

1 DNREC Virtual Public Hearing - Artesian Wastewater
2 Management Inc. (AWMI) Construction/Amendment
3 Permit - Phase 3 Construction of SRRF

5 Docket No. 2025-P-W-0022

8 Moderated by Lisa Vest

Thursday, December 18, 2025

6:00 p.m.

21 Reported by: Mary Ellen Copeland
22 JOB NO: 7767075

A P P E A R A N C E S

List of Attendees:

Marlene M. Baust, PE, DNREC Division of Water,
Engineer

John Rebar, DNREC Division of Water, Manager

Daniel Konstanski, PE, Artesian Wastewater Management, Inc., VP of Engineering

David Spacht, Artesian Resources Corporation, CFO and
Treasurer

Jack Fazio, Attendee

Jennifer Roushey, DNREC Program Administrator

Denya Akpinar, Attendee

Deirdre Smith, Artesian Water Company, Director of Planning

David Caruthers, DNREC Division of Water, Engineer

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P R O C E E D I N G S

THE HEARING OFFICER: Good evening.

3 The time is 6 p.m. I believe everybody is here, so
4 we're going to go ahead and start tonight's
5 proceedings. I want to thank everyone for taking the
6 time to join us this evening. The date is Thursday,
7 December 18, 2025.

14 For those of you that may not know me,
15 my name is Lisa Vest, and DNREC Secretary Patterson
16 has appointed me to serve as the hearing officer for
17 this matter. At the conclusion of my opening remarks
18 here, I will be turning the floor over to department
19 personnel.

20 They have a brief presentation to offer
21 into the record regarding this pending permitting
22 matter. Following the department's presentation,
23 we'll also have a brief presentation from the
24 applicant to just show what this pending permit is

1 about.

2 I should let everyone know that both
3 the department's presentation and the applicant's
4 presentation will be posted on the hearing page that's
5 dedicated to this matter so the public may feel free
6 to go back and review that, because there's a lot of
7 information pertaining to this matter that's all
8 contained in that area.

9 We have a court reporter here tonight.
10 She will be preparing a verbatim transcript of
11 tonight's proceedings pursuant to DNREC's statutory
12 obligation to do so, and as always, as soon as we get
13 the transcript from Veritext, that will go on the
14 hearing website as well.

15 Again, I would encourage everyone
16 that's watching to review the transcript once it's
17 posted so that you can be reminded of the comments
18 that may have come in tonight, the comments that may
19 get posted as long as the record remains open through
20 January 2nd.

21 So again, I would encourage everybody
22 to review the hearing page. Before we go any further,
23 it's important to set the parameters for tonight's
24 hearing.

1 The purpose of this hearing is to build
2 the record with regard to this pending permitting
3 matter and to provide the legal platform for the
4 public to join and learn about what this matter is all
5 about and also to make sure that the public is aware
6 of the various mechanisms by which they can offer
7 comment for inclusion into the record.

8 As I briefly just said, the record is
9 not going to close at the conclusion of tonight's
10 hearing. Rather, we're going to keep it open so that
11 the public has time to, you know, like I said, go to
12 the hearing page, review the documentation, look at
13 any other comments that may have come in.

14 And the record's going to remain open
15 all the way through January 2, 2026, and the amount of
16 written comment that the public is able to offer is
17 unlimited. So they may make multiple submissions.
18 They all go on the hearing page as soon as they are
19 received.

20 I do have a couple protocols that I
21 just want to state for the record. Number one, all
22 comment that the department receives must be limited
23 solely to the subject matter of tonight's hearing,
24 which, again, is Artesian's pending permitting matter.

1 Comments pertinent to that subject
2 matter will be incorporated into the hearing record
3 and posted on the hearing webpage dedicated to this
4 matter upon its receipt.

5 Number two, in order to ensure that
6 everyone who wishes to offer comment for the
7 secretary's consideration is accommodated, the record
8 will not close. But as I've already said, it's going
9 to remain open through January 2, 2026.

10 Number three, there is only one
11 authentic record of tonight's proceedings, and it will
12 be the official court reporter's verbatim transcript.
13 Again, that will be posted immediately upon the
14 department's receipt of same.

15 Number four, as I've already said, the
16 statutory purpose of this hearing tonight is to build
17 the record with regard to this pending permitting
18 matter.

19 The record, which will consist of the
20 transcript from tonight, any and all written comments
21 that the department receives, the exhibits that we'll
22 talk about later on, and eventually a report just
23 summarizing everything that happens tonight will be
24 reviewed by the secretary prior to his making a

1 decision in this matter.

2 Lastly, it's important to note that no
3 decision has been made with regard to this pending
4 matter at this point, and nor will any decision be
5 made throughout the course of the proceeding tonight.

6 Again, we are building the record, and
7 once that record is built and all comments come in,
8 Secretary Patterson reviews it in its entirety and
9 considers all the comments prior to making a decision
10 in this matter.

11 That being said, I am going to turn the
12 floor over to John Rebar. He is the responsible staff
13 person with the Division of Water for the department.

14 And, John, whenever you're ready, you
15 may proceed with your presentation.

16 MR. REBAR: Thank you.

17 So good evening, everybody. Artesian
18 Wastewater Management Inc. is currently authorized to
19 operate and maintain the Sussex Regional Recharge
20 Facility, also known as SRRF.

21 Artesian designed SRRF to be operated
22 and upgraded in multiple phases, which will allow for
23 increased treatment capacity and other operational
24 improvements.

1 So the purpose of this presentation is
2 to provide an overview of the existing system, the
3 pending permit applications, and the proposed draft
4 construction operation permits for those Phase 3
5 upgrades.

6 So just a little bit of history on past
7 permitting. Phase 1 is constructed and is currently
8 operated under Operations Permit 35928802, which was
9 last amended in April of 2024.

10 Phase 2 is currently under construction
11 as authorized by Construction Permit 35928803 and once
12 completed will be operated under Operations Permit
13 35928802. Again, that was amended in April of 2024.

14 So on January 17th of 2025, the
15 department received an application to renew the
16 Operations Permit 35928802. This was an application
17 submitted prior to the March 2025 expiration date, and
18 therefore the current permit is administratively
19 continued.

20 On May 16, 2025, DNREC received an
21 application to construct the Phase 3 upgrades. And
22 then on June 6, 2025, DNREC received a letter
23 requesting to amend as well as renew the Operations
24 Permit 35928802, thereby authorizing the operation of

1 Phase 3 once the construction is complete.

2 So just going through some of the past
3 permits, the Phase 1 permit authorized the
4 construction and use of a 90-million-gallon
5 synthetically lined lagoon to receive treated
6 wastewater, also known as effluent, from the Allen
7 Harim Foods Harbeson Process Facility for storage
8 prior to spray irrigation.

9 Those permits authorized the
10 construction and use of Fields F and G for spray
11 irrigation, which consists of approximately 587 acres.
12 Those permits authorized the construction and use of
13 Fields D and E for spray irrigation, which consists of
14 approximately 181 acres.

15 And those permits included various
16 construction, operational, monitoring, and reporting
17 requirements.

18 Phase 2 permits authorized the
19 construction and use of an advanced onsite wastewater
20 treatment system designed to treat up to 625,000
21 gallons per day of municipal wastewater from
22 Artesian's wastewater service territories in Sussex
23 County.

24 The project is currently under

1 construction, and it includes a 3-million-gallon
2 equalization off-spec diversion lagoon, screening and
3 grit removal equipment, a hybrid Bardenpho process
4 treatment system, two cloth media filters, and
5 ultraviolet or UV disinfection system.

6 Once completed, treated wastewater
7 effluent will be mixed with the treated effluent
8 coming from Allen Harim in the existing storage lagoon
9 and then again discharged via spray irrigation to the
10 agricultural fields previously permitted under Phase
11 1.

12 And again, those permits include
13 various construction, operational, monitoring, and
14 reporting requirements.

15 So that brings us to the Phase 3
16 construction application. Again, Artesian is applying
17 to construct Phase 3 upgrades at SRRF. The proposed
18 upgrades would increase SRRF's treatment capacity to
19 1.875 million gallons per day.

20 The proposed upgrades include
21 additional screening equipment, four additional hybrid
22 Bardenpho process treatment drains, additional cloth
23 media filtration, and again UV disinfection equipment,
24 along with associated pipes and pumps and various

1 infrastructure.

2 The proposed upgrades do not change
3 SRRF's approximately 75-acre footprint. The proposed
4 upgrades use the same technology as already permitted
5 through Phase 2 to again treat the same municipal
6 wastewater from Artesian's wastewater service
7 territories in Sussex County.

8 And the proposed upgrades do not change
9 SRRF's disposal capacity limits. So our proposed
10 Phase 3 construction permit has a number of terms and
11 conditions.

12 Several highlighted here is the
13 department shall be notified of construction startup
14 at least 15 days prior to that construction
15 commencement. All systems shall be constructed and
16 installed by a department-licensed Class E4 system
17 contractor.

18 The department is authorized to conduct
19 inspections throughout the construction phase and upon
20 completion of construction, and then also upon
21 completion of construction, the permittee shall submit
22 various items.

23 Those highlighted here include the
24 design engineer inspection report certifying the

1 system has been constructed in accordance with the
2 approved design engineering report, plans, and
3 technical specifications; the wastewater treatment
4 system as-builts; and also an amended operation and
5 maintenance plan for the facility.

6 We also have the pending operations
7 permit application, which -- in which Artesian is
8 applying to renew and amend their operations permit to
9 again operate and maintain the SRRF facility to serve
10 as a regional onsite wastewater treatment and disposal
11 system.

12 This will meet all of the existing and
13 future wastewater and -- treatment and disposal needs
14 coming out of Artesian's service territories in Sussex
15 County.

16 Artesian is again seeking to renew the
17 authorization that covers Phase 1 and Phase 2
18 operations and then authorize Phase 3 operations upon
19 completion of the Phase 3 upgrades.

20 So our -- several things to highlight
21 from our proposed operations permit. We have influent
22 volume limitations. Again, under Phase 1, Allen Harim
23 Foods sends to SRRF an average daily flow of 1.5
24 million gallons per day with a peak daily flow of 2

1 million gallons per day. That has not changed.

2 We are adding a new condition for
3 allowing minor flow changes upon approval of Allen
4 Harim's operational permit. However, again, this does
5 not change SRRF's disposal capacity.

6 SRRF's wastewater treatment system will
7 be authorized to increase its treatment capacity to
8 1.875 million gallons per day. So that's a new
9 condition.

10 However, again, the effluent disposal
11 limitations whereby SRRF is limited to a disposal
12 capacity of 3.73 million gallons per day discharge to
13 spray Fields D, E, F, and G has not changed.

14 Permit has a number of design effluent
15 nitrogen concentration conditions. Again, Allen Harim
16 wastewater treatment system is designed to submit to
17 SRRF and SRRF is designed to receive an effluent total
18 nitrogen concentration of 27.7 milligrams per liter.

19 The Phase 3 SRRF wastewater treatment
20 system is designed to achieve a daily average total
21 nitrogen concentration of 10 milligrams per liter,
22 which once combined with Allen Harim's flows will
23 create a combined blended effluent of 22.5 million
24 gallons per day. Again, there's no change there.

1 This permit, the Phase 3 SRRF
2 wastewater treatment system will be again designed to
3 achieve a daily average total nitrogen concentration
4 of 10 milligrams per liter.

5 And there is a benefit to adding this
6 additional flow in which the combined blended effluent
7 is now reduced to 17.9 milligrams per liter total
8 nitrogen concentration.

9 The proposed operations permit retains
10 many operational and monitoring conditions previously
11 authorized and approved. Several that I wanted to
12 highlight tonight include SRRF being required to
13 operate their facility with a Class IV licensed
14 operator.

15 The permits include influent and
16 effluent monitoring that have contingency plans
17 associated with any failures to achieve the treatment
18 requirements for total nitrogen, fecal coliform
19 bacteria, or turbidity and also includes the diversion
20 of any off-spec wastewater to the off-spec wastewater
21 lagoon as appropriate.

22 The operations permit will include
23 nitrogen loading limits. It includes an enhanced
24 groundwater network that consists of 34 monitoring

1 wells, 12 piezometers, and 7 lysimeters.

2 It includes surface water monitoring
3 with seven points on the Ingram and Sowbridge
4 branches, soils monitoring with annual metals testing,
5 and vegetative monitoring and analysis submitted to
6 the department annually.

7 The operations permit will retain
8 various compliance and enforcement conditions,
9 including the requirement to submit monthly discharge
10 monitoring reports and an annual monitoring report,
11 any situations that require non-compliance
12 notifications.

13 This includes a verbal notification
14 within 24 hours and then a written report five days
15 later. The permit includes spill notification
16 requirements and corrective actions to mitigate if a
17 spill occurs.

18 It includes routine inspections
19 conducted by the department, and of course, any
20 violations of any limit or conditions of the permit is
21 a violation of Chapter 60, which is grounds for
22 enforcement. And that includes things like notices of
23 violation and administrative orders with penalties.

24 So in summary, the department is

1 currently in receipt of two applications, one for the
2 Phase 3 construction and expansion of the wastewater
3 treatment system. The other is for the amendment and
4 renewal of the service operation permit, which is
5 35928802.

6 If approved, the department would issue
7 a construction permit and an amended and renewed
8 operations permit.

9 And these permits once again have been
10 drafted to include construction, operational,
11 monitoring, and reporting requirements and contingency
12 plans designed to protect public health and the
13 environment.

14 Madam Secretary -- Madam Hearing
15 Officer. Apologies. I do have a listing of DNREC
16 exhibits to be added to the record.

17 THE HEARING OFFICER: Excellent. Just
18 for recordkeeping purposes, are the exhibits that are
19 listed on the slide now the same as those that were
20 provided for posting on the hearing page?

21 MR. REBAR: They are.

22 THE HEARING OFFICER: And have they
23 been changed or altered in any way since their
24 posting?

1 | MR. REBAR: No.

2 THE HEARING OFFICER: Okay. Let the
3 record reflect that DNREC's proposed exhibits as set
4 forth in this presentation and as posted on the DNREC
5 hearing page are formally incorporated into the
6 hearing record.

7 (DNREC Exhibit 22 was marked for
8 identification.)

11 MR. REBAR: No.

12 THE HEARING OFFICER: Very good. Thank
13 you, John, for that informative presentation. I would
14 ask that you go ahead and take that down.

15 And simultaneously, if the applicant
16 would put up their screen so we can move forward now
17 with Artesian's presentation. Excellent.

18 MR. KONSTANSKI: All right. Thank you
19 very much. My name is Daniel Konstanski. I am the VP
20 of engineering at Artesian, and I will be presenting
21 our presentation on the SRRF wastewater treatment
22 plant expansion.

23 So just a quick kind of primer. What
24 is SRRF? This is our Sussex Regional Recharge

1 Facility, and it is a regional wastewater
2 disposal -- treatment and disposal site in Sussex
3 County.

4 It serves both the existing and future
5 wastewater needs within Artesian's wastewater service
6 territories. And as John said in his presentation,
7 it's located on a 75-acre site south of Reynolds Pond
8 Road, just east of the town of Milton.

9 We are currently in the process of
10 constructing wastewater treatment and that with also
11 flows that come from the Allen Harim facility are
12 stored in an onsite lagoon before being applied via
13 spray irrigation on surrounding agricultural land as
14 beneficial reuse.

15 So this is what the facility looks
16 like. You can see Route 16 and Route 30 as well as
17 the various disposal areas, fields, as well as the
18 storage lagoon up there in the top right of the image.

19 This is zooming in on the area with the
20 lagoon. You can see the existing facilities. So we
21 have the 90 million gallon treated effluent storage
22 lagoon as well as the 3 million gallon influent
23 equalization and diversion lagoon, and then we have
24 two facilities, buildings onsite.

1 One is the headworks facility, where
2 the flow first comes in and it's screened before
3 heading into the equalization lagoon, and then from
4 there, it is pumped down to the primary and tertiary
5 treatment facilities, which are located there in the
6 bottom right of this image.

7 And we will be taking this proposed
8 permit application that we have submitted. It takes
9 the primary and tertiary treatment facility and
10 expands it to what would be the right in this image.

11 So the current SRRF facilities
12 currently operates with disposal authorized up to 3.75
13 million gallons per day. That disposal is via spray
14 irrigation on active farm fields surrounding the site,
15 which grow a variety of crops, including corn, wheat,
16 and soybeans.

17 The existing wastewater treatment
18 system is permitted for 0.675 million gallons per day
19 of treatment, and currently, there is more disposal
20 capacity than treatment. And that is an imbalance
21 that this project is seeking to correct.

22 Again, how we got here, we constructed
23 the 90 million gallon storage lagoon first. It
24 receives flow exclusively right now from Allen Harim

1 Foods.

2 And the facility that we are just
3 wrapping up construction of will add the 625,000
4 gallons per day from Artesian's customers that will be
5 treated onsite.

6 So again, this is the existing
7 treatment facility that we are just wrapping up and
8 about to place into service, and what we are proposing
9 to do in the current application is to extend this out
10 into the open area that you can see just above these
11 facilities.

12 And it's going to look roughly
13 something like this in terms of taking the existing
14 treatment trains and essentially copying and pasting
15 those exact same facilities so that we can increase
16 the treatment using the exact same technology. So
17 that's exactly what is shown here.

18 So you can see the existing facility
19 there at the bottom of the image, and we are just
20 taking those exact same treatment trains and tertiary
21 treatment facilities, filters, and UV disinfection and
22 installing additional copies of them to expand the
23 treatment capacity of the site.

24 | We'll be adding four additional

1 treatment trains. These are the modified Bardenpho
2 systems that Mr. Rebar spoke of as well as the UV
3 systems for disinfection as well as cloth media
4 filters for additional filtration of the effluent
5 before it is disposed of.

6 How the expanded plant will meet
7 regulatory limits. We are going to be expanding the
8 screening facility at the headworks for grit removal.
9 This will be using the exact same type of screen that
10 is already in place. We will be adding additional
11 modified Bardenpho treatment systems.

12 This is proven technology for nutrient
13 removal, and it will be the primary method for getting
14 the nitrogen to below drinking water standards of 10
15 milligrams per liter and the phosphorus to less than 8
16 milligrams per liter.

17 That will be followed by clarifiers and
18 filters for the removal of solids and finally the UV
19 disinfection for destruction of pathogens and other
20 contaminants prior to disposal.

21 In addition to the treatment
22 technology, we'll be doing a variety of monitoring and
23 other checks to make sure that we are meeting permit
24 limits and protecting the environment.

1 This is going to be in the form of
2 checking monitoring wells, lysimeters, piezometers,
3 taking a variety of samples, all of which are tested
4 at a third-party certified lab.

5 And we will also be doing spot checks
6 throughout the day with our operators to ensure that
7 the treatment plant is meeting its various parameters.

8 And in terms of when this will all be
9 occurring, the new treatment system will be built on
10 the existing 75-acre SRRF site within the current
11 treatment area footprint as designated on the Sussex
12 County approved conditional use.

13 And we will be continuing to use the
14 disposal system that is already in place with the
15 spray irrigation systems and the beneficial reuse to
16 the farmer -- farmed cropland immediately surrounding
17 the site, which is currently leased by Artesian for
18 disposal.

19 And this construction will begin within
20 three months of construction permit issuance and is
21 expected to take approximately one to one and a half
22 years to complete.

23 Big picture, the SRRF is a key part of
24 a regional wastewater plan that supports communities

1 throughout Sussex County. It's going to -- this
2 expanded capacity is going to reduce reliance on
3 septic systems in the region, which are a major
4 problem for the groundwater.

5 And the added treatment capacity will
6 provide long-term reliability for customers. And all
7 of this, the SRRF facility is going to be tied into
8 Artesian's regional network with flow able to be
9 routed to various facilities as needed.

10 So this is tied into other treatment
11 plants, it's tied into Sussex County, and Artesian
12 will continue to monitor flows and effluent
13 characteristics to verify continued compliance with
14 all of the various permit requirements within the
15 proposed permits. And that completes my presentation.

16 THE HEARING OFFICER: Okay. Thank you
17 for that informative presentation. I should note for
18 the purposes of the transcript that a copy of that
19 PowerPoint is being posted on the hearing page as
20 well. It will be listed under Applicant's Exhibit
21 Number 1.

22 (Applicant Exhibit 1 was marked for
23 identification.)

24 So again, for those of you that may be

1 watching this or reading the transcript at a later
2 date, feel free to go back and look at the hearing
3 page, because on top of all the other documents that
4 are getting posted on there, that presentation will be
5 there as well.

6 And again, I thank the applicant for
7 that.

8 At this point, we would be turning the
9 floor over to those members of the public that had
10 pre-registered to offer live comment. It is the
11 holiday season. So for whatever reason, we did not
12 have any members of the public pre-register with us to
13 do that.

14 So I am going to go ahead and start to
15 bring this matter to a close for this evening. As
16 previously stated, all written comments received by
17 the department between now and January 2nd will be
18 posted on the hearing page.

19 There'll be a whole section towards the
20 bottom that's exclusively set for hearing comments.
21 They will be posted in their entirety, so members of
22 the public can go online, look at the documents, see
23 all the other comments that have been made, and
24 formulate their own comments if they wish to do so.

1 Again, the record's not going to close
2 until January 2nd, so plenty of time. We're extending
3 it through the holiday season, and there is no limit
4 on the amount of comment that the public can make. In
5 conclusion, I do want to remind people of the couple
6 different ways that they can submit their comment.

7 If you go on the hearing page, there's
8 going to be a little comment link to the right that
9 says "Submit comments here." So you can go right
10 through that mechanism, and it'll get straight to me
11 as the hearing officer.

12 You can also send an email to
13 dnrechearingcomments@delaware.gov, or you could do it
14 the old-fashioned way through the United States Post
15 Office at the physical address for DNREC that you'll
16 see both on the hearing page and on the public notices
17 that have gone out in this matter.

18 I should note that written comment to
19 DNREC may not be submitted using any kind of social
20 media platforms, such as -- used to be Twitter, now
21 it's X; Facebook; YouTube; or any kind of text
22 messaging.

23 Again, I want to thank everybody for
24 taking the time to come out tonight. This formal

1 hearing today is simply the mechanism that the
2 department utilizes to get the word out that this is a
3 pending permitting matter and to make sure that we
4 provide means by which the public can offer comment.

5 I want to thank everybody for their
6 attendance tonight and wish everybody a happy and safe
7 holiday season. This hearing is hereby adjourned.

8 (Whereupon, at 6:29 p.m., the
9 proceeding was concluded.)

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CERTIFICATE

2 I, MARY ELLEN COPELAND, the officer before
3 whom the foregoing proceedings were taken, do hereby
4 certify that any witness(es) in the foregoing
5 proceedings, prior to testifying, were duly sworn;
6 that the proceedings were recorded by me and
7 thereafter reduced to typewriting by a qualified
8 transcriptionist; that said digital audio recording of
9 said proceedings are a true and accurate record to the
10 best of my knowledge, skills, and ability; that I am
11 neither counsel for, related to, nor employed by any
12 of the parties to the action in which this was taken;
13 and, further, that I am not a relative or employee of
14 any counsel or attorney employed by the parties
15 hereto, nor financially or otherwise interested in the
16 outcome of this action.

Mary Ellen Copeland

MARY ELLEN COPELAND

Notary Public in and for the
Commonwealth of Pennsylvania

CERTIFICATE OF TRANSCRIBER

2 I, AUDREY FRANKLIN, do hereby certify that
3 this transcript was prepared from the digital audio
4 recording of the foregoing proceeding, that said
5 transcript is a true and accurate record of the
6 proceedings to the best of my knowledge, skills, and
7 ability; that I am neither counsel for, related to,
8 nor employed by any of the parties to the action in
9 which this was taken; and, further, that I am not a
10 relative or employee of any counsel or attorney
11 employed by the parties hereto, nor financially or
12 otherwise interested in the outcome of this action.

Audrey Franklin

AUDREY FRANKLIN

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