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*Sent via email*

Lisa A. Vest  
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Re: Public Comments on Mountaire Farms Inc. NPDES Permit Renewal (NPDES Permit No. DE0050326; State Permit Number WPCC 3026F/75)

Dear Ms. Vest,

Thank you for the opportunity to comment on the Delaware Natural Resources and Environmental Control's ("DNREC's") tentative determination to reissue the National Pollutant Discharge Elimination System ("NPDES") permit for the Mountaire Farms Inc.'s poultry processing plant (NPDES Permit No. DE0050326; State Number WPCC 3026F/75) located in Selbyville, Delaware (hereinafter "Draft Permit").

## **I. Factual Background**

The Draft Permit allows Mountaire Farms Inc. to discharge stormwater runoff from nine outfalls at the poultry processing plant into Sandy Branch. Draft Permit at 2; Draft Fact Sheet at 2. For wastewater, the Mountaire Farms Inc. poultry processing plant utilizes a pretreatment plant to pretreat processed wastewater before sending the effluent to the Selbyville Wastewater Treatment Plant (NPDES Permit No. DE0020010). The Selbyville Wastewater Treatment Plant is a publicly owned treatment works ("POTWs") that accepts municipal wastewater as well as industrial wastewater from certain industrial users for final treatment before discharge into surface waters. Draft Fact Sheet at 2.

## **II. Wastewater from Poultry Processing Plants Contain Significant Amounts of Pollution.**

Slaughterhouses, including poultry processing plants, use large volumes of water to wash carcasses, rinse meat, and sanitize equipment and animal holding areas, generating wastewater with high levels of bacteria such as *E. coli*, various forms of nitrogen, and phosphorus. EPA, EPA-HQ-OW-2002-0014-2486, Technical Development Document (2004) [hereinafter, "2004 TD Document"], at 6-1-6-18; EPA, Preliminary Effluent Guidelines Program Plan 14 (2019) [hereinafter "Preliminary Plan 14"], at 3-10. All of these pollutants come from cleaning solutions, urine and feces, and animal parts including blood, fat, and viscera. 2004 TD Document at 6-1-6-18; Preliminary Plan 14 at 3-10.

Every year, slaughterhouses discharge approximately 16.5 million pounds of nitrogen and 2.84 million pounds of phosphorus, collectively known as nutrient pollution, along with at least 63 additional pollutants and 17 metals, into surface waters in the United States. Preliminary Plan 14 at 3-3, 3-4–3-5 figs.3-1, 6-3. In fact, EPA found that slaughterhouses discharge “the *highest* phosphorus levels and the *second highest* nitrogen levels of all industrial categories.” EPA, Preliminary Effluent Guidelines Program Plan 15 (2021) [hereinafter “Preliminary Plan 15”], at 6-2 (emphasis added). According to EPA, “[n]utrient pollution is one of the most widespread, costly, and challenging environmental problems impacting water quality in the United States.” Preliminary Plan 14 at 3-3. Yet many slaughterhouses discharge “these pollutants . . . at concentrations that can be reduced with current wastewater treatment technology.” Preliminary Plan 15 at 6-2.

### **III. DNREC Should Review Whether Pretreatment Standards are Necessary in Order to Prevent the Pass Through of Pollution from the Mountaire Farms’ Poultry Plant.**

DNREC should review pretreatment standards requirements for the Mountaire Farms Inc.’s poultry processing plant to treat nutrients, bacteria, and other pollutants to ensure the effluent it sends to the Selbyville Wastewater Treatment Plant does not pass through or interfere with the POTW. EPA has found that pollution from slaughterhouses that send their wastewater to POTWs (i.e., “indirect dischargers”) is likely passing through or interfering with POTWs, resulting in the excess discharge of pollutants. In EPA’s recent review of 200 indirect-discharging slaughterhouses and 100 corresponding POTWs that receive the slaughterhouse wastewater, the Agency found that 73 percent of the POTWs have violated permit limits for pollutants that are found in slaughterhouse effluent. Preliminary Plan 15 at 6-2. Of those 100 POTW discharge permits, only 45 percent have nitrogen limits and only 15 percent have phosphorus limits, indicating that many POTWs receiving slaughterhouse effluent may not be removing much of the nutrient load discharged to POTWs from slaughterhouses. *Id.* Further, EPA has repeatedly acknowledged that some POTWs are unable to treat ammonia and other pollutants in slaughterhouse wastewater. *See, e.g.*, 67 Fed. Reg. 64,216, 64,227 (Oct. 17, 2002) (explaining that some POTWs “do not have nitrification capability” necessary to treat ammonia).

A closer look at the Discharge Monitoring Report data from the Selbyville Wastewater Treatment Plant indicates that pollutants from Mountaire Farms Inc.’s poultry processing plant may be passing through or interfering with Selbyville’s wastewater treatment processes. Similar to those other POTWs receiving wastewater from indirect-discharging slaughterhouses, the Selbyville Wastewater Treatment Plant’s NPDES Permit does not include any effluent limitations or monitoring requirements for nitrogen or phosphorus. This suggests that Selbyville may not be removing much of the nutrient pollution received from the Mountaire Farms Inc.’s poultry plant. Further, the Selbyville Wastewater Treatment Plant has violated its NPDES Permit limits for Biological Oxygen Demand (“BOD”) and bacteria (e.g., Enterococci) eight times in the past several years. *See infra* Table A.

**Table A. Selbyville Wastewater Treatment Plant Recent NPDES Permit Violations**

<b>Monitoring Period (Month-Year)</b>	<b>Pollutant</b>	<b>Limit Type</b>	<b>Limit</b>	<b>Reported Discharge</b>
Dec-2018	BOD	Daily max	23 mg/L	30.5 mg/L
Dec-2018	BOD	Daily max	288 lb/d	299.6 lb/d
Jul-2018	Enterococci	Geometric mean	10 CFU/100mL	6.09 CFU/100mL
Jul-2018	Enterococci	Daily max	104 CFU/100mL	160 CFU/100mL
Aug-2018	Enterococci	Daily max	104 CFU/100mL	114 CFU/100mL
Mar-2019	Enterococci	Daily max	104 CFU/100mL	160 CFU/100mL
Dec-2019	Enterococci	Daily max	104 CFU/100mL	160 CFU/100mL
Jun-2021	Enterococci	Daily max	104 CFU/100mL	160 CFU/100mL

As described in Section II, above, these pollutants are found in poultry processing wastewater. DNREC should review whether the wastewater from the Mountaire Farms Inc. poultry processing plant is passing through or interfering with the Selbyville Wastewater Treatment Plant.

Thank you for considering our comments.

Sincerely,

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