BPEnvironmental, Inc.

8615 Commerce Drive, Unit One
Easton, MD 21601
Phone (410) 819-0919
Fax (410) 819-6555

300 High Street, Suite 3
Seaford, DE 19970
Phone (302) 629-6505
Fax (302) 629-6722

www.bpenvironmental.net

August 24, 2011

John DeFriece
DE DNREC
Division of Water/Surface Water
89 Kings Highway
Dover, Delaware 19901

HAND DELIVERED

RECEIVED
AUG 24 2011
SURFACE WATER

Re: NPDES Permit Transfer
State Permit No. WPCC 3131E/76
NPDES Permit No. DE0000299
18752 Harbeson Road
Harbeson, DE 19951

Dear Mr. DeFriece:

BP Environmental, Inc. (BPE) on behalf of our clients, Allen Family Foods, Inc. (transfer) and Allen Harim Foods, LLC (transferee) and as required under Part II. General Conditions, L Transfer of Ownership or Control of Facilities, enclosed please find request for permit transfer of NPDES Permit Transfer, State Permit No. WPCC 3131E/76, NPDES Permit No. DE0000299.

The new permit should be issued to Allen Harim Foods, LLC. Please send permit to Allen Harim Foods, LLC, Technical Support Services, 126 N. Shipley Street, Seaford, DE 19973.

As you are aware, the property transfer is due to bankruptcy and tentatively scheduled to take place on September 6, 2011; therefore time is of the essence for this transfer. Thank you, in advance, for your prompt attention to this request. Please feel free to contact me if you should have any questions.

Sincerely,
BP Environmental, Inc.

Lou Ann Parson
President

Enclosure: Transfer Request
Copy of Environmental Permit Application Background Statement

cc: Dr. Gary Gladys, Allen Harim Foods, LLC
Tom Miller, Allen Family Foods, Inc.
Company Files
BPE Files

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RECEIVED
AUG 24 2011
SURFACE WATER

August 24, 2011

John DeFriece
DE DNREC
Division of Water/Surface Water
89 Kings Highway
Dover, Delaware 19901

HAND DELIVERED

Re: NPDES Permit Transfer
18752 Harbeson Road
Harbeson, DE 19951
State Permit No. WPCC 3131E/76
NPDES Permit No. DE0000299

Dear Mr. DeFriece:

This letter will serve as formal notification that Allen Family Foods, Inc. (transferor) as required under Part II, Section B – Responsibility, 6 Permit Transfer, intends to transfer ownership of the property, Harbeson Poultry Processing Plant located at 18572 Harbeson Rd, Harbeson, Delaware 19951 to Allen Harim Foods, LLC (transferee).

By signing below, it is agreed by both transferor and transferee that compliance with the terms and conditions of the permit shall be the responsibility of the transferee and further agreed that any liabilities under the permit shall be the responsibility of the transferee.

Thank you, in advance, for your prompt attention to this transfer request.

Sincerely,
Allen Family Foods, Inc.

Thomas H. Miller
Vice President of Operations

Allen Harim Foods, LLC

Dr. Gary Gladys

cc: Glen Davis, DNREC
Company File
BPE Files

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DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL ("DNREC")

ENVIRONMENTAL PERMIT APPLICATION BACKGROUND STATEMENT

Pursuant to 7 Del. C. Chapter 79

RECEIVED
AUG 24 2011
SURFACE WATER

FILING STATUS:

This Background Statement is being filed with DNREC because:

☐ 1. It is an initial application for a new permit (or permits) and the applicant or applicant company has not been issued any permits by DNREC in the previous five (5) years [See 7 Del. C. § 7902(a) and (b)];

☐ 2. It is required on an annual basis because the applicant or applicant company has been designated a chronic violator pursuant to 7 Del. C. § 7904 [See 7 Del. C. § 7902(a)(7) and (b)(2)]; or

☐ 3. It is required on an annual basis as the applicant or applicant company has been found guilty, pled guilty or no contest to any crime involving violation of environmental standards which resulted in serious physical injury or serious harm to the environment as defined in 7 Del. C. § 7902(c) [See 7 Del. C. § 7902(a)(7) and (b)(2)].

APPLICANT OR APPLICANT COMPANY'S NAME OR COMPANY'S NAME FILING STATEMENT	**Allen Harim Foods, LLC**
DATE OF APPLICATION OR DATE OF STATEMENT	August 22, 2011 Date of Settlement: September 6, 2011
PERMIT(S) BEING APPLIED FOR OR STATEMENT FOR FILING STATUSES 2 OR 3	x **Permit Type(s)** See Attached- **Appendix A** ☐ **Statement for filing Statuses 2 or 3—If filing under these statuses, attach a statement of the date of designation as Chronic Violator or the date of Conviction/Plea.**
OTHER DNREC PERMITS HELD	x **N/A – No other permits held with DNREC** ☐ **List of all DNREC permits currently held with dates of issuance and expiration attached.**

ENVIRONMENTAL PERMIT APPLICATION BACKGROUND STATEMENT

Please note: Companies filing statements pursuant to Chapter 79 have the right to identify information to be afforded confidential status pursuant to 7 Del. C. § 7903(b) and the requirements set forth in Section 6, "Requests for Confidentiality" of the DNREC *Freedom of Information Act Regulation*.

PROVIDING ALL OF THE INFORMATION REQUESTED IN THIS FORM SATISFIES THE REQUIREMENTS OF 7 DEL. C. CHAPTER 79 ("ENVIRONMENTAL PERMIT APPLICATION BACKGROUND STATEMENT") UNLESS THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL ("DNREC") OR THE DELAWARE DEPARTMENT OF JUSTICE DETERMINES THAT ADDITIONAL SUBMISSIONS ARE NECESSARY. FAILURE TO PROVIDE THE INFORMATION REQUESTED OR PROVIDING ERRONEOUS INFORMATION IS GROUNDS FOR DENYING OR REVOKING AN ENVIRONMENTAL PERMIT/APPROVAL/LICENSE, AND FOR CIVIL AND/OR CRIMINAL PENALTIES.

A. **(Authority – 7 Del. C. § 7902(a)(1&2) & § 7905)** Attach a complete list (full names) of all current members of the applicant company's board of directors, all current corporate officers, all persons owning more than 20% of the applicant's stock or other resources, all subsidiary/affiliated companies with type of business performed, street addresses, all parent companies with addresses, all companies with which the applicant's company shares two or more members of the board of directors, and the name(s) of the person(s) serving as the applicant's local chief operating officer(s) with respect to each facility covered by the permit in question or for the statement required for filing Statuses 2 or 3. [Note: For companies that do not have a *facility* located in Delaware, no listing for the local chief operating officer(s) is required].

X Information attached **See Attached Appendix B**

☐ Information attached, except for local chief operating officer as there is no facility located in the State of Delaware.

B. **(Authority - 7 Del. C. § 7905)** Please check one of the following selections below, showing type of ownership for the applicant or applicant/statement company:

☐	Proprietorship	List the state, county, book record and page number where the certificate is found (Attach hereto).
☐	Partnership	List the state, county, book record and page number where the certificate is found (Attach hereto).
X	Corporation (LLCs included)	**Wilmington, DE August 16, 2011** List the city, state, date of incorporation, .
☐	Municipality	
☐	Public Institution/ Government Agency	
☐	Other _____	

C. **(Authority - 7 Del. C. § 7902(a)(3) & § 7905)** Have any of the following been issued to or agreed to by the applicant or applicant/statement company, any employee, person, entity, or subsidiary/affiliated company, specified in response to Item A, for violation of any environmental statute, regulation, permit, license, approval, or order, regardless of the state in which it occurred, during the five years prior to the date of this application/statement

OFFENSE	YES	NO
Notice of Violation(s)		X
Administrative Order(s)		X
Administrative Penalty(ies)		X
Civil Action(s)		X
Civil Penalty(ies)		X
Civil and/or Administrative Settlement Agreement(s)		X
Permit/License/Approval Revocation		X
Arrest(s)		X
Conviction(s)		X
Criminal Penalty(ies)		X
Criminal Plea Bargain		X

D. **(Authority - 7 Del. C. § 7902(a)(3), (a)(4) & § 7905)** If you answered "yes" to any of the actions listed in Item C above for the applicant or applicant company or any other person identified in Item A, attach a description of the incidents or events leading to the issuance of each action, regardless of the state in which it occurred, for the 5 years prior to the date of the statement, and the disposition of each action, what state the action/offense occurred in, and any actions that have been taken to correct the violations that led to such enforcement action.

X N/A

☐ Information attached

E. **(Authority - 7 Del. C. § 7902(a)(5) & § 7905)** Attach a description of any felony or other criminal conviction for a crime involving harm to the environment or violation of environmental standards of any person or entity identified in Item A above that resulted in a fine greater than $1,000 or a sentence longer than 7 days, regardless of whether such fine or sentence was suspended.

X N/A

☐ Description attached

F. **(Authority - 7 Del. C. § 7902(a)(6) & § 7905)** Attach copies of any and all settlements of environmental claims involving the applicant, associated with actions identified in response to Item D above, whether or not such settlements were based on agreements where the applicant did not admit liability for the action.

X N/A

☐ Information attached

Items for Filing Statuses 2 or 3 Only

G. (Authority - 7 Del. C. § 7902(a)(7) and § 7905) If the applicant or applicant/statement company has been found guilty, pled guilty or no contest, to any crime involving violation of environmental standards which resulted in serious physical injury or serious harm to the environment attach a summary of the events involved and a copy of the disposition of the action (*See 7 Del. C. § 7902(c) for definitions of "serious physical injury" or "serious harm to the environment" before answering this question.*)

X N/A

☐ Yes – Information Attached.

H. (Authority - 7 Del. C. § 7902(a)(8)) – If the applicant or applicant/statement company has been designated a chronic violator under 7 Del. C. § 7904, a detailed written report from an independent inspector who has inspected the applicant's premises for the purpose of detecting potential safety and environmental hazards to employees and the surrounding community. The Secretary may waive the duty to submit a detailed written report upon a showing of good cause by the applicant. A showing by the applicant that the acts which caused it to be designated as a chronic violator did not jeopardize public health shall constitute "good cause" under this paragraph.

I. (Authority - 7 Del. C. § 7902(a)(7)) – If the applicant or applicant/statement company has been designated a chronic violation under § 7904 of this Title, ***OR*** has been found guilty or pled no contest to any crime involving violation of environmental standards which resulted in serious physical injury or serious harm to the environment, a statement made under oath by the applicant or applicant/statement company's local chief operating officer with respect to the facilities covered by the permit, stating that: (a) disclosures made by the applicant/reporting company under federal and state environmental statutes and regulations during the preceding calendar year have been, to the chief operating officer's knowledge, complete and accurate, and (b) that the facility has implemented policies, programs, procedures, standards or systems reasonably designated, in light of the size, scope, and nature of facility operations to detect deter and promptly correct any noncompliance with state environmental statutes and regulations. The statement filed pursuant to this paragraph shall include an acknowledgement by the affiant that intentionally false statements submitted in compliance with this paragraph constitute criminal perjury as defined at 11 Del. C. §§1221-1222.

STATE OF DELAWARE – DEPT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

ENVIRONMENTAL PERMIT BACKGROUND STATEMENT

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ THE PRECEEDING SUBMISSION, HAVE PROVIDED ALL OF THE INFORMATION REQUESTED, AND THAT ALL OF THE INFORMATION PROVIDED IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

_____ DATE: _____

SIGNATURE—APPLICANT OR
OFFICER OF APPLICANT / STATEMENT COMPANY

NAME: President Lee, In Kyu

TITLE: Board of Director

COMPANY NAME: Allen Harim Foods, LLC

ADDRESS: 126 N. Shipley Street

Seaford, DE 19973

TELEPHONE: 302-629-9460

FAX NUMBER: 302-629-9302

REGISTERED AGENT NAME: _____

ADDRESS: _____

TELEPHONE: _____

FAX NUMBER: _____

SWORN TO AND SUBSCRIBED

BEFORE ME THIS 12 **DAY OF**

August, 2011.

Joan O'Neal
NOTARY PUBLIC SIGNATURE (SEAL)

Joan E Neal
PRINTED NAME OF NOTARY PUBLIC

Delaware
STATE / COUNTY

MY COMMISSION EXPIRES ON: 12/1/11

jmb 20-24.doc Rev. 8/2006

DNREC Permit Application Background Statement – Page 6

Appendix A

DE Dept. of Natural Resources & Environmental Control
Environmental Permit Application Background Statement
List of Permits to be Transferred

Transfer of Allen Family Foods Permit for the location at 18572 Harbeson Rd, Harbeson, Delaware 19951 to **Allen Harim Foods, LLC**:

APC-81/0067 –Operation (Amendment 5)(VOCRACT) (SM)
State Permit No. WPCC 3131E/76 NPDES Permit No. DE0000299
Water Allocation Permit 89-0002AM1

Appendix B

DE Dept. of Natural Resources & Environmental Control
Environmental Permit Application Background Statement

List of Board of Directors for Allen Harim Farms, LLC are:

HongKuk Kim
InKyu Lee
HakRim Lee
Key Ung Lee
Gary Gladys, President and CEO