

2013-06-19-01

**Mackil, Molly J. (DNREC)**

---

**From:** Ashby, Bryan A. (DNREC)  
**Sent:** Thursday, June 20, 2013 6:12 PM  
**To:** Mackil, Molly J. (DNREC)  
**Subject:** FW: FOIA Request 2013-06-19-01

-----Original Message-----

**From:** Heineman, Roy W. (DNREC)  
**Sent:** Thursday, June 20, 2013 10:49 AM  
**To:** Ashby, Bryan A. (DNREC); Barndt, John T. (DNREC); Schepens, Dave J. (DNREC)  
**Subject:** FW: FOIA Request 2013-06-19-01

Please assign this FOIA request and respond directly to requestor with a cc to me. Please note: I have separately coordinated this request thru Jenny Bothell, who has forwarded it to the other divisions. Thanks

Roy

-----Original Message-----

**From:** [payans@zoominternet.net](mailto:payans@zoominternet.net) [<mailto:payans@zoominternet.net>]  
**Sent:** Wednesday, June 19, 2013 10:18 AM  
**To:** DWRFOIA (MailBox Resources)  
**Subject:** FOIA Request

I request permission to review the following documents, pursuant to the Freedom of Information Act (FOIA), Title 29, Delaware Code, Chapter 100.

**Date:** 6/19/2013  
**Name:** maria payan Peach Bottom Concerned Citizen Group  
**Company:** Ms.  
**Address:** 9 Aubel Rd  
**City:** Delta  
**State:** PA  
**Zip Code:** 17314  
**Telephone Number:** 717 659 2069  
**Fax Number:**  
**Email Address:** [payans@zoominternet.net](mailto:payans@zoominternet.net)

I request access to or a copy of the following Division of Water Resources public records:

File review-Any and all information, including emails, phone logs, memos, notes, doodles, agreements, meetings, permit applications, deficiencies, approvals, denials, transfers (with or without modifications or amendments), brownsfield agreement, relating to water, air, wetlands, driveway, construction, E & S, NPDES, Delaware Coastal zone, contamination, water sampling results and any and all information between DNREC and Allen Harim LLC and Pinnacle in regard to new Allen Harim Processing and cook facility at the old Vlasic plant in Millsboro, DE at 29984 pinnacle way dagsboro de



## **Mackil, Molly J. (DNREC)**

---

**From:** Mackil, Molly J. (DNREC)  
**Sent:** Tuesday, June 25, 2013 8:35 AM  
**To:** Davis, Glenn F. (DNREC)  
**Subject:** RE: Allen's Harim - Pinnacle Emails

I believe it can be reviewed by Roy first, I was just trying to gather everything we can find and give it to him all at once, so I'll ask for the whole folder hopefully in the next day or so. Thank you for getting this so far along in a short time! M

---

**From:** Davis, Glenn F. (DNREC)  
**Sent:** Tuesday, June 25, 2013 8:07 AM  
**To:** Mackil, Molly J. (DNREC)  
**Subject:** Allen's Harim - Pinnacle Emails

These are the only emails in my files so far. I have a whole folder of information (written). Does this need to be copied or is it going to be reviewed by Roy first??



## Mackil, Molly J. (DNREC)

---

**From:** Davis, Glenn F. (DNREC)  
**Sent:** Tuesday, June 25, 2013 8:11 AM  
**To:** Mackil, Molly J. (DNREC)  
**Subject:** FW: Meeting that is scheduled for this week

Another email on the Allen's / Pinnacle FOIA

Glenn F. Davis  
State of Delaware - DNREC  
Program Manager  
Compliance & Enforcement Branch  
Surface Water Discharges Section

Phone: 302-739-9946  
Cell: 302-632-2978  
Fax: 302-739-8369  
[glenn.davis@state.de.us](mailto:glenn.davis@state.de.us)



---

**From:** Henry Quathamer [<mailto:henry.quathamer@allenharimllc.com>]  
**Sent:** Wednesday, April 24, 2013 8:32 AM  
**To:** Davis, Glenn F. (DNREC)  
**Subject:** Meeting that is scheduled for this week

Good morning Glen. We would like to re-schedule the meeting that was set up for this week too two weeks from now which would be the week of May 6<sup>th</sup>. The reason being we have talked to Pinnacle's people on the items we found in our Phase II inspection and how we can get the items corrected. So we are at a standstill until they respond and we would not have anything else to communicate.

Looking forward hearing from you  
THANKS



## Mackil, Molly J. (DNREC)

---

**From:** Davis, Glenn F. (DNREC)  
**Sent:** Monday, June 24, 2013 2:44 PM  
**To:** Mackil, Molly J. (DNREC); DeFriece, John R. (DNREC)  
**Subject:** RE: Allen Harim/Vlasic/Pinnacle FOIA Request

John . . . might I assume that all of that information is correspondence between Allen Harim and Pinnacle as related to their potential purchase of the Pinnacle Plant for chicken processing?

Glenn F. Davis  
State of Delaware - DNREC  
Program Manager  
Compliance & Enforcement Branch  
Surface Water Discharges Section

Phone: 302-739-9946  
Cell: 302-632-2978  
Fax: 302-739-8369  
[glenn.davis@state.de.us](mailto:glenn.davis@state.de.us)



---

**From:** Mackil, Molly J. (DNREC)  
**Sent:** Monday, June 24, 2013 2:32 PM  
**To:** DeFriece, John R. (DNREC)  
**Cc:** Smith, Nicole (DNREC); Davis, Glenn F. (DNREC)  
**Subject:** RE: Allen Harim/Vlasic/Pinnacle FOIA Request

John, so the information you refer to below is all you have? and could it be forwarded (not now, but when we get it all together) to Roy to determine that it can all be released to the FOIA requester for file review?

Nicole and Glenn, could you let me know if you have anything per the FOIA request in red below? Thank you!

Molly

---

**From:** DeFriece, John R. (DNREC)  
**Sent:** Monday, June 24, 2013 2:25 PM  
**To:** Mackil, Molly J. (DNREC); Churchill, Brian (DNREC)  
**Cc:** Heineman, Roy W. (DNREC); Ashby, Bryan A. (DNREC); Roushey, Jennifer S. (DNREC)  
**Subject:** RE: Allen Harim/Vlasic/Pinnacle FOIA Request

Molly,

All the e-mails I have, including their attachments, are in the attached .pdf file.

If they really want "everything", I have another 32.3 meg of word processing (Word & WordPerfect) and spreadsheet (Excel & Lotus) files, going back to 3/1/1994.

Type	File Folder	Type	File Folder
Location	C:\Myfiles\DOCS\NPDES	Location	C:\Myfiles\EXCEL_Docs\NPDES
Size	10.5 MB (11,090,526 bytes)	Size	21.8 MB (22,860,278 bytes)
Size on disk	10.6 MB (11,198,464 bytes)	Size on disk	21.8 MB (22,917,120 bytes)
Contains	64 Files, 2 Folders	Contains	24 Files, 0 Folders
Created	Thursday, June 24, 2010 9:50:32 AM	Created	Thursday, June 24, 2010 10:12:04 AM

Nicole Smith is the compliance person for the site. Do you want also to ask her & Glenn what they have re. this FOIA?

John

John R. DeFriece, P.E.  
Environmental Engineer IV  
Discharge Permits Program  
Surface Water Discharges Section  
Division of Water Resources  
DNREC  
89 Kings Hwy.  
Dover, De. 19901

Phone: (302)739-9946  
Fax: (302)-739-8369

---

**From:** Mackil, Molly J. (DNREC)  
**Sent:** Monday, June 24, 2013 1:08 PM  
**To:** DeFriece, John R. (DNREC); Churchill, Brian (DNREC)  
**Cc:** Heineman, Roy W. (DNREC); Ashby, Bryan A. (DNREC)  
**Subject:** Allen Harim/Vlasic/Pinnacle FOIA Request

Brian, you may not be involved in this FOIA request, but I didn't know for sure...

Please see the FOIA request below (typos and errors included) :

File review-Any and all information, including emails, phone logs, memos, notes, doodles, agreements, meetings, permit applications, deficiencies, approvals, denials, transfers (with or without modifications or amendments), brownsfield agreement, relating to water, air, wetlands, driveway, construction, E & S, NPDES, Delaware Coastal zone, contamination, water sampling results and any and all information between DNREC and Allen Harim LLC and Pinnacle in regard to new Allen Harim Processing and cook facility at the old Vlasic plant in Millsbore, DE at 29984 pinnacle way dagsboro de

So, they want to review files. My question is how long this will take to gather up what we have into one place/file and have Roy review it, before I contact the requester to make an appointment to review.

Molly J. Mackil, P.E., LEED AP  
Environmental Engineer IV  
Surface Water Discharges Section, Division of Water  
Dept. of Natural Resources and Environmental Control  
State of Delaware  
89 Kings Highway, Dover, DE 19901  
Tel: 302-739-9352 Fax: 302-739-8369  
[molly.mackil@state.de.us](mailto:molly.mackil@state.de.us)



## **Mackil, Molly J. (DNREC)**

---

**From:** Davis, Glenn F. (DNREC)  
**Sent:** Tuesday, June 25, 2013 8:07 AM  
**To:** Mackil, Molly J. (DNREC)  
**Subject:** Allen's Harim - Pinnacle Emails  
**Attachments:** RE: Nutrient Question; Untitled; Allen Harim Foods deal would add jobs in Sussex; Allen's/Harim; Re: Meeting w/ Allen's Harim Tomorrow; RE: Harim; RE: Harim; RE: Harim; Pinnacle; RE: Pinnacle; Allen Harim Foods - Millsboro, DE; RE: Harim; RE: Harim; FW: Harim; Harim

These are the only emails in my files so far. I have a whole folder of information (written). Does this need to be copied or is it going to be reviewed by Roy first??



## **Mackil, Molly J. (DNREC)**

---

**From:** DeFriece, John R. (DNREC)  
**Sent:** Monday, June 24, 2013 3:51 PM  
**To:** Davis, Glenn F. (DNREC); Mackil, Molly J. (DNREC)  
**Subject:** RE: Allen Harim/Vlasic/Pinnacle FOIA Request

That'd be my guess. Still the request asked for everything, down to "doodles"!

John R. DeFriece, P.E.  
Environmental Engineer IV  
Discharge Permits Program  
Surface Water Discharges Section  
Division of Water Resources  
DNREC  
89 Kings Hwy.  
Dover, De. 19901

Phone: (302)739-9946  
Fax: (302)-739-8369

---

**From:** Davis, Glenn F. (DNREC)  
**Sent:** Monday, June 24, 2013 2:44 PM  
**To:** Mackil, Molly J. (DNREC); DeFriece, John R. (DNREC)  
**Subject:** RE: Allen Harim/Vlasic/Pinnacle FOIA Request

John . . . might I assume that all of that information is correspondence between Allen Harim and Pinnacle as related to their potential purchase of the Pinnacle Plant for chicken processing?

Glenn F. Davis  
State of Delaware - DNREC  
Program Manager  
Compliance & Enforcement Branch  
Surface Water Discharges Section

Phone: 302-739-9946  
Cell: 302-632-2978  
Fax: 302-739-8369  
[glenn.davis@state.de.us](mailto:glenn.davis@state.de.us)



---

**From:** Mackil, Molly J. (DNREC)  
**Sent:** Monday, June 24, 2013 2:32 PM  
**To:** DeFriece, John R. (DNREC)

**Cc:** Smith, Nicole (DNREC); Davis, Glenn F. (DNREC)  
**Subject:** RE: Allen Harim/Vlasic/Pinnacle FOIA Request

John, so the information you refer to below is all you have? and could it be forwarded (not now, but when we get it all together) to Roy to determine that it can all be released to the FOIA requester for file review?

Nicole and Glenn, could you let me know if you have anything per the FOIA request in red below? Thank you!

Molly

---

**From:** DeFriece, John R. (DNREC)  
**Sent:** Monday, June 24, 2013 2:25 PM  
**To:** Mackil, Molly J. (DNREC); Churchill, Brian (DNREC)  
**Cc:** Heineman, Roy W. (DNREC); Ashby, Bryan A. (DNREC); Roushey, Jennifer S. (DNREC)  
**Subject:** RE: Allen Harim/Vlasic/Pinnacle FOIA Request

Molly,

All the e-mails I have, including their attachments, are in the attached .pdf file.

If they really want "everything", I have another 32.3 meg of word processing (Word & WordPerfect) and spreadsheet (Excel & Lotus) files, going back to 3/1/1994.

Type	File Folder	Type	File Folder
Location:	C:\Myfiles\DOCS\NPDES	Location:	C:\Myfiles\EXCEL_Docs\NPDES
Size:	10.5 MB (11,090,526 bytes)	Size:	21.8 MB (22,860,278 bytes)
Size on disk:	10.6 MB (11,198,464 bytes)	Size on disk:	21.8 MB (22,917,120 bytes)
Contains:	64 Files, 2 Folders	Contains:	24 Files, 0 Folders
Created:	Thursday, June 24, 2010, 9:50:32 AM	Created:	Thursday, June 24, 2010, 10:12:04 AM

Nicole Smith is the compliance person for the site. Do you want also to ask her & Glenn what they have re. this FOIA?

John

John R. DeFriece, P.E.  
Environmental Engineer IV  
Discharge Permits Program  
Surface Water Discharges Section  
Division of Water Resources  
DNREC  
89 Kings Hwy.  
Dover, De. 19901

Phone: (302)739-9946  
Fax: (302)-739-8369

---

**From:** Mackil, Molly J. (DNREC)  
**Sent:** Monday, June 24, 2013 1:08 PM

**To:** DeFriece, John R. (DNREC); Churchill, Brian (DNREC)  
**Cc:** Heineman, Roy W. (DNREC); Ashby, Bryan A. (DNREC)  
**Subject:** Allen Harim/Vlasic/Pinnacle FOIA Request

Brian, you may not be involved in this FOIA request, but I didn't know for sure...

Please see the FOIA request below (typos and errors included) :

File review-Any and all information, including emails, phone logs, memos, notes, doodles, agreements, meetings, permit applications, deficiencies, approvals, denials, transfers (with or without modifications or amendments), brownsfield agreement, relating to water, air, wetlands, driveway, construction, E & S, NPDES, Delaware Coastal zone, contamination, water sampling results and any and all information between DNREC and Allen Harim LLC and Pinnacle in regard to new Allen Harim Processing and cook facility at the old Vlasic plant in Millsboro, DE at 29984 pinnacle way dagsboro de

So, they want to review files. My question is how long this will take to gather up what we have into one place/file and have Roy review it, before I contact the requester to make an appointment to review.

Molly J. Mackil, P.E., LEED AP  
Environmental Engineer IV  
Surface Water Discharges Section, Division of Water  
Dept. of Natural Resources and Environmental Control  
State of Delaware  
89 Kings Highway, Dover, DE 19901  
Tel: 302-739-9352 Fax: 302-739-8369  
[molly.mackil@state.de.us](mailto:molly.mackil@state.de.us)



## Mackil, Molly J. (DNREC)

---

**From:** Mackil, Molly J. (DNREC)  
**Sent:** Monday, June 24, 2013 2:32 PM  
**To:** DeFriece, John R. (DNREC)  
**Cc:** Smith, Nicole (DNREC); Davis, Glenn F. (DNREC)  
**Subject:** RE: Allen Harim/Vlasic/Pinnacle FOIA Request

John, so the information you refer to below is all you have? and could it be forwarded (not now, but when we get it all together) to Roy to determine that it can all be released to the FOIA requester for file review?

Nicole and Glenn, could you let me know if you have anything per the FOIA request in red below? Thank you!

Molly

---

**From:** DeFriece, John R. (DNREC)  
**Sent:** Monday, June 24, 2013 2:25 PM  
**To:** Mackil, Molly J. (DNREC); Churchill, Brian (DNREC)  
**Cc:** Heineman, Roy W. (DNREC); Ashby, Bryan A. (DNREC); Roushey, Jennifer S. (DNREC)  
**Subject:** RE: Allen Harim/Vlasic/Pinnacle FOIA Request

Molly,

All the e-mails I have, including their attachments, are in the attached .pdf file.

If they really want "everything", I have another 32.3 meg of word processing (Word & WordPerfect) and spreadsheet (Excel & Lotus) files, going back to 3/1/1994.

Type	File Folder	Type	File Folder
Location	C:\Myfiles\DOCS\NPDES	Location	C:\Myfiles\EXCEL_Docs\NPDES
Size:	10.5 MB (11,090,526 bytes)	Size:	21.8 MB (22,960,278 bytes)
Size on disk:	10.6 MB (11,198,464 bytes)	Size on disk:	21.8 MB (22,917,120 bytes)
Contains	64 Files, 2 Folders	Contains	24 Files, 0 Folders
Created	Thursday, June 24, 2010, 9:50:32 AM	Created:	Thursday, June 24, 2010, 10:12:04 AM

Nicole Smith is the compliance person for the site. Do you want also to ask her & Glenn what they have re. this FOIA?

John

John R. DeFriece, P.E.  
Environmental Engineer IV  
Discharge Permits Program  
Surface Water Discharges Section  
Division of Water Resources  
DNREC  
89 Kings Hwy.

Dover, De. 19901

Phone: (302)739-9946

Fax: (302)-739-8369

---

**From:** Mackil, Molly J. (DNREC)

**Sent:** Monday, June 24, 2013 1:08 PM

**To:** DeFriece, John R. (DNREC); Churchill, Brian (DNREC)

**Cc:** Heineman, Roy W. (DNREC); Ashby, Bryan A. (DNREC)

**Subject:** Allen Harim/Vlasic/Pinnacle FOIA Request

Brian, you may not be involved in this FOIA request, but I didn't know for sure...

Please see the FOIA request below (typos and errors included) :

File review-Any and all information, including emails, phone logs, memos, notes, doodles, agreements, meetings, permit applications, deficiencies, approvals, denials, transfers (with or without modifications or amendments), brownsfield agreement, relating to water, air, wetlands, driveway, construction, E & S, NPDES, Delaware Coastal zone, contamination, water sampling results and any and all information between DNREC and Allen Harim LLC and Pinnacle in regard to new Allen Harim Processing and cook facility at the old Vlasic plant in Millsboro, DE at 29984 pinnacle way dagsboro de

So, they want to review files. My question is how long this will take to gather up what we have into one place/file and have Roy review it, before I contact the requester to make an appointment to review.

Molly J. Mackil, P.E., LEED AP

Environmental Engineer IV

Surface Water Discharges Section, Division of Water

Dept. of Natural Resources and Environmental Control

State of Delaware

89 Kings Highway, Dover, DE 19901

Tel: 302-739-9352 Fax: 302-739-8369

[molly.mackil@state.de.us](mailto:molly.mackil@state.de.us)

## Mackil, Molly J. (DNREC)

---

**From:** DeFriece, John R. (DNREC)  
**Sent:** Monday, June 24, 2013 2:25 PM  
**To:** Mackil, Molly J. (DNREC); Churchill, Brian (DNREC)  
**Cc:** Heineman, Roy W. (DNREC); Ashby, Bryan A. (DNREC); Roushey, Jennifer S. (DNREC)  
**Subject:** RE: Allen Harim/Vlasic/Pinnacle FOIA Request  
**Attachments:** Allens FF.20130624pdf.pdf

Molly,

All the e-mails I have, including their attachments, are in the attached .pdf file.

If they really want "everything", I have another 32.3 meg of word processing (Word & WordPerfect) and spreadsheet (Excel & Lotus) files, going back to 3/1/1994.

Type	File Folder	Type	File Folder
Location:	C:\Myfiles\DOCS\NPDES	Location:	C:\Myfiles\EXCEL_Docs\NPDES
Size:	10.5 MB (11,090,526 bytes)	Size:	21.8 MB (22,860,278 bytes)
Size on disk:	10.6 MB (11,198,464 bytes)	Size on disk:	21.8 MB (22,917,120 bytes)
Contains:	64 Files, 2 Folders	Contains:	24 Files, 0 Folders
Created:	Thursday, June 24, 2010 9:50:32 AM	Created:	Thursday, June 24, 2010 10:12:04 AM

Nicole Smith is the compliance person for the site. Do you want also to ask her & Glenn what they have re. this FOIA?

John

John R. DeFriece, P.E.  
Environmental Engineer IV  
Discharge Permits Program  
Surface Water Discharges Section  
Division of Water Resources  
DNREC  
89 Kings Hwy.  
Dover, De. 19901

Phone: (302)739-9946  
Fax: (302)-739-8369

---

**From:** Mackil, Molly J. (DNREC)  
**Sent:** Monday, June 24, 2013 1:08 PM  
**To:** DeFriece, John R. (DNREC); Churchill, Brian (DNREC)  
**Cc:** Heineman, Roy W. (DNREC); Ashby, Bryan A. (DNREC)  
**Subject:** Allen Harim/Vlasic/Pinnacle FOIA Request

Brian, you may not be involved in this FOIA request, but I didn't know for sure...

Please see the FOIA request below (typos and errors included) :

File review-Any and all information, including emails, phone logs, memos, notes, doodles, agreements, meetings, permit applications, deficiencies, approvals, denials, transfers (with or without modifications or amendments), brownsfield agreement, relating to water, air, wetlands, driveway, construction, E & S, NPDES, Delaware Coastal zone, contamination, water sampling results and any and all information between DNREC and Allen Harim LLC and Pinnacle in regard to new Allen Harim Processing and cook facility at the old Vlastic plant in Millsboro, DE at 29984 pinnacle way dagsboro de

So, they want to review files. My question is how long this will take to gather up what we have into one place/file and have Roy review it, before I contact the requester to make an appointment to review.

Molly J. Mackil, P.E., LEED AP  
Environmental Engineer IV  
Surface Water Discharges Section, Division of Water  
Dept. of Natural Resources and Environmental Control  
State of Delaware  
89 Kings Highway, Dover, DE 19901  
Tel: 302-739-9352 Fax: 302-739-8369  
[molly.mackil@state.de.us](mailto:molly.mackil@state.de.us)

## **Mackil, Molly J. (DNREC)**

---

**From:** DeFriece, John R. (DNREC)  
**Sent:** Monday, June 24, 2013 3:48 PM  
**To:** Mackil, Molly J. (DNREC)  
**Subject:** RE: Allen Harim/Vlasic/Pinnacle FOIA Request

Could copy to P: drive. I think everyone could get to it, and it allows us to delete it when we're done.

Otherwise, could put on a flash drive.

John R. DeFriece, P.E.  
Environmental Engineer IV  
Discharge Permits Program  
Surface Water Discharges Section  
Division of Water Resources  
DNREC  
89 Kings Hwy.  
Dover, De. 19901

Phone: (302)739-9946  
Fax: (302)-739-8369

---

**From:** Mackil, Molly J. (DNREC)  
**Sent:** Monday, June 24, 2013 2:32 PM  
**To:** DeFriece, John R. (DNREC)  
**Cc:** Smith, Nicole (DNREC); Davis, Glenn F. (DNREC)  
**Subject:** RE: Allen Harim/Vlasic/Pinnacle FOIA Request

John, so the information you refer to below is all you have? and could it be forwarded (not now, but when we get it all together) to Roy to determine that it can all be released to the FOIA requester for file review?

Nicole and Glenn, could you let me know if you have anything per the FOIA request in red below? Thank you!

Molly

---

**From:** DeFriece, John R. (DNREC)  
**Sent:** Monday, June 24, 2013 2:25 PM  
**To:** Mackil, Molly J. (DNREC); Churchill, Brian (DNREC)  
**Cc:** Heineman, Roy W. (DNREC); Ashby, Bryan A. (DNREC); Roushey, Jennifer S. (DNREC)  
**Subject:** RE: Allen Harim/Vlasic/Pinnacle FOIA Request

Molly,

All the e-mails I have, including their attachments, are in the attached .pdf file.

If they really want "everything", I have another 32.3 meg of word processing (Word & WordPerfect) and spreadsheet (Excel & Lotus) files, going back to 3/1/1994.

Type	File Folder
Location	C:\Myfiles\DOCS\NPDES
Size	10.5 MB (11,090,526 bytes)
Size on disk	10.6 MB (11,198,464 bytes)
Contains	64 Files, 2 Folders
Created:	Thursday, June 24, 2010, 9:50:32 AM

Type	File Folder
Location	C:\Myfiles\EXCEL_Docs\NPDES
Size	21.8 MB (22,860,278 bytes)
Size on disk	21.8 MB (22,917,120 bytes)
Contains	24 Files, 0 Folders
Created:	Thursday, June 24, 2010, 10:12:04 AM

Nicole Smith is the compliance person for the site. Do you want also to ask her & Glenn what they have re. this FOIA?

John

John R. DeFriece, P.E.  
 Environmental Engineer IV  
 Discharge Permits Program  
 Surface Water Discharges Section  
 Division of Water Resources  
 DNREC  
 89 Kings Hwy.  
 Dover, De. 19901

Phone: (302)739-9946  
 Fax: (302)-739-8369

---

**From:** Mackil, Molly J. (DNREC)  
**Sent:** Monday, June 24, 2013 1:08 PM  
**To:** DeFriece, John R. (DNREC); Churchill, Brian (DNREC)  
**Cc:** Heineman, Roy W. (DNREC); Ashby, Bryan A. (DNREC)  
**Subject:** Allen Harim/Vlasic/Pinnacle FOIA Request

Brian, you may not be involved in this FOIA request, but I didn't know for sure...

Please see the FOIA request below (typos and errors included) :

File review-Any and all information, including emails, phone logs, memos, notes, doodles, agreements, meetings, permit applications, deficiencies, approvals, denials, transfers (with or without modifications or amendments), brownsfield agreement, relating to water, air, wetlands, driveway, construction, E & S, NPDES, Delaware Coastal zone, contamination, water sampling results and any and all information between DNREC and Allen Harim LLC and Pinnacle in regard to new Allen Harim Processing and cook facility at the old Vlasic plant in Millsboro, DE at 29984 pinnacle way dagsboro de

So, they want to review files. My question is how long this will take to gather up what we have into one place/file and have Roy review it, before I contact the requester to make an appointment to review.

Molly J. Mackil, P.E., LEED AP  
 Environmental Engineer IV  
 Surface Water Discharges Section, Division of Water  
 Dept. of Natural Resources and Environmental Control  
 State of Delaware  
 89 Kings Highway, Dover, DE 19901

Tel: 302-739-9352 Fax: 302-739-8369  
[molly.mackil@state.de.us](mailto:molly.mackil@state.de.us)



## **Mackil, Molly J. (DNREC)**

---

**From:** Mackil, Molly J. (DNREC)  
**Sent:** Monday, June 24, 2013 1:51 PM  
**To:** 'payans@zoominternet.net'  
**Subject:** Allen Harim/Pinnacle/Vlasic

We are working on gathering the information that we have pertaining to your FOIA request, then that information will be reviewed in-house. We will let you know when the applicable information is available for review. Please let me know if you have any questions at this point.

Molly J. Mackil, P.E., LEED AP  
Environmental Engineer IV  
Surface Water Discharges Section, Division of Water  
Dept. of Natural Resources and Environmental Control  
State of Delaware  
89 Kings Highway, Dover, DE 19901  
Tel: 302-739-9352 Fax: 302-739-8369  
[molly.mackil@state.de.us](mailto:molly.mackil@state.de.us)



## Mackil, Molly J. (DNREC)

---

**From:** Mackil, Molly J. (DNREC)  
**Sent:** Thursday, July 18, 2013 2:40 PM  
**To:** 'payans@zoominternet.net'  
**Cc:** Stiller, Kathleen M. (DNREC); Scott Edwards; Michele Merkel; danielled  
**Subject:** RE: FOIA Rspnse

That is being discussed and we will keep you posted weekly or sooner.

Molly J. Mackil, P.E., LEED AP  
Environmental Engineer IV  
Surface Water Discharges Section, Division of Water  
Dept. of Natural Resources and Environmental Control  
State of Delaware  
89 Kings Highway, Dover, DE 19901  
Tel: 302-739-9352 Fax: 302-739-8369  
[molly.mackil@state.de.us](mailto:molly.mackil@state.de.us)

---

**From:** [payans@zoominternet.net](mailto:payans@zoominternet.net) [<mailto:payans@zoominternet.net>]  
**Sent:** Thursday, July 18, 2013 2:35 PM  
**To:** Mackil, Molly J. (DNREC)  
**Cc:** Stiller, Kathleen M. (DNREC); Scott Edwards; Michele Merkel; danielled  
**Subject:** Re: FOIA Rspnse

Thank you Molly. You did not confirm my analysis of our phone call.

I would like to confirm what you stated during our telephone conversation earlier today. You stated that after I submitted my FOIA request with DNREC on the proposed Allen Harim poultry plant, you contacted the facility owners to see if they wished to make a confidentiality claim on any of the records sought in my request. Please correct me if this is not an accurate restatement of what you communicated to me.

Assuming I did not mishear what you said, in essence, you solicited a confidentiality claim from the facility owner/operator after you received my FOIA request. Permit applicants have the ability to claim confidentiality at the time they submit documentation to the agency as it is common knowledge that such information becomes subject to public review upon submittal. My FOIA request was submitted before DNREC contacted the facility to see if a confidentiality claim was desired. In fact, it seems my FOIA request is what triggered your communication with the applicant soliciting a confidentiality claim. If the applicant wished to viably claim any of the records as being confidential, they could have and should have initiated this upon submittal of the information and prior to my FOIA request.

It is my position that since no confidentiality claim was made by the applicant prior to the submittal of my FOIA request, any documents that they may now subsequently claim as confidential would not be applicable to my request. Your solicitation of a confidentiality claim from them after I submitted my request and your withholding of this information until you receive any claims is inappropriate. As such, I ask that you release the documents responsive to my request without further delay.

maria

**From:** "Molly J. Mackil (DNREC)" <[Molly.Mackil@state.de.us](mailto:Molly.Mackil@state.de.us)>  
**To:** [payans@zoominternet.net](mailto:payans@zoominternet.net)  
**Sent:** Thursday, July 18, 2013 2:24:20 PM  
**Subject:** FOIA Rspnse

Ms. Payan,

I'm sorry about sending the wrong permit. Please see the attached and let me know if you have any questions.

Molly J. Mackil, P.E., LEED AP  
Environmental Engineer IV  
Surface Water Discharges Section, Division of Water  
Dept. of Natural Resources and Environmental Control  
State of Delaware  
89 Kings Highway, Dover, DE 19901  
Tel: 302-739-9352 Fax: 302-739-8369  
[molly.mackil@state.de.us](mailto:molly.mackil@state.de.us)

## **Mackil, Molly J. (DNREC)**

---

**From:** payans@zoominternet.net  
**Sent:** Wednesday, July 17, 2013 6:07 PM  
**To:** Mackil, Molly J. (DNREC)  
**Cc:** Stiller, Kathleen M. (DNREC); Michele Merkel; danielled; Scott Edwards  
**Subject:** Re: FOIA Response 2013-06-19-01

Dear Ms. Mackil:

Thank you for providing the NPDES permit. I would like to confirm what you stated during our telephone conversation earlier today. You stated that after I submitted my FOIA request with DNREC on the proposed Allen Harim poultry plant, you contacted the facility owners to see if they wished to make a confidentiality claim on any of the records sought in my request. Please correct me if this is not an accurate restatement of what you communicated to me.

Assuming I did not mishear what you said, in essence, you solicited a confidentiality claim from the facility owner/operator after you received my FOIA request. Permit applicants have the ability to claim confidentiality at the time they submit documentation to the agency as it is common knowledge that such information becomes subject to public review upon submittal. My FOIA request was submitted before DNREC contacted the facility to see if a confidentiality claim was desired. In fact, it seems my FOIA request is what triggered your communication with the applicant soliciting a confidentiality claim. If the applicant wished to viably claim any of the records as being confidential, they could have and should have initiated this upon submittal of the information and prior to my FOIA request.

It is my position that since no confidentiality claim was made by the applicant prior to the submittal of my FOIA request, any documents that they may now subsequently claim as confidential would not be applicable to my request. Your solicitation of a confidentiality claim from them after I submitted my request and your withholding of this information until you receive any claims is inappropriate. As such, I ask that you release the documents responsive to my request without further delay.

With regards to the permit that you have provided. This appears to be a permit for the Harberson facility, not the former Vlasic Pickle operation on Pinnacle Road in Millsboro. I requested information pertaining to the facility that was the old Vlasic pickle operation and now the proposed poultry plant by Allen Harim. Therefore I do not believe the permit file you have provided is responsive to my FOIA request. Please advise if I am incorrect on this.

Thank you for your assistance.

Sincerely:

Maria Payan

---

**From:** "Molly J. Mackil (DNREC)" <[Molly.Mackil@state.de.us](mailto:Molly.Mackil@state.de.us)>  
**To:** [payans@zoominternet.net](mailto:payans@zoominternet.net)  
**Sent:** Tuesday, July 16, 2013 12:07:10 PM  
**Subject:** FOIA Response 2013-06-19-01

Ms. Payans:

In response to your telephone request today, in conjunction with your June 19<sup>th</sup> FOIA request, please see the attached NPDES Permit. As we discussed, you have followed up on the Air Permit and Brownfield Agreement with other State agencies. Per the original request, some of the documents are being reviewed by our Legal Department as well as the facility owner, to determine their release status. We don't know at this time how long this will take, but we will keep you posted weekly.

Please let me know if you have any questions.

Molly J. Mackil, P.E., LEED AP  
Environmental Engineer IV  
Surface Water Discharges Section, Division of Water  
Dept. of Natural Resources and Environmental Control  
State of Delaware  
89 Kings Highway, Dover, DE 19901  
Tel: 302-739-9352 Fax: 302-739-8369  
[molly.mackil@state.de.us](mailto:molly.mackil@state.de.us)

## **Mackil, Molly J. (DNREC)**

---

**From:** Heineman, Roy W. (DNREC)  
**Sent:** Thursday, July 18, 2013 7:38 AM  
**To:** Ashby, Bryan A. (DNREC); Bothell, Jennifer M. (DNREC)  
**Cc:** Mackil, Molly J. (DNREC)  
**Subject:** FW: Re: FOIA Response 2013-06-19-01

**Importance:** High

I would like to meet to discuss this issue before we formulate a response. Please advise as to your availability to meet today, tomorrow or early next week. Thanks

Roy

---

**From:** Stiller, Kathleen M. (DNREC)  
**Sent:** Wednesday, July 17, 2013 6:58 PM  
**To:** Heineman, Roy W. (DNREC)  
**Subject:** Fwd: Re: FOIA Response 2013-06-19-01

Roy,  
Would you please help with a response to this email.  
Thanks  
Kathy  
Sent from my VERIZON Wireless 4G LTE SmartPhone

----- Original message -----

**Subject:** Re: FOIA Response 2013-06-19-01  
**From:** [payans@zoominternet.net](mailto:payans@zoominternet.net)  
**To:** "Mackil, Molly J. (DNREC)" <[Molly.Mackil@state.de.us](mailto:Molly.Mackil@state.de.us)>  
**Cc:** "Stiller, Kathleen M. (DNREC)" <[Kathleen.Stiller@state.de.us](mailto:Kathleen.Stiller@state.de.us)>, Michele Merkel <[mmerkel@fwwatch.org](mailto:mmerkel@fwwatch.org)>, danielled <[danielled@sraproject.org](mailto:danielled@sraproject.org)>, Scott Edwards <[sedwards@fwwatch.org](mailto:sedwards@fwwatch.org)>

Dear Ms. Mackil:

Thank you for providing the NPDES permit. I would like to confirm what you stated during our telephone conversation earlier today. You stated that after I submitted my FOIA request with DNREC on the proposed Allen Harim poultry plant, you contacted the facility owners to see if they wished to make a confidentiality claim on any of the records sought in my request. Please correct me if this is not an accurate restatement of what you communicated to me.

Assuming I did not mishear what you said, in essence, you solicited a confidentiality claim from the facility owner/operator after you received my FOIA request. Permit applicants have the ability to claim confidentiality at the time they submit documentation to the agency as it is common knowledge that such information becomes subject to public review upon submittal. My FOIA request was submitted before DNREC contacted the facility to see if a confidentiality claim was desired. In fact, it seems my FOIA request is what triggered your communication with the applicant soliciting a confidentiality claim. If the applicant wished to viably claim any of the records as being confidential, they could have and should have initiated this upon submittal of the information and prior to my FOIA request.

It is my position that since no confidentiality claim was made by the applicant prior to the submittal of my FOIA request, any documents that they may now subsequently claim as confidential would not be applicable to my request. Your solicitation of a confidentiality claim from them after I submitted my request and your withholding of this information until you receive any claims is inappropriate. As such, I ask that you release the documents responsive to my request without further delay.

With regards to the permit that you have provided. This appears to be a permit for the Harberson facility, not the former Vlasic Pickle operation on Pinnacle Road in Millsboro. I requested information pertaining to the facility that was the old Vlasic pickle operation and now the proposed poultry plant by Allen Harim. Therefore I do not believe the permit file you have provided is responsive to my FOIA request. Please advise if I am incorrect on this.

Thank you for your assistance.

Sincerely:

Maria Payan

---

**From:** "Molly J. Mackil (DNREC)" <[Molly.Mackil@state.de.us](mailto:Molly.Mackil@state.de.us)>  
**To:** [payans@zoominternet.net](mailto:payans@zoominternet.net)  
**Sent:** Tuesday, July 16, 2013 12:07:10 PM  
**Subject:** FOIA Response 2013-06-19-01

Ms. Payans:

In response to your telephone request today, in conjunction with your June 19<sup>th</sup> FOIA request, please see the attached NPDES Permit. As we discussed, you have followed up on the Air Permit and Brownfield Agreement with other State agencies. Per the original request, some of the documents are being reviewed by our Legal Department as well as the facility owner, to determine their release status. We don't know at this time how long this will take, but we will keep you posted weekly.

Please let me know if you have any questions.

Molly J. Mackil, P.E., LEED AP  
Environmental Engineer IV  
Surface Water Discharges Section, Division of Water  
Dept. of Natural Resources and Environmental Control  
State of Delaware  
89 Kings Highway, Dover, DE 19901  
Tel: 302-739-9352 Fax: 302-739-8369  
[molly.mackil@state.de.us](mailto:molly.mackil@state.de.us)

## **Mackil, Molly J. (DNREC)**

---

**From:** Mackil, Molly J. (DNREC)  
**Sent:** Thursday, July 18, 2013 2:24 PM  
**To:** payans@zoominternet.net  
**Subject:** FOIA Rspose  
**Attachments:** PinnacleNPDES Permit.pdf

Ms. Payan,

I'm sorry about sending the wrong permit. Please see the attached and let me know if you have any questions.

Molly J. Mackil, P.E., LEED AP  
Environmental Engineer IV  
Surface Water Discharges Section, Division of Water  
Dept. of Natural Resources and Environmental Control  
State of Delaware  
89 Kings Highway, Dover, DE 19901  
Tel: 302-739-9352 Fax: 302-739-8369  
[molly.mackil@state.de.us](mailto:molly.mackil@state.de.us)



## **Mackil, Molly J. (DNREC)**

---

**From:** Mackil, Molly J. (DNREC)  
**Sent:** Wednesday, June 26, 2013 8:20 AM  
**To:** Heineman, Roy W. (DNREC)  
**Subject:** Allen Harim/Pinnacle FOIA

I understand from Bryan Ashby that you may be preparing a coordinated response for this FOIA? I have some files from John Defriece and Glenn Davis (some electronically, and a hard copy file). I need to confirm that is all we have – we of course want you to review first. Please let me know.

Molly



## Mackil, Molly J. (DNREC)

---

**From:** DeFriece, John R. (DNREC)  
**Sent:** Thursday, June 27, 2013 2:24 PM  
**To:** Mackil, Molly J. (DNREC)  
**Cc:** Heineman, Roy W. (DNREC)  
**Subject:** RE: Allen Harim/Vlasic/Pinnacle FOIA Request

Molly,

Oy, apparently that "save as .pdf" just plain doesn't work!

So, I put everything into P:\John DeFriece\FOIA.Allen\_FF. You and Roy should both be able to get to it. The .pst is an "Outlook Data File". Open it with Outlook, and you should see it as just another folder in your e-mail window.

Please let me know when you do not need them on P: anymore, so I can clear them off that drive.

John

John R. DeFriece, P.E.  
Environmental Engineer IV  
Discharge Permits Program  
Surface Water Discharges Section  
Division of Water Resources  
DNREC  
89 Kings Hwy.  
Dover, De. 19901

Phone: (302)739-9946  
Fax: (302)-739-8369

---

**From:** Mackil, Molly J. (DNREC)  
**Sent:** Thursday, June 27, 2013 1:38 PM  
**To:** DeFriece, John R. (DNREC)  
**Subject:** FW: Allen Harim/Vlasic/Pinnacle FOIA Request

I printed the above and it is 3 pages – can you send the rest? Thanks, M

---

**From:** DeFriece, John R. (DNREC)  
**Sent:** Monday, June 24, 2013 2:25 PM  
**To:** Mackil, Molly J. (DNREC); Churchill, Brian (DNREC)  
**Cc:** Heineman, Roy W. (DNREC); Ashby, Bryan A. (DNREC); Roushey, Jennifer S. (DNREC)  
**Subject:** RE: Allen Harim/Vlasic/Pinnacle FOIA Request

Molly,

All the e-mails I have, including their attachments, are in the attached .pdf file.

If they really want "everything", I have another 32.3 meg of word processing (Word & WordPerfect) and spreadsheet (Excel & Lotus) files, going back to 3/1/1994.

Type	File Folder	Type	File Folder
Location	C:\Myfiles\DOCS\NPDES	Location	C:\Myfiles\EXCEL_Docs\NPDES
Size	10.5 MB (11,090,526 bytes)	Size	21.8 MB (22,860,278 bytes)
Size on disk	10.6 MB (11,198,464 bytes)	Size on disk	21.8 MB (22,917,120 bytes)
Contains	64 Files, 2 Folders	Contains	24 Files, 0 Folders
Created:	Thursday, June 24, 2010, 9:50:32 AM	Created:	Thursday, June 24, 2010, 10:12:04 AM

Nicole Smith is the compliance person for the site. Do you want also to ask her & Glenn what they have re. this FOIA?

John

John R. DeFriece, P.E.  
Environmental Engineer IV  
Discharge Permits Program  
Surface Water Discharges Section  
Division of Water Resources  
DNREC  
89 Kings Hwy.  
Dover, De. 19901

Phone: (302)739-9946  
Fax: (302)-739-8369

---

**From:** Mackil, Molly J. (DNREC)  
**Sent:** Monday, June 24, 2013 1:08 PM  
**To:** DeFriece, John R. (DNREC); Churchill, Brian (DNREC)  
**Cc:** Heineman, Roy W. (DNREC); Ashby, Bryan A. (DNREC)  
**Subject:** Allen Harim/Vlasic/Pinnacle FOIA Request

Brian, you may not be involved in this FOIA request, but I didn't know for sure...

Please see the FOIA request below (typos and errors included) :

File review-Any and all information, including emails, phone logs, memos, notes, doodles, agreements, meetings, permit applications, deficiencies, approvals, denials, transfers (with or without modifications or amendments), brownsfield agreement, relating to water, air, wetlands, driveway, construction, E & S, NPDES, Delaware Coastal zone, contamination, water sampling results and any and all information between DNREC and Allen Harim LLC and Pinnacle in regard to new Allen Harim Processing and cook facility at the old Vlasic plant in Millsboro, DE at 29984 pinnacle way dagsboro de

So, they want to review files. My question is how long this will take to gather up what we have into one place/file and have Roy review it, before I contact the requester to make an appointment to review.

Molly J. Mackil, P.E., LEED AP  
Environmental Engineer IV  
Surface Water Discharges Section, Division of Water

Dept. of Natural Resources and Environmental Control  
State of Delaware  
89 Kings Highway, Dover, DE 19901  
Tel: 302-739-9352 Fax: 302-739-8369  
[molly.mackil@state.de.us](mailto:molly.mackil@state.de.us)



## **Mackil, Molly J. (DNREC)**

---

**From:** Mackil, Molly J. (DNREC)  
**Sent:** Wednesday, June 26, 2013 9:40 AM  
**To:** Heineman, Roy W. (DNREC)  
**Subject:** RE: FOIA Request DW 2013-06-19-01

OK, thank you! I think SWDS can meet the July 11th deadline. Molly

-----Original Message-----

**From:** Heineman, Roy W. (DNREC)  
**Sent:** Wednesday, June 26, 2013 8:43 AM  
**To:** Mackil, Molly J. (DNREC)  
**Subject:** FW: FOIA Request DW 2013-06-19-01  
**Importance:** High

I am not personally responding to this request. I had forwarded the initial FOIA request to Jenny Bothell as this could potentially involve action from other divisions/OTS. As for DW, each section is evaluating what information they have and will contact the requestor directly with a cc to me.

-----Original Message-----

**From:** Heineman, Roy W. (DNREC)  
**Sent:** Wednesday, June 19, 2013 2:56 PM  
**To:** Bothell, Jennifer M. (DNREC)  
**Subject:** FW: FOIA Request DW 2013-06-19-01  
**Importance:** High

Jenny: Since this has some rather high profile exposure, I wanted to pass this through to you so that you might forward to the other potentially impacted divisions and also advise OTS . I will circulate it through DW and ensure that DW will respond directly with requestor.

Roy

-----Original Message-----

**From:** [payans@zoominternet.net](mailto:payans@zoominternet.net) [<mailto:payans@zoominternet.net>]  
**Sent:** Wednesday, June 19, 2013 10:18 AM  
**To:** DWRFOIA (MailBox Resources)  
**Subject:** FOIA Request

I request permission to review the following documents, pursuant to the Freedom of Information Act (FOIA), Title 29, Delaware Code, Chapter 100.

**Date:** 6/19/2013  
**Name:** maria payan Peach Bottom Concerned Citizen Group  
**Company:** Ms.  
**Address:** 9 Aubel Rd  
**City:** Delta  
**State:** PA  
**Zip Code:** 17314  
**Telephone Number:** 717 659 2069

Fax Number:

Email Address: [payans@zoominternet.net](mailto:payans@zoominternet.net)

I request access to or a copy of the following Division of Water Resources public records:

File review-Any and all information, including emails, phone logs, memos, notes, doodles, agreements, meetings, permit applications, deficiencies, approvals, denials, transfers (with or without modifications or amendments), brownsfield agreement, relating to water, air, wetlands, driveway, construction, E & S, NPDES, Delaware Coastal zone, contamination, water sampling results and any and all information between DNREC and Allen Harim LLC and Pinnacle in regard to new Allen Harim Processing and cook facility at the old Vlastic plant in Millsboro, DE at 29984 pinnacle way dagsboro de

## Mackil, Molly J. (DNREC)

---

**From:** Mackil, Molly J. (DNREC)  
**Sent:** Wednesday, June 26, 2013 8:16 AM  
**To:** 'payans@zoominternet.net'  
**Subject:** RE: Allen Harim/Pinnacle/Vlasic  
**Attachments:** FOIAPolicy.pdf

Please see the attached current FOIA Policy – for most requests, we can meet the 15 business day response time (July 11), but for a request of this magnitude, it may take longer. We will keep you informed on our progress.

Molly J. Mackil, P.E., LEED AP  
Environmental Engineer IV  
Surface Water Discharges Section, Division of Water  
Dept. of Natural Resources and Environmental Control  
State of Delaware  
89 Kings Highway, Dover, DE 19901  
Tel: 302-739-9352 Fax: 302-739-8369  
[molly.mackil@state.de.us](mailto:molly.mackil@state.de.us)

---

**From:** [payans@zoominternet.net](mailto:payans@zoominternet.net) [<mailto:payans@zoominternet.net>]  
**Sent:** Tuesday, June 25, 2013 7:38 PM  
**To:** Mackil, Molly J. (DNREC)  
**Subject:** Re: Allen Harim/Pinnacle/Vlasic

Thank you Molly. My only question is the time frame-I'm assuming it is within the 14 day time frame for response?

Sincerely,

maria payan

---

**From:** "Molly J. Mackil (DNREC)" <[Molly.Mackil@state.de.us](mailto:Molly.Mackil@state.de.us)>  
**To:** "[payans@zoominternet.net](mailto:payans@zoominternet.net)" <[payans@zoominternet.net](mailto:payans@zoominternet.net)>  
**Sent:** Monday, June 24, 2013 1:50:41 PM  
**Subject:** Allen Harim/Pinnacle/Vlasic

We are working on gathering the information that we have pertaining to your FOIA request, then that information will be reviewed in-house. We will let you know when the applicable information is available for review. Please let me know if you have any questions at this point.

Molly J. Mackil, P.E., LEED AP  
Environmental Engineer IV  
Surface Water Discharges Section, Division of Water  
Dept. of Natural Resources and Environmental Control  
State of Delaware  
89 Kings Highway, Dover, DE 19901  
Tel: 302-739-9352 Fax: 302-739-8369  
[molly.mackil@state.de.us](mailto:molly.mackil@state.de.us)



## Mackil, Molly J. (DNREC)

---

**From:** Mackil, Molly J. (DNREC)  
**Sent:** Wednesday, July 10, 2013 8:56 AM  
**To:** 'payans@zoominternet.net'  
**Subject:** RE: Allen Harim/Pinnacle/Vlasic

We wanted to let you know that we have compiled the information requested in your FOIA request, but we are working on some issues related to the release of this information. The response will not be ready by tomorrow, but we will keep you updated weekly on our progress. Please let me know if you have any questions.

Molly J. Mackil, P.E., LEED AP  
Environmental Engineer IV  
Surface Water Discharges Section, Division of Water  
Dept. of Natural Resources and Environmental Control  
State of Delaware  
89 Kings Highway, Dover, DE 19901  
Tel: 302-739-9352 Fax: 302-739-8369  
[molly.mackil@state.de.us](mailto:molly.mackil@state.de.us)

---

**From:** Mackil, Molly J. (DNREC)  
**Sent:** Wednesday, June 26, 2013 8:16 AM  
**To:** 'payans@zoominternet.net'  
**Subject:** RE: Allen Harim/Pinnacle/Vlasic

Please see the attached current FOIA Policy – for most requests, we can meet the 15 business day response time (July 11), but for a request of this magnitude, it may take longer. We will keep you informed on our progress.

Molly J. Mackil, P.E., LEED AP  
Environmental Engineer IV  
Surface Water Discharges Section, Division of Water  
Dept. of Natural Resources and Environmental Control  
State of Delaware  
89 Kings Highway, Dover, DE 19901  
Tel: 302-739-9352 Fax: 302-739-8369  
[molly.mackil@state.de.us](mailto:molly.mackil@state.de.us)

---

**From:** [payans@zoominternet.net](mailto:payans@zoominternet.net) [<mailto:payans@zoominternet.net>]  
**Sent:** Tuesday, June 25, 2013 7:38 PM  
**To:** Mackil, Molly J. (DNREC)  
**Subject:** Re: Allen Harim/Pinnacle/Vlasic

Thank you Molly. My only question is the time frame-I'm assuming it is within the 14 day time frame for response?

Sincerely,

maria payan

---

**From:** "Molly J. Mackil (DNREC)" <[Molly.Mackil@state.de.us](mailto:Molly.Mackil@state.de.us)>  
**To:** "[payans@zoominternet.net](mailto:payans@zoominternet.net)" <[payans@zoominternet.net](mailto:payans@zoominternet.net)>

**Sent:** Monday, June 24, 2013 1:50:41 PM  
**Subject:** Allen Harim/Pinnacle/Vlasic

We are working on gathering the information that we have pertaining to your FOIA request, then that information will be reviewed in-house. We will let you know when the applicable information is available for review. Please let me know if you have any questions at this point.

Molly J. Mackil, P.E., LEED AP  
Environmental Engineer IV  
Surface Water Discharges Section, Division of Water  
Dept. of Natural Resources and Environmental Control  
State of Delaware  
89 Kings Highway, Dover, DE 19901  
Tel: 302-739-9352 Fax: 302-739-8369  
[molly.mackil@state.de.us](mailto:molly.mackil@state.de.us)

## **Mackil, Molly J. (DNREC)**

---

**From:** Mackil, Molly J. (DNREC)  
**Sent:** Tuesday, July 16, 2013 12:07 PM  
**To:** payans@zoominternet.net  
**Subject:** FOIA Response 2013-06-19-01  
**Attachments:** CurrentNPDESPermitsSigned090611,Effect050106.pdf

Ms. Payans:

In response to your telephone request today, in conjunction with your June 19<sup>th</sup> FOIA request, please see the attached NPDES Permit. As we discussed, you have followed up on the Air Permit and Brownfield Agreement with other State agencies. Per the original request, some of the documents are being reviewed by our Legal Department as well as the facility owner, to determine their release status. We don't know at this time how long this will take, but we will keep you posted weekly.

Please let me know if you have any questions.

Molly J. Mackil, P.E., LEED AP  
Environmental Engineer IV  
Surface Water Discharges Section, Division of Water  
Dept. of Natural Resources and Environmental Control  
State of Delaware  
89 Kings Highway, Dover, DE 19901  
Tel: 302-739-9352 Fax: 302-739-8369  
[molly.mackil@state.de.us](mailto:molly.mackil@state.de.us)



## **Mackil, Molly J. (DNREC)**

---

**From:** Mackil, Molly J. (DNREC)  
**Sent:** Tuesday, July 16, 2013 12:10 PM  
**To:** payans@zoominternet.net  
**Subject:** FOIA Response

Please note, the NPDES permit that was just sent has an expiration date of April 30, 2011 – that permit is administratively extended, meaning that all the limits and conditions contained in the permit remain in full effect until we issue a new permit.

Molly J. Mackil, P.E., LEED AP  
Environmental Engineer IV  
Surface Water Discharges Section, Division of Water  
Dept. of Natural Resources and Environmental Control  
State of Delaware  
89 Kings Highway, Dover, DE 19901  
Tel: 302-739-9352 Fax: 302-739-8369  
[molly.mackil@state.de.us](mailto:molly.mackil@state.de.us)



## **Mackil, Molly J. (DNREC)**

---

**From:** Mackil, Molly J. (DNREC)  
**Sent:** Thursday, October 10, 2013 12:10 PM  
**To:** Ashby, Bryan A. (DNREC); Heineman, Roy W. (DNREC); Chase, Marla K. (DNREC)  
**Subject:** FW: Allen Harim FOIA Request  
**Attachments:** AllenHarimInfo.pdf

**From:** Mackil, Molly J. (DNREC)  
**Sent:** Thursday, October 10, 2013 12:09 PM  
**To:** Bothell, Jennifer M. (DNREC)  
**Subject:** Allen Harim FOIA Request

Please see the attached information from Glenn Davis and let me know if you have any questions or if I need to do anything on my end. The original was returned to Glenn, my mistake!

Molly J. Mackil, P.E., LEED AP  
Environmental Engineer IV  
Surface Water Discharges Section, Division of Water  
Dept. of Natural Resources and Environmental Control  
State of Delaware  
89 Kings Highway, Dover, DE 19901  
Tel: 302-739-9352 Fax: 302-739-8369  
[molly.mackil@state.de.us](mailto:molly.mackil@state.de.us)



## **Mackil, Molly J. (DNREC)**

---

**From:** Heineman, Roy W. (DNREC)  
**Sent:** Thursday, July 18, 2013 8:39 AM  
**To:** Ashby, Bryan A. (DNREC); Bothell, Jennifer M. (DNREC)  
**Cc:** Mackil, Molly J. (DNREC)  
**Subject:** RE: Re: FOIA Response 2013-06-19-01

**Importance:** High

Can we meet at 130pm today in Kathy's office?

---

**From:** Ashby, Bryan A. (DNREC)  
**Sent:** Thursday, July 18, 2013 8:33 AM  
**To:** Bothell, Jennifer M. (DNREC); Heineman, Roy W. (DNREC)  
**Cc:** Mackil, Molly J. (DNREC)  
**Subject:** RE: Re: FOIA Response 2013-06-19-01

Free today except from 10-12. Free tomorrow. Out all next week.

Bryan

---

**From:** Bothell, Jennifer M. (DNREC)  
**Sent:** Thursday, July 18, 2013 8:11 AM  
**To:** Heineman, Roy W. (DNREC); Ashby, Bryan A. (DNREC)  
**Cc:** Mackil, Molly J. (DNREC)  
**Subject:** RE: Re: FOIA Response 2013-06-19-01

Roy...I can meet anytime today and I'm in until 11:00 a.m. tomorrow...Thanks...Jenny.

---

**From:** Heineman, Roy W. (DNREC)  
**Sent:** Thursday, July 18, 2013 7:38 AM  
**To:** Ashby, Bryan A. (DNREC); Bothell, Jennifer M. (DNREC)  
**Cc:** Mackil, Molly J. (DNREC)  
**Subject:** FW: Re: FOIA Response 2013-06-19-01  
**Importance:** High

I would like to meet to discuss this issue before we formulate a response. Please advise as to your availability to meet today, tomorrow or early next week. Thanks

Roy

---

**From:** Stiller, Kathleen M. (DNREC)  
**Sent:** Wednesday, July 17, 2013 6:58 PM  
**To:** Heineman, Roy W. (DNREC)  
**Subject:** Fwd: Re: FOIA Response 2013-06-19-01

Roy,  
Would you please help with a response to this email.  
Thanks  
Kathy  
Sent from my VERIZON Wireless 4G LTE SmartPhone

----- Original message -----

Subject: Re: FOIA Response 2013-06-19-01

From: [payans@zoominternet.net](mailto:payans@zoominternet.net)

To: "Mackil, Molly J. (DNREC)" <[Molly.Mackil@state.de.us](mailto:Molly.Mackil@state.de.us)>

Cc: "Stiller, Kathleen M. (DNREC)" <[Kathleen.Stiller@state.de.us](mailto:Kathleen.Stiller@state.de.us)>, Michele Merkel <[mmerkel@fwwatch.org](mailto:mmerkel@fwwatch.org)>, danielled <[danielled@sraproject.org](mailto:danielled@sraproject.org)>, Scott Edwards <[sedwards@fwwatch.org](mailto:sedwards@fwwatch.org)>

Dear Ms. Mackil:

Thank you for providing the NPDES permit. I would like to confirm what you stated during our telephone conversation earlier today. You stated that after I submitted my FOIA request with DNREC on the proposed Allen Harim poultry plant, you contacted the facility owners to see if they wished to make a confidentiality claim on any of the records sought in my request. Please correct me if this is not an accurate restatement of what you communicated to me.

Assuming I did not mishear what you said, in essence, you solicited a confidentiality claim from the facility owner/operator after you received my FOIA request. Permit applicants have the ability to claim confidentiality at the time they submit documentation to the agency as it is common knowledge that such information becomes subject to public review upon submittal. My FOIA request was submitted before DNREC contacted the facility to see if a confidentiality claim was desired. In fact, it seems my FOIA request is what triggered your communication with the applicant soliciting a confidentiality claim. If the applicant wished to viably claim any of the records as being confidential, they could have and should have initiated this upon submittal of the information and prior to my FOIA request.

It is my position that since no confidentiality claim was made by the applicant prior to the submittal of my FOIA request, any documents that they may now subsequently claim as confidential would not be applicable to my request. Your solicitation of a confidentiality claim from them after I submitted my request and your withholding of this information until you receive any claims is inappropriate. As such, I ask that you release the documents responsive to my request without further delay.

With regards to the permit that you have provided. This appears to be a permit for the Harberson facility, not the former Vlastic Pickle operation on Pinnacle Road in Millsboro. I requested information pertaining to the facility that was the old Vlastic pickle operation and now the proposed poultry plant by Allen Harim. Therefore I do not believe the permit file you have provided is responsive to my FOIA request. Please advise if I am incorrect on this.

Thank you for your assistance.

Sincerely:

Maria Payan

---

**From:** "Molly J. Mackil (DNREC)" <[Molly.Mackil@state.de.us](mailto:Molly.Mackil@state.de.us)>

**To:** [payans@zoominternet.net](mailto:payans@zoominternet.net)

**Sent:** Tuesday, July 16, 2013 12:07:10 PM

**Subject:** FOIA Response 2013-06-19-01

Ms. Payans:

In response to your telephone request today, in conjunction with your June 19<sup>th</sup> FOIA request, please see the attached NPDES Permit. As we discussed, you have followed up on the Air Permit and Brownfield Agreement with other State agencies. Per the original request, some of the documents are being reviewed by our Legal Department as well as the facility owner, to determine their release status. We don't know at this time how long this will take, but we will keep you posted weekly.

Please let me know if you have any questions.

Molly J. Mackil, P.E., LEED AP  
Environmental Engineer IV  
Surface Water Discharges Section, Division of Water  
Dept. of Natural Resources and Environmental Control  
State of Delaware  
89 Kings Highway, Dover, DE 19901  
Tel: 302-739-9352 Fax: 302-739-8369  
[molly.mackil@state.de.us](mailto:molly.mackil@state.de.us)



## **Mackil, Molly J. (DNREC)**

---

**From:** Bothell, Jennifer M. (DNREC)  
**Sent:** Thursday, October 10, 2013 12:16 PM  
**To:** Mackil, Molly J. (DNREC)  
**Subject:** RE: Allen Harim FOIA Request

Thanks Molly. Which documents within this pdf were not previously provided to Ms. Wilton? Just want to be able to tell her what documents were being kept confidential....I know the cost listing (starting on page 18) was one document, but wasn't sure if there were other pages in this pdf that were considered confidential? Thanks....Jenny.

---

**From:** Mackil, Molly J. (DNREC)  
**Sent:** Thursday, October 10, 2013 12:09 PM  
**To:** Bothell, Jennifer M. (DNREC)  
**Subject:** Allen Harim FOIA Request

Please see the attached information from Glenn Davis and let me know if you have any questions or if I need to do anything on my end. The original was returned to Glenn, my mistake!

Molly J. Mackil, P.E., LEED AP  
Environmental Engineer IV  
Surface Water Discharges Section, Division of Water  
Dept. of Natural Resources and Environmental Control  
State of Delaware  
89 Kings Highway, Dover, DE 19901  
Tel: 302-739-9352 Fax: 302-739-8369  
[molly.mackil@state.de.us](mailto:molly.mackil@state.de.us)



## **Mackil, Molly J. (DNREC)**

---

**From:** Heineman, Roy W. (DNREC)  
**Sent:** Friday, July 26, 2013 9:48 AM  
**To:** Ashby, Bryan A. (DNREC); Davis, Glenn F. (DNREC); Mackil, Molly J. (DNREC)  
**Cc:** Stiller, Kathleen M. (DNREC)  
**Subject:** FW: FOIA Request - Division of Water/Surfacewater 2013006-19-01; Allen Harim/Pinnacle Foods Site  
**Attachments:** Payan FOIA Pinnacle Harim 7\_26\_13.pdf  
**Importance:** High

FYI- Part 1 of DNREC's official response.

Roy

---

**From:** Bothell, Jennifer M. (DNREC)  
**Sent:** Friday, July 26, 2013 9:31 AM  
**To:** [Payans@zoominternet.net](mailto:Payans@zoominternet.net)  
**Cc:** Heineman, Roy W. (DNREC)  
**Subject:** FOIA Request - Division of Water/Surfacewater 2013006-19-01; Allen Harim/Pinnacle Foods Site

Ms. Payans, please find attached a letter concerning your above referenced FOIA request. Thank you! Jenny Bothell

Jennifer M. Bothell  
Enforcement Coordinator and FOIA Coordinator  
Office of the Secretary, Community Services  
Delaware Department of Natural Resources  
and Environmental Control  
89 Kings Highway  
Dover, DE 19901  
Phone: (302) 739-9037 or (302) 739-9000  
Fax: (302) 739-6242  
[jennifer.bothell@state.de.us](mailto:jennifer.bothell@state.de.us)



## **Mackil, Molly J. (DNREC)**

---

**From:** Mackil, Molly J. (DNREC)  
**Sent:** Thursday, October 10, 2013 12:58 PM  
**To:** Bothell, Jennifer M. (DNREC)  
**Cc:** Ashby, Bryan A. (DNREC); Heineman, Roy W. (DNREC); Chase, Marla K. (DNREC)  
**Subject:** RE: Allen Harim FOIA Request  
**Attachments:** FOIA Rspnse; FW: FOIA Request - Division of Water/Surfacewater 2013006-19-01; Allen Harim/Pinnacle Foods Site; FW: Request for Confidentiality - Pinnacle Foods Site, Millsboro, DE; Updated Permit and letter for Allen Harim Foods; Work for Re-issuing Allen Harim & Perdue; "Administratively Complete Letter" For Allens Family Foods; AL-130-18; Harbeson; DE 0000299; AL-130-18 Harbeson NPDES renewal.msg; Allen Family Foods (DE0000299) Name Change to Allen Harim Foods LLC; Allens Name Change docs. for your signature; Allen's Ownership Trans.; DE0000299 Allen Harim Foods LLC -- Name Change; FW: Allen Family Foods - Bankruptcy Notice; FW: Allen's Family Foods/Harim ; FW: DE0000299 Allen Harim Foods LLC -- Name Change; Need specific date; RE: AL-130-18; Harbeson; DE 0000299; RE: AL-130-18; Harbeson; DE 0000299; RE: AL-130-18; Harbeson NPDES renewal; RE: AL-130-18; Harbeson NPDES renewal; RE: Allen Family Foods - Bankruptcy Notice; RE: Allen Family Foods - Bankruptcy Notice; RE: Allen Family Foods - Bankruptcy Notice; RE: Allen's Family Foods/Harim ; RE: Need specific date Al-130-18 ; RE: Need specific date Al-130-18 ; RE: Need specific date Al-130-18 ; Allen's Harim - Pinnacle Emails; FW: Meeting that is scheduled for this week

The only response from Surface Water was the attached Pinnacle NPDES Permit ("FOIA Rspnse"). Roy did the official response per the two attached 13-7-26 emails ("FW:FOIA Request..." and "FW: Request for Confidentiality..."). In reviewing the files, John DeFriece and Glenn also provided the attached emails (all the rest of the attachments)– THESE HAVE NOT BEEN REVIEWED AS FAR AS I KNOW.

Molly J. Mackil, P.E., LEED AP  
Environmental Engineer IV  
Surface Water Discharges Section, Division of Water  
Dept. of Natural Resources and Environmental Control  
State of Delaware  
89 Kings Highway, Dover, DE 19901  
Tel: 302-739-9352 Fax: 302-739-8369  
[molly.mackil@state.de.us](mailto:molly.mackil@state.de.us)

---

**From:** Bothell, Jennifer M. (DNREC)  
**Sent:** Thursday, October 10, 2013 12:16 PM  
**To:** Mackil, Molly J. (DNREC)  
**Subject:** RE: Allen Harim FOIA Request

Thanks Molly. Which documents within this pdf were not previously provided to Ms. Wilton? Just want to be able to tell her what documents were being kept confidential....I know the cost listing (starting on page 18) was one document, but wasn't sure if there were other pages in this pdf that were considered confidential? Thanks....Jenny.

---

**From:** Mackil, Molly J. (DNREC)  
**Sent:** Thursday, October 10, 2013 12:09 PM

**To:** Bothell, Jennifer M. (DNREC)  
**Subject:** Allen Harim FOIA Request

Please see the attached information from Glenn Davis and let me know if you have any questions or if I need to do anything on my end. The original was returned to Glenn, my mistake!

Molly J. Mackil, P.E., LEED AP  
Environmental Engineer IV  
Surface Water Discharges Section, Division of Water  
Dept. of Natural Resources and Environmental Control  
State of Delaware  
89 Kings Highway, Dover, DE 19901  
Tel: 302-739-9352 Fax: 302-739-8369  
[molly.mackil@state.de.us](mailto:molly.mackil@state.de.us)

## **Mackil, Molly J. (DNREC)**

---

**From:** Heineman, Roy W. (DNREC)  
**Sent:** Friday, July 26, 2013 9:53 AM  
**To:** Ashby, Bryan A. (DNREC); Davis, Adam (DHSS); Davis, Glenn F. (DNREC); Mackil, Molly J. (DNREC)  
**Cc:** Stiller, Kathleen M. (DNREC)  
**Subject:** FW: Request for Confidentiality - Pinnacle Foods Site, Millsboro, DE  
**Attachments:** Allen Harim Confidentiality Ltr to Quathamers.pdf

Part 2 of DNREC's response.

When Bryan returns to the office next week, I'd like to have a brief meeting to discuss lessons learned/plan forward, at your convenience. Please advise.

Roy

---

**From:** Bothell, Jennifer M. (DNREC)  
**Sent:** Friday, July 26, 2013 9:35 AM  
**To:** [Henry.Quathamers@allenharimllc.com](mailto:Henry.Quathamers@allenharimllc.com)  
**Cc:** Heineman, Roy W. (DNREC)  
**Subject:** Request for Confidentiality - Pinnacle Foods Site, Millsboro, DE

Dear Mr. Quathamers, please find attached correspondence regarding your above-referenced request. Please contact me if you have any questions. Thank you....Jenny Bothell

Jennifer M. Bothell  
Enforcement Coordinator and FOIA Coordinator  
Office of the Secretary, Community Services  
Delaware Department of Natural Resources  
and Environmental Control  
89 Kings Highway  
Dover, DE 19901  
Phone: (302) 739-9037 or (302) 739-9000  
Fax: (302) 739-6242  
[jennifer.bothell@state.de.us](mailto:jennifer.bothell@state.de.us)



## Mackil, Molly J. (DNREC)

---

**From:** Heineman, Roy W. (DNREC)  
**Sent:** Tuesday, September 17, 2013 8:40 AM  
**To:** Mackil, Molly J. (DNREC)  
**Subject:** FW: Request for Public Records (FOIA) - Attorney-client Privileged

**Importance:** High

Molly: FYI.

Roy

-----Original Message-----

**From:** Bothell, Jennifer M. (DNREC)  
**Sent:** Tuesday, September 17, 2013 8:22 AM  
**To:** Durstein III, Ralph (DOJ); Small, David (DNREC)  
**Cc:** Heineman, Roy W. (DNREC)  
**Subject:** RE: Request for Public Records (FOIA) - Attorney-client Privileged

Thanks Dirk...Jenny.

-----Original Message-----

**From:** Durstein III, Ralph (DOJ)  
**Sent:** Tuesday, September 17, 2013 8:20 AM  
**To:** Bothell, Jennifer M. (DNREC); Small, David (DNREC)  
**Subject:** RE: Request for Public Records (FOIA) - Attorney-client Privileged

I think the company has made this simple. In the absence of any assertion of their confidentiality claim, the information can be provided. They have waived the claim. We should send Allen/Harim a letter telling them we are providing the information requested.

Dirk Durstein  
Deputy Attorney General  
Environmental Unit  
Civil Division  
State of Delaware

---

**From:** Bothell, Jennifer M. (DNREC)  
**Sent:** Monday, September 16, 2013 8:47 AM  
**To:** Small, David (DNREC); Durstein III, Ralph (DOJ)  
**Subject:** FW: Request for Public Records (FOIA) - Attorney-client Privileged

Dave and Dirk - I received a second request from Cindy Wilton regarding Harim's confidentiality request. I have not received any correspondence from Harim since we re-sent our original request to them to provide further information. I was awaiting Dirk's return to get some feedback on how to address/answer the requestor regarding the confidentiality request. In the meantime, I will let Ms. Wilton know we are working on a response to her requests. Thanks...Jenny.

-----Original Message-----

**From:** [cindywilton2@gmail.com](mailto:cindywilton2@gmail.com) [<mailto:cindywilton2@gmail.com>]

Sent: Friday, September 13, 2013 10:38 AM  
To: Bothell, Jennifer M. (DNREC)  
Subject: Request for Public Records (FOIA)

Date of request: Friday, September 13, 2013

Public Body

-----  
To: [jennifer.bothell@state.de.us](mailto:jennifer.bothell@state.de.us)  
Other (if selected):

Requestor

-----  
Name: Cindy Wilton

Mailing Address

Address1: 27927 possum point road  
Address2:  
Address3:  
City: millsboro State: de Zip: 19966

Contact

Phone: 3029348050 Email:

Records Requested

-----  
I am requesting the written confidentiality claim submitted by Allen Harim to DNREC regarding any plans, permits, emails, meetings, doodles, scribbles, notes, and any and ALL information regarding Vlastic/Pinnacle Plant in Millsboro Delaware for the take over of poultry processing plant.

Contact if cost is greater than

## **Mackil, Molly J. (DNREC)**

---

**From:** Mackil, Molly J. (DNREC)  
**Sent:** Thursday, October 10, 2013 12:09 PM  
**To:** Bothell, Jennifer M. (DNREC)  
**Subject:** Allen Harim FOIA Request  
**Attachments:** AllenHarimInfo.pdf

Please see the attached information from Glenn Davis and let me know if you have any questions or if I need to do anything on my end. The original was returned to Glenn, my mistake!

Molly J. Mackil, P.E., LEED AP  
Environmental Engineer IV  
Surface Water Discharges Section, Division of Water  
Dept. of Natural Resources and Environmental Control  
State of Delaware  
89 Kings Highway, Dover, DE 19901  
Tel: 302-739-9352 Fax: 302-739-8369  
[molly.mackil@state.de.us](mailto:molly.mackil@state.de.us)



## Mackil, Molly J. (DNREC)

---

**From:** Mackil, Molly J. (DNREC)  
**Sent:** Monday, November 25, 2013 11:13 AM  
**To:** Heineman, Roy W. (DNREC)  
**Subject:** Draft FOIA Response 2013-11-25-01  
**Attachments:** 2013.10.4 -Permit Renewal Appl.pdf

Roy, this is my draft response, please let me know your thoughts.

Ms. Wilton:

In response to your November 25, 2013, FOIA request regarding Vlastic/Pinnacle and/or Allen Harim, Iron Branch Road, Millsboro, DE 9966, including NPDES Permit No. DE 0000736 (WPCC 3245E/74) permit applications, and any related documents, since November 1, 2011, and any permit transfer records, the Surface Water Discharges Section (SWDS) of the Division of Water, Department of Natural Resources and Environmental Control, responds:

Please see the attached NPDES Permit No. DE 0000736 permit renewal application dated October 4, 2013. No change of ownership or transfer of permit requests have been received.

Please note, other information may have already been provided or may be forthcoming from other State agencies.

Regarding the "all records related" part of your request, we have expended one (1) hour of administrative time to prepare the files from that general time frame that may or may not contain related documents and correspondence. There are a couple of options if you would like to review, copy and/or scan these files:

1. You can call 302-739-9946 to set up an appointment to come in and review the files, bringing your own copier/scanner, paper and any other supplies necessary to make copies or scan the documents yourself. For this option, let us know how much time we should allocate for review time with administrative oversight and we will prepare an invoice, payable in advance of the appointment. Typically, this could be 3 hours in the morning (8:30 am to 11:30 am) and/or three hours in the afternoon (1:00 pm to 4:00 pm).
2. You can call the number above to set up an appointment to come in and review the files, placing tabs on the documents you would like us to copy or scan. For this option, let us know how much time we should allocate for review time with administrative oversight and we will prepare an invoice as in #1 above. After the tabs are placed, we will prepare another invoice, including administrative and copying costs, as applicable.

Just as an fyi, the SWDS administers seven (7) programs, including Concentrated Animal Feed Operations (CAFO), Biosolids (sludge), Municipal Separate Storm Sewer Systems (MS4), Industrial Storm Water, National Pollutant Discharge Elimination System (NPDES), Pesticides, and Wastewater Construction permits.

Please let me know if you have any questions.

Molly J. Mackil, P.E., LEED AP  
Environmental Engineer IV  
Surface Water Discharges Section, Division of Water  
Dept. of Natural Resources and Environmental Control  
State of Delaware  
89 Kings Highway, Dover, DE 19901  
Tel: 302-739-9352 Fax: 302-739-8369  
[molly.mackil@state.de.us](mailto:molly.mackil@state.de.us)



## Mackil, Molly J. (DNREC)

---

**From:** Heineman, Roy W. (DNREC)  
**Sent:** Monday, November 25, 2013 9:48 AM  
**To:** Ashby, Bryan A. (DNREC); Schepens, Dave J. (DNREC)  
**Cc:** Mackil, Molly J. (DNREC)  
**Subject:** FW: A FOIA request from the Web FOIA 2013-11-25-01

Please assign this FOIA and respond directly to requestor with a cc to me. Suggest we handle this like we did the other blanket request for Harim?Pinnacle- lets gather the pertinent files and then contact requestor to set up a time when she can come in and inspect the files and determine what she wants copied. Thanks.

Roy

-----Original Message-----

**From:** Miller, Megan (DNREC)  
**Sent:** Monday, November 25, 2013 9:13 AM  
**To:** Heineman, Roy W. (DNREC)  
**Subject:** FW: A FOIA request from the Web

Good Morning Roy,

I was told Water should be included on this FOIA request.

Any questions please let me know,

Thank you ,  
Megan Miller

-----Original Message-----

**From:** [none@state.de.us](mailto:none@state.de.us) [<mailto:none@state.de.us>]  
**Sent:** Friday, November 22, 2013 7:24 PM  
**To:** [cindywilton2@gmail.com](mailto:cindywilton2@gmail.com); Sargent, Tracy L. (DNREC); Hill, Nicole D (DNREC); Miller, Megan (DNREC)  
**Subject:** A FOIA request from the Web

Date: 11/22/2013

Name of Requester: cindy wilton  
Requester's Company Name:  
Requester's Address:  
27927 possum point rd millsboro, de 19966

Phone: 3029348050

Fax:

Site or Facility Name: Vlastic/Pinnacle and or Allen Harim Name of Facility Owner:

Specific Street Address: Iron Branch road  
millsboro 19966

E-Mail Address: [cindywilton2@gmail.com](mailto:cindywilton2@gmail.com)

Media(s) of Interest:

AQM: X ERB: X S&HW: X TMB: X

SIRB: X ES: X

I am writing to request the records described below pursuant to the Delaware Freedom of Information Act, 29 Del. C. ch.100.

I. Description of Records Sought

Please produce the following records identifying, mentioning, discussing, describing, reporting, comprising, listing or analyzing the following:

1.all records related to permit applications, or reapplications, for NPDES permit DE 0000736/Sate Permit Number WPCC 3245E/74. Please produce all records described above that were prepared, revised, transmitted, dated or received any time from November 1, 2011 to the present.

2.to the extent not captured by request number 1, all records related to a proposed permit transfer of NPDES permit DE 0000736/Sate Permit Number WPCC 3245E/74.

The term "records" is used herein to mean anything denoted by the use of that word or its singular form in the text of FOIA. In particular, the term includes, but is not limited to, all writings (handwritten, typed, electronic, or otherwise produced, reproduced, or stored) in DNREC's possession, including, but not limited to, correspondence, minutes of meetings, memoranda, notes, e-mails, notices, telephonic facsimiles, charts, tables, presentations, orders and filings. "Records" shall not include e-mails stored on back-up tapes or other similar long-term permanent storage devices in a central location, but shall include e-mails – stored either electronically or in paper form – within the immediate control of any DNREC employees possessing information responsive to this request.

DELAWARE DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL DIVISION OF AIR & WASTE  
MANAGEMENT FOIA REQUEST PROCESSOR  
156 SOUTH STATE STREET, DOVER, DE 19901 (302)739-4791 INTERNET ADDRESS: [www.dnrec.state.de.us](http://www.dnrec.state.de.us)