

State Permit Number: AGU 2501-S-05

Effective Date: March 1, 2025

Expiration Date: February 28, 2030



AUTHORIZATION TO OPERATE A LAND TREATMENT SYSTEM

FOR THE

AGRICULTURAL UTILIZATION OF WASTE

1. Pursuant to the provisions of 7 Del. C., §6003

Proximity Malt, LLC.
33222 Bi-State Blvd.
Laurel, DE 19956

is hereby granted a permit to operate land treatment systems for malting process wastewater generated at the Proximity Malt facility located in Laurel Delaware. This permit is limited to the application of malting wastewater at agronomic rates to the sites designated in this agricultural utilization permit.

2. The application rates, monitoring requirements and other permit conditions are set forth in Parts I, II and III hereof.

Gordon Woodrow, Program Manager
Commercial and Government Services Section
Division of Water
Department of Natural Resources
and Environmental Control

Date Signed

Part I

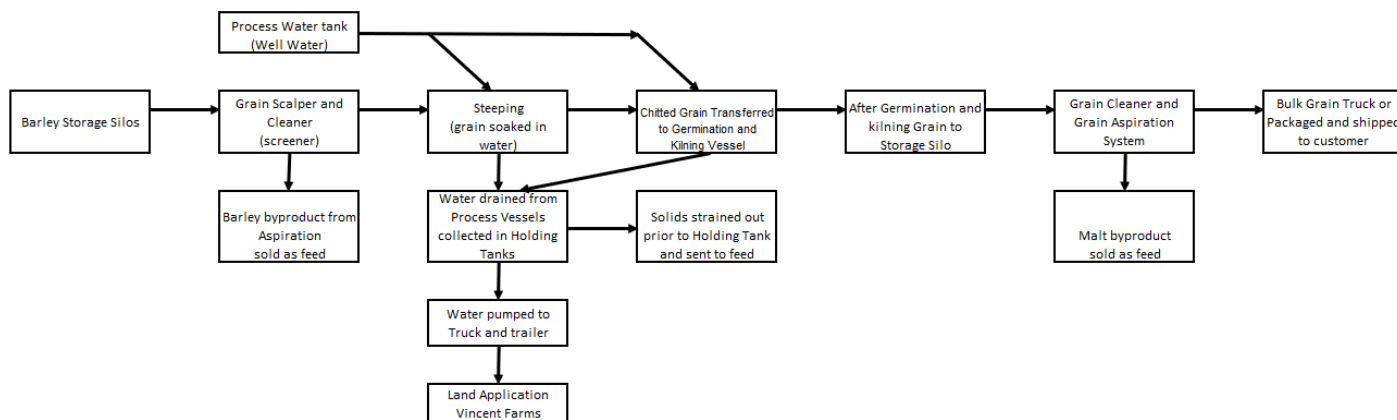
A. GENERAL DESCRIPTION OF OPERATION

The operation involves the land application of malting wastewater produced at Proximity Malt, on the site locations listed in this permit.

The process wastewater is generated by soaking whole kernel grains during the malting process. The malting process involves cleaning whole grains which consist primarily of barley, wheat, and rye, by equipment known as a scalper shaker and an air cleaner to remove field debris. These processes leave cleaned grain kernels that are used in the malting process at Proximity Malt's facility. The clean grain kernels are mixed with water in a stainless-steel steep tank. The water is drained and the hydrated kernels are transferred into in one of two stainless steel tanks. The grains are soaked for a pre-determined length of time to initiate germination. The resultant wastewater is drained from the grain and the immersion and draining process is repeated 2 to 3 times generally taking 36-46 hours. The wastewater is drained to a lift station where it is pumped into 2 interconnected temporary above ground storage tanks (ASTs) on-site. One ASTs has a capacity of 200,000 gallons and the other 400,000 gallons. The grain wash wastewater is then pumped to tank trucks for land application.

The malting wastewater will be transported to the sites in accordance with a valid Delaware Liquid Waste Transporters Permit, where it shall be land applied uniformly amongst the various application areas at a rate equal to or less than an agronomic rate and in accordance with the limitations of this permit. Powell Farm East and the Graham Farm (Fields 1 and 2) may be utilized for land application of malting wastewater annually; however, all other site locations in this permit may be utilized for the application of DNREC approved no more than once every three (3) years.

Proximity Malt Delaware Process Flowchart
 Jul-24



B. SITE LOCATIONS:

1. POWELL FARM SITE DESCRIPTION:

This application site consists of approximately 60 acres of a 171 acre parcel of land located on the northwest side of the intersection of Bi-State Boulevard and Bacons Road 3 miles south of Laurel, Delaware. The east farm field consists of approximately 18 acres and the West Field consists of approximately 42 acres. The Powell Tract is located immediately east of the Graham Tract.

Tax parcel number: 432-14.00-14.00



*The east field consists of approximately 18 acres and may be utilized annually. The west field consists of approximately 42 acres and may be utilized no more than once in a three-year period for the application of malting wastewater. Refer to the August 2, 2024 drawing submitted as part of the revised PDR for the specific application areas.

2. GRAHAM FARM SITE DESCRIPTION:

This application site consists of approximately 23 acres of a 33 acre parcel of land located on the northwest side of the intersection of Bi-State Boulevard and Bacons Road 3 miles south of Laurel, Delaware. Graham # 1 consist of approximately 9 acres and Graham #2 consist of approximately 14 acres. The Graham track is located immediately west of the Powell Tract.

Tax parcel numbers: 332-7.00-7.00 and 332-7.00-8.00



The Graham Farms may be utilized annually for the application of malting wastewater. Refer to the August 2, 2024 drawing submitted as part of the revised PDR for the specific application areas.

3. MESSICK EAST FARM SITE DESCRIPTION:

This application site consists of approximately 42 acres under pivot irrigation (plus an additional 4 acres available for utilization by an application vehicle) of a 191 acre parcel of land located east of St. Georges Road and is approximately 2.5 miles south of Laurel, Delaware. The Messick Tract is located immediately to the south of the Walson Tract.

Tax parcel number: 432-12.00-15.00



The Messick Farm may be utilized no more than once in a three-year period for the application of malting wastewater. Refer to the August 2, 2024 drawing submitted as part of the revised PDR for the specific application areas.

4. WALSON EAST FARM SITE DESCRIPTION:

This application site consists of approximately 28 acres under pivot irrigation (plus an additional 0.85 acres available for utilization by an application vehicle) of a 150 acre parcel of land located east of St. Georges Road and south of Dickerson Road and is approximately 2.5 miles south of Laurel, Delaware. The Walson East Tract is located immediately to the north of the Messick East Tract.

Tax parcel number: 432-12.00-14.00



The Walson Farm may be utilized no more than once in a three-year period for the application of malting wastewater. Refer to the August 2, 2024 drawing submitted as part of the revised PDR for the specific application areas.

5. JOSEPH FARM SITE DESCRIPTION:

This application site consists of approximately 82 acres under pivot irrigation (plus an additional 7 acres available for utilization by an application vehicle) of a parcel consisting of approximately 125 acres of land located approximately 0.5 miles east of the intersection of Old Stage and Salt Barn Road on the north side of Salt Barn Road. The Joseph Tract is located approximately 3.5 miles southeast of the Laurel, Delaware.

Tax parcel numbers: 332-8.00-12.00, 332-8.00-12.01, and 332-8.00-13.00



The Joseph Farm may be utilized no more than once in a three-year period for the application of malting wastewater. Refer to the August 2, 2024 drawing submitted as part of the revised PDR for the specific application areas.

6. ARVEY FARM SITE DESCRIPTION:

This application site consists of approximately 100 acres of a 113 acre parcel of land located on the south side of Arvey Road approximately 5.5 miles southeast Laurel, Delaware.

Tax parcel number: 532-8.00-3.00



The Arvey Farm may be utilized no more than once in a three year period for the application of malting wastewater. Refer to the August 2, 2024 drawing submitted as part of the revised PDR for the specific application areas.

7. MESSICK WEST FARM SITE DESCRIPTION:

This application site consists of approximately 104 acres of a 191 acre parcel of land located west of St. Georges Road and is approximately 2.5 miles south of Laurel, Delaware. The Messick West Farm is located immediately to the south of the Walson West/Center Tract. This site is permitted to receive the application of malting wash water via an application vehicle.

Tax parcel number: 432-12.00-15.00



The Messick West Farm may be utilized no more than once in a three year period for the application of malting wastewater. Refer to the August 2, 2024 drawing submitted as part of the revised PDR for the specific application areas.

8. WALSON WEST/CENTER FARM SITE DESCRIPTION:

This application site consists of approximately 69 acres of a 150 acre parcel of land located west of St. Georges Road and south of Dickerson Road and is located approximately 2.5 miles south of Laurel, Delaware. The Walson West/Center Farm is located immediately to the north of the Messick West Farm. This site is permitted to receive the application of malting wash water via an application vehicle.

Tax parcel number: 432-12.00-14.00



The Walson West and Center Farm may be utilized no more than once in a three year period for the application of malting wastewater. Refer to the August 2, 2024 drawing submitted as part of the revised PDR for the specific application areas.

9. WALSON NORTH FARM SITE DESCRIPTION:

This application site consists of approximately 32 acres of a 150 acre parcel of land located north of the intersection of Dickerson Road and St. Georges Road and located approximately 2.5 miles south of Laurel, Delaware. This site is permitted to receive the application of malting wash water via an application vehicle.

Tax parcel number: 432-12.00-14.00



Walson North Farm may be utilized no more than once in a three year period for the application of malting wastewater. Refer to the August 2, 2024 drawing submitted as part of the revised PDR for the specific application areas.

C. REGULATORY AND SUPPORTING DOCUMENTS:

The land treatment operations shall be conducted in accordance with the following documents:

1. The Department's Guidance and Regulations Governing the Land Treatment of Wastes, Part V, the Land Treatment of Waste Products.
<https://regulations.delaware.gov/AdminCode/title7/7000/7100/7103.shtml>
2. The permit application dated March 1, 2019.
3. The project development report revised through December 2024.

D. WASTE APPLICATION LIMITATIONS

1. During the period beginning on the effective date and lasting through the expiration date of this permit, the permittee is authorized to apply malting wastewater on the land treatment sites identified in Part I of this permit. Application of malting wastewater generated at the Laurel Proximity Malt facility shall be applied at a rate up to an agronomic rate. The timing of malting wastewater application to the land treatment sites, as well as the quantity and quality of waste to be land applied, shall be specified in an annual Nutrient Management Plan (NMP). The NMP shall be submitted to the Department for review and approval, prior to any malting wastewater application activities occurring at the sites approved in this permit.
2. Malting wastewater shall be applied at agronomic rates established for the subsequent cropping plan. Mineralized nitrogen from prior application (occurring in the previous 3 years) must be considered in calculating nitrogen application rates. Consultation with a Delaware Certified Nutrient Management Consultant is required in establishing application rates.
3. Application of malting wastewater is limited to a maximum rate of 0.5 acre-inch of wastewater (13,577 gallons) per acre per week during the effective period of this permit.
4. After an area has received its maximum load of malting wastewater, an appropriate application of nitrogen corresponding to the requirements of the growing or subsequent crop may be applied to the area according to the recommendations of the University of Delaware Cooperative Extension Service or a Delaware Certified Nutrient Consultant for the specified crop and anticipated yield. Records of crop yield must be kept for each application area at the application sites.
5. At least two weeks prior to the commencement of land application activities onto a given crop during a calendar year, the permittee shall submit planned application rates and nutrient balance calculations (including mineralization calculations if applicable) for Department review and approval to biosolids_de@delaware.gov. Any individual that land applies materials regulated under this permit shall have a private or commercial nutrient handler certification through the Delaware Department of Agriculture.
6. For fields that do not have an actively growing crop, once application activities have begun, the field shall be planted with an appropriate crop within one (1) month as specified in the NMP. In the event of unanticipated weather conditions that do not allow for planting of a crop within (1) month of the commencement of waste application, the Department may grant an extension allowing additional time for planting. Should conditions not allow for crop germination after application, an alternative germinating crop shall be planted as soon as practicable. Failure to plant a field in accordance with the requirements specified above may result in the Department invoking provisions listed in Part II B. 6 of this permit.

7. During years that malting wastewater is applied to a field, a cover crop or winter crop must be planted.
8. Nutrient uptake from a crop shall only be credited if a crop is harvested. Should a crop be disked into the soil, nutrients remaining in the soil shall be taken into account by the certified nutrient consultant when planning future nitrogen application rates.
9. Fields with "high" phosphorus soil levels as defined by Title 3, Chapter 22 of the Delaware Code (the Nutrient Management Law) and the Delaware Nutrient Management Commission shall be in compliance with a current Nutrient Management Plan and phosphorus management requirements specified in Nutrient Management Law. Utilization of the phosphorous site index (PSI) and phosphorus management strategies, as recommended by the University of Delaware Cooperative Extension, may also be utilized to comply with Nutrient Management Law. Failure to implement phosphorous management strategies, when applicable, may result in the Department invoking the provisions of Part II, B.6 of this permit.
10. Each day that waste is applied and/or when any other management activities are conducted at the land application site, an operation record in accordance with Part II, A.1 of this permit must be completed. Daily operating records must be maintained for a minimum of 5 years as required in Part I, E.3 of this permit.
11. Each active application area must be flagged prior to use. Application must be uniform over the application area and made at a rate that does not contribute to runoff from the area or pooling of wastewater. Non-biodegradable contents (e.g. plastic products, steel wool, etc.) incidentally applied with approved wastes shall be removed.
12. Groundwater level readings shall be taken through monitoring wells at MW-1, MW-2, MW-4, MW-5, MW-6, MW-7, MW-8, and MW-9 at the Graham and Powell East Farms or temporary hand auger borings at other application farms prior to land application activities in sufficient quantity to characterize separation distances from groundwater to the soil surface. Should water-level readings indicate that areas of the field have or likely have a water table that is within 20 inches of the soil surface, application in these areas shall not occur until the limiting situation has passed.

All land treatment activity shall conform to the conditions of this permit and the Guidance and Regulations Governing the Land Treatment of Waste.

13. Mineralized nitrogen from prior malting wastewater application activities that occurred within the three previous years (if applicable) must be considered in calculating nitrogen application rates.
14. Application must be uniform over each zone or application area and made at a rate that does not contribute to runoff from the area or pooling of wastewater.

15. Effort must be made to significantly reduce odors, if present, either by the addition of lime to the waste prior to or after application, or by another Department approved alternative.
16. If necessary, an effort must be made to significantly reduce vector attraction by reducing the attractiveness of the waste to the vector(s) or by preventing vectors from coming in contact with the waste. The Department may require additional vector control measures to be taken for any waste application if deemed necessary.
17. Non-biodegradable (e.g. plastic products, steel wool) contents incidentally applied with the malting wastewater shall be removed.
18. Application is limited to 6 a.m. to 8 p.m. In the event of an emergency, the Department may make exception to this condition.
19. Application is forbidden during periods of active rain, onto excessively wet ground or onto snow. Application to frozen ground may be made if no runoff from the application area occurs.
20. At minimum, the following buffer zones shall be maintained at all times during malting waste application:

Buffered Object	Minimum Buffer Distance
Occupied off-site dwellings	100 feet
Property Lines	15 feet
Public Roads	15 feet
Streams, tidal waters, or other water bodies	33 feet
Drainage ditches (dry)	25 feet

21. The permittee shall ensure any aerosols generated during the application of malting wastewater do not impact neighboring residences or drift onto public roads at any time. The permittee shall assess wind conditions continually and extend on-site buffer zones as necessary. Upon the occupation of newly constructed residences, odor complaints from existing residences, or based upon field observations made by the Department, the Department may require more stringent or additional buffer zones upon notifying Proximity Malt in writing.
22. No waste shall be applied if sample analysis yields pollutant concentrations in excess of the following values on a dry weight basis:

Arsenic	41 mg/kg	Cadmium	39 mg/kg	Chromium	1200 mg/kg
Copper	1500 mg/kg	Lead	300 mg/kg	Mercury	17 mg/kg
Molybdenum	18 mg/kg	Nickel	420 mg/kg	Selenium	36 mg/kg
Zinc	2800 mg/kg	PCB	3 mg/kg	-	-

E. GROUNDWATER LIMITATIONS

Application of malting wastewater to the designated fields shall not cause groundwater to be in violation of applicable Federal or State Drinking Water Standards on an average annual basis. Should down-gradient water supply wells (public or private) be impacted above applicable Federal or State drinking water standards from the land application of malting wastewater, the permittee shall be required to provide a free Department approved alternative potable water supply to the affected parties.

F. MONITORING REQUIREMENTS

During the period beginning on the effective date and lasting through the expiration date the permittee is authorized to conduct a land treatment system for malting wastewater. All malting wastewater shall be monitored by the generator as specified below:

1. MALTING WASTEWATER

Parameter	Measurement	Sampling Frequency	Sample Type
Moisture content	percent	Quarterly	Composite
Total Nitrogen as N (dry weight basis)	percent	Quarterly	Composite
Organic Nitrogen as N (dry weight basis)	percent	Quarterly	Composite
Ammonium and Nitrate Nitrogen as N (dry weight basis)	percent	Quarterly	Composite
Phosphorus (dry weight basis)	percent	Quarterly	Composite
Potassium (dry weight basis)	percent	Quarterly	Composite
Chloride (dry weight basis)	mg/kg	Quarterly	Composite
Sodium (dry weight basis)	mg/kg	Quarterly	Composite
pH	S.U.	Quarterly	Composite
Arsenic (dry weight basis)	mg/kg	Every 5 Years	Composite
Cadmium (dry weight basis)	mg/kg	Every 5 Years	Composite
Chromium (dry weight basis)	mg/kg	Every 5 Years	Composite
Copper (dry weight basis)	mg/kg	Every 5 Years	Composite
Iron (dry weight basis)	mg/kg	Every 5 Years	Composite
Lead (dry weight basis)	mg/kg	Every 5 Years	Composite
Mercury (dry weight basis)	mg/kg	Every 5 Years	Composite
Molybdenum (dry weight basis)	mg/kg	Every 5 Years	Composite
Nickel (dry weight basis)	mg/kg	Every 5 Years	Composite
Selenium (dry weight basis)	mg/kg	Every 5 Years	Composite
Zinc (dry weight basis)	mg/kg	Every 5 Years	Composite

* All samples must be taken from the malting wastewater storage tank and be representative of the malting wastewater.

2. SOIL MONITORING

Soil monitoring shall commence at least thirty (30) days prior to land application at the locations and frequency outlined below. A copy of all soil monitoring results required by this permit shall be submitted to the Department at biosolids_de@delaware.gov and in accordance with Part I, J.2 of this permit.

Parameter	Measurement	Sampling Frequency	Sample Type
% Organic Matter	percent	Annually	Composite
Soil Nitrate	mg/kg	Annually	Composite
Phosphorus (dry weight basis)	mg/kg	Annually	Composite
Potassium (dry weight basis)	mg/kg	Annually	Composite
Chloride (dry weight basis)	mg/kg	Annually	Composite
Electrical Conductivity (EC)	mmhos/cm	Annually	Composite
Sodium (dry weight basis)	mg/kg	Annually	Composite
Sodium-Adsorption Ratio (SAR)	ratio	Annually	Composite
pH	S.U.	Annually	Composite

NOTE: Soil chemistry testing must be in accordance with the Methods of Soil Analysis published by the American Society of Agronomy, and in accordance with Part III, (B), Section 151 of the Department's Guidance and Regulations Governing the Land Treatment of Wastes. See Part I, J. for reporting requirements.

Collection of soil samples is not required if malting wash water is not applied during a calendar year. The Department may modify the sampling frequency based upon review of continuing or additional analyses.

3. GROUNDWATER MONITORING (Powell Farm East and Graham Farm)

Parameter	Unit of Measurement	Sampling Frequency	Sample Type
Depth to Water	Hundredths of a foot	Quarterly	In-Situ
pH	S.U.	Quarterly	Field Test
Dissolved Oxygen	mg/l	Quarterly	Field Test
Specific Conductivity	UMHOS/CM	Quarterly	Field Test
Temperature	°C	Quarterly	Field Test
Total Dissolved Solids	mg/l	Quarterly	Field Test
Total Nitrogen as N	mg/l	Quarterly	Grab
Total Kjeldahl Nitrogen	mg/l	Quarterly	Grab
Nitrate + Nitrite Nitrogen	mg/l	Quarterly	Grab
Ammonium as N	mg/l	Quarterly	Grab
Total Phosphorus	mg/l	Quarterly	Grab
Chloride	mg/l	Quarterly	Grab
Sodium	mg/l	Quarterly	Grab

* Groundwater samples shall be taken in compliance with the monitoring requirements specified above and shall be taken at each monitoring well in accordance with procedures approved by the Department and listed in the Department's Field Manual for Groundwater Sampling (March, 1988). The Department may modify the sampling frequency based upon review of continuing or additional analyses.

** Groundwater monitoring results for each monitoring well shall be reported using the State of Delaware Well Identification Tag Number that is required on all wells in accordance with the Delaware Regulations Governing the Construction and Use of Wells, Section 10, A (as amended). MW-1 = 257736, MW-2 = 257737, MW-4 = 256639, MW-5 = 256640, MW-6 = 257341, MW-8 = 257743, MW-9 = 257743

4. OTHER MONITORING AS REQUIRED BY THE DEPARTMENT

- a. The Permittee shall perform additional monitoring of effluent, groundwater, soils, and/or surface water upon Department notification. Monitoring requirements may include increased sampling frequency, additional sampling parameters/contaminants, and/or additional monitoring locations (including additional wells) to assure the protection of human health and/or water resources. Analytical results from additional monitoring shall be submitted to biosolids_de@delaware.gov in monthly reports unless the Department requires an alternative submission schedule.

G. SCHEDULE OF COMPLIANCE

1. None at this time

H. BONDING

1. Not required pursuant to Part V. of the Guidance and Regulations Governing the Land Treatment of Wastes.

I. MONITORING

1. Representative Sampling:

Samples and measurements taken as required herein shall be representative of the volume and nature of the waste to be land applied.

2. Recording of Results:

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The exact place, date and time of sampling and/or measurement;
- b. The person(s) who performed the sampling and/or measurement;
- c. The dates and times the analyses were performed;
- d. The person(s) who performed the analyses;
- e. The results of each analysis.

3. Records Retention:

All records and information resulting from the monitoring activities required by this permit including all records of analyses performed and calibration and maintenance of instrumentation and recording from continuous monitoring instrumentation shall be retained for five (5) years. This period of retention shall be extended automatically during the course of any unresolved litigation

regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the Department.

J. REPORTING

1. The permittee shall submit to the Department and landowners an annual operation report on or before February 1 of each year. The annual operation report shall include the following:
 - a. The daily operational record (as specified in Part II, A.1);
 - b. The volume of malting wastewater applied onto each field on a daily basis at the land application site. A Department approved log shall be maintained that demonstrates that quantity and loading rate of malting wastewater applied onto each field.
 - c. The weight of nitrogen, phosphorus and potassium from waste applied to each field. Supplemental fertilizers must be reported separately;
 - d. Any changes in ownership of the land where the operation is conducted or any change in any lease agreement for the use of such land that may affect or alter the operator's rights upon such land;
 - e. A chemical analysis of soil from each field and each well for the constituents identified in Part I, F.2 and F.3 (as applicable). The procedure for soil and water analysis shall be consistent with Department guidance;
 - f. Site maps showing the boundaries within each field where waste has been applied during the previous year;
 - g. For each site: the cropping scheme followed during the previous year and anticipated for the coming year; crop yield data and an explanation of which portions of the plants were harvested; identification of fields to be used during the coming year; waste application rates for the coming year based on nitrogen mineralization calculations from previous waste application practices;
 - h. Waste application rate adjustments, if necessary; (See Part I, D.1)
 - i. Any other information required by the Department.
2. Waste analytical data obtained during the previous monitoring period shall be summarized for each period. If no waste was applied during this period a signed statement saying no application occurred this period shall be submitted to the Department. Signed copies of these, and all other reports required herein, shall be electronically submitted to the Department to biosolids_de@delaware.gov.

When submitting monitoring results, copies of the original laboratory sheets

should be included. If more than one sample is analyzed during any month, a table showing the range of constituent concentration values shall be prepared and included with the submittal.

3. The permittee shall submit copies of all monitoring results covered by condition J.1 above to the landowner of each site.
4. Test Procedures

Test procedures for all analyses shall conform to the applicable test procedures identified in Part III, (B), Section 152 of the Department's Guidance and Regulations Governing the Land Treatment of Wastes, unless otherwise specified in this permit.

K. DEFINITIONS

1. "Agricultural Utilization" means the application rate of wastes or waste or waste products which shall not exceed the nutrient needs of the crop grown on the particular soil plus the other assimilative pathways in soils (e.g. immobilization with organic material, volatilization, and leachate in compliance with drinking water standards).
2. "Composite" means a series of grab samples which have been collected in a manner such that the final sample is representative of the volume and characteristics of the material to be analyzed.
3. "Land application" means the placement of waste within 2 feet below the surface of land used to support vegetative growth.
4. "Treatment" means a process which alters modifies or changes the biological, physical, or chemical characteristics of waste.

Part II

A. MANAGEMENT REQUIREMENTS

1. Land Application of Waste

The permittee shall prepare and maintain an operational record for each day that malting wastewater is applied and when any other management activities are conducted at the land application sites. The daily operational record shall include the following:

- a. The date and volume of the malting wastewater applied onto each individual field;
- b. A record of any major deviations (if applicable) from the operating plan;
- c. Weather conditions at the time of application;
- d. The application rate of malting waste in gallons/acre for every application event;
- e. A running total of the volume of malting wastewater applied per acre for each week;
- f. A map for each site showing the area of daily activity;
- g. A record of all actions taken to correct violations Department Regulations;
- h. Management undertaken, such as planting and harvesting of crops, fertilizers and chemicals added, irrigation frequency, techniques used, etc.

2. Change in Operation

The application of waste to the sites authorized herein shall be consistent with the terms and conditions of this permit. The application of waste at levels in excess of the amount necessary to provide plant available nitrogen for the crop being grown, in accordance with the limits identified in Part I, D.1, D.2, and D.3 of this permit, shall constitute a violation of the permit. Any anticipated facility expansion, production increase, or change in site conditions that would affect the land limiting constituent, create a new land limiting constituent, or adversely affect site conditions must be reported to the Department. Upon review of this information, the Department may invoke the provisions of Part II, B.6 of this permit.

3. Noncompliance Notification

The permittee shall report to the Department:

- a. In writing thirty (30) days before any planned physical alteration or addition to the permitted facilities or activities, if that alteration or addition would result in any significant change in information that was submitted during the permit application process;
- b. In writing thirty (30) days before any anticipated change which would result in noncompliance with any permit condition of the Guidance and Regulations Governing the Land Treatment of Wastes;
- c. Orally within twenty-four (24) hours from the time the permittee became aware of any noncompliance which may endanger the public health or the environment, by calling the DNREC Emergency Hotline (800) 662-8802. In addition, a call must be placed to the Division of Water at (302) 739-9946 during normal business hours of M-F between 8 – 4:30, and;
- d. In writing as soon as possible but within five (5) days of the date the permittee knows or should know of any noncompliance unless extended by the Department;

This report shall contain:

- 1) A description of the noncompliance and its cause;
 - 2) The period of noncompliance including to the extent possible, times and dates and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
 - 3) Steps taken or planned to reduce or eliminate reoccurrence of the noncompliance.
- e. In writing as soon as possible after the permittee becomes aware of relevant facts not submitted or incorrect information submitted, in a permit application or any report to the Department. Those facts or the correct information shall be included as a part of this report.

4. Minimize Impacts

The permittee shall take all necessary actions to eliminate and correct any adverse impact on the public health or the environment resulting from permit noncompliance.

B. RESPONSIBILITIES

1. Renewal Responsibilities

At least 180 days before the expiration date of this permit, the permittee shall submit a new application for a permit or notify the Department of the intent to cease operation by the expiration date. In the event that a timely and sufficient reapplication has been submitted and the Department is unable, through no fault of the permittee, to issue a new permit before the expiration date of this permit, the terms and conditions of this permit are automatically continued and remain fully effective and enforceable.

2. Entry and Access

The permittee shall allow the Department, consistent with 7 Del. C., Chapter 60, to:

- a. Enter the permitted facilities;
- b. Inspect any records that must be kept under this permit;
- c. Inspect any facility, equipment, practice, or operation permitted or required by this permit;
- d. Sample or monitor for the purpose of assuring permit compliance, any substance or any parameter at the facility or land application site.

3. Provide Information

The permittee shall furnish to the Department within a reasonable time, any information requested, including copies of records, which may be used by the Department to determine whether cause exists for modifying, revoking, reissuing, or terminating the permit, or to determine compliance with the permit or Part V. of the Guidance and Regulations Governing the Land Treatment of Wastes.

4. Transfer of Ownership or Control

This permit shall be transferable to a new owner or operator provided that the permittee notifies the Department by requesting a minor modification of the permit before the date of transfer and provided that the transferee shows evidence of a legal right to use the site and is otherwise in compliance with all applicable provisions of Part V. of the Department's Guidance and Regulations Governing the Land Treatment of Wastes.

5. Operation of Facility

The permittee shall at all times properly maintain and operate all structures, systems, and equipment for treatment, control and monitoring, which are installed or used by the permittee to achieve compliance with this permit or

Part V. of the Guidance and Regulations Governing the Land Treatment of Wastes.

6. Permit Revocation and Modification

a. After notice and opportunity for a hearing, this permit may be modified or revoked in whole or in part during its term for cause including, but not limited to, the following:

- 1) Violation of any terms or conditions of this permit;
- 2) Obtaining this permit by misrepresentation or failure to disclose fully all of the relevant facts;
- 3) Any change in operating conditions that requires either a temporary or permanent permit modification; or
- 4) If the Department finds that the public health, safety or welfare requires emergency action, the Department shall incorporate findings in support of such action in a written notice of emergency revocation issued to the permittee. Emergency revocation shall be effective upon receipt by the permittee. Thereafter, if requested by the permittee in writing, the Department shall provide the permittee a revocation hearing and prior notice thereof. Such hearings shall be conducted in accordance with 7 Del. C., Chapter 60.

b. The Department may revoke this permit if the permittee violates any permit condition, any provisions of Part III, (B) or Part V., of the Guidance and Regulations Governing the Land Treatment of Wastes, or fails to pay applicable Department fees.

7. Permit Closure Report

a. All land approved for the Agricultural Utilization of waste is required to have a closure report when the land is no longer being utilized as described in permit application. The report must be submitted to the Department within four (4) months of determination that the field will no longer be utilized for waste application. The closure report will have the following:

- 1) Letter from permittee stating the application site (with tax parcel number(s)) will no longer receive waste approved by this Permit.
- 2) Copy of the last waste monitoring results as required in Part 1, B.1 of this permit.

- 3) Copy of the last soil monitoring results as required in Part 1, F.2 of this permit.

8. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under 7 Del. C., Chapter 60.

9. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation.

10. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

11. Severability

If any provision of this permit is held invalid, the remainder of this permit shall not be affected. If the application of any provision of this permit to any circumstance is held invalid, its application to other circumstances shall not be affected.

12. Compliance Required

The permittee shall comply with all conditions of the permit.

13. Reopener

In the event that the Part III, B, of the Guidance and Regulations Governing the Land Treatment of Wastes or applicable Federal Regulations are revised, this permit may be reopened and modified accordingly after notice and opportunity for a public hearing.

Part III

A. SPECIAL CONDITIONS

The permittee must ensure that the following conditions are met:

1. Waste shall be transported to the land treatment sites in accordance with Delaware Non Hazardous Waste Transporters Permit No. OH-103.
2. **Pre Start-Up (Must be accomplished annually for each application site)**
 - a. Prior to the application of waste, buffer zones and the areas on which waste is to be applied must be clearly marked with stakes or other suitable markers acceptable to the Department.
 - b. The permittee must notify the Department at (302) 739-9946 or at biosolids_de@delaware.gov least two (2) working days prior to the application of waste.
 - c. Before the permittee can begin to apply waste to the designated site, a pre start-up inspection may be conducted by the Department to verify that proper buffer zones and non-application areas are suitably marked. Based on the results of the pre start-up inspection, the Department will either:
 - 1) Grant approval for waste application operations to begin or;
 - 2) Require the permittee to perform additional site preparation (such work must be performed and approved prior to waste application).

3. Post Application Measures

- a. The permittee shall adhere to the vegetative management plans for each site.
- b. Any change in the proposed vegetative management plan must be approved by the Department prior to implementation.

4. Regulatory Modification

In the event that the Guidance and Regulations Governing the Land Treatment of Wastes or any applicable federal regulations are revised, this permit may be reopened and modified accordingly after notice and opportunity for a public hearing.