



Mountaire Farms
P.O. Box 1320 Millsboro,
DE 19966

O: 302-934-3466

sthompson@mountaire.com

March 2, 2026

Mr. John Rebar
Manager, Commercial & Government Service Section
Division of Water, DNREC
89 Kings Highway
Dover, DE 19901

Dear Mr. Rebar,

Since mid-January, Sussex County has received exceptional and unforeseeable amounts of precipitation and snowfall, leading to saturated wet conditions on our spray fields. Unfortunately, the levels of precipitation and projected additional precipitation will result in our two storage lagoons reaching their maximum free board levels allowable under Mountaire's Operations Permit (No. 359191-06). The elevated water levels are the result of Mountaire's commitment to not spray irrigating when fields are saturated or frozen in accordance with the Operations Permit.

Mountaire has taken every conceivable measure, including shutting down various processes within the processing plant to reduce water usage. Mountaire cancelled both production shifts on February 23 and processed on only one shift on February 24. Mountaire has also discontinued operations in several departments in the processing facility placing approximately 130 employees without work the week of February 23, 2026, and most likely the week of March 2, 2026. Unfortunately, long-term forecasts do not indicate an extended period of dry weather over the coming weeks, suggesting the need for additional days of suspended operations due to wet fields. The further suspension of processing operations will create severe hardship in many areas, including:

- thousands of employees (and poultry farmers) will go unpaid for the days while processing is suspended
- the potential for millions of birds to be euthanized, which has both animal welfare and environmental implications; and
- our ability to service areas of the country suffering food shortages due to extreme winter conditions is diminished.

Accordingly, while we hope that we will not need it, Mountaire is requesting a temporary emergency variance, under 7 Del. C. § 6012 from the permit limitations set forth in Part III.A.5 (spray irrigation is prohibited when saturated or frozen soil conditions exist) and A.17 (at least two feet of freeboard is required for all storage lagoons) for an amount of

time not exceeding sixty days.

The elevated storage lagoon water levels and the saturated conditions on our spray fields developed quickly over the past few weeks, thus foreclosing our ability to apply for an ordinary variance under 7 Del. C. § 6011. Nevertheless, compliance with subsections (b)(l) - (4) of Section 6011 is demonstrated as follows:

- 1) Mountaire's good faith efforts that have been made to comply with Delaware Regulations and Permit Requirements
 - Cancelled production shifts
 - Processing departments not operating
 - Additional water conservation measures
 - Continued compliance with wastewater permit parameters (see table below)

Month	Total Nitrogen Monthly Average (mg/L)
September	2.73
October	2.26
November	1.96
December	2.58
January	2.52

- 2) Mountaire is unable to comply with these regulatory and permit requirements because the necessary technology or other alternative methods of control are not available or have not been available for a sufficient period of time or the financial cost of compliance by using available technology is disproportionately high with respect to the benefits which continued operation would bestow on the lives, health, safety and welfare of the occupants of this State and the effects of the variance would not substantially and adversely affect the policy and purposes of Delaware's regulations or Mountaire's permit requirements.
 - There is no known technology that can alleviate rain-saturated spray fields.
 - Mountaire understands the importance of maintaining extra storage capacity in the lagoons prior to extreme weather events and by allowing additional freeboard to be used, spraying during in optimal times could be minimized.
 - Approximately 33 MG of storage was added in 2023 with total storage totaling 55 MG showing the commitment to adhere to permit requirements.

- There was approximately 3.19 MG in storage on January 24, the day of the first snowstorm indicating Mountaire was well prepared for the predicted winter weather.
- 3) Mountaire is currently using all available alternative operating procedures or interim control measures to reduce the impact of such source on the lives, health, safety and/or welfare of the occupants of this State; and
- Mountaire requested and was approved to use the off-spec storage lagoon on-site to store treated wastewater.
 - Mountaire installed one-thousand (1000) feet of phytoremediation in 2023 to act as a barrier and to protect Swann Creek.
 - The mitigation wells along with the wastewater upgrade continue to provide the two times reduction of Total Nitrogen at the facility (see table below).

Month	Average Times Reduction of Total Nitrogen Monthly
September	12.4
October	14.9
November	13.3
December	8.2
January	9.9

- 4) Mountaire’s continued operation is necessary to the lives, health, safety or welfare of the occupants of this State.
- The continued operation of Mountaire’s Millsboro facility is vitally important to the thousands of persons employed at the facility, as well as thousands of growers and others in the poultry processing supply chain here in Delaware.
 - The inability of Mountaire Millsboro’s facility to operate would also impact the Mountaire Selbyville operation as the rendering facility in Millsboro processes both facility’s products.
 - The supply of critical food to all parts of the country struggling with weather or power shortages can not be overstated.

If permission is granted, Mountaire will:

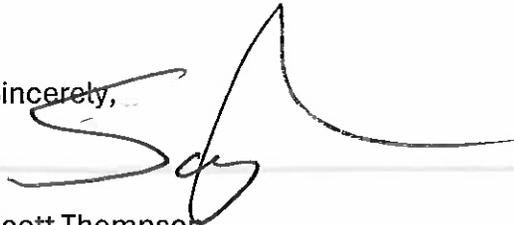
- Continue to meet permitted limits for all parameters
- Will continue to adhere to all hydraulic loading limitations listed in the permit
- Will provide verifications of no run-off twice each day

Mountaire®

- Will prioritize operating spray fields that are at a maximum distance from a receiving stream
- Will notify DNREC when the variance needs to be used
- Will provide to DNREC within five (5) days of utilizing this variance a summary of fields used and the dates, times and volumes of spraying that occurred

We greatly appreciate your consideration of this request. Given the weather conditions, this is an urgent matter to our company and we look forward to your response.

Sincerely,



Scott Thompson

VP, Operations Services