In The Matter Of:

DNREC

Mountaire Farms of Delaware, Inc.

Hearing

May 21, 2020

Wilcox & Fetzer, Ltd.

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WILCOX & FETZER LTD.

DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL

OF THE STATE OF DELAWARE

RE: Mountaire Farms of Delaware, Inc.)
Application for Construction Permit)

.. ..

Virtual Public Hearing
Dial-In Number: 1-408-418-9388
Access Code: 716 374 068

Thursday, May 21, 2020
6:00 p.m.

.. ..

BEFORE: Lisa Vest, Hearing Officer

FOR THE DIVISION: John Rebar, DNREC

-- Transcript of Proceedings --

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MS. VEST: Okay. The time is 6:00 p.m. on Thursday, May 21, 2020, and I think that everybody is now connected and we are ready to begin.

I want to thank everybody for taking time out of your busy schedules to attend this evening.

We are here to provide a virtual platform for the State of Delaware's Department of Natural Resources and Environmental Control to conduct a public hearing on the pending permit application for Mountaire Farms.

For those of you who do not know me, my name is Lisa Vest, and Secretary Garvin as designated me to serve as the hearing officer for tonight's proceedings.

As we all know, there have been some changes recently made to DNREC's standard hearing protocols, necessary and indicated, of course, by Delaware's ongoing state of emergency due to the COVID-19 pandemic.

First and foremost, this hearing is

being conducted virtually. No staff is together in the same room. Everybody is participating independently at their own prospective locations.

While there are no sign-in sheets to document physical attendance this evening, this platform does generate a list of those that are virtually present for this proceeding, so the Department still has a list of attendees.

And, again, I do thank you for your interest in this matter.

At the conclusion of these remarks, I will be turning the hearing over to representatives for both the applicant, Mountaire -- I believe they have a presentation for the record being generated in this matter -- and immediately following the conclusion of Mountaire's presentation, Department staff will also be making their own presentation regarding this application, again for some background and for the benefit of the record that's being generated in this matter.

There is still a court reporter present who will prepare a verbatim transcript of the hearing tonight. She is attending virtually, as well. And, as always, that transcript will be posted on the hearing web page dedicated to this matter as soon as we receive it.

As is the case for our virtual hearings, please note that the Department will not be accepting any comment in realtime during the hearing this evening.

We wish to assure, however, that everyone is enabled to offer comment for inclusion into the record. Therefore, the record will remain open on the hearing matter through June 22, 2020 so that the public has an ample opportunity to offer comment.

I would encourage those who have logged in or who have called in this evening to check DNREC's web page for public hearings.

There is a tremendous amount of detail that has been posted regarding the hearing, itself, and both of the

presentations that are going to be offered by Power Point tonight. There is a lot of information contained there. And they are all on the page, as well.

Of course, all mechanisms previously available by which the public can offer comment remain intact. There is an electronic link. There is e-mail. And, of course, there is the United States Postal Service.

Please note the following protocols remain in place for this hearing:

All comment received must be limited solely to the subject matter of tonight's hearing. All comments pertinent to the application will be incorporated into the record.

In order to ensure that everyone who wishes to offer comment for the Secretary's consideration is accommodated, the record in this matter will remain open following the proceedings tonight through June 22, 2020.

There is only one authentic record

of this proceeding, and it will be the official court reporter's verbatim transcript.

The statutory purpose of tonight's hearing is to build the record with regard to this matter.

A record which consists of the transcript of the hearing tonight, all written comments that are received, all exhibits, and ultimately the Hearing Officer's Report will be reviewed by the Secretary.

Secretary Garvin will ultimately issue an order following his review. That decision will contain his determination about this permit and the reasons for his actions therefor.

Again, as is the case with all DNREC hearings, there is no Q and A session permitted during the hearing, nor will any realtime comments be accepted on this virtual platform tonight.

Lastly, it is important to note that no decision has already been made by the

Department, nor will any decision be made tonight by the Department with regard to this pending permitting matter.

Comments can be submitted through a comment form that's on the hearing page, via e-mail to DNRECHearingComments@dnrec.gov or, again, via the U.S. Postal Service at the physical address for DNREC indicated on our website.

Please note that written comments to DNREC may not be submitted using any social media platforms such as Twitter, Facebook, YouTube or text messaging.

Lastly, it is important to note that all comment received in any way, either through the United States Postal Service or through any of the electronic mechanisms noted just now, as long as it is received while the record is open, on or before June 22nd, they all bear the exact same weight, and they will all be considered equally prior to the Secretary making his decision in this matter.

The ultimate decision regarding

this matter is made by Secretary Garvin, and this hearing tonight acts as our mechanism to enable the Department to thoroughly vet it to the public and to let the public know the various ways by which comment can be submitted for the Secretary's consideration.

That being said, I believe tonight Mountaire is going to go first with its presentation. John Reid, I believe that you are on the line; is that correct?

MR. REID: Yes.

MS. VEST: Okay. And I believe that we are ready to begin with the proceedings. So the floor is yours.

MR. REID: Good evening, ladies and gentlemen. My name is John Reid, President of Reid Engineering Company on behalf of Mountaire Farms.

The purpose of this project is to upgrade the nitrogen removal efficiency of the Mountaire wastewater treatment system.

The current wastewater treatment system provides approximately 75 to 85 percent nitrogen removal efficiency and

produces a final effluent total nitrogen concentration of approximately 21 milligrams per liter.

The upgraded wastewater treatment system will increase the nitrogen efficiency to over 96 percent and reduce the final effluent total nitrogen concentration to 10 milligrams per liter or less.

The Mountaire wastewater treatment system is composed of pretreatment components and final treatment components.

The pretreatment components remove solids, oils and grease upstream from the final treatment system.

The final treatment components remove oxygen demand from BOD and Ammonia nitrogen, total nitrogen, suspended solids, and fecal coliform prior to disposal by spray irrigation.

Then the next slide shows the current pretreatment system is shown on the site plan, and the items colored in pink show where they have a small existing equalization tank, one dissolved air flotation cell, and

two anaerobic lagoons that provide pretreatment currently.

Next slide.

The diagram for the current pretreatment program shown here, wastewater presently goes into a small equalization tank of about 120,000 gallons of volume. And they pump into one dissolved air flotation cell rated at 2,400 GPM. And then the flotation cell discharges into two anaerobic lagoons, followed by a third dissolved air flotation cell, for removal of solids, fat oil, and grease.

The partially treated wastewater discharged from the DAF Cell is then divided into two existing Anaerobic Lagoon units. The lagoons provides additional removal of solids and grease, also some BOD, and equalizes the wastewater flow over seven days.

The wastewater typically comes out of the processing plant five days a week on weekdays during processing days. And then, after it's pretreated in the anaerobic

lagoons and pumped out of the lagoons seven days a week, 24 hours a day, into the downstream activated sludge treatment system.

The wastewater pretreatment components reduce the wastewater nitrogen to approximately 300 milligrams per liter or less upstream from the final treatment system.

Next slide.

The upgrade pretreatment system will, as shown in the site plan in pink, be a combination of three new flow equalization tanks and three dissolved air flotation cells.

This will be operated to provide two-stage wastewater pretreatment by flow equalization and dissolved air flotation. The pretreatment programs will eliminate the operation of the existing anaerobic lagoons for wastewater pretreatment.

As shown in the next slide flow diagram, the upgrade to the pretreatment components include a new one and a half million gallon flow equalization tank.

This new flow equalization tank is 12 times larger than the existing equalization tank. It will be pumped out of the new tank 24 hours a day at a steady flow right to two dissolved air flotation cells.

One is an existing dissolved air flotation cell, and they are going to install a second dissolved air flotation cell, so they will more than double the flotation cell capacity.

And then that pretreatment wastewater will then flow into two, seven-day flow equalization tanks. These seven-day FET tanks, as we call them, replace the two anaerobic lagoons to provide seven-day flow equalization upstream of the final treatment system.

The wastewater will be pumped out of the two seven-day flow equalization tanks to the next DAF cell for second-stage pretreatments before it goes to the final treatment system.

The nitrogen concentration in the pretreated wastewater is expected to be under

240 milligrams per liter versus the current system around 300 milligrams per liter.

Each of the seven-day flow equalization tanks will have a minimum volume of 3.5 million gallons each for a total of 7 million gallons.

Next slide. After pretreatment, wastewater will flow into the final treatment. The current final treatment system -- go to the next slide -- includes a three and a half million gallon reactor plant shown.

And after treatment, that plant wastewater flow will go into the two pink circles which are final clarifiers with recycle back to the big tank in the activated sludge process. This process removes end nitrogen.

Show the next slide, please. The next slide is a flow diagram of the current final treatment system. Basically, it has a small anoxic reactor, a half million gallons in volume, followed by 3 million gallons aerobic nitrification reactor.

The purpose of the first reactor is to remove BOD and nitrate nitrogen.

The purpose of the second larger tank is to remove the ammonium nitrogen and some additional BOD into the two clarifiers shown there where the settled solids are recycled back.

This system shown here is schematically what's called a two-stage biological nitrogen removal system, or BNR system.

The current system is a two-stage system. The total reactor volume is a little over three and a half million gallons. This system provides 75 to 85 percent total nitrogen removal, and the current final effluent total nitrogen concentrations averages about 21 milligrams per liter.

Next slide: The upgrade final treatment system as shown on the next site plan will include the installation of two new large reactor tanks to operate upstream from the existing reactor tanks. The two tanks are shown here just south of the larger tank.

And then the two existing clarifiers will continue to be used in this system, followed by the clarifier effluent, which presently goes to the spray lagoon in the upgrade. The clarifier effluent will go through a filtration system and sand filters to polish off the effluent.

Next slide: Next we show the schematic of the upgrade final treatment system, which is a four-stage nitrogen removal system. The four stages are needed to increase the nitrogen efficiency up to over 96 percent, as previously discussed.

The total reactor volume of this upgrade system is over 10 million gallons, again compared to the current system volume of approximately 3.5 million gallons. The new system reactor volume is 288 percent of the current reactor volume, so it's a significant increase in reactor treatment volume.

The four-stage BNR system effluent will be pumped into new tertiary filters.

These filters are designed so they

can function as what are called Denite filters for biological denitrification. These filters polish off suspended solids in the effluent but also have the capability of being operated to remove additional nitrogen.

Eighteen Denite filter modules are provided. After final filtration, the effluent will go into a new ultraviolet light disinfection system for removal of fecal coliform bacteria.

The biological nitrogen removal system BNR system will produce waste-activated sludge, and that sludge is pumped to a sludge disposal system.

The current disposal system includes two 400,000-gallon sludge holding tanks shown on the plan here in circles that is upgraded in the system shown on the next slide in which waste sludge goes --

Next slide, please. Thank you. The next slide, sludge goes into two sludge holding tanks, each one about 400,000 gallons each, for a total volume about 800,000 gallons tanks and then the sludge is hauled

off site to a compost facility.

The current sludge dewatering system and disposal is carried out by a commercial sludge disposal company retained by Mountaire. The upgrade sludge disposal system will include, shown on the next slide, a conversion of an existing oxidation ditch basin into an additional sludge storage tank, and sludge aerobic digester.

It's showing in the long pink basin up there.

Go to the next slide, please. Schematically, it's shown here where the oxidation ditch is added to the sludge disposal system. That provides an additional 3 million gallons of sludge storage and aeration volume.

In the upgrade, three basins will be operated. Here is each one providing aeration of the sludge, and the total volume for the sludge tanks is now 3.8 million gallons instead of .8 million gallons. That represents a 475 percent volume versus the current volume.

The sludge that is stored and aerated will be pumped into three new screw presses which will be permanently installed in a new sludge disposal building, and sludge will be dewatered from about 2 percent solids up to over 20 percent solids in these screw presses prior to being hauled off site for ultimate disposal.

After the wastewater is treated, it's discharged currently into a 22 million-gallon spray storage pond, and from there it's pumped into spray irrigation fields.

The upgrade spray storage system will include the addition of a second storage pond with a minimum volume of 22 million gallons. So the storage volume will be at least double versus the current volume. And then the effluent will be disposed in spray irrigation.

That completes my presentation.

MS. VEST: Okay. Thank you, John, for that presentation. A little bookkeeping.

Let the record reflect that that

Power Point presentation presented just now by the applicant is hereby entered into the hearing record as Applicant Exhibit 1.

And, as I said at the beginning of tonight's event, that will be posted on the hearing web page. So if someone here watching maybe wanted to go back and look at it while thinking about making your comments, or if it was too small, by all means go on the web page and review it. It should be up there by tomorrow.

And thank you again, Mr. Reid, for that.

DNREC, are you ready with your presentation?

MR. REBAR: I am.

MS. VEST: Proceed.

MR. REBAR: Okay. Good evening, everybody.

This presentation is to go over certain aspects of Mountaire's application associated with their wastewater treatment system, including some upgrades that John Reid talked to you all about.

A little bit of background first:

The current treatment system experienced a failure in 2017.

DNREC required Mountaire to take certain immediate short-term and long-term corrective actions to address the violations associated with that failure.

And in response to DNREC's enforcement, Mountaire enlisted the services of Reid Engineering Company to evaluate the treatment system and design system upgrades.

So the outcome of that evaluation is the need to upgrade the wastewater treatment plant. And, therefore, Mountaire Farms of Delaware has applied for a spray irrigation construction permit to significantly upgrade the existing wastewater treatment system.

These upgrades will enhance the treatment capabilities of the system, resulting in a maximum total nitrogen effluent concentration of 10 milligrams per liter or less, which aligns with State and Federal Drinking Water Standards.

And Mountaire has also requested to modify and renew their spray irrigation operations permit in order for them to operate this upgraded treatment system upon its construction.

I am now going to highlight several aspects of the application. There is an off-spec diversion proposal within the application. The existing anaerobic lagoon number one is proposed to be retrofitted to function as storm water first-flush and off-spec wastewater lagoon.

The first-flush is a term that means the initial surface runoff from a precipitation event, which usually contains the highest levels of pollutants, will be captured in the lagoon, and then it will be stored and eventually sent through the treatment system.

In addition, the lagoon will be able to receive any off-spec wastewater diverted in such a case where the treated wastewater quality does not meet appropriate limits.

Again, this treated off-spec wastewater will be stored in the lagoon and sent through the treatment system for additional treatment. This lagoon will also be aerated.

In any spray operation, there are certain times when it's not appropriate to discharge due to either saturated or frozen soil conditions. The new effluent storage lagoon will increase the facility's treated wastewater storage capacity, allowing them to cease discharging during periods when it's unfavorable to be discharging.

And then within the application they have demonstrated -- Mountaire has demonstrated that any excess accumulated wastewater stored in that extra lagoon can be irrigated in accordance with plans that are provided in Appendix 3, Attachment I, K or L.

And those are available on the hearing website.

In addition, Mountaire has submitted additional supplemental nitrogen balance spreadsheets provided in the

application to demonstrate the ability of the spray irrigation system to adjust operations as necessary to treat either off-spec effluent, deal with crop-related issues, or deal with temporary flow variations, and they can do all this while still protecting groundwater quality.

During the technical review of the application, Mountaire came to the Department with a slightly revised proposal to change out the anaerobic lagoons they are proposing with flow equalization tanks.

This was an attempt by Mountaire to address past concerns regarding the lagoons and water quality.

So on April 24th of 2020, Mountaire submitted a revised final design summary report providing all the calculations and details of the new flow equalization tanks along with a revised process flow diagram.

Based on this report; DNREC has determined that the revised engineering design summary report provides sufficient details to move forward with construction.

That submittal also provided an index of drawings that showed what revisions are needed to update the grading, pipe runs, and electrical details and mechanical details for the enhanced upgrade.

These revised drawings are going to be submitted under the permits compliance schedule and then posted on DNREC's website.

So we are proposing a draft construction permit with a schedule of compliance. The schedule of compliance will require Mountaire to submit the revised drawings within 180 days of permit issuance.

It will require Mountaire to prioritize and complete the construction of all the components necessary to produce effluent with a total nitrogen concentration of 10 milligrams per liter or less within a two-year period.

And the permit will require the completion of all the remaining upgrades -- the equalization tanks, synthetically lined storage lagoon, solids handling equipment, etc. -- within a three-year period.

The permit requires all major system upgrade components to be placed into operation as soon as they are constructed.

Therefore, the draft permit includes provisions to allow for each component to be brought online after completion of the following requirements: Inspection and testing of all mechanical system components with DNREC staff present; the submission of a design engineer inspection report; and the submission of a contractor's certificate of completion.

The construction permit also has a schedule of compliance associated with certain monitoring requirements.

The first one is the requirement within 180 days of permit issuance for Mountaire to submit an influent sampling port location proposal to DNREC for review and approval.

The sampling port is required to be positioned to ensure that a representative sample of the influent waste stream is obtained.

This sampling port is required to be installed within two years of the effective date of the permit, and that will be in line with the construction schedule. And then that influent monitoring point will become the point of compliance moving forward.

Similarly, within 180 days of permit issuance, Mountaire is going to be required to submit an effluent sampling port location proposal. Again, we will be reviewing the proposal.

The purpose of this port will be to ensure that a representative sample of the treated wastewater is obtained prior to the storage lagoons.

And, again, in line with the construction schedule, the sampling port will be installed within two years of the effective date and will be one of the monitoring points for effluent at that point forward.

Several other work plans are also required to be submitted within the

construction permit.

Within 30 days, Mountaire shall submit a written work plan for a network of shallow observation wells. And the purpose for this work plan is for better defining the shallow groundwater flow in the upper portion of the unconfined aquifer in the area upgradient of residents along Jersey Road.

The work plan is going to require a map showing the proposed location of the observation wells. And the observation wells are going to be required to be constructed with relatively short screen intervals designed to adequately measure fluctuating water table elevations.

Another work plan that's going to be required is for two nested monitoring systems.

One of these systems will be placed in the northern spray field north of Route 24, also known as the WHBJ spray area; and then the other system in the southern spray area south of Route 24 in the center block system spray area.

These nested systems are going to consist of lysimeter, a shallow monitoring well that is constructed to sample the top of the water table, and then a deeper monitoring well is going to be screened from 15 to 35 feet below the ground surface.

So all of these wells in the nested monitoring system will all be approved by DNREC prior to installation. All observation wells and nested systems are required to be installed within 60 days of work plan approval.

All of the wells are going to be installed by a licensed well driller in accordance with a DNREC-issued well construction permit.

All facility wells shall be surveyed by a Delaware licensed professional land surveyor.

And then within 60 days of completion of all the installation requirements, Mountaire will submit to DNREC a comprehensive report detailing not only construction details of wells and lysimeters,

but also the results of the comprehensive survey, initial depth to water measurements, and the groundwater analytical results.

So those are some of the highlights of the draft construction permit.

Now I'm going to talk a little bit about the draft operations permit.

As everybody is aware, the wastewater treatment facility is designed to receive and treat poultry processing wastewater, stormwater, and sanitary wastewater. That wastewater is treated and then discharged via spray irrigation system.

The table in the slide represents the spray fields that are authorized to receive spray. One difference between this permit and the current permit is that the Department has removed the authorization of use of wet weather spray fields.

The operations permit will have influent requirements. The monthly average influent to the wastewater treatment system shall not exceed 2.6 million gallons per day in any calendar month. That influent

requirement has not changed.

In addition, the permit is going to require the relocation of several production wells to spray fields with elevated groundwater nitrate concentrations to allow the pumping for process water purposes of that high nitrogen groundwater to ultimately treat that water through the upgraded system.

As we have discussed several times now, the total nitrogen concentration following the construction of the upgraded wastewater treatment system will have a maximum limitation of 10 milligrams per liter of total nitrogen.

In addition, the operations permit is going to have a hydraulic loading limitation. This is the amount of water that can be sprayed in inches per week onto each field. And this is based on Earth Data Inc., the soil consultant for Mountaire, their report that was submitted on December 16, 2019.

Some additional effluent limitations: The quantity of effluent

discharged to any portion of the spray irrigation fields shall not exceed 0.25 inches per acre per hour.

And the wastewater treatment facility is required to discharge to the limited public access criteria, which is daily permissible average concentration of 50 milligrams per liter of BOD, fecal coliform 200 colonies per 100 milliliters, and 50 milligrams per liter of total suspended solids.

The next series of slides show a series of monitoring requirements in this draft operations permit.

Starting with the influent monitoring requirements, effluent monitoring requirements, and the purpose of this is really just to show all the monitoring required, not necessarily to read through all the items.

There are the spray irrigation monitoring requirements, groundwater monitoring requirements.

It should be noted that currently

there are 33 monitoring wells at the facility with additional monitoring wells required by the construction permit.

There is also lysimeter monitoring requirements, soil monitoring requirements, spray irrigation monitoring requirements, and surface water monitoring requirements.

The draft operations permit includes sludge or biosolids handling requirements. All the solids generated by the treatment system are required to be removed in accordance with acceptable process control techniques and technologies. And this will allow the treatment system to operate correctly.

Any solids removed from the treatment process are required to be contained, transported, and disposed of in accordance with all state, local, and federal regulations.

And then the records of the solids disposal, including the volume of solids removed and manifests from the previous calendar year, are required to be submitted

to the Department in the annual report.

The draft operations permit includes two contingency plans, one for total nitrogen and one for fecal coliform bacteria.

The total nitrogen concentration limitations of the plan, upon construction of the upgraded treatment system, if total nitrogen concentrations exceed the 10 milligrams per liter limit, the permittee is required to collect a second sample within 24 hours of becoming aware of that exceedance.

If the second sample also indicates an exceedance, the contingency plan will be enacted.

So the contingency plan consists of the permittee notifying the Department within 24 hours, along with submitting a copy of the analytical results.

The permittee is required to increase the frequency of total nitrogen sampling to once daily and then submit weekly results to the section.

At the same time, the permittee is

going to examine the operational -- operation and maintenance log to see if any improper procedures were followed.

They will also perform a physical inspection of the treatment systems to see if abnormalities are detected.

And, of course, they will correct any abnormalities as soon as possible and then submit a detailed report to DNREC within 30 days of correction.

The permittee will follow their emergency contingency plan and submit monthly total nitrogen balances indicating that they can continue spray irrigation at higher concentrations while not exceeding 10 milligrams per liter on a monthly basis in the percolate.

I had mentioned that in the application they had submitted a series of nitrogen balance spreadsheets that show different calculations at different concentrations and at different volumes of water that can be discharged so that they do not exceed 10 milligrams per liter on a

monthly basis in the percolate.

When daily analytical results from three consecutive weeks of sampling no longer exceed the limitation, the permittee will go back to normal monitoring frequencies.

And then upon completion of the off-spec lagoon, if the total nitrogen exceedance is confirmed, the permittee shall notify the Department, in which case the Department will determine whether or not treated water is required to be diverted.

If required to be diverted, Mountaire is immediately required to cease discharging to the spray fields and divert the treated wastewater to the off-spec lagoon for temporary storage and additional treatment.

So there is a fecal coliform bacteria limitation contingency plan. If analytical results for a fecal coliform bacteria test indicate an exceedance of the daily average concentration limitations, the following contingency plan shall be enacted:

Within 24 hours, the Groundwater

Discharges Section will be notified, copies of the analytical results submitted.

Mountaire will begin post-storage lagoon chlorination.

They will submit weekly analytical samples to DNREC.

Again, they are going to examine their operation and maintenance log. They are going to conduct a physical inspection of the treatment system. And then any corrections that they make will be submitted to DNREC in a report within 30 days.

Again, when analytical results indicate that the daily average concentration limitations are no longer being exceeded, the permittee can cease submitting weekly results.

And similar to the nitrogen contingency plan, once the off-spec lagoon is completed, fecal coliform exceedance is identified, the permittee shall notify the Department to determine if treated wastewater is required to be diverted.

If required, the permittee shall

immediately cease discharging to spray fields and divert treated wastewater to the off-spec lagoon where it will be stored and then sent to the upgraded system for additional treatment.

If Mountaire is required to enact this plan more than three times in a 12-month period, they are required to submit to DNREC a revised design engineer report with proposed corrective actions in order for them to meet their limits.

That report needs to bear the seal and signature of a Class C licensed Delaware Professional Engineer.

The report is required to be submitted within one year of the third notification.

And then Mountaire is required to initiate implementation of the corrective action plan within 90 days following approval by DNREC.

So, in conclusion, upgrades to the treatment system will result in an effluent total nitrogen concentration of 10 milligrams

per liter or less, which aligns with State and Federal Drinking Water Standards.

The facility's permitted capacity remains the same, but the current use of wet weather fields is discontinued.

The anaerobic lagoons will be replaced by flow equalization tanks which will help address odor and mosquito concerns.

Production wells will be relocated to spray fields with elevated nitrate-nitrogen concentrations in groundwater, resulting in the treatment of groundwater upon operation of the upgraded treatment system.

Extensive monitoring is required in the operations permit.

The upgrades include additional treated effluent storage and the ability to divert off-spec water if any issues occur.

The permit includes enhanced contingency plans for elevated total nitrogen and fecal coliform bacteria concentrations.

And, ultimately, the Department feels that the proposed construction and

operations permits and their requirements and conditions are protective of public health and the environment as required by our regulations.

And that concludes my Power Point presentation. I do have a series of exhibits.

MS. VEST: Okay. Thank you for that presentation, John. Along with the Mountaire presentation, as I noted before, the Department's Power Point presentation that John Rebar just got done going through is going to be included as part of the Department's exhibits to be entered for the record in this matter.

And I believe it is included in those exhibits that are now up on display. Correct?

MR. REBAR: Yes.

MS. VEST: Are the rest of the exhibits as listed here identical to the ones that are already posted on the Department's web page for this hearing?

MR. REBAR: They are.

MS. VEST: Okay. Thank you. Let the record reflect that the Department Exhibits 1 through 10, as identified in the Power Point exhibit, are hereby entered into the formal hearing record regarding this matter.

Does the Department have anything further it wishes to offer at this time?

MR. REBAR: It does not.

MS. VEST: Thank you, John.

At this point of the virtual hearing, we have now heard from both the Applicant and the Department with regard to the matters associated with this pending permit.

As noted previously, in order to make sure that everybody has ample opportunity to offer comment, we are going to keep the record open through close of business on June 22, 2020.

The comments must be made in writing, and they can be done either through the electronic means that we noted at the beginning of tonight's hearing or the United

States Postal Service.

We will not be accepting any comments on social media, as noted previously.

And all comment, regardless of whether it comes in physically or electronically, as long as it is received while the record remains open through June 22, 2020, will all bear the same weight, and it will all be taken into consideration prior to the Secretary making his final determination.

That being said, I'm going to thank everybody for their patience in listening to the presentations.

There are a lot of documents and a great deal of material and information on the hearing web page. And, again, I would thoroughly encourage everybody to go check it out, read through it, take your time, and submit a comment if you choose to do so.

That being said, thanks again for joining. This hearing is concluded.

(Concluded at 6:47 p.m.)

CERTIFICATE

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office on this 29th day of May 2020.

_____

Lorena J. Hartnett
Registered Professional Reporter

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