



STATE OF DELAWARE  
**DEPARTMENT OF NATURAL RESOURCES  
AND ENVIRONMENTAL CONTROL**  
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DOVER, DELAWARE 19901

Office of the  
Secretary

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**Secretary's Order No. 2017-W-0026**

**Re: DAIM Farm, LLC's Application for a National Pollutant Discharge Elimination System General Permit No. DE 5000N/11 for its Poultry Concentrated Animal Feeding Operations at 1735 Woodyard Road, Harrington, Kent County**

**Date of Issuance: October 30, 2017**  
**Effective Date: October 30, 2017**

**BACKGROUND AND PROCEDURAL HISTORY**

Pursuant to 7 *Del. C.* §§6003, 6004(b), and 6006(4) and 3 *Del. C.* §§2200 *et seq.* and other relevant authority, the Secretary of the Department of Natural Resources and Environmental Control ("DNREC") and the Secretary of the Delaware Department of Agriculture ("DDA") jointly<sup>1</sup> issue this Order on DAIM Farm, LLC's ("Applicant") Application ("Application") for a National Pollutant Discharge Elimination System ("NPDES") General Permit No. DE 5000N/11 ("NPDES General Permit").

In 2016, the Departments approved the NPDES General Permit<sup>2</sup> to provide eligible Poultry Concentrated Animal Feeding Operations ("Poultry CAFO") with a less burdensome application procedure to obtain a NPDES permit than preparing an individual NPDES permit

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<sup>1</sup> The DNREC and the DDA executed a Memorandum of Understanding ("MOU") that provides a shared regulatory authority to administer the NPDES permit program for Delaware's Concentrated Animal Feeding Operations ("CAFO").

<sup>2</sup> Secretary's Order No. 2016-W-0008, issued March 8, 2016, approved the NPDES General Permit procedure in Section 9.5 of 7 *DE Admin. Code Regulation 7201* ("CAFO Regulation").

application. The Departments may issue the NPDES General Permit to an eligible Poultry CAFO if the Departments determine that a Poultry CAFO has 125,000 or more chickens, no on-site land application of the chicken manure, and operates under an approved AWMP.

The Applicant applied for the NPDES General Permit under the new NPDES General Permit procedure because it owns and operates a Poultry CAFO at 1735 Woodyard Road, Harrington, Kent County. The Applicant raises 450,000 chickens on the farm and does not apply on-site any chicken manure, but instead stores and removes the chicken manure for disposal off-site pursuant to an approved AWMP.

The Departments received a request to hold a public hearing on the Application. On November 2, 2016, the Departments held a public hearing before the Departments' presiding hearing officer, Robert P. Haynes, Esquire. Ten persons attended the public hearing, and two persons provided public comments that opposed the Application. The public comments claimed that the Applicant's farm and operations did not meet NPDES General Permit's regulatory requirements because the farm lacked certain manure and waste handling structures and caused stormwater to runoff that polluted the surface waters.

The experts within the DNREC Division of Water, Surface Water Discharge Section ("SWDS") and the DDA's Nutrient Management Program ("NMP") jointly prepared a Technical Response Memorandum ("TRM"). The TRM addressed the public comments and determined that the Applicant's farm had the required structures and otherwise complied with the regulatory requirements for the NPDES General Permit and operates pursuant to an approved Animal Waste Management Plan ("AWMP"). The SWDS/NMP conducted an inspection of the Applicant's farm and determined it satisfied the requirements for the NPDES General Permit, as set forth in the TRM that recommended that the Departments issue the NPDES General Permit.

Mr. Haynes prepared the attached Hearing Officer's Report ("Report"), which recommends the Department issue the Applicant the NPDES General Permit based upon the record and particularly the recommendation of the Departments' experts as set forth in the TRM.

### **FINDINGS OF FACT**

The Applicant operates a Poultry CAFO that houses up to 450,000 chickens in ten houses. The Applicant's Poultry CAFO does not land apply manure on the property, but instead stores and removes the chicken manure. The Applicant operates the Poultry CAFO under an approved AWMP, which indicated plans to construct facilities for manure storage and waste handling. The Departments determine that the Applicant constructed the required manure storage and other waste handling facilities, and operates the farm consistent with the AWMP.

The Departments find that the Applicant's Poultry CAFO meets the eligibility requirements for the NPDES General Permit, which allows the Department to issue the NPDES General Permit to regulate surface water discharges from farms with 1) 125,000 or more chickens, 2) that do not land apply the chicken manure on-site, and 3) operate under an approved AWMP.

The public comments questioned whether the Applicant met the regulatory requirements for manure and waste handling and storage, and stormwater management. The Departments' experts inspected the Applicant's farm and determined that it satisfied the regulatory requirements for the NPDES General Permit. The Applicant operates under the Departments' approved AWMP and has the facilities for proper manure storage and waste handling. The TRM addressed the public's questions and comments. The TRM indicated that the farm had all the required manure and waste holding structures and that its operations met the regulatory requirements for a NPDES General Permit.

The Departments find that the Record supports issuing the NPDES General Permit for the Applicant's farm in order to receive NPDES permit coverage required by the United States Environmental Protection Agency ("EPA"). The Record supports that the Applicant's Poultry CAFO meets the regulatory requirement for the NPDES General Permit. Contrary to the public comments, the Applicant operates with the AWMP's required facilities that manage manure and wastes to prevent any discharge of pollutants into Delaware's waters.

The approved AWMP, as prepared by a Delaware certified AWMP preparer, requires that the Applicant follow the State Technical Standard's best management practices ("BMP") to protect Delaware waters from any unpermitted discharge of manure, litter, and process wastewater. The Departments incorporate a Poultry CAFO's approved AWMP into the NPDES permit, which provides a reasonable and well-supported method to regulate the Poultry CAFO under the NPDES permit program.

In sum, after considering the public comments, the Departments find that the Record supports the issuance of the NPDES General Permit. The Applicant's farm meets the criteria for a NPDES General Permit based upon the number of chickens it may house, and that it operates with an approved AWMP. The approved AWMP requires the Applicant to have manure storage and other animal waste storage facilities to prevent any stormwater runoff from chicken manure or other waste reaching Delaware's waters. The Departments' inspection of the Applicant's farm confirmed the presence of the required manure storage and animal waste facilities and that the farm operates consistent with its approved AWMP. The Applicant's NPDES General Permit will improve the regulation of this Poultry CAFO and will protect Delaware's waters from the risk of pollution from the nutrients in stormwater runoff from improperly managed chicken manure and other wastes.

## REASONS AND CONCLUSIONS

The Departments find that the Record, as established in the Report, support the Departments issuing the Applicant a NPDES General Permit. The public comments pointed out discrepancies in the Application with the proposed construction of facilities. The Applicant submitted its Application shortly after the Departments established the NPDES General Permit program, and the Application reflected proposed construction. The Departments' inspection of the Applicant's farm and determined that the Applicant has completed the construction of the facilities for storing chicken manure and other wastes. The SWDS/NMP TRM concluded that that the Applicant's farm satisfies the regulatory requirements for the NPDES General Permit.

The Departments enter the following conclusions:

1. The Departments have jurisdiction under their state and delegated federal authority in *7 Del. C. Section 6001 and 6006*, and *3 Del. C. §§2200 et seq.* to consider applications for a NPDES General Permit from an eligible Poultry CAFO;
2. Pursuant to *7 Del. C. Sections 6003, 6004, and 6006*, the Departments properly provided public notice of the Application and of the public hearing by publication of legal notices in two newspapers;
3. The Departments adopt the Report and the SWDS/NMP TRM to provide further support for this decision;
4. The Departments considered all timely and relevant public comments in making this determination;
5. The Departments find and conclude that the Record, as established in the Report, supports this final decision to issue the Applicant a NPDES General Permit;

6. The Departments shall issue the Applicant the NPDES General Permit to regulate Applicant's Poultry CAFO under the NPDES program based upon the CAFO Regulation, and thereby protect Delaware's waters from the risk of pollution; and

7. The Departments shall publish this Order on their websites and provide such public notice of the Order as required by the law and their applicable regulations.



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Shawn M. Garvin, Secretary of the  
Delaware Department of Natural Resources  
and Environmental Control



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Michael Scuse, Secretary of the  
Delaware Department of Agriculture

## HEARING OFFICER'S REPORT

To: The Honorable Shawn M. Garvin  
Secretary, Department of Natural Resources and Environmental Control  
The Honorable Michael Scuse  
Secretary, Department of Agriculture

From: Robert P. Haynes, Esquire  
Presiding Hearing Officer

Re: **DAIM Farm, LLC's Application for a National Pollutant Discharge Elimination System General Permit No. DE 5000N/11 for its Poultry Concentrated Animal Feeding Operations at 1735 Woodyard Road, Harrington, Kent County**

Date: July 17, 2017

### I. PROCEDURAL HISTORY

This Report makes recommendations to the Secretaries<sup>1</sup> of the Delaware Department of Natural Resources and Environmental Control ("DNREC") and the Delaware Department of Agriculture ("DDA") on DAIM Farm, LLC's ("Applicant") May 31, 2016 notice of intent application ("Application") for a National Pollutant Discharge Elimination System ("NPDES") General Permit No. DE 5000N/11 ("NPDES General Permit").

The Applicant owns and operates a farm at 1735 Woodyard Road, Harrington, Kent County that raises up to 450,000 chickens. The farm is subject to NPDES permit regulation as a Concentrated Animal Feeding Operations ("CAFO").

On June 15, 2016, the Departments published public notices of the Application in two newspapers and thereafter the Departments received one public comment that also requested a public hearing.

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<sup>1</sup> The DNREC and the DDA ("Departments") share regulatory authority to administer the NPDES permit program for Concentrated Animal Feeding Operations ("CAFO").

On October 2, 2016, the Departments published public notice of the public hearing, which the Department held November 2, 2016 at DDA's Commodities Building, State Fair Complex, 18500 South DuPont Highway, Harrington, Kent County. I presided over the public hearing and received comments from two persons. The public comment period closed at the conclusion of the hearing.

I requested the technical assistance from DNREC's Division of Water, Surface Water Discharge Section and DDA's Nutrient Management Program ("NMP"), which jointly administer the NPDES regulation of CAFO. SWDS/NMP provided the attached Technical Response Memorandum ("TRM"), which set forth its response to the public comments and its recommended action that the Department should issue the Applicant the NPDES General Permit.

## **II. SUMMARY OF THE RECORD<sup>2</sup>**

This Report establishes the following record: 1) the verbatim transcript of the public hearing; 2) the documents identified as exhibits; and 3) this Report, the attached TRM and any documents referenced in this Report and the TRM.

At the public hearing, I provided introductory remarks on the hearing's agenda, the Department's procedure, and the subject matter of the public hearing. Attending the public hearing for the Departments were Jessica Collins, SWDS' Environmental Scientist, Bryan Ashby, SWDS' Program Manager, NMP's Administrator Chris Brosch, and NMP's Environmental Scientist Clint Gill. Approximately ten other persons attended the public hearing.

Ms. Collins provided for the record the following exhibits:

Ex. 1-NPDES General Permit effective April 1, 2016-March 31, 2021

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<sup>2</sup> This summary does not determine any factual accuracy.

- Ex. 2-Fact Sheet to General Permit;
- Ex. 3-Departments form Notice of Intent application;
- Ex. 4-Legal Notice for the Application;
- Ex. 5-Legal Notice of the Public Hearing on the Application;
- Ex. 6-Public comments from Maria Payan, Food and Water Watch;
- Ex. 7-Applicant's completed Notice of Intent Application;
- Ex. 8-Applicant's Animal Waste Management Plan ("AWMP"); and
- Ex. 9-SWDS photographs 1-7 of Applicant's farm

Ms. Collins presented a slide show on the Application, which is Ex. 10. She explained that the Departments established the NPDES General Permit to administer the NPDES program to eligible Poultry Concentrated Animal Feeding Operations ("Poultry CAFO"). She indicated that the Applicant applied for the NPDES General Permit because its farm was a Poultry CAFO based upon raising 450,000 birds. She described the Applicant's farm as having ten poultry houses, two manure sheds, a composter, and a heavy area protection around the houses and sheds.

She described the NPDES permit program as regulating the discharge of point source pollutants into state waters that included streams and drainage ditches. She stated that the NPDES General Permit requires that all Poultry CAFOs participate in the nutrient management program, which she described as requiring: 1) education courses for participants; 2) permittees to maintain a current approved nutrient management plan prepared by a certified nutrient consultant; 3) permittees to submit annual reports that demonstrate compliance with the nutrient management policies. These policies include clean water management and conservation practices within the production area and protecting manure from any stormwater by using vegetative buffers and best management practices. She described the NPDES General Permit as eligible for all Poultry CAFO if they have more than 125,000 chickens, 82,000 laying hens, or 55,000 turkeys, and which do not land apply manure. She indicated that manure should be stored until exported off-

site, and that the Applicant should manage bird mortalities to prevent pollution of the waters of the state.

Maria Payan was the first public speaker and identified the Applicant's farm operated in the Nanticoke Watershed in Kent County, which she indicated was an exceptional, recreational and ecological resource, or ERES, water that required specific protection policies regarding nutrient management. She cited *7 Del. Code Chapter 22, the Nutrient Management Act*, as requiring a CAFO to meet Section 402 of the Clean Water Act. She mentioned preventing leaks from storage, collection and conveyance systems because leaks could release organic matter, nutrient and pathogens into the ground or surface waters. She mentioned a Poultry CAFO should have adequate storage to prevent polluted runoff, and should manage dead animals to protect ground and surface waters.

She stated that the Applicant grew birds for Perdue and used ten 60' wide by 580' long houses, which could raise 450,000 broilers per flock. She said that the Poultry CAFO had approximately five flocks per year, which meant two million birds could be raised a year. She said that the Applicant did not have any composting structure, pads or manure sheds. She pointed out page 4 of the Application that asked the question if the structures are adequate for the existing operations, and that the Applicant had indicated 'no' as its response. She then read the response to the Application's question about what additional structures are needed, which stated the Applicant needed to add a manure storage structure, an animal mortality facility and concrete pads to the chicken houses, the manure structure and the mortality facility. She indicated that the Applicant should have a heavy use protection area for cleanout operations, and that the Applicant should plant trees or sufficient buffer to create a barrier for dust. She said no birds should

populate the houses until sufficient safeguards were in place. She cited the proposed installation dates for the manure structure and animal mortality facility dates of June 15, 2017, and hedgerow planting of June 15, 2018.

She provided two google earth photographs that she claimed showed the leaching from a small structure next to the sedimentation pond. She cited *40 CFR 122* that an objective assessment for a CAFO discharge should consider the possible sources of pollutants, and that the Application fails to establish protection sufficient to protect a probable discharge. She cited page 7 of the Application and noted the zero tons of manure storage and zero manure sheds. She said that Code 313 of the Department's conservation practice of on-farm stockpiling in the production area limits manure storage to fourteen days without being covered. She said that the Application did not have any estimates for bird mortality, but she said that two million birds a year and assuming a low mortality estimate of 3% would result in 60,000 dead birds per year, which she claimed created a great probability for leaching. She said the Applicant has received complaints from a neighbor about flies and high nitrate levels. She showed photographs that were on her phone. She asked if there was a septic system on the farm and if the farm manager lives on the farm. She asked about the ownership and said that houses 6-10 had signs indicating that they were "Wasky Farm." Mr. Brosch responded that the Applicant owned all the houses. Ms. Payan concluded by requesting that the Departments deny the permit until the Applicant built adequate manure and compost storage structures, followed best management practices and corrected its paperwork.

Andy Brubacker spoke next as a neighbor to Applicant's farm. He commented that the Applicant's serious stormwater issues caused flooding during the recent heavy

rains. He said that he lived there for nine years prior to the poultry houses. He said the southeast side of the Applicant's property has no stormwater management and that before the houses there was no flooding. He said the houses have serious issues with flies that affects the neighborhood and that an inspector had noted them.

The SWDS/NMP provided their expert advice on the public comments in the TRM, which indicated that the Applicant had built the storage and other structures. The SWDS/NMP recommended that the Department issue the Applicant the NPDES General Permit.

### **III. FINDINGS OF FACT**

The Record supports finding that the Applicant satisfied the regulatory requirements for a NPDES General Permit because of the number of birds, the off-site disposal of manure, and that the Applicant operates the farm consistent with an approved AWMP. The SWDS and DDA inspected the Applicant's farm and determined that the Applicant has the required manure sheds and composter.

In March 2016, the Departments approved the NPDES General Permit for Poultry CAFOs in order to bring them into compliance with the United States Environmental Protection Agency's and the Departments' regulatory requirements. Accordingly, the Departments accepted the Applications that reflected proposed completion of the required structures based upon proposed completion dates for the manure sheds and composter. The Departments inspected the Applicant's farm and determined that it complied with the regulatory requirements.

The purpose of the NPDES General Permit is to provide a less burdensome procedure to regulate Poultry CAFO based upon their compliance with the AWMP. The

Applicant submitted its Application shortly after the Departments approved the NPDES General Permit. The Application included proposed construction, which the Departments have determined now has been completed. The Departments accept the Applications as corrected to reflect the completion of the construction. Accordingly, the Departments' experts recommend that the Applicant should receive a NPDES General Permit because it has met the regulatory requirements.

In sum, I recommend that the Departments should issue the Applicant a NPDES General Permit based upon facts in the record that shows that the Poultry CAFO satisfied the Departments' regulatory requirements for the NPDES General Permit.

#### **IV. REASONS AND CONCLUSIONS**

Based upon the above findings of fact, I conclude that the Departments should issue the Applicant a NPDES General Permit in order to provide NPDES permit coverage consistent with federal and Delaware regulations. The TRM reflects the positions of the Departments' experts in support of issuing the NPDES General Permit based upon their detailed and thorough analysis of the public comments, investigation of the public comments, and inspection of the Applicant's farm.

The public comment criticized the Applicant for not having certain required manure storage and composting facilities. The Departments investigated this claim and found that the Applicant had constructed the facilities and was operating the farm consistent with its AWMP. The Record supports the Departments issuance of the NPDES General Permit.

I recommend that the Departments enter the following:

1. The Departments have jurisdiction under their state and delegated federal authority in *7 Del. C. Section 6001 and 6006*, and *3 Del. C. §§2200 et seq.* to consider the Application for a NPDES General Permit from an eligible Poultry CAFO;

2. Pursuant to *7 Del. C. Sections 6003, 6004, and 6006*, the Departments properly provided public notice of the Application and of the public hearing by publication of legal notices in two newspapers;

3. The Departments adopt the Report to provide further support for this decision;

4. The Departments considered all timely and relevant public comments in making this determination, and this Order that authorizes that the Departments grant the Applicant the NPDES General Permit, which will provide NPDES permit coverage for Applicant's Poultry CAFO;

5. The Departments shall issue the Applicant a NPDES General Permit to regulate Applicant's Poultry CAFO under the NPDES program based upon the CAFO Regulation and thereby protect Delaware's waters from the risk of pollution; and

6. The Departments shall publish this Order on their websites and provide such public notice of the Order as required by the law and their applicable regulations.



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Robert P. Haynes, Esq.  
The Departments' Presiding Hearing Officer

**MEMORANDUM**

**TO:** Robert P. Haynes, Esq., DNREC, OTS, Senior Public Hearing Officer

**THROUGH:** Bryan Ashby, DNREC, Division of Water (DW), Environmental Program Manager II  
Chris Brosch, DDA, Nutrient Management Program Administrator

**FROM:** Jessica Collins, DNREC, DW, Environmental Scientist

**RE:** Technical Response Memorandum Regarding the DAIM Farm, LLC Application for CAFO NPDES General Permit for Large, Medium, and Designated Poultry CAFO's That Do Not Land Apply Manure Permit DE 500N/11

**DATE:** 04/11/2017

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This Technical Response Memorandum (TRM) was prepared at the request of the presiding hearing officer to assist in the preparation of Hearing Officer's Report to the Secretaries of the Delaware Department of Natural Resources and Environmental Control (DNREC) and the Delaware Department of Agriculture (DDA) (jointly referred to as Departments).

**Summary**

The DNREC, Division of Water Resources, Surface Water Discharges Section (SWDS) and the DDA, Nutrient Management Program (NMP), have completed their review of DAIM Farm, LLC's notice of intent application for coverage under National Pollutant Discharge Elimination System (NPDES) General Concentrated Animal Feeding Operation (CAFO) Permit Number DE 5000N/11, to operate Large and Medium Poultry CAFO without land application of manure under Section 9.5 of the DNREC's Regulations Governing the Control of Water Pollution. The SWDS and NMP recommend that the Departments issue the General Permit to DAIM Farm, LLC.

**Background**

Large Poultry CAFO's are characterized as having greater than, or equal to 125,000 chickens, and the DAIM Farm's 450,000 chickens at any one time is classified as a Large Poultry CAFO with no land application of chicken manure. Instead, chicken manure is exported off the farm. The DAIM Farm has an Animal Waste Management Plans (AWMP) that meets the criteria of the CAFO Regulations. The AWMP for this AFO has adequate provisions in place, such that all mortalities and manure are stored, and handled, in a manner that prevents contamination of waters of the state. In compliance with the CAFO Regulations manure, litter, and/or process wastewater discharges are prohibited from the production area. There are currently no known existing production area

discharge points at this farm. Any discharges of manure, litter, and/or process wastewater that may occur would be new discharges and are required to be reported to the departments. Currently Delaware regulates 56 large and medium Poultry CAFOs under the General Permit DE500N/11.

### Public Hearing

On July 15, 2016 Maria Payan request a public hearing regarding the DAIM farm LLC request for authorization under the General CAFO Permit DE 5000N/11. Ms. Payan had made the request for hearing based on her concern for the manure management practices, mortality management and overall Best Management Practices of the DAIM Farm LLC CAFO operation. Maria Payan's comments regarding improper manure and mortality management are addressed with the current state of the DAIM operation. Over the last six months the DAIM operation has completed the construction of two adequately sized manure sheds and composters, which is consistent with coverage under the General Permit DE 5000N/11. On November 2, 2016 a public hearing was held at the Harrington State Fairgrounds at the Agriculture and Commodities Building in Harrington, DE 19952 at 6p.m. which 8 people attended in addition to the Departments' staff.

The record from the public hearing reflects comments from Maria Payan, who also submitted written comments, and Mr. Andy Brubaker. Those comments are addressed or answered below.

#### **I. Whether there are proper manure and composting structures.**

Maria Payan submitted aerial photos with her request for hearing, via Google Maps, that displayed a small shed on the property that she claimed was not adequate storage for the number of poultry houses that it functioned for. The shed in question was a temporary structure used as a composter, and was designed only for short term management of chicken mortalities until a permanent structure could be completed. This operation, and many other farm operations, relies on the Federal Cost Share Program to assist in funding on farm infrastructure. In order to receive assistance from this program the operation has to be functioning, which means the facility could not be queued for funding until they were already operating, and had birds in their poultry houses.

The CAFO application notes that manure would be temporarily managed in the chicken houses. This type of manure management does not require full clean-outs with each out going flock, and in house manure management is a currently accepted method of manure management. The application also notes that this would be a temporary measure, as it has a compliance schedule for manure shed construction, which was based on the timing of the cost share. The application also includes that the small composter is a temporary practice on the farm, and will be superseded by a newer facility, based on the compliance schedule, once the cost share funds are available. By the time of the Hearing on November 2, 2016 both the two manure sheds and composting structure had been erected and were actively being operated.

The facilities infrastructure upon receiving the initial flock of birds was capable of preventing discharges to Waters of the State. The later inclusion of more robust Best Management Practices (BMP) just makes the facility that much more protected.

#### **II. Whether there are buffers in place around the farm property?**

A hedgerow or vegetative buffers are not required under the No-Land Application General Permit DE 500N/11. According to the Regulations Governing the Control of Water Pollution, Title 7, Del. Admin. Code 7201, 9.5 Concentrated Animal Feeding Operation (CAFO) under Section 5.0 Nutrient Management Plans or Animal Waste Management Plans, there is no vegetative buffer requirements for poultry operation's that do not land apply. Vegetative Buffers and set backs are required only for farms that land apply. Nevertheless, this permittee plans to add Hedgerows planting along the driveway and poultry houses. This BMP is to be implemented by June 15, 2018 according to the Animal Waste Management Plan for the DAIM Farm. Currently, there are agricultural crops and woodlands that surround the main portion of the operation.

**III. Whether there are any pipes that are running underground from any of the structures on the property to the sedimentation pond?**

To the knowledge of the Departments, there are no pipes that are running underground from any of the structures on the property to the sedimentation pond. From the DAIM Farm AWMP, there are aerial view maps that clearly distinguish that there are no subsurface drain pipes identified on the premises of the farm. Any plumbing, tubing, or water connectivity structures on the DAIM Farm, to the knowledge of the Departments, are utilized for production and not stormwater.

**IV. What is the action plan for the pile of construction material on the property?**

Currently, there is no pile of construction material on the property of the DAIM Farm. All materials that were present have been utilized for the construction of on farm infrastructure or removed. Construction material is not an item of concern in the CAFO permitting of this farm.

**V. What watershed is the DAIM farm connected to?**

The DAIM Farm was assessed by the Kent County Conservation District to be in the Nanticoke River watershed. This information can be found on the cover sheet of the DAIM Farm NMP.

**VI. Why are there multiple farm names at the end of the property? For example DAIM house 1-5 and Wasky Farm 6-10 who has ownership.**

The reason the DAIM Farm has different names on the chicken houses is because Perdue separates the houses based upon different contracts for the placement of the birds. All of the DAIM Farms owns and operates all the poultry houses and they are managed by Mr. Gujar.

**VII. Whether the nutrient management plan prevents nutrients from getting into the water and other concerns of the overall management of the farm.**

A neighbor, Mr. Brubaker, raised concerns with nutrient runoff and overall management. The farm operates subject to an approved comprehensive Nutrient Management Plan (NMP), which is based upon recognized methods to control nutrient runoff as a conservation system for an Animal Feeding Operation. It is designed to address, at a minimum, the soil erosion and water quality concerns within an operation. Within the DAIM Farm NMP are production area

conservation practices that are utilized to be effective measures to minimize impacts on the natural environment. On farm Best Management Practices (BMP) include; 1) good housekeeping practices to ensure all manure is confined to the production area's on the farm; 2) proper utilization of heavy use pads and roofed structures to safely store manure on the farm; and 3) the DAIM Farm has contracted for a hedgerow strip planting in 2018.

In addition to the on farm BMPs, the DAIM Farm has provisions in their AWMP that detail the manure generation and removal rates from the farm, adequate the manure storage capacity, and procedures for proper management of manure and mortalities. Also in the AWMP, are procedures for handling catastrophic mortality events, and maintaining production area biosecurity. To ensure these practices are being followed, the Departments have made regular visits to the DAIM Farm to ensure compliance with their BMP's, manure storage, and mortality management.