

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: July 18, 2023

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INTRODUCTION

Upon further review of the record, this Technical Response Memorandum (TRM) Addendum was developed by the Divisions to provide a more thorough and balanced account of public comments received for consideration by the Secretary in rendering a permitting decision. The March 29, 2023, TRM focuses on responding to areas of public comment where public concerns or questions regarding the proposed permitting actions were expressed. The intent of this TRM Addendum is to identify areas of public comment received expressing support for the proposed permitting actions which upon further reflection were not adequately identified in the March 29, 2023, TRM submission. Although these comments were not expressly noted or individually discussed in the March 29, 2023, TRM, these comments were considered by the Divisions in establishing the permitting recommendation to the Secretary and are therefore being incorporated into the TRM record herein.

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Since many of the comments provided were similar, where possible, they have been combined and edited for clarity and brevity in the table. Verbatim statements can be found in the *BIOENERGY DEVELOPMENT CORPORATION APPLICATIONS*, the Hearing Transcript prepared by Wilcox & Fetzer, Ltd, and the public comments posted on the DNREC webpage.

| <b>General Public Comment Summary</b>  | <b>DNREC Responses</b>  |
|--|---|
| <p>Anaerobic digestion is a proven technology with a track record of safety.</p> | <p>The Department acknowledges receipt of multiple comments supporting this statement including those provided by the following:</p> <ul style="list-style-type: none"><li>• Secretary of the Maryland Department of the Environment;</li><li>• Secretary of the Delaware Department of Agriculture;</li><li>• Delaware Nutrient Management Commission;</li><li>• Environmental Sustainability and Government Relations, Perdue Farms, Inc.;</li><li>• Sussex Economic Development Action Committee;</li><li>• Delaware State Farm Bureau;</li><li>• Delaware Center for the Inland Bays;</li><li>• University of Delaware Extension Poultry Specialist, retired;</li><li>• Delmarva Chicken Association; and</li><li>• Director of the Bioenergy and Bioprocessing Technology Laboratory and President of the American Ecological Engineering Society, University of Maryland.</li></ul> <p>The Department acknowledges that anaerobic digestion has been used to produce energy in Europe, Asia and the United States since World War I. In addition, this technology is supported under both state and federal environmental</p> |

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|--|--|
| <p>Anaerobic digestion is a better way to manage agricultural waste in the Delmarva Peninsula and will reduce nutrient pollution in waterways when compared to current methods including land application.</p> | <p>regulation and fits into the current regulatory structure that the Department uses to protect human health and the environment.</p> <p>The Department acknowledges receipt of multiple comments supporting this statement including those provided by the following:</p> <ul style="list-style-type: none"><li>• Secretary of the Maryland Department of the Environment;</li><li>• Secretary of the Delaware Department of Agriculture;</li><li>• Delaware Nutrient Management Commission;</li><li>• Friends of the Nanticoke River;</li><li>• Wicomico Environmental Trust;</li><li>• Delaware House Minority Leader, State Representative 39<sup>th</sup> District;</li><li>• Delaware Representative, State Representative 37<sup>th</sup> District;</li><li>• Delaware Representative, State Representative 35<sup>th</sup> District;</li><li>• Delaware House Minority Whip, State Representative 40<sup>th</sup> District;</li><li>• Delaware Representative, State Representative 41<sup>st</sup> District;</li><li>• Delaware State Farm Bureau;</li><li>• University of Delaware Extension Poultry Specialist, retired;</li><li>• Delaware State Senate Minority Leader, 20<sup>th</sup> Senatorial District;</li><li>• Delaware State Senate, 18<sup>th</sup> Senatorial District;</li></ul> |

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|---|--|
|   | <ul style="list-style-type: none"><li>• Delaware State Senate, Minority Whip, 19<sup>th</sup> Senatorial District; and</li><li>• Delaware State Senate, 21<sup>st</sup> Senatorial District.</li></ul> <p>The Department acknowledges that the proposed anaerobic digestion facility will afford the Delmarva Peninsula an alternative disposal method to land application and, therefore, could result in a reduction in nutrient contributions to our watersheds and waterways.</p>  |
| <p>This project will create renewable energy and soil amendments from agricultural waste.</p> | <p>The Department acknowledges receipt of multiple comments supporting this statement including those provided by the following:</p> <ul style="list-style-type: none"><li>• Secretary of the Maryland Department of the Environment;</li><li>• Secretary of the Delaware Department of Agriculture;</li><li>• Delaware Nutrient Management Commission;</li><li>• Environmental Sustainability and Government Relations, Perdue Farms, Inc.;</li><li>• Sussex Economic Development Action Committee;</li><li>• Friends of the Nanticoke River;</li><li>• Delaware House Minority Leader, State Representative 39<sup>th</sup> District;</li><li>• Delaware Representative, State Representative 37<sup>th</sup> District;</li><li>• Delaware Representative, State Representative 35<sup>th</sup> District;</li><li>• Delaware House Minority Whip, State Representative 40<sup>th</sup> District;</li></ul> |

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| <b>General Public Comment Summary</b> | <b>DNREC Responses</b>  |
|---------------------------------------|---|
|                                       | <ul style="list-style-type: none"><li>• Delaware Representative, State Representative 41<sup>st</sup> District;</li><li>• Delaware State Farm Bureau;</li><li>• Delaware Center for the Inland Bays;</li><li>• University of Delaware Extension Poultry Specialist, retired;</li><li>• Delmarva Chicken Association;</li><li>• Delaware State Senate, Minority Leader, 20<sup>th</sup> Senatorial District;</li><li>• Delaware State Senate, 18<sup>th</sup> Senatorial District;</li><li>• Delaware State Senate, Minority Whip, 19<sup>th</sup> Senatorial District;</li><li>• Delaware State Senate, 21<sup>st</sup> Senatorial District; and</li><li>• Director of the Bioenergy and Bioprocessing Technology Laboratory and President of the American Ecological Engineering Society, University of Maryland.</li></ul> <p>The Department notes that Delaware’s Climate Action Plan includes a strategy to increase renewable natural gas production which includes an action to review opportunities for anaerobic digestion projects to transform agricultural waste into renewable natural gas. Currently, solid waste facilities in the State including landfills are capturing methane and other gasses for renewable energy use. The process of collecting and purifying gas from organic decomposition opportunities allows Delaware to reduce reliance on fossil fuel sources of natural gas and reduces the overall need to extract these resources from the earth.</p> |

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| <p>The project will support jobs and economic growth in the Delmarva peninsula.</p> | <p>The Department acknowledges receipt of multiple comments supporting this statement including those provided by the following:</p> <ul style="list-style-type: none"><li>• Sussex Economic Development Action Committee;</li><li>• Delaware House Minority Leader, State Representative 39<sup>th</sup> District;</li><li>• Delaware Representative, State Representative 37<sup>th</sup> District;</li><li>• Delaware Representative, State Representative 35<sup>th</sup> District;</li><li>• Delaware House Minority Whip, State Representative 40<sup>th</sup> District;</li><li>• Delaware Representative, State Representative 41<sup>st</sup> District;</li><li>• Delmarva Chicken Association;</li><li>• Delaware State Senate, Minority Leader, 20<sup>th</sup> Senatorial District;</li><li>• Delaware State Senate, 18<sup>th</sup> Senatorial District;</li><li>• Delaware State Senate, Minority Whip, 19<sup>th</sup> Senatorial District; and</li><li>• Delaware State Senate, 21<sup>st</sup> Senatorial District.</li></ul> <p>Although the Department appreciates receipt of these comments, economic impacts are considerations associated with County planning and zoning decisions, which fall outside of DNREC's purview.</p> |

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**RECOMMENDATIONS**

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 a balanced account of public comments received for consideration by the Secretary in rendering a permitting decision.

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