

DNREC
Steck Exh. #1

Comments on Harim Dagsboro Hatchery
Nonhazardous Liquid Waste Hauling Permit Application
DNREC Hearing Jan. 8, 2020
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General Observations

This application appears to be a new application for hauling but provides vague, limited information and raises many concerns. For example, there is no information about the number of trips that will occur or the traffic routes to be involved; by my simple calculations discussed below there will be over 1,000 one-way trips from the hatchery to the Harbeson facility and potentially raises concern about traveling by schools. Further, the application is extremely vague and unclear as to the composition of the liquid waste that is to be hauled from the hatchery. Specifically, Section E. Other Non-Hazardous Liquid Wastes item 1 (page 3) states: "Describe the source, nature and make-up of the non-hazardous liquid waste to be transported" and shows a notation of "see attached" yet the attachment is vague and provides no detailed information--see more detailed discussion below.

More significantly, the application itself raises many red flags about exactly what is to be hauled under this permit and Harim's hatchery spray irrigation permit DEN Number 358994-04, and what is the relationship to DNREC's October 2018 Consent order no. 2018-W-0057 with Harim resulting from violations. While the application infers the term "wash down water" is the only liquid that will be hauled away, the supporting documentation--especially Harim's October 4, 2019, letter and two pages of the hatchery spray irrigation permit, indicate more than that is being and will continue to be hauled to Harbeson. In fact, the letter makes two major false statements regarding liquid waste and its hatchery spray irrigation permit--see below for more discussion of this.

Given the focus of this application is on “Non-Hazardous Liquid Waste,” it is critical that DNREC and the public understand exactly what is in the liquid waste that Harim plans to haul from its Dagsboro hatchery to its Harim Harbeson facility for treatment. The composition of the liquid waste determines whether the waste being hauled is in fact nonhazardous waste. Equally important, DNREC owes it to the public to provide information explaining how it ensures that nonhazardous liquid waste is in fact being hauled. DNREC owes it to the public to explain exactly what is in the liquid waste now being hauled and what will be hauled to Harbeson. Moreover, DNREC should explain to the public how long this liquid waste hauling will continue, given that it is unclear when the hatchery will be connected to the the Sussex WWTP.

As it stands now, many Delaware residents in general and Sussex County residents in particular have little confidence in DNREC’s oversight and in Harim because of the company’s history of violations at the Dagsboro hatchery and the Harbeson facility. This application further cements that perception. If DNREC wants truly to show the public it is doing its job, it will deny this application or at the very least require much more information and many more answers before it decides.

Specific Concerns/Issues

Concern about Truck Traffic and School Safety Based on Liquid Waste Volume

Under Part 5. Type(s) of Waste Being Transported... on page 1 of the application, the applicant indicates in subpart vii that volume of waste of “Other Non-Hazardous Liquid Waste” will be 6.2 million gallons per year and is to be described in Section E. However, there is no additional information about how much truck traffic this will create, what the truck route(s) will be, and related concerns.

Using the only available information provided regarding the actual conveyance vehicle, I believe the application needs considerably more information regarding the actual hauling. The application shows there will be only one 6,000 gallon tanker in the supplemental information provided. Given that the application also lists the quantity of liquid waste to be collected at 6.2 million gallons a year, that works out to just over 1,033 one-way trips carrying liquid waste from the hatchery to the Harbeson facility. That also means there will be another 1,033 return trips to the hatchery of presumably empty trucks.. **That works out to almost 2,100 trips or over 6 trips each way every day of the year. That daily frequency will be higher--8 to 10 trips each way if trips are limited to workdays.**

The various routes that can be taken between the hatchery and the Harbeson facility also raise concerns about the safety of children along some of the routes. **If a side street or back road--especially Iron Branch Road--is used to avoid summer traffic,** the tanker truck would likely go by elementary or middle schools with high concentrations of children present. Also, there are daycare facilities along various possible routes. Given the frequency of travel by the hauling truck, the application should identify what routes will be used, the location of schools or daycare facilities, and the dates and times of the trips; this information should particularly focus on Iron Branch Road, given the high likelihood it will be used to avoid US 113 during peak travel times.

Section E Item 1 Does not Describe the Composition of the Liquid Waste

Currently, it is unclear exactly what liquid waste has been and is now being hauled from the Dagsboro hatchery to the Harbeson facility for wastewater treatment. As discussed below, there is no clear explanation as to what is being hauled, especially given DNREC having stopped Harim from spraying wastewater at Dagsboro and hauling the liquid waste to Harim's Harbeson plant. This happened because violations in 2016 and 2017

triggered a Consent Order between DNREC and Harim in October 2018 that requires Harim to haul liquid waste that continues to this day and for the foreseeable future. Although this order included Harim connecting the hatchery to a Sussex County Wastewater Treatment Plant at Piney Neck, it has still not happened because levels of chemical elements in the hatchery effluent exceeds levels acceptable to the Sussex County Engineering Department.

To this day, and as this application illustrates, it is unclear what the composition is of the liquid waste being hauled from Dagsboro to Harbeson, despite DNREC Consent Order no. 2018-W-0057 signed by Harim Pres. and CEO Joe Moran and DNREC Sec. Garvin in late Oct. 2018. If you look at page 3 of the application, Section 3 Item 1 asks for a description of “the source, nature and make-up of the non-hazardous liquid waste to be transported.” The applicant wrote “see attached” and included supplemental information that is vague and provides no detailed information.

The single-paragraph attachment describes what the hatchery does--hatches chicks that are transported to chicken farms--and then states: “The Hatchery is washed down daily using cleaning chemicals that have all been approved by the Environmental, Safety and QA Departments” then further states that “the wash down water is non-hazardous.” There is no description of what those chemical cleaning agents are--is it Dawn dish soap, a chlorinated bleaching agent, caustic solutions, something much stronger used to kill pathogens, etc.? It’s impossible to know. Further, the applicant’s assertion that the company’s Environmental, Safety, and QA Departments have approved these is meaningless because the company does not provide a list of its “approved” cleaning chemicals. More importantly, what does DNREC require--or exclude--regarding cleaning agents? There is no reference as to a DNREC regulation or US Department of Transportation or other agency requirement about approved or acceptable cleaning compounds for transport vehicles. Also, does some state

regulation define what wash down water is? If so, that should be cited in the application. In addition, does Harim use the same cleaning chemicals all the time or does it change these? The composition is extremely important to know as it determines whether the “wash down water” is hazardous or not and which kind of hauling permit is applicable. Given that this information is so vague, how do DNREC staff know what the composition of the liquid waste is and how can they approve this application?

The confusion and obfuscation is made worse by Harim’s October 4, 2019, letter submitted as part of the application. **This letter is especially alarming because Harim falsely states the wash down water and hatchery brine water are allowed to be applied by spray irrigation; this letter signed by the company’s environmental engineer.** Specifically, the letter states that “Disposal of the hatchery wash down water at the Harbeson WWTP is allowed as stated in the Spray Irrigation Permit DEN Number 458994-04 (Page 5 of 22 -- see attached).” **No where on the attached page does the permit mention the wash down water; it only discusses onsite effluent limitations and circumstances under which off-site hauling of wastewater to Harbeson is allowed and only under Nonhazardous Liquid Transporters Permit OH-503. Moreover, NO WHERE ON PAGE 22 of the permit does it mention wash down water also provided as supplemental information.**

Even more alarming is the out and out false statement in the letter that brine could be applied to the Dagsboro hatchery spray fields. In fact, the permit explicitly states in the very last item of of the permit under FACILITY SPECIFIC CONDITIONS item 2 on page 22: “Brine water from the reserve osmosis water treatment system may NOT be discharged to the spray irrigation fields. Brine water may only be transported to the Harbeson facility for final disposal.”

[Emphasis added.] The apparent application of brine water in violation of the permit is what likely triggered the inclusion of the hatchery in the late October 2018 DNREC

Consent Order signed by Harim's president and CEO. The letter goes on to say that the wash down and brine water are disposed of at Harim's Harbeson WWTP.

This letter, in effect, implies that the liquid waste being hauled to Harbeson includes both wash down water and brine water. It also begs two other questions:

- 1) Does the salinity level of brine solution affect whether liquid waste is considered hazardous? If brine solutions can kill crops, contaminate and affect water quality, and corrode pipes and other material, would that constitute a hazardous compound?
- 2) Is there any interaction of brine with the cleaning chemicals in the wash down water?

These issues raise other concerns about whether the wash down water and brine are mixed in with other wastewater from the facility. Given that hatcheries produce all manner of waste--shells, rotten eggs, dead chicks, pathogens from sick chicks, pharmaceutical residue, etc.--how does DNREC ensure none of this waste finds its way into the hatchery wastewater stream? What are the regulations Who is checking the wastestream to ensure it does not include any biohazards or other contaminants or that it does not reach a hazardous level?

Additional Points of Concern Regarding the Application

Given Harim's long history of violations and concerns about waste, procedures need to be described and information documented. For example, no where on the application is there a request for information about past violations related to the hauling applicant, including violations of documentation. Also, there is no place on the application that describes how the liquid is loaded onto trucks or into transport tanks, such as using pumps or another mechanism, and how it is discharged at the receiving facility. In addition, there is no discussion about documentation and preservation of documentation, such as the use of an electronic records system. Questions also exist

about the accuracy of the documentation Harim drivers are given or create themselves with respect to the manifest. Further, there is no mention of a system of spot checking/testing to sample liquid being hauled and comparing test results to manifests and other documentation; and who is testing the hauled liquid waste to determine its composition.

These are not idle, academic points. Harim's sample manifest, for example, only shows "Hatchery Wash Down Water" in the Waste Description section. But as noted above, the liquid waste also consists of brine water and raises questions about what other chemicals or possible contaminants are in the liquid waste.

Given Harim's long history of wastewater violations, including at the hatchery, DNREC needs to consider its reliance on self-reporting. DNREC should seriously consider requiring Harim to hire--and pay for-- independent third-party companies to do spot testing and checks of liquid waste being hauled from the hatchery and reporting the results to DNREC staff.

Further, DNREC needs to require Harim to establish a comprehensive, readily searchable database that captures manifest information, facility information, and test results.

WHAT'S THE BOTTOM LINE?

Given the vague information in this application and many unanswered questions: HOW CAN DNREC APPROVE THIS APPLICATION?

