maintenance of all vehicles operated under this Permit, and all transporters shall maintain a current copy of their plan for the prevention, control, and cleanup of accidental discharges on file with the Division of Water's GWDS.

With regard to the requests that the Department place a moratorium on all Mountaire permits until such time as legal and environmental concerns resulting from Mountaire's recent wastewater treatment plant failure are resolved, the GWDS notes that DNREC must assess each permit application based on its merits, accuracy, and consistency with applicable law. In this instance, the Applicant has met all regulatory requirements for the renewal of this Permit. Issuance, renewal, or continuance of other Mountaire permits is outside the purview of this present Application.

Lastly, in response to the comments made at the public hearing suggesting that waste transportation permits should be considered in conjunction with the activities occurring at both the pickup and destination locations, the Department agrees that, under the context of such permits, consideration must be given to the nature of the waste to be transported, as well as the final destination/disposition of the same. Pursuant to the regulatory requirements which govern such permit issuance, the Applicant is required to submit the following information as a component of its Application: (1) a description of the non-hazardous liquid waste, including the source of the waste, the quantity to be transported, and any treatment the waste has undergone before transportation; and (2) the destination of the non-hazardous liquid waste, a description of what is to be done with the waste at the destination, and a copy of the permit/authorization letter from each disposal facility. It should be noted that this information was submitted by Mountaire as part of its Application for renewal of Permit No. DE OH-091, and the same has been taken into consideration by the Department in this matter.

I find that the Division of Water's TRM offers a detailed review of all aspects of Mountaire's Application to renew its existing Permit No. DE OH-091, identifies all of the concerns raised at the public hearing of June 14, 2018, and responds to them in a balanced manner, accurately reflecting the information contained in the formal hearing record. Thus, the aforementioned TRM is attached hereto as Appendix "A" and expressly incorporated herein as such.

### **III. RECOMMENDED FINDINGS AND CONCLUSIONS:**

This Application is for the renewal of an existing State of Delaware Non-Hazardous Liquid Waste Transportation Permit No. DE OH-091. The current Permit allows Mountaire Farms of Delaware, Inc., to transport municipal or industrial biosolids and/or other non-hazardous liquid waste in the State of Delaware. I find that the State of Delaware's Non-Hazardous Liquid Waste Transporters Permits are issued by the Groundwater Discharges Section of the Department's Division of Water, under the authority of 7 DE Admin. Code 7101, *Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal Systems*.

In reviewing the applicable statutes and regulations, as well as weighing public benefits of this project against potential detriments, the Department's experts in the Division of Water have concluded that all regulatory requirements have been met by the Applicant in this matter, and have therefore recommended the renewal of existing State of Delaware Non-Hazardous Liquid Waste Transportation Permit No. DE OH-091, in accordance with Mountaire's permit renewal Application. I find and conclude that the Applicant has adequately demonstrated its compliance with all requirements of the statutes and regulations, as noted herein, and that the record supports approval of the permit renewal Application as submitted by Mountaire Farms of Delaware, Inc.

In conclusion, I recommend that a renewal of existing State of Delaware Non-Hazardous Liquid Waste Transporters Permit No. DE OH-091, consistent with the record developed in this matter, be issued by the Department to Mountaire Farms of Delaware, Inc., in the customary form, and with appropriate conditions.

Further, I recommend the Secretary adopt the following findings and conclusions:

1. The Department has jurisdiction under *7 Del. C.* §§6003, 6004, 6006(4), and all other relevant statutory authority, to make a final determination on the Application after holding a public hearing, considering the public comments, and all information contained in the Record generated in this matter;
2. The Department provided proper public notice of the Application submitted by Mountaire Farms of Delaware, Inc., and of the public hearing held on June 14, 2018, and held said hearing to consider any public comment that may be offered on the Application, in a manner required by the law and regulations;
3. The Department considered all timely and relevant public comments in the Record, as established in the TRM provided by the Division of Water;
4. The Department has carefully considered the factors required to be weighed in issuing a renewal of the Applicant's existing Permit, and finds that the Record supports approval and issuance of same;
5. The Department shall issue a renewal of the Applicant's current State of Delaware Non-Hazardous Liquid Waste Transporters Permit No. OH-091, to govern the safe hauling, conveyance, or transport of any non-hazardous liquid waste with the intention of delivering the waste from one location to another over the public roads of the State of Delaware. Furthermore, said Permit shall include all conditions as set forth in the Department's draft permit renewal, to ensure that Delaware's environment and public health will be protected from harm;

6. The Department has an adequate Record for its decision, and no further public hearing is appropriate or necessary; and
7. The Department shall serve and publish its Order on its internet site, and shall provide legal notice of the Order in the same manner that the Department provided legal notice of the Application.



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LISA A. VEST  
Public Hearing Officer

**APPENDIX "A"**





EXHIBIT  
tabbies  
Exh. # 6 (cont)

STATE OF DELAWARE  
DEPARTMENT OF NATURAL RESOURCES &  
ENVIRONMENTAL CONTROL  
DIVISION OF WATER  
89 KINGS HIGHWAY  
DOVER, DELAWARE 19901

RECEIVED  
AUG 10 2018  
DNREC Hearing Officer

**TECHNICAL RESPONSE MEMORANDUM**

To: Lisa A. Vest, Hearing Officer

Through: Virgil Holmes, Director of Water *JH 8/9/18*  
Jennifer Roushey, Environmental Program Administrator, Division of Water *JR*  
Ping Wang, Environmental Program Manager, Groundwater Discharges Section *PW*

From: Jack Hayes, Environmental Program Manager, Groundwater Discharges Section *JH 8/11/18*

Subject: Mountaire Farms of Delaware, Inc., Non-Hazardous Liquid Waste Transportation Permit (OH-091) Application Renewal

Date: August 2, 2018

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**BACKGROUND**

The Groundwater Discharges Section (GWDS), Division of Water, Department of Natural Resources and Environmental Control (Department) received an application from Mountaire Farms of Delaware, Inc. (Mountaire) for the renewal of its Non-Hazardous Liquid Waste Transportation Permit (OH-091). After finding that the application was administratively complete, the GWDS advertised the application. This permit provides for the inventory of vehicles, vehicle requirements, and the proper equipping of the vehicles for transporting non-hazardous liquid waste over public roads. The GWDS received a request for a public hearing regarding this application and scheduled a hearing for June 14, 2018, commencing at 6:00 pm at the Indian River Senior Center in Millsboro, Delaware.

The Public Hearing was held on June 14, 2018 and presided over by Lisa Vest, the Public Hearing Officer. Approximately twenty (20) people attended the Public Hearing, and public comments were provided by Jay Meyer, Ken Haynes, Joanne Haynes, John Austin, and Keith Steck. In addition, written comments were received from John Austin (Austin exhibit 1). The comment period regarding this application closed on June 15, 2018. The Department's GWDS has reviewed the hearing transcript and all comments received and has consolidated comments into topic areas for response. This Technical Response Memorandum (TRM) addresses public comments received regarding the pending renewal of the GWDS Non-Hazardous Liquid Waste Transportation Permit (OH-091) for the Mountaire, Millsboro facility. This TRM was prepared at the request of the presiding Hearing Officer to assist in the completion of the Hearing Officer's Report to the Secretary. In addition, this TRM provides information to help inform the final decision on issuance of the above-captioned permit.

GWDS responses are provided below in *italics* for clarity.

### **Response to Public Comments**

- 1. There were multiple comments (written and oral) regarding land application of sludge and bio-solids on area farm fields, the storage of biosolids, and the monitoring of land application activities.**

*The permit renewal that is the subject of this application is the Mountaire, Non-Hazardous Liquid Waste Transportation Permit (OH-091). This permit is issued under 7 DE Admin. Code 7101, Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal Systems ("On-Site Regulations"). This permit specifically governs the safe hauling, conveyance, or transport of any non-hazardous liquid waste with the intention of delivering this non-hazardous liquid waste from one location to another over the public roads of the State of Delaware.*

*The Department appreciates the comments presented concerning activities surrounding the land application of waste. However, such activities are governed by 7 DE Admin. Code 7103, the Regulations Governing the Land Treatment of Waste and fall outside the purview of this Non-Hazardous Liquid Waste Transporter renewal application. The public can submit comment concerning these land application activities for the Department's consideration during the application and renewal process for Agricultural Utilization Permits governing these activities.*

- 2. There were several comments requesting that the Department place a moratorium on all Mountaire permits until legal and environmental concerns resulting from Mountaire's recent wastewater treatment plant failure are resolved.**

*The Department must assess each permit application based on its merits, accuracy, and consistency with applicable law. The public comment process affords the public the opportunity to present information to the Department to support a different permitting outcome or decision. The permit renewal that is the subject of this application is the Mountaire, Non-Hazardous Liquid Waste Transportation Permit (OH-091). This permit is issued under 7 DE Admin. Code 7101, Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal Systems. All applicable regulatory requirements have been met for the renewal of this permit. Issuance, renewal, or continuance of other Mountaire permits is outside the purview of this Non-Hazardous Liquid Waste Transportation renewal application.*

- 3. A variety of questions were raised concerning proposed hauling activities under this Non-Hazardous Liquid Waste Transportation Permit.**

*Permit OH-091, which is the subject of this renewal, allows Mountaire to transport municipal or industrial biosolids and/or other non-hazardous liquid waste in the State of Delaware. Generated waste must be disposed of as follows: (1) Biosolids from Mountaire's Millsboro wastewater facility shall be land applied in accordance with State Permits AGU 1402-S-03 and AGU 1403-S-03 and (2) Biosolids from Mountaire's Selbyville wastewater facility shall be land applied in accordance with State Permits AGU 1402-S-03, AGU 1403-S-03, and AGU 1003-S-05.*

*In addition, none of the wastes shall be deposited into ditches, watercourses, lakes, ponds, tidewater sources, landed property or at any point other than the disposal site(s) listed above. All waste material collected by the permittee shall be transported and disposed of in accordance with the regulations of the Department and upon authorization by the disposal site(s) listed above and none of these wastes may be disposed of within the State of Delaware without specific permission of the Department. All vehicles used for transport shall be operated and maintained so as to be in compliance with all state and federal regulations and not present a hazard to human health or the environment through unsafe vehicle conditions. The permittee is responsible for the operation and maintenance of all vehicles operated under this permit. All transporters shall maintain a current copy of their plan for the prevention, control, and cleanup of accidental discharges on file with the Department's GWDS.*

*Additional details surrounding the proposed hauling activities can be found in the permit renewal application submitted by Mountaire on March 15, 2018, which is included with this hearing record.*

- 4. Additionally, comments were made indicating that these transportation permits cannot be looked at solely as the moving of non-hazardous liquid waste from point A to point B. They must be considered in conjunction with the activities occurring at point A and point B.**

*The Department agrees that under the context of a Non-Hazardous Liquid Waste Transportation Permit consideration must be given to the nature of the non-hazardous liquid waste to be transported, as well as, the final destination/disposition of the non-hazardous liquid waste. This is addressed within the scope of the permit application as outlined in 7 DE Admin. Code 7101, Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal System, specifically Section 5.3.32.8 and Section 5.3.32.9. These Sections require submission of:*

*5.3.32.8 A description of the non-hazardous liquid waste to include; the source of the non-hazardous liquid waste, the quantity to be transported, and any treatment the non-hazardous liquid waste has undergone before transportation.*

*5.3.32.9 The destination of the non-hazardous liquid waste and a description of what is to be done with the non-hazardous liquid waste at the destination and a copy of permit/authorization letter from each disposal facility.*

*This information as submitted and reviewed as a component of the permit renewal application and was taken into consideration prior to processing the permit renewal.*

#### **Groundwater Discharges Section Recommendation:**

The application is for the renewal of an existing non-hazardous liquid waste transportation permit. The permit allows Mountaire to transport municipal or industrial biosolids and/or other non-hazardous liquid waste in the State of Delaware. Generated waste must be disposed of as follows: (1) Biosolids from Mountaire's Millsboro wastewater facility shall be land applied in accordance with State Permits AGU 1402-S-03 and AGU 1403-S-03 and (2) Biosolids from

Mountaire's Selbyville wastewater facility shall be land applied in accordance with State Permits AGU 1402-S-03, AGU 1403-S-03, and AGU 1003-S-05. Given that all the regulatory requirements have been met by the permittee for this renewal application, the GWDS recommends the renewal of: **State of Delaware Non-Hazardous Liquid Waste Transportation Permit OH-091.**



## Non-Hazardous Liquid Waste Transporters Permit

Issued by: Department of Natural Resources and Environmental Control  
Division of Water  
Groundwater Discharges Section  
89 Kings Highway, Dover, Delaware 19901  
302-739-9948

### **Mountaire Farms of Delaware Inc.**

29106 John J. Williams Hwy  
Millsboro, DE 19966

Permit Number: **DE OH-091**  
Issue Date: **x/xx/2018**  
Expiration Date: **y/yy/2023**

Pursuant to the provisions of 7 Del. C., Chapter 60, and the State of Delaware Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal Systems, permission is hereby granted to Mountaire Farms of Delaware Inc. to operate and maintain the vehicle(s) listed in the permit application and any supplemental submissions to the Department's GWDS, operated by Mountaire Farms of Delaware Inc., for the purpose of collecting, transporting through Delaware and disposing of the non-hazardous liquid wastes listed in Condition 1 of this permit.

A copy of this permit must accompany each permitted vehicle and be presented upon request to any law enforcement officer or representative of the Department of Natural Resources and Environmental Control (Department).

This permit is issued subject to the following conditions:

1. Disposal site(s) for all waste(s) transported shall be the following:
  - a. municipal or industrial biosolids and/or other non-hazardous liquid waste:
    - i) Land applied in accordance with the following State Agricultural Use (AGU) Permits (and subsequent amendments):
      - (a) AGU 1402-S-03:
        - (i) Al Rust Farm (2-34-28.00-2.00; 2-34-28.00-3.00);
        - (ii) Thorogood Farm (2-34-28-01);
        - (iii) Frame Farm (2-34-32.00-46.00; 2-34-27.00-18.03; 2-34-27.00-19.00); and
        - (iv) Virginia Cordrey Farm (2-34-27.00-34.05; 2-34-21.00-169.03).
      - (b) AGU 1403-S-03:
        - (i) Frame Farm (2-34-27.00-19.00).
2. Permittee shall maintain a current copy of their permit/authorization documentation for each authorized facility listed in Condition 1 on file with the Department's Groundwater Discharges Section (GWDS).
3. All non-hazardous liquid waste shall be transported only to authorized facilities.
4. None of the wastes shall be deposited into ditches, watercourses, lakes, ponds, tidewater sources, landed property or at any point other than the authorized facilities mentioned in Condition 1 above.
5. All waste material collected by permittee shall be transported and disposed of in accordance with the regulations of the Department and upon authorization by the authorized facilities listed in Condition 1 above. None of these wastes may be disposed of within the State of Delaware without specific permission of the Department.
6. The company name, address and permit number shall be displayed on both sides of each vehicle used for hauling purposes in letters not less than three inches high and of a color contrasting the color of the vehicle.
7. Every vehicle used for waste transporting purposes shall be equipped with a leak-proof tank or body and shall be maintained in a clean and sanitary condition. All pumps, hoses, and vehicle tanks or bodies shall be maintained so as to prevent leakage. Provisions shall be made to discharge all liquid waste through a leak-proof hose from the tank compartment of the vehicle.

8. All waste transporting truck pumping and discharge hoses shall be fitted with automatic shut-off valves at the tank compartment of the vehicle(s).
9. All vehicles used for transport shall be operated and maintained so as to be in compliance with all state and federal regulations and not present a hazard to human health or the environment through unsafe vehicle conditions. The permittee is responsible for the operation and maintenance of all vehicles operated under this permit.
10. All transporters shall at all times maintain commercial automobile liability insurance with a combined single limit of at least One Hundred Thousand Dollars (\$100,000). Permittee shall maintain a current copy of a Certificate of Insurance demonstrating compliance with this requirement on file with the Department's Groundwater Discharges Section (GWDS).
11. All transporters shall maintain a current copy of their plan for the prevention, control, and cleanup of accidental discharges on file with the Department's GWDS.
12. Any spill greater than 25 gallons shall be reported to the Department's GWDS in writing within five days of the incident and shall include the date, time, location, and measures taken to contain and clean spill.
13. All transporters of sludge shall adhere to the following conditions:
  - a. Liquid sludge (less than 15% solids) shall be transported in watertight vessels such as tank trucks or other vessels which can provide equivalent protection against spills and leakage.
  - b. Sludge cake (15% - 35% solids) shall be transported in watertight boxes, such as dump trucks, properly sealed to prevent leaks, or cement type vehicles. When sludge cake is transported in dump trucks the following standards shall be met:
    - i) The trucks shall be equipped with splash guards firmly attached horizontally at the front and rear of the trailer;
    - ii) Each splash guard shall cover at least 25% of the trailer's open area; and
    - iii) A minimum two feet of freeboard shall be maintained between the sludge and the top of the trailer unless the top of the trailer is completely sealed.
  - c. Dried sludge (greater than 35% solids) may be transported in open boxes, such as dump trucks, which are properly sealed to prevent leakage. The trucks shall be covered with tarps or the equivalent.
14. All individuals who will be responsible for the removal of the solid and liquid contents of septic tanks, cesspools, seepage pits, holding tanks, portable toilets or any other individual residential on-site wastewater treatment and disposal system shall maintain a Class F Liquid Waste Hauler License (Class F License). While performing any Class F License related work, the Class F Licensee shall keep a copy of their Class F License identification card available for verification.
15. All transporters of septage shall pump on-site wastewater treatment and disposal systems according to the State of Delaware Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal Systems, amended January 11, 2014.
16. The only repairs a Class F Licensee is authorized to perform are the following: repair, add or replace septic tank and/or holding tank risers, baffles, lids, distribution box lids and effluent filters. No other repairs are authorized to be performed except by a Class E System Contractor who must first obtain a Repair Permit from the Department's GWDS.
17. All transporters are prohibited from pumping out grease traps without first entering into a Grease Trap Maintenance Contract with the property owner. A copy of the contract document must be submitted to the Department's GWDS within 15 days of signing the contract. Permittee may not enter into a Grease Trap Maintenance Contract unless the permittee has an authorized facility to dispose of grease trap waste identified in this permit. Co-mingling of septage and grease trap waste is prohibited, unless specifically approved, in writing, by the authorized facility(ies) that will be

receiving the grease trap waste. If a "Grease Trap Maintenance Contract" is voided by either party, the permittee shall notify the Department's GWDS in writing within 30 days.

18. Class F Licensees are prohibited from pumping out holding tanks without first entering into a Sewage Holding Tank Maintenance Contract with the property owner. A copy of the contract document must be submitted to the Department's GWDS within 15 days of signing the contract. If a Sewage Holding Tank Maintenance Contract is voided by either party, the permittee shall notify the Department's GWDS in writing within 30 days.
19. If the permittee is transporting Septage, Holding Tank Waste, or Municipal and/or Industrial Biosolids & Sludge from Package Treatment Plants, the permittee shall maintain a bond, or other security in a form approved by the Department's GWDS, in the amount of Five Thousand Dollars (\$5,000) on file with the Department's GWDS. The bond shall be payable to the State of Delaware and the obligation of the bond shall be conditioned upon the fulfillment of all requirements related to the permit.
20. No waste petroleum or non-domestic waste products may be collected or discharged by any waste transporter unless in accordance with a specific permit for these types of wastes. Transportation of liquid wastes containing any petroleum products will require a permit from the Division of Waste and Hazardous Substances (302-739-9400).
21. This permit does not relieve the transporter of complying with any other applicable Federal, State or local regulations.
22. In the event that regulations or guidelines governing the activity authorized herein are revised, this permit may be reopened and modified after notice and opportunity for a public hearing. At that time, additional limitations, requirements, and/or special conditions may be included in the permit.
23. This permit may be suspended or revoked for violation of any of these permit conditions, Department regulations, orders of the Secretary, provisions of the Environmental Protection Act of 1973 (7 Del. C., Chapter 60), or failure to pay applicable Department fees.
24. A complete renewal application must be submitted to the Department's GWDS at least 45 days prior to the expiration of this permit to ensure renewal prior to expiration.
25. Pursuant to House Bill No. 360, June 25, 1991, Permittees are required to pay an annual permit fee of Four Hundred Fifty Dollars (\$450.00), payable to the State of Delaware. An annual fee invoice will be mailed to each permittee, to the address on file. This fee is due October 1st of each calendar year. Non-payment of the annual fee shall result in revocation of this Permit.
26. All persons who will be responsible for the removal of the solid and liquid contents of septic tanks shall ensure that the required quarterly reports documenting the location, 911 mailing address and amount of septage removed (in total gallons) from each septic tank pumped out in Delaware are furnished to the GWDS.
27. Waste materials which are transported to a landfill, recycling center, composting facility, or a Delaware Solid Waste Authority (DSWA) facility must obtain a Solid Waste transporter permit from the Division of Waste and Hazardous Substances. A Non-Hazardous Liquid Waste Transporter Permit does not relieve a transporter from having to obtain a Solid Waste transporter permit in those circumstances.

Signed,

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Katharyn Potter, MES  
Environmental Engineer  
Groundwater Discharges Section, Division of Water  
Department of Natural Resources and Environmental Control  
89 Kings Highway  
Dover Delaware 19901  
(302) 739-9948

\*\*\*\*\*Date

Attn: Beth Sise  
Mountaire Farms of Delaware Inc.  
29106 John J. Williams Hwy  
Millsboro, DE 19966

Re: State of Delaware Non-Hazardous Liquid Waste Transporters Permit Number DE OH-091

Dear Ms. Sise:

Enclosed please find Non-Hazardous Liquid Waste Transporters Permit Number DE OH-091 which allows Mountaire Farms of Delaware Inc. to transport municipal or industrial biosolids and/or other non-hazardous liquid waste in the State of Delaware to be disposed of in accordance with two (2) State Agricultural Use (AGU) Permits [AGU 1402-S-03 and AGU 1403-S-03].

Please be reminded that pumping of portable toilets requires the operator to possess a valid Class F Liquid Waste Hauler license. Also, note that all Class F Liquid Waste Hauler licensees working for your company that pump out septic tanks are required to submit quarterly reports to the GWDS documenting the location, the 911 mailing address, and amount of septage removed (in total gallons) from each septic tank pumped out in Delaware.

A copy of this permit must be kept with all vehicles used for transport in the State of Delaware.

If you have any questions regarding the permit, please contact me at (302) 739-9948.

Sincerely,

Katharyn Potter, MES  
Environmental Engineer  
Groundwater Discharges Section

*Enclosure*