

1 DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL  
2 OF THE STATE OF DELAWARE

3 RE: Artesian Wastewater Management Inc., )  
4 Beaver Creek Wastewater Treatment Plant) )  
5 Permit Modification Application )  
6 Docket #2020-P-W-0026 )  
7 Virtual Public Hearing )

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.. . . . .

8 Virtual Public Hearing  
9 Dial-In Number: 1-408-418-9388  
10 Access Code: 173 882 8596

11 Tuesday, November 17, 2020  
12 6:00 p.m.

12

.. . . . .

13

BEFORE: Lisa Vest, Hearing Officer

14

FOR THE DIVISION: Bryan Ashby, DNREC  
15 John Rebar, DNREC  
16 Sascha Mohammed, DNREC

17

18 -- Transcript of Proceedings --

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20

21

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1 MS. VEST: Good evening. The time  
2 is 6:00 p.m. I believe that we are all  
3 connected and ready, so we are going to go  
4 ahead and begin tonight's proceedings.

5 I want to thank everybody for  
6 taking the time out of their schedules to  
7 virtually connect with us. The date is  
8 Tuesday, November 17th, and we are here this  
9 evening to provide a virtual platform for the  
10 State of Delaware's Department of Natural  
11 Resources and Environmental Control to  
12 conduct its virtual public hearing on two  
13 individual proposed permitting matters  
14 involving Artesian Wastewater Management Inc.

15 Currently pending before the  
16 Department is a construction permit  
17 application and associated draft permit  
18 regarding Artesian's wastewater  
19 infrastructure.

20 There is also an on-site wastewater  
21 treatment and disposal system permit  
22 modification for the Beaver Creek Wastewater  
23 Treatment Plant.

24 Tonight we are going to hear two

1 separate presentation -- two separate  
2 presentations, excuse me, offered by  
3 Department staff for each one of these  
4 permitting matters for the benefit of the  
5 hearing record being compiled in this matter.

6 For those of you that may not know  
7 me, my name is Lisa Vest, and Secretary  
8 Garvin has assigned me to be hearing officer  
9 for tonight's proceedings.

10 As you may know by now, changes  
11 have been made to DNREC's public hearing  
12 process and protocols, originally  
13 necessitated by the ongoing state of  
14 emergency here in Delaware due to the  
15 COVID-19 pandemic.

16 First and foremost, this hearing is  
17 being conducted virtually. None of us are  
18 gathered together in the same location.  
19 Everyone is participating independently at  
20 their own respective locations.

21 While there are no physical sign-in  
22 sheets to document attendance tonight, WebEx  
23 does keep an attendance list for these  
24 purposes, so the Department will still have a

1 record of those who have virtually attended  
2 tonight. And, again, I thank you for your  
3 interest in this matter.

4 At the conclusion of these  
5 introductory remarks, I will be turning the  
6 hearing over to representatives for both the  
7 Department and for Artesian so that  
8 presentations may be offered at that time.

9 There is a court reporter virtually  
10 present. She will prepare a verbatim  
11 transcript of the hearing tonight pursuant to  
12 the statutory requirement for DNREC to do so.  
13 And, as always, that transcript will be  
14 posted on the hearing webpage dedicated to  
15 this matter as soon as it is received.

16 Following the conclusion of all  
17 presentations, we will take live comment from  
18 the public pursuant to the preregistration  
19 protocol as set forth on DNREC's public  
20 hearing website.

21 DNREC wishes to ensure that  
22 everyone is enabled to offer their comments  
23 for inclusion into the record. Therefore, as  
24 is the case in all DNREC virtual hearings,

1 the record will remain open through  
2 December 2, 2020 so that the public may offer  
3 written comment, should they wish to do so.

4 I would encourage those attending  
5 tonight to check out DNREC's webpage for  
6 public hearings under the Administrative Law  
7 Section for more detail concerning the  
8 pending permit matters that we will hear  
9 about tonight.

10 All presentations, along with  
11 exhibits and all other documentation related  
12 to this matter are posted on the hearing  
13 webpage dedicated to this event, and the  
14 public may gain a wealth of information by  
15 reviewing it.

16 Of course, all mechanisms  
17 previously available by which to offer  
18 comment remain. Those would include  
19 electronic links to comment, e-mails, and, of  
20 course, the United States Postal Service.

21 Also, please take note that the  
22 following protocols remain in place for all  
23 DNREC public hearings: Number one, all  
24 comment received must be limited solely to

1 the subject matter of tonight's hearing. All  
2 comments pertinent to the subject matter of  
3 this virtual hearing will be incorporated  
4 into the record that is being generated in  
5 this matter.

6 In order to ensure that everyone  
7 who wishes to offer comment for the  
8 Secretary's consideration is accommodated,  
9 the record in this matter shall remain open  
10 following tonight's event through December 2,  
11 2020.

12 There is only one authentic record  
13 of this formal proceeding tonight, and it is  
14 the official court reporter's verbatim  
15 transcript, which again will be posted on the  
16 hearing webpage as soon as we receive it.

17 The statutory purpose of tonight's  
18 hearing is to build the record with regard to  
19 the Department's proposed actions. The  
20 records, consisting of the transcript of  
21 tonight's hearing, all written comments, all  
22 exhibits, and eventually the Hearing  
23 Officer's Report will all be reviewed by  
24 Secretary Garvin.

1                   Secretary Garvin will ultimately  
2                   issue an order following his review process,  
3                   and that order will contain the decisions on  
4                   this matter and the reasons therefor.

5                   It is important to note that no  
6                   decisions have already been made by the  
7                   Department, nor will any decisions be made  
8                   tonight with regard to these pending  
9                   permitting matters.

10                   The public comment period shall  
11                   remain open, as we said, through December 2nd  
12                   so that members of the public do have ample  
13                   opportunity to offer comment for the  
14                   Secretary's consideration, should they wish  
15                   to do so.

16                   Comments may be submitted through a  
17                   comment link on the hearing page, via e-mail  
18                   to DNRECHearingComments@delaware.gov, or via  
19                   the U.S. Postal Service at the physical  
20                   address for DNREC indicated on both the  
21                   hearing page and the public notices  
22                   previously issued in this matter.

23                   It should be noted that written  
24                   comments to DNREC may not be submitted

1 under any social media platforms such as  
2 Twitter, Facebook, YouTube, or text  
3 messaging.

4 Lastly, please remember that all  
5 comment received either through the UPS --  
6 USPS, rather, or through the electronic  
7 mechanisms, such as e-mail and the electronic  
8 links found on our webpage, it doesn't  
9 matter.

10 As long as they are all received by  
11 the Department on or before December 2nd,  
12 they all bear the same weight; they will all  
13 be considered equally by the Secretary prior  
14 to his making a final decision regarding  
15 these permits.

16 The ultimate decisions regarding  
17 all of the things that you are going to hear  
18 about tonight is, of course, made by  
19 Secretary Garvin. This formal hearing acts  
20 merely as a mechanism to enable the  
21 Department to thoroughly vet this proposed  
22 action to the public and to let the public  
23 know the various ways by which written  
24 comment may be submitted for the Secretary's

1 consideration.

2 That being said, we are going to  
3 begin the phase of tonight's proceedings with  
4 the first of two Department presentations.  
5 I'm going to, if I can find him, turn the  
6 floor over to Bryan Ashby so that he may make  
7 his presentation for the record.

8 Bryan, I believe that the system is  
9 allowing you to become a presenter. Whenever  
10 you are ready, you may begin.

11 MR. ASHBY: Great. Thank you,  
12 Lisa. Okay. Can everyone see my screen  
13 there?

14 MS. VEST: You are good to go.

15 MR. ASHBY: Great. Thank you, all.  
16 So I am here representing the Department. My  
17 name is Bryan Ashby. I'm a Program Manager  
18 with the Surface Water Discharges Section,  
19 and I'm here to speak on the wastewater  
20 facility construction application and draft  
21 permit. It is known as -- the permit number  
22 would be WPCC3007/20.

23 Wastewater construction permits:  
24 DNREC Surface Water Discharges Section, which

1 I work for, in cooperation with the  
2 Environmental Finance Office, issues permits  
3 for all wastewater facility construction.

4 The majority of those permits are  
5 conveyance systems. They are pipes,  
6 wastewater pipes like we are speaking of  
7 today; but we do also issue permits for the  
8 construction of the treatment systems,  
9 themselves, if they discharge to surface  
10 water.

11 The permits are issued to safeguard  
12 the environment and ensure facilities are  
13 designed to manage the wastes properly.

14 A little bit about the permit  
15 process: We have an application on our  
16 website that you can find.

17 Once the application is submitted,  
18 it is taken to engineering review. And once  
19 it is found to be complete, a public notice  
20 of that application is made, the hearing is  
21 held, if requested, and a Secretary's order  
22 would come out of that hearing, which would  
23 either require the permit to be issued as  
24 drafted, issued with modifications, or

1 denied.

2 This application from Artesian was  
3 received on January 23, 2020. It is an  
4 application for the construction of 11,735  
5 linear feet of 12-inch diameter force main  
6 from their existing 12-inch diameter force  
7 main at the intersection of Lewes-Georgetown  
8 Road and Gravel Hill Road, continuing west on  
9 Route 9 to the Steiner Road intersection, and  
10 continuing south on Steiner Road  
11 approximately 1,500 feet to the railroad  
12 tracks, and then continuing approximately  
13 3,500 feet along the railroad tracks to the  
14 Park Avenue intersection in Sussex County.

15 The purpose of this force main  
16 extension is to allow a future 12-inch  
17 diameter Sussex County force main to  
18 interconnect with the proposed Artesian force  
19 main on Park Avenue.

20 This interconnection will allow  
21 Sussex County to utilize the Beaver Creek  
22 Wastewater Treatment Plant for some of their  
23 customers in this area.

24 A picture of the application -- the

1 cover page of the application is seen here.  
2 This is the cover page of their engineering  
3 drawings, their engineering plans. It has  
4 their engineering plans is 12 pages. It has  
5 a cover page, eight pages detailing the  
6 identified section of pipes listed here  
7 above -- as you can see, there are eight  
8 little boxes marked off -- along with three  
9 additional pages of other details.

10 The application forms, themselves,  
11 are pretty simplistic. Just getting the  
12 basic information, these plans, themselves,  
13 have a lot of the more detailed information  
14 if you are looking for specifics on what is  
15 to take place in this project.

16 So, following an engineering review  
17 of the application and the plans, this  
18 permit, draft permit, was noticed on  
19 February 9, 2020.

20 We received seven timely hearing  
21 requests. Of course, we received them  
22 shortly before the pandemic put a pause in  
23 our operations. And I did not forward those  
24 to the hearing officer at that time.

1                   When I did go to forward them to  
2                   the hearing officer, a management decision  
3                   was made that it would be best to have it in  
4                   context with the wastewater treatment plant  
5                   that it was serving, so it was held over  
6                   until the Beaver Creek Wastewater Treatment  
7                   Plant was ready to go at this hearing  
8                   tonight.

9                   This hearing was public noticed on  
10                  October 20, 2020. And the comments, any  
11                  comments received, will be utilized by the  
12                  hearing officer and addressed in the Hearing  
13                  Officer's Report.

14                  A draft permit is currently  
15                  available on the hearing webpage. The draft  
16                  permit is large of primarily -- is largely,  
17                  um, standard conditions, many of those right  
18                  back to two parts right out of the  
19                  regulations; but there is the specific  
20                  information regarding this project, as well.

21                  And that is all I have. There is  
22                  my contact information. Again, I'm Bryan  
23                  Ashby from the Surface Water Discharges  
24                  Section. If you have any questions about the

1 construction permit, I am here to answer  
2 those. So that's my presentation.

3 Lisa --

4 MS. VEST: Excellent.

5 MR. ASHBY: -- do I put this back  
6 to you, or?

7 MS. VEST: Yep. Yep. I will take  
8 it over. And thank you, Bryan, for that.

9 And, again, I know that sometimes  
10 when people are watching this virtually, it's  
11 hard to see it because, one, the Power Point  
12 is going probably faster than some can really  
13 digest the visuals or the graphing of certain  
14 screens.

15 But it is available on the website,  
16 as with all of the Department's exhibits that  
17 will be entered into the record later on this  
18 evening.

19 And thanks again, Bryan, for that  
20 presentation.

21 At this point I am going to turn  
22 the floor over to John Rebar. John, the  
23 system should be allowing you to come in as a  
24 presenter now. And take it away.

1                   MR. REBAR: Thank you, Lisa. Okay.  
2                   Good evening, everybody. My name is John  
3                   Rebar. I'm a Program Manager with the  
4                   Groundwater Discharges Section within the  
5                   Division of Water.

6                   And I am currently overseeing the  
7                   proposed modification to Artesian's Beaver  
8                   Creek Wastewater Treatment Plant's on-site  
9                   wastewater treatment and disposal system  
10                  state permit.

11                  And I have got Lisa's face in front  
12                  of my permit number. (Laughter) Permit  
13                  number 359014-06.

14                  MS. VEST: John, just so you know,  
15                  on this end it appears fine. I'm just a  
16                  little box up at the top. You have got the  
17                  full screen, so ...

18                  MR. REBAR: I know, but the box  
19                  showing you is in the middle of my Power  
20                  Point presentation. (Laughter) Okay.  
21                  Apologies, everybody.

22                  So the purpose of the modification:  
23                  So in accordance with the regulations  
24                  governing the design, installation, and

1 operation of on-site wastewater treatment and  
2 disposal systems, the Department, in  
3 consultation with the permittee, may modify  
4 or amend an existing permit, provided that  
5 the modifications would not result in an  
6 increased impact or risk to the environment  
7 or the public health.

8           So we currently have a what we call  
9 an operations permit for the Beaver Creek  
10 Wastewater Treatment Plant. That permit  
11 includes operational, monitoring, reporting  
12 conditions, all designed to protect public  
13 health and the environment.

14           The Department is proposing to  
15 modify the current permit by including  
16 additional notification and reporting  
17 requirements associated with the proposed  
18 Route 9 force main interconnections.

19           It's important to keep in mind that  
20 these interconnections are actually already  
21 authorized by the permit. Alls we are doing  
22 is enhancing the notification for the  
23 reporting requirements associated with those  
24 interconnections.

1                   I am having a delayed reaction on  
2 boarding my slide.

3                   MS. VEST: There you go.

4                   MR. REBAR: I made the mistake of  
5 updating my computer this weekend, and I have  
6 regretted it ever since.

7                   Okay. So, as I mentioned, the  
8 permit modification is really only focusing  
9 on additional special conditions that we want  
10 to add to the permit. But, before I go into  
11 the special conditions, I want to go through  
12 some of the highlights of the current permit,  
13 and none of these conditions are going to  
14 change.

15                   So the current permit consists --  
16 authorizes discharges of residential  
17 wastewater that's generated in areas  
18 identified by the conditional use approval  
19 from Sussex County.

20                   This residential wastewater or  
21 influent is treated by a sequencing batch  
22 reactor wastewater treatment system. And  
23 that treated wastewater effluent is  
24 discharged to six rapid infiltration basins

1 for final disposal.

2 The current permit states that  
3 influent flows may not exceed a daily monthly  
4 average of 150,000 gallons per day until a  
5 second SBR is brought online and a digester  
6 is constructed.

7 At that time, the wastewater  
8 treatment system will have the capacity to  
9 treat 300,000 gallons per day of wastewater.

10 So here is a brief image of the  
11 wastewater treatment plant, which is over to  
12 the east. There is the series of rapid  
13 infiltration basins, and those infiltration  
14 basins have four monitoring wells associated  
15 with them, monitoring the groundwater  
16 impacts.

17 So, again, the current effluent  
18 limitations are not changing in this  
19 modification. The limitations currently:

20 Total nitrogen, on an annual  
21 average concentration, shall not exceed  
22 10 milligrams per liter.

23 The Total Phosphorous annual  
24 average concentrations shall not exceed

1           7.85 milligrams per liter.

2                   Fecal coliform concentration shall  
3 not exceed 200 colonies per 100 milliliters.

4                   The Biological Oxygen Demand,  
5 monthly average concentration, shall not  
6 exceed 30 milligrams per liter.

7                   And the Total Suspended Solids  
8 monthly average concentration shall not  
9 exceed 30 milligrams per liter.

10                   Again, those effluent limitations  
11 are not changing by this modification.

12                   The modification is not changing  
13 any monitoring requirements associated with  
14 the influent and effluent. All conditions,  
15 all parameters, monitoring frequencies, and  
16 sample type are all remaining the same.

17                   And the modification of the permit  
18 is not changing monitoring requirements for  
19 the four monitoring wells. Again, all the  
20 parameters and monitoring frequencies will  
21 remain the same.

22                   Our permits also have standard  
23 conditions. These conditions are not  
24 changing in the modification. Some of these

1           that I wanted to highlight:

2                       The permittee is still going to be  
3           required to submit monthly monitoring  
4           reports.

5                       The permittee is still required to  
6           employ a licensed operator to operate,  
7           maintain, and monitor the wastewater  
8           treatment system.

9                       Groundwater Discharges staff are  
10          still conducting inspections.

11                      There are noncompliance  
12          notification requirements.

13                      And corrective actions, should any  
14          adverse impact to waters of the state  
15          indicated by monitoring be identified,  
16          permittee will have to submit a corrective  
17          action plan determining the nature and impact  
18          of any kind of noncompliant discharge.

19                      So not a whole lot is going to  
20          change. What is going to change is we are  
21          going to be adding a few special conditions  
22          to the permit.

23                      One special condition is for the  
24          submission of record drawings upon the

1 completed wastewater treatment plant upgrades  
2 of the wastewater -- the upgrades required  
3 for the wastewater treatment plant to have a  
4 capacity of 300,000 gallons per day.

5 We are asking for a submission, a  
6 request for authorization in treatment and  
7 disposal of that 300,000 gallons per day.

8 We are reiterating that only  
9 sources authorized by the conditional use  
10 approval granted by Sussex County are  
11 authorized to be treated and discharged at  
12 the Beaver Creek Wastewater Treatment Plant,  
13 and that no industrial/commercial wastewater  
14 may be treated or discharged at the Beaver  
15 Creek Wastewater Treatment Plant without  
16 Department approval.

17 So, again, we are trying to enhance  
18 the notification and reporting requirements  
19 associated with these new interconnections.

20 And at that point, that concludes  
21 my presentation. Madam Hearing Officer, I  
22 would like to ask that all the Department's  
23 proposed exhibits posted on the website be  
24 submitted for the record.

1 MS. VEST: Okay. Thank you for --  
2 first of all, thank you, John, for your  
3 presentation.

4 Let the record reflect that all of  
5 the Department's exhibits, and just to  
6 clarify, both your exhibits associated with  
7 your presentation and your permit that you  
8 discussed, as well as Mr. Ashby's  
9 presentation and his permit that he  
10 discussed, all of them are grouped together  
11 as Department's proposed exhibits on the  
12 hearing webpage, and you would like for all  
13 of them in their entirety to be submitted  
14 into the record; correct?

15 MR. REBAR: Correct.

16 MS. VEST: Okay. Let the record  
17 reflect that all Department's proposed  
18 exhibits that have been posted on the  
19 Department's hearing page associated with  
20 this matter are hereby entered into the  
21 hearing record.

22 Does the Department have any  
23 additional statements that they wish to make  
24 at this time?

1 MR. REBAR: We do not.

2 MS. VEST: Excellent. Okay. Thank  
3 you, John.

4 At this point I am going to turn  
5 the floor over to the representative from  
6 Artesian. Daniel, are you there, and can you  
7 hear us? I hope you can. The ball is in  
8 your court, Daniel. Can you hear us? We  
9 cannot hear you at all.

10 Going once, going twice. I am  
11 going to give Daniel a minute here.  
12 Hopefully, he can get his connection  
13 straightened out. Daniel, if you can hear  
14 me, I have assigned you the role of  
15 presenter. You should have the ability to  
16 start your video and share your screen and  
17 proceed. Can you hear me?

18 Okay. It appears that we have some  
19 kind of technical difficulty with Daniel. I  
20 see him. He is here in attendance.

21 MR. REBAR: Madam Hearing Officer.

22 MS. VEST: Yes.

23 MR. REBAR: I would like to point  
24 out that the Artesian presentation is on the

1 DNREC's hearing website.

2 MS. VEST: Okay. I have just seen  
3 that Daniel is no longer in attendance.  
4 Perhaps he has logged off and logged back in.  
5 So we will give him a few seconds to see if  
6 that's the case.

7 Again, apologies for that. We will  
8 check back and see if we can have that.

9 In the meantime, if we cannot -- I  
10 want to try to give Daniel an opportunity, if  
11 that's the case. Okay. I do not see him  
12 anymore listed anywhere.

13 Sascha, we are going to move on,  
14 because I don't want the hearing to be dead  
15 air, so to speak. I will keep looking for  
16 Daniel to come in. So, hopefully, he will  
17 log back in.

18 And if we do see the Artesian  
19 representative log back in, obviously, we  
20 will let him do it. But right now we did  
21 have one person that pre-registered pursuant  
22 to the Department's protocols. And I believe  
23 Sascha is setting that all up. Sascha, have  
24 you got Mr. Steck unmuted? Mr. Steck, can

1           you hear me?

2                       MR. STECK:  Yes.

3                       MS. VEST:  Excellent.  Welcome.

4                       MR. STECK:  Can you hear me?

5                       MS. VEST:  I can hear you loud and  
6           clear.  As you can see, there is a  
7           three-minute timer up on the screen, so  
8           hopefully that will give you some pacing  
9           guidance as far as how much time you have  
10          left.

11                      Just as we would do in a normal  
12          face-to-face hearing, speakers are entitled  
13          to three minutes.

14                      Of course, if you do not get done  
15          everything that you want to put into the  
16          record, you can most definitely e-mail them  
17          to me, and your written comments in their  
18          entirety will be put into the record.  And I  
19          appreciate your participation in this.  When  
20          you are ready, you may proceed.

21                      MR. STECK:  Okay.  Great.  Thank  
22          you.  First I want to say thank you for the  
23          opportunity to comment.  I appreciate it.  
24          There is a lot of material that has come

1 through. I haven't gone through it all, so  
2 there will be some written comments later.

3 As far as the oral comments, let me  
4 start by saying first, as far as I'm  
5 concerned, the application is incomplete and  
6 missing basic information.

7 When I looked at this, I was  
8 surprised that it did not even mention the  
9 length of the project. Individual -- it does  
10 mention three different, the three sections,  
11 for example, the Route 9 section, the Steiner  
12 Lane, Steiner Road, that is a railroad  
13 section. That totals over 17,000 -- almost  
14 17,000 feet, or 3 miles, of pipeline.

15 That total is not even in there.  
16 The only total mentioned is the Route 9  
17 intersection. So that's a problem. That's a  
18 serious problem.

19 Also, they don't mention -- they  
20 don't identify which watershed they are in.  
21 That's a problem.

22 More substantively, the application  
23 description is very vague. It does not say  
24 in the application what kind of wastewater is

1 going to be in this pipeline. This is a  
2 problem.

3 Where it's going is a problem.

4 While it says it's going to go to the  
5 connection to our existing PVC force main in  
6 the Hawthorne Subdivision, well, there is  
7 actually two Artesian pipelines there, one  
8 going over to the Beaver Creek facility, and  
9 one going up to Artesian's facility in  
10 Milton, and none of that is clear in this  
11 application.

12 And according to the application  
13 instructions, all that is supposed to be very  
14 clear in the information provided.

15 Otherwise, you DNREC is not supposed to  
16 accept it. So I don't think DNREC should  
17 have accepted this application.

18 I'm also going to point out that  
19 the -- since I'm running out of time, there  
20 is verification from the appropriate county  
21 and municipal parking authority is not here.  
22 I saw no indication about that being decided.

23 And some of the other issues I have  
24 are wondering how this, how it is that you

1 move forward on deciding something without  
2 having some of the details flushed out, some  
3 of the very specifics, because it seems like  
4 you jumped upon, you went ahead and made some  
5 assumptions. And if they had decided to run  
6 this to the Millsboro facility, that's a  
7 problem.

8           It looks like I have a few seconds  
9 more. On this point again, it seems like  
10 based on this information, not knowing  
11 whether this is going to the Artesian  
12 facility at Beaver Dam, those pipelines, the  
13 decision of which pipeline it's being tied  
14 into is not clear from the application, and  
15 it's difficult for somebody to comment on  
16 that. Thank you.

17           MS. VEST: Okay. Excellent. Thank  
18 you, Mr. Steck, for those comments. We will  
19 definitely have the Department review them.  
20 And, most definitely, please provide us the  
21 entirety of the comments you wish to share.  
22 And as long as they come in before December  
23 2nd, they will absolutely be included into  
24 the record.

1                   MR. STECK: Thank you. I will send  
2 the written comments to the link.

3                   MS. VEST: Excellent. That's fine.  
4 That's fine. Thank you so much.

5                   MR. STECK: You are welcome.

6                   MS. VEST: While your comments were  
7 coming through, we have received touchdown  
8 from the Artesian representative.

9                   And I believe, if Sascha could  
10 un-mute him, Sascha, the last four digits of  
11 his number, if you cannot see the window I  
12 see, are 1226. If we can do that.

13                   And, John, if you could be so kind  
14 as to share his Power Point, we are going to  
15 try do it this way so his Power Point and his  
16 narration of it can get on the screen.

17                   MR. REBAR: Yes, but I need about  
18 one or two minutes to get it up.

19                   MS. VEST: Okay.

20                   MR. REBAR: Let's see.

21                   MS. VEST: And, Sascha, my  
22 apologies. The last four digits of  
23 Artesian's number is 7698. If you can find  
24 that within the attendees and un-mute him, we

1 can try to do this.

2 MR. KONSTANSKI: Hello?

3 MS. VEST: Yes. Is this Daniel?

4 MR. KONSTANSKI: Hey!

5 MS. VEST: Excellent. (Laughter)

6 MR. KONSTANSKI: All right!

7 MS. VEST: A little round the  
8 universe from the way it should be, but I  
9 think we are going to be good. Sascha, if  
10 you could --

11 MR. KONSTANSKI: I apologize for  
12 what happened.

13 MS. VEST: That's absolutely fine.  
14 Being the experts that we are, we have  
15 created a Plan B on the sly.

16 Sascha, our expert behind the  
17 scenes, if you could go ahead. There you go.  
18 John, you now have sharing capabilities. If  
19 you guys can work in tandem, kind of like  
20 synchronized swimming, John will be able to  
21 share the Power Point, hopefully, and  
22 Artesian should be able to narrate that.

23 MR. KONSTANSKI: Perfect. Thank  
24 you very much.

1 MS. VEST: That's the plan. That's  
2 the plan, at least.

3 MR. KONSTANSKI: Well, you know, I  
4 kind of stick to land. I wasn't much of a  
5 swimmer. But we will see if I can, you know,  
6 grouse my way through it. (Laughter) John,  
7 I will wait for you, if you want to go  
8 straight to the second slide that's where the  
9 presentation begins.

10 MR. REBAR: I will. I'm  
11 downloading it now.

12 MR. KONSTANSKI: I'm sorry, John?  
13 Say again?

14 MS. VEST: John said that he is  
15 downloading it now, so he is getting it ready  
16 to upload.

17 MR. REBAR: The presentation is on  
18 my work computer through VPN; but, of course,  
19 in order to present tonight, I'm on my home  
20 computer, so ...

21 MR. KONSTANSKI: Well, we just had  
22 to make it more interesting for you.

23 MR. REBAR: Yes. That's all right.  
24 It's coming. It's almost here.

1                   And, of course, my computer, with  
2 my, you know, convenient upgrades this  
3 weekend, my computer is moving slow.

4                   MS. VEST: Completely understood.

5                   MR. KONSTANSKI: That's how it  
6 always works. The upgrades are supposed to  
7 make it faster, and then it just ends up not  
8 ever working right again. (Laughter)

9                   MR. REBAR: That's right. Okay.  
10 Almost there.

11                   MS. VEST: There we go.

12                   MR. KONSTANSKI: Perfect. Thank  
13 you, John. And I will just tell you "next  
14 slide" when it's time.

15                   MR. REBAR: Absolutely.

16                   MR. KONSTANSKI: So, in summary,  
17 the purpose of this project, this pipeline  
18 project, is ultimately to provide better  
19 wastewater service to the Harbeson area,  
20 centered at Beaver Creek, and then where the  
21 treatment plant is, and then radiating out  
22 from there.

23                   And that is going to be  
24 accomplished primarily through four different

1 end results of this project.

2 The first is that we are creating  
3 an interconnected system. Part of the  
4 purpose of this pipeline is to tie into our  
5 regional network that allows us to route  
6 wastewater to different plants and even to  
7 Sussex County for treatment.

8 So one of the huge benefits of this  
9 interconnected system is that it adds  
10 redundancy to our system. It allows us to  
11 handle flows that might be a little abnormal  
12 at times, and also just gives options in the  
13 event that something needs to be taken down  
14 for maintenance, et cetera.

15 And so it's assuring service  
16 through interconnection. It's also a benefit  
17 in that the more service area that has a  
18 wastewater pipeline providing service to it,  
19 that can reduce new septic system permits,  
20 which, as we all know, is a way of treating  
21 wastewater that is just inferior to a  
22 consolidated and centralized wastewater  
23 treatment plant and system.

24 And then, finally, the small

1 community service methodology, the small  
2 community treatment plant, the cost of those  
3 are borne by the flow that comes to them.  
4 And so spreading out and bringing more flow  
5 through a regional system to a regional plant  
6 disperses those costs and spreads out the  
7 maintenance and the upkeep across a greater  
8 number of customers, which is a benefit to  
9 everybody.

10 So that's really what we are trying  
11 to accomplish with this pipeline and creating  
12 this regional system of which this pipeline  
13 is a part.

14 John, go ahead and go to the next  
15 slide. Thank you, John.

16 So we wanted to address several  
17 different questions that we know have come  
18 up, the first one being the potential for  
19 impact on the Beaver Creek Wastewater  
20 Treatment Plant.

21 And as John Rebar just went over in  
22 his presentation, this is a plant that has an  
23 ultimate capacity of 300,000 gallons per day.  
24 So the volume that this plant can handle, the

1 capacity, we are going to be nowhere near  
2 that with the addition of this flow. It can  
3 more than handle the additional flow that  
4 will be coming from the addition of this  
5 pipeline to our system.

6 And the flow, not only will there  
7 not be a volume of flow that cannot be  
8 handled; the classification of the wastewater  
9 will be such that it is no different than  
10 what is coming to Beaver Creek today in terms  
11 of its chemistry and its makeup.

12 This is going to be very much in  
13 keeping with the type of flow that Beaver  
14 Creek was both designed for as well as has  
15 been handling successfully for years.

16 And then, finally, this will not  
17 increase any traffic through the developments  
18 of the Beaver Creek neighborhood. There is  
19 no increase in Artesian personnel or vehicles  
20 associated with this project in terms of  
21 bringing this additional flow to the plant.

22 John, go ahead. Next slide,  
23 please.

24 Another question and concern was

1 related to pipeline integrity and the  
2 potential for leaks.

3 We are using high-quality pipeline  
4 material with excellent durability that's got  
5 a long lifespan to it. And then once -- even  
6 if it does, eventually as it will, reach the  
7 end of its useful life, there are liners and  
8 other things that can be added to extend the  
9 pipeline life almost indefinitely.

10 Artesian also maintains a rigorous  
11 maintenance and inspection program on all of  
12 our infrastructure, so we will be continually  
13 checking and inspecting these lines to  
14 identify any issues or problems well ahead of  
15 them causing a problem.

16 And in the event that something  
17 does happen, obviously there are always  
18 circumstances that are sometimes beyond your  
19 control, a contractor putting in a new stop  
20 sign or something like that, that we maintain  
21 a 24/7 leak response program and protocol  
22 where, in the event that something does  
23 happen where we need to respond, there are  
24 valves and infrastructure in place designed

1 in from the very beginning of the project to  
2 be able to isolate and respond and contain  
3 any issues immediately. So that is always in  
4 place and ready in the event that it's  
5 needed.

6 And, John, go ahead. Next slide,  
7 please.

8 So then the final question was  
9 related to impact to residents along this  
10 pipeline alignment.

11 Specifically, there was a concern  
12 for odor. This is an enclosed pipeline.  
13 This is not a gravity sewer system where you  
14 have manholes or places where odors and air  
15 can escape from the line.

16 This is a completely closed and  
17 pressurized system, so there will not be odor  
18 generated that's going to be coming up like  
19 through a manhole or something like that that  
20 you could have if it was a gravity system.

21 Access: This is, again, Artesian  
22 is only going to need regular access for,  
23 again, that maintenance program that I  
24 mentioned where we do go out and do

1 inspections if we need to access this  
2 pipeline. It's going to be through easements  
3 that have been secured as part of the  
4 pipeline design and permitting process.

5 And, finally, aesthetics: Again,  
6 this is a completely buried pipeline. There  
7 is no new lift stations or infrastructure  
8 like that associated with this permit.

9 It's all going to be buried. And  
10 once the restoration is complete and any  
11 grass has grown back, there will be no change  
12 to the visual aesthetics of this area where  
13 this pipeline is put in.

14 And that is my presentation. Thank  
15 you very much for the opportunity. And in  
16 the same way that the State is submitting  
17 their presentations as part of the record,  
18 Madam Hearing Officer, we would like to do  
19 so, as well, with this presentation.

20 MS. VEST: That's fine. Just  
21 again, for clarification for the record, is  
22 the presentation that you just did right now,  
23 you know, during the hearing the same as the  
24 one that's posted up on the website? And

1 please confirm that you do, in fact, wish to  
2 have that entered into the record as Artesian  
3 Exhibit Number 1.

4 MR. KONSTANSKI: Yes, ma'am.

5 MS. VEST: Excellent. So done.

6 Let the record reflect that the Power Point  
7 presentation made by Artesian just now during  
8 this public hearing is hereby entered into  
9 the hearing record as Artesian Exhibit 1.

10 And thank you, Daniel, for your  
11 presentation and for continuing to try until  
12 we got you live. I appreciate that.

13 MR. KONSTANSKI: We appreciate the  
14 flexibility very much.

15 MS. VEST: Not a problem. That's  
16 the purpose of these things, correct, it's to  
17 get as much information out there as  
18 possible.

19 At this point we have now concluded  
20 all three presentations that were scheduled  
21 to be presented at this hearing, and we have  
22 also heard from Mr. Steck, who preregistered  
23 pursuant to our protocols set forth on our  
24 website.

1                   So I'm just going to offer a few  
2                   concluding remarks before we leave tonight.  
3                   Thank you all again for taking the time out  
4                   of your busy schedules to attend this  
5                   meeting. We appreciate it.

6                   Believe it or not, just as much  
7                   effort, if not more effort, goes into these  
8                   virtual hearings as was the case when we  
9                   originally were meeting face to face.

10                  We do want to make sure that the  
11                  public is aware of these pending matters  
12                  before the Department. And, as I have said  
13                  before, anything involving this matter, be it  
14                  the presentations, be it all of the  
15                  Department's exhibits, be it Artesian's  
16                  exhibit now, which was the Power Point  
17                  presentation just presented, and all relevant  
18                  background information, it's all online. You  
19                  can find that at de.gov, slash dnrehearings,  
20                  as the slide says.

21                  As soon as the court reporter's  
22                  transcript is completed and received by the  
23                  Department, staff will put that up on that  
24                  webpage, as well.

1                   Please take the time to look over  
2 all of that documentation. Mr. Steck, I will  
3 be looking for your comments in their  
4 entirety to get sent to me via e-mail.

5                   And the record will remain open,  
6 not only for Mr. Steck, but for anybody that  
7 wishes to offer meaningful comment for the  
8 Secretary's consideration. As long as it's  
9 received either by electronic link, by the  
10 hearing comments e-mail, or by United States  
11 Postal Service, as long as we receive it in  
12 writing on or before December 2nd, it will  
13 count, it will be incorporated into the  
14 hearing record, and it will bear the same  
15 weight as if it had been aired live tonight.

16                   So, again, thank you for taking the  
17 time to be with us. This meeting is hereby  
18 adjourned.

19                   (Concluded at 6:43 p.m.)

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## 1 CERTIFICATE

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

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

15 IN WITNESS WHEREOF, I have hereunto set my  
16 hand and affixed my seal of office on this 8 day of  
17 December 2020.

18 Note: Correction to Page 27, Line 5, wherein, upon  
19 agreement, "complete" was changed to "incomplete."

20

21

22

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Lorena J. Hartnett  
Registered Professional Reporter

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24