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March 19, 2018

John Grace, Chief
Source Protection and Appropriation Division
Water and Science Administration
Maryland Department of the Environment
1800 Washington Blvd.
Baltimore, MD 21230
Tel. 410-537-3590

SUBJECT: Comments in Follow-Up to Public Informational Meeting of February 27, 2018 re. DO1951G001/11-- Valley Proteins, Inc. Application to increase an existing water appropriation from the Federica Aquifer of the Choptank Formation for a project located at 5420 Linkwood Road, Linkwood, Dorchester County MD.

Dear Mr. Grace:

I attended the February 27, 2018, informational meeting in my capacity as Convener of the LWVMS and was pleased to have the opportunity to meet and talk with you about the League's interest in learning more about the permitting process around expansion of Valley Protein's poultry rendering facility in Linkwood. I was also pleased to have the opportunity to meet Norman Lazarus and John Anthony.

As I mentioned, for a number of years, Mid-Shore League members have taken a keen interest in effective participation at local levels on matters affecting the environment. We have become recognized for the quality of our educational forums, where we do not take positions per se, but lay out what is needed for effective citizen participation, especially regarding issues affecting local communities and environments that are not decided at the ballot box, but through administrative processes governed by law and regulation. Without understanding of the administrative process by which decisions are made, it is not easy, and perhaps not possible, for citizens to participate effectively.

For several years, the League has been interested in holding an educational forum about the administrative structure concerning safe and sustainable sources of drinking water. After several stops and starts, we decided it might be useful to focus our attention on just one watershed and selected the Transquaking for its relatively small size and limited number of point sources.

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I am very glad we did. The February 27th informational meeting covered complex issues and questions, often of a technical nature. Your moderation of the meeting was careful and measured with ample opportunity for clarification or elaboration of both questions and answers. I came away with significantly improved understanding of MDE's organization of the permitting process, particularly of water appropriation permitting. I was also appreciative of the excellence of the Valley Protein presentation and responses to questions.

In addition, I gained an appreciation for the challenges interested parties face in putting together the various aspects of the permitting puzzle. One of the most difficult challenges—for me, at least—was to acquire an adequate understanding of the implications of approval of Valley Protein's application to increase an existing water appropriation without a full understanding of how the facility would use the increased appropriation.

Post-meeting, I thought of some additional questions and comments. I am deeply appreciative of your decision to extend to March 20th the period for comment on increasing Valley Protein's water appropriation for the Linkwood facility. My questions and comments follow.

1. I was pleased at resolution of the question of whether the Linkwood facility was strictly a poultry rendering plant or whether its expansion included the rendering of grease from sources other than poultry wastes. I appreciated Mr. Vogler's clarification that the Linkwood facility functioned as a Transit Station to collect and store greases from various sources prior to their transport to Valley Protein's rendering plant in Baltimore. From that clarification I hope I correctly inferred that the Linkwood facility is strictly a poultry rendering plant that is expanding and improving its poultry waste rendering capability. That is, the facility is being expanded to be able to both process a greater volume of poultry waste and to increase the efficiency and effectiveness of the processing. I would appreciate confirmation of understanding—one way or the other.
2. Mr. Vogler also clarified that the poultry waste consisted of offal and feathers that were transported in covered trailers where the covers were lashed down. Please confirm or correct that understanding if it is not correct.
3. If I further understood Mr. Vogler correctly, the covered trailers are cleaned in a special truck washing facility, from which the used waste water is not immediately discharged. However, the trucks carrying grease from other sources (the tanker trucks) do not require the same kind of treatment.

I did not realize that I had a blurred understanding of the differences in treatment until after the meeting as I was reviewing my notes. I would very much appreciate having clarification about the following:

- a. Which type of truck is washed in the truck washing facility? Where is the truck washing facility located? What happens to the used water following washing?
 - b. Which type of truck is washed elsewhere at the Linkwood facility? What is the location? What happens to the used water following washing?
4. I also did not realize until review of my notes that I did not have a clear picture of how the increased appropriation would be used for treatment of the waste water from the waste water treatment plant (WWTP). Nor did I understand whether the WWTP Expansion and Upgrade had been completed. Specifically, I would like clarification of the following:
- a. The letter, dated January 23, 2017, from Wade Tanner of Reid Engineering to Rob Pudmericky of the Water Management Administration indicated that “proposed WWTP Expansion and Upgrade has been designed for a rendering plant production capacity of 20,000,000 pounds per day of raw material. . . .” After the meeting, I spoke with Mr. Volger, which was helpful to my understanding of that paragraph in the letter, as I discuss in the next paragraph. However, it did not dawn on me to ask whether the expanded and upgraded WWTP was the facility that was currently in operation or would be in operation once the Application for the Appropriate Permit went into effect. Or would operation of the expanded and upgraded WWTP await approval of the application for modified NPDES Permit No. MD00032477? Clarification regarding these questions would be helpful and much appreciated.
 - b. Regarding use(s) of the increased appropriation, the “Notice of Application Received for State Permit and Opportunity Hearing” in the January 10, 2018 issue of the *Dorchester Banner*, indicated that the increased appropriation would be used for “process water at a poultry rendering plant.” The *Preliminary Impact Analysis Summary*, dated December 5, 2017, prepared by John J. Anthony, Assigned WMA Project Manager, indicated the increased appropriation would be used for “process water, a potable supply, truck washing, and sanitary facilities” at the Linkwood facility. The estimate of current total water demand of 94,000 gallons per day (gpd) was expected to rise to a future demand level of 150,000 gpd. allocated as follows: “117,000 gpd for process water, 3,000 gpd for potable use, and 30,000 gpd for truck washing.”

My assumption is that the term “process water” relates to use of the increased appropriation for the poultry rendering processing stage of the operations. I inferred from my conversation with Mr. Vogler that the WWTP Expansion and Upgrade would allow expansion of input of poultry waste for rendering and upgrade of the efficiency and effectiveness of the WWTP, including improvements to removal of pollutants and % of waste water that could be recycled. I would like clarification as to whether those inferences are accurate.

It would be helpful if such clarification might be included in the next draft of the “Impact Analysis Summary” or other suitable communication. This would be helpful to interested parties and citizens as they sought to acquire a better understanding of how the process water portion of the increased appropriation would be used. Assuming the above inferences are accurate, my questions are as follows:

- How will the increased appropriation for “process water” be used?
- Does Valley Proteins intend to expand the number of pounds per day of poultry waste processed at the Linkwood facility once the appropriation is approved?
- By how much?
- If so, how many additional trucks carrying the increased poundage of poultry waste would be washed at the truck washing facility each day?
- How many gallons of waste water would likely be produced from washing that number of trucks per day?
- What would be done with the waste water?
- Regarding the washing of trucks carrying the grease destined for the Baltimore rendering plant, my understanding from Mr. Vogler’s explanation is that trucks carrying the grease to the Linkwood facility are not handled in the truck washing facility. An explanation of how they are handled and whether “process water” is used would be helpful in the next draft of the Summary. If “process water” is used, it would be helpful to include information about the estimated number of trucks per day, the number of gallons of waste water produced per day, and what is done with the waste water.

In pondering what I learned from the informational meeting, it occurs to me that it would be helpful to add to the next draft of the *Impact Analysis Summary* or report of the comments received following the February 27 Informational Meeting, a Foreword explaining the inter-connections among the various permits required for Valley Proteins to move forward with expansion and upgrade of its Linkwood facility. (I have not reviewed the MDE website in depth, but that might be an excellent vehicle for communicating about the regulation of water in Maryland.)

Depending on the vehicle, of particular interest would be discussion of the distinction between the information needed to make a decision about issuance of the water appropriation permit and issuance of an amended NPDES permit. Different jurisdictions within MDE adjudicate different categories of applications and different information (and expertise) is required for each. Sometimes, too, other USG agencies are responsible for adjudicating applications and sometime local agencies of government are responsible for making the decisions. All of this can be confusing to interested parties without a suitable navigational tool.

Further, some information is material for one permit, but not for another other permit. For example, information about the health of the Transquaking River over a decade was not germane

to adjudication of the application for increased withdrawal of groundwater for use in Valley Protein operations. That was because the purpose of the appropriations application was to allow increased withdrawal of groundwater from a particular confined aquifer. Therefore, Dr. Jesien's data on health of the river is not material to withdrawal, but it is material to the health of the waters of the Transquaking from discharge of "used water" containing certain pollutants or toxins.

Despite their immateriality, the Jesien data do bear on whether approval of the Water Appropriation permit should precede (or follow or be issued simultaneously) approval of the modified NPDES permit application. If my understanding of what was discussed at the February 27 informational meeting is correct, approval of the withdrawal permit would allow Valley Protein to expand its Linkwood operations to process more poultry waste materials. The planned upgrades might decrease the pollutants in the used water and increase the efficiency of used water processing, but it is not clear whether discharge of effluents to the Transquaking would continue to be consistent with the scope of current NPDES permit or application therefor.

One last point, if any of the six residential wells discussed in the Draft Summary were to be compromised, might there not be a lag time between compromise and completing the lowering of the pump fixed? If this is a possibility, should not the Valley Proteins' permit be conditioned to reimburse the residential owners for purchase of water while remediation was in progress?

In closing, I appreciate your extension of the public comment period for information and comments regarding issuance of Water Appropriation permit no. DO1951G001/11. It has helped to further my understanding of MDE's permitting process.

Sincerely,

Patricia A. Comella, Convener, LWVMS