



STATE OF DELAWARE
**DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL**

RICHARDSON & ROBBINS BUILDING
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

OFFICE OF THE
SECRETARY

PHONE
(302) 739-9000

Secretary's Order No.: 2026-W-0001

RE: Approval of Permit Applications of Artesian Wastewater Management, Inc. ("AWMI") for the proposed On-Site Wastewater Treatment and Disposal System ("OWTDS") Construction Permit and the proposed OWTDS Operations Permit Renewal/Amendment for the AWMI planned Phase 3 project, consisting of construction and operation of upgrades to the wastewater treatment system at the Sussex Regional Reclamation Facility ("SRRF"), located in Sussex County, Delaware

Date of Issuance: February 16, 2026

Effective Date of the Amendment: February 16, 2026

Under the authority vested in the Secretary of the Department of Natural Resources and Environmental Control ("Department" or "DNREC"), and pursuant to 7 *Del.C.* §6003, 6004, 6006, and all other relevant statutory authority, the Department issues this Order, approving the permit applications of Artesian Wastewater Management, Inc. ("Artesian," "AWMI" or "Applicant"), for the proposed On-Site Wastewater Treatment and Disposal System ("OWTDS") Construction Permit and the proposed OWTDS Operations Permit Renewal/Amendment for the AWMI planned Phase 3 project consisting of construction and operation of upgrades to the wastewater treatment system at the Sussex Regional Reclamation Facility ("SRRF") located in Sussex County, Delaware ("Applications," "proposed project").

The above Applications were submitted by AWMI in accordance with 7 DE Admin. Code 7101, *Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal Systems* (hereinafter referred to as the "Regulations").

Background, Procedural History and Findings of Fact

This has been a long-term project by the Applicant, beginning with Phase 1 (authorized by Secretary's Order No. 2021-W-0002, issued January 7, 2021) and followed by Phase 2 (authorized by Secretary's Order No. 2024-W-0013, issued April 1, 2024), both operating in accordance with AWMI's State of Delaware OWTDS Operations Permit No. 359288-02 for the Artesian Northern Regional Water Recharge Facility ("ANSRWRF") which is now called the SRRF. The prior Phase 1 project approval authorized AWMI to receive treated poultry processing wastewater (i.e., "treated effluent") from the Allen Harim Foods Harbeson Processing Facility's wastewater treatment system for storage in a 90-million-gallon ("MG") lagoon prior to discharge via spray irrigation for final disposal. The Phase 2 project approval authorized the construction of a wastewater treatment system designed to treat up to 625,000 gallons per day ("GPD") of municipal wastewater received from AWMI's wastewater service territories in Sussex County, Delaware and approved an amendment to their Operations Permit (No. 359288-02) to authorize the operation of the systems and equipment installed during the Phase 2 construction project.

Currently pending before the Department is AWMI's application for an OWTDS Construction Permit for Phase 3 upgrades at the SRRF. The proposed upgrades would increase treatment capacity to 1.875 million gallons per day for wastewater received from AWMI's wastewater service territories in Sussex County. Specifically, the proposed upgrades involve four modified Bardenpho treatment systems, cloth media filtration systems, UV systems, a second effluent pump station, and associated piping, aeration, and electrical improvements. The treated wastewater would be pumped to the existing 90 MG treated effluent storage lagoon. It should be noted that Phase 3 would not include any changes to the disposal capacity. AWMI has also applied for a Renewal of their current Operations Permit (No. 359288-02) that includes an amendment to authorize operation of the Phase 3 wastewater treatment system upgrades once constructed ("Operations Permit Renewal/Amendment"). Again, the proposed upgrades do not include any changes to the disposal capacity, and any future increases in disposal would be included in a separate application.

The hearing record (“Record”) reflects that on January 17, 2025, AWMI submitted the SRRF Permit Renewal Application to the Department’s Division of Water, Commercial and Government Services Section (“CGSS”). Over the next several months, the Applicant submitted additional documentation concerning that renewal application, pursuant to the Department’s request for the same. On May 16, 2025, AWMI (through their consultant, KCI Technologies, Inc.) submitted to the Department their application package for the aforementioned Phase 3 upgrades. Additionally, on June 6, 2025, the Department received correspondence from AWMI requesting a modification to the renewal of their Operations Permit, specifically, to incorporate the Phase 3 treatment expansion. At that time, AWMI also provided to the Department a schedule for bringing Fields D and E online at the SRRF facility.

Accordingly, following a thorough review of both Application packages, the Department prepared Draft Permits in this matter (DNREC Draft Construction Permit 359288-04 – AWMI and DNREC Draft Amended Renewal Operations Permit 359288-05 – AWMI) and published Legal Notice in both the *Delaware State News* and the *News Journal* on November 28, 2025, advising the public of the above-described proposed project, the Draft Permits prepared by the Department, and that a virtual public hearing would be held to consider comments on the proposed project on December 18, 2025. Notice of the public hearing was also placed on the State of Delaware Public Meeting Calendar at that time as well.

Department staff, representatives of the Applicant, and members of the public attended the public hearing held on December 18, 2025. Pursuant to 29 *Del.C.* §10118(a), the Record remained open subsequent to the date of the public hearing for receipt of public comment through January 2, 2026. It should be noted that no comments were received from the public concerning the pending Applications at any time during both the pre- and post-hearing phases of this permitting matter.

Thereafter, Hearing Officer Lisa A. Vest prepared her Hearing Officer's Report ("Report") dated February 9, 2026. The Report set forth the procedural history, summarized and established the record of information ("Record") relied on in the Report, and provided findings of fact, reasons, and conclusions that recommend the approval of the Applicant's proposed project currently pending before the Department. The Report also expressly incorporated the following documents into the Record generated in this matter, and attached the same to the Report as Appendix "A" and "B":

- **Appendix "A"**: Draft Construction Permit (359288-04 – AWMi)
- **Appendix "B"**: Draft Operations Permit Renewal/Amendment (359288-05 – AWMi)

Reasons and Conclusions

Currently pending before the Department are the above-described Applications for AWMi's for (1) an OWTDS Construction Permit; and (2) a proposed OWTDS Operations Permit Renewal/Amendment for the AWMi planned Phase 3 project, consisting of construction and operation of an upgraded wastewater treatment system at the SRRF, located in Sussex County, Delaware. I find that the Applicant is required to obtain the requisite permits, for the reasons noted above. I further find that AWMi's proposed project is subject to various state and federal regulatory requirements, including, but not limited to, the requirements of Delaware's *Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal Systems* (7 DE Admin. Code 7101), and as provided for under 7 *Del.C.* Ch. 60.

In reviewing the applicable statutes and regulations, as well as weighing public benefits of this project against potential detriments, the Department's experts in the Division of Water, CGSS, have concluded that the pending Applications comply with all applicable federal and state laws and regulations. Further, the finalized Draft Permits that will be issued by the Department are reflective of the Applications submitted in this matter by AWMi and are appropriately conditioned to ensure continued protection of public health and the environment.

The mission of DNREC is to engage stakeholders to ensure the wise management, conservation, and enhancement of the State's natural resources; protect public health and the environment; provide quality outdoor recreation; improve quality of life; lead energy policy and climate preparedness; and educate the public on historic, cultural, and natural resource use, requirements, and issues. Furthermore, it is the policy of DNREC that no person shall, on the grounds of race, color, national origin, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance, as provided by Title VI of the *Civil Rights Act of 1964*, the *Rehabilitation Act of 1973*, the *Civil Rights Restoration Act of 1987*, and all other related nondiscrimination laws and requirements. In the present matter, the Department has determined that the issuance of the finalized Draft Permits is consistent with DNREC's Environmental Justice policy.

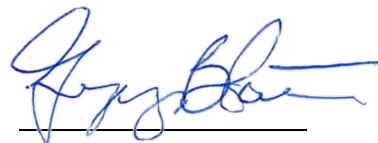
I find and conclude that the Record supports issuance of both the finalized Construction Permit and the finalized Operations Permit Renewal/Amendment for AWMi's Phase 3 SRRF proposed project. Upon approval, the finalized Permits to be issued to AWMi by the Department would be consistent with the Draft Permit authorizations prepared by the Department's experts in the Division of Water, CGSS, with appropriate conditions, to ensure continued protection of public health and the environment, and reflective of the Record developed in this matter.

Accordingly, this Order hereby authorizes the issuance of the finalized Phase 3 Construction Permit and the finalized Phase 3 Operations Permit Renewal/Amendment, permitting the construction and operation of AWMi's Phase 3 SRRF project, as described above.

Further, this Order concludes and specifically directs the following:

1. The Department has jurisdiction, as provided for under 7 *Del.C. Ch. 60, Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal Systems* (7 DE Admin. Code 7101), and all other relevant statutory authority, to make a final determination on the aforementioned pending permit Applications after holding a public hearing, considering the public comments, and all information contained in the Record generated in this matter;
2. The Department provided proper public notice of the aforementioned Applications submitted by AWMi, and provided the public with an adequate opportunity to comment on the same, including at the time of the virtual public hearing held on December 18, 2025, and during the days subsequent to the public hearing (through January 2, 2026), in a manner required by the law and regulations;
3. The Department has carefully considered the factors to be weighed in issuing all permits and authorizations necessitated by the aforementioned Applications, and finds that the Record supports approval of the same;
4. The Department has reviewed the Record generated in this matter and has determined that the issuance of the aforementioned finalized Permits in this matter is consistent with the Department's Environmental Justice policy;
5. The Department shall issue the following authorizations to the Applicant in this matter: (1) the finalized Phase 3 Construction Permit; and (2) the finalized Phase 3 Operations Permit Renewal/Amendment, authorizing the construction and operation of AWMi's Phase 3 SRRF project, as described above, consistent with the Draft Permit authorizations prepared by the Department's Division of Water, CGSS, and consistent with the Record developed in this matter, to ensure that Delaware's environment and public health will be protected from harm;
6. The Department adopts the Report and all Appendices attached thereto as further support for this decision;

7. The Department has an adequate Record for its decision, and no further public hearing is appropriate or necessary; and
8. The Department shall serve and publish its Order on its internet site.



Gregory Patterson
Secretary