

In the Matter Of:

Department of Natural Resources & Environmental Control

BIOENERGY DEVELOPMENT COMPANY HEARING

October 26, 2022



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DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL
OF THE STATE OF DELAWARE

RE: Bioenergy Development Company, LLC's Air,
Wastewater, and Resource Recovery Construction
and Operations Application and Draft Permits.

..

Virtual Public Hearing
Dial-In Number: 1-646-558-8656
Meeting ID: 982 6676 7693
Passcode 368147

Wednesday, October 26, 2022
6:00 p.m.

..

BEFORE: Lisa Vest, Hearing Officer

-- Transcript of Proceedings --

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1 MS. VEST: Good evening. It is
2 6:01 p.m. on Wednesday, October 26, 2022.
3 And we welcome you tonight. Thank you for
4 taking time out of your busy, busy after --
5 evening at this point to be here with us.

6 This is the virtual hearing for the
7 State of Delaware's Department of Natural
8 Resources and Environmental Control to
9 conduct its formal public hearing on the
10 various permit applications submitted to the
11 Department by Bioenergy Development Company
12 LLC. You may hear the term BDC for short.
13 That's just so we don't have to all keep
14 saying Bioenergy.

15 The applications that are currently
16 pending before the Department concern
17 expansion of the existing composting facility
18 in Seaford, Delaware, to transform organic
19 waste into renewable energy.

20 For those who do not know me or
21 recognize me, my name is Lisa Vest, as
22 Cabinet Secretary Garvin has appointed me to
23 serve as the hearing officer for tonight's
24 legal proceeding.

1 Pursuant to DNREC's standard
2 hearing protocols, this hearing is being
3 conducted virtually. While, of course, there
4 are no physical sign-in sheets to document
5 physical attendance tonight, Zoom does
6 generate a list of those that are virtually
7 attending this matter, and the Department can
8 still keep a record of those who have joined
9 us tonight.

10 And so, regardless of whether
11 attendees are offering live comment this
12 evening or just tuning in, we welcome you.
13 And I thank everyone for their interest in
14 this matter.

15 Before I set the parameters for
16 this formal legal hearing tonight, I am going
17 to briefly turn things over to Janella Sapp.
18 Janella is the administrative specialist for
19 DNREC's Office of the Secretary, and she is
20 going to offer some brief instructions to
21 hopefully make everybody's experience as
22 meaningful as possible.

23 She is going to talk a little bit
24 about the new technology. This is our first

1 hearing that we have done on Zoom. Quite
2 honestly, we did it because we believed it
3 provided a better platform and a more
4 meaningful experience to the public.

5 It has got a little bit more
6 interactive qualities than WebEx, so we hope
7 you enjoy that.

8 And she is going to talk a little
9 bit about how to get closed captioning on
10 your screens in the language of your
11 choosing, as well as some additional
12 information about some other things that you
13 might see being utilized tonight.

14 So, with that being said, I'm going
15 to go ahead and throw it over to Janella, and
16 she can talk briefly about that just now.

17 MS. SAPP: Hi. Good evening,
18 everybody. Like Lisa said, my name is
19 Janella Sapp. I'm the administrative
20 specialist with the Office of the Secretary.
21 And I'm here to assist the hearing officer
22 with tonight's hearing.

23 To start, I'd like to make sure
24 that everyone is aware that the Zoom platform

1 that we are using tonight has the ability for
2 closed captioning in the following languages:
3 Chinese, Dutch, English, French, German,
4 Italian, Japanese, Korean, Portugese,
5 Russian, Spanish, and Ukrainian.

6 In order to start closed
7 captioning, if you are on a computer, at the
8 bottom of your screen you should see a "Show
9 Captions" button. If you don't see the "Show
10 Captions" button, you may need to select the
11 three dots at the bottom that say "More."

12 Once you find your closed caption,
13 your "Show Captions" button, you can select
14 the caret pointing up, which will bring you
15 to your translation options. You can select
16 your preferred language from there.

17 If the one you like isn't listed,
18 you can select "More," and all the languages
19 previously mentioned will be listed.

20 If you are using a smart phone, at
21 the bottom of your screen there are three
22 dots that say "More." From there, you can
23 select "Meeting Settings" with the gear next
24 to it.

1 Once the setting comes up, located
2 at the very bottom, it will say "Translation
3 Page." If you click that, you will be able
4 to select your preferred language.

5 You will select "Done" at the
6 top-right corner and then "Done" again.

7 If the captions are not
8 automatically popping up for you yet, you may
9 need to select the three dots at the bottom
10 and select "Show Captions."

11 Also, due to the high attendance
12 for this hearing, we would like to make sure
13 that the focus remains on the presentation,
14 so we ask that everybody keep their cameras
15 off, but the presenters may turn their camera
16 on while they are speaking, and then please
17 turn them off once you are finished.

18 Once we start the public comment
19 section of the hearing, you will hear a
20 little bit more from me, but in the meantime
21 I will turn it back over to Lisa Vest.

22 MS. VEST: Thanks, Janella. At the
23 conclusion of these introductory remarks, I
24 will be turning the floor over to

1 representatives for both the Department and
2 the Applicant. Both have presentations that
3 they would like to offer to the public this
4 evening, as well as making sure that they get
5 incorporated into the hearing record that's
6 being generated in this matter.

7 Also, just another little
8 technology snippet here just so everyone is
9 aware, during tonight's meeting, as Janella
10 said, you may see video feeds go off and on.
11 That may also be one of my feeds that goes
12 off and on.

13 That's simply due to the logistics
14 that are associated with the hearing tonight.
15 The main camera feed will focus on whomever
16 is speaking at the time. But rest assured, I
17 will be here throughout the entire
18 proceeding. At no time will the hearing
19 officer ever leave the room. So we should be
20 safe; right?

21 Since there are permit applications
22 pending in this matter with multiple
23 divisions, there are permits specifically
24 with DNREC's Division of Air, Division of

1 Water, and the Division of Waste and
2 Hazardous Substances. So you will be seeing
3 three different power points offered by the
4 Department tonight, each one dealing
5 specifically with the permits associated with
6 each of their divisions.

7 Once those three sets of Power
8 Point presentations are concluded, we will
9 then turn over to the Applicant's
10 presentation.

11 All of the presentations, the three
12 from the Department and the one from the
13 Applicant, will be posted on the hearing
14 webpage, by the way, so don't worry if you
15 are struggling to see it or if it's not that
16 big on your screen, or it's just so much
17 information that it's hard to take it all in.
18 Don't worry.

19 It's all going to be on the hearing
20 webpage. You can always go back, review it,
21 look at it, take notes, and go over it in
22 detail on your own time following tonight's
23 proceedings.

24 Again, there is a lot of

1 information that's being offered tonight, and
2 so I would encourage everyone to do just
3 that.

4 The court reporter is here. She is
5 also virtual. And she will be preparing a
6 verbatim transcript of the hearing tonight,
7 pursuant to DNREC's statutory requirement for
8 us to make sure that happens.

9 And, as always, once we get that
10 transcript from the court reporter, we will
11 post that on the hearing webpage dedicated to
12 this matter as soon as it is received. It
13 typically takes about a week following the
14 hearing for the court reporter to give that
15 to us, but it will go up immediately upon its
16 receipt.

17 Again, I would encourage everyone
18 to review that transcript once it's posted so
19 that you can be reminded of the comments that
20 were received. They may jar something in
21 your mind about what you may want to write in
22 as a comment, so again that's available.

23 Before we go any further with
24 tonight, it's important to set the parameters

1 for tonight's hearing. First and foremost,
2 this is a formal legal hearing. It is not
3 another public information session. It's not
4 another formal/informal, rather, type of
5 workshop or town hall style type of event.
6 Nor is the purpose of tonight's hearing to
7 advocate in any way on behalf of anybody, not
8 on behalf of the Department, not on behalf of
9 the Applicant, or even the public.

10 Rather, the purpose of tonight's
11 hearing is to build the record with regard to
12 the permits that are currently pending before
13 the Secretary and to provide the formal legal
14 platform for the public to learn about the
15 Applicant's proposed project and all the
16 permits that are associated with it, and also
17 to enable the public to offer live comment on
18 the platform concerning those pending
19 permits, should they wish to do so.

20 The community concerns regarding
21 this proposed project, as presented through
22 DNREC's public hearing process, are very
23 important to the Department. Those concerns
24 are incorporated into the hearing record by

1 the public submitting their comments directly
2 to DNREC, either in writing or live at
3 tonight's hearing.

4 While all comments are appreciated,
5 each comment must be limited solely to the
6 subject matter of tonight's hearing, namely
7 the applicant's pending permits, as I
8 previously mentioned.

9 It's also important to note that
10 multiple comments all saying the same thing
11 do not outweigh one singular comment; or,
12 another way of putting it, comments are not
13 votes.

14 I wanted to make sure that I got
15 this point across, so I want to share
16 something taken straight from EPA's website
17 concerning their approach to public comment
18 with regard to form letters. The following
19 is a quote taken from that formal website:

20 "Organizations often encourage
21 their members to submit form letters
22 designated to address issues common to their
23 individual memberships. Organizations
24 include such entities as industry

1 associations, labor unions, conservation
2 groups. All of these types of groups
3 sometimes use form letters to make sure that
4 they can voice their opposition or support of
5 a proposed project."

6 "Many in the public mistakenly
7 believe that their submitted form letter
8 constitutes some kind of a vote regarding the
9 issues concerning them."

10 "While the public support or
11 opposition may help guide important public
12 policies, agencies make determinations for a
13 proposed action based on sound reasoning and
14 scientific evidence rather than a majority of
15 votes."

16 "A single, well-supported comment
17 may, indeed, carry more weight than a
18 thousand form letters."

19 DNREC adheres to that same policy
20 with regard to the public comment that it
21 receives on matters such as what we are
22 learning about tonight. So please keep this
23 all in mind when you are listening to those
24 who have preregistered and are ready to offer

1 their live comment.

2 We have almost 40 people
3 preregistered to comment live tonight. That,
4 alone will take two hours if everybody that
5 is preregistered uses their allowed time.

6 So I would encourage you, you know,
7 if you start to hear the same comment being
8 offered again and again, perhaps consider
9 saying something different than what has
10 already been said when your time comes to
11 offer your comment, or perhaps choose to
12 simply submit your comments in writing over
13 the next several weeks instead of speaking
14 live this evening.

15 To be clear, we will stay here, and
16 we will accommodate everybody who has
17 preregistered to speak. I'm simply
18 suggesting that the comment portion of
19 tonight's hearing be as concise and
20 meaningful to everybody here as possible.

21 And to those who are commenting
22 live tonight, again please remember that
23 volume does not equal weight.

24 I also want to make sure that

1 everyone realizes that only comments
2 submitted directly to DNREC and entered by
3 myself into the hearing record are going to
4 be considered part of the record, posted on
5 the hearing page, and part of the
6 decision-making process for DNREC.

7 The Department has not partnered
8 with any outside organization or any
9 alternative websites to assist with the
10 submission of comments. So please don't be
11 the one that submits your comments to the
12 wrong entity. Only submit your comments
13 regarding this matter to DNREC directly.

14 For those that preregistered with
15 DNREC to offer live comment this evening,
16 when we get to that part of the proceeding,
17 each person will be recognized in the order
18 that their preregistration was received, and
19 each will be given three minute of comment at
20 that time.

21 If you find that you are unable to
22 finish everything that you want to say within
23 those three minutes, then you are going to
24 strongly be encouraged to submit the entire

1 comment that you wanted to make live to DNREC
2 in writing, as again all comments have equal
3 weight, whether they are offered live at the
4 time of the hearing, or whether they are put
5 in writing and submitted to us in one of the
6 many ways that you can do that between now
7 and when the record closes for comment,
8 which, in this particular matter, it's open
9 through Friday, December 2, 2022.

10 And keep in mind this: While
11 comments tonight are limited to three minutes
12 in length, the length and amount of comment
13 that you can give us in writing is limitless.
14 Again, the only prerequisite is that it gets
15 to us on or before December 2, 2022. So just
16 some things to keep in mind.

17 I will say more about the comment
18 portion of this proceeding later on when we
19 get to that part of the hearing. But I must
20 stress right from the start, tonight's event
21 is a formal legal proceeding. And those
22 offering comments live tonight for the record
23 must do so in a respectful manner. There
24 will be a zero tolerance for disparaging

1 comments, offensive language, and personal
2 attacks.

3 I would encourage those attending
4 this evening to check out DNREC's webpage for
5 public hearings under the "Administrative
6 Law" section of the website for more details
7 concerning this specific pending permitting
8 matter.

9 The presentations that you will be
10 seeing tonight, along with the other
11 documentation that gets entered into the
12 record -- you are going to be seeing
13 exhibits, you are going to be seeing
14 presentations -- all of that stuff that's
15 related to this proposed project, it's going
16 to get posted on the hearing webpage
17 dedicated to this matter, and the public can
18 get a wealth of information by reviewing
19 that. So, again, I would encourage you to do
20 so.

21 Now, the following protocols apply
22 to all DNREC public hearings, so, of course,
23 they apply to what we are here for this
24 evening.

1 Number 1: All comment received
2 must be limited solely to the subject matter
3 of tonight's hearing, which, again, are the
4 pending permits submitted to the Department
5 by BioDevCo in this matter.

6 All comments pertinent to the
7 subject matter of this hearing will be
8 incorporated into the record and posting on
9 the hearing webpage dedicated to this matter.

10 Number 2: In order to ensure that
11 everyone who wishes to offer comment for the
12 Secretary's consideration is accommodated,
13 the record shall remain open for receipt of
14 comment following tonight's proceedings
15 through Friday, December 2, 2022.

16 Number 3: There is only one
17 authentic record of this proceeding tonight,
18 and it is the official court reporter's
19 transcript. It will be posted on the hearing
20 webpage, as I mentioned previously, as soon
21 as it gets received by us.

22 Number 4: The statutory purpose of
23 tonight's hearing is to build the record with
24 regard to this particular applicant's pending

1 permit applications that have been submitted
2 to DNREC.

3 The record, which consists of the
4 transcript of the hearing tonight, all
5 written comments, all exhibits, and
6 eventually my Hearing Officer's Report, will
7 all go to Secretary Garvin.

8 The Secretary will review the
9 record in its entirety and ultimately issue
10 an order following that review process. That
11 order will contain his decisions on this
12 matter and his reasoning therefor.

13 Lastly, it is important to note
14 that no decision whatsoever has already been
15 made by the Department regarding this pending
16 matter, nor will any decision be made
17 tonight.

18 Again, the public comment period
19 will not close until, well, through,
20 actually, the date of December 2nd, and that
21 is specifically because we want to see the
22 comments that you have. They are very
23 important to us. We want to give ample
24 opportunity for the public to submit those

1 comments, should they wish to do so.

2 I will have more to say, but for
3 right now, that's enough. I want to turn the
4 attention now to the Department. As I said,
5 there are three different divisions involved
6 with the permitting for this proposed
7 project, and each of those involved divisions
8 have their own presentation so that you can
9 learn a little bit about each aspect of this
10 project.

11 That being said, I believe that we
12 are ready to go. Adam, you should be ready
13 to share your screen and continue with the
14 slide. So when you are ready, proceed. I
15 think you are still on mute.

16 MR. MATTHEWS: Thanks, Lisa.

17 Bioenergy DevCo has applied to the
18 Department of the Natural Resources and
19 Environmental Control to construct and
20 operate an anaerobic digester designed to
21 process different agricultural waste.

22 My name is Jordan Matthews, and I
23 will be outlining the Division of Air
24 Quality's permitting process and what

1 Bioenergy DevCo has submitted for
2 consideration.

3 All comments will be considered by
4 DNREC as part of the record generated by this
5 public hearing.

6 For the Division of Air Quality,
7 Bioenergy DevCo, or BDC, has requested
8 permits to construct one natural gas-fired
9 emergency generator, or EG, with a standby
10 power rating of 1,082 kilowatts, as well as
11 an anaerobic digestion system consisting of
12 four anaerobic digesters, or ADs, with
13 associated biogas upgrade and air pollution
14 control equipment.

15 Next slide, please.

16 Construction of the proposed
17 equipment would occur in two phases. Phase
18 one would include construction of the EG, two
19 of the four ADs, and the biogas upgrade and
20 air pollution control equipment associated
21 with the AD process, and would begin upon
22 receipt of the associated construction
23 permits.

24 Phase 2 of the project would

1 include construction of the remaining two ADs
2 and would commence during the commissioning
3 of the Phase 1 digesters.

4 Next slide, please.

5 The EG would only be permitted to
6 operate during instances of emergency or for
7 testing and maintenance purposes. It is also
8 certified to meet the applicable regulatory
9 emission standards.

10 Next slide, please.

11 The facility as a whole would be
12 permitted to receive up to a combined
13 250,000 tons of the following feedstocks over
14 the course of a rolling 12-month period for
15 use in the ADs.

16 Those feedstocks include poultry
17 litter, poultry industry liquid and solid
18 cake dissolved air flotation, or DAF, and
19 bioreactor sludge from the on-site wastewater
20 treatment plant.

21 All solid and liquid feedstocks
22 would be delivered by truck and offloaded in
23 their respective receiving areas and
24 transferred and stored in contained systems

1 upstream of the ADs.

2 Next slide, please.

3 Biogas produced in the ADs would be
4 cleaned to remove many of the pollutants from
5 the gas stream.

6 The remaining pollutants would be
7 emitted through air pollution control
8 equipment. During routine operations,
9 pollutants would be emitted through a
10 regenerative thermal oxidizer, or RTO, and
11 during non-routine operations, pollutants
12 would be emitted by a flare. The flare and
13 the RTO will not operate simultaneously.

14 Next slide, please.

15 BDC's facility in Seaford is
16 considered to be a natural minor source
17 because the combined emissions from its
18 existing facility, the compost plant, and the
19 proposed equipment, including the AD system
20 and emergency generator, do not have the
21 potential to emit above the major source
22 threshold for Sussex County based upon
23 information submitted within the permit
24 application.

1 Next slide, please.

2 As for our permit application
3 timeline, on January 13th of this year we
4 received a permit application for the AD
5 system and the emergency generator.

6 And from March 30th through
7 May 13th, we requested and received
8 additional information from BDC regarding
9 this equipment.

10 From June 24th through July 14th,
11 we sent, received comments, and reviewed
12 comments on pre-notification draft permits.

13 Next slide, please.

14 As for our permitting process as a
15 whole, we begin by reviewing the application
16 to determine whether it is administratively
17 and technically complete, and we determine if
18 the source is located within the Coastal
19 Zone. If so, a Coastal Zone permit is
20 required. A Coastal Zone permit is not
21 required for this project.

22 We also verify proof of local
23 zoning approval, and we review technical
24 information and confirm emission

1 calculations.

2 With those emission calculations,
3 we perform air dispersion modeling to
4 determine downwind concentrations of air
5 pollutants. Permits are not issued unless
6 screening criteria are met.

7 Next slide, please.

8 Along with the permits, we also
9 draft a technical memorandum. Within that
10 technical memorandum, we discuss the
11 applicability of various Federal and State
12 regulations and requirements.

13 The technical memorandum is the
14 basis for the emission limits, operating
15 limits, monitoring, testing, recordkeeping,
16 and reporting requirements in the permit.

17 We also provide public notice of
18 construction permits, in this case a 15-day
19 period for natural minor permit, which has
20 already been completed.

21 Next slide, please.

22 If the construction permits are
23 issued, we will conduct
24 construction-to-operation inspections

1 following the completion of construction.

2 Following a successful
3 construction-to-operation inspection, the
4 updated terms of the construction permits are
5 then converted into operating permits for the
6 relevant equipment.

7 Next slide, please.

8 On the screen now you will see the
9 first of four slides, which include a list of
10 exhibits that the Division of Air Quality is
11 requesting to be entered into the hearing
12 record.

13 MS. VEST: Okie-doke. Thank you.
14 Just for clarification for the record, if you
15 want to go ahead and just scroll through all
16 of those exhibits so we can confirm how many
17 of them there are. I believe there is 27. I
18 just don't want to say anything incorrect on
19 the record.

20 Okay. The 27 exhibits that were
21 portrayed in your Power Point, are they the
22 same as those that are posted on the hearing
23 webpage?

24 MR. MATTHEWS: Yes, they are.

1 MS. VEST: And have they been
2 changed or altered in any way since their
3 original posting?

4 MR. MATTHEWS: No, they have not.

5 MS. VEST: Okay. Very good. Thank
6 you so much for that presentation.

7 Let the record reflect that Air
8 Quality's Exhibits Numbers 1 through 27 are
9 hereby incorporated into the formal hearing
10 record.

11 Is there anything else that the
12 Division of Air wishes to say at this time?

13 MR. MATTHEWS: No, there is not.
14 That concludes my presentation.

15 MS. VEST: Okay. Excellent. Thank
16 you so much.

17 That concludes the first of three
18 presentations that the Department is going to
19 be giving. We will now turn it over to the
20 next set. I believe it's going to be Water.
21 Yep. There we go. And you may proceed when
22 ready.

23 MR. CARUTHERS: Good evening,
24 everyone. My name is Derrick Caruthers. I

1 work for the Division of Water. Bioenergy
2 DevCo has applied to the Department of
3 Natural Resources and Environmental Control
4 to construct an anaerobic digester designed
5 to process different agricultural waste.

6 Like I said, I'm Derrick Caruthers,
7 and I will be outlining the Division of
8 Water's permitting process and what Bioenergy
9 DevCo has submitted for consideration.

10 All comments will be considered by
11 DNREC as part of the public -- as part of the
12 record generated by the public, by this
13 public hearing.

14 The proposed anaerobic digestion
15 system will include 3.208 million-gallon
16 pretreatment tanks and four 1.95 million
17 gallon fermentation tanks.

18 The wastewater pretreatment system
19 will include a membrane bioreactor system, an
20 anoxic tank, a .412 million-gallon aerobic
21 reactor, a .198 million-gallon feeding tank
22 and ultrafiltration and reverse osmosis
23 treatment systems.

24 Next slide, please.

1 The construction permit application
2 was received on February 2, 2022, and the
3 Department provided comments resulting in
4 application revisions until final revised
5 application documents were received on
6 June 17, 2022.

7 The application was then publicly
8 advertised on August 21, 2022.

9 The operations plan and engineering
10 report originally posted on the Department's
11 site under application materials for the
12 Division of Water's permits have been updated
13 to Bioenergy DevCo's final version.

14 The plan and report originally
15 posted were dated January 2022, and the
16 updated version of the operation plan is
17 dated June 2022 with the engineering report
18 dated May 2022.

19 Next slide, please.

20 Construction permits for this site
21 are required by the regulations governing the
22 control of water pollution. Two wastewater
23 facility construction permits from the
24 Division of Water are required for the

1 proposed Bioenergy Innovation Center
2 expansion, one for the anaerobic digestion
3 system, and a separate permit for the
4 wastewater pretreatment system.

5 A construction permit application
6 package was submitted for both permits which
7 included the required narrative summary of
8 proposed actions, a set of final construction
9 plans and specifications, and the appropriate
10 application review fee.

11 Next slide, please.

12 Both permits for construction and
13 wastewater may not be sent to the systems
14 under the construction permits.

15 Initiation of construction on the
16 wastewater pretreatment facility is
17 prohibited until required documentation from
18 the receiving wastewater treatment disposal
19 facility is submitted to the Department
20 verifying that an acceptable agreement is in
21 place.

22 Next slide, please.

23 This concludes my presentation, and
24 I offer the following slides that should show

1 all the exhibits.

2 MS. VEST: Okay, Derrick. Thank
3 you for that presentation. Just like we did
4 for the last one, can we scroll through and
5 just to make sure that my numbers are right?
6 I see that there are 24 exhibits identified
7 by the Division of Water on these slides.
8 Are these 24 exhibits the same as those that
9 are posted on the hearing webpage?

10 MR. CARUTHERS: Yes, they are.

11 MS. VEST: And have they been
12 changed or altered in any manner since their
13 posting?

14 MR. CARUTHERS: They have not been.

15 MS. VEST: Okay. Very well.
16 Thanks again for that presentation. Let the
17 record reflect that Exhibits 1 through 24
18 proposed by the Division of Water are hereby
19 entered into the formal hearing record being
20 generated at this time.

21 Derrick, is there anything else
22 that the Division of Water would like to add?

23 MR. CARUTHERS: Nope, not at this
24 time.

1 MS. VEST: Excellent. Okay. Thank
2 you very much. We appreciate that.

3 Moving forward, the third of the
4 three department presentations that are
5 scheduled to be offered tonight, we now turn
6 to the Division of Waste and Hazardous
7 Substances. And Adam, I believe that when
8 you are ready, you can proceed.

9 MR. SCHLACHTER: Good evening.
10 Bioenergy DevCo has applied to the Department
11 of Natural Resources and Environmental
12 Control to construct and operate an anaerobic
13 digester designed to process different
14 agricultural wastes.

15 I am Adam Schlachter with the
16 Division of Waste and Hazardous Substances,
17 and I will be outlining the documents that
18 they have submitted for their resource
19 recovery permit.

20 All comments will be considered by
21 DNREC as part of this public hearing record.

22 Bioenergy DevCo has applied for
23 resource recovery facility permit to
24 construct an anaerobic digester that will be

1 in addition to the existing compost facility
2 on site.

3 The facility will continue to
4 accept wastes, including dissolved air
5 flotation, or DAF, poultry litter, hatchery
6 waste, offal, and other agricultural
7 residuals.

8 The total facility volume for both
9 the anaerobic digester and the compost
10 facility will be 250,000 tons.

11 The initial application was
12 received by the Division of Waste and
13 Hazardous Substances January 13th of this
14 year.

15 We provided comments back to
16 Bioenergy DevCo March of this year.

17 An additional round of documents
18 were submitted for additional review in May
19 of 2022.

20 Final comments were provided back
21 to Bioenergy DevCo on June 14th of this year.

22 And a complete application was
23 received by the Department on June 24th,
24 2022.

1 The Division of Waste and Hazardous
2 Substances is the last permit to be issued by
3 the Department. Once all of the other
4 permits have been issued, Waste will review a
5 final submission by Bioenergy DevCo and then
6 modify the permit to be an operations permit
7 based on the final facility build-out.

8 As required by Delaware's
9 Regulations Governing Solid Waste, we issue a
10 single permit that covers both the
11 construction and operation of a resource
12 recovery facility, so in this case the
13 anaerobic digester operations as well as the
14 existing compost facility operations.

15 The resource recovery facility
16 application includes many different items,
17 but some of the more important ones are a
18 plan of operations governing on-site facility
19 operations, a recycling analysis that
20 outlines proof of market for the products
21 created from waste, a plan for sampling and
22 analysis of on-site water, wells, and
23 residuals to ensure they are within permitted
24 limits, and financial assurance to cover the

1 potential need for DNREC to close the
2 facility.

3 The following several slides
4 include all of the exhibits that we have
5 received as part of the resource recovery
6 application.

7 MS. VEST: Okay. Thank you very
8 much for that, Adam. I see that my
9 calculations are right and we have 32
10 exhibits coming in on behalf of the Division
11 of Water -- or I'm sorry -- the Division of
12 Waste.

13 So, for clarification on behalf of
14 the record, are Exhibits 1 through 32, as
15 identified on the slides, the same as those
16 that are posted on the hearing webpage?

17 MR. SCHLACHTER: Yes, they are.

18 MS. VEST: And have they been
19 changed and/or altered in any way since their
20 posting?

21 MR. SCHLACHTER: No, they have not.

22 MS. VEST: Very good. Let the
23 record reflect that Waste Exhibit Numbers 1
24 through 32 are hereby entered into the formal

1 hearing record.

2 Does the Division of Waste and
3 Hazardous Substances have anything further
4 that they wish to offer at this time?

5 MR. SCHLACHTER: We do not.

6 MS. VEST: Excellent. Okay. Thank
7 you very much. That concludes the
8 Department's three sets of presentations.

9 We will now turn to the Applicant,
10 who also has a brief presentation that they
11 wish to offer. And I believe that Sarah
12 Oliver is going to be the one that is
13 narrating those.

14 So, Janella, or if someone can find
15 Ms. Oliver and unmute her. Ms. Oliver, as
16 soon as you are unmuted, you may begin as
17 soon as we also see that portion of the
18 presentation slides show up.

19 MR. ETTINGER: Actually, Ms. Vest,
20 if you don't mind, it's Peter Ettinger, and I
21 will narrate it.

22 MS. VEST: Oh, okay. Very good.

23 MR. ETTINGER: Sarah will be
24 running the slides.

1 MS. VEST: Very good. I had
2 misinformation. So that should be your slide
3 that you are seeing on the screen, which
4 begins your presentation; so, Peter, you may
5 begin when ready.

6 MR. ETTINGER: Well, we thank you
7 very, very much for the opportunity. I'm
8 showing with by Christine McKirnan, who is
9 our head of construction and operation at
10 BTSA, our construction and engineering
11 operation.

12 And if we move on to the next
13 slide, a little about our facility and our
14 history here in Sussex County.

15 We are very proud to be part of a
16 long history working not only in the county
17 but also in the industry, itself.

18 As background, this facility was
19 built in 1999 by Perdue to 2020. And they
20 managed pelletizing and then evolved into a
21 composting facility, which we operate today,
22 since our occupation or our purchase of the
23 facility in 2020.

24 This facility is permitted by

1 DNREC, and we sell up to 30,000 tons of
2 organic compost per year.

3 The opportunity is through our
4 managed inputs. Poultry processing material,
5 such as dissolved air flotation, chicken
6 hatchery waste, and litter from the Delmarva
7 Peninsula and the Delmarva Peninsula's
8 chicken industry.

9 Our compost is fully tested before
10 sale and tracked during the life cycle of
11 that product, which is very important.

12 We also have eleven full-time
13 employees who are fully benefited.

14 What's up next for us? We hope
15 it's anaerobic digestion. And anaerobic
16 digestion, in this case you can see from this
17 photo or graphic on the left-hand side, is a
18 fully enclosed facility, and this facility
19 will manage up to 250,000 tons annually of
20 feedstocks.

21 The goal in anaerobic digestion is
22 to minimize environmental impact, enriching
23 the land while creating new economic
24 opportunities on the Delmarva.

1 This also works hand in hand with
2 our composting facility. One of the products
3 that we create -- and we will go into it in
4 more detail in a moment -- is a soil
5 amendment that we will adapt and use within
6 our composting facility.

7 We should also mention that as we
8 produce renewable natural energy, we are also
9 effecting greenhouse gas production, the
10 equivalent of more than 11,000 U.S.
11 households with an annual electricity
12 consumption; or alternatively, we're taking
13 more than 18,000 cars off the road,
14 gasoline-powered cars off the road.

15 So what is anaerobic digestion? We
16 like to think of it as a cow's four-chambered
17 stomach but on a commercial scale.

18 We take organic waste of all types,
19 but in this case really from the poultry,
20 only from the poultry industry, as we have
21 discussed DAF litter and hatch waste.

22 In a completely enclosed process,
23 we actually are able to, known as anaerobic
24 digestion, these products are fermented in

1 these cylindrical tanks. And it involves
2 organics diversion from landfills,
3 incinerators, or land application. And it's
4 very cost effective, and it's a sustainable
5 product.

6 We create two different outputs.
7 One is renewable energy of all sorts, so it
8 can be renewable natural gas going into the
9 pipeline. Electricity, and it can be RNG or
10 CNG, compressed natural gas for fleet
11 vehicles for green hydrogen.

12 We go to the next one. Just a
13 little bit of background about us. We handle
14 all aspects of the anaerobic digestion
15 process, from finance to design build and
16 operation of the digesters, themselves.

17 We have been in this business for
18 25 years. We have 250-plus worldwide plants.
19 We maintain and operate 140 of those plants.
20 In fact, we just, here in the United States,
21 have recently commissioned a facility in
22 Jessup, Maryland, that is in full operation.

23 We assemble them. We maintain
24 them. We operate them. And we have

1 significant proprietary and patented
2 technology that allows us to work
3 efficiently, effectively, securely, and
4 safely.

5 I think what is also very important
6 is our microbiology lab. We are dedicated to
7 co-digestion and understanding of the
8 recipes, the right kinds of materials that go
9 into making the best use of the process of
10 anaerobic digestion.

11 Some of the things that we do in
12 terms of benefits, I have mentioned a few,
13 but just for summary purposes: We recycle
14 excess organics that typically go to
15 landfills or land application, emitting
16 greenhouse gases.

17 These organics are in a fully
18 enclosed system in sealed tanks, reducing any
19 kinds of petrol odors. We produce renewable
20 natural energy from that waste, which
21 otherwise would be doing nothing but, as we
22 say, emitting greenhouse gases.

23 We reduce those gases. We capture
24 the methane and use it productively.

1 We create a high nutrient,
2 non-fossil fuel soil product. It's very
3 important that this is non-fossil-fuel based,
4 because it supports consumers. It also
5 supports the local farmers here in and around
6 the Delmarva.

7 We work in the community with a
8 variety of partners and academic
9 institutions, farm groups, faith-based
10 organizations, and others to find innovative
11 and best-management practice in use of soil
12 and other products.

13 As we mentioned, two products come
14 from this green energy: The renewable
15 natural gas we create is pipeline quality,
16 and it's fully interchangeable with
17 conventional natural gas, and it can be
18 utilized. It can be in transportation fuel
19 in form of compressed natural gas or a
20 precursor to green hydrogen. All are
21 available in these kinds of operations.

22 We also produce soil products that,
23 if we go to the next one -- there we go.
24 Sorry. We also go to a soil product, as I

1 mentioned. It's important to recycle
2 nutrients and carbon in organic waste back to
3 the earth.

4 We take materials that started in
5 the earth. We like to say that it's
6 cradle-to-grave, and we return them back to
7 the earth and start the process again.

8 This dewatered material, and
9 dewatered is important to us, as we have our
10 own wastewater treatment plant on site, can
11 be used in agricultural field and in the
12 consumer horticultural market instead of
13 synthetic fertilizers.

14 And we reduce pathogens in the
15 environment as the digested organics are
16 pasteurized and dewatered before application.

17 We have a history of safety. As I
18 mentioned, we have a 25-year history of
19 producing in the build, management, and
20 design -- build, design, management, and
21 operation of these facilities.

22 We have strict adherence to OSHA
23 regulations. There are site-specific
24 operational practices, redundant safety

1 equipment that both protect workers and the
2 community.

3 We enclose this. This process is
4 completely enclosed. So you have a
5 plant-wide automated system that includes
6 continuous monitoring and visually inspected
7 daily. And digestate is regularly sampled to
8 assure optimal operations and safety.

9 We have had no events, no downtime,
10 no injury, no incidents from leaks to fires,
11 and no incidents related to energy production
12 or distribution at all.

13 We have a number of permits that
14 had been offered us to date, where (inaudible
15 - breaking up on Zoom) conditional use
16 similar to what were approved to Perdue in
17 1999 to 2020. It is a conditional use under
18 the ag residential process.

19 We have a DelDOT entrance permit
20 approval that adjusts, that allows us to
21 bring a total of 166 single trips. That's
22 actually 88 trips per day. That includes our
23 staff.

24 And it's important to note that we

1 must comply with all DelDOT regulations such
2 as idling, which is not permitted anywhere on
3 our facility.

4 The Fire Marshal, we have been able
5 to work there to develop a fire protection
6 plan and specifications, which has been
7 approved.

8 And our Sussex County Conservation
9 District has approved a sediment and
10 stormwater plan, as well.

11 This is a view of the facility as
12 approved by Sussex County Council. We are
13 pleased to know that this will be on the
14 website so people can look at this more
15 specifically.

16 But you see in the rendering that
17 there are a number of additions and
18 enhancements to the site that sit behind the
19 existing green building that has been in
20 existence since 1999.

21 Feedstock receiving and shipping,
22 which again is completely enclosed and under
23 negative pressure.

24 We have odor control systems

1 throughout the facility. We have a control
2 room and electrical distribution, as well.

3 We have a series of anaerobic
4 digesters and what's known as pre-tanks. The
5 pre-tanks are where we look at the material,
6 test the material, and manage the material,
7 including ensuring that the right recipe goes
8 to the anaerobic digester.

9 We have a biogas processing area.
10 And a stormwater pond that's actually been
11 relocated, but a stormwater pond nonetheless.

12 And we also have a wastewater
13 pretreatment system.

14 This whole facility sits on
15 footprint of 11 acres of a total 220-acre
16 site.

17 We move to the next one, please.
18 And you will notice that that site is
19 primarily buffered by forestry. And it's
20 important to it look at this a bit. And this
21 has got, I note, the total area in this
22 one-mile radius is over 6,000 acres within
23 the mile.

24 Agricultural use is 55 percent,

1 wooded is 25 percent, urban 18, and others 2.

2 You see that there is 62 poultry
3 houses shown in this one-mile radius. And
4 the closest we are to any residential
5 facility is within, I would say residency, is
6 with 2,000 to 2,800 feet in range.

7 Economic development and employment
8 is important. Of a total facility cost,
9 approximately \$20 million will come to the
10 local economy, and it will be a direct impact
11 of AD construction. These are local jobs and
12 local employment.

13 And we have about \$1.2 million
14 estimated yearly local operational
15 investment. This is people. These are
16 secondary support processes. And it's in
17 addition to those 25 new and fully benefited
18 employees.

19 And so, again, economic development
20 and employment are key.

21 And it's an opportunity for us,
22 given our acreage, to collaborate with a
23 number of different academic institutions,
24 from the Future Farmers of America in Seaford

1 High School to other organizations like Spade
2 and Trowel and the Nanticoke Watershed
3 Alliance.

4 It's important to know this, as
5 well, that there are no changes in the
6 feedstock types from the current compost
7 facility.

8 We have traditionally taken poultry
9 wastewater solids, poultry litter, and
10 hatchery waste. We do that today. We will
11 be taking 250,000 or 210,000 roughly tons of
12 new material on top of the material coming
13 out of our wastewater treatment plant.

14 So this, again, is no change in the
15 materials that have been allocated under our
16 permit. We have great experience.

17 And, in fact, under our compost
18 facility, as we mentioned before, we sell
19 30,000 tons of this material yearly to
20 facilities throughout not only the Delmarva
21 but throughout the United States.

22 I'm going to turn it over to my
23 colleague, Christine McKirnan, who is going
24 to talk a little bit more about the facility

1 itself. There you go.

2 MS. MCKIRRNAN: Good evening. So a
3 little bit about the existing facility and
4 the to-be-built facility.

5 We are, in fact, using and
6 utilizing the existing Perdue infrastructure
7 from their previous activities.

8 When we talk about the 250,000 tons
9 per year feedstocks coming into the facility,
10 those will be coming into an enclosed space
11 in this building. And this is part of our
12 control method for feedstock management
13 as well as odor control, which is obviously
14 extremely important to us.

15 When we receive those materials
16 inside that building, we will have the
17 beginning of incorporating the material into
18 a slurry. It is in a pipe and into our
19 storage tanks. This is also important for a
20 need to capture those materials, but, again,
21 not allowing odors to develop from the raw
22 materials.

23 The facility also will include, of
24 course, the ability to upgrade and clean the

1 biogas that we produce, as well as manage
2 what comes out of the digesters, which at
3 that point becomes a really valuable input to
4 the compost process.

5 Regarding the resource recovery
6 facility application, in over 7,000 pages of
7 applications submittal, quite a rigorous
8 process that covers numerous topics, it goes
9 in depth into our safety plan, our design
10 features, our operations plan, closure plan,
11 recycling analysis, and on, covering every
12 facet of how this facility will work, whether
13 it's closed or operating.

14 Next slide. Thank you.

15 On the air permit application,
16 again, here a lot of work done for odor
17 control, meeting what is required by the
18 State of Delaware, but not only that, for our
19 own staff to be able to work at the facility
20 in a safe manner as well.

21 I refer to the building being
22 enclosed when receiving feedstocks. That is
23 extremely critical in controlling airflow,
24 controlling development of odors, and in

1 treating that air so that when we release an
2 airstream externally, components that may be
3 considered smelly have been handled and
4 treated effectively and typically
5 biologically.

6 Heavy duty motor vehicles,
7 regarding trucks and traffic coming into the
8 facility, absolute compliance with idling
9 regulations. This is something that everyone
10 may think about when they are sitting in a
11 traffic jam. Well, this is complete control
12 in terms of wait times, which are literally
13 minutes, if that, and meeting those
14 requirements.

15 It is a minor source, this
16 facility. And that is important to us,
17 as well, the ability to keep us within a
18 minimum range of emissions.

19 Thank you. We can go on.

20 A word about two components on the
21 site, and they were mentioned earlier in the
22 DNREC discussion: The regenerative thermal
23 oxidizer and the flare. They are both used
24 for pollution control on (inaudible) coming

1 out of the biogas conditioning system, again
2 we're taking biogas and cleaning it to the
3 pipeline standards as a natural gas.

4 In the case of a flare, this is a
5 unit that is only used if the biogas
6 upgrading equipment is currently offline for
7 routine maintenance or if there were a
8 malfunction. It is not meant to operate
9 continuously.

10 For the RTO, the thermal oxidizer,
11 this is used routinely, as it treats a very
12 small slip stream coming out of the main
13 biogas upgrading system to ensure that that
14 slip stream is treated properly before
15 released.

16 Everything, obviously, complying
17 with the permit and its stipulations for
18 recordkeeping, monitoring, and, of course,
19 demonstrating full compliance.

20 Go ahead.

21 Our wastewater: So the amount of
22 water that eventually gets produced when we
23 empty the digesters, we will, of course,
24 separate what comes out of the digesters into

1 a solid component to be used in compost and a
2 liquid component which will be further
3 pretreated before allowing it to discharge to
4 the City of Seaford.

5 Up to 60,000 gallons per day.
6 However we are going to recycle quite a bit
7 of that and as much of it as we can within
8 our own process. It is actually important to
9 our own process to bring that back in.

10 By using this pretreatment, we
11 actually provide a really important
12 alternative to land application of nutrients
13 that might have gone from raw materials to
14 possibly (inaudible)

15 The other important point is we
16 don't require freshwater or potable water or
17 well water to be used in our processing of
18 these materials. It's simply not needed.
19 Again, emphasis, we will recycle our liquids
20 on the back end as we need them for
21 processes. We don't need to use fresh
22 liquids.

23 And a last point about discharging
24 to -- it's okay -- the last point about

1 discharging to the City of Seaford: The
2 pretreatment is extremely rigorous, meets
3 what the City of Seaford requires in terms of
4 discharge, and will allow us to keep
5 Chesapeake Bay safe.

6 Thank you. You can go back.

7 MR. ETTINGER: Thanks, Christine.

8 Anaerobic digestion is going to be part of
9 continuing a long history and supporting
10 Sussex County, the State of Delaware, and our
11 local community.

12 This is not a new technology. This
13 has been around for 100 years or several
14 hundred years. What we are proud of saying
15 is that we have taken it to the next level,
16 making it more efficient, more safe, more
17 secure, that will not only benefit the
18 sustainable chicken industry but the
19 community as a whole.

20 Germany alone has 9,000 units. The
21 European union is one of the few places that
22 can say that they reduced actual methane
23 coming off the continent.

24 For us, we believe in this

1 facility. We believe in Sussex County. We
2 believe in an environmentally sound, safe,
3 and secure way to manage organic waste while
4 creating an opportunity for both the
5 community and the economy.

6 And it's just one way, just one way
7 that today, this very day, we can address the
8 local and national challenge of carbon and
9 greenhouse gas reductions.

10 And as we are fond of saying, that
11 by managing organic waste, creating green
12 energy, and establishing the use of carbon
13 smart soil products, we can support
14 concurrently the environmental and economic
15 goals of not only the chicken industry but
16 the community as a whole.

17 So we thank you very much for the
18 opportunity to present today.

19 MS. VEST: Excellent. Thank you,
20 Peter. Just for clarification for the record
21 once again, I believe that the Applicant has
22 provided the Department with a copy of that
23 Power Point that you just presented.

24 And that being the case, we will

1 make sure that that is posted up on the
2 hearing webpage. I will mark it officially
3 as Applicant's Exhibit Number 1.

4 And, again, for those of you in
5 attendance, I would certainly suggest that
6 you go back and review it and look it over.
7 There is a lot of information on there. So
8 again, it will be noted as Applicant's
9 Exhibit Number 1. And thank you very much
10 for that.

11 With the presentation portion of
12 the hearing now done, it is time to turn to
13 the public comment phase of tonight's
14 proceedings.

15 If you did not register with DNREC
16 prior to 12 noon today, you will not be
17 recognized to offer comment live this
18 evening.

19 But as I said previously, when we
20 first started, you have until Friday,
21 December 2, 2022, to submit your comments in
22 writing to the Department. And, again, all
23 comment has the same weight, regardless of
24 whether it is verbally received tonight or

1 whether it comes in writing to the Department
2 during the post-hearing phase of this matter.

3 Once again, I will be turning it
4 over to Janella. She will be orchestrating
5 the comment portion of tonight's proceedings
6 and making sure that those that did
7 preregister will be muted and unmuted
8 accordingly.

9 But before I turn it over to her, I
10 do want to stress the following parameters:
11 First of all, as I previously mentioned,
12 comment must be directly related to the
13 subject matter of tonight's hearing, namely
14 the permits that are presently pending before
15 the Department at this time with regard to
16 Bioenergy and their proposed project.

17 Secondly, each registrant will be
18 given three minutes to offer comments for the
19 record. The timer will begin in the system
20 once the commenter begins talking, and the
21 system will automatically re-mute the
22 commenter at the three-minute mark.

23 In all cases, the commenter's video
24 will remain off while speaking.

1 Just a little protocol to be sure
2 everybody understands the rules: There is no
3 sharing or yielding of each person's time to
4 another. Each person gets three minutes
5 total. It's not three minutes per
6 registration. It's not three minutes per
7 permit. It is three minutes total per each
8 person.

9 Again, as I mentioned previously,
10 if the same comment has already been offered
11 a couple of times already this evening, I
12 would encourage you to maybe think about
13 saying something different with the use of
14 your three minutes of time.

15 Either way, you are free to use it
16 all, or you may simply just consider since,
17 if what you wanted to say has already been
18 said a couple of times by now, you can
19 consider to just say, "I'm just going to
20 submit comments."

21 It's whatever you want to do.
22 Again, the comment is extremely important to
23 us. It helps us build the record.

24 And the other thing to keep in

1 mind, of course, is while you are under a
2 three-minute time limit if you are offering
3 it verbally, live this evening, there is no
4 limit on the amount of written comment that
5 you may submit. Okay?

6 And, again, as I mentioned before,
7 while the Department appreciates all comments
8 that do come in, there is a zero tolerance
9 policy in effect for any type of disparaging
10 remarks, offensive language, or personal
11 attacks that may be fielded.

12 Should comments start to fall into
13 such unfortunate negative categories, I will
14 interrupt the commenter with a warning once.
15 If the disrespectful tone continues after
16 that warning, the commenter will be re-muted
17 immediately and removed from the proceedings,
18 regardless of how much time they have left.

19 This is a formal legal proceeding,
20 and as such, it should be given the respect
21 that it's due by all in attendance.

22 That being said, I will throw it to
23 Janella. She, again, is probably going to
24 remind people of how this works.

1 While we are getting people ready,
2 I will also remind people that there is no
3 order of importance with the commenters
4 tonight. They are simply listed in the order
5 by which their preregistrations were received
6 by the Department.

7 First up, we are going to be
8 hearing from Susan Clifford. And after that,
9 Mr. Lyle Dykstra will be next. So, guys, if
10 you can find Ms. Clifford, we can begin.

11 MS. SAPP: Lisa, I just want to
12 mention one other thing, if that's okay.

13 MS. VEST: Sure.

14 MS. SAPP: I also just wanted to
15 mention if you are unable to finish your
16 comment within the three minutes and you
17 would like to submit the additional
18 information, you can submit written comment
19 for this hearing until December 2nd, like
20 Lisa has mentioned. And I also wanted to
21 mention that written comment can be submitted
22 in any language.

23 MS. VEST: Thank you. That's good
24 to know. Okay, Ms. Clifford, do we have you?

1 MS. SAPP: Lisa, I do not see her
2 listed.

3 MS. VEST: Okay. That's fine. We
4 will just move along, and then we will circle
5 back around. There is certainly plenty of
6 people that we need to get to tonight.

7 So once we get through the list the
8 first time, we will come back around and see
9 if she has come in.

10 Let's try to find Lyle Dykstra. He
11 is the next registrant in order. And after
12 that, Mr. Greg Layton will be up.

13 MR. DYKSTRA: All right. Am I
14 heard?

15 MS. VEST: Mr. Dykstra, we hear
16 you. Proceed.

17 MR. DYKSTRA: All right. DNREC,
18 you are the last means of holding the chicken
19 industry accountable.

20 This new refinery proposed for the
21 area near Seaford must not be allowed to
22 pollute the air or water in its processing or
23 in the truck traffic going in and out of that
24 community each day.

1 The industry has testified that
2 they will do their best. And we have heard
3 it again tonight. But the industry has also
4 acknowledged it is impossible to guarantee
5 complete stoppage of all leakage.

6 Therefore, DNREC, I think you
7 cannot approve the proposed location, because
8 it will harm people living near it. A half a
9 mile distance, 2,000 some feet, is not far
10 enough, based on the bit of science that I
11 have been taught about this matter.

12 So, to me, it's imperative, DNREC,
13 since you are our last means of holding this
14 accountable, people accountable for this,
15 please keep it away from human, where people
16 live.

17 Then, also, it needs to be noted
18 that this biogas is really producing methane,
19 and methane in the atmosphere is 90 times
20 more potent than carbon dioxide at warming
21 our climate.

22 Also, to say this is green is not
23 accurate. The product produces methane. And
24 methane, when burned, produces carbon

1 dioxide. So to say it is green is simply
2 wrong, or you could call it a lie.

3 As a retired -- I am a retired
4 clergy person and a Presbyterian pastor
5 retired, and also a member of the Poor
6 People's Campaign in Delaware that has
7 environmental degradation as one of its
8 issues it tries to fight against, stop, and
9 change.

10 So, friends, I am not against any
11 industry, but I am opposed to any pollution
12 from an industry that would harm human life
13 and/or our environment.

14 Remember scripture: Love your
15 neighbor as yourself. Another piece of
16 scripture: Do justice, love kindness, walk
17 humbly with God.

18 Thank you for listening to me.

19 MS. VEST: Thank you, Mr. Dykstra.

20 Next up is Mr. Greg Layton. And following
21 that, we have Ms. Sonja Mehaffey.

22 Ms. Mehaffey, you can stand by. You will be
23 next after Mr. Layton has concluded his
24 comments.

1 MR. LAYTON: My name is Greg
2 Layton, and I'm the Delaware organizer for
3 Food and Water Watch.

4 Anaerobic digestion is not magic.
5 It will not make poultry waste disappear into
6 thin air.

7 After trucking 250,000 tons of
8 poultry waste from three states to a site
9 south of Seaford, Bioenergy DevCo's proposed
10 facilitate would extract climate-altering
11 methane gas and leave behind massive amounts
12 of polluting waste to be disposed of.

13 Bioenergy DevCo would not call its
14 waste "waste," of course; it would call its
15 waste "compost" or "biofertilizer" or
16 something else. But, to paraphrase William
17 Shakespeare, nitrogen-laden waste by any
18 other name still causes health and
19 environmental problems.

20 A couple of quick facts: First,
21 Delaware leads the nation in the percentage
22 of its waterways too polluted for one or more
23 uses such as fishing or swimming, and most of
24 the blame belongs to the 300,000 tons of

1 poultry waste already spread on Delaware
2 fields each year.

3 That pollution causes massive fish
4 kills, blooms of toxic blue/green algae, and
5 the occasional closure of popular beaches.

6 Inevitably, this pollution harms
7 the state's \$3.5 billion tourism industry
8 which employs 44,000 people.

9 Second, Delaware leads the nation
10 in the percentage of its wells contaminated
11 with nitrates. And, again, poultry waste
12 bears most of the blame.

13 Nitrate-contaminated water has been
14 linked to a variety of health problems,
15 including children with disabilities and
16 developmental delays. And Delaware ranged
17 among the worst states in the nation for both
18 problems.

19 Now let me explain how the
20 Bioenergy DevCo project would make these
21 problems worse.

22 First of all, the project would
23 bring poultry waste into our state that would
24 not otherwise be here.

1 Poultry waste is typically disposed
2 of on fields within a few miles of the farms
3 and factories that produce it, but this
4 project would bring waste from three states
5 to Sussex County.

6 And based on the failure of similar
7 waste-to-fertilizer operations in the past, I
8 am not convinced that waste would leave the
9 state again.

10 What's more, the process of
11 digesting poultry makes it much more
12 water-soluble. In other words, the waste
13 that comes out of a digester is much more
14 likely to wash into rivers and bays and seep
15 into groundwater than the waste we have
16 already been dealing with.

17 Simply put, anaerobic digestion
18 supercharges waste, making the problems I
19 mentioned worse, not better.

20 Finally, Bioenergy DevCo has signed
21 a contract that commits Perdue Farms to
22 provide waste for the next 15 to 20 years,
23 and the company wants similar contracts with
24 other poultry companies.

1 Such contracts would obligate
2 poultry companies to supply massive amounts
3 of waste for decades to come.

4 Bioenergy DevCo's project would
5 lock us into the same old polluting factory
6 farm model.

7 For these reasons and more, I
8 oppose the Bioenergy DevCo project, and I
9 call upon Delaware Governor John Carney to
10 stop it.

11 MS. VEST: All right. Thank you,
12 Mr. Layton. Next up is Sonja Mehaffey. And
13 following Ms. Mehaffey's remarks, we have
14 Terry Dykstra that has preregistered. So if
15 you can prepare yourself for being the next
16 person up.

17 Ms. Mehaffey, you may begin when
18 ready.

19 MS. SAPP: Lisa, I do not see
20 Ms. Mehaffey.

21 MS. VEST: All right. That's fine.
22 I'm keeping a list of people that are not
23 here when their name is called. And like I
24 said, we will definitely circle back around

1 and try to see where they are once we get
2 through the list the first time. We will do
3 everything in our power to make sure that she
4 gets her time. Terry Dykstra.

5 MR. DYKSTRA: I'm Terry Dykstra,
6 the chairperson of the Immigrant Justice
7 Committee of New Castle Presbytery.

8 The other day, in my mind's eye, I
9 watched little children play near a methane
10 gas refinery leaking pollutants into the air.
11 They said it would not happen, but it did.

12 The methane gas refinery in Seaford
13 silently and consistently polluted the air
14 that those little children were breathing.
15 The plant released ammonia, hydrogen sulfide,
16 and oxide. That can cause chronic lung
17 disease and birth defects.

18 Also, these pollutants put the
19 family members at risk for cancer.

20 We demand that this methane gas
21 refinery be relocated to an industrial zone
22 far away from these vulnerable communities.
23 My friends, power, wealth, and influence
24 place this proposed methane gas refinery near

1 a vulnerable community where the average
2 family income is less than \$35,000 a year.

3 These parents do not have the power
4 and influence to fight back to protect their
5 children. It is up to us to stand with them.
6 It is the right thing to do. It is the moral
7 thing to do.

8 Greed is not good. Let us value
9 the worth of these families living in the
10 Blue Ridge Mobile Home Park near this
11 proposed methane gas refinery.

12 We demand that this methane gas
13 refinery be put in an industrial zone far,
14 far away from families and children. Love
15 your neighbor. Do unto others as you would
16 have them do unto you. DNREC, do your job.
17 Protect these children and their families.
18 Thank you.

19 MS. VEST: Thank you, ma'am.

20 Moving along. Next person in line
21 is Ms. Cathy Rash. And following Ms. Rash's
22 comments, Donna Hitchner will be the next one
23 up. So, Ms. Rash, if you can hear me and are
24 unmuted, you may proceed when ready.

1 MS. RASH: Okay. I'm here to speak
2 against allowing a permit for the proposed
3 bioenergy plant in Seaford.

4 My name is Cathy Rash. I'm a
5 middle-class woman living in Newark. I feel
6 this is a form of environmental injustice, as
7 the proposed bioenergy plant would be in a
8 low income and immigrant communities.

9 I am educated and fortunate, and
10 I'm here to speak for those who may not be or
11 do not have access to reliable Internet to
12 attend tonight.

13 I find it upsetting this residents
14 would be subjected to the amount of truck
15 traffic that this plant would bring, which
16 could be up to 73,000 trips a year, not to
17 mention the pollution from the trucks,
18 as well as the factory itself.

19 The plant would release air
20 pollution, including ammonia, hydrogen
21 sulfide, nitrogen oxide that could cause
22 chronic lung disease for those breathing it.

23 This is already a problem for those
24 living close to chicken factory farms, which

1 there are many in the area, as pointed
2 earlier.

3 We are in a climate emergency.
4 This bioenergy plant will not move us
5 forward. It will only make things worse.

6 Factory farms play a large role in
7 increase of climate change via emissions.
8 And, clearly, the poultry waste is a huge
9 problem in and of itself.

10 This is not the solution. We
11 should not bring in the waste from three
12 other states to add to this problem. It
13 would still need to be disposed of after the
14 gas is extracted.

15 As a state, we need to find clean
16 alternatives. We already have ridiculously
17 polluted waterways. We are ranked worst in
18 the United States for wells polluted with
19 nitrates.

20 My understanding is the waste left
21 over from this plant will be sold to spread
22 as fertilizer, which would make these
23 problems worse, not better.

24 Thank you. I would like to see

1 Delaware be first in clean energy
2 alternatives instead of developing more dirty
3 energy. We owe this to all of our residents.

4 MS. VEST: Okay. Thank you,
5 Ms. Rash. Next up, like I said, is Donna
6 Hitchner. And after Ms. Hitchner's remarks
7 have concluded, we have Rosario
8 Calvachi-Mateyko, Mateyko. Sorry. I just
9 totally butchered your name. I apologize.
10 But, Rosario, you are up after Ms. Hitchner.
11 So Donna, if you're unmuted, you may begin
12 when ready.

13 MS. HITCHNER: I am unmuted, I
14 think. I'm on an audio feed. Can you hear
15 me?

16 MS. VEST: You are. You can
17 proceed.

18 MS. HITCHNER: Okay. My name is
19 Donna Hitchner. I'm the executive director
20 of the Methodist Action Program.

21 There are 17 united Methodist
22 churches in the potential impact area of the
23 BioDevCo project. In concern for those 17
24 churches and their communities, I personally

1 make the following statement:

2 The BioDevCo project is actually a
3 refinery, no matter how it is otherwise
4 classified by DNREC and the permit seekers.
5 This kind of facility is prohibited in areas
6 reserved for agriculture or residential
7 neighborhoods.

8 If permitted, the proposed facility
9 would operate in such an area in close
10 proximity to a low-income immigrant community
11 that lacks resources to fight back, or
12 perhaps even to understand the harm that is
13 to befall them.

14 The project is far from clean,
15 despite company claims. In fact, the project
16 would produce thousands of tons of polluting
17 byproducts each year.

18 Instead of lessening the pollution
19 produced by the poultry industry, the waste
20 produced by the project will be sold or given
21 to farmers and others to spread on fields
22 where it can compromise our food supply in
23 countless ways, in addition to leaching into
24 residential wells and further polluting lower

1 Delaware's already sullied rivers, streams,
2 lakes, and bays.

3 The project also plans to use
4 Seaford's wastewater treatment plant, which
5 cannot handle the increased capacity, so its
6 wastewater stands to be discharged into the
7 already polluted Nanticoke River.

8 If part of DNREC's mission is to
9 protect public health and the environment,
10 permitting this project will not be in line
11 with the agency's mission. I encourage and
12 call on DNREC and Governor Carney to deny all
13 permits from the BioDevCo company.

14 MS. VEST: All right. Thank you
15 very much for your comments.

16 Next up -- and again I apologize
17 for the way I butchered the name initially --
18 Rosario Mateyko, you are up, and following
19 you is John Mateyko.

20 MS. CALVACHI-MATEYKO: Thank you
21 for this opportunity. I am Charito
22 Calvachi-Mateyko of Newark, co-chair of the
23 Delaware Hispanic Commission and ACLU
24 Delaware Board.

1 I am shocked at the blatant
2 environmental racism of this proposal, which
3 is not far from President Biden's summer
4 residence and in defiance of the mission of
5 EPA's new environmental justice and civic
6 rights position.

7 Environmentally, it makes no sense
8 whatsoever to track the waste from three
9 states to be concentrated in the tiny Sussex
10 ecosystem. Ninety-seven water readers are
11 already polluted.

12 This is illogical. My Latin and
13 Hispanic community already, in the occupation
14 available to them, suffers disproportionately
15 public health impact. This project will
16 bring more health risks into their homes and
17 their children's schools.

18 I want to say not only that it be
19 transparent. Greenwashing to us to say this
20 project would actual best available climate
21 beautification science.

22 This project is an example of how
23 industry disregards the science to
24 malevolently cut back pollution and, instead,

1 continues business as usual to increase
2 pollution.

3 It was the applicant's order to
4 address these issues in the application, and
5 they failed to do so.

6 Thank you for hearing my
7 perspective, because I am speaking for the
8 voiceless, those people that I have visited
9 in their homes. And at first they didn't
10 know that this was coming. And, second, they
11 are afraid.

12 So I am the voice of those afraid
13 to speak because of many reasons, especially
14 their immigration status.

15 We need to be conscientious and
16 listen to Terry and Lyle. Love your
17 neighbor, especially those that contributed
18 to the wealth of the very people that now
19 want to do anything in their back yard to
20 upset the rhythm for them.

21 Imagination should be the solution.
22 Create a business of any other different
23 sort.

24 Thank you very much. And this is

1 my husband.

2 MS. VEST: Thank you, Ms. Mateyko.
3 John, we are going to reset that timer right
4 now. And at the conclusion of Mr. Mateyko's
5 comments, Al Liebeskind, you are up next.
6 And, hopefully, I did not butcher your name.
7 So, John, you may begin when ready.

8 MR. MATEYKO: Thank you. I am John
9 Mateyko of Newark, Delaware, former chair of
10 the AIA Delaware Environment Program and
11 former chair of the State Board of
12 Architects.

13 This proposal is systemic
14 malevolence of the State of Delaware's
15 environment and its public health. And it
16 should be rejected because the Applicant has
17 failed their burden under law to demonstrate
18 that it does not pose a risk to the public
19 health or safety.

20 First, the applicant has not
21 satisfactorily addressed, if at all, the
22 burden of evidence that this project would
23 dramatically increase in cumulative fashion
24 the negative public health impacts already

1 disproportionately imposed on the
2 predominantly black and brown neighborhood of
3 its area and including its school.

4 This is a protected class which
5 under law requires exceptional scrutiny.

6 Second, the applicant fails their
7 burden to address why the negative
8 environmental impacts and public health
9 impacts from the waste of three states should
10 be concentrated in one Sussex County
11 ecosystem where it's already experiencing
12 drinking water contamination and pollution of
13 97 percent of the rivers.

14 This is even worse when you
15 consider that the ultimate land application
16 would be on land that, because of the
17 combination of subsidence and sea level rise
18 affecting Delaware is among the highest, most
19 rapid sea level rise increases in the world.

20 Finally, this is greenwashing. It
21 is not climate based. It is not consistent
22 with the genuine, very demanding, but
23 science-based biofuel pathway. That
24 occasionally fits, but this is not that

1 situation.

2 It is not consistent with the IPCC
3 or the IPBES.

4 Science-based biofuel requires
5 substitution, displacement of fossil fuel,
6 which this does not achieve. But it expands
7 the fossil fuel system rather than
8 immediately, as the IPCC requires, reducing
9 it. This is making our future worse.

10 Thank you.

11 MS. VEST: Okay. Thank you, John.
12 I believe you just got that in under the
13 three-minute mark. And thank you both for
14 your comments.

15 Mr. Liebeskind, you are next. And
16 following his comments, Patricia Kellen, you
17 are up next.

18 MR. LIEBESKIND: Can you hear me?

19 MS. VEST: I can hear you, sir.

20 You may begin when ready.

21 MR. LIEBESKIND: My name is Al
22 Liebeskind. I'm a Sussex County resident.
23 And I thank you for the opportunity tonight
24 to speak in opposition to the Bioenergy

1 Development Company.

2 One of the reasons I oppose this, I
3 asked myself a question. Why is this being
4 placed in western Sussex County, Delaware?
5 Is there a specific reason why this facility
6 cannot be built in either Accomack or North
7 Hampton Counties in Virginia, or Wicomico,
8 Worcester, Somerset, or Wicomico County in
9 Maryland?

10 And if it is to be built in Sussex
11 County, are the governments, are the state
12 governments of Maryland and Virginia
13 intending on financially contributing to the
14 maintenance and constant repaving of these
15 roads in Delaware to ensure safe driving
16 safety?

17 I believe one of the reasons the
18 wish to locate this facility in western
19 Sussex County is the simple reason of
20 socioeconomics. This area is very
21 impoverished.

22 The residents in this area are in
23 need of jobs. They are now being promised a
24 great number. However, let's be honest. Are

1 they 20, 30, 50, 100, or 200? If this
2 company is so serious, ask them to put it in
3 writing, have it notarized, and hold them to
4 that promise.

5 If the true intent is to be fair to
6 all of Sussex County, then why is it not
7 being considered on the eastern side? We
8 know why.

9 Governor Carney, I ask, for the
10 sake of the current residents of this state,
11 please do not enter into any verbal promises
12 or do not sign any agreement for our children
13 and our grandchildren's future. This plan
14 does not smell right.

15 Thank you.

16 MS. VEST: Thank you,
17 Mr. Liebeskind. Patricia Kellen, you are up
18 next. And following Ms. Kellen, we will have
19 Tyler Lobdell. So, Patricia, if you are
20 there, you may proceed when ready.

21 MS. SAPP: Lisa, I do not see
22 Ms. Kellen.

23 MS. VEST: All right. I will add
24 her to my list that we will circle back

1 around. Do we see Mr. Lobdell?

2 MR. LOBDELL: Yes, I'm here. Thank
3 you so much.

4 MS. VEST: Okay. Excellent.
5 Tyler, you are up next.

6 MR. LOBDELL: Awesome.

7 MS. VEST: We skipped a spot, but
8 you are up next. So proceed when ready.

9 MR. LOBDELL: Thank you. Again, my
10 name of the Tyler Lobdell, and I will be
11 commenting this evening on behalf of Food and
12 Water Watch.

13 So Food and Water Watch opposes
14 this project and respectfully requests that
15 DNREC deny this suite of permit applications
16 for two primary reasons that I will touch on
17 tonight, but among others that we will detail
18 in written comments.

19 First, Bioenergy DevCo has not
20 submitted an environmental assessment that
21 appropriately details the potential impacts
22 on the environment or public health and
23 safety as required by Delaware regulations.

24 The applicant has failed to even

1 mention a slew of potential impacts and has
2 not meaningfully detailed those it does
3 acknowledge.

4 For example, despite being a
5 proposal to produce methane gas, a potent
6 greenhouse gas, Bioenergy DevCo's
7 environmental assessment does not address
8 climate impacts at all.

9 Elsewhere, they disclose that they
10 intend to produce enough natural gas each
11 year that, if it all is combusted by end
12 users, that would be the equivalent of
13 burning 31 million pounds of coal or driving
14 71 million miles in an average passenger car
15 year after year, an important impact that
16 needs assessment.

17 They also fail to detail numerous
18 other expected impacts such as traffic from
19 increased heavy truck traffic, their use of
20 35,000 gallons of groundwater from a well per
21 day, increased odors from waste handling or
22 open air storage bunkers, among others.

23 And where threats are disclosed,
24 such as explosions, asphyxiation, and

1 pathogen spread, the assessment doesn't
2 actually assess the threats. It simply
3 doesn't provide detail. It doesn't go into
4 public notice mechanisms for in the event of
5 an emergency. It doesn't disclose the kinds
6 of damage that residents could expect, and it
7 does not quantify possible pathogen loads or
8 pathways, for example.

9 This is not a detailed assessment.
10 Nor does it provide for the mitigation of
11 these and other risks, as required again by
12 Delaware law.

13 This is a first-of-its-kind
14 facility for Delaware, and in fact, a very
15 complex, highly technical operation. This
16 warrants rigorous application of Delaware's
17 environmental and public health protections
18 before allowing the project to proceed,
19 especially given this particular developer's
20 lack of a track record.

21 They have one operation that went
22 into operation recently, and the rest of
23 their experience is based on different
24 leadership in a different company.

1 Second, DNREC may not issue these
2 permits because Bioenergy DevCo has left
3 critical elements of the project unexplained.

4 So, for example, they list a
5 variety of products that they intend to sell,
6 including digestate products, and then rely
7 on those plans to support a claim that they
8 will have a market for the vastly expanded
9 operations they propose.

10 But, as far as I know, Bioenergy
11 DevCo does not have the requisite marketing
12 or distribution permits that would allow it
13 to sell this product.

14 So with a history of the failures
15 for these types of poultry industry waste
16 solutions, and especially at this site, our
17 concern is that this product will be land
18 applied in mass or stockpiled. Thank you so
19 much for your time.

20 MS. VEST: Okay. Thank you,
21 Mr. Lobdell. Next up is John Irwin. And
22 while Mr. Irwin prepares to begin his
23 comments, Lori Broesamie, or Broesamie -- I'm
24 not sure how to say that last name -- but you

1 will be next following Mr. Irwin's comments.

2 So, John, are you with us?

3 MS. SAPP: Lisa, I do not see
4 Mr. Irwin.

5 MS. VEST: Okay. I will add him to
6 my list that I am keeping. Lori Broesamie,
7 Broesamie, do we see her?

8 MS. SAPP: I do see a Lori, and I
9 have asked her to unmute.

10 MS. VEST: Lori, are you attempting
11 to unmute? All right. We will go back to
12 Lori. Hopefully, we can fix that.

13 Next up is Linda Apgar. Ms. Apgar,
14 do we see her?

15 MS. SAPP: I do see somebody listed
16 as Linda. Give me one second. I have
17 requested of them to unmute.

18 MS. VEST: Okay. Ms. Apgar, can
19 you hear me? All right. We will come back
20 around to that.

21 Continuing down the list, Beth
22 Kopicki? Do we see her?

23 MS. SAPP: I do not see
24 Ms. Kopicki.

1 MS. VEST: Okay. That's fine. We
2 will just keep track of all of this. Next
3 up, Chris Brosch.

4 MR. BROSCH: I am here. Can you
5 hear me?

6 MS. VEST: I can hear you. Great.
7 We found somebody. All right. Chris, while
8 you are preparing to get ready and go,
9 following Mr. Brosch will be Ken Blessing,
10 just to kind of like keep the movement going
11 as quickly as possible.

12 Chris, you may begin when ready.

13 MR. BROSCH: And Ms. Vest, I want
14 to remind you that Ken and I are co-located
15 tonight, so he sat next to me and is also
16 prepared.

17 MS. VEST: Excellent.

18 MR. BROSCH: Thank you for the
19 opportunity to share comments tonight. My
20 name is Chris Brosch, and I work for the
21 Delaware Nutrient Management Commission at
22 the Department of Agriculture.

23 We are speaking in support of this
24 project. We have known for some time that

1 this technology is an essential element of
2 our portfolio in agriculture re the new
3 management and renewable energy in Delaware.

4 For the first time, BioDevCo is
5 poised to deliver to our state a
6 state-of-the-art solution to enhance our
7 farms, water quality, and climate change
8 mitigation in air and soil.

9 The Delaware Department of
10 Agriculture is eager to welcome anaerobic
11 digestion at the Seaford facility that has a
12 20-year history of offering skilled local
13 jobs and agricultural residual technologies
14 that benefit our farmers, the industry, and
15 citizens.

16 The Delaware Department of
17 Agriculture strongly endorses the permit
18 applicants, ventures, and hopes for an
19 expeditious permitting process.

20 That concludes my remarks. Thank
21 you.

22 MS. VEST: Thank you.

23 Mr. Blessing, you are up next. And following
24 Mr. Blessing, we will have Loretta Williams,

1 who is next in the list of pre-registrants.

2 Mr. Blessing, you may proceed when
3 ready.

4 MR. BLESSING: Okay. Thank you.
5 My name is Kenny Blessing, and I am a farmer
6 located in southern Kent County.

7 I'm speaking tonight in support of
8 Bioenergy to enhance its existing compost
9 facility.

10 Production agriculture has
11 undergoing huge changes in regards to input
12 costs and availability of products.
13 Scheduling are -- transportation and
14 scheduling are issues, as well.

15 Farmers are looking for innovative
16 ways to enhance soil fertility, keeping in
17 mind cost considerations and environmental
18 impacts.

19 The byproducts that Bioenergy would
20 produce helps alleviate some of these
21 concerns.

22 Compost helps elevate the organic
23 composition of soil, which enhances microbial
24 activity and aids in moisture retention.

1 This enables plants to withstand adverse
2 conditions that are considering the sandy
3 nature of Delmarva's soils.

4 Utilizing composts helps ensure
5 dust and odor levels would be significantly
6 reduced and also provide a more consistent
7 product in regards to analysis and moisture
8 content.

9 The fact that all the materials are
10 waste products generated in the Delmarva area
11 and turned into usable product available to
12 Delmarva is an asset to be considered.

13 The capability of the facility to
14 produce soil amenities while extracting
15 natural gas from anaerobic digestion that
16 enhances natural resources is not new
17 technology. It's just new to us.

18 Europe has been doing this for
19 years. The renewable resources available
20 locally to help alleviate disruptions from
21 external sources just makes sense to me.

22 I thank you for your consideration
23 in hearing this proposal.

24 MS. VEST: All right. Thank you

1 for your comments, Mr. Blessing.

2 Next up, Loretta Williams. We need
3 to see if we can find her. And then,
4 following Ms. Williams, there is a Dustyn
5 Thompson next in line. So do we see Loretta?

6 MS. SAPP: I do not see
7 Ms. Williams.

8 MS. VEST: Okay. That's fine. We
9 will just add her to the list. How about
10 Dustyn Thompson?

11 MS. SAPP: Nope.

12 MS. VEST: Okay. I will add both
13 of them to the list.

14 MR. THOMPSON: I am here.

15 MS. SAPP: Mr. Thompson is here.

16 MS. VEST: Oh, okay. Excellent.

17 Dustyn, sorry about that. You may proceed
18 when ready. And just to have a heads up for
19 the next commenter, it is Claire Simmers.

20 So, Dustyn, you may proceed when
21 ready?

22 MR. THOMPSON: Thank you. My name
23 is Dustyn Thompson. I am the chapter
24 director for the Sierra Club, Delaware

1 Chapter.

2 I'm here to speak in opposition of
3 the Bioenergy DevCo project from moving
4 forward through the DNREC permitting process.

5 The Delaware chapter firmly
6 believes that this is a significant
7 environmental justice issue and a climate
8 issue, as well.

9 The fact that this is located in an
10 area already overburdened by the pollution of
11 the poultry industry. As noted by the
12 applicant, there are over 60 poultry houses
13 located in and around these communities
14 already.

15 To add onto that, thousands and
16 thousands upon thousands of truck trips
17 coming in and out of this facility is simply
18 an environmental injustice issue, plain as
19 day. Anybody can see it.

20 There is no way that this is a net
21 benefit to this community. When you look at
22 this issues that are already plaguing -- I
23 live in Wilmington -- that are already
24 plaguing the areas around Wilmington, such as

1 the Route 9 corridor that deals with this
2 kind of truck traffic and the asthma rates
3 that come with it, there is no way that this
4 community will not fall suit to the same
5 issues.

6 When we talk about climate change,
7 we need to talk about real solutions.
8 Methane is not a solution. It doesn't matter
9 where it comes from.

10 And we are producing methane in a
11 much greater volume than would ever naturally
12 occur. Now, we can call it "renewable
13 energy." We can call it "organics." This
14 all sounds like a wonderful sales pitch, but
15 it is not reflective of reality.

16 These are not organics, these
17 aren't biologics; these are wastes of dead
18 bodies and other wastes coming from the
19 chicken poultry industry. But this is not
20 organic as in you go and you get organic
21 vegetables. It sounds good, but all it does
22 is serve to confuse people that are listening
23 in to these kinds of presentations.

24 When we talk about green energy, we

1 are talking about wind, we are talking about
2 solar, we are talking about offshore wind.
3 And, yet, here we are investing public money
4 into a project that is going to produce, at
5 the end of the day, methane gas which will
6 not -- we have heard from Chesapeake Utility,
7 who is poised to buy this gas, will not
8 offset fracked gas. It will be added in
9 addition to.

10 So we are not reducing climate
11 impacts. We are not reducing fracking. We
12 are exponentially expanding our reliance on
13 dirty fuel. That is what this project is
14 going to do. To say anything otherwise is
15 simply greenwashing reality. And that is not
16 something that we support at the chapter.

17 Thank you for the opportunity to
18 comment. We call on DNREC and Governor
19 Carney to oppose these permits.

20 MS. VEST: Thank you, sir, for your
21 comments. Up next is Claire Simmers. And
22 while we look to make sure she is unmuted and
23 present, Jeri Berc, B-E-R-C, is next on the
24 list of people that preregistered. So

1 Janella, do we see Claire?

2 MS. SAPP: I do not see

3 Ms. Simmers.

4 MS. VEST: Okay. How about Jerry
5 Berc?

6 MS. SAPP: I do not see him either.

7 MS. VEST: Okay. We will make -- I
8 will make a note of that: Continuing down
9 the list, how about Holly Porter.

10 MS. SAPP:

11 MR. MIDDLETON: Ms. Vest, if it's
12 possible, Ms. Porter wasn't able to come to
13 this meeting -- I'm Grayson Middleton. I'm
14 the Government Affairs Manager for Delmarva
15 Chicken Association -- if I could provide her
16 testimony.

17 MS. VEST: That's fine. I will
18 allow it. You may proceed when ready.

19 MR. MIDDLETON: Thank you.

20 MS. VEST: I would ask that, since
21 you are not on the actual list but speaking
22 on Ms. Porter's behalf, could you spell your
23 name in full for the benefit of the court
24 reporter?

1 MR. MIDDLETON: Yes. It's
2 G-R-A-Y-S-O-N, last name M-I-D-D-L-E-T-O-N.

3 MS. VEST: Thank you.

4 MR. MIDDLETON: Good evening. My
5 name is Grayson Middleton, and I'm the
6 Government Affairs Manager for the Delmarva
7 Chicken Association, the 1,600-member trade
8 association that represents the chicken
9 growers, chicken companies, and employees and
10 allied businesses in Delaware and the eastern
11 shores of Maryland and Virginia.

12 We are here in support of DNREC
13 issuing the resource recovery permit, natural
14 minor permit for air, and wastewater facility
15 construction permit for Bioenergy Development
16 Company, or Bioenergy DevCo.

17 We will also be submitting written
18 support.

19 The chicken community is the
20 backbone of the Delaware economy, making up
21 more than 70 percent of farm income and
22 directly employing nearly 10,000 employees in
23 Delaware alone.

24 Many of those employees are part of

1 the underserved communities you are hearing
2 about from other comments tonight, making an
3 average of \$66,000 in wages and benefits.

4 But in addition to the chicken
5 community providing jobs and serving the
6 economy, we are also producing food, which
7 feeds every one of us on this virtual
8 hearing, plus millions across the world.

9 And today our modern chicken
10 production is producing that food in the most
11 innovative, sustainable, and environmentally
12 friendly way possible.

13 This includes embracing
14 technologies like anaerobic digestion that
15 will not only help with the challenge of
16 recycling what some might consider a waste,
17 but also create a renewable natural gas for
18 citizens across Delmarva.

19 Bioenergy DevCo has done their
20 homework. They carefully selected a location
21 that has been recycling the same waste for
22 more than 20 years. They have invested in a
23 proven technology. They have already built a
24 marketplace for their end product. And they

1 have successfully started operating a similar
2 project in Jessup, Maryland.

3 There really is no reason not to
4 support this innovative solution to a
5 challenge that will continue to support the
6 \$4.2 billion economy that is our chicken
7 industry on Delmarva.

8 Thank you.

9 MS. VEST: Thank you. Okay.
10 Moving along, we now have Maria Payan who is
11 next on the list. And following Maria, we
12 have Michael Payan. So Maria, when you are
13 ready, you may begin.

14 MS. PAYAN: Can you hear me?

15 MS. VEST: Yep, I can hear you.
16 You can go ahead when ready.

17 MS. PAYAN: Thank you. So EPA also
18 provided a document called Environmental
19 Justice and Civil Rights in Permitting.

20 For decades many people of color,
21 as well as low-income, indigenous populations
22 have been disproportionately burdened by
23 pollution and denied equal access to a
24 healthy environment.

1 This legacy of environmental
2 injustice represents a systemic deficit in
3 public health and environmental protection.

4 The federal environmental justice
5 policy directs EPA to address environmental
6 injustices to the full extent authorized by
7 law.

8 EPA recognizes it's time to use the
9 full extent of its enforcement authority
10 under federal civil rights laws, including
11 the Title 6 of the Civil Rights Act of 1964.

12 This proposed location is a
13 residential agricultural area with
14 approximately 1,095 people living within a
15 one-mile range surrounding the facility.

16 The EPA's EJ screen tool ranks
17 these communities in the eightieth percentile
18 in the state for air toxics. That means that
19 already hazardous air pollutants are
20 carcinogenic and can cause negative health
21 impacts.

22 Eighty-first percentile in the
23 state for low-income populations. Eightieth
24 percentile in the state for populations with

1 less than a high school education.

2 Within a 3-mile radius around the
3 facility, the proposed location has
4 approximately 10,603 people in a residential
5 agricultural area. The EPA's EJ screen tool
6 ranks communities in the eighty-seventh
7 percentile statewide for proximity to
8 superfund sites. Nationally, the populations
9 within a three-mile radius rank in the
10 ninety-sixth percentile.

11 In regards to socioeconomic
12 factors, a three-mile radius analysis lands
13 the area eighty-second percentile in the
14 state for populations of limited English
15 proficiency. This classifies the area as
16 linguistically isolated.

17 Eightieth percentile in the state
18 for low-income populations. Eighty-fourth
19 percentile in the state for less than high
20 school education.

21 Notice was put out in Spanish, not
22 Haitian Creole. Neither of the populations
23 had access to the online community meeting in
24 many instances because they lack access to

1 broadband.

2 The civil rights of the populations
3 here were ignored. We worked to get meetings
4 with both the Latin and the Haitian
5 communities. I actually offered a church,
6 provided a translator, and had live stream
7 capability.

8 DNREC refused to meet with the
9 communities. I was explicitly told that it
10 was DNREC's policy to send the applicant to
11 the communities and have the applicant relay
12 to DNREC the community questions. The
13 applicant went out on -- (muted)

14 MS. VEST: Okay. Ms. Payan, I'm
15 sorry, but the system remuted you because you
16 reached the three-minute timer.

17 Of course, like I said previously,
18 your comments are very important to us, so
19 please, I would encourage you to submit the
20 entirety of your comments that you wish to
21 say tonight in writing prior to December 2nd.

22 Moving along, Michael Payan is next
23 on the line. And following Mr. Payan, we
24 have Matt Cohee lined up. So, Mr. Payan, you

1 may proceed when ready.

2 MR. PAYAN: Thank you. An
3 evaluation of the project area with a
4 two-mile radius should be done on the
5 emissions in the area currently, along with
6 the projected emissions for up to 73,000
7 tanker trucks per year, which is the limit
8 that the permit allows.

9 Emissions from the current
10 composting operation, as well as any
11 emissions from the flares, the digesters, and
12 other equipment that would be used in the
13 project should be accounted for.

14 Signed contracts should be executed
15 for compost and digestate before any permits
16 are approved and should be included in the
17 permit application.

18 A public health study or health
19 impact assessment should be required before
20 this project is permitted.

21 The digestate should have
22 monitoring required for PFAS with limits
23 imposed.

24 Monitoring of the waste should

1 occur to ensure there is not a possibility of
2 an infectious disease that could impact
3 public health being spread in the waste or
4 wastewater from this project.

5 Delaware streams, as we heard on
6 this call today, are 97.5 percent
7 contaminated, and we can't afford to take in
8 waste of the entire tristate region when we
9 can't manage our own waste here in this
10 state.

11 We need to deny this permit until
12 our waterways are cleaned up. This project
13 is basically a science experiment. There has
14 never been a regional project of this size
15 and scale. And with a 20-year contract and
16 so little done in terms of any type of public
17 health studies, it's a disaster that's
18 waiting to happen, both for public health and
19 environmental health.

20 A notice system and an evacuation
21 plan for people within a two-mile radius
22 should be included to address the risk of
23 explosion from the methane gas being refined
24 here.

1 This seems counterproductive in
2 terms of climate change and environmental
3 benefit. We are going to be creating more
4 pollution through this project in our area
5 than we had planned to address in the first
6 place.

7 And for that reason alone, the
8 project should be denied.

9 A highly industrialized project
10 that will cause safety concerns and risk of
11 explosions should be sited in an industrial
12 zone, not around residents who could suffer
13 the consequences in an
14 agricultural/residential area.

15 There is not one word that mentions
16 community members plan of action if there
17 would be an emergency evacuation situation.
18 And for that reason alone, this project
19 should be denied.

20 We will be sending in written
21 comments as well. But the fact that there
22 are five permits at one hearing that contain
23 thousands of pages is ridiculous. The
24 permits should have been separated out. It's

1 entirely too much information to cover in a
2 three-minute comment period or in one
3 meeting, especially in communities where
4 English is a second language.

5 We ask that these permits be
6 denied. Thank you.

7 MS. VEST: Thank you, Mr. Payan.
8 Next up is Matt Cohee. And following
9 Mr. Cohee is Andrew Hinz, or Hinz, I'm not
10 sure. Janelle, do we see Mr. Cohee.

11 MR. COHEE: Yes, I'm here.

12 MS. VEST: Okay. Excellent. You
13 may proceed when ready. And, again, Mr.
14 Hinz, you are next.

15 MR. COHEE: Good evening. My name
16 is Matt Cohee. I'm the environmental science
17 pathway teacher at Seaford High School
18 as well as the FFA adviser.

19 I have been an educator in the
20 school district for 19 years, and I am a
21 resident of Seaford, Delaware. And I have
22 three children of my own in the district.

23 We began working with Bioenergy a
24 year ago. Since then, we have attended their

1 community days, toured their facilities, and
2 examined their compost and utilized that
3 compost for plantings in the district.

4 Current projects we have started at
5 the Bioenergy Innovation Center site are
6 installing wood duck boxes, bat boxes that
7 had been installed on that site, started
8 measuring and designing a polymer friendly
9 landscape to go around our future visitor
10 center.

11 We have also explored the wildlife
12 habitat at the site and identified what
13 species inhabit the site. And we're
14 developing ways to improve the habitat at the
15 site.

16 We plan on planting native tree
17 species to increase soft mass to hard mass
18 production, planting food plots, installing
19 mallard henhouses, more wood duck boxes, and
20 more bat houses.

21 We look forward to utilizing their
22 compost more to reduce the use of synthetic
23 fertilizers in our greenhouse and also our
24 land application, and studying how the use of

1 compost improves overall health for the soil
2 by increasing microorganism usage.

3 They have been very transparent
4 every visit we have had at the site. And
5 they are very cautious and doing a great job
6 monitoring, from what we have seen and what
7 the students have seen on their site.

8 And I do teach a very diverse group
9 of students. I have them researching
10 Bioenergy throughout the past two years from
11 their inception.

12 So, as of right now, I personally
13 endorse moving forward with the Bioenergy
14 permit process.

15 Thank you.

16 MS. VEST: Thank you, Mr. Cohee.
17 Andrew Hinz or Hinz, hopefully you are here
18 and you can correct the way I'm pronouncing
19 your name so I don't feel so bad. Do we see
20 Andrew, Janella?

21 MR. HINZ: Yes. Andrew Hinz is
22 here.

23 MS. VEST: Oh, I see him. Yes,
24 it's Hinz. Okay. So sorry about that. Mr.

1 Hinz, you may proceed when ready. And
2 following Mr. Hinz, we will have Jeanette
3 Akhter. So, Andrew, proceed when ready.

4 MR. HINZ: Thank you. Andrew Hinz.
5 Thank you for letting me speak.

6 For the record, I am participating
7 in this hearing, but I do not eat poultry and
8 haven't for many years and don't plan to for
9 the rest of my life, and I'm healthier for
10 it.

11 I request that you deny this
12 permit. Given the hundreds of thousands of
13 tons of poultry waste and that the water
14 quality of 99 percent of Delaware waterways
15 and 100 percent of Delaware bays is already
16 impaired, the proposed permit is wholly
17 deficient in that the marketing plan is out
18 of date and inadequate in terms of
19 limitations on where the very soluble, more
20 soluble than manure, digestate can be applied
21 and how and when it can be applied.

22 Problems from the waste also
23 imperil Maryland and Virginia Delmarva
24 waterways.

1 I am troubled this product will be
2 marketed into my community in this
3 willy-nilly manner.

4 We have so many threatened and
5 declining species and so many people that
6 rely on well and spring water.

7 The total proposed volume of
8 digestate that would be disbursed must be
9 geographically accounted for, monitored, and
10 locally permitted when and where necessary.

11 It is entirely irrelevant to
12 Delmarva water quality to permit this
13 facility only with respect to its impact on
14 the Seaford watershed.

15 I might add, regarding water
16 quality in this disbursal plan that's left to
17 chance, I caution you to look to occurrences
18 in Flint, Michigan, and Jackson, Mississippi,
19 and suggest that you have counsel for the
20 State of Delaware thoroughly consider the
21 huge liability you are taking on by issuing
22 this permit.

23 I can assure you if my well in
24 Maryland were made unusable by neighbors over

1 applying or misapplying this product, I would
2 seek recompense from the State of Delaware
3 for the issuance of this very permit.

4 And this is not even considering
5 the liability you might incur if your PFAS
6 monitoring proves inadequate.

7 So there are also gross
8 deficiencies with this permit with regard to
9 the air quality permit and methane.

10 Methane is almost 90 times more
11 warming than carbon dioxide. Methane is
12 highly explosive and is toxic. Methane has
13 been proven to reduce the birthweights of
14 babies where it is extracted, produced, or
15 industrially disbursed.

16 Methane has been proven to increase
17 the risk of asthma when used in homes,
18 particularly in homes or apartments with
19 smaller, less-ventilated kitchens.

20 The sizable quantity of methane
21 that would be produced by this facility would
22 never have to be produced in the first place
23 if the waste were, instead, composted.

24 So there is absolutely no way the

1 facility would reduce emissions of greenhouse
2 gases. It is simply not physically possible.
3 And I have to say I resent, as a taxpayer,
4 you are allowing marketing presentations to
5 be allowed as public record in a legal
6 hearing.

7 Many states are in the process of
8 reducing emissions of greenhouse gases. I'm
9 sorry. Many states are in the process of
10 beginning to retire their methane
11 infrastructure for the very reasons I
12 mentioned. It pollutes homes, communities,
13 and our atmosphere.

14 Methane prices are as volatile as
15 the pollutant, itself, and methane sequest --
16 (Muted)

17 MS. VEST: Okay, Mr. Hinz, I do
18 apologize. The system cut you off once you
19 reached the three-minute mark. But, again,
20 the comments are very important to us. And I
21 would encourage you to submit it in writing
22 to the Department on or before December 2nd.

23 Following down the list of those
24 that have preregistered, Jeanette Akhter.

1 And following Ms. Akhter, we have Shelly
2 Cohen that has registered. So do we see
3 Jeanette? I see Jeanette.

4 MS. AKHTER: Yes.

5 MS. VEST: Okay. Jeanette, you
6 look like you are unmuted. I can hear you.
7 So you may proceed when ready.

8 MS. AKHTER: Yes. Thank you very
9 much for the opportunity to speak tonight in
10 opposition to the Bioenergy DevCo farm
11 factory biogas proposal.

12 I believe it's worthwhile to speak
13 tonight because of DNREC's vision statement,
14 which includes the following, "DNREC
15 envisions a Delaware that offers a healthy
16 environment where people embrace a commitment
17 to the protection, enhancement, and enjoyment
18 of the environment in their daily lives,"
19 and because of DNREC's mission statement
20 which includes its responsibility to protect
21 public health and the environment.

22 Well, the biogas proposal is not in
23 alignment with DNREC's vision and mission or
24 with its goals and responsibilities.

1 This proposal is for one more
2 industrial assault on the health of the
3 environment and the current and future
4 inhabitants of Sussex County.

5 Tonight you are already hearing a
6 lot of testimony about the specifics of the
7 air, earth, and water pollution that this
8 project threatens. And I won't repeat them.

9 Instead, I would like to offer some
10 broader context for your consideration in the
11 form of a book, Man and Nature in Delaware,
12 an Environmental History of the First State
13 from 1631 to 2000, written by William H.
14 Williams, a preeminent Delaware historian who
15 taught at University of Delaware and Del
16 Tech.

17 It's in your county library, and
18 the PDF is in the archives files
19 Delaware.gov. I strongly recommend every
20 DNREC employee read it, because it chronicles
21 four centuries of interactions between humans
22 and their environment in Delaware.

23 It talks about how we got to now
24 where Delaware is number one in the USA in

1 contaminated waterways and number two in
2 occurrence of new cases of cancer.

3 It's about industrial pollution and
4 the tragedy of the commons, about Delaware's
5 long history of allowing industry to create
6 all kinds of environmental pollution
7 nightmares and to walk away from
8 responsibility to list them and correct them.

9 The burden of these toxins and
10 noxious wastes have been passed on to society
11 in general. Every chapter in the book tells
12 the same story, the very same plot, just with
13 different actors playing the parts.

14 It is time to stop this. The
15 biogas factory farm, biogas proposal is just
16 another example of the same playbook.

17 For all the reasons you are hearing
18 this evening from its opponents, you should
19 reject it.

20 Thank you.

21 MS. VEST: Thank you, Ms. Akhter.

22 Next up is Shelly Cohen. And once
23 Ms. Cohen's comments are completed, we have
24 Judith Stribling, or Stribling. Again,

1 apologies if I am accidentally mispronouncing
2 your names.

3 Shelly, can you hear us? Janelle?
4 I see an icon that says Shelly's iPad.

5 MS. SAPP: Yes, and I did request
6 her to unmute.

7 MS. COHEN: Oh, okay. I thought I
8 was unmuted.

9 MS. VEST: There you go. There you
10 go.

11 MS. COHEN: Okay.

12 MS. VEST: Good evening, Ms. Cohen,
13 you may proceed when ready.

14 MS. COHEN: Okay. Thank you. I'm
15 requesting that DNREC deny these permits, the
16 five permits, and put the project on hold.

17 There needs to be an environmental
18 impact study with proper testing of water and
19 air in the area as a baseline for any, for
20 comparison in the future, for when people are
21 becoming ill.

22 The Sussex County Council and the
23 Sussex County Planning and Zoning hearings
24 repeatedly defer to DNREC. In those hearings

1 they kept saying, "Well, if something goes
2 wrong or if this isn't right, DNREC will take
3 care of it." Well, that hasn't happened.
4 DNREC has not done any kind of due diligence
5 in this.

6 And yes, you have materials from
7 your applicants, but somebody needs to
8 doublecheck what they say. Somebody needs to
9 do these, the proper studies.

10 The plant is located in an
11 environmental injustice community as was
12 previously mentioned. It's Hispanic people.
13 It's people of Haitian national -- immigrants
14 of nationalities living in this area who were
15 not notified, do not have broadband, have
16 been out of the loop as far as this project
17 is concerned and how it can impact its
18 health, impact their health.

19 Furthermore, they are not likely to
20 have their own health insurance, so as their
21 health declines, it will be on the State and
22 the County of Sussex to try to service their
23 medical needs.

24 And it's already been mentioned the

1 types of medical problems that can arise from
2 cancer, asthma, miscarriages, and many, many
3 more.

4 So I'm requesting that we put this
5 on hold, forget about it -- I would like to
6 see it forgotten about -- and in favor of
7 doing something that hasn't been done in
8 Sussex County in a long time.

9 Let's study the environmental
10 impact of what's something so dangerous as a
11 methane refinery going into a residential
12 rural area.

13 Thank you very much.

14 MS. VEST: Thank you, Ms. Cohen. I
15 appreciate your comments.

16 Next up we have Judith Stribling,
17 or Stribling, as I said. And following her
18 we have Bunnie Williams on the list. So do
19 me see Ms. Stribling.

20 MS. STRIBLING: Yes, I'm here,
21 Judith Stribling.

22 MS. VEST: Okay. All right,
23 Judith, you may begin when ready.

24 MS. STRIBLING: Thank you so much

1 for the opportunity to comment tonight.

2 I'm speaking on behalf of the
3 Friends of the Nanticoke River, which works
4 to conserve the health of the river and its
5 watershed in both Maryland and Delaware.

6 We are very concerned about
7 nutrient pollution in the river and about the
8 large amount of poultry processing waste now
9 being produced, stored, and disposed of
10 throughout the lower shore. A large amount
11 of this waste is generated in Sussex County.

12 Because we are concerned about
13 nutrient pollution from poultry waste, we
14 strongly support the Bioenergy DevCo
15 anaerobic digestion project.

16 Many who have spoken tonight are
17 genuinely concerned about the environment.
18 However, I hope they will reconsider some of
19 the inaccurate and incorrect information that
20 they have been given about this process.

21 I would like to speak just to two
22 misconceptions:

23 First, that this plant will produce
24 huge amounts of waste that will be spread on

1 farms. Today, a large amount of
2 high-nutrient poultry processing waste is
3 being applied directly on farmland all around
4 all of us, sometimes in overabundance,
5 sometimes just as much as needed. That waste
6 is very expensive to transport, as it
7 contains a large amount of water and it must
8 be disposed of locally.

9 This project will actually reduce
10 the amount of the waste that comes into it,
11 by my calculations, by about 98 percent.

12 The second misconception is that
13 the plant will produce harmful methane, a
14 greenhouse gas.

15 Most of the methane that is
16 produced will be converted to CO₂ as it is
17 used as natural gas.

18 All of the carbon that this plant
19 generates would be generated however the
20 material is treated, whether this poultry
21 waste is composted, landfilled, or whatever,
22 because any organic matter decomposes to both
23 CO₂, carbon dioxide, and methane.

24 While methane is the same gas

1 that's obtained by fracking, in terms of
2 greenhouse gas, global warming scenario, it
3 differs substantially.

4 The source of this methane is
5 poultry biomass produced in the present, not
6 millions of years ago. The conversion of
7 poultry biomass to greenhouse gas always
8 happens as it decomposes, while fracked
9 methane would not be released to the
10 atmosphere if left where it is.

11 By taking organic material destined
12 to decompose and capturing its decomposition
13 gas to use as industry, the industry is
14 making the best use of the waste material
15 possible with today's technology and not
16 adding to the global carbon dioxide methane
17 emissions.

18 We are very encouraged at this
19 technological progress, and we hope that this
20 plant will be approved and go online, as it
21 is much needed in our area.

22 Thank you so much.

23 MS. VEST: Thank you. Next up,
24 Bunnie Williams. And next on the list

1 following Bunnie is going to be Sherri
2 Evans-Stanton. Janella, do we see Bunnie
3 anywhere?

4 MS. SAPP: I do not see
5 Ms. Williams.

6 MS. VEST: Okay. We will take a
7 quick pass over her at this time. And like I
8 said to the others, we will circle back
9 around. Hopefully, they will show up and
10 have an opportunity to offer their comment.

11 Passing over Bunnie momentarily, we
12 have Sherri Evans-Stanton. And then we have
13 Shweta Arya, maybe. I'm sure I butchered
14 that, and I am so sorry. But Sherri, do we
15 see -- I see her.

16 MS. EVANS-STANTON: I'm here.

17 MS. VEST: Okay. My next question
18 was are you unmuted and ready. You may
19 proceed when ready.

20 MS. EVANS-STANTON: My name is
21 Sherri Evans-Stanton, and I'm a New Castle
22 County resident.

23 This proposed facility would
24 operate in an area reserved for agricultural

1 and residential neighborhoods -- for
2 agricultural and residential neighborhoods --
3 sorry -- in close proximity to overburdened
4 communities that lack resources to fight
5 back.

6 Methane is typically produced in
7 the dairy and swine industries. There has
8 been a lot of misinformation in this hearing
9 tonight.

10 Nitrous oxide is more of an issue
11 than methane with chicken waste normally.
12 BDC claims that its project will reduce
13 greenhouse gases when, in fact, its process
14 is creating methane gas.

15 The methane generated by the plant
16 would contribute climate changing greenhouse
17 gases equivalent to a passenger car driving
18 about 70 million miles per year, and that's
19 just through burning it.

20 These kinds of facilities are known
21 to also have significant leakage that
22 releases methane directly into the atmosphere
23 where it is nearly 90 times more potent than
24 carbon dioxide at warming our client.

1 Why would Delaware approve a
2 regional biogas facility when it can't even
3 manage the waste generated in our own state?

4 Our air quality is polluted. Our
5 water supplies are contaminated. We need to
6 stop being at the bottom of the list for the
7 poorest water quality in the country.

8 This project will increase both air
9 and water pollution. These permits should
10 not be granted.

11 And significant studies need to be
12 done to ensure the protection of
13 environmental justice communities and our air
14 and water quality before any further
15 consideration of these permits.

16 Thank you.

17 MS. VEST: Thank you. Next up,
18 Shweta Arya. Again, I do apologize if I am
19 not saying your name properly.

20 MS. ARYA: You are saying my name
21 properly, so ...

22 MS. VEST: Excellent. Excellent.
23 I'm on a roll.

24 You may proceed when ready. And

1 following the conclusion of your comments, we
2 have Anna Quisel that's up next. So you may
3 proceed when ready.

4 MS. ARYA: Good evening, everyone.
5 Thank you for the opportunity to speak. My
6 name is Shweta Arya, and I'm speaking today
7 as an individual who lives in Delaware
8 County, Pennsylvania, but is employed in
9 Delaware.

10 This project is deeply concerning
11 to me as a climate activist and as a person
12 of faith who believes every human deserves
13 equal right to a healthy environment, no
14 matter what their Zip Code.

15 We know we need innovative new
16 technologies to take care of our social
17 environmental problems, in this case the
18 waste generated by the slaughter houses.

19 Before any industrial-level
20 refinery like this is allowed in a community,
21 we need to really assess what is the real
22 cost of this innovation and who is paying
23 that cost.

24 I was not surprised to see

1 Mr. Ettinger's presentation didn't mention
2 any community outreach they did in the poor
3 migrant community that this will be located
4 in, or maybe that they don't care if this
5 will create an economic benefit of over a
6 million dollars, which they must feel is
7 enough.

8 But this is a textbook case of
9 environmental racism to locate this dangerous
10 and polluting facility in Seaford in a poor
11 migrant community who are unable to fight
12 back, who don't understand the language.

13 And a state-level agency like DNREC
14 whose mission is to protect the health and
15 environment of all Delawareans must reject
16 this project on environmental injustice alone
17 to stay true to their mission.

18 We are also aware that DNREC
19 recognizes climate change as a huge
20 environmental and public health threat and
21 has made goals to reduce the state's
22 dependence on fossil fuels caused by whole
23 gas and natural gas.

24 Why, then, are we relying on a new

1 fossil-fuel-dependent facility which will
2 authorize Bioenergy DevCo to produce more
3 factory farm gas and support Chesapeake
4 Utility for the next 20 years?

5 If you all don't know, natural gas
6 is nothing natural about it. It's some very
7 dangerous gas. And, you know, just, just if
8 you go and Google how many natural gas
9 facilities all around the United States and
10 around the world having leaks and having
11 explosions during trucking, during
12 production, much research is available about
13 that.

14 So, you know, I really ask DNREC to
15 oppose this facility, to do their due
16 research on this.

17 I would fight this facility to the
18 nail if this facility was to be located a
19 mile away from my church, from my child's
20 school. And I hope you all would agree with
21 that.

22 So I really hope that DNREC puts a
23 hold on this facility, do their due
24 diligence, and listen to their community

1 members.

2 Thank you.

3 MS. VEST: Thank you. Next up,
4 Anna Quisel. And following Anna, we have
5 Willie Scott. And, Anna, I even see you.
6 You popped right up on my screen. So you may
7 proceed when ready.

8 MS. QUISEL: Well, thank you for
9 the opportunity to speak tonight.

10 I'm a medical doctor, a resident of
11 New Castle County, and a member of the
12 Mid-Atlantic Alliance for Climate and Health.

13 As a coalition of health care
14 providers, we have observed the damaging
15 impact of burning fuels on human health,
16 especially in communities already facing
17 environmental injustice who are usually
18 living in the vicinity of combustion sources
19 such as this biogas facility, factories, or
20 vehicular traffic in urban areas.

21 The problem is that burning fuels
22 creates health-damaging air pollution. So it
23 is important to focus our resources on
24 non-combustion-based forms of energy, such as

1 solar, wind, and others.

2 Regarding air pollution from
3 burning fuels, the methane produced from this
4 site will be burned in either a flare at the
5 plant or shipped away.

6 In both cases the burning of
7 methane will produce volatile organic
8 compounds, nitrogen oxides, and secondary
9 PM2.5, particulate matter, all of which cause
10 a wide range of health problems from asthma,
11 to cardiovascular disease, to lung cancer.

12 Medical organizations such as the
13 American Lung Association have begun to alert
14 regarding the health hazards of methane fuel
15 itself.

16 Regarding environmental injustice,
17 the CDC, the Centers for Disease Control, has
18 identified the area of the proposed biogas
19 plant as an area of the highest social
20 vulnerability due to factors including
21 socioeconomic status of neighbors to this
22 project, the household composition and race,
23 language and ethnicity factors.

24 This means that the neighbors of

1 this facility face the most stress for
2 suffering health consequences due to lack of
3 resources for addressing their many medical
4 issues that might arise as a result of this
5 biogas facility.

6 If this facility were to be built,
7 a new location in a less socially vulnerable
8 area should be considered.

9 For these two reasons, I oppose the
10 creation of biogas in general and this
11 proposed biogas facility.

12 Thanks again for the chance to
13 speak.

14 MS. VEST: Thank you. Next up we
15 have Willie Scott. And following Mr. Scott's
16 comments, we will call on Veronica Lopez.
17 So, Willie, I see you, and you appear to be
18 unmuted. Can you hear me?

19 MR. SCOTT: Yes. And thank you,
20 Lisa, Ms. Vest, I should say, for having the
21 opportunity to comment.

22 I think, you know, we talked a lot
23 about some of the issues here tonight. But I
24 think it's also important to keep it real

1 about what we are talking about here.

2 This project is a methane gas
3 production and refining plant, period.

4 That's the profit model. That's where the
5 money will be made. That's what drives the
6 project economics and makes this a viable
7 investment for the company.

8 The technology used, the feedstock
9 consumed, the green labels placed on this
10 identity are nearly irrelevant in this
11 process.

12 The risks are the same as any other
13 natural gas production plant. And those are
14 fire, explosion, and air, soil, water, and
15 noise pollution.

16 So the county has modified the
17 zoning to allow siting the plant, but that
18 decision does not change reality. People
19 still live and worship in close proximity to
20 the proposed project.

21 According to the EPA's
22 environmental injustice tracker, 47 percent
23 of the people living within a mile of the
24 proposed project are people of color, and

1 35 percent are low-income.

2 The facility will be in what is
3 already a nonattainment area for ozone. And
4 the 12 hazardous exposure factors measured by
5 the EPA's EJ screening tool, including 2.5PM,
6 2.5 diesel PM, proximity to traffic,
7 proximity to risk management plant facilities
8 and others, are already approaching or
9 exceeding the 70th percentile relative to the
10 national exposure levels.

11 So before a decision is made on
12 these permits, DNREC should at least require
13 a field and health impact analysis to better
14 understand and characterize the implications
15 of any new emissions and the risk from this
16 project in combination with those that
17 already exist.

18 So the question is should this
19 plant be allowed to operate and have to
20 coexist with residents and continue the
21 typical pattern of sacrificing the health,
22 safety, and quality of life of an underserved
23 community.

24 This project will create another

1 sacrifice zone in Delaware, when DNREC does
2 not have the staffing, funding, or intent to
3 do more than the minimum required to protect
4 citizens in existing overburdened
5 communities.

6 We already have more EJ issues than
7 the state can properly manage. Many of those
8 are a result of decisions made in the past,
9 leaving us with communities struggling to
10 live with industries which disproportionately
11 burden them with pollution from a variety of
12 sources.

13 It has become convenient for
14 current state and local administrations to
15 recognize that legacy by avoiding any
16 accountability for the decisions that are
17 related to those outcomes.

18 But the responsibility and the
19 accountability for the decision to permit
20 this project and create a new environmental
21 injustice community in Delaware will be clear
22 and present.

23 We all recognize and support the
24 need to develop the state's economy, but this

1 is not the way.

2 If this application is approved, at
3 some point in the future people will look
4 back and say "they" made a bad decision.
5 Right now, we are "they."

6 I ask the secretary to take a stand
7 with this project and end the state's legacy
8 of trading revenue and profit for a few for
9 the health, safety, and quality of life of
10 those without the economic or political clout
11 to avoid exploitation. We don't need a new
12 sacrifice zone in Delaware. This application
13 should be denied.

14 Thank you.

15 MS. VEST: Thank you, Mr. Scott.

16 Next up we have Veronica Lopez.

17 And then, following Ms. Lopez, we have
18 Madeleine Adams also on the list. So I'm
19 looking. Janella, do we see Ms. Lopez?

20 MS. SAPP: I do see Ms. Lopez. She
21 should be unmuted now.

22 MS. VEST: Okay.

23 MS. LOPEZ: Hello.

24 MS. VEST: Ms. Lopez, can you --

1 hello. You may proceed when ready.

2 MS. LOPEZ: Thank you. My name is
3 Veronica, and I am part of the working class
4 here in Sussex County. As a native living in
5 Georgetown since I was five, this is very
6 important to me.

7 I do agree with someone else who
8 did say that we need to put this on hold,
9 because there are still many questions
10 unanswered.

11 How much energy is this facility
12 going to take for it to run? Is that going
13 to be more than the energy they are saying
14 they are going to save?

15 And how can they guarantee or
16 prepare to protect the citizens of any spills
17 or leaks?

18 They did not mention if the lagoons
19 or the pools will be lined or unlined. If
20 it's unlined, it will contaminate
21 groundwater.

22 I use well water, so it's very
23 important for me to pay attention to things
24 such as facilities like these opening up

1 nearby.

2 Just now, I have to use carbon
3 filters just to get clean water and to make
4 sure my family is safe.

5 In addition, it's going into an
6 area where we are trying to thrive and
7 prosper. Having a facility like this will
8 decrease home values by 8 percent if you are
9 living within 3 miles.

10 You are going to decrease the home
11 value by 88 percent if you are living within
12 .1 miles.

13 So, once again, it's going to hurt
14 us even more, the working class who are
15 trying to get help and prosper.

16 Studies do show disproportionate
17 levels of upper respiratory ailments, reduced
18 lung function, mucous membrane irritation,
19 acute blood pressure elevation, stress and
20 tension, anxiety and depression, anger,
21 confusion, fatigue, infant mortality, low
22 birthweight.

23 And I want to remind everyone that
24 Mountaire just settled to pay \$204 million to

1 locals who lost lives due to the
2 contamination that they caused. And
3 Mountaire is 40-plus-years old.

4 So how do we accept and be willing
5 to have a facility that's producing methane
6 gas in our area?

7 Those are my concerns. And we need
8 to support the safety and environment of the
9 hard workers who are providing for all
10 families in Sussex County in Delaware.

11 That is all. Thank you.

12 MS. VEST: Thank you, Ms. Lopez.
13 Next up, Madeleine Adams. And then following
14 Ms. Adams, we have Charlie Garlow.

15 And once Ms. Adams and Mr. Garlow
16 offer their comments, we will begin to circle
17 back around to approximately the dozen people
18 that were not initially available the first
19 time their name was called.

20 So do we see Ms. Adams? Yes.

21 MS. ADAMS: Yes, I'm here.

22 MS. VEST: I see you, and I can
23 hear you. So you may proceed when ready.

24 MS. ADAMS: Thank you very much.

1 I'm Madeleine Adams, President of the
2 Wicomico Environmental Trust, a grassroots
3 environmental organization addressing clean
4 water and related issues on the Delmarva
5 Peninsula.

6 The Wicomico Environmental Trust
7 asks DNREC to grant the permits sought by
8 Bioenergy DevCo.

9 If approved, the Bioenergy
10 Innovation Center anaerobic digestion
11 facility will process up to a quarter-million
12 tons of poultry processing and hatchery waste
13 every year, including all the dissolved air
14 flotation, that is DAF, waste produced by
15 Perdue's processing plant.

16 By comparison, high-nutrient DAF
17 material is now stored by waste management
18 companies in several large, open-top tanks in
19 Delmarva's Chesapeake watershed before being
20 spread liberally on local farm fields as a
21 soil amendment of uncertain composition and
22 since running off into streams and rivers
23 where it increases the nutrient load in our
24 water.

1 DAF and other waste is a huge
2 problem for Delmarva's poultry industry and
3 residents. And anaerobic digestion offers a
4 technologically more advanced way of handling
5 it.

6 Anaerobic digestion thus will
7 improve the nutrient situation in tributaries
8 and the Chesapeake Bay, and it will enable
9 the poultry industry to become a better
10 neighbor by better managing its waste.

11 Thank you.

12 MS. VEST: Thank you, Ms. Adams.
13 Last up for the first time around on the
14 list, we have Charlie Gallow, or Garlow. I'm
15 sorry. Garlow.

16 Do we see Mr. Garlow anywhere?
17 Yes. Charlie, I see you. You are unmuted.
18 You may proceed when ready.

19 MR. GARLOW: Very good. Thank you,
20 Ms. Vest, for this opportunity to share my
21 thoughts. I'm Charlie Garlow. I live in
22 Rehoboth Beach, Delaware, in Sussex County.

23 I have heard the comments from
24 before this hearing from both sides as to

1 what the facts of the situation are.

2 My initial prejudice might be that
3 I'm normally in favor of composting, as I
4 compost here at my own house, and the
5 composted material can be used as a soil
6 supplement. Recycling of waste to make
7 something better is an environmentally,
8 normally, a good thing to do.

9 Well, on the other hand, there were
10 several people who were suggesting that there
11 is going to be a lot of other damages to the
12 environment.

13 If it's more damaging to the
14 environment than not, I would probably oppose
15 this project.

16 However, I have been impressed by
17 the statements of the River Keepers of
18 Nanticoke River and the last speaker from the
19 trust who have an environmental perspective
20 as well, and they find that this would be an
21 improvement to the environment.

22 So it seems to me that wherever you
23 have a conflict, you have difference of
24 opinion as to what the facts are. Does the

1 plant draw water out of the groundwater or
2 not? It seems like we have opposite sides of
3 that picture being presented here tonight and
4 in other forms prior to this time.

5 So last weekend I went out to the
6 Seaford facility to take a look for myself.
7 There was a advertised open house. I wanted
8 to find out about whether or not the plant
9 had done outreach to the community to try to
10 see what their concerns were, if any.

11 I found the people who were there
12 to show me around the farm, the factory, were
13 very amiable, answered all my questions.
14 Ms. Monica Petersmith and her manager senior,
15 who you may have seen some of the slides that
16 the industry presented -- he was the fellow
17 with the big beard and big smile -- answered
18 all of my questions that I could come up
19 with.

20 But, as you can see, there are
21 still not exactly -- there is a lot of
22 conflict still as to what the facts are.

23 As to the outreach to the
24 community, Ms. Petersmith said that they had

1 made multiple mailings to the local
2 community.

3 And that senior had said that he
4 had received one complaint from the
5 community. It was regarding dirt bikes that
6 youth had been driving around and kicking up
7 some dirt, and the dirt got over on their
8 homes or cars.

9 It turned out that that place where
10 the youth were driving their dirt bikes was
11 not on the property for BioDevCo, so there
12 was little they could do about it other than
13 call the police.

14 They also asserted that they met
15 with the pastor of the local Haitian church
16 to see if they had any problems with this,
17 and they said that they had no such problems.

18 So assessing the testimony of those
19 individuals, they seem to me to be very
20 honest. I have no reason to doubt their
21 voracity.

22 So I was impressed by their
23 outreach to the community, and I would not
24 object if this were to go forward with the

1 current information that I have.

2 Thank you.

3 MS. VEST: Thank you, Mr. Garlow.

4 We have now gone through the list
5 of pre-registrants one time. I made note of
6 everybody that was not readily available the
7 first time their name was called.

8 So we are going to go through it
9 one more time. And, hopefully, those
10 persons -- there are eleven that were missed
11 the first time around.

12 If they are still not available, of
13 course they still have between now and
14 December 2nd to submit their comments in
15 writing.

16 And as I have said numerous times
17 at this point, all comment bears the same
18 weight regardless of whether it came in
19 tonight verbally at the hearing or if it
20 comes in writing at a later time between now
21 and December 2nd.

22 So nobody is harmed if life
23 occurred, so to speak, and they were unable
24 to comment verbally.

1 But let's give it one more try.

2 Susan Clifford. Janella, do we see Susan
3 Clifford anywhere?

4 MS. SAPP: I do not.

5 MS. VEST: Okay. Next up, Sonja
6 Mehaffey? I'm looking, as well, but I don't
7 see her. Patricia Kellen?

8 MS. SAPP: I do not.

9 MS. VEST: Okay. John Irwin?

10 MS. SAPP: No for Mr. Irwin.

11 MS. VEST: Okay. Lori Broesamie?

12 MS. SAPP: No, I do not.

13 MS. VEST: Okay. Linda Apgar?

14 MS. SAPP: I do not see Ms. Apgar.

15 MS. VEST: All right. Moving
16 along, Beth Kopicki?

17 MS. SAPP: No.

18 MS. VEST: I'm not seeing her.
19 Loretta Williams?

20 MS. SAPP: I do not see
21 Ms. Williams.

22 MS. VEST: Okay. Claire Simmers?

23 MS. SAPP: I do not see
24 Ms. Simmers.

1 MS. VEST: Jeri Berc?

2 MS. SAPP: I do not see Mr. Berc.

3 MS. VEST: All right. And Bunnie
4 Williams? I do not see Bunnie.

5 MS. SAPP: I do not. I do have
6 three people who are listed as iPad iPhone
7 and iPhone, so I'm not sure if they are just
8 listed under that name.

9 MS. VEST: Okay. Well, their name
10 should have come up, though, with them being
11 here.

12 So at this point I'm going to go
13 ahead and say that something must have
14 occurred and those people are not available
15 to offer their comment right now.

16 We do appreciate, of course, you
17 know, the fact that, like I said, life
18 happens, the best-laid plans.

19 But the good news is that nobody is
20 unduly hurt or prejudiced by them not being
21 able to offer comment, because it all bears
22 the same weight.

23 So if you are one of the ones that
24 maybe know somebody that couldn't make it

1 tonight, please encourage them to submit
2 their comments in writing between now and
3 December 2nd, because the record will remain
4 open for the next several weeks up through
5 that time, simply to accept comment if any
6 wishes to be given.

7 And I want to thank everybody again
8 for taking the time to attend virtually and
9 listen in and see what all the information
10 was that was presented.

11 As I have mentioned previously,
12 everything that was said tonight is captured
13 within the court reporter's transcript. It
14 will be posted on the hearing webpage
15 dedicated to this matter as soon as it is
16 received.

17 As well as all comments, as we get
18 written comments, those are scanned in and
19 popped up on the hearing webpage, as well.

20 So, you know, it's not just a
21 check-it-one-time thing. You know, continue
22 to check it. The record is open for the next
23 several weeks. So, by all means, avail
24 yourself of the opportunity to inspect all of

1 the information that's available.

2 As we conclude tonight's hearing, I
3 do want to remind everybody once more of all
4 the many ways in which you can offer comment
5 for inclusion into the record if you wish to
6 do so.

7 Comments can be submitted through
8 the comment form link that you can find on
9 the hearing page. It's just that simple.
10 You just click it, and it will take you right
11 to a form.

12 You can send it via regular e-mail
13 to DNRECHearingComments@delaware.gov, or good
14 old standard U.S. Postal Service at the
15 physical address for DNREC indicated on the
16 hearing page as well as all the public
17 notices that were previously issued in this
18 matter.

19 UNIDENTIFIED SPEAKER: Hearing
20 Officer Vest?

21 MS. VEST: Yes?

22 UNIDENTIFIED SPEAKER: I apologize
23 for the interruption. I'm just concerned
24 that we have one individual and we had a

1 second individual with their hand raised that
2 perhaps they are one of the folks that we are
3 missing from our list. If they are not
4 pre-registered, understanding that you would
5 not recognize them, but could we ask them to
6 identify themselves in case they are one of
7 the preregistered folks?

8 MS. VEST: Certainly. We can do
9 that. Janella, I see a Ms. Owens-White with
10 her hand raised. Do you want to double
11 check?

12 MS. OWENS-WHITE: Yes. I just
13 wanted to say I will submit my comments
14 online. However, I had registered early on
15 for this to make a comment for a public
16 hearing, and I was not put on the list.

17 MS. VEST: Okay. Well, I apologize
18 for that glitch, ma'am. You can certainly,
19 like I said, you can certainly submit your
20 comments in writing.

21 It's kind of, you know, half a
22 dozen of one and six of the other. And there
23 is no harm, no foul for not speaking tonight.

24 You know, in the future I will

1 mention this, though: The system that
2 preregisters, there is a drop-down thing that
3 you click when you fill out that form, and it
4 asks you which hearing you wish to
5 preregister for.

6 And it could be a glitch in the
7 system. And, if so, I deeply apologize. But
8 in the future please make sure that you are
9 registering for the hearing that you want to
10 sign up on.

11 So but I appreciate you letting us
12 know that.

13 Janella, is there anybody else that
14 had their hand raised that we want to double
15 check? I'm not seeing anybody.

16 MS. SAPP: I do not see anyone
17 currently. I believe that there was one more
18 person who had their hand up, but they did
19 put it back down.

20 MS. VEST: Okay. That's fine.
21 Well, as I said, you know, if there were
22 anybody that accidentally registered for the
23 wrong hearing or wasn't able to make it
24 tonight, the good news is that you are not

1 adversely affected, and there is still
2 several weeks left that you can submit your
3 comments in writing.

4 And as I was saying, comments can
5 be submitted through the comment form link on
6 the hearing page, via e-mail to
7 DNRECHearingComments@Delaware.gov, or via the
8 United States Postal Service at the physical
9 address for DNREC indicated on both the
10 hearing page as well as the public notices
11 that were previously issued in this matter.

12 I do want to note that written
13 comments to DNREC may not be submitted using
14 any type of social media platform such as
15 Twitter, Facebook, You Tube, or standardized
16 text messaging. Those do not count. Okay?

17 And again, as I have said before,
18 but I will say it one last time, please
19 remember that all comment, regardless of how
20 it comes in, whether we heard it tonight
21 verbally or whether it comes in writing
22 between now and December 2nd, or if it came
23 in prior to the hearing -- and we did have
24 one or two, we had a few that came in, and

1 they have been up on the hearing page this
2 whole time.

3 So regardless of when it comes in
4 or how it comes in, as long as it gets to us
5 on or before Friday, December 2nd, all
6 comment is the same weight and all is
7 considered equally by Secretary Garvin prior
8 to his making a decision in this matter.

9 I should note once again that the
10 ultimate decision regarding this pending
11 permitting action is made by DNREC's
12 Secretary Garvin.

13 The reason that we are here tonight
14 and the whole purpose of this formal hearing
15 this evening was to provide a platform to
16 enable the Department to thoroughly vet all
17 of this information to the public and then to
18 let the public know all of the different ways
19 by which they can submit comment for
20 Secretary Garvin's consideration if so
21 desired.

22 Again, I want to thank everybody
23 for their patience and their time in coming
24 out and attending this matter.

1 Have a great rest of the week, and
2 this meeting is adjourned.

3 (Concluded at 8:27 p.m.)
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CERTIFICATE

1
2 I, Lorena J. Hartnett, a Notary Public and
3 Registered Professional Reporter, do hereby certify
4 that the foregoing is an accurate and complete
5 transcription of the proceeding held at the time and
6 place stated herein, and that the said proceeding
7 was recorded by me and then reduced to typewriting
8 under my direction, and constitutes a true record of
9 the testimony given by said witnesses.

10 I further certify that I am not a relative,
11 employee, or attorney of any of the parties or a
12 relative or employee of either counsel, and that I
13 am in no way interested directly or indirectly in
14 this action.

15 IN WITNESS WHEREOF, I have hereunto set my
16 hand and affixed my seal of office on this 2nd day
17 of November 2022.

18
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20 

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23 _____
24 Lorena J. Hartnett
Registered Professional Reporter

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