


MEMORANDUM

TO: Lisa A. Vest
Hearing Officer

FROM: Jordan G. Matthews, P.E. JGM
Engineer

Derrick P Caruthers, P.E. DPC
Engineer

Adam Schlachter 
Program Manager

SUBJECT: Addendum to Technical Response Memorandum for Bioenergy Development Company, LLC (BDC), located at 28338 Enviro Way, Seaford, Delaware.

DATE: September 5, 2023

INTRODUCTION

Upon further review of the Technical Response Memorandum (TRM), this Addendum was developed by the Divisions to correct some inconsistencies and to present a unified record for this process. The March 28, 2023, TRM focuses on the Department's responses to comments received from the public during the Public Hearing on October 26, 2022 and the subsequent record period.

CORRECTIONS

The second paragraph in the section titled, Public Participation on Page 2 of the Technical Response Memorandum for Bioenergy Development Corporation, LLC dated March 28, 2023 states:

During the public comment period DNREC received 188 public comments. Twenty-seven comments were submitted orally during the public hearing and 161 written comments were submitted either before or after the public hearing.

This should be revised to clarify the following:

*During the public comment period DNREC received **189 public comments**. Twenty-seven comments were submitted orally during the public hearing and **162 written comments** were submitted either before or after the public hearing.*

There was an error in the original TRM which did not reflect one of the comments received.

In addition, the second comment in the General Public Comment Summary Section on page 4 of the Technical Response Memorandum for Bioenergy Development Corporation, LLC dated March 28, 2023, states:

“A cumulative health impact analysis should be conducted prior to making any permitting decisions.”

The Department’s original response is as follows:

A Cumulative Health Impact study is not required under Federal or State regulations. However, under the Solid and Hazardous Waste Management regulations an Environmental Impact Assessment was required and performed as part of the resource recovery application process. The results of this assessment identified those factors which are critical to ensure permits are inclusive when they are written. In this case, each factor of the Environmental Impact Assessment that was identified has been included in the permits the Department is issuing. In addition, as part of the Environmental Impact Assessment, DNREC has a baseline of conditions at and around the facility prior to operation of any new equipment. As a result, if permits are granted, DNREC can determine if any environmental impacts from the operation are occurring and can require operational adjustments if needed.

Delaware’s *Regulations Governing Solid Waste* does not define “Environmental Impact Assessment”, however it does define “Environmental Assessment” and that is what Bioenergy Development Corporation, LLC submitted, the Department reviewed and was incorporated into the permit. The revision to the response is below:

*A Cumulative Health Impact study is not required under Federal or State regulations. However, under ~~the Solid and Hazardous Waste Management regulations~~ **Delaware’s Regulations Governing Solid Waste** an Environmental **Impact** Assessment was required and performed as part of the resource recovery application process. The results of this assessment identified those factors which are critical to ensure permits are inclusive when they are written. In this case, each factor of the Environmental **Impact** Assessment that was identified has been included in the permits the Department is issuing. In addition, as part of the Environmental **Impact** Assessment, DNREC has a baseline of conditions at and around the facility prior to operation of any new equipment. As a result, if permits are granted, DNREC can determine if any environmental impacts from the operation are occurring and can require operational adjustments if needed.*

This revision properly documents what is required by the Regulations and what occurred during this process.

RECOMMENDATION

The Division of Waste and Hazardous Substances, the Division of Air Quality, and the Division of Water recommend that this TRM Addendum be added to the record to provide corrections to the items identified.

cc: Amy Mann
Angela Marconi
Jennifer Roushey
Olayiwola Okesola
Jason Sunde
Timothy Ratsep
Steven Smailer