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SD DNREC AIR RESOURCE
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DOVER, DE 19904



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09/25/2022 A.D 2022

Meriah Velazquez
 Sworn and subscribed before me, this 25 day of
 September, 2022

Ad Number: 0005423954

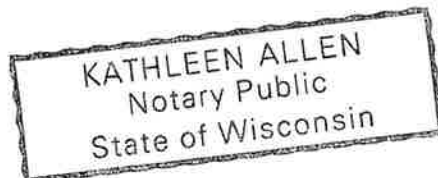
Legal notification printed at larger size for affidavit.

Kathleen Allen

Notary Public, State of Wisconsin, County of Brown

1-1-25

My commission expires





Department of Natural Resources and Environmental Control

LEGAL NOTICE

**Bioenergy Devco, LLC
Facility Permit Application
Updated to Reflect Emissions Change for Air Permit and to Note that
Updated Supporting Documentation is Available for Water Permits**

Please note that this Legal Notice reflects a change to annual air emissions for nitrogen oxides (NOX) for the RTO from 0.307 tons per year to 1.104 tons per year. The revised NOX emission limit does not impact the short-term modeling or regulatory applicability review performed for the draft permit. In addition, this provides notice that the Operations Plan and Engineering Report posted by Division of Water at the time of the August 21, 2022, legal notice have been changed to the most current versions dated June 2022 for the Operations Plan and May 2022 for the Engineering Report, which are the versions utilized for the final application review. The updated draft permit for the Division of Air Quality and the updated supporting documents for Division of Water are available for review at <https://dnrec.alpha.delaware.gov/public-hearings/bioenergy/>. No other changes to the information provided in the August 21, 2022, Legal Notice have been made.

The Department of Natural Resources and Environmental Control (DNREC: Division of Waste and Hazardous Substances, Division of Air Quality and Division of Water) hereby provides public notice of permit applications which have been received from Bioenergy Development Company, LLC (BDC), and of a Joint Public Workshop and a public hearing (Docket #2022-P-MULTI-0012) to be held by DNREC regarding those applications.

The location of BDC's facility for all the permits listed is the Bioenergy Innovation Center, 28338 Enviro Way, in Seaford, Sussex County, Delaware.

Division of Waste and Hazardous Substances: Resource Recovery Permit

Notice is hereby given by the Department of Natural Resources and Environmental Control that BDC has applied for a resource recovery facility permit to construct an anaerobic digestion system, biogas upgrading plant, and compost facility, located at the above referenced address, designed to process poultry industry wastes into digestate, pipeline-grade renewable natural gas (RNG), and compost. Wastes the facility will accept include Poultry litter, hatchery waste, dissolved air flotation (DAF) solid cake and liquid sludge, offal, waste activated sludge, and fats, oils, and greases. The capacity of the proposed facility is 250,000 tons per year.

A copy of the Resource Recovery Permit application and supporting documents are available online at de.gov/dnrecnotices. For information on how you can inspect a physical copy of this application or if you have any questions about the Resource Recovery Permit, please contact Zack Taylor via email at zachary.taylor@delaware.gov or via phone at (302) 739-9403.

Division of Air Quality: Air Permits

7 DE. Admin. Code 1102 NATURAL MINOR PERMIT APPLICATIONS

BDC has requested a permit to construct one (1) natural gas fired emergency generator with a standby power rating of 1,082 KW (1,451 HP) and four (4) anaerobic digesters with associated biogas upgrade and air pollution control equipment at the above referenced address. The engine used in the proposed generator set is certified to comply with, and will be required to adhere to, U.S. EPA regulations under the provisions of Subpart JJJJ to 40 CFR 60 and the applicable emissions standards located therein. Construction of the generator would be completed in accordance with the requirements of Permit: APC-2022/0048-CONSTRUCTION.

The facility is proposed to receive and anaerobically digest poultry industry liquid and solid cake DAF waste, poultry litter, and bioreactor sludge from the on-site wastewater plant. Biogas generated during the anaerobic digestion process would be filtered and conditioned to meet the standards required for use in the natural gas pipeline grid. The digestate produced would be dewatered and is proposed for use in the adjacent compost facility or to be marketed as a soil amendment subject to future Department approval. A series of filtration equipment would be used to refine the gas and separate unwanted compounds from the product gas stream. The unwanted gas stream would be combusted by a regenerative thermal oxidizer (RTO) or, in the event of equipment maintenance or excessive biogas production, a flare prior to emission into the atmosphere.

Emissions from the RTO associated with the anaerobic digestion process will be permitted to emit 0.017 tons per year (TPY) of Volatile Organic Compounds (VOCs), 1.104 TPY of nitrogen oxides (NOx), 0.023 TPY of particulate matter (PM), 0.002 TPY of sulfur oxides (SOx), and 0.258 TPY of carbon monoxide (CO) by Permit: APC-2022/0049-CONSTRUCTION. Emissions from the flare associated with the anaerobic digestion process will be permitted to emit 0.001 tons per year (TPY) of VOCs, 4.5 TPY of NOx, 0.002 TPY of PM, 0.001 TPY of SOx, and 20.6 TPY of CO by Permit: APC-2022/0049-CONSTRUCTION.

A copy of the Air Quality Natural Minor Permit application and supporting documents are available online at de.gov/dnrecnotices. For information on how you can inspect a physical copy of this application or if you have any questions about the Air Quality Natural Minor Permit, please contact Tracy Mattson via email at tracy.mattson@delaware.gov or via phone at (302) 739-9402.

Division of Water: Wastewater Facility Construction Permits

BDC proposes to construct an anaerobic digestion system and a wastewater pretreatment system as part of a proposed resource recovery facility that processes poultry industry wastes into digestate, pipeline-grade renewable natural gas and compost at the above referenced address. The

anaerobic digestion system and wastewater pretreatment system will include three (3) 0.208-million-gallon (MG) pretreatment tanks, and four (4) 1.95 MG fermentation tanks, a Membrane Bioreactor System (MBR), a 0.198 MG anoxic tank, a 0.412 MG aerobic reactor, a 0.198 MG ultrafiltration feeding tank and ultrafiltration and reverse osmosis treatment systems. The treated wastewater will be pumped and hauled to the Seaford wastewater treatment and disposal facility. A future construction phase will eliminate the need to transport the wastewater via truck by constructing a sanitary sewer pump station and force main that will connect to a future City of Seaford force main located in front of the site on Seaford Road.

A copy of the Wastewater Facility Construction Permit applications and supporting documentation are available online at de.gov/dnrecnotices. For information on how you can inspect a physical copy of this application and supporting documents or if you have any questions about the Wastewater Facility Construction Permit, please contact Derrick Caruthers via email at derrick.caruthers@delaware.gov or via phone at (302) 739-9948.

Joint Virtual Public Workshop

DNREC will hold a Virtual Public Information Workshop so that members of the public may learn more about this proposed project prior to the public hearing. The Workshop will be held virtually beginning at 6:00 PM on Wednesday, September 28, 2022, and can be accessed via: de.gov/dnrecmeetings. Spanish translation will be an available option for attendees via the Zoom platform being utilized.

The virtual workshop is the Department's platform that provides the public the opportunity to ask questions about this project. Questions and comments received at the virtual workshop are NOT part of the public hearing record. Please note that questions will not be received by the Department at the time of the public hearing, but the public can provide comment for the record as described in the "Joint Virtual Public Hearing" section below.

In advance of this virtual workshop, the public can obtain more information regarding this company and its process by visiting the company's website at bioenergydevco.com. In addition, the public can review permit application materials relevant to this project from DNREC as detailed in this notice.

Joint Virtual Public Hearing

The joint virtual public hearing on the above matter will be held beginning at 6:00 PM on Wednesday, October 26, 2022. The web link to the virtual hearing can be accessed through the DNREC Public Hearings site at de.gov/dnrechearings. Spanish translation will be an available option for attendees via the Zoom platform being utilized.

Those wishing to offer verbal comments during DNREC public hearings must pre-register no later than noon of the date of the virtual hearing at de.gov/dnreccomments or by telephone at 302-739-9001.

The Department will accept written public comment through the close of business on Friday, December 2, 2022. Comments will be accepted in written form via email to DNRECHearingComments@delaware.gov or by using the online form at de.gov/dnreccomments, or by U.S. mail to the following address:

Lisa A. Vest, Hearing Officer
Office of the Secretary
Department of Natural Resources and Environmental Control
89 Kings Highway
Dover, DE 19901

9/25-NJ