

**In The Matter Of:**

*Department of Natural Resources & Environmental Control  
Allen Harim's Non-Hazardous Waste Permit Application*

---

*Public Hearing  
January 08, 2020*

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

RE: Public Hearing for Allen Harim's )  
State of Delaware Non-Hazardous )  
Liquid Waste Transportation )  
Permit Application )

.. . . . .

Indian River Senior Center  
214 Irons Avenue  
Millsboro, Delaware 19966

Wednesday, January 8, 2020  
6:00 p.m.

.. . . . .

BEFORE: Lisa Vest, Hearing Officer

PRESENT FOR THE DIVISION  
John J. Rebar, Jr.  
Katharyn Potter

-- Transcript of Proceedings --

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1 MS. VEST: Can everybody hear me if  
2 I don't use the mike?

3 UNIDENTIFIED SPEAKER: Sure.

4 MS. VEST: Okay. I have been sick  
5 with this cold that's going around, but I  
6 think my throat can take it; so if, for  
7 whatever reason, someone finds it difficult  
8 to hear, by all means, you know, just let us  
9 know.

10 I want to thank everybody for  
11 coming tonight. The time is approximately  
12 6:03 p.m. on Tuesday, January 8.

13 MS. POTTER: Wednesday.

14 MS. VEST: -- Wednesday -- sorry --  
15 January 8, 2020. And we are here this  
16 evening to provide a formal platform for  
17 DNREC to receive public comment on Allen  
18 Harim's permit application that's currently  
19 pending before the Department.

20 Allen Harim Foods has applied for a  
21 permit to transport non-hazardous liquid  
22 waste to its Harbeson Wastewater Treatment  
23 Plant.

24 It should be noted that this permit



1 at issue tonight only specifically regulates  
2 the transportation of waste on Delaware's  
3 public roads, so it's a bit of a specified  
4 matter.

5 For those that may not know me, my  
6 name is Lisa Vest, and Secretary Garvin has  
7 appointed me to serve as the hearing officer  
8 for this permit matter.

9 If some of you that came in late  
10 have not already done so, I would ask that  
11 you sign the formal sign-in sheets in the  
12 back of the room.

13 There is a spot to indicate whether  
14 you wish to submit comment. If so, please  
15 make sure to go ahead and put your name and  
16 contact information on that, because we like  
17 to have a good record of who attends these  
18 matters.

19 Even if you don't wish to comment,  
20 we would still like to have your name on  
21 there.

22 With regard to the comments that  
23 are going to be offered tonight, there are  
24 some brief formal protocols that must be



1           adhered to. I'm going to go over them very  
2           quickly.

3                         Consistent with all public hearings  
4           held by DNREC, all comment must be limited  
5           solely to the subject matter of tonight's  
6           hearing, which again is the transport permit  
7           application pending with Allen Harim Foods.

8                         Pursuant to the subject matter of  
9           this hearing, all comments pertinent to that  
10          hearing application will be incorporated into  
11          the hearing record being generated in this  
12          matter.

13                        As is DNREC's policy at all formal  
14          hearings such as this, each person wishing to  
15          offer comment tonight is asked to do so in as  
16          precise a manner as possible.

17                        In order to treat everyone equally  
18          and fairly, each person is granted a total of  
19          three minutes in which to offer their  
20          comments.

21                        To facilitate that protocol and to  
22          ensure fairness with regard to the time each  
23          person is allotted to comment, there will be  
24          a visual timer in place tonight to help



1 everyone be aware of their time remaining  
2 while they comment.

3 If you have already submitted  
4 written comment to the Department prior to  
5 tonight's hearing, that information is  
6 already in the hearing record.

7 Keeping in mind that everyone needs  
8 to be given the opportunity to speak tonight,  
9 it is not necessary to offer the same comment  
10 verbally if you have already provided it to  
11 the Department in writing.

12 Additionally, if you have brought  
13 prepared written comments or statements with  
14 you, you can certainly present them to me  
15 when you have been recognized as the next  
16 commenter.

17 I will then mark them and enter  
18 them into the hearing record, and then you  
19 can use your three-minute time to offer a  
20 brief summary of the comments verbally for  
21 the benefit of those in attendance tonight.

22 The three-minute timer for each  
23 person wishing to offer comment is to be  
24 enforced at tonight's proceeding. And,



1 again, enforcement of this protocol ensures  
2 all persons in attendance at all DNREC  
3 hearings across the state are treated equally  
4 and professionally.

5 There is no yielding of time from  
6 one commenter to another. Again, each person  
7 is entitled to three minutes total with no  
8 exceptions.

9 Consistent with DNREC's policy at  
10 all of its hearings and pursuant to current  
11 Delaware law, all persons wishing to offer  
12 comment at public hearings must be physically  
13 present in order to be recognized.

14 That being said, any commenter who  
15 is physically present here will be permitted  
16 to read into the record the comments of  
17 someone who may be absent, provided that the  
18 commenter who is present fully identifies the  
19 absent person by name at the time such  
20 comment is offered.

21 A gentle reminder that there is  
22 only one record of this formal proceeding  
23 tonight, and it is the official court  
24 reporter's verbatim transcript that's being





1 prepared this evening.

2 To that extent, the court reporter  
3 can only hear and accurately transcribe one  
4 voice at a time.

5 In order to ensure accuracy of the  
6 transcript and to be mindful of the protocols  
7 that we are talking about, I would ask that  
8 no one speak while another person is  
9 speaking, and do not call out from the  
10 audience for any reason.

11 If there are members of the news  
12 media here tonight, they are not prohibited  
13 from audio or visual recording from this  
14 proceeding.

15 I do ask, however, that you use any  
16 equipment that you may have in a way that is  
17 unobtrusive and would not interfere with the  
18 ability of others to see and hear during the  
19 hearing.

20 Whether listening or speaking, we  
21 ask that everyone here be respectful and  
22 considerate of all comment offered here  
23 tonight, even if some comment may differ in  
24 opinion from your own.



1                   Additionally, at this point I would  
2 ask that all cell phones be either muted or  
3 turned off for the duration of the  
4 proceedings so as to avoid any disruption.

5                   The statutory purpose of tonight's  
6 hearing is to allow citizens to offer comment  
7 on this pending permit application from Allen  
8 Harim.

9                   A record consisting of the  
10 transcript of verbal comments offered  
11 tonight, all written comments received by the  
12 Department, all exhibits presented, and  
13 ultimately the Hearing Officer's Report, will  
14 all be reviewed by the Secretary during his  
15 review of the hearing record.

16                   The Secretary will then ultimately  
17 issue an order, following his review,  
18 containing his decision on this application  
19 and the reasons therefore.

20                   Myself and other DNREC staff  
21 members are present to facilitate public  
22 comment but not to participate in these  
23 proceedings. As such, there is no Q and A  
24 session permitted during the course of



1           tonight's hearing.

2                       Lastly, it's important to note that  
3 no decision has already been made by the  
4 Department, nor will any decision be made  
5 tonight with regard to this pending permit  
6 application.

7                       Again, the purpose of tonight's  
8 hearing is to provide this formal platform  
9 for the public to come and offer their  
10 comment specifically related to this pending  
11 permit application and for such comment to be  
12 incorporated into the hearing record for the  
13 Secretary's consideration.

14                      The ultimate decision with regard  
15 to this matter is made by DNREC's Secretary  
16 Garvin.

17                      This formal proceeding tonight  
18 merely acts as a mechanism to enable the  
19 Department to vet a pending permit  
20 application out there to the public and, once  
21 again, to provide the platform for the public  
22 to provide comment.

23                      That being said, I am now going to  
24 turn the floor over to Department staff for



1           their brief presentation regarding this  
2           matter.

3                       MS. POTTER: Thank you, Lisa. Good  
4           evening, everyone. My name is Kathy Potter.  
5           I'm an Environmental Engineer in the Large  
6           Systems Branch of the Groundwater Discharges  
7           Section in the Division of Water, part of  
8           DNREC, Department of Natural Resources and  
9           Environmental Control.

10                      Tonight we are here to discuss  
11           Allen Harim Foods' non-hazardous liquid waste  
12           transporter permit application to transport a  
13           non-hazardous liquid waste, which is poultry  
14           wash water.

15                      My regulatory authority does not  
16           include facility activities and are not part  
17           of this permitting process.

18                      Tonight's hearing is solely based  
19           on the transportation of non-hazardous liquid  
20           waste.

21                      At this time I would like to  
22           provide exhibits for the record:

23                      State of Delaware regulations  
24           governing the design, installation, and



1 operation of on-site wastewater treatment and  
2 disposal systems.

3 Permit application from Allen Harim  
4 Foods LLC, submitted on October 4, 2019.

5 Public notice of the permit  
6 application published on December 15, 2019.

7 And a printed copy of tonight's  
8 Power Point presentation.

9 Again, the purpose of the hearing  
10 is to provide you the opportunity -- provide  
11 you with the opportunity to present comment  
12 regarding the transportation permit  
13 application.

14 The authority to issue the permit  
15 rests in our Delaware Code, specifically 7  
16 Delaware Code, Section 7101. That is what  
17 gives my section the regulatory authority to  
18 issue a permit to transport non-hazardous  
19 waste on state roads.

20 Regulatory requirements: This  
21 permit has regulatory authority over vehicle  
22 transport activities. It does not have  
23 regulatory authority over facility  
24 activities.



1           And there are two sections from the  
2 regulations, which are the actual regulations  
3 regarding the transportation, explaining  
4 again why the permit is required.

5           The application: Allen Harim's has  
6 submitted a complete application to transport  
7 other non-hazardous liquid waste, which is  
8 hatchery wash-down water, to be disposed of  
9 at the Allen Harim Harbeson Wastewater  
10 Treatment Plant.

11           The permit application has met the  
12 regulatory requirements and is considered  
13 complete.

14           The company did submit an  
15 operational plan. Here are a lot of the  
16 details regarding what they provided as part  
17 of the application.

18           Spill and cleanup procedures are  
19 required for every permit application.  
20 Vehicle cleanup is also required as part of  
21 the application. And then recordkeeping  
22 procedures.

23           Those, again, were provided by the  
24 company. They are not mandated by the



1 Department.

2 Some general permit conditions  
3 which would be in any permit that's issued  
4 for this activity:

5 All non-hazardous liquid waste  
6 shall be transported only to authorized  
7 facilities.

8 None of the wastes shall be  
9 deposited into ditches, water courses, lakes,  
10 ponds, tidewater sources, landed property, or  
11 at any point other than the authorized  
12 facilities mentioned in the permit.

13 All waste material collected shall  
14 be transported and disposed in accordance  
15 with the regulations, and they can't be  
16 disposed of in any other way without specific  
17 permission from the Department.

18 Every vehicle has to be leakproof,  
19 the truck, to transport this type of waste.

20 And all the hoses and the fittings  
21 must be kept in good working order.

22 Vehicles do have to comply with  
23 state transportation requirements. Some of  
24 those are DelDOT; some of those are federal



1 trucking requirements.

2 And they have to maintain a current  
3 copy of their plan for their spills on file  
4 with the Department, which is why it's part  
5 of the application.

6 Transporters at all times have to  
7 have commercial automobile liability  
8 insurance of at least \$100,000. And any  
9 spill greater than 25 gallons has to be  
10 reported to the Department.

11 Thank you for your interest and  
12 participation. There is my contact  
13 information.

14 There is also a hearing website. I  
15 don't expect you to write down that entire  
16 web page, but it is available on the  
17 Department's website.

18 And there is my contact phone and  
19 e-mail.

20 So if you have any questions  
21 pertaining to the public hearing, they have  
22 to go to Lisa, not me.

23 MS. VEST: All right. Thank you,  
24 Ms. Potter.





1           Let the record reflect that the  
2 Department's exhibits that were offered just  
3 now, Exhibits 1 through 4, are hereby entered  
4 into the formal record.

5           Also, as a matter of recordkeeping,  
6 I received written e-mail comments from  
7 Shelly Cohen at 3:44 this afternoon. I'm  
8 going to go ahead and enter them into the  
9 record at this time, as well. They are  
10 marked as Cohen Exhibit Number 1. And thank  
11 you, Ms. Cohen, for that.

12           And all of these exhibits, along  
13 with the transcript when we get it, will be  
14 put up on the hearing website.

15           So, if there is any confusion on  
16 where to go on our website to look for that,  
17 by all means ask me at the conclusion of the  
18 proceedings, and I can give you a business  
19 card and tell you where to go to get that and  
20 shoot you a link if need be.

21           That being said, I want to now turn  
22 the floor over to those who wish to offer  
23 comment for the record in no particular order  
24 other than the order that you guys signed up



1 in. I will go ahead and start. Anthony  
2 Scarpa?

3 MR. SCARPA: Yes. I asked this  
4 question at the last Allen Harim hearing.  
5 Has Allen Harim paid the fines imposed -- has  
6 Allen Harim paid the fines imposed by the  
7 Secretary of DNREC for their 2016 wastewater  
8 violations?

9 I could not find any proof of the  
10 fines being paid on your website.

11 There is also an offset that's  
12 supposed to take place between Allen Harim  
13 and a conservatory group here in the State of  
14 Delaware. That has not taken place yet.

15 This hearing should not be held,  
16 nor should any other Allen Harim hearings be  
17 held until those fines are paid.

18 I'm not sure why you would even  
19 entertain hearing the Allen Harim  
20 applications until these fines are paid.  
21 These fines date back to 2016 from over 90  
22 wastewater violations.

23 We have been told that DNREC has  
24 limited budget resources and personnel. How



1 do you ever expect to expect all of these  
2 trucks and all this equipment that you are  
3 telling us that Allen Harim is supposed to be  
4 keeping in good working order?

5 Another question I have is how do  
6 you find the time and the resources to  
7 prepare detailed Power Point presentations  
8 for multibillion dollar corporations like  
9 Allen Harim?

10 Out of the last four presentations  
11 I have seen have been a lot more extensive  
12 than this one tonight. But I just don't  
13 understand how a state agency that claims to  
14 have limited budget resources and limited  
15 personnel can take their time and their staff  
16 and turn over preparing Power Point  
17 presentations for corporations like Allen  
18 Harim, Artesian, Clean Delaware, and  
19 Blessings.

20 So I'm not quite sure I understand  
21 how this all happens.

22 The people of Millsboro and Milton  
23 have very little faith in DNREC's ability or  
24 desire to enforce your own permit conditions



1 and regulations.

2 We have asked the Delaware Attorney  
3 General's Office to take away enforcement  
4 from DNREC and them to be responsible to  
5 enforce permit violations and fines.

6 It remains to be seen whether the  
7 political contributions being made by the  
8 poultry industry and the utility companies  
9 will overshadow the effort. Thank you.

10 MS. VEST: Thank you, Mr. Scarpa.  
11 Susan Scarpa?

12 MRS. SCARPA: Yes. I'm just  
13 appalled at what goes on here in Delaware.  
14 We are not protected by any of the  
15 contamination that has occurred since we have  
16 been living here. We have been here three  
17 years.

18 I cannot believe what is going on.  
19 And it seems to me DNREC is not protecting  
20 the people. They are all connected with the  
21 chicken waste plants. I feel like they are  
22 getting paid off, and I'm sure they are.

23 It's just -- it's criminal, and  
24 it's sinful, and none of this should be



1           happening.

2                       Because whatever goes down there,  
3           eventually they are going to want to bring it  
4           down here to Milton. And we have already had  
5           enough contamination.

6                       And that's all I have to say.

7                       MS. VEST: Thank you, Ms. Scarpa.  
8           Andrea Green?

9                       MS. GREEN: Yes. Good evening. My  
10          name is Andrea Green. I live in Milton,  
11          Delaware.

12                      And I will submit a written copy of  
13          my statements. I would like to go over some  
14          of the major points.

15                      One of the things I note is in the  
16          presentation from Ms. Potter, there was an  
17          indication that a general permit condition is  
18          that the waste is to be transported only to  
19          authorized facilities. And she also  
20          specifically referred to this as  
21          non-hazardous liquid waste.

22                      The source of the non-hazardous  
23          liquid waste that's at issue in this matter  
24          is wash-down water from the Allen Harim



1 Dagsboro Hatchery. That effluent is  
2 currently discharged to an on-site 150-gallon  
3 lagoon.

4 Allen Harim was found by DNREC to  
5 have violated their permit regarding  
6 wastewater from the Dagsboro hatchery in 2016  
7 and '17 with huge overloading of limits of  
8 nitrogen and, in some instances, ammonia in  
9 particular.

10 As a result of being found in  
11 violation of their permit, Allen Harim  
12 entered into a conciliation order with DNREC  
13 on October 30, 2018. And under the terms of  
14 that order, they were fined -- or there was  
15 an administrative penalty of \$300,000 plus  
16 costs were to be paid.

17 They also were to terminate spray  
18 operation facilities -- spray operation at  
19 that facility.

20 And they were to connect to the  
21 Sussex County Wastewater Treatment Facility,  
22 which was to be done within 12 months from  
23 receipt of approvals.

24 I have spoken this week with Hans



1 Medlarz, who is the Sussex County Engineer,  
2 regarding the status of that connection.

3 He indicated there is a serious  
4 issue of concern regarding the use of  
5 quaternary ammonia at that facility. The  
6 extremely high levels of ammonia in the  
7 wastewater would result in extreme risks to  
8 the viability of the entire system that the  
9 county has ongoing.

10 Every wastewater facility,  
11 treatment facility, depends on the presence  
12 of microorganisms to permit the system to  
13 function as intended.

14 The problem with excess levels of  
15 quaternary ammonia is that it is so effective  
16 as a disinfectant that there is a risk of  
17 destroying what actually makes a wastewater  
18 system function.

19 Due to the level of ammonia in this  
20 wastewater, I cannot see how this can be  
21 considered to be a non-hazardous liquid waste  
22 if transported to Allen Harim and placed into  
23 their treatment for the poultry processing  
24 facility.



1           Additionally, based on the NPDES  
2 permit that was issued to Allen Harim at the  
3 Harbeson facility, this would present a  
4 substantial change that would require an  
5 application for amendment to its permit.

6           I am aware of no such amendment  
7 that has been applied for. And for that  
8 reason, the waste should not be permitted to  
9 be transported to the facility if it can't be  
10 disposed of there.

11           I know that my three minutes are  
12 up. And I will ask that at the end of the  
13 comments that are given today, I would ask  
14 for some additional time to go over some  
15 additional items that I would like to present  
16 in my statement.

17           When I checked on the list just  
18 before sitting down, there were, I believe,  
19 five people who had indicated they wished to  
20 make comments. I believe it may now be up to  
21 either six or seven. And there is really no  
22 reason to limit comments to three minutes.

23           So I would ask for some additional  
24 time at the end. And I will hand in a





1 written copy of my statement.

2 MS. VEST: Understood. Thanks,  
3 Ms. Green. Shelly Cohen? Ms. Cohen, I have  
4 your comments. They are in the record.  
5 Would you like --

6 MS. COHEN: I still want to speak  
7 after them.

8 MS. VEST: No, that's fine. I just  
9 wanted to doublecheck. You can proceed.

10 MS. POTTER: She said she will  
11 speak after the other people.

12 MS. VEST: Sorry. I didn't catch  
13 that. Very good. Keith Steck.

14 MR. STECK: Thank you for the  
15 opportunity to comment. Um, I will make it  
16 brief, since we only have three minutes' time  
17 to speak.

18 First of all, this application  
19 appears to be a new application for hauling,  
20 but it's supposedly non-hazardous waste.

21 However, the information provided  
22 is vague and limited and raises many  
23 concerns.

24 First off, for example, the concern



1 that this is 6.2 million gallons of total  
2 waste, but the size of the hauling truck is  
3 6,000 gallons, which works out to over a  
4 thousand trips each way, a round trip being  
5 2,000 trips.

6 Where is the information about the  
7 traffic? What are the routes? How many  
8 schools are this passing by? Especially if  
9 they use Iron Branch Road, which should be  
10 considered one of the many routes that they  
11 will likely use.

12 The other point that I want to  
13 raise about this is that again the  
14 information about what this is being hauled  
15 is unclear.

16 Ostensibly, it says that it is the  
17 wash-down water. Yet, further discussion and  
18 examination of the information points out  
19 that they are hauling wastewater from  
20 Harbeson from the spray field because they  
21 had to stop spraying this stuff, and that  
22 that's being hauled.

23 So are those two being mixed  
24 together? And are they being mixed with



1 other waters that are put into the holding?

2 The other part of this is, in  
3 examining and reviewing the letters submitted  
4 from October 4th from Harbeson, it points out  
5 that they stated that -- the letter, as far  
6 as I'm concerned, is alarming, because Harim  
7 falsely states the wash-down water and  
8 hatchery brine water were allowed to be  
9 applied by spray irrigation, and that letter  
10 was signed by the environmental engineer.

11 Nowhere in the cited pages of the  
12 permit does it say the term "wash-down  
13 water." That is not included specifically.

14 The brine water, it says that that  
15 was applied and allowed. It specifically  
16 says, "The facility-specific conditions,  
17 brine water from the reserve osmosis water  
18 treatment system may not be discharged to the  
19 spray irrigation fields."

20 So how could that possibly have  
21 been put on there? Is that what triggered  
22 the October 8, 2018 DNREC consent order?

23 There are other issues that raise  
24 serious concerns about the validity of what



1 they are proposing.

2 I don't know how DNREC employees  
3 could make a decision when they don't have  
4 detailed information.

5 The cited cleaning fluid or  
6 cleaning compound that they were supposed to  
7 use, there is no description, despite Harim  
8 saying that this is something that they have  
9 approved; yet, they don't provide anything  
10 that details what's in that.

11 If you have cleaning solution, that  
12 stuff could be chlorinated. It may be some  
13 other caustic compound. But what's the  
14 definition?

15 If that's the case, this is not  
16 non-hazardous waste.

17 MS. POTTER: Would you like to  
18 submit this?

19 MR. STECK: Yes, I do.

20 MS. VEST: Thank you. Is that  
21 comments?

22 MS. POTTER: Yes.

23 MS. VEST: Okay. Thank you,  
24 Mr. Steck. Maria Payan?



1 MS. PAYAN: Hi. I'm Maria Payan,  
2 104 West Mill Pond Drive, Selbyville,  
3 Delaware, 19975.

4 I have a lot of concerns about, as  
5 you all do, the content of this hatchery wash  
6 water, or is it hatchery waste, as well?

7 DNREC should require mandatory  
8 manifest sheets, and they should be available  
9 to the public as part of this permit.

10 I had put in a FOIA before to DNREC  
11 about how this waste is actually being  
12 tracked.

13 And from the responses that I got  
14 from the agency, it appears that there is no  
15 tracking except by the industry itself.  
16 There is no software. Nothing is being used  
17 by the regulatory agency to see what's  
18 flowing.

19 So, for that reason, I think that  
20 the manifest sheets have to be part of this  
21 permit, and they have to be available to the  
22 public.

23 Within the hatchery waste, there  
24 are pathogens, viruses, um, that are harmful



1 to wildlife as well as public health.

2 So I want to remind everybody,  
3 vaccines are put into the eggs.

4 The wastewater system at the  
5 Harbeson treatment plant, it was not designed  
6 to take in hatchery waste.

7 They are also taking in waste from  
8 Allen Harim's further processing.

9 We would like to be made aware of  
10 actually all the waste that Harbeson is  
11 taking in, how much waste it is, and if the  
12 system is actually able to handle it.

13 I can't read, obviously, this whole  
14 nine-page thing in three minutes. It's  
15 called the Ammonia Disinfection of Hatchery  
16 Waste for Elimination, a single strand of RNA  
17 viruses.

18 But I just want to read you some of  
19 what is in hatchery waste: H7N1  
20 low-pathogenic Avian Influenza Virus, H5N3,  
21 bovine parainfluenza, infectious bronchitis  
22 virus, Avian Hepatitis E. I can't even  
23 pronounce that one.

24 This is scary. This is scary. And



1 I recommend that you deny this.

2 This should not be going through  
3 this plant and ultimately ending up in spray  
4 fields going near neighbors all on well  
5 water.

6 It's not safe. Public health  
7 matters. Our water matters. Please, please  
8 deny this.

9 MS. VEST: Thank you, Ms. Payan.  
10 (Ms. Payan hands document) Thank you,  
11 Ms. Payan, for that.

12 Insofar as housekeeping, I want to  
13 go back and make sure the record reflects  
14 that Andrea Green's written comments and  
15 statements, as provided to me, are  
16 incorporated into the hearing record and  
17 marked as such as Green Exhibit 1. And I  
18 thank her again for that.

19 Likewise, Mr. Steck's comments are  
20 hereby incorporated into the record and  
21 marked as Steck Exhibit 1.

22 And lastly, Ms. Payan's written  
23 comments provided to us just now, which were  
24 very detailed, as she said, nine pages, are



1 hereby entered into the record and marked as  
2 Payan Exhibit Number 1, as well. And I thank  
3 you guys for that.

4 All of these, I think this is  
5 pretty well known at this point --

6 Oh, Shelly, I am so sorry.

7 MS. COHEN: Is this on?

8 MS. VEST: Please proceed.

9 MS. COHEN: So I did submit  
10 comments. And some of what I have to say  
11 overlaps with what Andrea and people were  
12 saying.

13 But I do want to add that, you  
14 know -- I wanted to add that in the theme of  
15 what is in the waste. Okay?

16 Like, that really isn't specified,  
17 and there can be a lot of things in there.

18 When I was reading up on this, I  
19 found out that these hatcheries, they have  
20 some stuff in the process that, aside from  
21 the chemicals and the pharmaceuticals that  
22 they use, and cleanup things, which could be  
23 represented as Formaldehyde.

24 Well, not all chicks makes it





1 through the system. Apparently, they have a  
2 way of determining male chicks from the  
3 female chicks. The male chicks aren't good  
4 producers. They don't gain weight fast  
5 enough, so they dispose of them. So that's  
6 in the waste.

7 And, you know, it's just -- it's a  
8 toxic mess of stuff that ends up being a main  
9 concern from people from the Milton area is  
10 that all this stuff is going to wind up on  
11 that on 1,800 acres of spray fields and in  
12 that 90 million-gallon lagoon that's out  
13 there in unincorporated Milton.

14 Not only that. I have a few  
15 comments. You are saying the permit is  
16 strictly about transporting over Delaware  
17 roads.

18 Well, who owns this operation?  
19 Everything about -- every time we have an  
20 Allen Harim hearing, it's Allen Harim this  
21 and Allen Harim that.

22 Well, this is Allen's Hatchery,  
23 right, Allen's Hatchery. When you look up  
24 the entity in the Delaware State corporate



1 entity lookup thing, it's the owner is, I  
2 think, a gentleman who has passed away a long  
3 time ago.

4 I think it's the same one that  
5 filed for bankruptcy for Harim, I think, when  
6 it was Allen Foods, simply Allen Foods.

7 And Allen Harim, yeah, they own a  
8 lot of businesses. And everybody, DNREC and  
9 other, you know, other agencies in Sussex  
10 County Council, they always talk about it  
11 like it's one big company.

12 It's many companies, and each one  
13 is a different legal entity. And they should  
14 present their documents, their applications,  
15 for that entity. And this is a theme that I  
16 have brought up before.

17 So your assurance information about  
18 the transport and who is insuring, well,  
19 that's under Allen Harim Foods, and this is  
20 Allen's Hatchery. Right? Different  
21 entities.

22 And when you have, you know, you  
23 are saying \$100,000 is adequate insurance for  
24 transporting on these roads? You could wipe



1 out a family in a car. You could wipe out  
2 several cars, several families of cars.

3 You could wipe out a schoolyard.  
4 This is going to go past the middle school  
5 and the elementary school. The playgrounds  
6 are right there on that road.

7 It's, you know, you don't think  
8 about the content of the waste. Simply they  
9 are telling you non-hazardous waste, and you  
10 go sure, yeah, non-hazardous waste.

11 Did you look at the operation? Did  
12 you look at the lab reports? Did you ask any  
13 questions?

14 And basically, to sum up, due  
15 diligence has not been done. You are the  
16 regulatory agency, and you shouldn't just be  
17 like, oh, yeah, it's a truck on the roads.

18 It's not just a truck on the roads.  
19 It's a truck full of unknown waste, possibly  
20 hazardous, probably hazardous, that that  
21 truck could break loose, and you could have a  
22 catastrophic incident that affects thousands  
23 of people. And it's amazing to me when you  
24 just boil it down to the permit to transport



1 over the road.

2 And then we all have eyes and ears,  
3 and we have all seen these trucks. And let  
4 me tell you, they don't look like they are  
5 well maintained. They look like they are  
6 from 1940 and have been stuck together with  
7 some glue.

8 So, anyway, I will just leave it at  
9 that.

10 MS. VEST: Thank you, Ms. Cohen.  
11 And thank you for reminding me I needed to go  
12 back to you. Apologies on that.

13 I want to make sure everybody  
14 knows, every time that we go to a hearing,  
15 every comment that is incorporated into the  
16 record, every exhibit that gets identified  
17 and marked as being incorporated into the  
18 record, they all go on the DNREC hearing web  
19 page for that particular matter.

20 When the transcript comes in in  
21 seven to ten days, that will get posted on  
22 that web page.

23 So all of these things are out  
24 there. And I do know, because I see the data



1 behind all of these websites, people are  
2 hitting these websites; they are watching it.

3 So what you submit does matter.  
4 And I appreciate it, and that's what makes  
5 these hearing so important to the overall  
6 process for Secretary Garvin.

7 That being said, I am also charged  
8 with consistency with regard to this matter,  
9 and so, even though it is a small crowd  
10 tonight, I have to adhere to the standard  
11 three minutes.

12 And I appreciate the desire to talk  
13 more, but once that toothpaste is out of the  
14 tube, everybody is going to want more than  
15 three minutes; so I have to respectfully deny  
16 that request.

17 But, again, everything -- because  
18 this is a lot of detailed information that  
19 you guys have provided. You are absolutely  
20 right, it cannot be rattled through in three  
21 minutes. But it does get its due on the  
22 website.

23 People do hit this. People do  
24 watch it. And it is reviewed by the



1 Secretary in its entirety prior to him making  
2 a decision.

3 And all of these concerns are also  
4 forwarded to the division in charge of this,  
5 and they are charged with answering it and  
6 providing me a response document that  
7 eventually will also get posted on that web  
8 page once it comes in.

9 So, again, I do thank you for that.

10 That being said, I have gone  
11 through the list of people that wish to  
12 speak.

13 And, again, I do thank you for your  
14 time and in putting those comments out there.  
15 Secretary Garvin does review them all;  
16 believe me.

17 It will be up on the website,  
18 hopefully, by noon tomorrow. I want to thank  
19 everybody for attending tonight. This  
20 hearing is adjourned.

21 (Concluded at 6:37 a.m.)

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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 12th day of January 2020.



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Lorena J. Hartnett  
Registered Professional Reporter

|                                                 |                                                                                |                                                           |                                                                          |
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|                                                                                                            |                          |                                                    |                                                                         |
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|                                                 |                                                      |                                        |                                          |
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| 24:4 25:9,10,19,20,24   | <b>tomorrow (1)</b>     | 15:6                      | 10:14                 |
| 26:5 27:1,3,6,8,9 28:8, | 37:18                   | <b>transporting (2)</b>   | <b>ultimately (3)</b> |
| 21 29:7 31:19,22 32:1,  | <b>tonight (17)</b>     | 32:16 33:24               | 9:13,16 30:3          |
| 4,5 33:7,10,13 34:8     | 3:11 4:1,23 5:15,24     | <b>treat (1)</b>          | <b>Um (2)</b>         |
| 35:4,4,5,5,18 36:2      | 6:8,21 7:23 8:12,23     | 5:17                      | 24:15 28:24           |
| 37:5                    | 9:11 10:5,17 11:10      | <b>treated (1)</b>        | <b>unclear (1)</b>    |
| <b>thing (2)</b>        | 18:12 36:10 37:19       | 7:3                       | 25:15                 |
| 29:14 33:1              | <b>tonight's (8)</b>    | <b>Treatment (8)</b>      | <b>under (2)</b>      |
| <b>things (4)</b>       | 5:5 6:5,24 9:5 10:1,    | 3:22 12:1 13:10           | 21:13 33:19           |
| 20:15 31:17,22          | 7 11:18 12:7            | 21:21 22:11,23 26:18      | <b>understand (2)</b> |
| 35:23                   | <b>toothpaste (1)</b>   | 29:5                      | 18:13,20              |
| <b>think (7)</b>        | 36:13                   | <b>triggered (1)</b>      | <b>Understood (1)</b> |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
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| 12:6                  |                  |  |  |
| <b>150-gallon (1)</b> | <b>6,000 (1)</b> |  |  |
| 21:2                  | 25:3             |  |  |
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| 28:3                  | 37:21            |  |  |
| <b>2</b>              | <b>7</b>         |  |  |
| <b>2,000 (1)</b>      | <b>7 (1)</b>     |  |  |
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| <b>2016 (3)</b>       | <b>7101 (1)</b>  |  |  |
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| <b>2020 (1)</b>       | <b>9</b>         |  |  |
| 3:15                  |                  |  |  |
| <b>25 (1)</b>         | <b>90 (2)</b>    |  |  |
| 15:9                  | 17:21 32:12      |  |  |
| <b>3</b>              |                  |  |  |
| <b>3:44 (1)</b>       |                  |  |  |
| 16:7                  |                  |  |  |
| <b>30 (1)</b>         |                  |  |  |
| 21:13                 |                  |  |  |