DELAWARE CENTER FOR THE
INLAND BAYS
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FROM: Anna Fagan, Acting Executive Director

TO: Lisa A. Vest, Hearing Officer
Office of the Secretary
DNREC

SUBJECT: Docket #2022-P-MULTI-0012
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The Center for the Inland Bays is a non-profit organization that facilitates the Management Plan for the Inland Bays, to which DNREC is signatory. Although this project is located outside of the Inland Bays watershed, it would provide significant water quality and climate change mitigation benefits to the Inland Bays and is consistent with their Management Plan. Thus, the Center supports the proposed upgrades to the Bioenergy Devco facility in Seaford.

We provide this support because the project will result in the transport of significant amounts of excess nutrients out of polluted Sussex watersheds. Both the Inland Bays and the Nanticoke River are state-designated waters of exceptional recreational and ecological significance polluted by persistently high nutrient levels. Almost all of the waters of the Inland Bays have phosphorus levels in excess of their healthy limits. In some areas, such as the Indian River, there is so much pollution that dissolved oxygen sometimes drops to zero.

In 2018, 553,000 tons of dry poultry litter was produced on Delmarva up from 343,000 tons in 1985. This equates to 22 million pounds of phosphorus produced in an area where many soils are saturated with phosphorus. An unknown but large and likely increasing amount of poultry processing facility waste is produced on Delmarva and it is often land applied for disposal. This practice can result in harmful nutrient pollution in our waterways and the production of harmful greenhouse gases that contribute to climate change.

Anaerobic digestion is a proven and widely used technology that stands to be an important part of the solution to managing both the poultry processing facility waste and poultry litter resource for healthy water quality.

Furthermore, the facility will capture methane, a renewable biogas that is a more sustainable fuel option than fossil fuels extracted through fracking. This would serve as an important contribution to climate change mitigation from our coastal County that stands to benefit the most from these actions.

While highly beneficial, this proposed facility should be closely inspected and regulated due to its proximity to residential areas and sensitive water resources. DNREC should ensure that site design and permits for controlling runoff and wastewater on the site go beyond minimum requirements by taking into account the increasing intensity and volume of precipitation associated with climate change in order to prevent acute discharges of pollution to nearby surface waters. Air permitting should also be given special consideration. Life cycle research on similar facilities has shown that unintentional methane emissions in particular can make the difference between a facility that is a net greenhouse gas sink to a net source. Furthermore, an extraordinary level of public communication about permit compliance at the facility by DNREC and the company is appropriate given the environmental sensitivity of the site and the unfortunate reality of past permit violations at other composting facilities in the state. All this will be necessary in order to ensure a successful and publicly-accepted project which sets an example for the beneficial use of large-scale anaerobic digestion in the region.

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