

Amended: Additional odor and vector control
best management practices added to permit
Pages Affected: All

State Permit Number AGU 1003-S-05
Effective Date: July 1, 2010
Expiration Date: June 30, 2015
Amendment Date: June 1, 2012



AUTHORIZATION TO OPERATE A LAND TREATMENT SYSTEM
FOR THE
AGRICULTURAL UTILIZATION OF WASTE

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

Isdell Sanitation and Pumping Service
PO Box 647
Milford, Delaware 19963

is hereby granted a permit to operate land treatment systems for the agricultural utilization of grease trap waste generated in restaurant operations and Dissolved Air Floatation (DAF) waste generated at the Perdue Milford, Delaware processing plant, the Mountaire Selbyville, Delaware processing plant, and Pet Poultry Products Bridgeville, Delaware processing plant. This permit is limited to the application of liquid waste as stated above at agronomic rates to the land treatment sites designated in this permit.

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

Robert G. Underwood, Program Manager
Surface Water Discharges Section
Division of Water, Department of Natural Resources
and Environmental Control

Date Signed

Part I

GENERAL DESCRIPTION OF OPERATION

The operation involves the land application of restaurant grease trap waste and dissolved air flotation (DAF) solids to the site locations listed below as specified in this permit. The approved wastes will be land applied at agronomic rates in accordance with the Nutrient Management Plan on file with the Delaware Department of Agriculture. The wastes shall be transported in accordance with all conditions required by Delaware Waste Transporters Permit Numbers DE WH-025 and DE OH-055 as applicable.

Any waste products containing pathogenic agents shall be stabilized in accordance with a process cited in Part III, (B), Section 600 of the Guidance and Regulations Governing The Land Treatment of Wastes.

SITE LOCATIONS:

1. Carey Farm (consists of 3 separate farms) Site Descriptions:

Office Farm:

Tax parcel number: 2-30-15.00-42.01

Approximately 228 acres of land bordering the east side of Draper Road and north of Slaughter Creek, approximately 5 miles north of Milton, Delaware. Only the land application of DAF solids is approved at this location.



Stormer Farm and Hickman Farm Site Descriptions:

Tax parcel numbers: 2-30-7.00-102 (Hickman Farm) and 2-30-7.00-105 (Stormer's Farm)

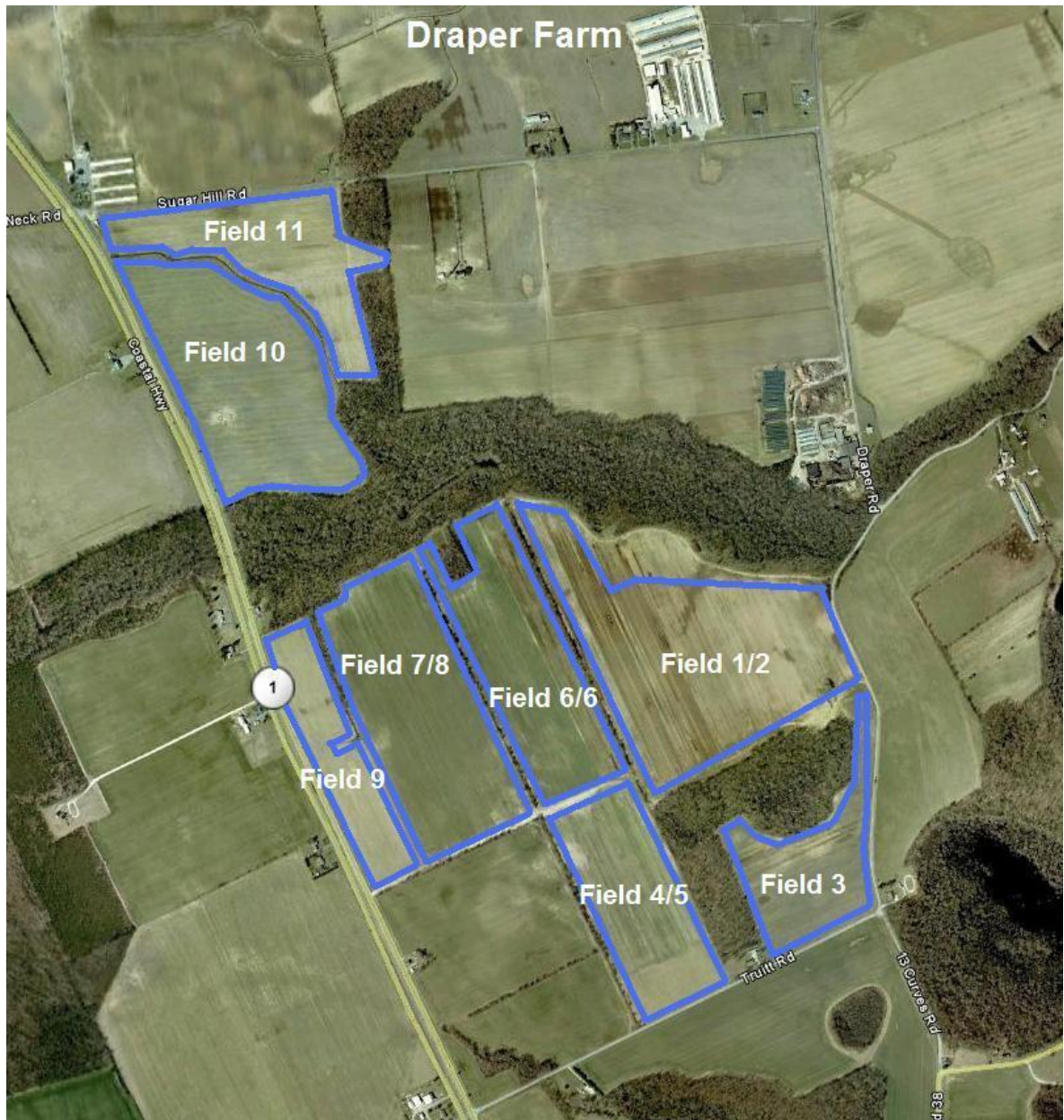
Approximately 159 acres of 306 acres of land north and west of Rutt Road, approximately 5 miles south east of Milford, Delaware. Only the land application of DAF solids is approved at these locations.



2. Draper Farm Site Description:

Parcels totaling approximately 397 acres adjacent to Slaughter Creek and bordering the east side of Coastal Highway, approximately 5 miles north of Milton, Delaware. Land application of DAF solids and grease trap waste is approved at this location.

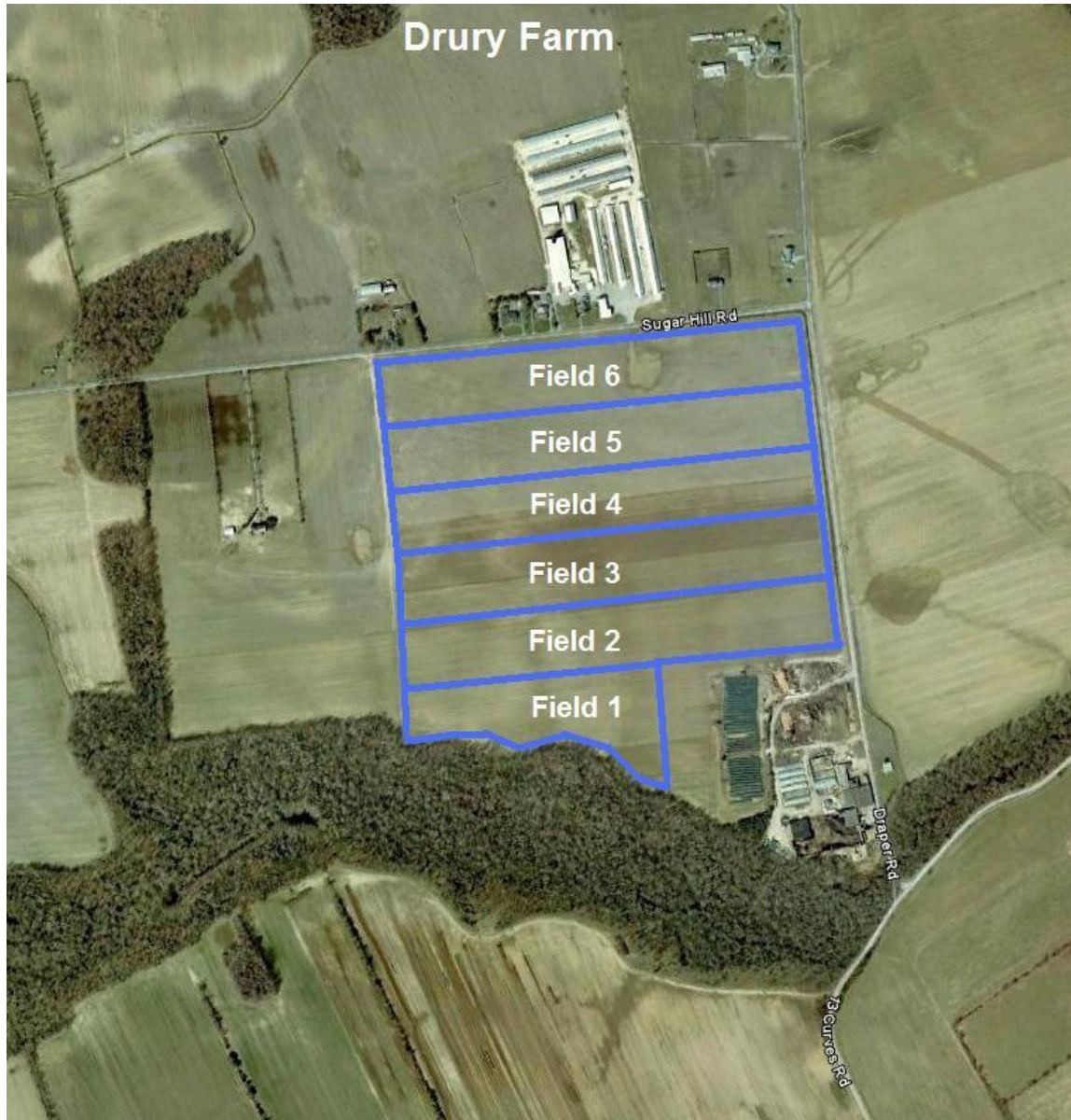
Tax parcel numbers: 2-30-15.00-32, 2-30-15.00-33, 2-30-15.00-33.02 and 2-30-15.00-36



3. Drury Farm (Phoebe Farm) Site Description:

Tax Parcel Number: 2-30-15.00-35.01

Approximately 148 acres of land located east of State Route 1 and south west of the intersection of Draper Road and Sugar Hill Road in Sussex County, approximately 5 miles north of Milton, Delaware. Only the land application of DAF solids is approved at this location.



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;
2. The Department's Guidance and Regulations Governing the Land Treatment of Wastes, Part III, B, Land Treatment of Sludges and Sludge Products (revised October 1999);
3. The application for the Land Treatment of Waste Products under Part V of the Guidance and Regulations Governing the Land Treatment of Wastes in Delaware and the project development report, final revision date March 1, 2010; and,
4. Non-Hazardous Liquid Waste Transporter Permit Numbers DE WH-025 and DE OH-055.

A.1 WASTE APPLICATION LIMITATIONS

During the period beginning on the effective date and lasting through the expiration date the permittee is authorized to operate the land treatment sites identified in Part I of this permit for the application of DAF solids or grease trap waste at agronomic rates, as indicated. The timing of waste application to the land treatment sites, as well as the quantity and quality of waste to be land applied, is specified below for each site.

DAF solids and grease trap waste shall be applied at agronomic rates established for the subsequent cropping plan. Mineralized nitrogen from prior application must be considered in calculating nitrogen application rates. Consultation with a Delaware Certified Nutrient Management Consultant is required in establishing DAF and grease trap waste application rates.

After an area has received its maximum load of DAF or grease trap waste, an appropriate application of nitrogen, corresponding to the requirements of the growing or subsequent crop may be applied to the area. Planting may be waived if evidence of natural reestablishment of a cover crop or hay crop is evident or if a crop will not germinate due to weather conditions.

Application of any waste other than grease trap waste or DAF solids from approved facilities to the approved land treatment sites as specified above is prohibited and will result in the revocation of this permit.

When any of the limits specified in the Nutrient Management Plan have been achieved, no additional waste may be applied to that site unless a supplementary approval has been issued by the Department.

If supplemental fertilizers are used on those portions of the land treatment sites which have received waste (this includes poultry litter scrubber dust), the total amount of plant available nitrogen applied shall not exceed the requirement of the current crop. Records of crop yield must be kept for each application area on the site.

The permittee shall automatically reduce the waste application rate if subsequent analyses show an increase in the Land Limiting Constituent, which has been identified to be nitrogen based on Project Development Report information. Reductions in the waste application rate do not require prior authorization from the Department.

Fields with “high” phosphorus soil levels (greater than 150 FIV, 150 ppm Mehlich 3, 120 ppm Bray P 1 or 75 ppm Mehlich 1) must have the phosphorus site index (PSI) calculated. Fields with PSI results above “low” levels (greater than 50) must submit the PSI results and a phosphorus management plan to the Department, for review and approval, within sixty (60) days of receipt of the soil analytical data. The phosphorus management plan must demonstrate steps that will be taken to reduce the PSI or phosphorus levels in the soil. Fields with “high”

phosphorus soil levels must continue to calculate the PSI at least once every three years until the phosphorus level in the soil is no longer "high". Failure to implement a phosphorous management plan, when applicable, may result in the Department invoking the provisions of Part II, B.6 of this permit.

A daily operating record must be maintained for a minimum of 5 years in accordance with Part I, E.3 of this permit each day land application occurs in accordance with Part II, A.1 of this permit.

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 water that has contacted wastes. Surface applied waste material shall be incorporated as soon as possible not to exceed two hours of application. Non-biodegradable contents (e.g. plastic products, steel wool) contents incidentally applied with DAF or grease trap waste shall be removed.

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

Application of approved wastes must be made using the application and incorporation equipment owned by Isdell Sanitation and Pumping and described in the facility plan of operation. Wastes will be delivered to the Blessing Greenhouse and Compost Facility on Draper Road near Sugar Hill Road or at the approved land application farms. Wastes are collected in spreading/injection equipment or stored temporarily in watertight tank trucks licensed to Isdell Sanitation and Pumping for later application. Temporary storage of waste shall not exceed 6 hours except if unforeseen field conditions do not allow for land application.

A.2 OTHER LIMITATIONS

Effort must be made to significantly reduce odors and reduce vector attraction by reducing the attractiveness of the waste(s) to the vectors and by preventing vectors from coming in contact with the waste(s).

Lime must be added to DAF solids at a rate that increases the pH of the DAF solids to at least 8.0 standard units (S.U.) at the time of land application. Records of lime additions to DAF solids shall be kept in accordance with requirements of Part I, F. of this permit.

If objectionable odors or vectors from land application activities regulated under this permit impact residential properties, the Department may require the addition of lime to the land application fields after application of wastes and/or additional lime be added to waste(s) prior to land application. In addition, if nuisance vectors from land application activities as outlined above impact neighboring properties, pest management practices shall be immediately implemented by the utilization of appropriate pesticides in accordance with State and Federal requirements. The Department may require additional odor control and/or vector control measures to be taken for any waste application under this permit, if deemed necessary.

Application at the Carey Farm (Office Farm) is limited to daylight hours only. In the event of unforeseen circumstances, the Department may make an exception to this condition in writing.

Application is forbidden during periods of active rain or onto excessively wet ground. Periods of active rain shall be defined more than .25 inches of rain in an hour. A rain gauge must be mounted and maintained on-site at any farm receiving application during any rainfall. Application onto snow in excess of 2 inches cover is not permitted without written Department approval. Application to frozen ground may be made provided that no runoff from the application area occurs.

Fields that receive land application of wastes must have appropriate vegetation established and harvested during the growing season(s) to receive nutrient uptake credits. Fields must be planted with appropriate vegetation within one (1) month of completing waste application, unless prohibited by weather conditions in which case vegetation must be established as soon as practicable. No more than two (2) fields under this permit may be open for the land application of wastes at a time.

The permittee shall conform to any conditions required by Sussex County ordinance and policy in addition to the conditions contained in this document.

Buffer zones established pursuant to Part III, (B), Subsection 702(2) (a) of the Guidance and Regulations Governing the Land Treatment of Wastes shall be maintained at all times during waste application.

No waste shall be applied if sample analysis yields pollutant concentrations in excess of the following values:

Arsenic	75 mg/kg	Cadmium	85 mg/kg	Chromium	3000 mg/kg	Copper	4300 mg/kg
Lead	840 mg/kg	Mercury	57 mg/kg	Molybdenum	75 mg/kg	Nickel	420 mg/kg
Selenium	100 mg/kg	Zinc	7500 mg/kg	PCB's	10 mg/kg	-	- -

Waste products containing pathogenic agents shall be stabilized in accordance with a process cited in Part III, (B), of the Guidance and Regulations Governing the Land Treatment of Wastes.

A.3 GROUNDWATER LIMITATIONS

Application of waste to the designated fields shall not cause groundwater to be in violation of applicable Federal or State Drinking Water Standards.

B. MONITORING REQUIREMENTS

During the period beginning on the effective date and lasting through the expiration date, the permittee is authorized to apply waste products approved under this permit at agronomic rates to the land treatment sites found in Part I, of this permit. Such applications shall be monitored by the permittee as specified below:

B.1 GREASE TRAP WASTE

<u>Parameter</u>	<u>Measurement</u>	<u>Sampling Frequency</u>	<u>Sample Type</u>
Moisture content	percent	Annually	Composite
Total Nitrogen as N (dry weight basis)	mg/kg	Annually	Composite
Organic Nitrogen as N (dry weight basis)	mg/kg	Annually	Composite
Ammonium and Nitrate Nitrogen as N (dry weight basis)	mg/kg	Annually	Composite
Phosphorus (dry weight basis)	mg/kg	Annually	Composite
Potassium (dry weight basis)	mg/kg	Annually	Composite
pH	S.U.	Annually	Composite
Fecal Coliform	Colonies/gm (MPN)	Annually	Composite

NOTE: Grease Trap Waste samples shall be collected from the land application vehicle. All waste samples shall be taken and analyzed in accordance with Part III, B., Subsection 1000 of the Department's Guidance and Regulations Governing the Land Treatment of Wastes. See Part I F. for reporting frequencies.

The Department may modify the sampling frequency based upon review of continuing or additional analyses.

B.2 DAF SOLIDS

<u>Parameter</u>	<u>Measurement</u>	<u>Sampling Frequency</u>	<u>Sample Type</u>
Moisture content	percent	Twice per year	Composite
Total Nitrogen as N (dry weight basis)	mg/kg	Twice per year	Composite
Organic Nitrogen as N (dry weight basis)	mg/kg	Twice per year	Composite
Ammonium and Nitrate Nitrogen as N (dry weight basis)	mg/kg	Twice per year	Composite
Phosphorus (dry weight basis)	mg/kg	Twice per year	Composite
Potassium (dry weight basis)	mg/kg	Twice per year	Composite
pH	S.U.	Twice per year	Composite
Arsenic (dry weight basis)	mg/kg	Every 2 Years	Composite
Cadmium (dry weight basis)	mg/kg	Every 2 Years	Composite
Chromium (dry weight basis)	mg/kg	Every 2 Years	Composite
Copper (dry weight basis)	mg/kg	Every 2 Years	Composite
Lead (dry weight basis)	mg/kg	Every 2 Years	Composite
Mercury (dry weight basis)	mg/kg	Every 2 Years	Composite
Molybdenum (dry weight basis)	mg/kg	Every 2 Years	Composite
Nickel (dry weight basis)	mg/kg	Every 2 Years	Composite
Selenium (dry weight basis)	mg/kg	Every 2 Years	Composite
Zinc (dry weight basis)	mg/kg	Every 2 Years	Composite

NOTE: All samples shall be taken from the DAF solids storage tank. All waste samples shall be taken and analyzed in accordance with Part III, B., Subsection 1000 of the Department's Guidance and Regulations Governing the Land Treatment of Wastes. See Part I F. for reporting frequencies. The sampling periods shall coincide with land application activity and may be modified after the Department has reviewed and evaluated all data received during the first year for potential variability.

The permittee shall not accept DAF solids for Land Treatment without first obtaining and submitting the required analysis to the Department.

The Department may modify the sampling frequency based upon review of continuing or additional analyses.

B.3 SOIL MONITORING

<u>Parameter</u>	<u>Measurement</u>	<u>Sampling Frequency</u>	<u>Sample Type</u>
Total Nitrogen as N (dry weight basis)	mg/kg	Annually	Composite
Organic Nitrogen as N (dry weight basis)	mg/kg	Annually	Composite
Ammonium and Nitrate Nitrogen as N (dry weight basis)	mg/kg	Annually	Composite
Phosphorus (dry weight basis)	mg/kg	Annually	Composite
Potassium (dry weight basis)	mg/kg	Annually	Composite
pH	S.U.	Annually	Composite
Aluminum (dry weight basis)	mg/kg	Annually	Composite
Chloride (dry soil basis)	mg/kg	Annually	Composite
Iron (dry weight basis)	mg/kg	Annually	Composite
Sodium (dry soil basis)	mg/kg	Annually	Composite
% Organic Matter	Percent	Annually	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
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

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 1000 of the Department's Guidance and Regulations Governing the Land Treatment of Wastes. See Part I, F. for reporting requirements.

The Department may modify the sampling frequency based upon review of continuing or additional analyses.

B.4 PLANT TISSUE AND GRAIN ANALYSIS

None is required at this time.

B.5 GROUNDWATER MONITORING

Application of waste to the designated fields shall not cause groundwater to be in violation of applicable Federal or State Drinking Water Standards.

C. SCHEDULE OF COMPLIANCE

Within sixty (60) days of the issuance date of this permit, the phosphorus site index (PSI) must be calculated for each application field with "high" phosphorus

levels. The PSI results and a phosphorus management plan for fields with PSI's above "low" levels (greater than 50) must be submitted to the Department in accordance with Part 1, A. 1 of this permit.

D. BONDING

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

E. 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.

F. REPORTING

1. In a format acceptable to the Department, the permittee shall submit to the Department and landowners an annual operation report on or before February 1 of each year. Should the permittee fail to supply the required documents on or before the deadline specified, the Department may revoke this permit. The annual operation report shall include the following:

- a. The daily operational record (as specified in Part II, A.1);
 - b. The weight (wet and dry tons) and volume of waste utilized at the land application site;
 - 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 for the constituents identified in Part I, B.3. 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 1000 of the Department's Guidance and Regulations Governing the Land Treatment of Wastes;
 - 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, A.1);
 - i. A daily log of the pounds of lime added to each truck load or batch of DAF solids. The volume (in gallons) of each truck load or batch shall also be included. |
 - j. pH values are to be taken to the nearest 1/10th S.U. and documented in a bound pH log book with for each truck load or batch of DAF to be land applied.
 - k. Receipts for all delivers of bulk lime, utilized for DAF solids odor control required in this permit. |
 - l. Additional information as required by the Department.
2. Waste analytical data obtained during the previous one monitoring period shall be summarized for each period and postmarked no later than the 28th day of the month following the completed reporting 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 submitted to the Department at the following address:

**DELAWARE DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL, DIVISION OF WATER, SURFACE
WATER DISCHARGES SECTION, 89 KINGS HIGHWAY, DELAWARE
19901; TELEPHONE: (302) 739-9946**

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 to the landowner of each site in accordance with condition F.2, above.

4. Test Procedures

Test procedures for all analyses shall conform to the applicable test procedures identified in Part III, (B), Section 1000 of the Department's Guidance and Regulations Governing the Land Treatment of Wastes, unless otherwise specified in this permit.

G. DEFINITIONS

1. "Agricultural Utilization" means the application rate of 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. "Dissolved Air Flotation Solids or DAF" means a semisolid, flowable waste, that does not contact sanitary waste water, composed of processing water and poultry processing solids that were unsuccessfully recovered in the facilities' offal process.
4. "Grease Trap Waste" means floatable solids from restaurant wastewater that does not contact sanitary wastewater.
5. "Land Application" means the placement of waste within 2 feet of the surface of land used to support vegetative growth.
6. "Phosphorus Site Index or PSI" means the assessment tool approved as a State Technical Standard designed to evaluate the site characteristics and management factors in determining Phosphorus loss to the environment.
7. "Treatment" means a process which alters modifies or changes the biological, physical, or chemical characteristics of waste.
8. "Vector Attraction" is the characteristic of sewage sludge that attracts rodent, flies, mosquitoes, or other organisms capable of transporting infectious agents.

Part II

A. MANAGEMENT REQUIREMENTS

1. Land Application of Waste

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

- a. The date, type, volume and dry weights of the waste applied;
- b. The application rate for waste;
- c. Weather conditions at the time of application
- d. The facility from which the waste originated;
- e. A map for each site showing the fields of daily activity;
- f. A record of any major deviations from the operating plan;
- g. A record of all actions taken to correct violations of the Delaware Environmental Protection Act and the Department's 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 land treatment sites authorized herein shall be in compliance 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, A.1, A. 2, and A. 3 of this permit, shall constitute a violation of the permit. Any anticipated facility expansion, production increase, or change in site conditions which would affect the land limiting constituent, create a new land limiting constituent, or adversely affect site conditions must be reported in writing to the Department. Upon review of this information, the Department may revoke or modify this permit in accordance with 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 or the Department's 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, at (800) 662-8802. In addition, a call must be placed at (302) 739-9946 during normal business hours, 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. **When submitting an application for permit renewal, updated Project Development Reports (PDRs) for all land treatment sites must be included.** 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, with written permission from the Department 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 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 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 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 applicable provisions 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 and B.2 of this permit.
 - 3) Copy of the last soil monitoring results as required in Part 1, B.3 of this permit. A soil test is required after the last land application of sludge and/or waste.

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

The provisions of this permit are severable, and if any provision of this permit, or the application or any provision of this permit to any circumstances is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

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. DE WH-025 and DE OH-055.
2. Pre Start-Up
 - 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. Before the permitted may begin to apply waste to a designated land application site for the first time of a calendar year, the permittee must notify the Department at (302) 739-9946 at least two (2) working days prior to the proposed start application date. The Department may require and conduct a pre start-up inspection to verify that proper buffer zones and that non-application areas are suitably marked. If a pre start-up inspection is required, based on the results of the 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 nutrient management plan for each site. Any change in the proposed nutrient 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.
5. Supersedes Previous Approvals

This permit supersedes all land application approvals previously issued to Isdell Sanitation and Pumping Service.