



**AUTHORIZATION TO CONSTRUCT UNDER THE
LAWS OF THE STATE OF DELAWARE**

PART I

1. **In compliance with the provisions of 7 Del. C., §6003,**

**Allen Harim Foods, LLC
126 north Shipley Street
Seaford, DE 19973**

is authorized to construct facilities consisting of the following:

Two (2) Raw Wastewater Pumps, one (1) Flow Equalization Basin, two (2) Recycle Pressurization Pumps, three (30 larger HP motors for the existing DAF Cell, two (20 Effluent Pumps, One (1) Jet Aeration Header, Jet Recirculation Pump and Air Supply Blower, one (1) Final Clarifier, one (1) Ultra Violet Effluent Disinfection System, modification to the existing RAS/WAS Pump Station, and related improvements, to serve the Allen Harim chicken processing facility located at 18752 Harbeson Road, Harbeson, Sussex County, Delaware,

in accordance with plans and specifications as described below and limitations, requirements and other conditions set forth in Parts I, II and III hereof.

2. The plans and specifications consist of the following:

Thirty-two (32) drawings* prepared by Reid Engineering Company, Inc., titled "Allen Harim Foods, LLC – Harbeson, Delaware – Wastewater Treatment System – Upgrade & Expansion – Phase One", dated August 21, 2015, revised through October 9, 2015; the Application for the Construction of Wastewater Collection and Conveyance Systems (Phase 1), dated August 21, 2015, and any subsequent addenda thereto; the Final Design Summary of Wastewater Treatment System Upgrades & Expansion (Phase 1), dated August 21, 2015, and any subsequent addenda thereto; the Technical Specifications for Wastewater Treatment System Upgrade & Expansion (Phase 1), dated August 21, 2015, and any subsequent addenda thereto; and related calculations.

* Sheet Nos. Cover, Index, C100 through C104, C200 through C202, F100, F200, M100, M101, M200 through M203, M300, M400, M401, M500, M501, M600 through M604, M700, M701, D100 and D200:
Sheet No. Cover titled "Bid Set"; Sheet No. Index titled "Drawing Index"; Sheet No. C100 titled "Existing Conditions Site Plan"; Sheet No. C101 titled "Demolition Plan"; Sheet No. C102 titled "Location Plan Key Sheet"; Sheet No. C103 titled "Location Plan (Southwest Area)"; Sheet No. C104 titled "Location Plan (Northeast Area)"; Sheet No. C200 titled

Bryan A. Ashby

Bryan A. Ashby, Manager
Surface Water Discharges Section
Division of Water
State of Delaware Department of Natural Resources
and Environmental Control

12/18/15

Date Signed

"Underground Piping Key Sheet"; Sheet No. C201 titled "Underground Piping Plan (Southwest Area)"; Sheet No. C202 titled "Underground Piping Plan (Northeast Area)"; Sheet No. F100 titled "Wastewater Flow Schematic"; Sheet No. F200 titled "Hydraulic Profile"; Sheet No. M100 titled "Southwest Area Plan"; Sheet No. M101 titled "Northeast Area Plan"; Sheet No. M200 titled "Existing DAF Equipment Building"; Sheet No. M201 titled "Existing DAF Equipment Building Modifications"; Sheet No. M202 titled "Existing Raw Waste Pump Station Modifications Plan"; Sheet No. M203 titled "Existing Raw Waste Pump Station Section & Details"; Sheet No. M300 titled "Reactor No. 1 Effluent Pump Station Plan & Sections"; Sheet No. M400 titled "DAF Pretreatment System FEB Plan"; Sheet No. M401 titled "DAF Pretreatment System FEB Sections & Details"; Sheet No. M500 titled "Existing CMAS Basin No. 1 Plan"; Sheet No. M501 titled "Existing CMAS Basin No. 1 Sections & Details"; Sheet No. M600 titled "New Clarifier No. 2 Plan"; Sheet No. M601 titled "New Clarifier No. 2 Section & Details"; Sheet No. M602 titled "RAS & WAS Pump Station Area Plan"; Sheet No. M603 titled "RAS & WAS Pump Station Plans"; Sheet No. M604 titled "RAS & WAS Pump Stations Sections & Details"; Sheet No. M700 titled "UV Disinfection System Area Plan"; Sheet No. M701 titled "UV Disinfection System Plan Section & Details"; Sheet No. D100 titled "Miscellaneous Notes & Details"; and Sheet No. D200 titled "General Piping Notes & Details"

3. The liquid waste will be discharged through the Allen Harim Harbeson Wastewater Treatment Facility which discharges treated wastewater in accordance with NPDES Permit No. DE 0000299.

A. Effluent Limitations on Pollutants Attributable to Industrial Users

The use of the constructed facility is conditioned on meeting all applicable pretreatment standards under 40 CFR, Part 403, or toxic pollutant discharge limitations under Section 307(a) of the Clean Water Act of 1977, PL 95-217.

B. Flow and Usage Limitations

This permit authorizes a daily average discharge of N/A gallons*. The flow in the system shall be measured at least every N/A.

* This permit authorizes only the construction of the wastewater collection and conveyance facilities referenced herein.

C. Monitoring and Reporting (When Required)

1. Representative sampling of the volume and nature of the monitored discharge shall be conducted at the request of the Division of Water.

2. Reporting

Monitoring results shall be reported to the:
Delaware Department of Natural Resources and Environmental Control
Division of Water, Surface Water Discharges Section
89 Kings Highway
Dover, DE 19901
302-739-9946

3. Definitions

- a. "Daily average flow" means the total flow during a calendar month divided by the number of days in the month that the facility was operating.
- b. "Daily maximum flow" means the highest total flow during any calendar day.

- c. "Daily Peak Flow" means the flow which can be safely transported within the sewage system without causing an overflow or a backup into the building(s) or residence(s).
- d. "Bypass" means the intentional diversion of wastes from any portion of a treatment facility.
- e. "Measured flow" means any method of liquid volume measurement, the accuracy of which has been previously demonstrated in engineering practice, or for which a relationship to absolute volume has been obtained.
- f. "Estimate" means a value to be based on a technical evaluation of the sources contributing to the discharge including, but not limited to, pump capabilities, water meters and batch discharge volumes.

4. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The date, exact place and time of sampling or measurement;
- b. The person(s) who performed the sampling and/or measurement;
- c. The date(s) and time(s) analysis was performed;
- d. The individual(s) who performed each analysis;
- e. The analytical technique(s) or method(s) used;
- f. The results of each analysis; and
- g. Appropriate quality assurance information.

5. Records Retention

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed, all records of instrument calibration and maintenance and all charts from continuous monitoring instruments, shall be retained for three (3) years. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the Department.

6. Test Procedures

Test procedures for the analysis of pollutants shall conform to the applicable test procedures identified in 40 CFR, Part 136, unless otherwise specified in this permit.

END OF PART I

PART II

A. Management Requirements

1. Duty to Comply

The permittee must comply with the terms and conditions of this permit. Failure to do so constitutes a violation of this permit, which is grounds for enforcement and the imposition of penalties as provided in 7 Del.C., Chapter 60, grounds for permit termination or loss of authorization to discharge or operate pursuant to this permit, grounds for permit revocation and reissuance or permit modification, or denial of a permit renewal application.

2. Notification

a. Changes in Authorized Activities

The permittee shall notify the Department of any proposed change in the activity authorized herein, of any proposed substantive change in the operation of the facility or facilities authorized herein, or of any anticipated facility expansions, production increases, or process modifications. Notification is required only when such alteration, addition or change may justify the inclusion of conditions that are absent or different from those specified in this permit. This includes, for example, the construction of additional wastewater collection, transmission or treatment facilities and changes which will result in new, different, or increased discharges of pollutants. Following such notice, the Department may require the submission of a new permit application and this permit may be reopened and modified to address the proposed changes.

b. Noncompliance

If, for any reason, the permittee does not comply with or will be unable to comply with any limitation specified in this permit, the permittee shall provide the Department with the following information, in writing, within five (5) days of becoming aware of such condition:

A description of the discharge and cause of noncompliance; and

The period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the noncomplying discharge.

3. Facilities Operation

The permittee shall, at all times, maintain in good working order and operate as efficiently as possible all collection and treatment facilities and systems (and related appurtenances) installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes, but is not limited to, effective management, adequate operator staffing and training and adequate laboratory process controls, including appropriate quality assurance procedures.

4. Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact to waters of the State resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and extent of the noncomplying discharge.

5. Bypassing

Any bypass or intentional diversion of waste streams from the facilities authorized by this permit, or any portion thereof, is prohibited, except (i) where unavoidable to prevent loss of human life, personal injury or severe property damage, or (ii) where excessive storm drainage or run-off would damage any facilities necessary for compliance with the effluent limitations and prohibitions of this permit. The permittee shall promptly notify the Department, in writing, of each such diversion or bypass.

6. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewater shall be disposed of in a manner such as to prevent any pollutant from such materials from entering the surface water or groundwater.

B. Responsibilities

1. Within 90 days following the completion of construction, the permittee shall submit to the Department an "as-built" set of plans of the facility or facilities constructed, bearing the seal and signature of a licensed Professional Engineer registered in the State of Delaware.

2. Right of Entry

The permittee shall allow the Secretary of the Department of Natural Resources and Environmental Control, or his authorized representative(s), upon the presentation of credentials:

- a. To enter upon the permittee's premises for inspection of any records, flow measurements, construction or other activity authorized by this permit or any condition required under the terms of this permit; and
- b. At reasonable times, to have access to and to copy any records required to be kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method required in this permit; and
- c. To sample any discharge.

3. Transferability

This permit is transferable with the Department's consent, provided that an intention to transfer accompanied by a copy of the permit is provided to the Department, signed by both the transferor and the transferee at least ten (10) days prior to the actual transfer.

4. Availability of Reports

All reports submitted with the application and those reports required under the terms of this permit shall be available for public inspection at the offices of the Department of Natural Resources and Environmental Control. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in 7 Del. C., §6013. Any person who causes or contributes to the discharge of a pollutant into State waters either in excess of any conditions specified in this permit or in absence of a specific permit condition shall report such an incident to the Department required under 7 Del. C. §6028.

5. Permit Modification

This permit may be modified, suspended or revoked in whole or in part during its term for cause including, but not limited to, the following:

- a. Violation of any term or condition of this permit;
- b. Obtaining this permit by misrepresentation or failure to fully disclose all relevant facts;
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized activity; or
- d. Information that the permitted activity poses a threat to human health or welfare, or to the environment.

6. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under 7 Del. C., Chapter 60.

7. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation.

8. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

9. Severability

The provisions of this permit are severable. If any provision of this permit is held invalid, or if the application of any provision of this permit to any circumstances is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

END OF PART II

PART III

A. **Special Conditions**

1. This permit authorizes only the construction of the wastewater facilities and related work referenced herein.
2. If wellpointing is required during construction, the wells must be installed by a licensed well driller, and a permit to construct such wells must first be obtained from the Well Permits Branch of the Water Supply Section.
3. All construction shall be in agreement with plans and specifications submitted under this project and approved by the Department of Natural Resources and Environmental Control.
4. All construction shall be in accordance with Ten States Standards and other applicable local utility construction specifications and standards.
5. Connections or additions to the proposed system, other than those proposed on the plans, will not be allowed without prior approval from the Department.

END OF PART III

