

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
R. KELLER HOPKINS
J. BRUCE MEARS
HOLLY J. WINGATE



Sussex County

DELAWARE
sussexcountyde.gov
302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date February 11th, 2020.

Application: CU 2258 Bioenergy Development Group, LLC

Applicant: Bioenergy Development Group, LLC
50 State Circle
Annapolis, MD 21401

Owner: BDG DE LLC
50 State Circle
Annapolis, MD 21401

Site Location: Lying on the west side of Seaford Road (Route 13A), approximately 0.2 mile north of Oneals Road (S.C.R. 485)

Current Zoning: AR-1 Agricultural Residential Zoning District

Proposed Use: Amend CU 1314 (as amended by CU's 1691 and 1692) to permit the processing and handling of poultry litter to include nutrient recovery for natural gas and electrical generation

Comprehensive Land
Use Plan Reference: Industrial

Councilmatic
District: Mr. Vincent

School District: Seaford School District

Fire District: Blades Fire District

Sewer: Private, On-Site

Water: Private, On-Site

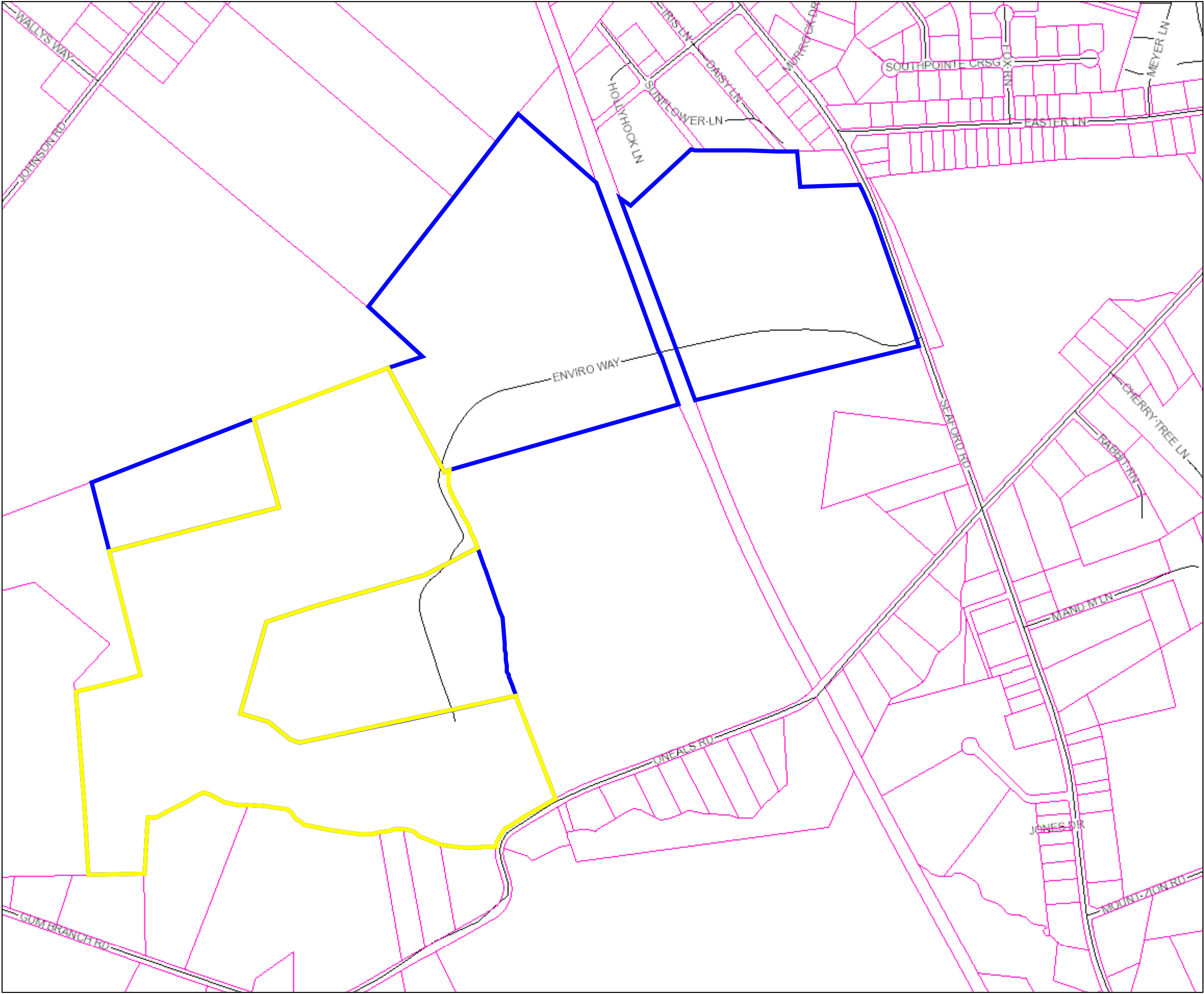
Site Area: 228.88 acres +/-

Tax Map ID.: 132-6.00-88.01, 95.00 & 132-11.00-41.00, 41.02





Sussex County

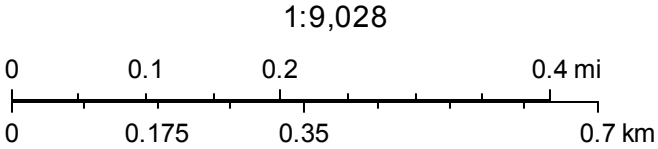


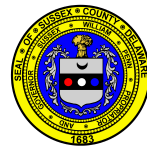
PIN:	132-11.00-41.00
Owner Name	BDG DE LLC
Book	5195
Mailing Address	50 STATE CIR
City	ANNAPOLIS
State	MD
Description	NW/RT 487
Description 2	1555'NE/RT 487 SW/50
Description 3	EASEMENT ENVIRO WAY
Land Code	

- polygonLayer

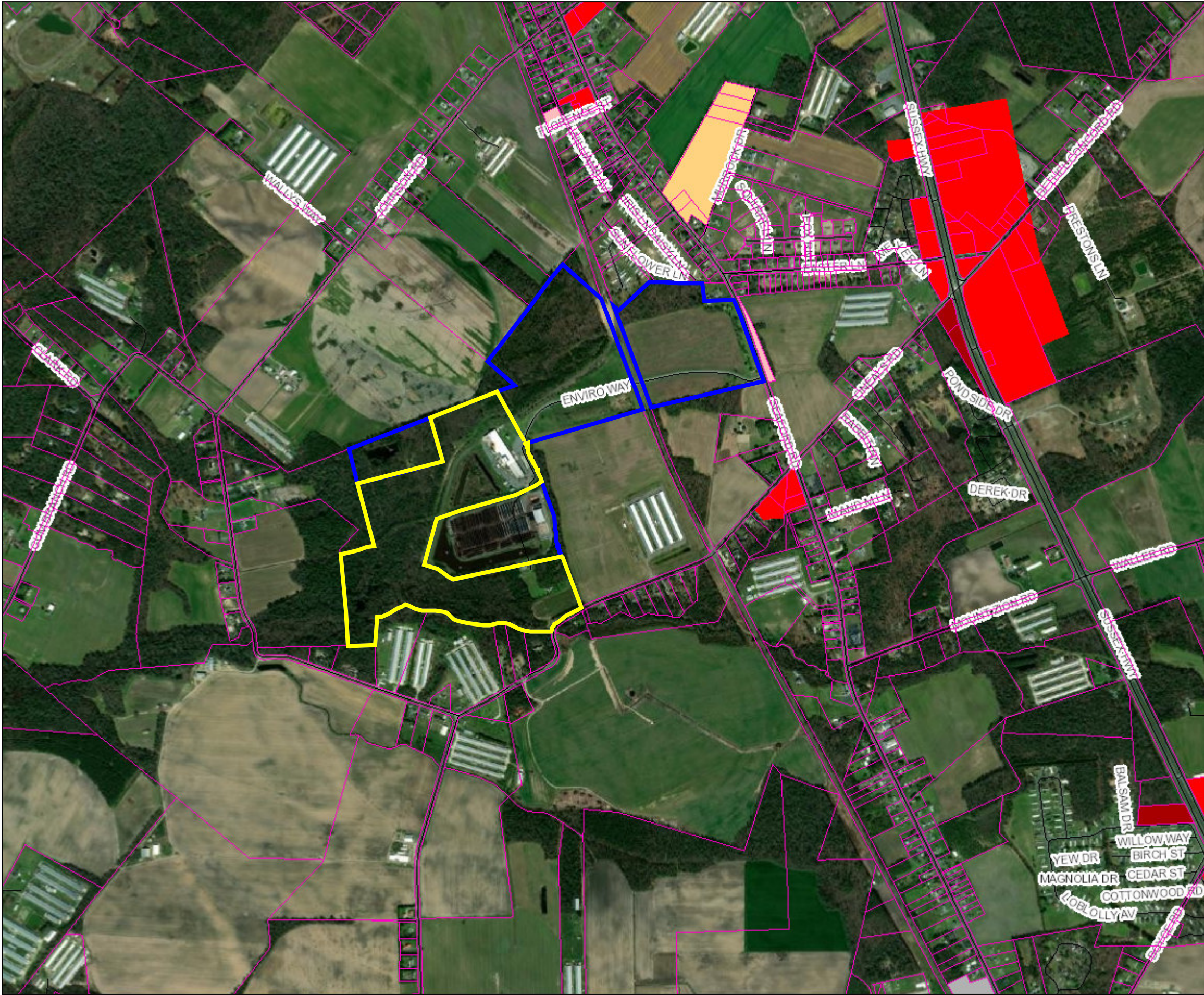
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- polygonLayer

Override 1
- Tax Parcels
- Streets
- County Boundaries
- Municipal Boundaries





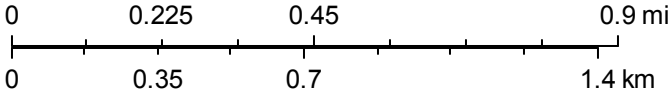
Sussex County

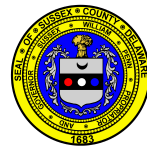


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- polygonLayer**
Override 1
- polygonLayer**
Override 1
- Tax Parcels
- Streets

1:18,056





Sussex County



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polygonLayer

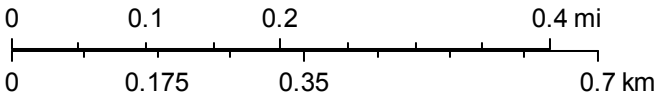
Override 1

polygonLayer

Override 1

- Tax Parcels
- Streets

1:9,028



JAMIE WHITEHOUSE, AICP MRTPI
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(302) 855-7878 T
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jamie.whitehouse@sussexcountype.gov



Sussex County

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Memorandum

To: Sussex County Planning Commission Members
From: Christin Scott, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: February 5, 2021
RE: Staff Analysis for CU 2258 Bioenergy Development Group, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2258 Bioenergy Development Group, LLC to be reviewed during the February 11, 2021 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcels 132-6.00-88.01, 95.00 & 132-11.00-41.00, 41.02 to amend CU 1314 (as amended by CU's 1691 and 1692) to permit the processing and handling of poultry litter to include nutrient recovery for natural gas and electrical generation to be located at 28338 Enviro Way, Seaford. The parcels are located on the west side of Seaford Rd. (Rt. 13A), approximately 0.2 mile north of Oneals Rd. (S.C.R. 485). Each separate parcel combines for a total acreage of 228.88 acres +/- the Applicant has submitted a Conceptual Site Plan showing the additional buildings and structures associated with the proposed use, and the floor areas associated with the additional buildings. The existing floor area of 69,120 sf. is proposed to be increased to 72,620 sf.

There are 3 related Conditional Use Applications for the parcels, CU 1314, CU 1691 & CU 1692. CU 1314 requested a micro-nutrient plant for poultry litter and was approved by the Sussex County Council on December 21, 1999 through Ordinance No. 1354. CU 1691 was a request to amend CU 1314 to a micro-nutrient plant with related truck entrance and rail spur for the processing and handling of poultry litter and was approved by the Sussex County Council on July 25, 2006 through Ordinance No. 1865. CU 1692 was a request to amend the conditions of approval of CU 1691 and CU 1314 and was approved by the Sussex County Council on August 1, 2006 through Ordinance No. 1866.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the parcels have a designation of "Industrial." The surrounding and adjacent properties located to the north, south, east, and west of the subject properties lie within the "Low Density" Future Land Use Map designation.

As outlined within the 2018 Sussex County Comprehensive Plan, Industrial Areas are lands devoted to concentrations of larger industrial uses including heavier industry, light industry, warehousing, and flex space. Appropriate development in these areas could take the form of conventional



industrial parks or planned business parks with a unified design that incorporate a combination of light industry and other business uses. Large, more intensive stand-alone industrial uses should also be directed to these areas.

The subject properties are zoned Agricultural Residential (AR-1). The adjoining parcels to the north, south, east and west are all zoned Agricultural Residential (AR-1). The properties to the south along Seaford Rd. (Rt. 13A) are zoned General Commercial (C-1).

Since 2011, there has been one additional Conditional Use application, as well as the applications mentioned above, within a 1-mile radius of the application site. Conditional Use No. 1940 to allow for a physical training studio and gym. This application was approved by the Sussex County Council on September 11, 2012 through Ordinance No. 2276-A

Based on the analysis of the land use, surrounding zoning and uses, the Conditional use to amend CU 1314 (as amended by CU's 1691 and 1692) to permit the processing and handling of poultry litter to include nutrient recovery for natural gas and electrical generation, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

Planning & Zoning Commission Application Sussex County, Delaware

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

Type of Application: (please check applicable)Conditional Use ☒

Zoning Map Amendment _____

Site Address of Conditional Use/Zoning Map Amendment

TM No.132-6.00-88.01 and 95.00 and 132-11.00-41.00 and 41.02

Type of Conditional Use Requested:

Amend CU 1314 (as amended by CUs 1691 and 1962) to permit the processing and handling of poultry litter to include nutrient recovery for natural gas and electrical generation

Tax Map #: See above

Size of Parcel(s): 228.88 a. +/-

Current Zoning: AR-1

Proposed Zoning: CU

Size of Building: _____

Land Use Classification: Industrial

Water Provider: on site

Sewer Provider: on site

Applicant Information

Applicant Name: Bioenergy Development Group, LLC

Applicant Address: 50 State Circle

City: Annapolis

State: MD

Zip Code: 21401

Phone #:

E-mail: pettinger@bioenergydevco.com

Owner Information

Owner Name: BDG DE LLC

Owner Address: same as above

City:

State:

Zip Code:

Phone #:

E-mail:

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Dennis L. Schrader

Agent/Attorney/Engineer Address: P.O. Box 690

City: Georgetown

State: DE

Zip Code: 19947

Phone #: (302) 856-0010

E-mail: dschrader@morrisjames.com



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

✓ **Completed Application**

✓ **Provide eight (8) copies of the Site Plan or Survey of the property**

- Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
- Provide a PDF of Plans (may be e-mailed to a staff member)
- Deed or Legal description

✓ **Provide Fee \$500.00**

___ **Optional - Additional information for the Commission/Council to consider** (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.

___ **Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**

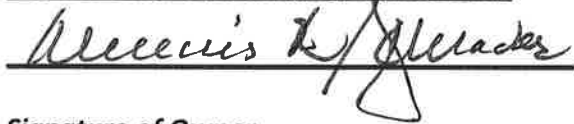
___ **DelDOT Service Level Evaluation Request Response**

___ **PLUS Response Letter** (if required)

The undersigned hereby certifies that the forms, exhibits, and statements contained in any papers or plans submitted as a part of this application are true and correct.

I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future needs, the health, safety, morals, convenience, order, prosperity, and general welfare of the inhabitants of Sussex County, Delaware.

Signature of Applicant/Agent/Attorney



Date: 12.27.20

Signature of Owner

Date: _____

For office use only:

Date Submitted: _____

Fee: \$500.00 Check #: _____

Staff accepting application: _____

Application & Case #: _____

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

JENNIFER COHAN
SECRETARY

January 16, 2020

Ms. Janelle Cornwell, Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **Bioenergy Development Group, LLC** conditional use application, which we received on December 17, 2019. This application is for an approximately 198.48-acre assemblage of parcels (Tax Parcels: 132-6.00-88.01, 132-6.00-95.00 & 132-11.00-41.00). The subject land is located on the north side of Oneals Road (Sussex Road 485) and west of Seaford Road (Sussex Road 13), approximately 350 feet southwest of the intersection of Seaford Road and Easter Hill Road (Sussex Road 485A), south of the City of Seaford. The subject land is currently zoned AR-1 (Agricultural Residential) and the applicant is seeking a conditional use approval.

Per the 2018 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Seaford Road where the subject land is located, which is from the south Blades limits to the north Laurel limits, is 5,960 vehicles per day. As the subject land also has frontage along Oneals Road, the annual average daily traffic volume along that road segment is 1,937 vehicles per day.

Our volume-based criteria for requiring a traffic impact study (TIS), addressed in Section 2.2.2.1 of the Development Coordination Manual, are that a development generates more than 500 trips per day or 50 trips during a weekly peak hour. While it seems that the above criteria could be met, we presently cannot predict the site's trip generation with enough accuracy to make a TIS useful. Thus, we recommend that this rezoning application be considered without a TIS and that the need for a TIS be evaluated when a subdivision or land development plan is proposed.


If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



Ms. Janelle M. Cornwell
Page 2 of 2
January 16, 2020

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

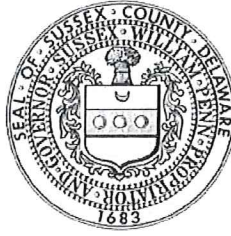
TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Jamie Whitehouse, Planning & Zoning Manager, Sussex County Planning & Zoning
Bioenergy Development Group, LLC, Applicant
J. Marc Coté, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance and Operations
Susanne Laws, Sussex County Subdivision Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
James Argo, South District Project Reviewer, Maintenance & Operations
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

(302) 855-7878 T
(302) 854-5079 F



Sussex County

DELAWARE
sussexcountype.gov

Service Level Evaluation Request Form

This form **shall** be submitted to the Planning and Zoning Office and a response **shall** be received back from DelDOT prior to the applicant being able to submit an application to the Planning and Zoning Office.

Date: 12/13/19

Site Information:

Site Address/Location: Seaford Road, Seaford, DE

Tax Parcel Number: 132-6.00-88.01, 132-6.00-95.00, 132-11.00-41.00

Current Zoning: AR-1

Proposed Zoning: AR-1

Land Use Classification: Industrial and Agricultural

Proposed Use(s): No change from existing use (micro nutrient plant)

Square footage of any proposed buildings or number of units: All buildings are existng

Applicant Information:

Applicant's Name: Bioenergy Development Group LLC

Applicant's Address: 6751 Columbia Gateway Drive, Suite 401

City: Columbia

State: MD

Zip Code: 20146

Applicant's Phone Number: (302) 943-4860

Applicant's e-mail address: pettinger@bioenergydevco.com



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE 19947

Last updated 7-27-18

E MAIL SENT 1/17/2020
2:50 PM



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

NICOLE MAJESKI
SECRETARY

February 11, 2021

Mr. Jamie Whitehouse, Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Mr. Whitehouse:

This letter is to update and replace our letter (copy enclosed) of January 16, 2020, in keeping with the current memorandum of understanding between DelDOT and Sussex County.

The Department has completed its review of a Service Level Evaluation Request for the Bioenergy Development Group, LLC conditional use application, which we received on December 17, 2019. This application is for an approximately 198.48-acre assemblage of parcels (Tax Parcels: 132-6.00-88.01, 132-6.00-95.00 & 132-11.00-41.00). The subject land is located on the north side of Oneals Road (Sussex Road 485) and west of Seaford Road (Sussex Road 13), approximately 350 feet southwest of the intersection of Seaford Road and Easter Hill Road (Sussex Road 485A), south of the City of Seaford. The subject land is currently zoned AR-1 (Agricultural Residential) and the applicant is seeking a conditional use approval.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Seaford Road where the subject land is located, which is from East 10th Street in Blades to the north Laurel limits, is 4,280 vehicles per day. As the subject land also has frontage along Oneals Road, the annual average daily traffic volume along that road segment is 1,937 vehicles per day.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips per day. This number of trips is below DelDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. DelDOT's regulations specify the minimum TIS warrants as 50 vehicle trips in any hour and/or 500 vehicle trips per day. Because the proposed land use would generate fewer than 50 vehicle trips per day, we consider the development's traffic impact to be **diminutive** in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application. DelDOT's description of this application as diminutive with regard to warranting a TIS does not mean that it is diminutive in

Mr. Jamie Whitehouse

Page 1 of 2

February 11, 2021

other respects. We recommend that the applicant not be required to perform a TIS for the subject application.

If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.

Please contact me, at (302) 760-2109, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:tbm

Enclosure

cc: Bioenergy Development Group, LLC, Applicant
Russell Warrington, Sussex County Planning & Zoning
Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, Development Coordination
Scott Rust, South District Public Works Manager, Maintenance & Operations
Steve McCabe, Sussex County Review Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
James Argo, South District Project Reviewer, Maintenance & Operations
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination
Annamaria Furmato, Project Engineer, Development Coordination



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. Box 778
DOVER, DELAWARE 19903

JENNIFER COHAN
SECRETARY

January 16, 2020

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Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

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If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



Ms. Janelle M. Cornwell

Page 2 of 2

January 16, 2020

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
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Claudy Joinville, Project Engineer, Development Coordination

**SUSSEX COUNTY ENGINEERING DEPARTMENT
UTILITY PLANNING & DESIGN REVIEW DIVISION
C/U & C/Z COMMENTS**

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **2/8/2021**

APPLICATION: **CU 2258 Bioenergy Development Group, LLC**

APPLICANT: **Bioenergy Development Group, LLC**

FILE NO: **WSPA-5.01**

TAX MAP &
PARCEL(S): **132-6.00-88.01, 95.00 & 132-11.00-41.00, 41.02**

LOCATION: **On the west side of Seaford Road (Rt. 13A), approximately 0.2 miles north of Oneals Road (SCR 485)**

NO. OF UNITS: **Amending previous CU's to permit the processing and handling of poultry litter to include nutrient recovery for natural gas and electrical generation.**

GROSS
ACREAGE: **228.88**

SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **2**

SEWER:

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?

Yes ☐

No ☒

- a. If yes, see question (2).
b. If no, see question (7).

- (2). Which County Tier Area is project in? **Tier 3**

- (3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? **N/A**.

- (4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7717.

- (5). Are there any System Connection Charge (SCC) credits for the project? **N/A** If yes, how many? **N/A**. Is it likely that additional SCCs will be required? **N/A** If yes, the current System Connection Charge Rate is **Unified \$6,360.00** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.

(6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **No**

☐ Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.

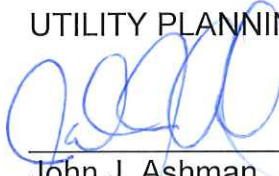
(7). Is project adjacent to the Unified Sewer District? **No**

(8). Comments: **The proposed Conditional Use is not located in an area where the Sussex County Engineering Department has a schedule to provide sanitary sewer service.**

(9). Is a Sewer System Concept Evaluation required? **No**

(10). Is a Use of Existing Infrastructure Agreement Required? **No**

UTILITY PLANNING APPROVAL:



John J. Ashman
Director of Utility Planning

Xc: Hans M. Medlarz, P.E.
Lisa Walls
No Permit Tech Assigned

ORDINANCE NO. 2311

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A COMPOSTING FACILITY AS AN EXTENSION TO CONDITIONAL USE NO. 1314 AND CONDITIONAL USE NO. 1691 (A MICRO-NUTRIENT PLANT WITH RELATED TRUCK ENTRANCE AND RAIL SPUR FOR THE PROCESSING AND HANDLING OF POULTRY LITTER) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 228.88 ACRES, MORE OR LESS (Tax Map I.D. 1-32-6.00-88.01 AND 95.00 and Tax Map I.D. 1-32-11.00-41.00)

WHEREAS, on the 5th day of March 2013, a conditional use application, denominated Conditional Use No. 1962 was filed on behalf of Chesapeake AgriSoil, LLC; and

WHEREAS, on the 25th day of April 2013, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 23rd day of May 2013, said Planning and Zoning Commission recommended that Conditional Use No. 1962 be approved with conditions; and

WHEREAS, on the 21st day of May 2013, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1962 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Broad Creek Hundred, Sussex County, Delaware, and lying west of Route 13A and north of Road 485 and being more particularly described as:

BEGINNING at a point on the westerly right of way of U.S. Route 13A, a corner for these subject lands and lands now or formerly of Victor E. Moore; thence south 85°45'06" west 250.23 feet, south 86°46'11" west 1068.22 feet and south 07°53'54" west 1,495.60 feet along lands of Victor E. Moore to a point; thence southerly along these lands and lands now or formerly of Victor E. Moore the following courses: south 24°14'37" east 92.40 feet, thence south 09°17'37" east 899.25 feet, thence south 05°00'23" west 313.50 feet, thence south 05°14'37" east 198.00 feet, thence south 09°59'37" east 610.94 feet to the northerly right of way of Road 465; thence westerly 505.15 feet along the northerly right of way of Road 485 to the centerline of Gum Branch; thence northwesterly along the meandering centerline of Gum Branch approximately 2,200.00 feet to a point, a corner for these lands and lands now or formerly of Stephen C. Glenn; thence south 16°46'19" west 354.98 feet along said Glenn property to a point; thence north 78°57'47" west 318.35 feet along lands now or formerly of Frederick M. O'Neal (Trustee) to a point; thence north 09°16'05" east 297.01 feet and north 04°55'59" east 817.39 feet along lands now or formerly of Ronald W. and Ruth M. Conaway to a point; thence north 86°05'12" east 396.08 feet and north 04°18'33" west 1,168.72 feet along lands now or formerly of Donald R. Eisenbrey to a point; thence north 79°02'14" east 2,055.56 feet and north 34°54'37" west 384.45 feet along lands now or formerly of Ralph H. and Jane L. Givens to a point; thence north 49°05'23" east 1,384.35 feet along lands now or formerly of Ralph H. Givens, lands now or formerly of Ronald G. Fensick, and lands now or formerly of Edward N. Dickerson to a point; thence south 45°47'19" east 717.20 feet along lands now or formerly of George D. Elzey, Jr. to a point; thence north 68°08'07" east 504.34 feet and south 79°42'15" east 619.83 feet along lands of Florence E. Johnson and Sussex Manor to a point; thence south 06°25'19" west 261.98 feet to a point; thence north 87°41'15" east 351.14 feet to a point on the westerly right of way of U.S. Route 13A; thence 1,036.47 feet along the westerly right of way of U.S. Route 13A to the point and place of beginning and containing 228.88 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

This Ordinance was adopted subject to the following conditions:

1. The conditions of previously approved Conditional Use No. 1314 and No. 1691 are unchanged by this approval, unless specifically modified herein.
2. The use shall be strictly limited to the improvements shown on the April 11, 2013 Site Plan proposed by Axiom Engineering, LLC. Any future additions, alterations or improvements to the Site Plan shall be subject to an application and public hearing to amend this Conditional Use.
3. Any rail cars accessing the site shall be cleaned at an off-site location.
4. The noise and odor emissions from the operations of the composting facility shall not exceed minimum standards established by DNREC or any other agency having jurisdiction over the project. The odors shall be controlled by negative air pressure in the receiving building, a bio-filter, and by the Gore Cover System.
5. The lands on the Site Plan surrounding the composting facility shall remain wooded north of the truck entrance. The location of all wooded, vegetative and buffer areas shall be shown on the Final Site Plan.
6. As proposed by the Applicant, all wooded areas outside of the approximately 20 acre project area shall remain as woodlands. Cut-over woodlands shall be allowed to mature.
7. Any lighting on the site shall be downward screened so that it does not illuminate neighboring properties or roadways.
8. All trucks entering the site must be covered.
9. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2311 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 25TH DAY OF JUNE 2013.


ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

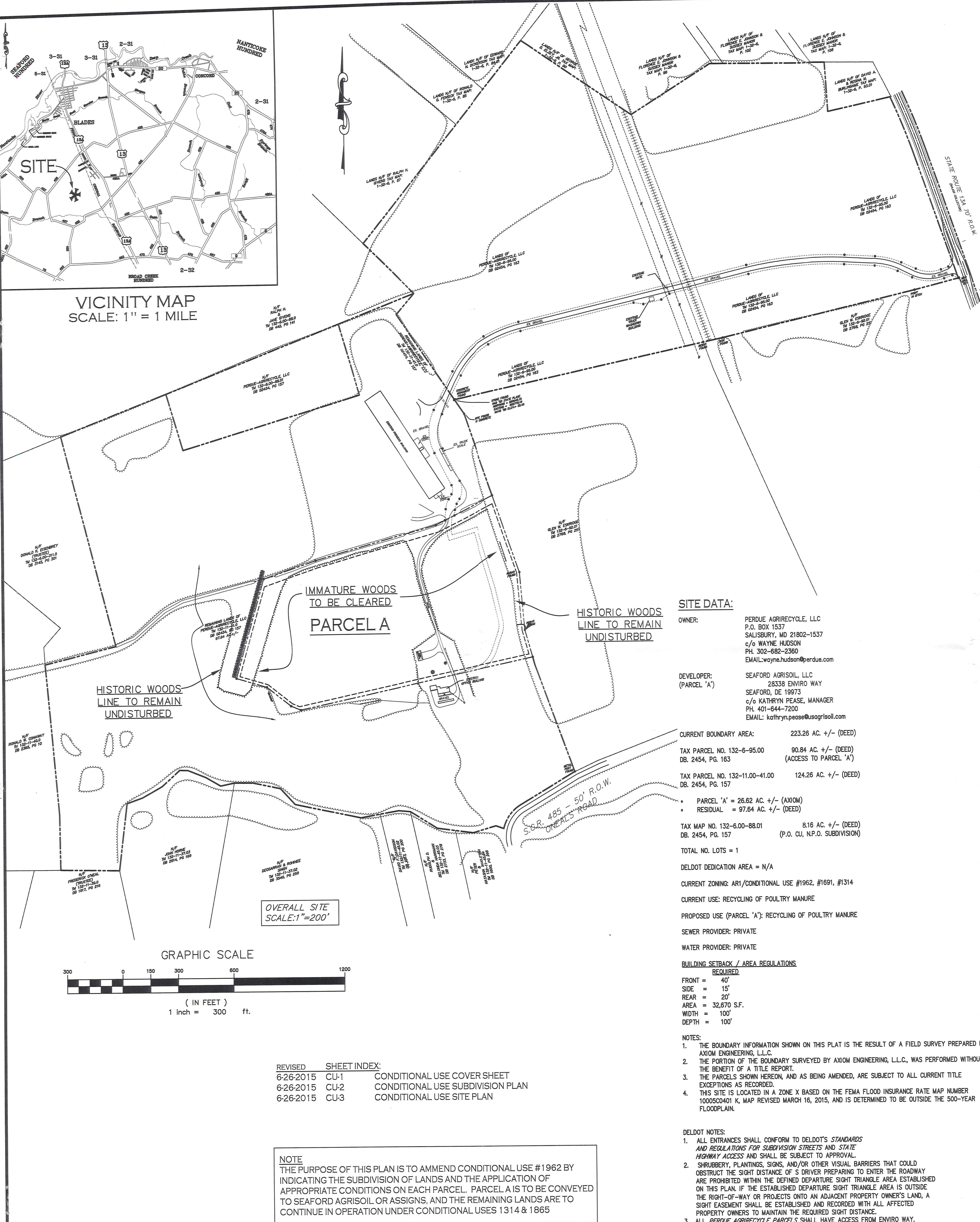
The Council found that the Conditional Use was appropriate legislative action based on the following Findings of Fact:

1. This is an application of Chesapeake AgriSoil, LLC to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a composting facility as an extension to Conditional Use No. 1314 Conditional Use No. 1691 (a micro-nutrient plant with related truck entrance and rail spur for processing and handling poultry litter), to be located on a certain parcel of land lying and being in Broad Creek

Hundred, Sussex County, containing 228.88 acres, more or less, lying west of Route 13A north of Road 485 (Tax Map I.D. 1-32-6.00-88.01 and 95.00 and Tax Map I.D. 1-32-11.00-41.00).

2. The Sussex Conservation District commented that the Applicant will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation; that no storm flood hazard areas or tax ditches are affected; that it is not likely that any off-site drainage improvements will be required; and that it is possible that on-site drainage improvements will be required.
3. The Sussex County Engineering Department, Utility Planning Division, commented that the site is located in the Western Sussex Planning Area No. 3 and Blades Planning Area No. 2; that an onsite septic system will be utilized; that the parcel is not in an area where the County has a schedule to provide sewer service at this time; and that a Concept Plan is not required.
4. Shannon Carmean-Burton, Attorney, of Sergovic, Carmean and Weidman, P.A., Ken Christenbury, Professional Engineer with Axiom Engineering, LLC, Whitney Hall, Professional Engineer, Wayne Hudson of Perdue Agri-Recycle, LLC, and Charlie Gifford of Chesapeake AgriSoil, LLC were present on behalf of the application and stated that this use will occupy approximately 20 acres of the 228.88 acre site; that the 20 acre portion is contained within Tax Map 1-32-11.00-41.00; that the site is immediately adjacent to the plant; that the existing wooded buffers will remain; that the site is being cleared to eliminate young seedlings and tree growth; that no clearing will occur beyond the railroad spur; that the original conditions for the micro-nutrient plant, as amended in 2006, will remain with the exception of the use of this facility; that DelDOT voiced no objections and determined that there will not be any traffic impact; and that DNREC approvals are required and will be obtained.
5. The Applicant stated that the proposed facility would utilize processed water from the Plant in this process rather than having to haul the processed water off-site for land application.
6. The Applicant further represented that Best Management Practices will be utilized; that the proposed project is very environmentally responsible; that the operation will be carried on during one daytime shift from 7:00 a.m. to 5:00 p.m. weekdays only; that water can be provided to control any dust; that the intended 20 acre area for the facility includes the stormwater management pond; that they may utilize dead-birds in a catastrophic emergency situation; that they anticipate 11 full-time employees, and assume approximately eight (8) secondary related service jobs; and that they will most likely be using independent haulers.
7. The Applicant further represented that the purpose of AR-1 includes references to provide for a full range of agricultural activities and protects agricultural lands; that it should also protect established agricultural operations and activities; that the permitted conditional uses in the AR-1 District include agricultural related activities; that it will decrease the amount of pollution and odor from poultry waste previously applied directly to the soils as a fertilizer; that the proposed use will provide community-wide benefits and the ability to recycle a by-product of the poultry industry utilizing the latest Gore technology; that due to the need for enhancing the ability of the poultry industry to protect the local environment, the proposed conditional use is an appropriate zoning method for permitting the use and thus, the conditional use complies with the Zoning Code; that the Applicant submits that this project is consistent with the provisions of the Comprehensive Plan which identifies the property in a Low Density Area; that the Plan provides that all land designated in the Low Density Area are currently zoned AR-1; that the Plan provides that the primary uses envisioned in Low Density Areas are agricultural activities and single family detached homes; and that industrial uses that support or depend on agriculture should be permitted.

8. The Applicant further represented that the Gore system proposed to be utilized uses positive aeration and a specially designed cover to create an enclosed system that optimizes the recycling process, controls odors and micro-organisms, separates leachate from storm water and creates a consistent product unaffected by outside environmental conditions; and that the use is designed to benefit the family farm and agricultural industry, especially poultry growers, in the County.
9. This is an extension of existing Conditional Uses approved by Sussex County; that Conditional Use Nos. 1314 and 1691 were for a micro-nutrient plant with related truck entrances and a rail spur for the processing and handling of poultry litter; that this is a reasonable change to the existing uses and a reasonable expansion to the overall site; that the proposed site is adjacent to the existing micro-nutrient plant that is operated by Perdue AgriSoil, LLC; and that the proposal is consistent with this adjacent use.
10. The proposed use will have a positive economic impact on Sussex County and its residents, with full-time employees on the site, and additional equipment and hauling services that are necessary for the operation of the facility.
11. The application is supported by the Inland Bays Foundation and the Secretary of the Delaware Department of Agriculture.
12. The use is consistent with the underling AR-1 Agricultural Zoning and the rural agricultural uses that exist in the vicinity of the site; that the proposed use will be a benefit to agriculture in Sussex County, as well as the Delmarva Peninsula, as an efficient means to eliminate a potential source of excess nitrates and phosphates from area soils; and that it also provides an innovative but environmentally sensitive method of handling poultry waste products and produces an end-product that can be beneficially used in an environmentally responsible manner.
13. This use promotes the goals of the Sussex County Comprehensive Plan by enhancing the environmental quality of Sussex County; it is also a use which has a public or semipublic character that is essential and desirable to the general convenience and welfare of Sussex County and its residents.
14. Based on the record and recommendation of the Planning and Zoning Commission and the record created before Council, the Conditional Use was approved subject to 9 conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.



1999 CONDITIONAL USE 1314 - CONDITIONS APPLICABLE TO REMAINING LANDS OF PERDUE-AGRIRECYCLE, LLC

- This Ordinance was adopted subject to the following stipulations:
- The conditional use area shall be strictly limited to the improvements shown on the site plan and attached supplements, the site plan prepared by McCrone. Any future additions, alterations, or improvements shall be subject to an application and public hearings to amend this conditional use.
 - The proposed truck entrance shall be located as shown on the supplement to the site plan north of the boundary of the lands of Victor E. Moore, parcel 92, and shall have the buffer areas shown on the supplement the site plan vegetated with native trees and Leyland Cypress.
 - The proposed truck entrance shall be improved to limit dust with bituminous surface treatment, as a minimum, from Route 13A back to the railroad right-of-way.
 - ~~Movement of rail cars within the conditional use area for loading purposes shall be limited to daylight hours. The drop-off and pick-up of rail cars by the rail company servicing the spur is not restricted.~~ CONDITION #4 DELETED IN 2006 PER C/U#1865
 - Rail cars shall be cleaned off-site.
 - All truck trailers shall have the raw litter enclosed in waterproof tarps and shall be designed to prevent leakage.
 - ~~Truck travel to the site shall be during daylight hours limited to Monday through Saturday.~~ CONDITION #7 DELETED IN 2006 PER C/U#1865
 - The pelletized product of the processing plan shall be shipped in enclosed railroad cars or enclosed tractor-trailers.
 - ~~All activities shall be limited to the inside of the building. The loading, unloading, and processing of raw material/litter shall be within the negative air section of the building. The loading of the finished product into transport vehicles shall be under the roof.~~ CONDITION #9 MODIFIED IN 2006 PER C/U#1865
 - The noise and odor emissions from the plant shall be controlled by the negative air system, and shall be controlled by using bag houses, cyclone fans and air scrubbers; in no event shall the plant be allowed to operate with noise or odors exceeding minimum standards established by the Department of Natural Resources and Environmental Control or any other agency having jurisdiction over the project.
 - The lands shown on the site plan as cultivated and acquired from E. Jean Fleetwood shall remain in the wooded and cultivated state north of the truck entrance and shall be enhanced with native trees and Leyland Cypress in the buffer areas shown on the supplement to the site plan.
 - All woodland areas within the site and shown as woodland areas will remain as woodland, cut-over woodland will be allowed to mature.
 - All timber areas will only be harvested with mandatory replanting after harvest. No harvesting shall occur within 100 feet of a property line or public roadway.
 - The site plan shall be subject to review and approval by the Planning and Zoning Commission.
 - A vegetated buffer shall be planted at the time on-site construction begins.
 - A processing plant will not be permitted on the site.
 - All lighting on the site shall be directed towards the site and no lighting shall be directed off-site.
 - ~~No operating hours will be permitted on Sunday.~~ CONDITION #18 DELETED IN 2006 PER C/U#1865

2015 CONDITIONAL USE 1962 - CONDITIONS APPLICABLE TO PARCEL 'A' ONLY - LANDS TO BE CONVEYED TO SEAFORD AGRISOL, LLC OR ASSIGNS:

- THE CONDITIONS OF PREVIOUSLY APPROVED CU #1314 AND CU #1691 ARE UNCHANGED BY THIS APPROVAL, UNLESS SPECIFICALLY MODIFIED HEREIN.
- THE USE SHALL BE STRICTLY LIMITED TO THE IMPROVEMENTS SHOWN ON THIS SITE PLAN PROPOSED BY AXIOM ENGINEERING, LLC. ANY FUTURE ADDITIONS, ALTERATIONS OR IMPROVEMENTS TO THE SITE PLAN SHALL BE SUBJECT TO AN APPLICATION AND PUBLIC HEARING TO AMEND THIS CONDITIONAL USE.
- ANY RAILS CARS ACCESSING THE SITE SHALL BE CLEANED AT AN OFF-SITE LOCATION.
- THE NOISE AND ODOR EMISSIONS FROM THE OPERATIONS OF THE COMPOSTING FACILITY SHALL NOT EXCEED MINIMUM STANDARDS ESTABLISHED BY D.N.R.E.C. OR ANY OTHER AGENCY HAVING JURISDICTION OVER THE PROJECT. THE ODORS SHALL BE CONTROLLED BY NEGATIVE AIR PRESSURE IN THE RECEIVING BUILDING AND A BIO FILTER AND BY THE GORE COVER SYSTEM OR APPROVED EQUAL.
- THE LANDS ON THE SITE PLAN SURROUNDING THE COMPOSTING FACILITY SHALL REMAIN WOODED NORTH OF THE TRUCK ENTRANCE. THE LOCATION OF ALL WOODED, VEGETATIVE AND BUFFER AREAS SHALL BE SHOWN ON THE FINAL SITE PLAN.
- AS PROPOSED BY THE APPLICANT, ALL WOODED AREAS OUTSIDE OF THE APPROXIMATELY 20 ACRE PROJECT AREA SHALL REMAIN AS WOODLANDS. CUT-OVER WOODLANDS SHALL BE ALLOWED TO MATURE.
- ANY LIGHTING ON THE SITE SHALL BE DOWNWARD SCREENED SO THAT IT DOES NOT ILLUMINATE ON NEIGHBORING PROPERTIES OR ROADWAYS.
- ALL TRUCKS ENTERING THE SITE MUST BE COVERED.
- THE FINAL SITE PLAN SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE SUSSEX COUNTY PLANNING AND ZONING COMMISSION.

2006 CONDITIONAL USE 1865 - AMENDED CONDITIONS APPLICABLE TO REMAINING LANDS OF PERDUE-AGRIRECYCLE, LLC

- This is an existing Conditional Use (No. 1314) that was approved by the County Council in 1999. This application will not materially change the use that is permitted upon the property.
- The Applicant is requesting reasonable changes to the existing Conditional Use permit to meet its needs for the recycling of poultry manure and marketing of the pelletized micro-nutrients.
- The use has proven to be a benefit for the family farm and the agricultural industry in Sussex County. It has also proven to be a good way to eliminate a potential source of excess nitrates and phosphates from Sussex County soils.
- The Applicant has requested the deletion of the 4th condition of Conditional Use No. 1314 to allow the movement and drop-off and pick-up of rail cars within the site at any time. Delete Condition No. 4, as requested.
- The Applicant has requested that the 7th condition be deleted to allow truck travel to the site at any time; by allowing truck travel to the site at any time, the plant can operate more efficiently and fuel costs would be reduced. Delete Condition No. 7, as requested.
- The Applicant has requested an amendment to the 9th condition to allow outside storage in watertight containers; the material would be stored in a neat and orderly fashion inside watertight containers. This will also allow the plant to operate more efficiently. The Planning and Zoning Commission recommended that the 9th condition be modified to state "all activities involving raw litter shall be inside of the building. The loading, unloading and processing of raw material/litter shall be within the negative air section of the building. Storage of finished product, both pellets and granulated, may be stored outside in watertight containers. The loading of the finished product onto transport vehicles shall be under roof." Amend Condition No. 9 as requested and recommended by the Commission.
- Delete Condition No. 18 which states "No operating hours will be permitted on Sunday."
- The Applicant has operated the facility very well during the past five years. Even with these recommended amendments to the existing Conditional Use, the noise, odor, or other effects of the operations are no different than other agricultural uses that exist all over Sussex County.

OWNER CERTIFICATION:

I HEREBY CERTIFY THAT I AM THE REPRESENTATIVE OF THE LEGAL OWNER OF THE PROPERTY SHOWN AND DESCRIBED ON THIS PLAN. THE AREA LABELED "PARCEL A - BOUNDARY TO BE RECORDED" IS TO BE SUBDIVIDED AND CONVEYED TO THE DEVELOPER. LAND DISTURBANCE SHOWN ON THESE PLANS OUTSIDE OF THE SUBDIVIDED PARCEL IS PERMITTED AS SHOWN, AND IS TO BE DEVELOPED IN ACCORDANCE WITH ALL APPLICABLE LAWS, ORDINANCES AND REGULATIONS. I HEREBY AUTHORIZE THE RIGHT OF ENTRY FOR PERIODIC ON SITE INSPECTIONS ONTO PARCEL "A" AND THE DISTURBED AREAS OUTSIDE OF PARCEL "A" BY STATE OF DELAWARE, DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL COMPLIANCE PERSONNEL AND/OR AUTHORIZED AGENTS.

N. House Hudson VP of Operations
PRINTED NAME AND TITLE

2/1/2015 6/29/15
DATE

SIGNATURE
PERDUE AGRICULTURE, LLC
P.O. BOX 1537
SALISBURY, MD 21802-1537
410-543-3000

DEVELOPER CERTIFICATION:

I HEREBY CERTIFY THAT I AM THE APPLICANT AND DEVELOPER OF THE AREA LABELED "PARCEL A - BOUNDARY TO BE RECORDED". THE PROJECT SHOWN ON THESE PLANS IS TO BE DEVELOPED IN ACCORDANCE WITH ALL APPLICABLE LAWS, ORDINANCES AND REGULATIONS. I HEREBY CERTIFY THAT ALL CLEARING, GRADING, CONSTRUCTION AND/OR DEVELOPMENT WILL BE DONE PURSUANT TO THE APPROVED PLAN, AND THAT ALL RESPONSIBLE PERSONNEL INVOLVED IN THE LAND DISTURBING ACTIVITIES WILL HAVE A SEDIMENT AND STORMWATER MANAGEMENT CERTIFICATION FROM THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL. I HEREBY AUTHORIZE THE RIGHT OF ENTRY FOR PERIODIC ON SITE INSPECTIONS BY STATE OF DELAWARE, DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL COMPLIANCE PERSONNEL AND/OR AUTHORIZED AGENTS.

Katrina 6/29/15
BY: DATE

SEAFORD AGRISOL, LLC
28338 ENVIRO WAY
SEAFORD, DE 19673
401-644-7200
CHARLES.GIFFORD@SEAFORDAGRISOL.COM

APPROVED
Final Site Plan Per 6/29/15
6/19/15, CU 1865 & 1314, agency approvals
SUSSEX COUNTY 7/10/15
PLANNING & ZONING COMMISSION

WARNING
IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO SCALE

ENGINEER	KRC	RWR	RWR	6-26-2015	RRC	RRC	RRC	RRC	6-26-2015	DATE
DESIGNER	RRC	RWR	RWR	6-26-2015	RRC	RRC	RRC	RRC	6-26-2015	DATE
DRAWER	RRC	RWR	RWR	6-26-2015	RRC	RRC	RRC	RRC	6-26-2015	DATE
CHECKED BY	RRC	RWR	RWR	6-26-2015	RRC	RRC	RRC	RRC	6-26-2015	DATE
DATE	RRC	RWR	RWR	6-26-2015	RRC	RRC	RRC	RRC	6-26-2015	DATE
TAX MAP	RRC	RWR	RWR	6-26-2015	RRC	RRC	RRC	RRC	6-26-2015	DATE
SCALE	RRC	RWR	RWR	6-26-2015	RRC	RRC	RRC	RRC	6-26-2015	DATE
PROJECT NO.	RRC	RWR	RWR	6-26-2015	RRC	RRC	RRC	RRC	6-26-2015	DATE
0234-1301	RRC	RWR	RWR	6-26-2015	RRC	RRC	RRC	RRC	6-26-2015	DATE
SEAFORD AGRISOL FACILITY	RRC	RWR	RWR	6-26-2015	RRC	RRC	RRC	RRC	6-26-2015	DATE
28338 ENVIRO WAY, SEAFORD	RRC	RWR	RWR	6-26-2015	RRC	RRC	RRC	RRC	6-26-2015	DATE
BROAD CREEK HUNDRED, SUSSEX COUNTY, DELAWARE	RRC	RWR	RWR	6-26-2015	RRC	RRC	RRC	RRC	6-26-2015	DATE
CONDITIONAL USE	RRC	RWR	RWR	6-26-2015	RRC	RRC	RRC	RRC	6-26-2015	DATE
COVER SHEET	RRC	RWR	RWR	6-26-2015	RRC	RRC	RRC	RRC	6-26-2015	DATE
DRAWING:	RRC	RWR	RWR	6-26-2015	RRC	RRC	RRC	RRC	6-26-2015	DATE
CU-1	RRC	RWR	RWR	6-26-2015	RRC	RRC	RRC	RRC	6-26-2015	DATE
SHEET:	RRC	RWR	RWR	6-26-2015	RRC	RRC	RRC	RRC	6-26-2015	DATE
1 OF 3	RRC	RWR	RWR	6-26-2015	RRC	RRC	RRC	RRC	6-26-2015	DATE

1) PROCESS ENGINEERING INDICATED ON THESE PLANS WERE PREPARED BY OTHERS, AND ARE NOT THE RESULT OF ENGINEERING EFFORTS PREPARED BY AXIOM ENGINEERING, LLC. PROCESSES TO OCCUR UNDER ROOF WILL OCCUR IN THE PROPOSED 15,000 S.F. BUILDING, WHICH SHALL BE DESIGNED TO ACCOMMODATE THE COMPOSTING PROCEDURES.

-
- N/F
DONALD R. EISENBREY
(TRUSTEE)
TM 132-6-00-311.0
DB 3145, PG 301
- N/F
RONALD W. CONWAY
TM 132-11-40.0
DB 2365, PG 10
- N/F
FREDERICK O'NEAL
(TRUSTEE)
TM 132-11-39.0
DB 1917, PG 216
- PARCEL TO

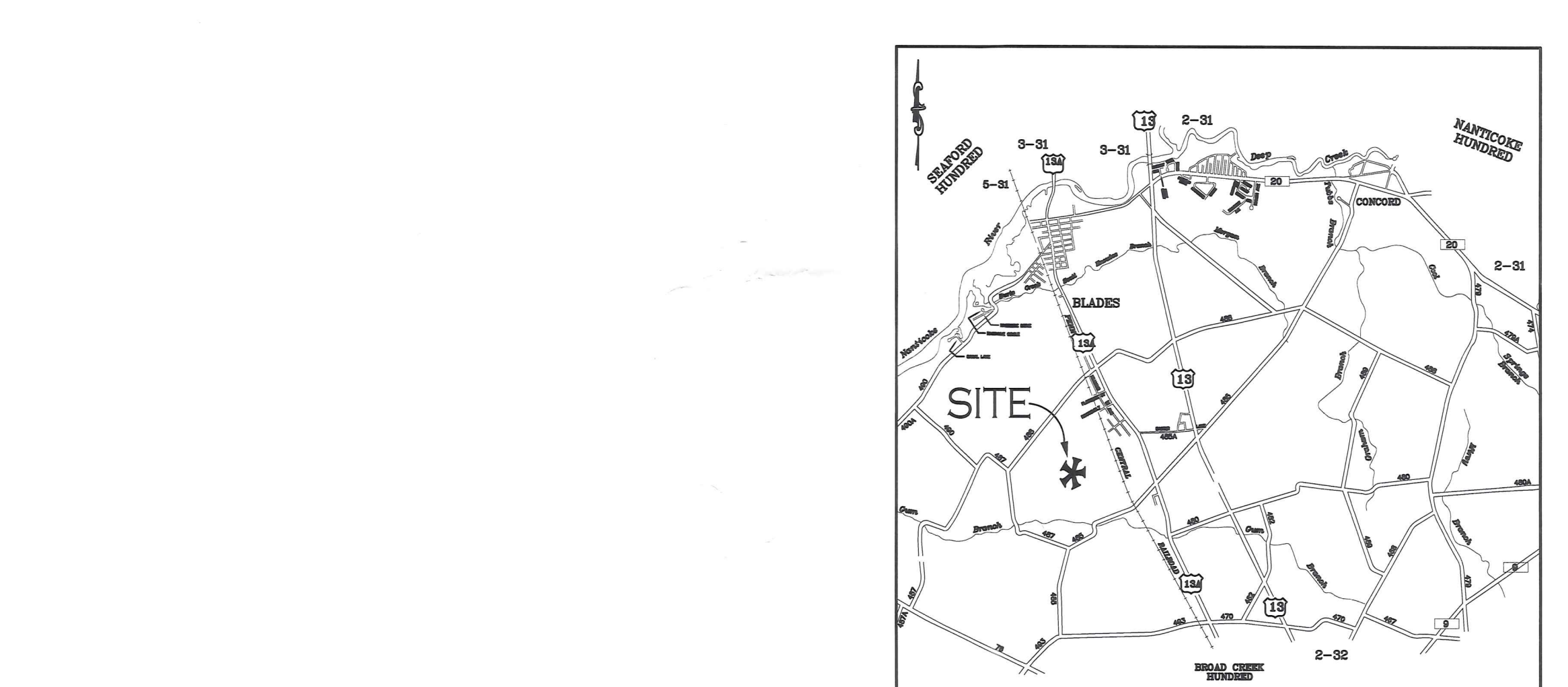
- a. THE CONDITIONS OF PREVIOUSLY APPROVED CU #1314 AND CU #1619 ARE UNCHANGED BY THIS APPROVAL, UNLESS SPECIFICALLY MODIFIED HEREIN.
- b. THE USE SHALL BE STRICTLY LIMITED TO THE IMPROVEMENTS SHOWN ON THIS SITE PLAN PROPOSED BY AXIOM ENGINEERING, LLC. ANY FUTURE ADDITIONS, ALTERATIONS OR IMPROVEMENTS TO THE SITE PLAN SHALL BE SUBJECT TO AN APPLICATION AND PUBLIC HEARING TO AMEND THIS CONDITIONAL USE.
- c. ANY RAIL CARS ACCESSING THE SITE SHALL BE CLEANED AT AN OFF-SITE LOCATION.
- d. THE NOISE AND ODOR EMISSIONS FROM THE OPERATIONS OF THE COMPOSTING FACILITY SHALL NOT EXCEED MINIMUM STANDARDS ESTABLISHED BY D.N.R.E.C. OR ANY OTHER AGENCY HAVING JURISDICTION OVER THE PROJECT. THE ODORS SHALL BE CONTROLLED BY NEGATIVE AIR PRESSURE IN THE RECEIVING BUILDING AND A BIO FILTER AND BY THE GORE COVER SYSTEM OR APPROVED EQUAL.
- e. THE LANDS ON THE SITE PLAN SURROUNDING THE COMPOSTING FACILITY SHALL REMAIN WOODED NORTH OF THE TRUCK ENTRANCE. THE LOCATION OF ALL WOODED, VEGETATIVE AND BUFFER AREAS SHALL BE SHOWN ON THE FINAL SITE PLAN.
- f. AS PROPOSED BY THE APPLICANT, ALL WOODED AREAS OUTSIDE OF THE APPROXIMATELY 20 ACRE PROJECT AREA SHALL REMAIN AS WOODLANDS. CUT-OVER WOODLANDS SHALL BE ALLOWED TO MATURE.
- g. ANY LIGHTING ON THE SITE SHALL BE DOWNWARD SCREENED SO THAT IT DOES NOT ILLUMINATE ON NEIGHBORING PROPERTIES OR ROADWAYS.
- h. ALL TRUCKS ENTERING THE SITE MUST BE COVERED.
- i. THE FINAL SITE PLAN SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE SUSSEX COUNTY PLANNING AND ZONING COMMISSION.

TOTAL SITE AREA:	26.63 AC. +/-
DEVELOPMENT AREA,	124.27 AC. +/- TOTAL
CURRENT ZONING:	AR1/CONDITIONAL USE
#1962	
PROPOSED USE:	COMPOSTING
FACILITY	
PROPOSED CONSTRUCTION TYPE:	ASPHALT PAD
PROPOSED BUILDING AREA:	16,250 S.F.
PARKING SPACES REQUIRED:	16
PARKING SPACES PROVIDED:	16 (1 ADA, 15 S

WATERSHED: NANTICOKE RIVER,
LOWER

TAX DITCH: GUM BRANCH, SUB 2,
PRONG 1

ADC MAP REF: 28 K4



VICINITY MAP
SCALE: 1" = 1 MILE

EX. PROPERTY LINE			CONCRETE MONUMENT FOUND
PROPOSED SUBDIVISION LINE			IRON PIPE FOUND
EX. ADJACENT PROPERTY LINES			IRON PIPE SET
EX. 404 WETLANDS			BENCHMARK
EX. MINOR CONTOUR			FEMA FLOODPLAIN BOUNDARY
EX. MAJOR CONTOUR			STATE (TIDAL) WETLANDS
EX. BUILDING RESTRICTION LINES			PR. CONTOUR
EX. ROAD CENTERLINE			PR. BUILDING RESTRICTION LINES
EX. EASEMENT			PR. ROAD CENTERLINE
EX. BUILDING			PR. EASEMENT
EX. SWALE			PR. BUILDING
EX. SIDEWALK			PR. SWALE
EX. CURB			PR. SIDEWALK
EX. STORM SEWER			PR. CURB
EX. SANITARY SEWER			PR. STORM SEWER CL.
EX. WOODS LINE			PR. SANITARY SEWER
EX. WATER LINE			PR. WOODS LINE
EX. WELL			PR. WATER LINE
TRAFFIC SIGN			PR. WELL
EX. ZONING BOUNDARY			PARKING SPACE COUNTS
EX. ELECTRIC LINES/UTILITIES			PROPOSED LOT POLES
EX. UTILITY POLES/LIGHT POLES			PR. SPOT ELEVATION
EX. FENCE			PROPOSED DRAINAGE FLOW
EX. SPOT ELEVATION			
PR. DELDOT ENTRANCE PAVING			
PR. ROTOMILL 1 1/4" & OVERLAY			
SOIL BORING			
TEST PIT			
EX. STREAM			
DRAINAGE DIVIDES			
TIME OF CONCENTRATION			

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THERETO AND APPURTENANT.

0 $\frac{1}{2}$ 1 IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO SCALE

MORRIS JAMES LLP

DENNIS L. SCHRADER, ESQUIRE

107 West Market Street

P.O. Box 690

Georgetown DE 19947

(302) 856-0010

dschrader@morrisjames.com

February 11, 2021

TO: Robert C. Wheatley, Chair
SC Planning & Zoning Commission

RE: Bioenergy Development Group
C.U. No. 2258

Enclosed is a copy of the memorandum opinion and Order dated February 4, 2021, in *U.S. Agrisoil, LLC, et al. v. Kreloff, et al.*, Case No. 1:20-cv-0254-JKB, US District Court for Maryland, forwarded to you without a cover letter:

<input checked="" type="checkbox"/> For your information	<input type="checkbox"/> For your action
<input type="checkbox"/> As you requested	<input type="checkbox"/> As we discussed
<input type="checkbox"/> Please contact me to discuss the contents	<input type="checkbox"/> Please sign the original(s) and return to me
<input checked="" type="checkbox"/> Other:	

This case is referred to in opposition material.

The Commission should note that the suit was dismissed by the Court on February 4, 2021, for failure to plead subject matter jurisdiction.



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

U.S. AGRISOIL, LLC, *et al.*

*

Plaintiffs,

*

v.

*

CIVIL NO. JKB-20-2454

SHAWN KRELOFF, *et al.*

*

Defendants.

*

* * * * *

MEMORANDUM

U.S. Agrisoil, LLC (“USAG”) and The Environmental Developers Group, LLC (“EDG”) (collectively, “Plaintiffs”) filed suit against Shawn Kreloff, BTS Bioenergy, LLC (“BTS”), Bioenergy Development Group, LLC (“BDG”), Bioenergy Devco, LLC (“Bioenergy Devco”), BDG DE, LLC (“BDG DE”), BTS Biogas, LLC (“BTS Biogas”), Newlight Partners LP (“Newlight”), and Sagewind Capital, LLC (“Sagewind”) (collectively, “Defendants”) for breach of contract and other Maryland state law tort claims. (ECF Nos. 1, 14.) Three different Motions to Dismiss for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6) are currently pending. (ECF Nos. 32, 33, 34.) For the reasons set forth below, the Court finds that Plaintiffs have not adequately pleaded subject matter jurisdiction and accordingly dismisses this action without prejudice and denies the Motions to Dismiss (ECF Nos. 32, 33, 34) as moot.

In the Amended Complaint, Plaintiffs claim that this Court has diversity jurisdiction over the present dispute. (Am. Compl. ¶ 13, ECF No. 14.) In the “Parties” section of the Amended Complaint, Plaintiffs state that USAG is a citizen of Delaware and EDG is a citizen of Rhode Island. (*Id.* ¶¶ 2–3.) Plaintiffs set forth the following facts about Defendants:

4. Upon information and belief, Kreloff is a citizen of either the State of Connecticut, the State of Maryland or the State of New York. Kreloff is a principal of and part (if not entire) owner of the various bioenergy/biogas entity defendants to this litigation.

5. BTS is a limited liability company that was organized and existed under the laws of the State of Maryland. . . .

6. BDG is a limited liability company organized and existing under the laws of the State of Delaware . . .

7. Bioenergy Devco is a limited liability company organized and existing under the laws of the State of Delaware . . .

8. BDG DE is a limited liability company organized and existing under the laws of the State of Delaware . . .

9. BTS Biogas is a limited liability company organized and existing under the laws of the State of Maryland . . .

10. Newlight is a limited partnership organized and existing under the laws of the State of Delaware.

11. Sagewind is a limited liability company organized and existing under the laws of the State of Delaware.

12. Upon information and belief, the members and partners of the entity defendants are not citizens of either Delaware or Rhode Island.

(Am. Compl. ¶¶ 4–12.)

Although Defendants have not challenged the Court's subject matter jurisdiction, "a federal court has an independent obligation to assess" its power to hear a case. *Constantine v. Rectors & Visitors of George Mason Univ.*, 411 F.3d 474, 480 (4th Cir. 2005); *see also Thomas v. Bd. of Trs. of the Ohio State Univ.*, 195 U.S. 207, 211 (1904) ("It is . . . well established that when jurisdiction depends upon diverse citizenship the absence of sufficient averments or of facts in the record showing such required diversity of citizenship is fatal and cannot be overlooked by the court, even if the parties fail to call attention to the defect, or consent that it may be waived."). If at any time

a court determines that it does not have subject matter jurisdiction over a dispute, “the court must dismiss the action.” Fed. R. Civ. P. 12(h)(3).

The federal diversity jurisdiction statute provides that district courts have “original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between . . . citizens of different states.” 28 U.S.C. § 1332(a)(1). With certain exceptions, diversity jurisdiction “requires complete diversity among the parties, meaning that the citizenship of every plaintiff must be different from the citizenship of every defendant.” *Cent. W. Va. Energy Co. v. Mountain State Carbon, LLC*, 636 F.3d 101, 103 (4th Cir. 2011) (citing *Caterpillar, Inc. v. Lewis*, 519 U.S. 61, 68 (1996)). For purposes of diversity jurisdiction, a limited liability company (“LLC”) is an unincorporated association “whose citizenship is that of its members.” *Gen. Tech. Applications, Inc. v. Exro Ltda*, 388 F.3d 114, 121 (4th Cir. 2004).

Further, “when jurisdiction depends on citizenship, citizenship should be ‘distinctly and affirmatively alleged.’” *Toms v. Country Quality Meats, Inc.*, 610 F.2d 313, 316 (5th Cir. 1980) (quoting 2A JAMES W. MOORE ET AL., MOORE’S FEDERAL PRACTICE § 8.10 at 1662); *see also Muscle Shoals Assocs., Ltd. v. MHF Ins. Agency, Inc.*, 792 F. Supp. 1224, 1227 (N.D. Ala. 1992) (finding that “Mother Hubbard” allegations of citizenship are insufficient to establish diversity jurisdiction).

Here, Plaintiffs fail to distinctly and affirmatively allege the citizenship of each Defendant. Plaintiffs explain under which state’s laws each Defendant LLC is “organized and exist[s]” (*see* Am. Compl. ¶¶ 5–9, 11), but Plaintiffs do not establish the citizenship of the Defendant LLCs’ members, which determines the citizenship of each LLC. *See Gen. Tech. Applications*, 388 F.3d at 121. Plaintiffs claim that “[u]pon information and belief, the members and partners of the entity

defendants are not citizens of either Delaware or Rhode Island” (Am. Compl. ¶ 12), where Plaintiffs are citizens, but this statement falls short of the affirmative allegations needed to establish diversity jurisdiction. *See Toms*, 610 F.2d at 316. Accordingly, this action must be dismissed for Plaintiffs’ failure to plead subject matter jurisdiction.

For the foregoing reasons, an Order shall enter dismissing this action without prejudice and denying as moot the pending Motions to Dismiss (ECF Nos. 32, 33, 34).

DATED this 4 day of February, 2021.

BY THE COURT:

A handwritten signature in black ink, appearing to read "James K. Bedar", written over a horizontal line.

James K. Bedar
Chief Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

U.S. AGRISOIL, LLC, *et al.*,

*

Plaintiffs,

v.

*

CIVIL NO. JKB-20-2454

SHAWN KRELOFF, *et al.*,

*

Defendants.

*

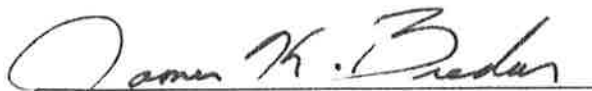
* * * * *

ORDER

For the reasons set forth in the foregoing Memorandum, this action is hereby DISMISSED without prejudice due to Plaintiffs' failure to adequately plead diversity jurisdiction. Accordingly, the pending Motions to Dismiss (ECF Nos. 32, 33, 34) are DENIED AS MOOT.

DATED this 4 day of February, 2021.

BY THE COURT:



James K. Bedar
Chief Judge

BIOENERGY DEVELOPMENT GROUP, LLC FINAL SITE PLANS

BLADES, SUSSEX COUNTY, DELAWARE

SITE CONSTRUCTION NOTES:

- TAX MAP: 132-6.00-88.01, 132-6.00-95.00, 132-11.00-41.00, 132-11.00-41.02
- ZONING: AR-1
- WATER SERVICE: EXISTING PRIVATE WELL
- TOPOGRAPHIC AND BOUNDARY SURVEY PERFORMED BY THE PELSA COMPANY, DATED JUNE 26, 2020.
- FLOOD ZONE DESIGNATION: SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE X AND HAS BEEN DETERMINED TO BE OUTSIDE OF THE 100 YEAR FLOODPLAIN PER FIRM MAP NO. 10005C0401 K, PANEL NO. 401 OF 660, DATED MARCH 16, 2015.
- PROTECTION OF BURIED UTILITIES: ONCE PERMITTED CONSTRUCTION, THE CONTRACTOR SHALL BE REQUIRED TO NOTIFY MISS UTILITY NO LESS THAN 48 HOURS PRIOR TO STARTING WORK (1-800-282-8555).
- FIELD ADJUSTMENTS MAY BE NECESSARY FOR THE PROPOSED WORK WITH ANY SIGNIFICANT DISCREPANCY (IES), CONTACT ENGINEER FOR APPROPRIATE ACTION.
- ALL SANITARY SEWER MAIN(S) CONSTRUCTION SHALL CONFORM WITH SUSSEX COUNTY SEWER SPECIFICATIONS.
- EXISTING UTILITIES AND OTHER PHYSICAL FEATURES ARE SHOWN FOR THE CONVENIENCE OF THE CONTRACTOR AND ARE NOT WARRANTED COMPLETE OR ACCURATE. CONTRACTOR SHALL VERIFY THE EXISTENCE AND LOCATION OF THE SAME TO HIS OWN SATISFACTION.
- ALL ROAD AND BACKFILL MATERIALS AND CONSTRUCTION METHODS SHALL CONFORM WITH DELDOT STANDARD SPECIFICATIONS AND DETAILS EXCEPT WHERE OTHERWISE NOTED OR SPECIFIED.
- CONTRACTOR SHALL EXERCISE EVERY PRECAUTION TO AVOID DAMAGE TO EXISTING UTILITIES. COST OF REPAIRS TO ANY UTILITY DAMAGE AS A RESULT OF CONTRACTOR'S OPERATIONS SHALL BE ASSUMED ENTIRELY BY THE CONTRACTOR.
- ALL EXISTING PAVING, RUBBLE, OTHER DEMOLITION DEBRIS AND UNSUITABLE MATERIAL WITHIN THE LIMITS OF CONSTRUCTION SHALL BE COMPLETELY REMOVED AND DISPOSED OF OFF SITE. EXISTING PAVING SHALL BE SAWCUT TO FULL DEPTH AND TACK COAT APPLIED PRIOR TO NEW PAVING CONSTRUCTION.
- IT WILL BE THE RESPONSIBILITY OF THE DEVELOPER TO OBTAIN A GRADING PERMIT PRIOR TO ANY GRADING OPERATION ON THIS PROJECT.
- WHERE REQUIRED BY ENCOUNTERED SPRINGS OR OTHER SEEPAGE CONDITIONS, UNDERDRAIN LINES SHALL BE INSTALLED USING 6-INCH DIAMETER PERFORATED UNDERDRAIN PIPE MEETING STATE AND LOCAL STANDARD SPECIFICATIONS.
- THE CONTRACTOR IS RESPONSIBLE FOR REPAIR OF ALL CURBS, PAVING, SIDEWALK, UTILITIES AND LAWN DISTURBED DURING CONSTRUCTION.
- CONTRACTOR SHALL COORDINATE WITH LOCAL UTILITY COMPANIES TO SCHEDULE POLE/UTILITY RELOCATIONS AND INSTALLATIONS OF UTILITIES.
- THE CONTRACTOR SHALL APPLY FOR AND OBTAIN A DEWATERING PERMIT FROM THE DNREC WELL PERMITS BRANCH OF THE WATER SUPPLY SECTION (302-739-9944).

OWNER'S CERTIFICATION:

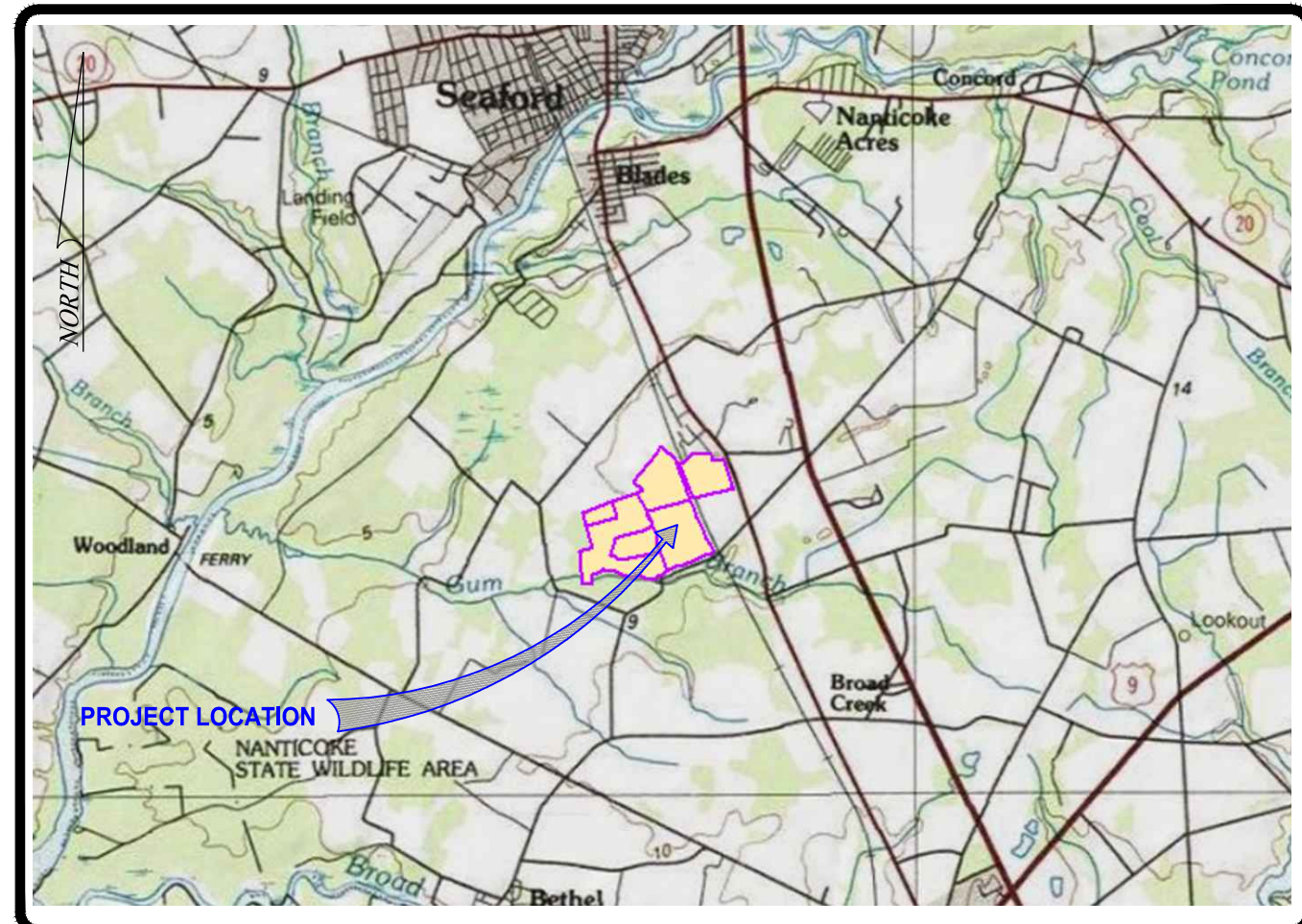
I, BIOENERGY DEVELOPMENT GROUP, LLC, HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, AND THAT I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN TO BE RECORDED ACCORDING TO LAW.

PROPERTY OWNER _____ DATE _____, 2020

ENGINEER'S CERTIFICATION:

I, STEPHEN J. GORSKI, HEREBY CERTIFY THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

30 NOVEMBER, 2020
DATE
STEPHEN J. GORSKI, P.E.
REGISTRATION # 12625



MAP: USGS LOCATION MAP SCALE: 1" = 600'

GENERAL NOTE				
1. Tax Parcel No.	132-6.00-88.01	132-6.00-95.00	132-11.00-41.00	132-11.00-41.02
2. Source of Title	DR. 2454-157	DR. 2454-153	DR. 2454-157	SEPARATE DEED NOT RECORDED
3. Supporting Documents				REFER TO PB 220-49
4. Parcel Address	OFF ENVIRO WAY SEAFORD, DE 19873	SEAFORD ROAD SEAFORD, DE 19873	2638 ENVIRO WAY SEAFORD, DE 19873	ENVIRO WAY SEAFORD, DE 19873
5. Zoning	SUSSEX COUNTY, DELAWARE	AR-1	AR-1	AR-1
6. Areas	Site	435,600+/- SF (10.00+/- AC)	3,956,960+/- SF (90.84+/- AC)	4,253,198+/- SF (97.84+/- AC)
7. Parking Data	Existing Spaces	3,670 +/- SF GFA @ 1 PARKING SPACE / 200 SF GFA	3,670 SF (0.08+/- AC)	3,670 SF (0.08+/- AC)
8. Total Disturbed Area	384,722+/- SF (8.64+/- AC)			
9. Flood Zone Designations	NO FLOOD ZONE DESIGNATION	NO FLOOD ZONE DESIGNATION	NO FLOOD ZONE DESIGNATION	NO FLOOD ZONE DESIGNATION
10. Record Plans	NO RECORD PLANS	NO RECORD PLANS	NO RECORD PLANS	NO RECORD PLANS
11. Utilities	NO UTILITIES	NO UTILITIES	NO UTILITIES	NO UTILITIES
12. Vertical Datum	NAVD 83	NAVD 83	NAVD 83	NAVD 83
13. Easement Reference	NO EASEMENT REFERENCE	NO EASEMENT REFERENCE	NO EASEMENT REFERENCE	NO EASEMENT REFERENCE
14. Owner Data	BIOENERGY DEVELOPMENT GROUP, LLC	BIOENERGY DEVELOPMENT GROUP, LLC	BIOENERGY DEVELOPMENT GROUP, LLC	BIOENERGY DEVELOPMENT GROUP, LLC
15. Water Service	EXISTING PRIVATE WELL	EXISTING PRIVATE WELL	EXISTING PRIVATE WELL	EXISTING PRIVATE WELL
16. Sewer Service	EXISTING SEPTIC TO BE ABANDONED. PROPOSED PUBLIC SYSTEM (NEW SUSSEX COUNTY DISTRICT)	EXISTING SEPTIC TO BE ABANDONED. PROPOSED PUBLIC SYSTEM (NEW SUSSEX COUNTY DISTRICT)	EXISTING SEPTIC TO BE ABANDONED. PROPOSED PUBLIC SYSTEM (NEW SUSSEX COUNTY DISTRICT)	EXISTING SEPTIC TO BE ABANDONED. PROPOSED PUBLIC SYSTEM (NEW SUSSEX COUNTY DISTRICT)

SHEET LIST

SHEET C1	INDEX SHEET
SHEET C2	EXISTING CONDITIONS/DEMOLITION PLAN
SHEET C3	OVERALL SITE PLAN
SHEET C4	SITE PLAN
SHEET C5	SITE PLAN
SHEET C6	SITE PLAN
SHEET C7	GRADING PLAN
SHEET C8	GRADING PLAN
SHEET C9	GRADING PLAN
SHEET C10	UTILITY PLAN
SHEET C11	STORM DRAIN TABLES AND PROFILES
SHEET C12	SITE DETAILS
SHEET C13	FIRE MARSHAL PLAN - OVERALL SITE PLAN
SHEET C14	FIRE MARSHAL PLAN - SITE PLAN
SHEET C15	FIRE MARSHAL PLAN - SITE PLAN

SHEET L1	LANDSCAPE PLAN
SHEET L2	LANDSCAPE DETAILS AND NOTES

EXISTING LEGEND

---	PROPERTY LINE
---	ADJOINER PROPERTY LINE
---	CONTOUR
---	SPOT ELEVATION
---	EASEMENT
---	GAS LINE
---	FORCE MAIN
---	WATER LINE
---	ASPHALT
---	CONCRETE
---	RAIL ROAD
---	TREELINE

ABBREVIATIONS:

ADJ	ADJOINER
BLDG	BUILDING
C.L.F.	CHAIN LINK FENCE
COH	CHIMNEY OVERHANG
CONC	CONCRETE
DH	DRILLHOLE
FOH	FLOOR OVERHANG
IP	IRON PIPE/PI
MON	MONUMENT
PL	PROPERTY LINE
POB	POINT OF BEGINNING
ROH	ROOF OVERHANG
RW	RIGHT-OF-WAY
WOH	WINDOW OVERHANG
MEG	MATCH EXISTING GRADE

PROPOSED LEGEND

---	PROPOSED FENCE
---	PROPOSED EASEMENT
---	PROPOSED CONTOUR
---	PROPOSED FORCE MAIN
---	PROPOSED WATER
---	PROPOSED GAS
---	PROPOSED SANITARY SEWER
---	PROPOSED STORM DRAIN
---	PROPOSED ELECTRIC
---	4" HEAVY DUTY ASPHALT OVERLAY
---	FULL DEPTH HEAVY DUTY ASPHALT
---	PROPOSED GABC
---	PROPOSED CONCRETE
---	LIMIT OF DISTURBANCE
---	PROPOSED SPOT ELEVATION
---	MATCH EXISTING GRADE

SUSSEX COUNTY CONSERVATION DISTRICT

APPROVED: SUSSEX COUNTY CONSERVATION DISTRICT.

NAME _____

DATE _____

SUSSEX COUNTY CERTIFICATION

APPROVED: THE COUNTY PLANNING AND ZONING COMMISSION OF SUSSEX COUNTY.

NAME _____

DATE _____

INDEX SHEET

FINAL SITE PLAN

BIOENERGY DEVELOPMENT

GROUP, LLC

SUSSEX COUNTY ~ DELAWARE

DUFFIELD
ASSOCIATES

Soil, Water & the Environment

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WILMINGTON, DE 19808-1232
TEL: 302.239.6634
FAX: 302.239.6485

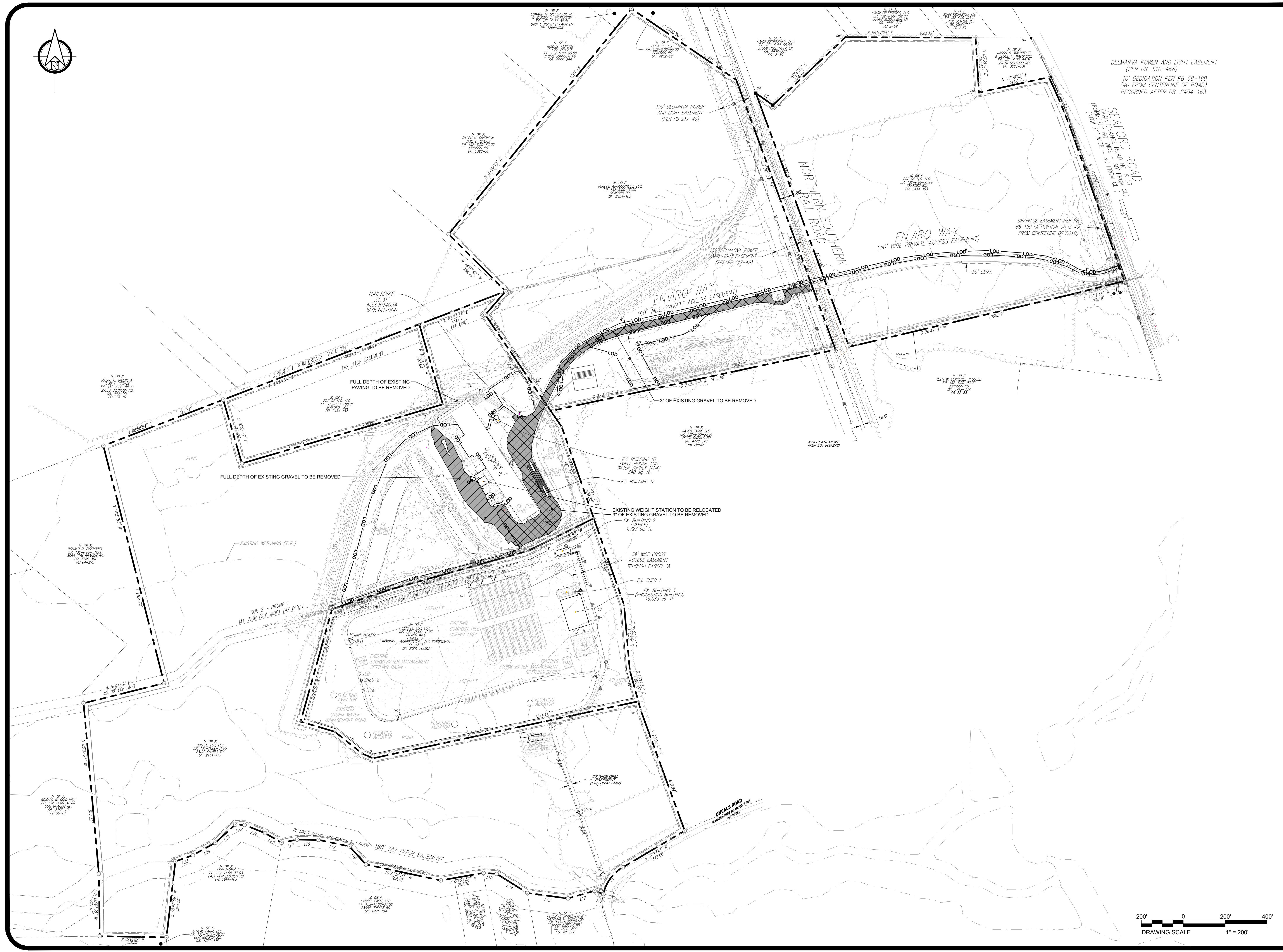
OFFICES IN DELAWARE, MARYLAND,
PENNSYLVANIA AND NEW JERSEY
WEB: HTTP://DUFFIELD.COM
E-MAIL: DUFFIELD@DUFFIELD.COM

STEPHEN J. GORSKI, P.E.

STATE: DELAWARE

P.E.#: 12625

DATE: 30 NOVEMBER 2020
SCALE: AS SHOWN
PROJECT NO. 12393.CF
SHEET: C1 OF 17



DUFFIELD ASSOCIATES
Soil, Water & the Environment

45400 LIMESTONE ROAD
WILMINGTON, DE 19808-1232
TEL. 302.239.6634
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OFFICES IN DELAWARE, MARYLAND,
PENNSYLVANIA AND NEW JERSEY

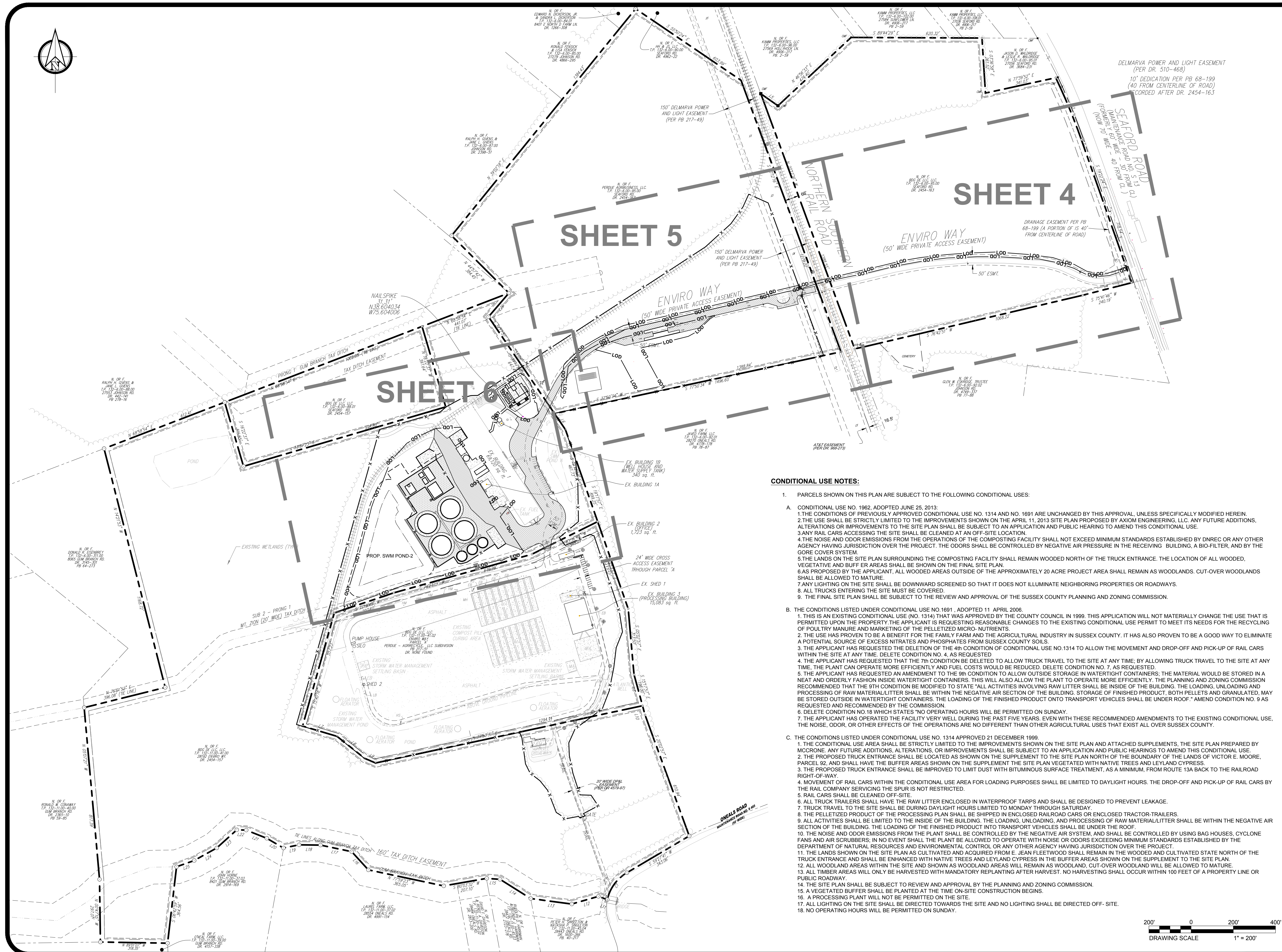
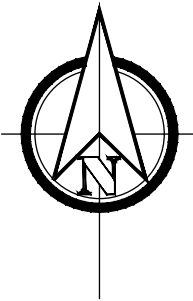
WEB: [HTTP://DUFFNET.COM](http://duffnet.com)
E-MAIL: [DUFFIELD@DUFFNET.COM](mailto:duffield@duffnet.com)

STEPHEN J. GORSKI, P.E.

OWNER: BIOENERGY DEVELOPMENT GROUP, LLC
9250 BENDIX ROAD
COLUMBIA, MD 21045

SUSSEX COUNTY ~ DELAWARE

DATE: 30 NOVEMBER 2020
SCALE: 1" = 200'
PROJECT NO. 12393.CF
SHEET: C2 OF 17



CONDITIONAL USE NOTES:

- PARCELS SHOWN ON THIS PLAN ARE SUBJECT TO THE FOLLOWING CONDITIONAL USES:
 - CONDITIONAL USE NO. 1962, ADOPTED JUNE 25, 2013:
 - THE CONDITIONS OF PREVIOUSLY APPROVED CONDITIONAL USE NO. 1314 AND NO. 1691 ARE UNCHANGED BY THIS APPROVAL, UNLESS SPECIFICALLY MODIFIED HEREIN.
 - THE USE SHALL BE STRICTLY LIMITED TO THE IMPROVEMENTS SHOWN ON THE APRIL 11, 2013 SITE PLAN PROPOSED BY AXIOM ENGINEERING, LLC. ANY FUTURE ADDITIONS, ALTERATIONS OR IMPROVEMENTS TO THE SITE PLAN SHALL BE SUBJECT TO AN APPLICATION AND PUBLIC HEARING TO AMEND THIS CONDITIONAL USE.
 - ANY RAIL CARS ACCESSING THE SITE SHALL BE CLEANED AT AN OFF-SITE LOCATION.
 - THE NOISE AND ODOR EMISSIONS FROM THE OPERATIONS OF THE COMPOSTING FACILITY SHALL NOT EXCEED MINIMUM STANDARDS ESTABLISHED BY DNREC OR ANY OTHER AGENCY HAVING JURISDICTION OVER THE PROJECT. THE ODORS SHALL BE CONTROLLED BY NEGATIVE AIR PRESSURE IN THE RECEIVING BUILDING, A BIO-FILTER, AND BY THE GORE COVER SYSTEM.
 - THE LANDS ON THE SITE PLAN SURROUNDING THE COMPOSTING FACILITY SHALL REMAIN WOODED NORTH OF THE TRUCK ENTRANCE. THE LOCATION OF ALL WOODED, VEGETATIVE AND BUFFER AREAS SHALL BE SHOWN ON THE FINAL SITE PLAN.
 - AS PROPOSED BY THE APPLICANT, ALL WOODED AREAS OUTSIDE OF THE APPROXIMATELY 20 ACRE PROJECT AREA SHALL REMAIN AS WOODLANDS. CUT-OVER WOODLANDS SHALL BE ALLOWED TO MATURE.
 - ANY LIGHTING ON THE SITE SHALL BE DOWNWARD SCREENED SO THAT IT DOES NOT ILLUMINATE NEIGHBORING PROPERTIES OR ROADWAYS.
 - ALL TRUCKS ENTERING THE SITE MUST BE COVERED.
 - THE FINAL SITE PLAN SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE SUSSEX COUNTY PLANNING AND ZONING COMMISSION.
 - THE CONDITIONS LISTED UNDER CONDITIONAL USE NO. 1691, ADOPTED 11 APRIL 2006.
 - THIS IS AN EXISTING CONDITIONAL USE (NO. 1314) THAT WAS APPROVED BY THE COUNTY COUNCIL IN 1999. THIS APPLICATION WILL NOT MATERIALLY CHANGE THE USE THAT IS PERMITTED UPON THE PROPERTY. THE APPLICANT IS REQUESTING REASONABLE CHANGES TO THE EXISTING CONDITIONAL USE PERMIT TO MEET ITS NEEDS FOR THE RECYCLING OF POULTRY MANURE AND MARKETING OF THE PELLETIZED MICRO-NUTRIENTS.
 - THE USE HAS PROVEN TO BE A BENEFIT FOR THE FAMILY FARM AND THE AGRICULTURAL INDUSTRY IN SUSSEX COUNTY. IT HAS ALSO PROVEN TO BE A GOOD WAY TO ELIMINATE A POTENTIAL SOURCE OF EXCESS NITRATES AND PHOSPHATES FROM SUSSEX COUNTY SOILS.
 - THE APPLICANT HAS REQUESTED THE DELETION OF THE 4th CONDITION OF CONDITIONAL USE NO. 1314 TO ALLOW THE MOVEMENT AND DROP-OFF AND PICK-UP OF RAIL CARS WITHIN THE SITE AT ANY TIME. DELETE CONDITION NO. 4, AS REQUESTED.
 - THE APPLICANT HAS REQUESTED THAT THE 7th CONDITION BE DELETED TO ALLOW TRUCK TRAVEL TO THE SITE AT ANY TIME; BY ALLOWING TRUCK TRAVEL TO THE SITE AT ANY TIME, THE PLANT CAN OPERATE MORE EFFICIENTLY AND FUEL COSTS WOULD BE REDUCED. DELETE CONDITION NO. 7, AS REQUESTED.
 - THE APPLICANT HAS REQUESTED AN AMENDMENT TO THE 9th CONDITION TO ALLOW OUTSIDE STORAGE IN WATERTIGHT CONTAINERS; THE MATERIAL WOULD BE STORED IN A NEAT AND ORDERLY FASHION INSIDE WATERTIGHT CONTAINERS. THIS WILL ALSO ALLOW THE PLANT TO OPERATE MORE EFFICIENTLY. THE PLANNING AND ZONING COMMISSION RECOMMENDED THAT THE 9TH CONDITION BE MODIFIED TO STATE "ALL ACTIVITIES INVOLVING RAW LITTER SHALL BE INSIDE OF THE BUILDING. THE LOADING, UNLOADING AND PROCESSING OF RAW MATERIAL LITTER SHALL BE WITHIN THE NEGATIVE AIR SECTION OF THE BUILDING. STORAGE OF FINISHED PRODUCT, BOTH PELLETS AND GRANULATED, MAY BE STORED OUTSIDE IN WATERTIGHT CONTAINERS. THE LOADING OF THE FINISHED PRODUCT ONTO TRANSPORT VEHICLES SHALL BE UNDER ROOF." AMEND CONDITION NO. 9 AS REQUESTED AND RECOMMENDED BY THE COMMISSION.
 - DELETE CONDITION NO. 18 WHICH STATES "NO OPERATING HOURS WILL BE PERMITTED ON SUNDAY."
 - THE APPLICANT HAS OPERATED THE FACILITY VERY WELL DURING THE PAST FIVE YEARS. EVEN WITH THESE RECOMMENDED AMENDMENTS TO THE EXISTING CONDITIONAL USE, THE NOISE, ODOR, OR OTHER EFFECTS OF THE OPERATIONS ARE NO DIFFERENT THAN OTHER AGRICULTURAL USES THAT EXIST ALL OVER SUSSEX COUNTY.
 - THE CONDITIONS LISTED UNDER CONDITIONAL USE NO. 1314 APPROVED 21 DECEMBER 1999.
 - THE CONDITIONAL USE AREA SHALL BE STRICTLY LIMITED TO THE IMPROVEMENTS SHOWN ON THE SITE PLAN AND ATTACHED SUPPLEMENTS, THE SITE PLAN PREPARED BY MCCORMACK. ANY FUTURE ADDITIONS, ALTERATIONS, OR IMPROVEMENTS SHALL BE SUBJECT TO AN APPLICATION AND PUBLIC HEARINGS TO AMEND THIS CONDITIONAL USE.
 - THE PROPOSED TRUCK ENTRANCE SHALL BE LOCATED AS SHOWN ON THE SUPPLEMENT TO THE SITE PLAN NORTH OF THE BOUNDARY OF THE LANDS OF VICTOR E. MOORE, PARCEL 92, AND SHALL HAVE THE BUFFER AREAS SHOWN ON THE SUPPLEMENT TO THE SITE PLAN VEGETATED WITH NATIVE TREES AND LEYLAND CYPRESS.
 - THE PROPOSED TRUCK ENTRANCE SHALL BE IMPROVED TO LIMIT DUST WITH BITUMINOUS SURFACE TREATMENT, AS A MINIMUM, FROM ROUTE 13A BACK TO THE RAILROAD RIGHT-OF-WAY.
 - MOVEMENT OF RAIL CARS WITHIN THE CONDITIONAL USE AREA FOR LOADING PURPOSES SHALL BE LIMITED TO DAYLIGHT HOURS. THE DROP-OFF AND PICK-UP OF RAIL CARS BY THE RAIL COMPANY SERVING THE SPUR IS NOT RESTRICTED.
 - RAIL CARS SHALL BE CLEANED OFF-SITE.
 - ALL TRUCK TRAILERS SHALL HAVE THE RAW LITTER ENCLOSED IN WATERPROOF TARPES AND SHALL BE DESIGNED TO PREVENT LEAKAGE.
 - TRUCK TRAVEL TO THE SITE SHALL BE DURING DAYLIGHT HOURS LIMITED TO MONDAY THROUGH SATURDAY.
 - THE PELLETIZED PRODUCT OF THE PROCESSING PLANT SHALL BE SHIPPED IN ENCLOSED RAILROAD CARS OR ENCLOSED TRACTOR-TRAILERS.
 - ALL ACTIVITIES SHALL BE LIMITED TO THE INSIDE OF THE BUILDING. THE LOADING, UNLOADING, AND PROCESSING OF RAW MATERIAL LITTER SHALL BE WITHIN THE NEGATIVE AIR SECTION OF THE BUILDING. THE LOADING OF THE FINISHED PRODUCT INTO TRANSPORT VEHICLES SHALL BE UNDER THE ROOF.
 - THE NOISE AND ODOR EMISSIONS FROM THE PLANT SHALL BE CONTROLLED BY THE NEGATIVE AIR SYSTEM, AND SHALL BE CONTROLLED BY USING BAG HOUSES, CYCLONE FANS AND AIR SCRUBBERS; IN NO EVENT SHALL THE PLANT BE ALLOWED TO OPERATE WITH NOISE OR ODORS EXCEEDING MINIMUM STANDARDS ESTABLISHED BY THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL OR ANY OTHER AGENCY HAVING JURISDICTION OVER THE PROJECT.
 - THE LANDS SHOWN ON THE SITE PLAN AS CULTIVATED AND ACQUIRED FROM E. JEAN FLEETWOOD SHALL REMAIN IN THE WOODED AND CULTIVATED STATE NORTH OF THE TRUCK ENTRANCE AND SHALL BE ENHANCED WITH NATIVE TREES AND LEYLAND CYPRESS IN THE BUFFER AREAS SHOWN ON THE SUPPLEMENT TO THE SITE PLAN.
 - ALL WOODLAND AREAS WITHIN THE SITE AND SHOWN AS WOODLAND AREAS WILL REMAIN AS WOODLAND, CUT-OVER WOODLAND WILL BE ALLOWED TO MATURE.
 - ALL TIMBER AREAS WILL ONLY BE HARVESTED WITH MANDATORY REPLANTING AFTER HARVEST. NO HARVESTING SHALL OCCUR WITHIN 100 FEET OF A PROPERTY LINE OR PUBLIC ROADWAY.
 - THE SITE PLAN SHALL BE SUBJECT TO REVIEW AND APPROVAL BY THE PLANNING AND ZONING COMMISSION.
 - A VEGETATED BUFFER SHALL BE PLANTED AT THE TIME ON-SITE CONSTRUCTION BEGINS.
 - A PROCESSING PLANT WILL NOT BE PERMITTED ON THE SITE.
 - ALL LIGHTING ON THE SITE SHALL BE DIRECTED TOWARDS THE SITE AND NO LIGHTING SHALL BE DIRECTED OFF-SITE.
 - NO OPERATING HOURS WILL BE PERMITTED ON SUNDAY.



DUFFIELD ASSOCIATES

Soil, Water & the Environment

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TEL: 302.239.6634
FAX: 302.239.8485

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PENNSYLVANIA AND NEW JERSEY
WEB: [HTTP://DUFFIELD.COM](http://duffield.com)
E-MAIL: DUFFIELD@DUFFIELD.COM

CHECKED BY:

SIG

DESIGNED BY:

SCHUL

DRAWN BY:

SMCJUL

FILE NAME:

03-06-LG12393CF

STEPHEN J. GORSKI, P.E.

CHECK BY:

DATE

REVISION

No.

OWNER: BIOENERGY DEVELOPMENT GROUP, LLC
250 HENDRIX ROAD
COLUMBIA, MD 21045

OVERALL SITE PLAN

FINAL SITE PLAN

BIOENERGY DEVELOPMENT

GROUP, LLC

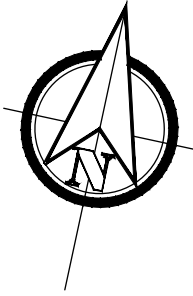
SUSSEX COUNTY ~ DELAWARE

DATE: 30 NOVEMBER 2020

SCALE: 1" = 200'

PROJECT NO. 12393.CF

SHEET: C3 OF 17



MATCHLINE - SEE SHEET 5

N. OF F.
BY: J. H. L. L.C.
1/2" = 50' - 0.00
2454-163

ENVIRO WAY
(50' WIDE PRIVATE ACCESS EASEMENT)

50' ESMT.

23.9' EX. ASPHALT DRIVEWAY

20' LANDSCAPE BUFFER

15' BUILDING SETBACK LINE

PROP. 12" WIDE STOP BAR
PROP. 36" X 36" STOP SIGN

SEAFORD ROAD
(MAINTENANCE ROAD NO. 50.50)
(PHASE 6/1 WIDE - 50' FROM CL)
(PHASE 7/1 WIDE - 40' FROM CL)

IRRIGATION SYSTEM
CONTROL PANEL
IRRIGATION PIPE

UTILITY
ENCLOSURE

DEBRISAGE PROPERTY LINES
0' IS 40' FROM CENTERLINE OF ROAD

EX. EDGE OF ROAD

EX. EDGE OF ROAD

50' 0 50' 100'
DRAWING SCALE 1" = 50'

CEMETERY

N. OF F.
BY: J. H. L. L.C.
1/2" = 50' - 0.00
2454-163

SITE PLAN

FINAL SITE PLAN

BIOENERGY DEVELOPMENT
GROUP, LLC

SUSSEX COUNTY ~ DELAWARE

DATE: 30 NOVEMBER 2020
SCALE: 1" = 50'
PROJECT NO. 12393.CF
SHEET: C4 OF 17

DUFFIELD
ASSOCIATES

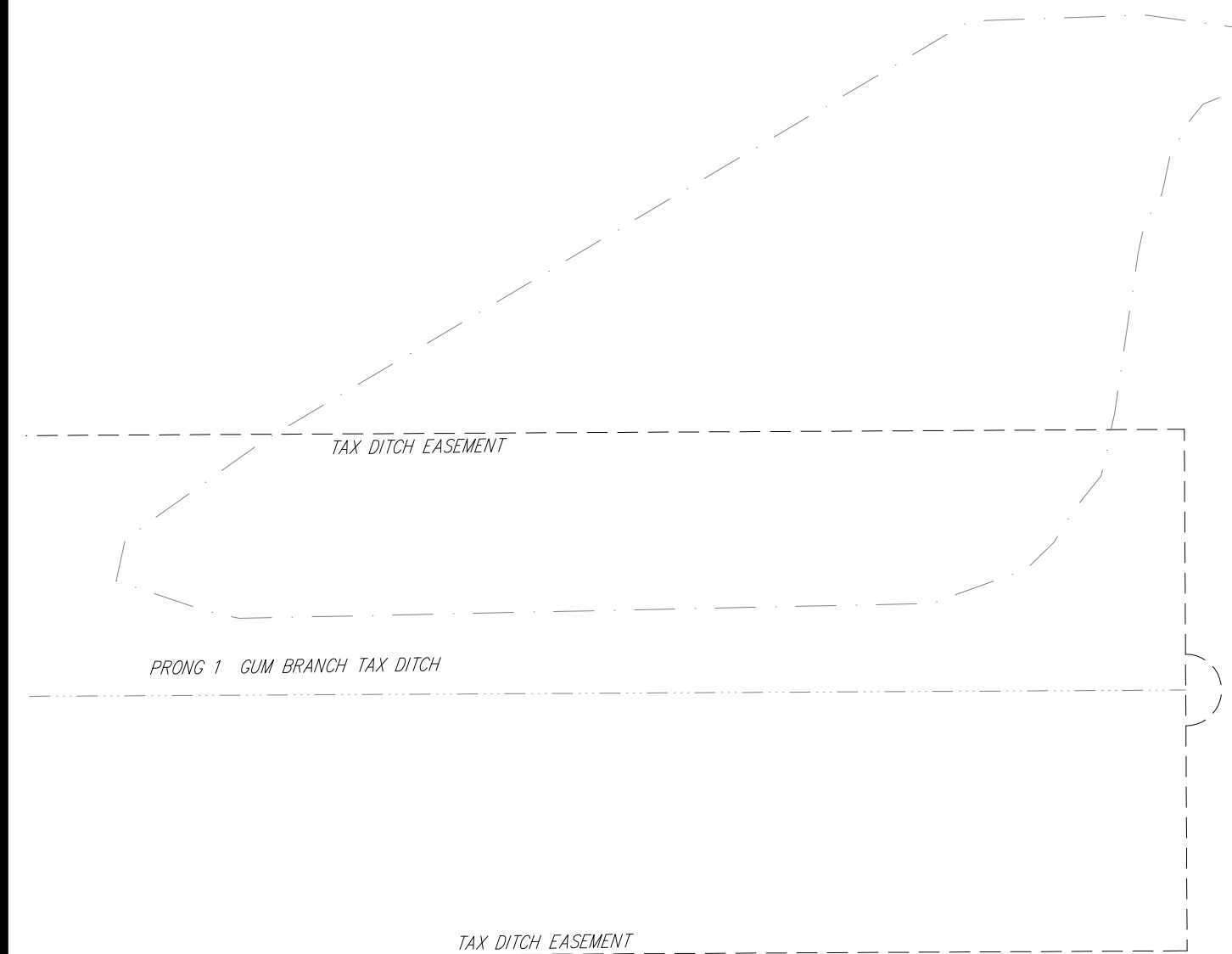
Soil, Water & the Environment
4500 LIMESTONE ROAD
WILMINGTON, DE 19808-1232
TEL: 302.239.6634
FAX: 302.239.8485

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PENNSYLVANIA AND NEW JERSEY
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E-MAIL: DUFFIELD@DUFFNET.COM

CHECKED BY: SIG
DESIGNED BY: SCHUL
DRAWN BY: SMC/JUL
STEPHEN J. GORSKI, P.E.

STATE: DELAWARE P.E.#: 2625

OWNER: BIOENERGY DEVELOPMENT GROUP, LLC
24 BROADWAY ROAD
COLUMBIA, MD 21045



N. OR F.
PERDUE AGRIBUSINESS, LLC
T.P. 132-6.00-25.00
SEAFORD RD.
DR. 2454-163

PRONG 1 GUM BRANCH TAX DITCH

PROPOSED 6' HIGH CHAIN LINK SECURITY FENCE -

— PROP. 4" HEAVY DUTY ASPHALT
OVER EXISTING STONE
ACCESS ROAD


ENVIRO WAY
(50' WIDE PRIVATE ACCESS EASEMENT)

PROPOSED 6' HIGH CHAIN LINK
SECURITY FENCE GATE

PROP. 4" HEAVY DUTY ASPHALT
OVER EXISTING STONE
ACCESS ROAD

DRAWING SCALE 1" = 50'

MATCHLINE - SEE SHEET 1



**DUFFIELD
ASSOCIATES**

Soil, Water & the Environment

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OFFICES IN DELAWARE, MARYLAND,
PENNSYLVANIA AND NEW JERSEY

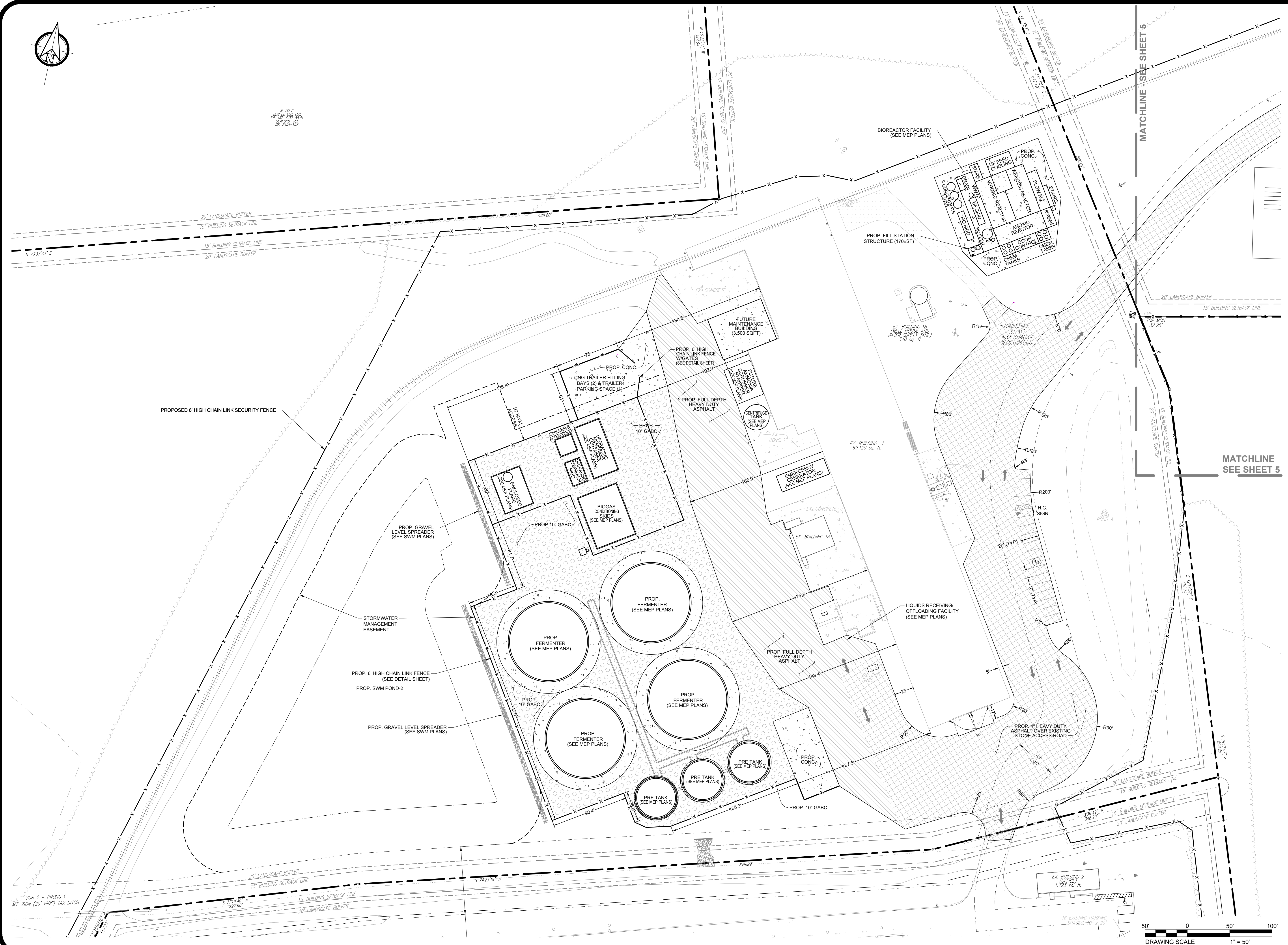
WEB: [HTTP://DUFFIELD.COM](http://duffield.com)
E-MAIL: [DUFFIELD@DUFFIELD.COM](mailto:duffield@duffield.com)

DESIGNED BY:	CHECKED BY:
SSCH/JIL	SG
DRAWN BY:	FILE NAME:
SMC/JIL	03-064-G1239CF
STEPHEN J. GORSKI, P.E.	

OWNER: BIOENERGY DEVELOPMENT GROUP, LLC

SITE PLAN
FINAL SITE PLAN
BIOENERGY DEVELOPMENT
GROUP, LLC
SUSSEX COUNTY ~ DELAWARE

DATE: 30 NOVEMBER 2020
SCALE: 1" = 50'
PROJECT NO. 12393.CF
SHEET: C5 OF 17



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[illegible]

OWNER: BIOENERGY DEVELOPMENT GROUP, LLC
9250 BENDIX ROAD
COLUMBIA, MD 21045

SITE PLAN
FINAL SITE PLAN
BIOENERGY DEVELOPMENT
GROUP, LLC
SUSSEX COUNTY ~ DELAWARE

DATE: 30 NOVEMBER 2020
SCALE: 1" = 50'
PROJECT NO. 12393.CF
SHEET: C6 OF 17



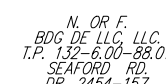
GRADING PLAN
FINAL SITE PLAN
BIOENERGY DEVELOPMENT
GROUP, LLC
SUSSEX COUNTY ~ DELAWARE

BIOENERGY DEVELOPMENT
9250 BENDIX ROAD
COLUMBIA, MD 21045

[illegible][illegible]

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FINAL SITE PLAN

BIOENERGY DEVELOPMENT

GROUP, LLC

SUSSEX COUNTY ~ DELAWARE

OWNER: BIOENERGY DEVELOPMENT GROUP, LLC
9250 BENDIX ROAD
COLUMBIA, MD 21045

DATE: 30 NOVEMBER 2020
SCALE: 1" = 50'
PROJECT NO. 12393.CF
SHEET: C10 OF 17

DESIGNED BY: SSCH/JIL	CHECKED BY: S/J
DRAWN BY: SSMC/JIL	FILE NAME: 10_11-LG12393CF
STEPHEN J. GORSKI, P.E.	

STEPHEN J. GORSKI, P.E.

STATE: DELAWARE P.E.#:12625



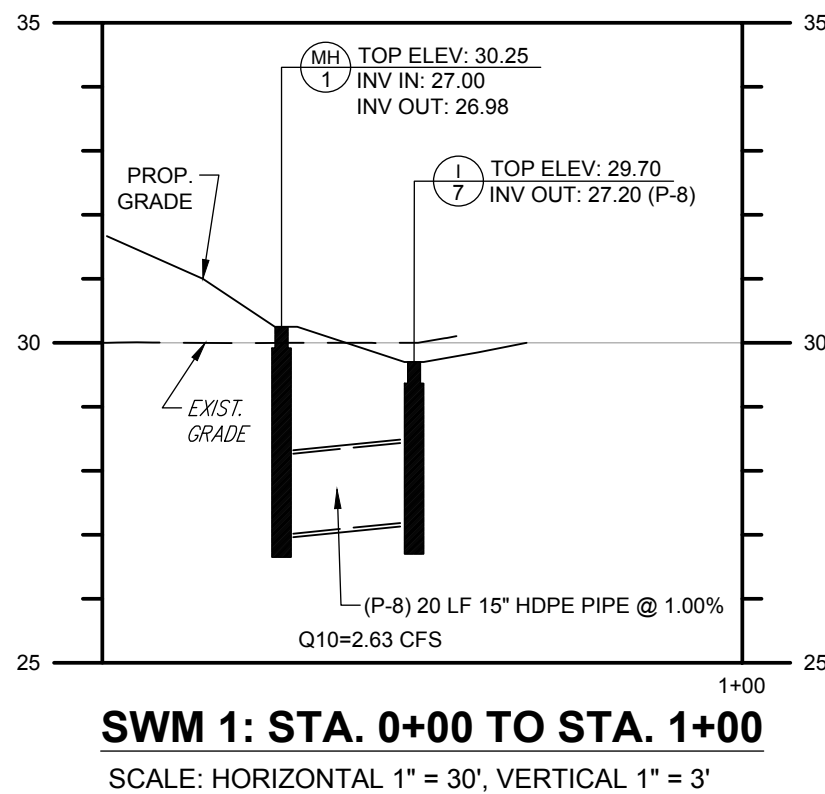
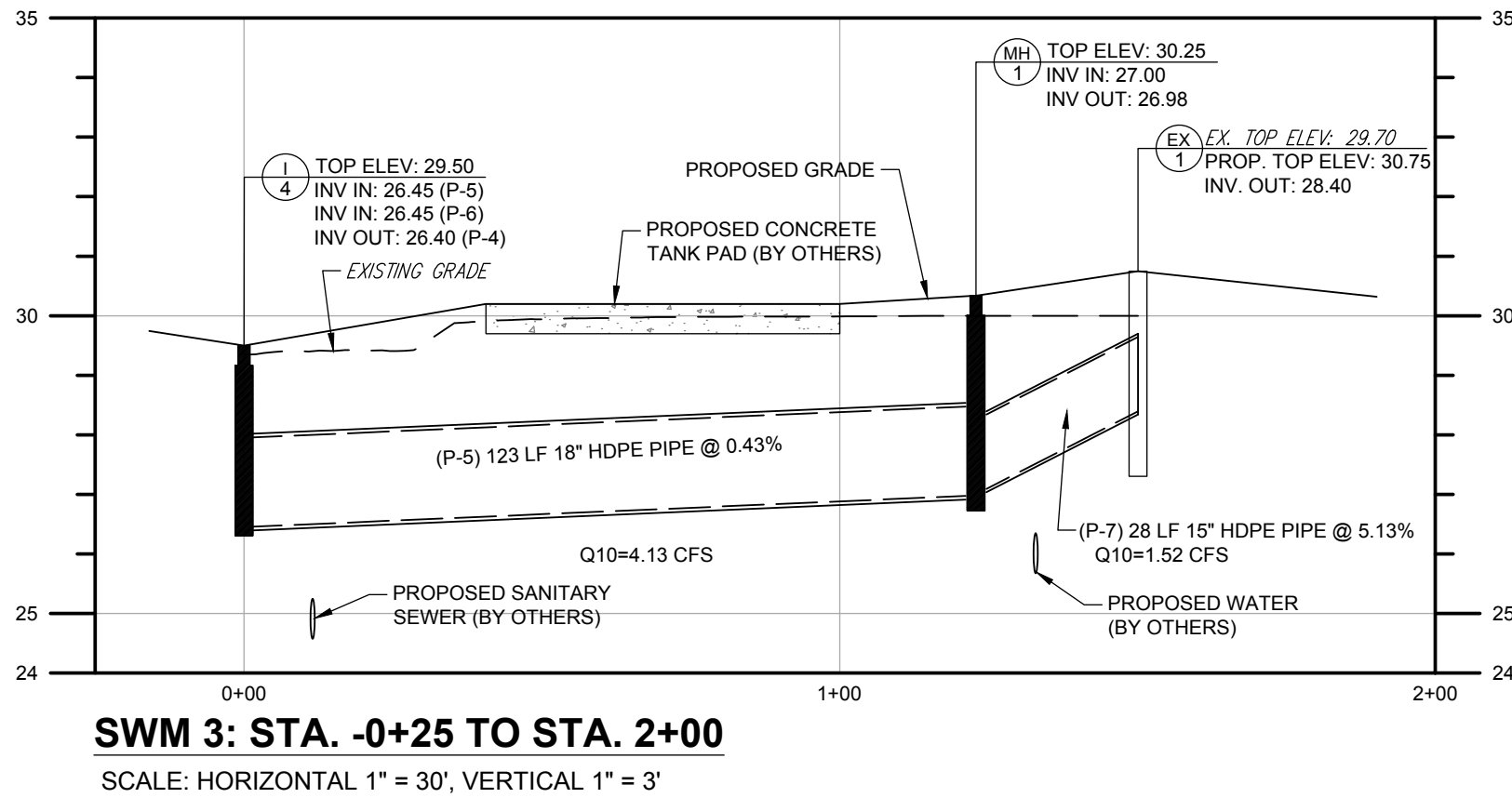
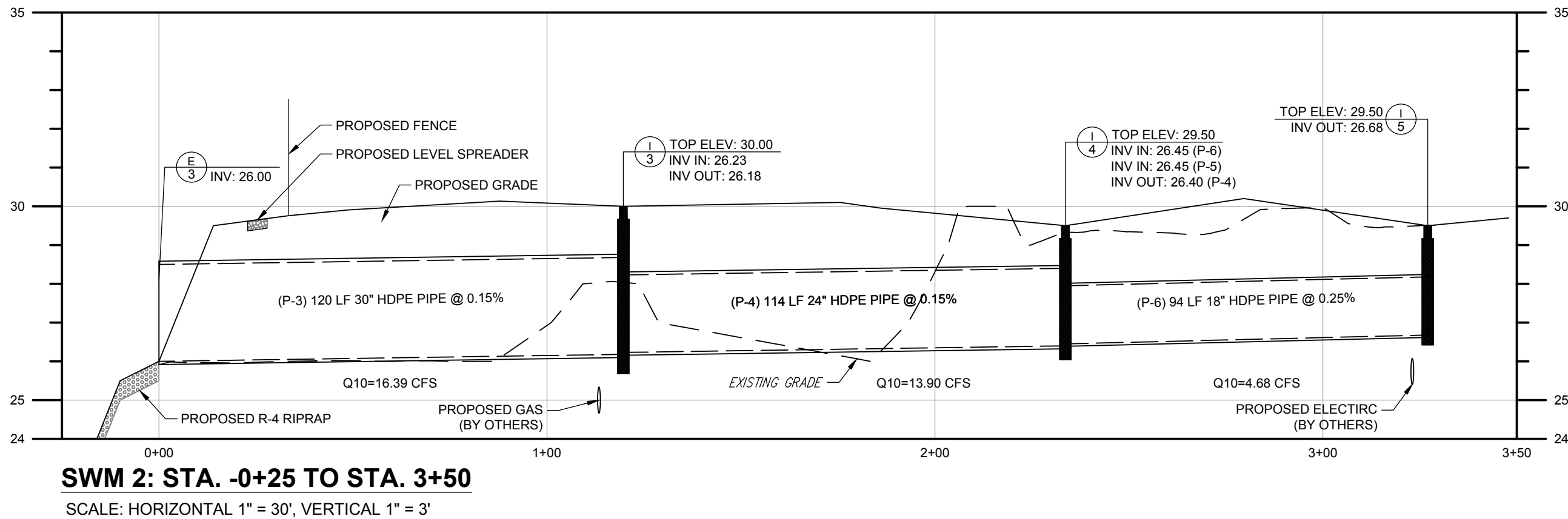
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STORM DRAINAGE STRUCTURE SCHEDULE						
NAME	BOX DESCRIPTION	TOP UNIT	GRATE	T.G. ELEV.	INVERT(S) IN	INVERT(S) OUT
E-3	30 IN FLARED END SECTION				26.00 (P-3 - 30")	
I-3	34 X 24 INLET	TYPE C	SINGLE - TYPE 1	30.00	26.23 (P-4 - 24")	26.18 (P-3 - 30")
I-4	34 X 24 INLET	TYPE C	SINGLE - TYPE 1	29.50	26.45 (P-5 - 18") 26.45 (P-6 - 18")	26.40 (P-4 - 24")
I-5	34 X 24 INLET	TYPE C	SINGLE - TYPE 1	29.50		26.68 (P-6 - 18")
I-7	34 X 24 INLET	TYPE C	SINGLE - TYPE 1	29.70		27.20 (P-8 - 15")
MH-1	48 X 30 BOX MH	MH	SINGLE - MH	30.25	27.00 (P-7 - 15") 27.00 (P-8 - 15")	26.98 (P-5 - 18")
EX-1				30.75		28.40 (P-7 - 15")

STORM DRAINAGE PIPE SCHEDULE								
PIPE	FROM	TO	SIZE	TYPE	LENGTH	SLOPE	INVERT ELEVATION IN	INVERT ELEVATION OUT
P3	3	E-3	30"	HDPE PIPE	120 LF	0.15%	26.18	26.00
P4	4	3	24"	HDPE PIPE	114 LF	0.15%	26.40	26.23
P5	MH1	4	18"	HDPE PIPE	123 LF	0.43%	26.98	26.45
P6	5	4	18"	HDPE PIPE	93 LF	0.25%	26.68	26.45
P7		MH1	15"	HDPE PIPE	27 LF	5.13%	28.40	27.00
P8	7	MH1	15"	HDPE PIPE	20 LF	1.00%	27.20	27.00



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STEPHEN J. GORSKI, P.E.

STATE: DELAWARE P.E.#: 12625

STORM DRAIN TABLES AND PROFILES

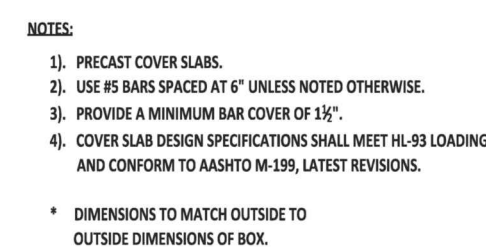
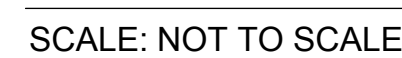
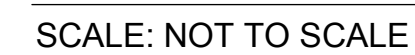
FINAL SITE PLAN

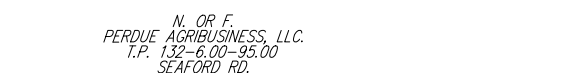
BIOENERGY DEVELOPMENT

GROUP, LLC

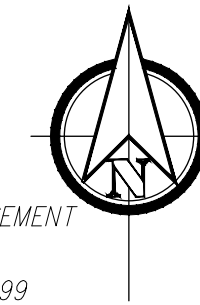
SUSSEX COUNTY ~ DELAWARE

DATE: 30 NOVEMBER 2020
SCALE: AS SHOWN
PROJECT NO. 12393.CF
SHEET: C11 OF 17




FIRE MARSHAL NOTES

1. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PROTECTION REGULATIONS.
2. THE EXISTING AND PROPOSED BUILDING ADDITIONS WILL BE PROTECTED BY AUTOMATIC SPRINKLERS IN ACCORDANCE WITH NFPA 13.
3. BUILDING CONSTRUCTION WILL BE MASONRY AND STEEL.
4. THE EXISTING BUILDING HEIGHT IS 30' ± AND THE PROPOSED TANK HEIGHT IS 40'.
5. THE PROPOSED BUILDING SHALL HAVE STANDPIPES INSTALLED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS AND NFPA 14.
6. LOCK BOX REQUIRED, CONTACT LOCAL FIRE CHIEF FOR ORDERING INFORMATION AND LOCATION OF BOX ON THE BUILDING.
7. FIRE SUPPRESSION WATER IS PROVIDED BY AN EXISTING 66,000 GALLON FIRE TANK LOCATED ON THE EAST SIDE OF THE EXISTING BUILDING.



DELMARVA POWER AND LIGHT EASEMENT
(PER DR. 510-468)
10' DEDICATION PER PB 68-199
(40 FROM CENTERLINE OF ROAD)
RECORDED AFTER DR. 2454-163



DUFFIELD
ASSOCIATES

5400 LIMESTONE ROAD
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STATE FIRE MARSHAL PLAN

BIOENERGY DEVELOPMENT

GROUP, LLC

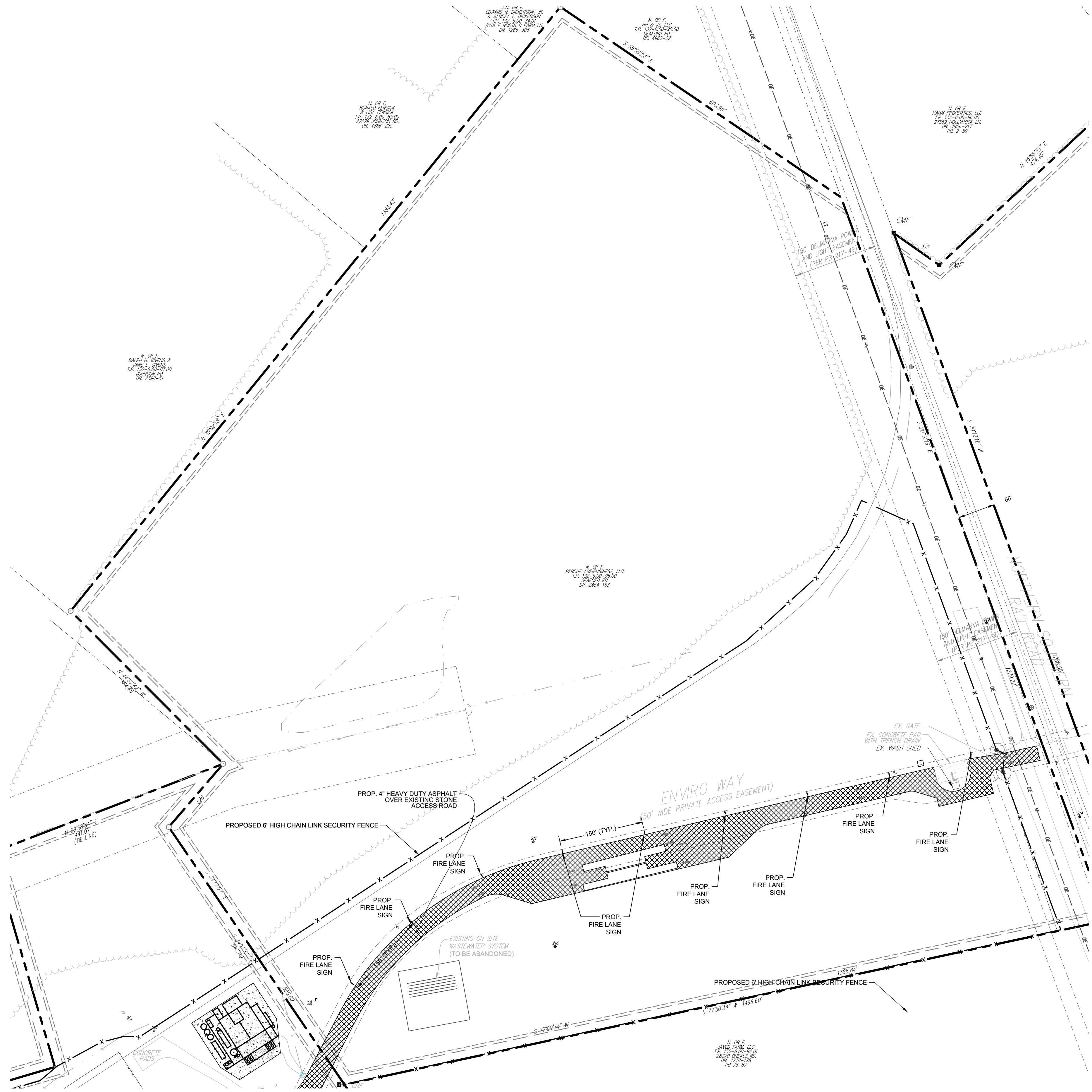
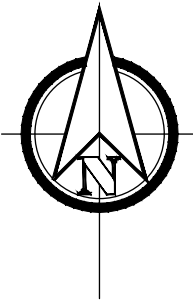
SUSSEX COUNTY ~ DELAWARE

DATE: 30 NOVEMBER 2020

SCALE: 1" = 200'

PROJECT NO. 12393.EA

SHEET: C13 OF 17



MATCHLINE - SEE SHEET 3



SITE PLAN
STATE FIRE MARSHAL PLAN
BIOENERGY DEVELOPMENT
GROUP, LLC
SUSSEX COUNTY ~ DELAWARE

DATE: 30 NOVEMBER 2020
SCALE: 1" = 100'
PROJECT NO. 12393.EA
SHEET: C14 OF 17

OWNER: BIOENERGY DEVELOPMENT GROUP, LLC
250 HENDRIX ROAD
COLUMBIA, MD 21045

REVISION	No.	DESIGNED BY:	CHECKED BY:
		SCHUL	SIG
		DRAWN BY:	FILE NAME:
		SMC/JUL	13_15-12393CF-SF-40
		STEPHEN J. GORSKI, P.E.	
		STATE, DELAWARE	
		P.E.#: 12625	

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CH/JIL	SIG
DRAWN BY: M/C/JIL	FILE NAME: 13_15-12393CF-S

STEPHEN J. GORSKI, P.E.

[illegible]

OWNER: BIOENERGY DEVELOPMENT GROUP, LLC
8000 BERRY AVE.
COLUMBIA, MD 21045

SITE PLAN

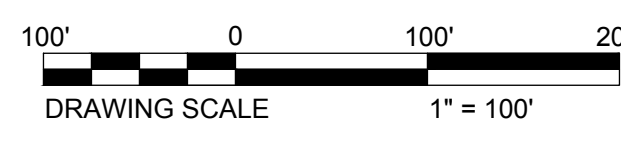
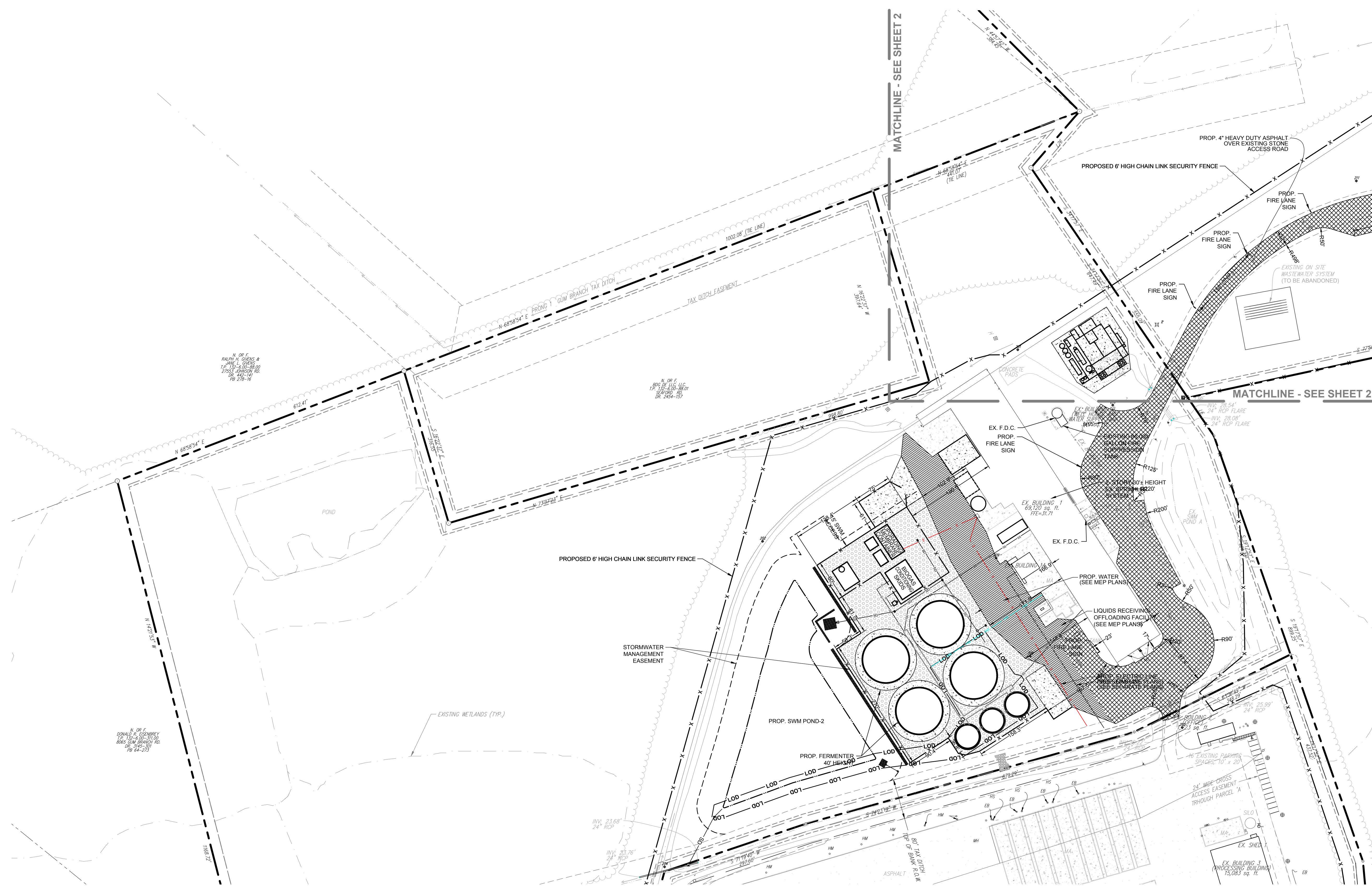
STATE FIRE MARSHAL PLAN

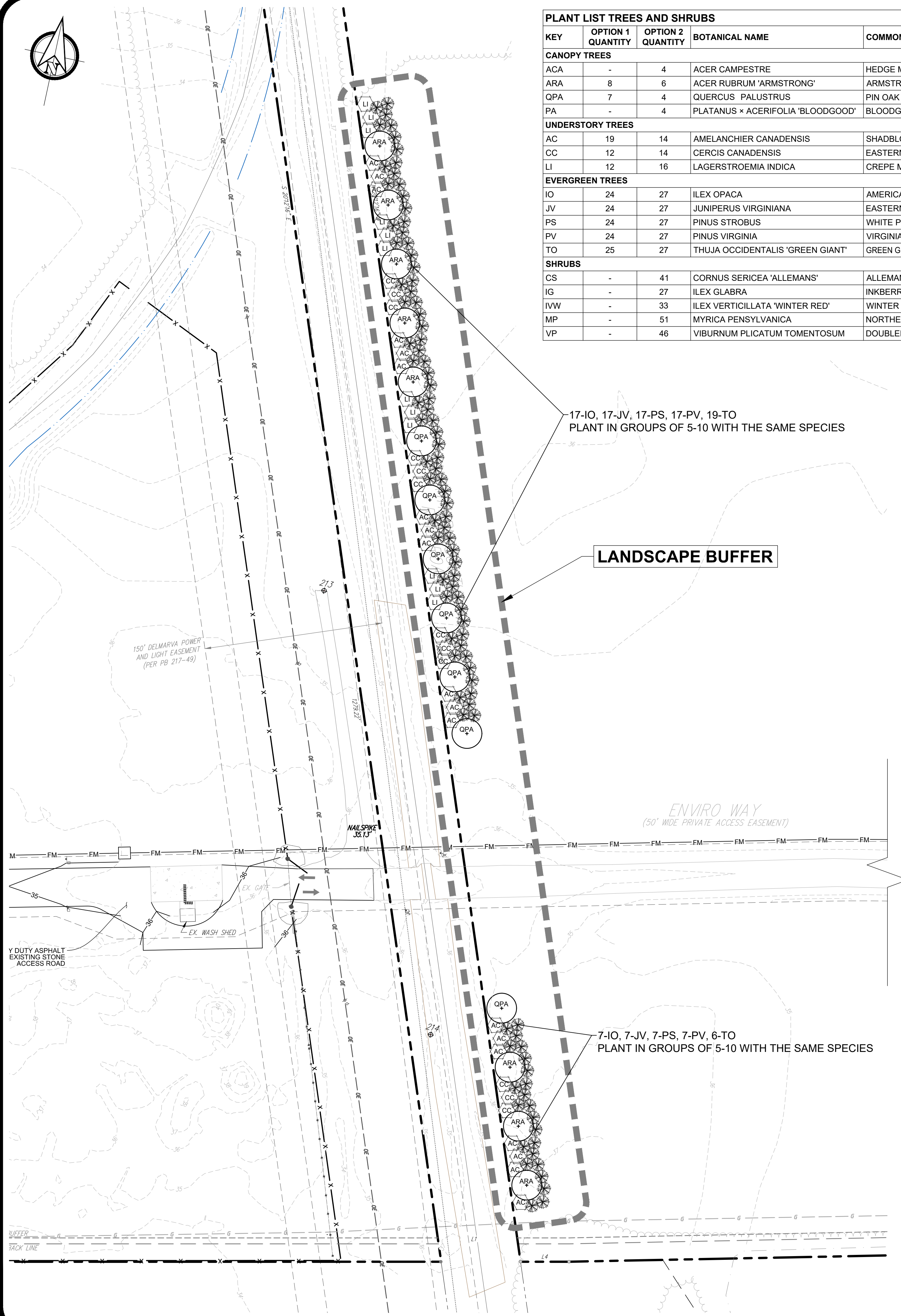
BIOENERGY DEVELOPMENT

GROUP, LLC

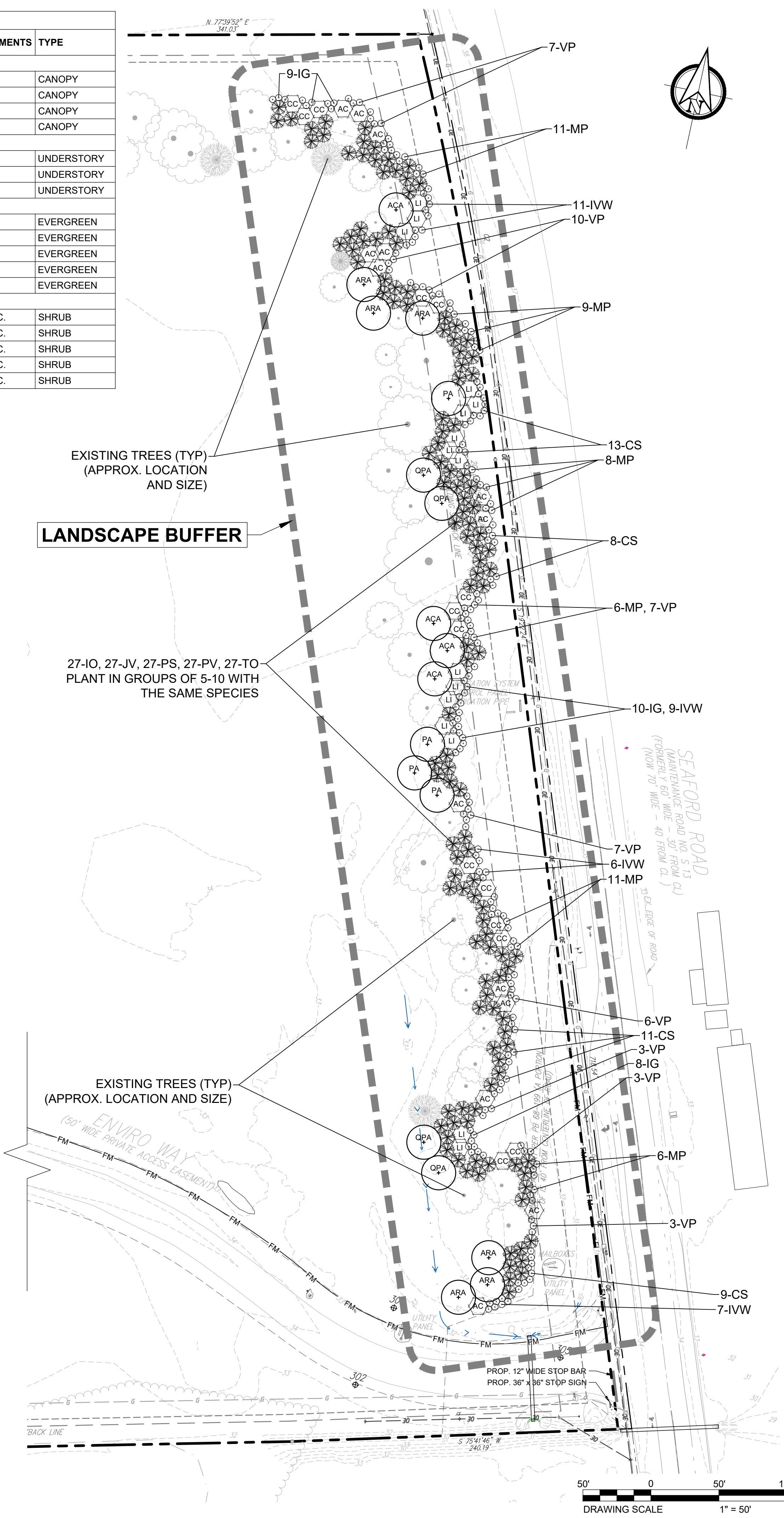
SUSSEX COUNTY, NEW JERSEY

DATE: 30 NOVEMBER 2020
SCALE: 1" = 100'
PROJECT NO. 12393.EA
SHEET: C15 OF 17





PLANT LIST TREES AND SHRUBS								
KEY	OPTION 1 QUANTITY	OPTION 2 QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	COMMENTS	TYPE
CANOPY TREES								
ACA	-	4	ACER CAMPESTRE	HEDGE MAPLE	2.5-3" CAL.	B&B		CANOPY
ARA	8	6	ACER RUBRUM 'ARMSTRONG'	ARMSTRONG RED MAPLE	2.5-3" CAL.	B&B		CANOPY
QPA	7	4	QUERCUS PALUSTRIS	PIN OAK	2.5-3" CAL.	B&B		CANOPY
PA	-	4	PLATANUS x ACERIFOLIA 'BLOODGOOD'	BLOODGOOD PLANETREE	2.5-3" CAL.	B&B		CANOPY
UNDERSTORY TREES								
AC	19	14	AMELANCHIER CANADENSIS	SHADBLOW SERVICEBERRY	6-7 HT.	B&B		UNDERSTORY
CC	12	14	CERCIS CANADENSIS	EASTERN REDBUD	6-7 HT.	B&B		UNDERSTORY
LI	12	16	LAGERSTROEMIA INDICA	CREPE MYRTLE	6-7 HT.	B&B		UNDERSTORY
EVERGREEN TREES								
IO	24	27	ILEX OPACA	AMERICAN HOLLY	5-6 HT.	B&B		EVERGREEN
JV	24	27	JUNIPERUS VIRGINIANA	EASTERN RED CEDAR	5-6 HT.	B&B		EVERGREEN
PS	24	27	PINUS STROBUS	WHITE PINE	5-6 HT.	B&B		EVERGREEN
PV	24	27	PINUS VIRGINIA	VIRGINIA PINE	5-6 HT.	B&B		EVERGREEN
TO	25	27	THUJA OCCIDENTALIS 'GREEN GIANT'	GREEN GIANT ARBORVITAE	5-6 HT.	B&B		EVERGREEN
SHRUBS								
CS	-	41	CORNUS SERICEA 'ALLEMANS'	ALLEMANS REDOSIER DOGWOOD	30-36" HT.	5 GAL.	5' O.C.	SHRUB
IG	-	27	ILEX GLABRA	INKBERRY	30-36" HT.	5 GAL.	5' O.C.	SHRUB
IVW	-	33	ILEX VERTICILLATA 'WINTER RED'	WINTER RED WINTERBERRY	30-36" HT.	5 GAL.	5' O.C.	SHRUB
MP	-	51	MYRICA PENNSYLVANICA	NORTHERN BAYBERRY	30-36" HT.	5 GAL.	5' O.C.	SHRUB
VP	-	46	VIBURNUM PLICATUM TOMENTOSUM	DOUBLEFILE VIBURNUM	30-36" HT.	5 GAL.	5' O.C.	SHRUB



DATE: 15 OCTOBER 2020

SCALE: 1" = 50'

PROJECT NO. 12393.EA

SHEET: 1 OF 2

LANDSCAPE PLAN

BIOENERGY DEVELOPMENT GROUP, LLC

GROUP, LLC

SUSSEX COUNTY ~ DELAWARE

OWNER: BIOENERGY DEVELOPMENT GROUP, LLC
220 HENDRIX ROAD
COLUMBIA, MD 21045

DESIGNED BY: JIL
DRAWN BY: JIL
CHECKED BY: JGF
FILE NAME: LND12393.CF

JOHN G. FELLOWS, R.L.A.

STATE: DELAWARE

RLA#: 094

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LANDSCAPE NOTES

- MULCH ALL TREE PITS, PLANT BEDS, AND GROUND COVER AREAS WITH A MINIMUM 3" DEPTH (AFTER SETTLEMENT) OF MULCH OR AS NOTED: SHREDDED HARDWOOD MULCH SHALL BE USED FOR ALL TREE PITS AND SHRUB BEDS.
- THIS DRAWING TO BE USED FOR LANDSCAPE DEVELOPMENT PURPOSES ONLY.
- ALL TREE STAKING, GUYING, AND WRAPPING SHALL BE REMOVED AFTER ONE YEAR.
- ALL SHRUB, FLOWER, AND GROUND COVER BEDS SHALL BE PITCHED OR CROWNED TO ASSURE A MINIMUM SURFACE PITCH OF 3% FOR POSITIVE SURFACE DRAINAGE.
- ALL PROPOSED LANDSCAPE PLANT MATERIAL TO BE GUARANTEED FOR A PERIOD OF THREE YEARS FROM THE DATE OF ACCEPTANCE, AGAINST DEFECTS INCLUDING DEATH AND UNSATISFACTORY GROWTH, EXCEPT FOR DEFECTS RESULTING FROM NEGLECT BY OWNER, ABUSE OR DAMAGE BY OTHERS, OR UNUSUAL PHENOMENA OR INCIDENTS WHICH ARE BEYOND LANDSCAPE INSTALLER CONTROL. CONTRACTOR, IF NOT MAINTAINING THE PROPERTY DURING THE GUARANTEE PERIOD, SHALL BE RESPONSIBLE FOR MAKING MONTHLY INSPECTIONS AND ISSUING WRITTEN REPORTS DETAILING ANY MAINTENANCE PRACTICES HE OBSERVES WHICH WOULD IN ANYWAY NEGATE HIS GUARANTEE OBLIGATION.
- ALL AREAS BEYOND THE LIMIT OF LAWN/GROUND COVER THAT ARE DISTURBED BY CONSTRUCTION OPERATIONS SHALL BE REPAIRED TO PRE-CONSTRUCTION CONDITION AND/OR TO COMPLY WITH STANDARDS INDICATED ON THE SOIL EROSION AND SEDIMENT CONTROL PLAN.
- ALL TREES ADJACENT TO CURBS (OR EDGE OF PAVEMENT) SHALL BE PLACED 5'-0" AWAY FROM THE CURB FACE MEASURED TO THE CENTERLINE OF THE TREE TRUNK. IF PLACED IN THE MEDIAN ISLAND, THEY SHALL BE CENTERED IN THE SPACE BETWEEN THE CURBS OR AS NOTED ON THE LANDSCAPE PLAN. ALL TREES PLANTED ADJACENT TO PEDESTRIAN WALKWAYS SHALL BE BRANCHED AT 7' INITIALLY.
- NO PLANT MATERIAL ABOVE 24" WILL BE INSTALLED WITHIN ANY APPROVED SIGHT TRIANGLE.
- PLANT BACKFILL MIX SHALL CONTAIN THE FOLLOWING:
1 PART AMENDED TOPSOIL (SCREENED) WITH FERTILIZATION AS REQUIRED BELOW:

AMENDED TOPSOIL: SHALL BE WITHOUT ADMIXTURE OF SUBSOIL OF SLAG AND SHALL BE FREE OF STONES, LUMPS, PLANTS OR THEIR ROOTS, STICKS AND EXTRANEOUS MATTER, AND SHALL NOT BE MOVED, PLACED OR USED WHILE IN FROZEN OR MUDDY CONDITION. TOPSOIL SHALL HAVE AN ACIDITY RANGE OF pH 5.0 TO 7.0 AND SHALL CONTAIN NOT LESS THAN 5% ORGANIC MATTER AS DETERMINED BY THE "WALKLEY-BLACK METHOD" (COLORIMETRIC VERSION). SUFFICIENT LIMESTONE SHALL BE ADDED TO TOPSOIL USED TO BRING SOIL TO RANGE OF pH 6.0 TO pH 6.5. THERE SHALL BE A MINIMUM OF 12" OF TOPSOIL (AFTER SETTLEMENT) IN ALL PLANT BEDS, OR GROUND COVER AREAS AND 3" IN ALL FINE LAWN. SEEDED AREAS OR AS CALLED FOR. AREAS WHERE PAVING HAS BEEN REMOVED TO PROVIDE LAWN OR PLANTING BED AREA SHALL BE ROTOTILLED TO A DEPTH OF AT LEAST 12 INCHES PRIOR TO PLACING TOPSOIL.

FERTILIZATION: 1. FOR TREES, SHRUBS AND ALL GROUND COVER (HERBACEOUS AND CONIFEROUS): "TERRA-SORB" AG AT THE RATE OF 32 OZ PER CUBIC YARD OF SOIL MIX.
2. FOR TREES AND SHRUBS (EXCLUDING CONIFEROUS GROUND COVER): PHC HEALTHY START 3-4-3 ORGANIC FERTILIZER/SOIL CONDITIONER, SHALL BE APPLIED AT 1/2 LB. PER TRUNK DIAMETER (CAL. INCH) FOR TREES. FOR SHRUBS USE THE FOLLOWING TABLE:

PLANT SIZE	RATE CUPS	LBS.	#PLANT BAG
1 GALLON	1/2	1/4	100
5 GALLON	1	1/2	50
15 GALLON	2	1	25
24" BALL/BOX	3	1 1/2	16
36" BALL/BOX	5	2 1/2	10
42" BALL/BOX	6	3	8
54" BALL/BOX	8	4	6
72" BALL/BOX	10	5	5

FOR HERBACEOUS AND CONIFEROUS GROUND COVER: DRY ROOTS 2 SHALL BE APPLIED AT THE FOLLOWING RATES:

CONIFEROUS GROUND COVER:	
PLANT SIZE	RATE CUPS
15-18" B&B	1 1/2

HERBACEOUS GROUND COVER: 20LBS./1000 SQUARE FEET.

FOR LAWN AND SEEDED AREAS: 10-6-4 50% ORGANIC FERTILIZER AT THE RATE OF 20LBS. PER 1,000 SQUARE FEET (OR AS REQUIRED BY TOPSOIL ANALYSIS REPORT).

- ALL PLANT MATERIAL MUST COMPLY WITH THE RECOMMENDATIONS AND REQUIREMENTS OF ANSI Z60.1 "STANDARD FOR NURSERY STOCK".
- PLANT QUANTITIES ARE GIVEN FOR COMPARISON PURPOSES ONLY. CONTRACTOR IS RESPONSIBLE FOR CONFIRMING PLANT COUNTS AND SHALL BE RESPONSIBLE FOR PROVIDING ALL PLANT MATERIAL SHOWN ON THE DRAWING. ANY DISCREPANCIES BETWEEN PLANT SCHEDULE QUANTITIES AND PLANS SHALL IMMEDIATELY BE BROUGHT TO THE LANDSCAPE ARCHITECT'S ATTENTION PRIOR TO SUBMISSION OF BID. NO SUBSTITUTIONS OF TYPE OF PLANT MATERIAL OR SIZES OF PLANT MATERIAL WILL BE ACCEPTABLE UNLESS APPROVED BY THE LANDSCAPE ARCHITECT. ANY CHANGES TO AN APPROVED LANDSCAPE PLAN MUST BE AUTHORIZED BY THE LANDSCAPE ARCHITECT.
- APPLY ANTI-DESICCANT PRIOR TO THE ONSET OF WINTER AND AGAIN IN MID-WINTER, USING POWER SPRAY TO PROVIDE AN ADEQUATE FILM OVER TRUNKS, BRANCHES, STEMS, TWIGS, AND FOLIAGE. IF DECIDUOUS TREES OR SHRUBS ARE MOVED IN FULL-LEAF, SPRAY WITH ANTI-DESICCANT AT NURSERY BEFORE MOVING AND AGAIN TWO WEEKS AFTER INSTALLATION.
- ALL PLANTED TREES, SHRUBS, GROUND COVERS AND ANNUAL FLOWERS, SHALL BE MAINTAINED UNTIL FINAL ACCEPTANCE OF THE COMPLETED CONTRACT, OR WHEN INSTALLATION IS ACCEPTED AND MAINTENANCE IS TRANSFERRED TO OWNER. MAINTENANCE SHALL INCLUDE WATERING, CULTIVATING, CONTROL OF INSECTS, FUNGUS, AND OTHER HORTICULTURAL OPERATIONS NECESSARY FOR THE PROPER GROWTH OF ALL PLANT MATERIAL.
- PLANT LOCATIONS SHOWN ON THE PLAN ARE APPROXIMATE AND SUBJECT TO FIELD AND UTILITY LOCATIONS.
- PERMANENT SEEDING MIX PER DNREC STANDARD DETAIL DE-ESC 3.4.3. REFER TO SEDIMENT AND STORMWATER PLANS, SHEET 6 OF 9. ALL PVIOUS AREAS THAT DO NOT RECEIVE SHREDDED HARDWOOD MULCH SHALL BE SEEDED ACCORDING TO THE TABLE BELOW.

PERMANENT SEEDING AND SEEDING DATES (cont.)											
Seeding Mixtures		Seeding Rate ¹	Optimum Seeding Dates ²								Remarks
			3" x Optimum Planting Period				A = Acceptable planting period				
Mix No.	Certified Seed ³		Coastal Plain	Piedmont	Alt ¹						
	Poorly Drained Soils	Bst/Ac	10/100	2/1-1	3/1-1	8/15-1	3/1-1	5/1-1	8/1-1	10/31-2/1	
14	Creeping Red Fescue	50	1.15	O	A	O	O	O	A	O	Shade tolerant,
	Rough Bluegrass or Chewings Fescue	90	2.1	O	A	O	O	O	A	O	moisture tolerant.

- When hydroseeding is the chosen method of application, the total rate of seed should be increased by 25%.
- Winter seeding requires 3 tons per acre of straw mulch. Planting dates listed above are average for Delaware. These dates may require adjustment to reflect local conditions.
- All seed shall meet the minimum purity and maximum germination percentages recommended by the Delaware Department of Agriculture. The maximum % of weed seeds shall be in accordance with Section 1, Chapter 24, Title 3 of the Delaware Code.
- Cool season species may be planted throughout summer if soil moisture is adequate or seeded area can be irrigated.
- All leguminous seed must be inoculated.
- Warm season grass mix and Reed Canary Grass cannot be mowed more than 4 times per year.
- Warm season grasses require a soil temperature of at least 50 degrees in order to germinate, and will remain dormant until then.

TREE PROTECTION NOTES

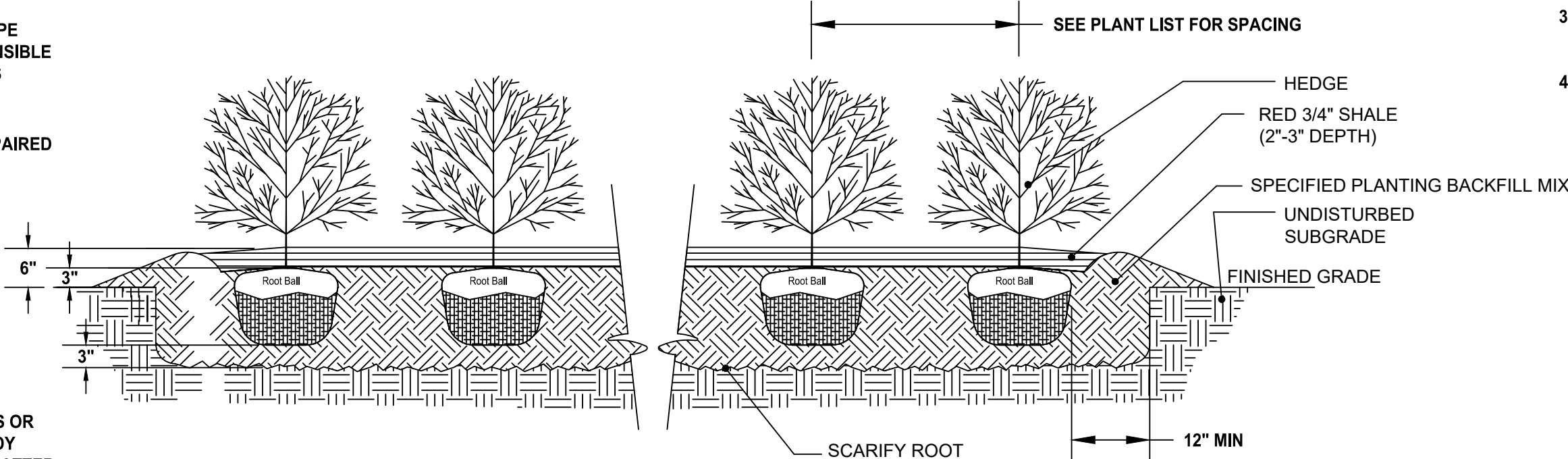
- LIMIT OF WORK LINE TO BE DELINEATED BY SNOW FENCING OR APPROVED EQUAL. ALL TREES IDENTIFIED AS BEING PRESERVED FOR CREDIT SHALL BE FENCED ALONG OR BEYOND THEIR DRIP LINE. SEE TREE PROTECTION DETAIL ON THIS SHEET.
- PROTECTIVE FENCING TO BE SNOW FENCING OR EQUIVALENT TO PROTECT VEGETATION FROM HEAVY MACHINERY OR CONSTRUCTION OPERATIONS.
- PROTECTIVE FENCING TO BE ERECTED BEFORE EXCAVATION AND REMOVED UPON COMPLETION OF GRADING.

RECOMMENDED SEASONAL COLOR VARIETIES:

ANNUALS	PERENNIALS
• SPRING	- SUMMER PHLOY
- PANSIES	- COMMON THRIFT
- SNAPDRAGON	- SHASTA DAISY
- DUSTY MILLER	- THREAD - LEAVED COREOPSIS
• SUMMER	- ENGLISH LAVENDER
- GERANIUMS	- PERENNIAL SALVIA
- MARIGOLDS	- AUTUMN STONE CROP
- IMPATIENS	
• FALL / WINTER	
- PANSIES	
- CHRYSANTHEMUMS	
- ORNAMENTAL KALE / CABBAGE	

CONTRACTOR NOTES

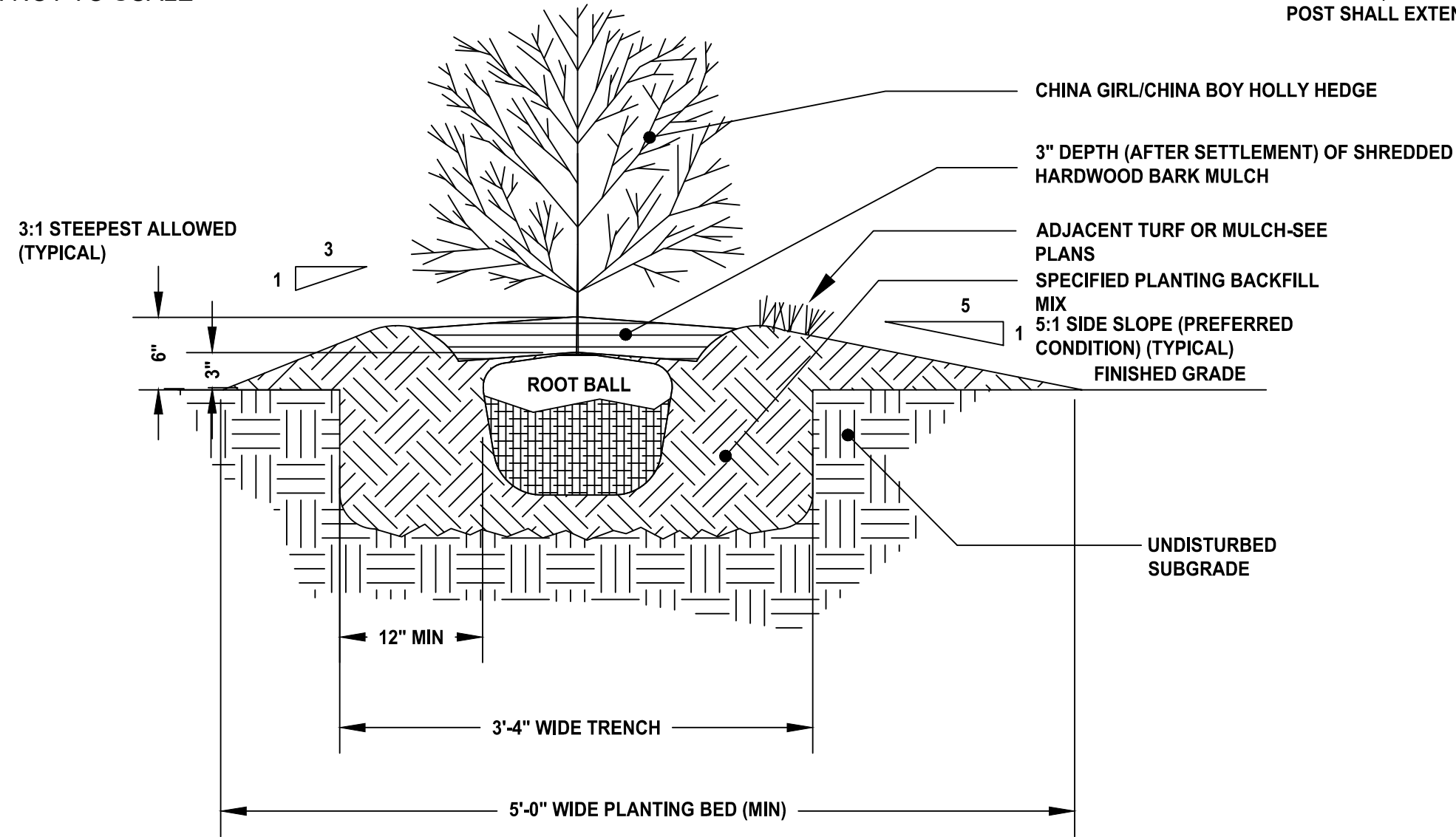
- CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE CODES AND ORDINANCES REGARDING LANDSCAPING.
- IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ESTABLISH A HEALTHY STAND OF GRASS ON ALL SEEDED AREAS.
- GENERAL CONTRACTOR IS TO CLEAN ENTIRE SITE OF ALL CONSTRUCTION DEBRIS AND RAKE ENTIRE SITE.



- NOTE:
- CROWN OF ROOT BALL TO BE APPROXIMATELY 3" ABOVE EXISTING GRADE.
 - REMOVE COLLAR ROPES AND BURLAP FROM TOP 1/3 OF ROOT BALL.
 - HEDGE PLANTING TRENCH SHALL BE CONTINUOUS FOR ENTIRE LENGTH OF HEDGE.

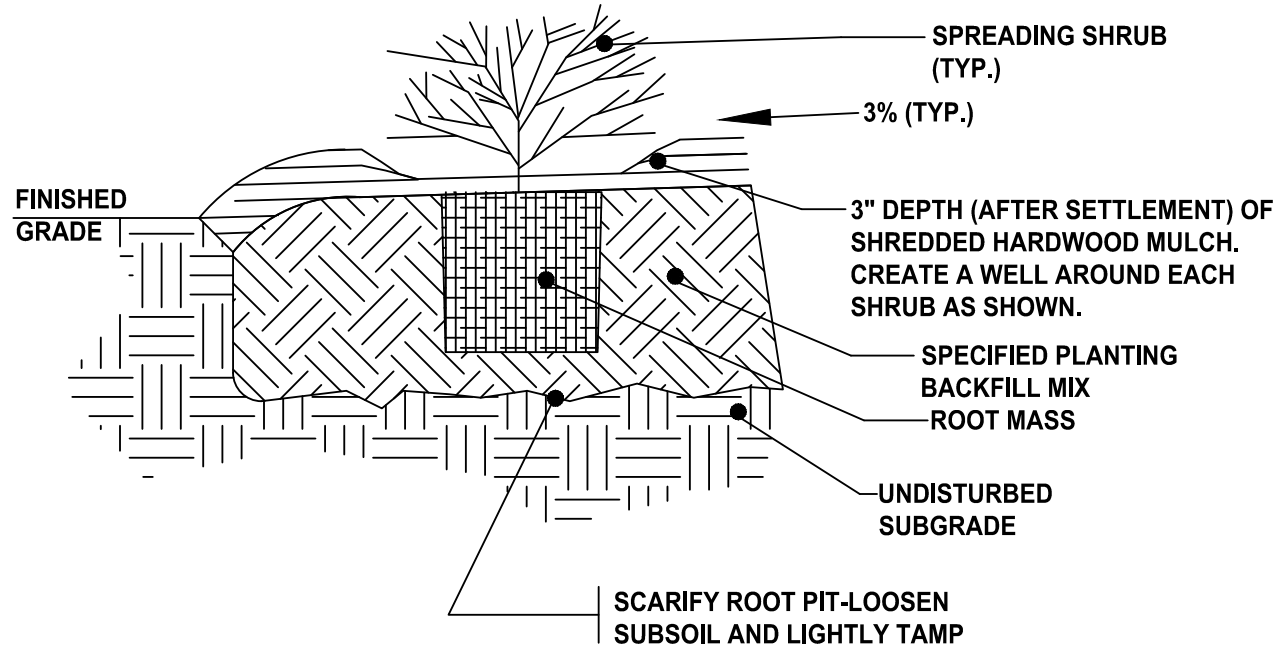
DETAIL: HEDGE PLANTING

SCALE: NOT TO SCALE



DETAIL: HEDGE PLANTING CROSS SECTION

SCALE: NOT TO SCALE



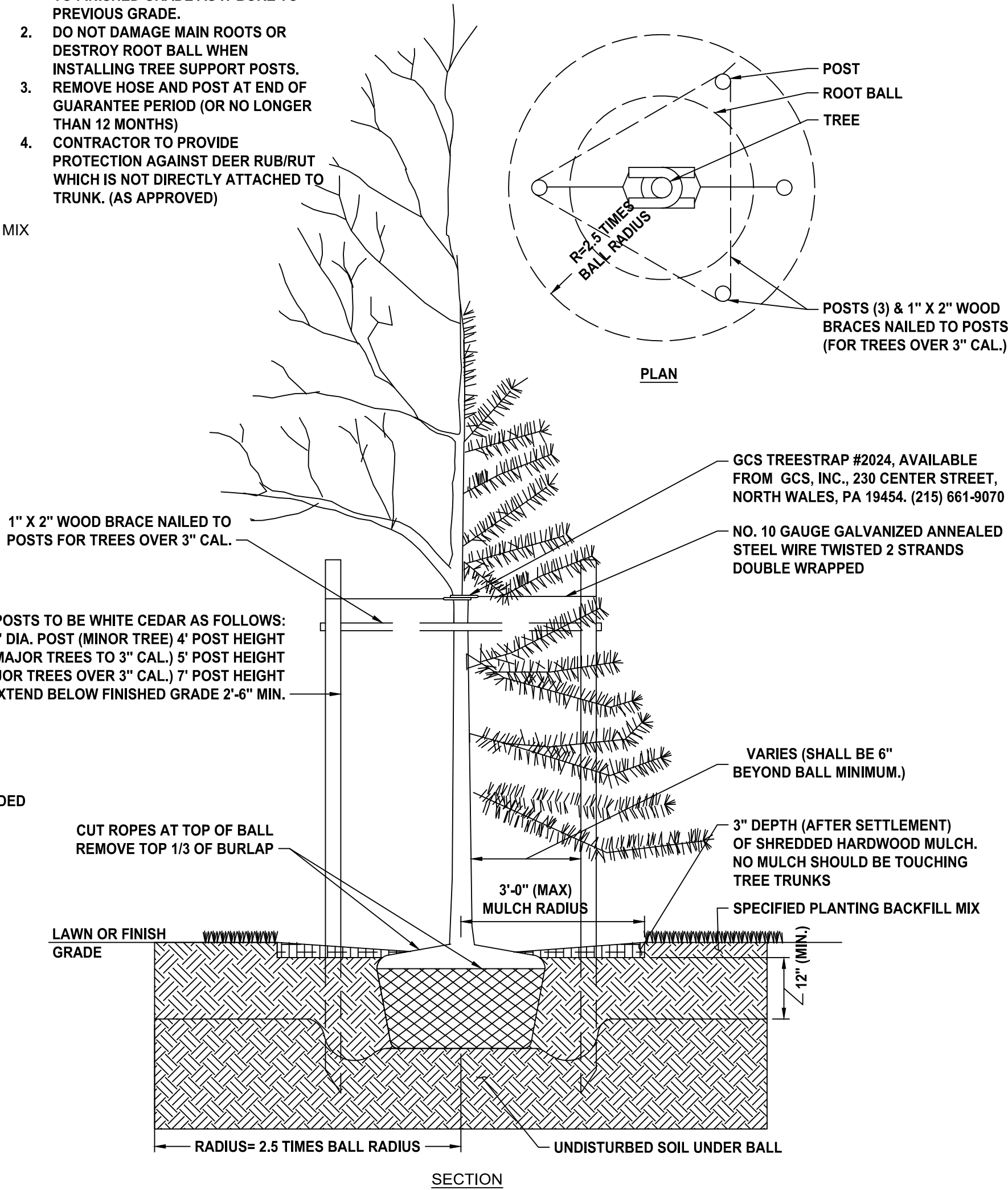
- CROWN OF ROOT MASS TO BE SLIGHTLY ABOVE EXISTING GRADE. IF DRAINAGE IS QUESTIONABLE NOTIFY LANDSCAPE ARCHITECT IMMEDIATELY FOR DECISION.
- FOR BARE ROOT SHRUBS: THIN BRANCHES AND FOLIAGE (NOT ALL END TIPS) BY 1/3 RETAINING NORMAL PLANT SHAPE. (BARE ROOT PLANTS ONLY).
- FOR CONTAINER SHRUBS: REMOVE POT, CHECK ROOT SYSTEM. IF THERE ARE ANY SIGNS OF BEING ROOT BOUND, SLASH ROOT MASS (WITH A SHARP KNIFE) VERTICALLY IN 4 EQUIDISTANT LOCATIONS.
- FOR BALLED AND BURLAPPED SHRUBS: REMOVE COLLAR ROPES AND TOP 1/3 OF BURLAP. 5. CROWN OR SLOPE ALL SHRUB BEDS TO ASSURE A MIN. PITCH OF 3%.

SHRUB PLANTING DETAIL

NOT TO SCALE

PLANTING NOTES:

- CROWN OF ROOT BALL SHALL BEAR SAME RELATION (OR SLIGHTLY ABOVE) TO FINISHED GRADE AS IT BORE TO PREVIOUS GRADE.
- DO NOT DAMAGE MAIN ROOTS OR DESTROY ROOT BALL WHEN INSTALLING TREE SUPPORT POSTS.
- REMOVE HOSE AND POST AT END OF GUARANTEE PERIOD (OR NO LONGER THAN 12 MONTHS)
- CONTRACTOR TO PROVIDE PROTECTION AGAINST DEER RUB/RUT WHICH IS NOT DIRECTLY ATTACHED TO TRUNK. (AS APPROVED)



DETAIL: TREE PLANTING

SCALE: NOT TO SCALE

STORM DRAIN INSPECTION AND MAINTENANCE

CATCH BASINS AND ROOF DRAIN CLEANOUTS:

CATCH BASINS AND ROOF DRAIN CLEANOUTS SHOULD BE INSPECTED SEMI-ANNUALLY. ROOF DRAINS SHOULD BE CLEARED OF ANY OBSERVED DEBRIS. CATCH BASIN INSERTS SHOULD BE INSPECTED AT LEAST SEMI-ANNUALLY OR AFTER LARGE STORM EVENTS. SEDIMENT SHALL BE REMOVED DURING THE SEMI-ANNUAL INSPECTION. FILTER STRIPS SHOULD BE REPLACED WHEN THEIR CAPACITY IS REACHED.

TRENCH DRAINS:

TRENCH DRAINS SHALL BE INSPECTED SEMI-ANNUALLY, ACCUMULATED SEDIMENT AND DEBRIS MUST BE REMOVED BY PRESSURE WASHING OR OTHER APPROPRIATE MEANS TO ALLOW RUNOFF TO FREELY ENTER THE TRENCH DRAIN AT ALL TIMES.

BIORETENTION AREA INSPECTION AND MAINTENANCE:

- THERE SHOULD BE SEMI-ANNUAL REGULAR INSPECTIONS OF THE FACILITY. ONCE BEFORE GROWTH EMERGES IN THE SPRING, AND ONCE AT SEED DISPERSAL IN THE FALL. JUST BEFORE NEW GROWTH EMERGES IN THE SPRING, CUT DOWN STANDING STALKS OF HERBACEOUS MATERIAL TO 12 INCHES. TO ELIMINATE COMPETITION FROM INVASIVE PLANTS AND UNDESIRABLE WOODY VEGETATION, SELECTIVELY APPLY APPROPRIATE HERBICIDE WITH A CUT STUMP APPLICATOR OR DIRECTED FOLIAR SPRAYS. PRUNE TREES AND SHRUBS AS NEEDED EVERY FALL.
- THE FACILITY SHOULD BE INSPECTED AFTER STORM EVENTS GREATER THAN 2 INCHES. RESEED AND/OR REPLANT AS REQUIRED BASED UPON INSPECTION FINDINGS. FOR WOODY MATERIAL, INSPECT FOR PESTS AND ICE DAMAGE.
- WHERE SEDIMENT FOREBAYS ARE PROVIDED, REMOVE SEDIMENTS ACCUMULATED IN THE FOREBAY ONCE IT IS HALF FILLED.
- REMOVE ALL VISIBLE ACCUMULATIONS OF SEDIMENT ON TOP OF THE MULCH LAYER WITH A FLAT SHOVEL. RAKE TO PROMOTE INFILTRATION. ADD MULCH IN SPRING AS NEEDED TO MAINTAIN 3 INCH MULCH LAYER.
- STABILIZE ERODED AREAS AND REPLANT AS NECESSARY.
- THE SOIL SHOULD BE TESTED ANNUALLY TO ENSURE PROPER PH, AND ADJUSTED WITH LIMESTONE IF IT IS DETERMINED TO BE TOO ACIDIC. IF REQUIRED, FERTILIZER SHOULD ONLY BE APPLIED IN THE FALL.

DUFFIELD
ASSOCIATES
Soil, Water & the Environment

5400 LIMESTONE ROAD
WILMINGTON, DE 19808-1232
TEL: 302.239.6634
FAX: 302.239.8485

OFFICES IN DELAWARE, MARYLAND,
PENNSYLVANIA AND NEW JERSEY
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E-MAIL: DUFFNET@DUFFNET.COM

CHECKED BY:	DESIGNED BY:	CHECKED BY:	DESIGNED BY:
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IND12393.CF	JUL	IND12393.CF	JUL
JOHN G. FELLOWS, R.L.A.			

REVISION	DATE	BY	DESCRIPTION
No.			

OWNER: BIOENERGY DEVELOPMENT GROUP, LLC 250 HENDRIX ROAD COLUMBIA, MD 21045

LANDSCAPE DETAILS AND NOTES

BIOENERGY DEVELOPMENT
GROUP, LLC

SUSSEX COUNTY ~ DELAWARE

DATE: 15 OCTOBER 2020

SCALE:

PROJECT NO. 12393.EA

SHEET: L2 OF 2



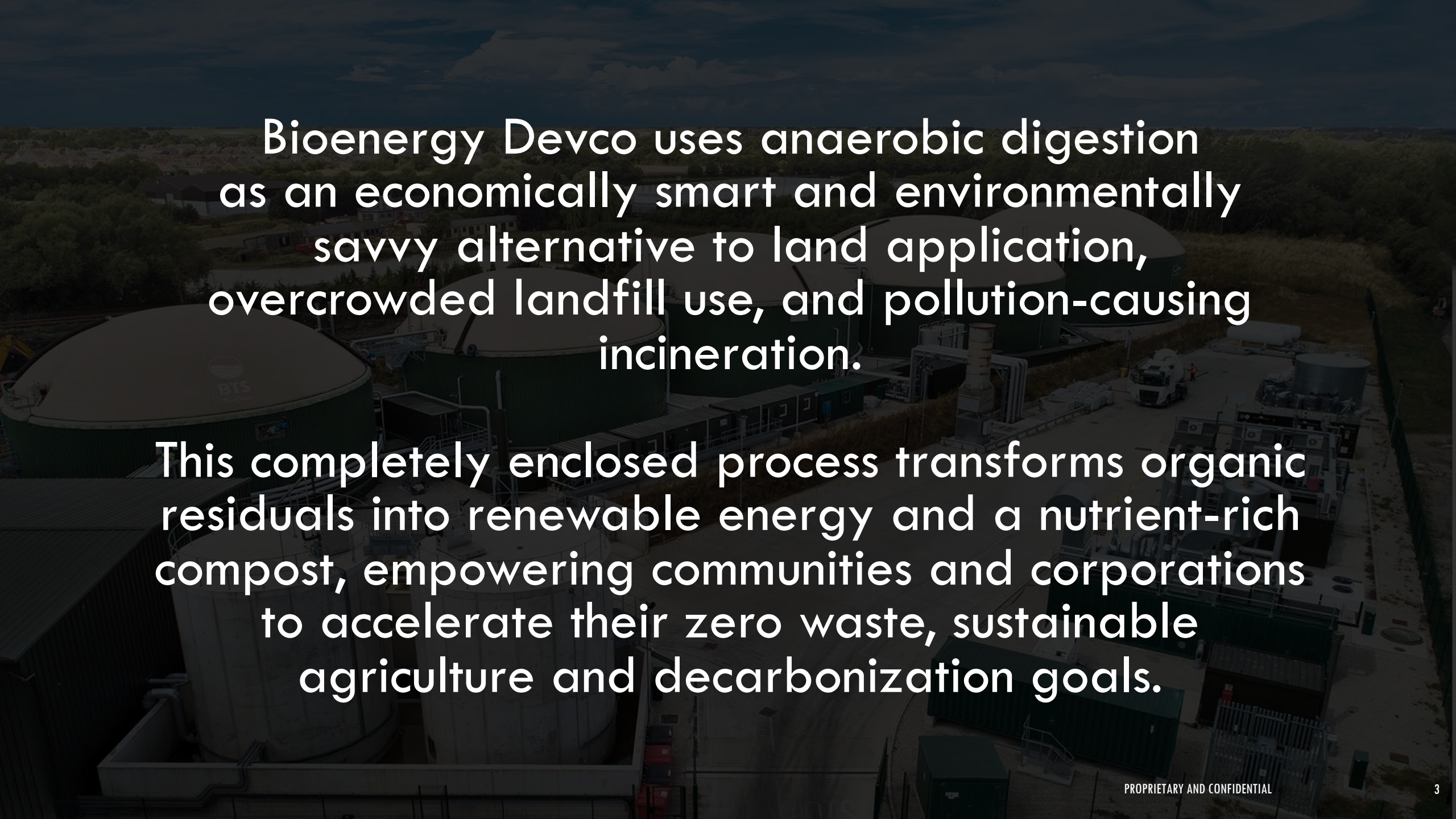
MANAGING EXCESS ORGANICS DELIVERING RENEWABLE ENERGY ENABLING HEALTHY SOILS

Conditional Use Permit
Public Hearing
February 11, 2021

A GLOBAL LEADER IN THE FINANCE, DESIGN, BUILD AND OPERATION OF ANAEROBIC DIGESTERS

220 plants built,
operation and maintenance
of 150 plants,
22 years of experience,
3 international grids,
full microbiological lab,
guaranteed and insured
performance

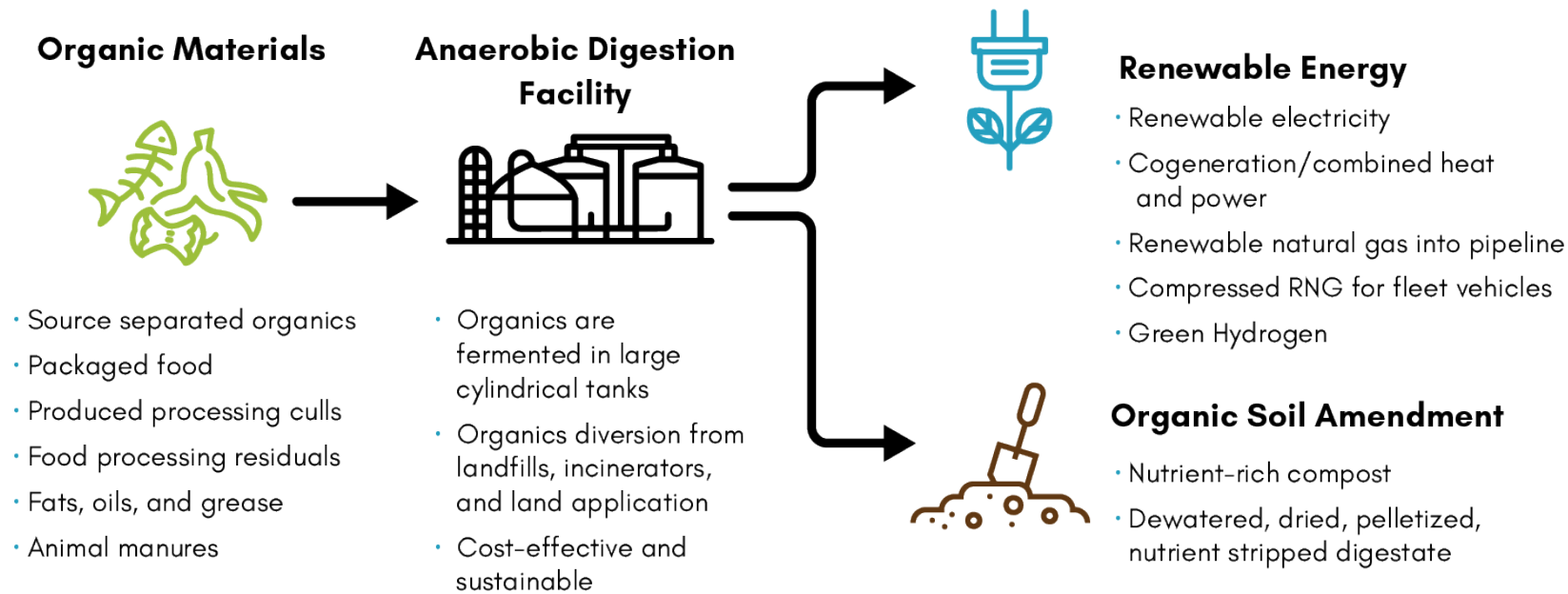


An aerial photograph of a large-scale industrial facility, identified as a Bioenergy Devco plant. The image shows several large, circular, light-colored storage tanks or digesters arranged in a row. To the right of these tanks are various industrial buildings, pipes, and a white truck. The facility is surrounded by a fence and some vegetation in the background. The text is overlaid on the top half of the image.

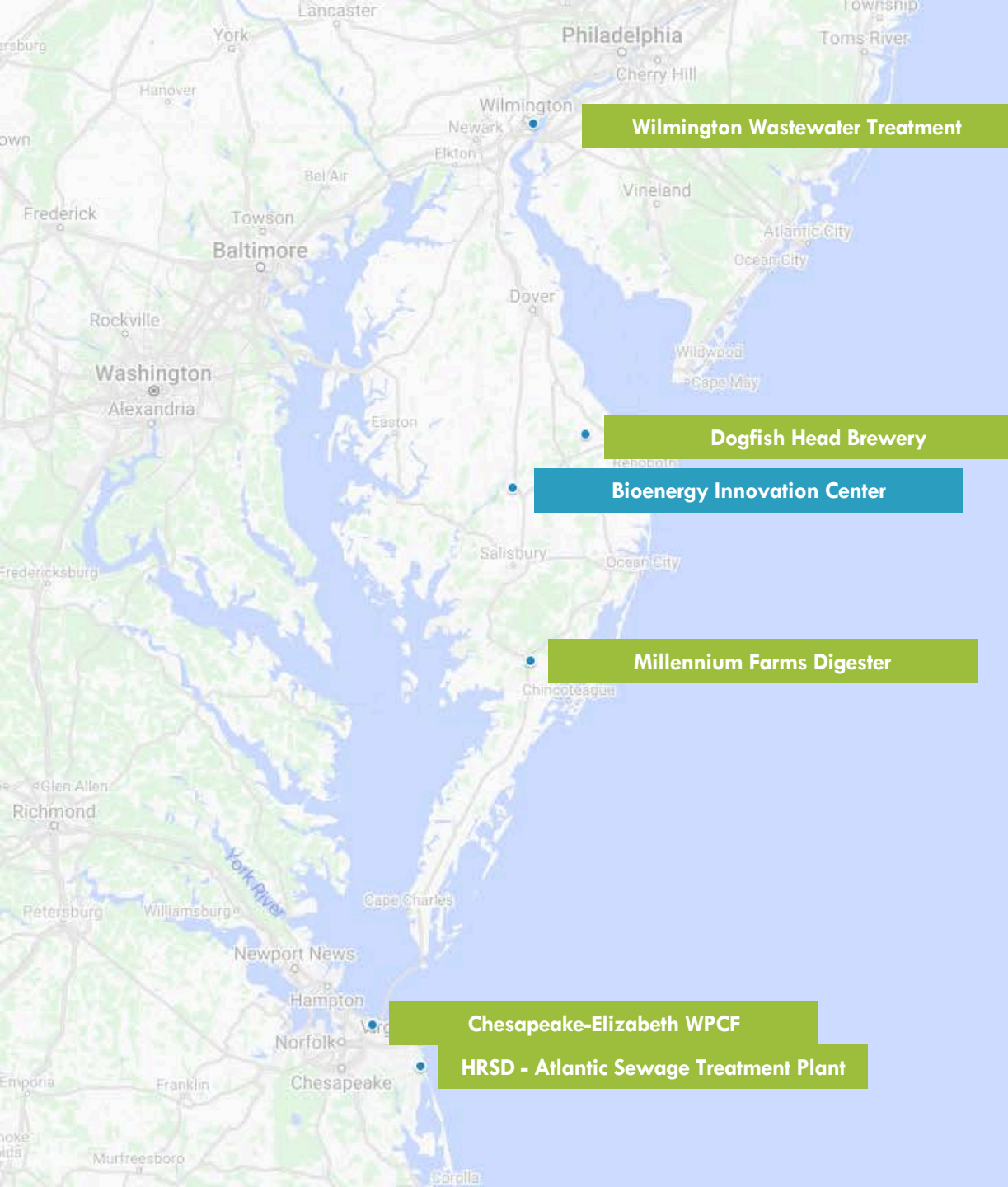
Bioenergy Devco uses anaerobic digestion
as an economically smart and environmentally
savvy alternative to land application,
overcrowded landfill use, and pollution-causing
incineration.

This completely enclosed process transforms organic
residuals into renewable energy and a nutrient-rich
compost, empowering communities and corporations
to accelerate their zero waste, sustainable
agriculture and decarbonization goals.

WHAT IS ANAEROBIC DIGESTION?



Think of this process
as a cow's four-
chambered stomach,
but on an industrial
scale.



Existing local facilities and commercial operations that utilize AD include, but are not limited, to:

- Millennium Farms Digester
- Dogfish Head Brewery
- Wilmington Wastewater Treatment Plant
- HRSD - Atlantic Sewage Treatment Plant
- Chesapeake-Elizabeth WPCF

BIOENERGY INNOVATION CENTER

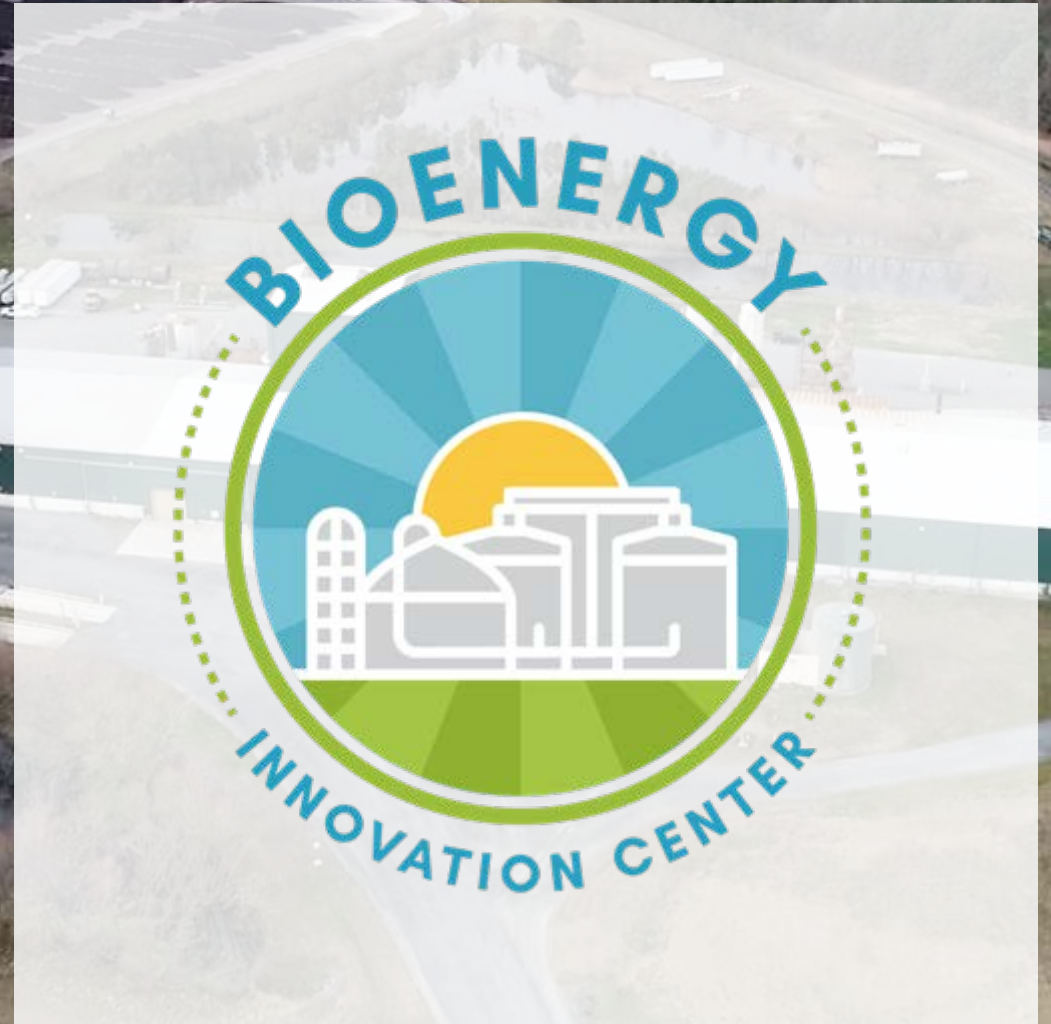
FORMERLY PERDUE AGRIRECYCLE

Location: Seaford, DE

Feedstocks: Up to 210,000 tons/year of excess organics from the poultry industry

Projected Gas Production: 410,000+ mm BTU/year

The Bioenergy Innovation Center (BIC) is a state-of-the-art fully enclosed facility combining compost with anaerobic digestion. The facility is dedicated to the management of excess organics typically headed for land application, minimizing environmental impact and enriching the land while creating new opportunities around the Delmarva peninsula.





Artist Rendering
June 2020

THE FACILITY TODAY

Old
Pelletizing
Facility

Future
AD
Facility

Existing
Compost
Facility





OUR GOALS



Combine the existing composting facility with nature's process of anaerobic digestion to address the challenges of disposal of organic residuals.



Create a new source of renewable, sustainable, and clean energy, which is important to the continued economic growth of Sussex County.



Market and sell the digestate to farmers and gardeners to improve their soil, to soil blenders that make engineered soils used in stormwater management, construction, and highway projects, and even by soil baggers that supply local hardware stores.



Eliminate the land application of nutrients that comes from excess organics, providing farmers and consumers with a smart way to enhance the health and performance of their soils.



Ensure that what's good for the environment is good for business by working smartly with the poultry industry, cities, towns, state and environmental community alike.



Drive economic development in the community through investment, commitment, and involvement.



Reduce GHG emissions that come from traditional sources of disposal.

ENVIRONMENTAL BENEFITS

- Healthier Soils

- As a byproduct of the anaerobic digestion process, our facilities produce organic, odorless soil amendments that can be applied to public lands and community gardens to replenish nutrients.

- Healthier Air

- Our facilities help to minimize carbon-intensive disposal practices like landfills and land applications that release polluting greenhouse gases into the atmosphere – improving the air that we breathe.

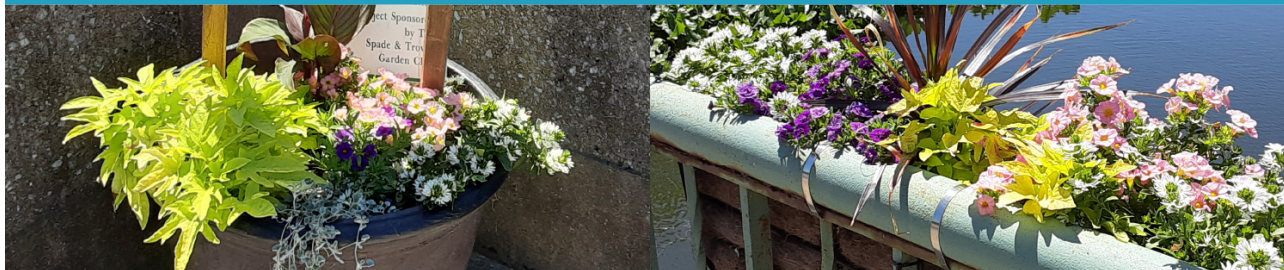
- Healthier Water

- BDC's fully enclosed anaerobic digesters eliminate groundwater pollution often caused by excessive land application of nutrients and landfill operations, minimizing excessive nutrient runoff that can poison ecosystems and cause significant human health issues.

COMMUNITY ENGAGEMENT



On behalf of the Spade and Trowel Garden Club of Seaford we want to thank you for the compost which you provided so that we could plant the pots on the bridges and in front of city hall and several downtown businesses. Thank you so very much.



BDC welcomes the opportunity to engage with local communities and show how our anaerobic digestion facilities will bring a more sustainable approach to regional organics processing and renewable energy generation – all while producing better soil, water, and air quality outcomes for our collective environment.

The BIC has made donations to the Spade and Trowel Garden Club of Seaford, the Delaware Food Bank, and other local organizations to foster community engagement and involvement.

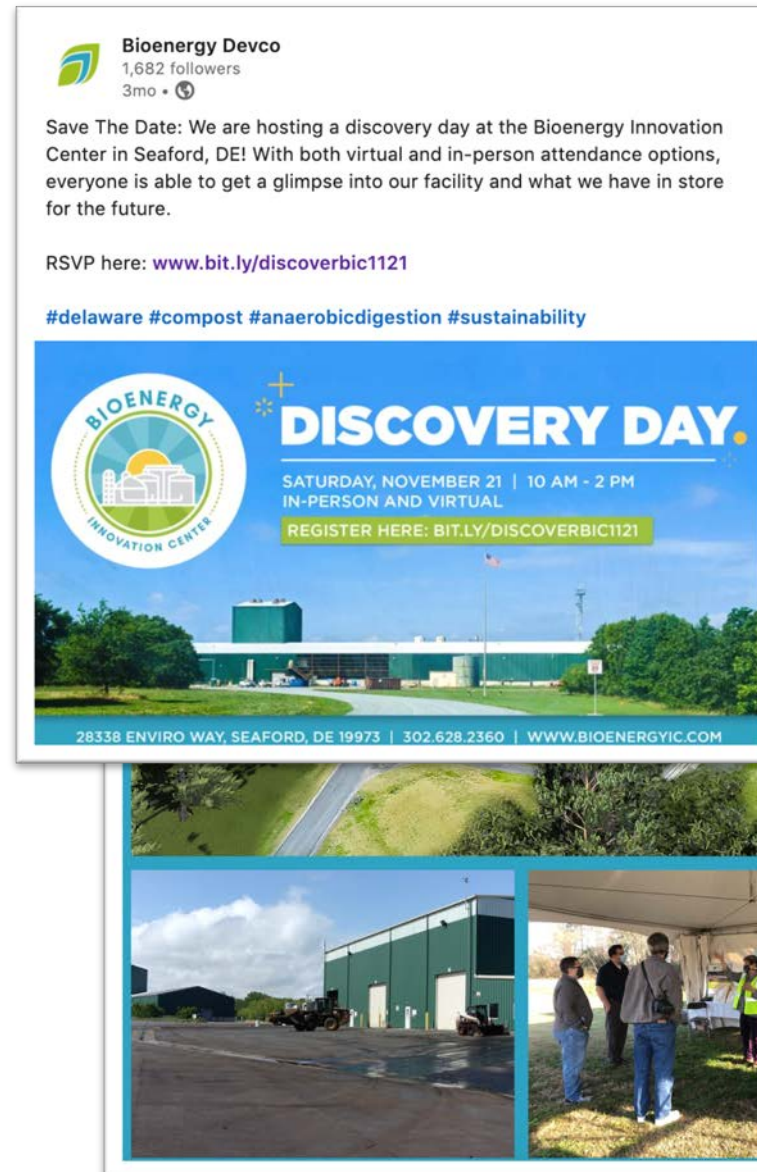
DISCOVERY DAY

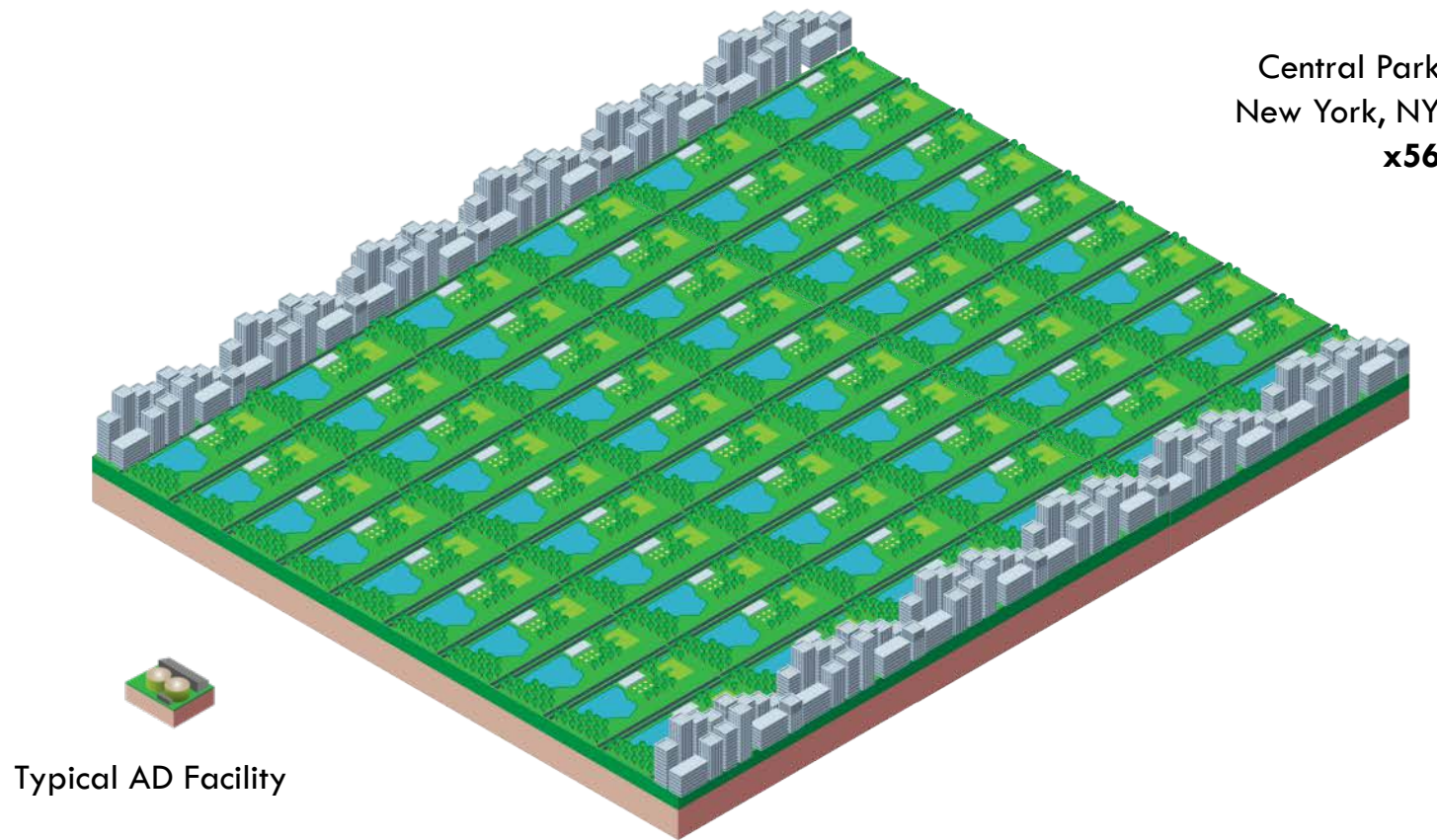
NOVEMBER 2020

On November 21, 2020, BDC hosted a Discovery Day event at the BIC with both in-person and virtual attendance options.

The purpose of the event was to educate and provide transparency to the community about existing and future facility operations, environmental benefits, and any other topics of interest to attendees.

www.bioenergyic.com/discovery-day





Central Park
New York, NY
x56

Typical AD Facility

THE IMPACT OF ANAEROBIC DIGESTION

CARBON SEQUESTRATION

A typical facility has the same carbon sequestration impact that that a forest area **56 times** the size of Central Park can provide!



ALL ABOUT DIGESTATE

- Digestate improves the soil health of our farms and communities by recycling nutrients and carbon in organic waste back to the soil
- Dewatered digestate can be used as livestock bedding, in consumer horticulture and more
- Digestate can be used as a plant nutrient source in lieu of synthetic fertilizers
- All the nutrients contained within the feedstock of AD are embodied within the digestate

Circularity is the use of excess organics residuals as a resource by mimicking nature's cycle. In nature there is no waste, every natural process has a purpose and the end products become resources for the next natural process.

- Biogas as an energy carrier
- Reduction of GHG emissions
- Energy security
- Biogas as raw material – further use of carbon dioxide and methane
- Soil regeneration and carbon sequestration
- Multi-contributor of Local Economies – From waste liability and water eutrophication to energy security, soil enrichment, GHG mitigation, job creation



STRONG RETURNS TO THE COMMUNITY

- Increases the lifespan of a local landfill, reducing percolates, increasing water quality
- Reduces odor as organics are deposited into sealed tanks
- Shrinks transport costs and associated environmental impact
- Reduces greenhouse gases and enables CO₂ and methane capture and use
- Reduces pathogens and antibiotic use in the environment as digested organics are effectively pasteurized and dried digestate can be used as an organic soil amendment
- Creates both direct and indirect jobs to construct and manage the facility as well as attend to the resulting offtake use and distribution



A HISTORY OF SAFETY

- We certify all facilities to comply with all required safety and emission standards
- Ensuring use of certified tools and redundant safety measures (i.e., pressure relief systems) to prevent accidents
- The anaerobic digestion process is completely enclosed process and monitored continuously with instrumentation reporting to a plant-wide integrated controls and automation system and by daily visual inspections
- Sampling ports allow operators to collect samples of the materials in the digester for lab analysis to ensure the digester is operating for optimal performance and ensure the safety of facility workforce and the surrounding community



CHESAPEAKE UTILITIES CORPORATION (CUC)

- CUC is a diversified energy delivery company engaged in the distribution of natural gas, propane gas and electricity; the transmission of natural gas; the generation of electricity and steam; mobile CNG solutions; and other businesses
 - 175+ employees; 61 years of service
 - 1,059 miles of pipeline
 - 59,000+ customers
- Acquired Marlin in 2018
 - 70+ CNG/RNG Trailers
 - Safety #1 – Clean safety record
 - All drivers/staff CUC are employees and Operator Qualified (OQ)

Delaware Operations



Natural Gas Transmission



Natural Gas Distribution



Propane Distribution & Auto Gas



Mobile CNG (Compressed Natural Gas) Solutions



CUC PROJECT ROLE AND RESPONSIBILITIES

- Met and formed relationship with Bioenergy DevCo in 2019
- No ownership in land (lease)
 - Approximately just north of 1 acre
- Chesapeake processing facilities will produce RNG. Marlin CNG/RNG trailers will transport the RNG to our existing ESNG transmission pipeline. RNG will be distributed to customers by our Delaware Division gas distribution company
 - 2 to 3 (max) trailers a day will inject produced RNG at Bridgeville, DE; 7-mile one way trip
 - CNG tractor cabs are used, not diesel
 - RNG MUST meet pipeline quality to be injected (FERC approved)
- Co-Permittee on two permits:
 - Flare
 - Thermal Oxidizer

ENGINEERING



EXISTING AND PROPOSED SITE ELEMENTS

- 4 Parcels
- 228 +/- acres
- Access road and entrance
- Scales
- Former pelletizing plant
- Office
- Mixing building
- Compost Piles
- Stormwater Pond
- AD project location



PROPOSED SITE IMPROVEMENTS

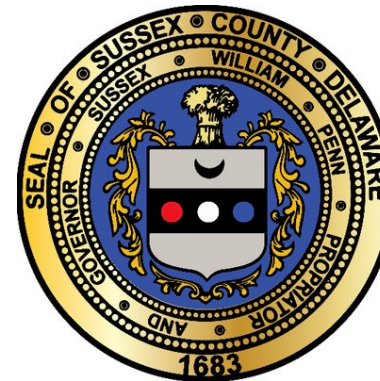
- Repurpose former pelletizing plant
 - Feedstock receiving and shipping
 - Odor control system
 - Control room
 - Electrical distribution
- Anaerobic Digesters and Pre-tanks
- Biogas Processing Area
- Relocated stormwater pond
- Wastewater pretreatment system
- Total Disturbed Area = 11.22 +/- acres
- No change in wooded cover
- 2.78 additional impervious acres (1.2% of site)



SITE PERMITTING

Project is subject to multiple state and local agency reviews:

- DeIDOT
- Fire Marshal
- DNREC (multiple divisions)
- Sussex County Conservation District



SITE PERMITTING - DELDOT



- Projected ADT below 200 vehicle threshold to require traffic impact study and consistent with previous conditional use.
- Vehicles using site include:
 - Employees
 - Feedstock delivery
 - Finished compost pick up
 - Treated wastewater transport
 - CNG
- Have received Letter of No Objection from DelDOT
- Have received Entrance Improvements Approval from DelDOT

PROJECT PERMITTING - FIRE MARSHAL



- Have received site plan approval from the Fire Marshal's office
- Additional approval required for buildings and tanks (pending)

PROJECT PERMITTING - WASTEWATER



- Wastewater from the AD process will be treated on site using a purpose-built treatment plant constructed by BDC
- Effluent quality from on-site treatment will meet Sussex County Public Sewer Discharge Standards
- Will recycle effluent back into anaerobic digestion process
- Wastewater volume – less than 60,000 gallons per day at full capacity
- Wastewater will be trucked to a facility operated by the Sussex County for discharge
- Evaluating options for connection to local municipal system

PROJECT PERMITTING - WATER SUPPLY



- Facility expected to meet potable and emergency (fire protection) water needs with existing on-site wells and water storage tank.
- AD process does require water which is provided through recycling of treated wastewater generated by the AD process

PROJECT PERMITTING — STORMWATER



- Managing site with goal of zero discharge to surface waters
- Existing stormwater pond for compost area being upgraded under plans approved by DNREC and implemented by BDC
 - Installed aeration to enhance evaporation
 - Raised weir to enhance storage capacity
 - Offsets being developed for potential discharge from pond
 - Industrial stormwater plan to be updated post construction under NPDES
- Existing stormwater pond to be relocated to accommodate new infrastructure, has already received an approved Sediment and Stormwater Management Plan from Sussex Conservation District
- AD project improvements do not result in feedstock or product exposed to weather

PROJECT PERMITTING - AIR



- Emission sources:
 1. Thermal oxidizer for treatment of waste gases from biogas processing
 2. Flare to serve as emergency backup treatment for waste gases
 3. Standby generator for use when electricity from grid is not available
- All units considered minor sources under DNREC regulations
- Permit applications currently under review by DNREC

PROJECT PERMITTING — RESOURCE RECOVERY PERMIT



- Resource Recovery Facility permit will apply to both anaerobic digestion and composting operations
 - Subject to Delaware Regulations Governing Solid Waste (DNREC)
- Key elements
 - Operations Plan
 - Engineering Report
 - Closure Plan
 - Recycling Analysis
 - Environmental Assessment
 - Hydrogeological Assessment
 - Financial Assurance in the event of closure
- Resource Recovery Permit submitted to DNREC and under review

PROJECT PERMITTING SUMMARY

All DeIDOT
permitting
completed

Fire Marshal – all
site permitted
completed

DNREC (multiple
divisions) – RRP
and Air permits
submitted

Sussex County
Conservation
District - permitting
completed

Existing on-site
wells adequate for
water supply

Working with
Sussex County on
wastewater
discharge



BIOENERGY DEVCO
CONDITIONAL USE EXHIBIT BOOK

C.U. No. 2258
FEBRUARY 11, 2021

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INTRODUCTION

APPLICANTS

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Partner, Morris James LLP
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Georgetown, DE 19947
dschrader@morrisjames.com

ABOUT BIOENERGY DEVCO

Bioenergy Devco (BDC) is a Maryland-based developer of anaerobic digestion (AD) facilities, committed to bringing leading European technology to North America. BDC's technology division, BTS Biogas, boasts 20+ years of global experience, financing, designing, building, and operating anaerobic digesters on four continents. BDC guarantees performance of the more than 220 facilities it has developed and the more than 150 plants it services worldwide.

BDC owns and operates the Bioenergy Innovation Center (BIC), a successful composting facility that receives poultry residuals and manufactures high quality organic compost distributed throughout the region. As a complement to this facility, BDC is constructing a state-of-the-art anaerobic digester. The combined compost and AD operation will be dedicated to minimizing environmental impact of excess organics created by the poultry industry and enriching the land, while creating new opportunities for farmers around the Delmarva peninsula. The addition of an anaerobic digestion system will enhance the facility's outputs to include renewable energy and digestate that can be used as a soil amendment.

ABOUT ANAEROBIC DIGESTION

Anaerobic digestion (AD) is a safe and common process that uses microbes to break down organic materials into important and valuable end-products – renewable energy and an organic soil amendment. This widely adopted technology is used worldwide, with approximately 50 million ADs in operation across the globe, ranging from small backyard digesters to large digesters common at wastewater treatment sites, farms, and food processing facilities. The AD facility being developed at BIC, while innovative, is hardly a new or untested technology¹.

Europe is widely considered the leader in AD technology, and its implementation has been propelled by the establishment of rigorous environmental regulations for waste disposal and demand for renewable energy. While Europe is considered the industry leader, AD has a growing global footprint. There are approximately two million AD facilities worldwide that are considered industrial, similar in operation and design to what is being proposed at BIC.² In fact, this promising technology is already at work in the Delmarva region. Existing local facilities and commercial operations that utilize AD include, but are not limited, to:

- Millennium Farms Digester - 6 Buck Harbor Road, Pocomoke City, MD 21851
- Dogfish Head Brewery - 6 Cannery Village Center, Milton, DE 19968
- Wilmington Wastewater Treatment Plant - E 12th St & Hay Rd, Wilmington, DE 19809
- HRSD - Atlantic Sewage Treatment Plant - 645 Firefall Drive, Virginia Beach, VA 23454
- Chesapeake-Elizabeth WPCF - 5332 Shore Drive, Virginia Beach, VA 23455

The Delmarva peninsula and the residents of Sussex County have faced many challenges related to organics management. AD provides much needed alternatives to land application and land filling of organic materials. Traditionally, much of this material has been spread on farmland; however, the long term environmental and community impacts of this practice make it necessary to explore new approaches. Land applying these materials in large scale causes odor nuisances for communities and causes harmful nutrient buildup in farm soils that leach into surface and ground water. These excessive nutrients end up in drinking water and in our watersheds, posing serious risks to public health and the environment.

AD provides an alternative to spreading raw organic materials on farmland. Much in the tradition of the site's past uses of composting and pelletizing, the facility being developed will recycle this material into safe and sustainable products. However, this facility will maximize environmental benefit beyond previous uses by employing state of the art AD technology. In addition to exporting soil amendments, the Bioenergy Innovation Center will also export renewable natural gas, a clean, low-carbon fuel not derived from fossil fuels. This renewable natural gas will be injected into the natural gas pipeline, fueling local homes and businesses.

¹ Yousuf, A., Khan, M. R., Pirozzi, D., & Ab Wahid, Z. (2016). Financial sustainability of biogas technology: Barriers, opportunities, and solutions. *Energy Sources, Part B: Economics, Planning, and Policy*, 11(9), 841-848.

² Vasco-Correa, J., Khanal, S., Manandhar, A., & Shah, A. (2018). Anaerobic digestion for bioenergy production: Global status, environmental and techno-economic implications, and government policies. *Bioresource technology*, 247, 1015-1026.

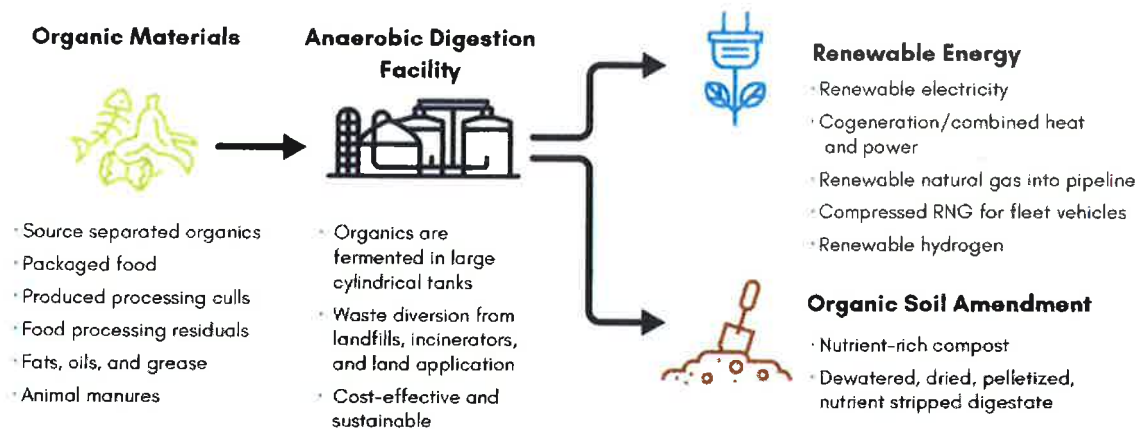


Figure 1 - General description of anaerobic digestion, detailing inputs and outputs.

SITE PAST USE

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This property was first developed in 1999 as the Perdue AgriRecycle facility. This facility received up to 120,000 tons per year of poultry litter, and used natural gas fired boilers to dry and then pelletize the poultry litter into an organic fertilizer. Trucks delivered the poultry litter from area farms to the Perdue AgriRecycle facility, and both trucks and trains transported finished fertilizer to customers.

The original Conditional Use (No. 1314) from 1999 allows for the receiving of poultry by-products to be converted into fertilizers. This Conditional Use mentions that the facility is in a development district of the 1997 Sussex County Comprehensive Development Plan, and therefore an appropriate location for a recycling facility that serves the Delmarva agricultural community.

A second Conditional Use (No. 1691) was issued in 2006. This Conditional Use modifies the No. 1314 to ease operational conditions, allowing for the pickup and drop of materials using rail cars within the site at any time. The same Conditional Use allows for truck travel to the site any time, outside storage in watertight containers and operation on Sundays. The use outlined in this ordinance has “proven to be a good way to eliminate potential sources of excess nitrates and phosphates from Sussex County Soils.”

The Perdue AgriRecycle facility transitioned to its current functionality as the AgriSoils composting facility in 2014, covered under Conditional Use 1962. This facility, now in operation for six years, has been permitted to convert 30,000 tons of poultry by-products into compost, used by the agricultural and horticultural industry throughout the region. BDC purchased the compost facility in February 2020 and has been operating here under DNREC Compost Permit SW-18/03. Since assuming operations in

February 2020, BDC has had no complaints or Notices of Violation and is in full compliance with all permits and regulations.

BDC's proposed anaerobic digester is similar to the past use of this site. Like the AgriRecycle pelletizing facility and the AgriSoil composting facility, the BDC AD facility will recycle local agricultural by-products into valuable products bought and distributed throughout the eastern United States. In addition to soil amendments, the BDC AD will also create renewable natural gas, addressing a second critical need of the community.

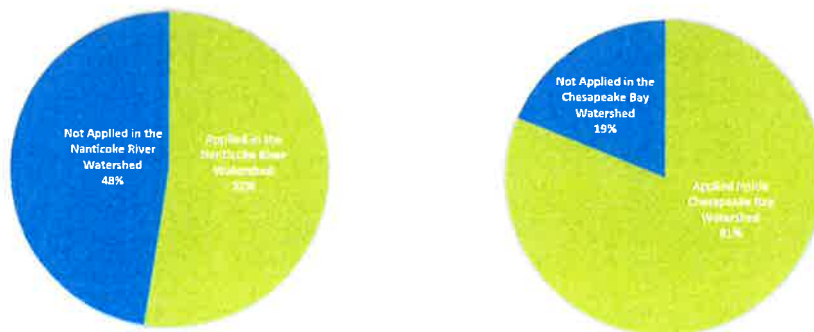
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REGIONAL NUTRIENT MANAGEMENT

A common misconception is that BIC is aggregating organic waste and therefore nutrients, thus increasing the nutrient loading into nearby creeks, streams, and watersheds. The facility recycles organic material that would typically be applied on agricultural land within the Nanticoke and Chesapeake watersheds, and manufactures soil amendments that are being distributed to lands in need of added nutrients outside of these watersheds. This net export of nutrients reduces the current load impacting the Nanticoke River and the Chesapeake Bay.

Materials that will be disposed of at BIC contain significant amounts of excess nitrogen, 1m pounds of which would have been land applied in the Chesapeake Bay watershed and 700k pounds that would have been applied in the Nanticoke River watershed. BIC will receive and process these organic materials, preventing these quantities of N from being land applied in these watersheds.

In 2020, BIC sold 18,122 tons of compost, 12,111 tons of that compost was sold and distributed to customers within the Chesapeake Bay watershed, and 920 tons were sold and distributed to customers within the Nanticoke River watershed.



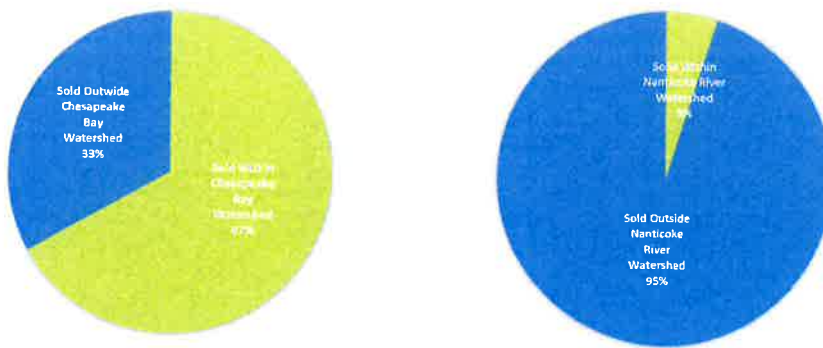
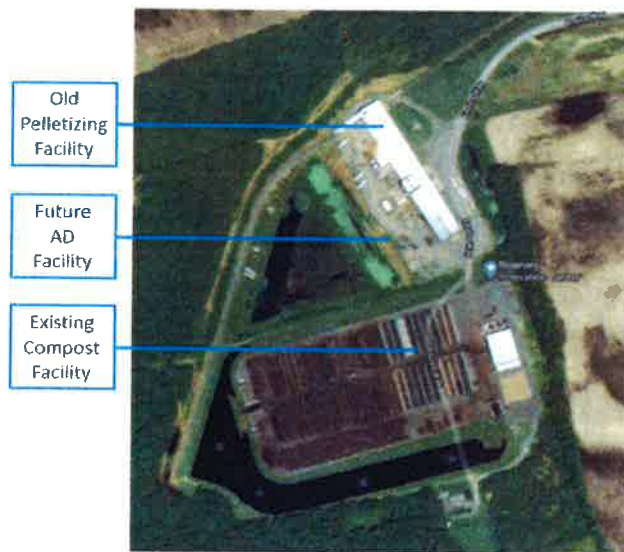


Figure 2 - Breakdown of whether compost was sold and distributed inside or outside the Chesapeake Bay and Nanticoke River watersheds.

While 2/3 of the compost sold in 2020 remained inside the Chesapeake Bay watershed, the vast majority, 95%, was transported outside the Nanticoke River watershed. This shows that the facility acts as a net exporter of nutrients by receiving in nutrients that would otherwise be applied in their raw form within local watersheds and distributes those excess nutrients out of local watersheds bolstering nutrient management initiative and improving outcomes for local ecosystems.

FACILITY OPERATIONS OVERVIEW



BIC is currently a successful composting facility. The facility is permitted to receive, process, and recycle 30,000 tons per year of poultry residuals and manufactures about 18,000 tons per year of high-quality organic compost. That compost is being used in local gardens and farms and distributed to agricultural and horticultural business in the mid-Atlantic region.

BDC is proposing to build an AD facility in the rear of the old pelletizing facility. The rear yard and some of the existing stormwater pond will be replaced with four above ground tanks. A portion of the old pelletizing facility will be repurposed for the operation of the AD. A microbiology lab and associated feedstock testing facility, spare parts warehouse, and administrative offices will also occupy the old

pelletizing building.

Feedstocks will continue to be brought into the facility from the main entrance of Enviro Way, off Alt-13. Trucks are weighed and directed to the AD receiving building, which is on the south side of the pelletizing building and previously used for the receiving of poultry litter. The receiving building is

completely enclosed, under negative pressure to capture odors. Inside, trucks will empty, be weighed a second time, and then leave the site via Enviro Way.

The material will then be pumped into the one of three exterior above-ground mixed storage tanks, material is then pumped into one of the four digester tanks. All these tanks are completely enclosed, containing both the material and any odors. The tanks are heated and the contents constantly mixed. Inside, micro-organisms break down the material.

The microorganisms release biogas, a mixture of methane, carbon dioxide, water vapor, and other trace gases (minor quantities of hydrogen sulfide and ammonia) which are captured and scrubbed. Biogas is collected from these tanks. Chesapeake Utilities will be responsible for cleaning the gas to reach renewable natural gas quality and injecting it into the natural gas pipeline.

After about one month in the digesters, the material, now called digestate, has been broken down and is removed. Digestate is a liquid organic soil amendment and can be used to improve soil fertility and plant growth in farmland. However, since we have established markets for compost, BIC will use a centrifuge to remove excess water from the digestate. The digestate solids will be transferred to the composting facility, where it will be further processed with ground wood waste to make the same organic compost that is produced and marketed today. The water separated from the digestate will be processed in an on-site wastewater pre-treatment system before being transferred to a local wastewater facility for ultimate discharge.

BENEFITS

EMPLOYMENT

The BIC currently employs eleven full time positions with an annual payroll of approximately \$750,000 per year. All employees are full-time with benefits, and our staff includes equipment operators, mechanics, office, and management staff.

The construction of the AD employs 40-45 people. Long term BDC projects roughly 30 additional employees for the future AD facility and 11 employees for the compost facility.

In the future, the Bioenergy Innovation Center will expand its workforce, where in addition to the equipment operators, mechanics, and administrative staff that we currently employ, we look to employ environmental technicians and microbiologists.

The Bioenergy Innovation Center will also support dozens of other employees through the contracting with local vendors for transportation, specialized equipment maintenance, and other regularly performed services.

We take pride in our ability to offer long-term careers with living wages and proudly employ people who have been working on the site for many years. BDC is working with DelTech to hire within the community. BDC offers full-time employment with healthcare and benefits packages. The positions will range from entry-level mechanics to more experienced facility operators, qualified lab technicians, and many others.

ENVIRONMENT

INTRODUCTION

Anaerobic digestion (AD) is a holistic environmental solution at the heart of the circular economy. AD leverages natural microbial processes to extend the useful lifecycle of organics by converting waste streams to valuable resources. AD technology mimics nature's processes of breaking down organic molecules relying on bacteria to decompose organic waste in the absence of oxygen. This process produces biogas (a renewable fuel) and digestate (an organic soil fertilizer, amendment, or additive). The process allows for a truly circular approach to recycling excess organic waste, creating renewable energy, and returning nutrients and carbon back to the soil. This approach has significant impacts on reducing greenhouse gas (GHG) emissions, making AD a vital tool in reversing the effects of climate change.

AD offers a solution to the atmospheric emissions from three sectors responsible for most GHG emissions: energy, waste, and agriculture ³. A typical AD project such as the BIC that uses organic residuals diverted from landfills can:

1. Divert **114,185 US tons** of organic residuals from landfills
2. Provide renewable energy equal with the annual electricity use of **7,504 US houses**
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4. Have the same carbon sequestration impact that a forested area equal to **56 times the size of Central Park area**.

Environmental evaluation and analysis are performed with the Life Cycle Assessment (LCA) framework, which is an EN ISO 14040 standardized process with specific rules and guidelines. LCA analysis assess environmental impacts associated with all the stages of a product's life, from raw material extraction through materials processing, manufacture, distribution, and use ⁴.

LCA analysis of AD technology in different countries and from various independent researchers highlight the multiple environmental benefits of the AD technology in comparison with alternative options. AD is recognized as the best option for various organic residues (organic food waste, food industry residues, litter and MSW) in terms of Renewable Energy output, Global Warming Potential and Eutrophication Potential ^{5 6 7 8}.

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An estimated 30-40% of these recyclables have typically been discarded during initial agricultural processing or handled on-site through farm-operated composting facilities¹⁰ Delaware’s thousands of acres of phosphorus-enriched farmland in Sussex and Kent counties, as well as the state’s challenges with nitrogen-laden fertilizer operations south of the Chesapeake and Delaware Canal, speak to the urgent need for new more sustainable waste solutions¹¹. The Bioenergy Innovation center will be taking in organic waste from the Delmarva region and diverting waste from some of the regions overburdened waste infrastructure.

The Anerobic Digester operations at the Bioenergy Innovation Center (BIC) will result in a net decrease in nutrient loading to both the Nanticoke and Chesapeake watersheds. This is because:

1. The facility aggregates organic wastes that would typically be applied on agricultural land in proximity to the Nanticoke and Chesapeake watersheds, and manufactures soil amendments that are being distributed and used outside of these watersheds in areas where these nutrients are needed. This net export of nutrients reduces the current load currently being loaded into Nanticoke River and the Chesapeake Bay.
2. The processes of anaerobic digestion and composting breaks down nutrients from raw feedstocks to stabilized soil amendment which promotes the overall soil health. A healthy soil can naturally manage the nutrients more effectively which results on lower nutrient runoffs and higher nutrient absorption from crops and plants. Anaerobic digestion and compost convert soluble, inorganic nutrients in feedstocks into insoluble, organic nutrients in soil amendments which have lower BOD (Biochemical Oxygen Demand). The nutrients are released slowly in these soil amendments, increasing the likelihood of plant uptake, and decreasing the loading into ground and surface waters. Therefore, the environmental and human health impacts of applying of these nutrients is reduced when you compost or anaerobically digest them compared to applying the raw feedstock.
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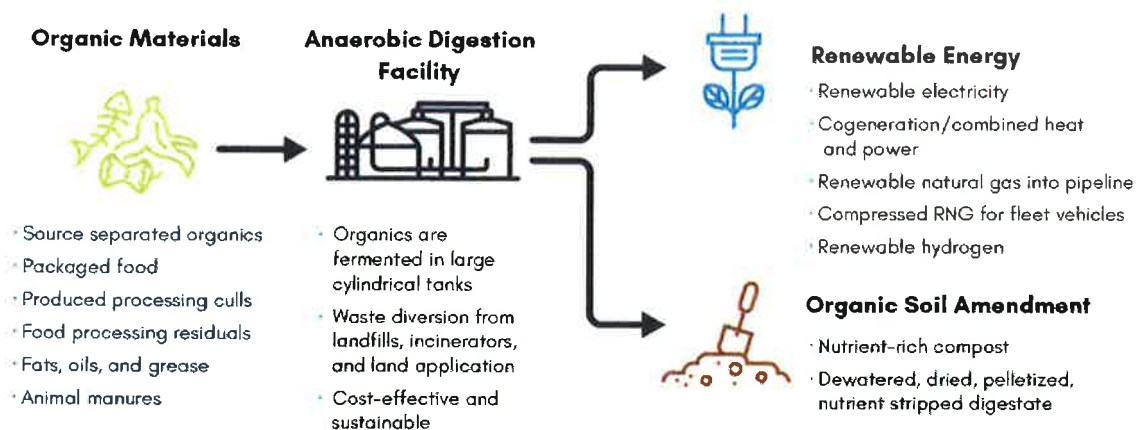


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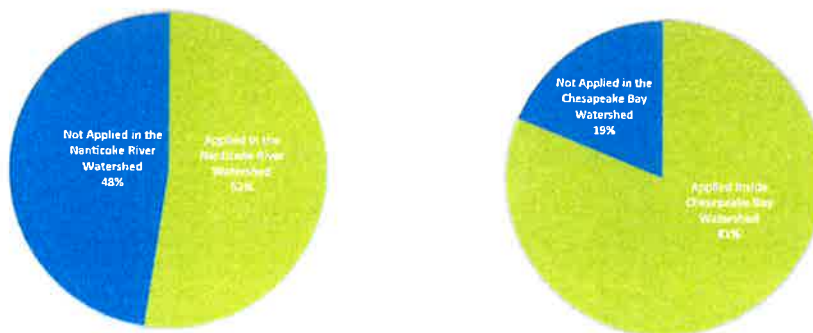
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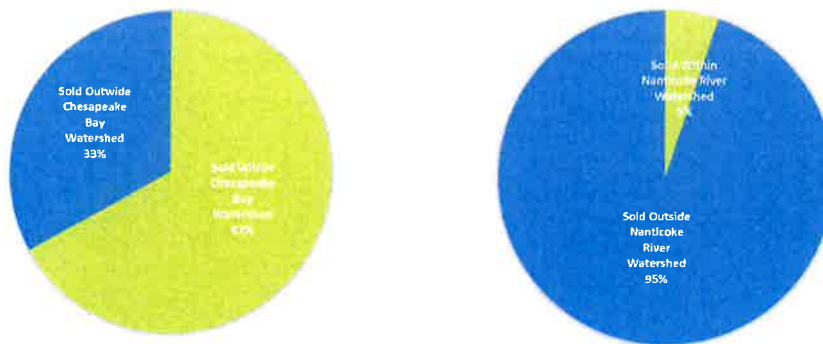
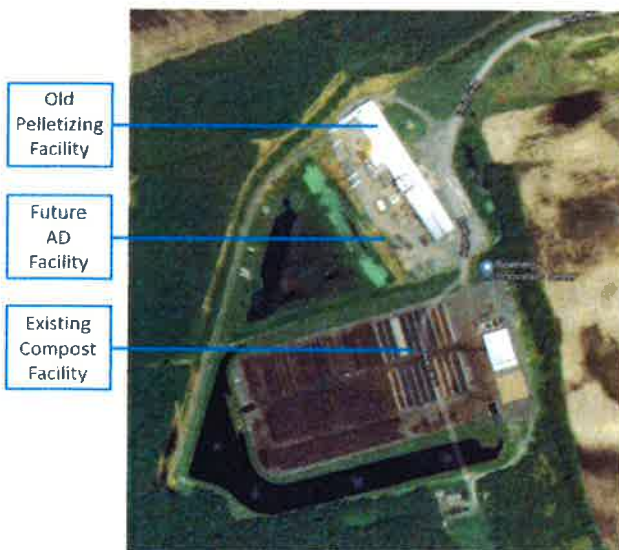


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that would leach into ground or surface waters. And which is further effective in nutrient reduction when combined with the current compost being sold by our Bioenergy Innovation Center.

ENVIRONMENTAL HEALTH – WATER QUALITY

The macronutrients in raw feedstocks and finished BIC products come in different forms. Nitrogen, the leading driver of eutrophication of the Chesapeake Bay and drinking water pollutant, can be found in soluble, inorganic forms such as nitrate (NO_3^-) or bound in large organic molecules such as humic acid. BIC plays an important role in converting these nutrients from soluble, inorganic forms that quickly leach into surface and groundwater into insoluble, organic forms that become plant available or in a more plant-compatible form (NH_4^+), reducing the likelihood of transport. That is possible also due to the overall soil health improvement as it is described below¹². Further evaluation and analysis can calculate and quantify the number of pounds of either N or P in each of their forms, and BIC should be credited the difference when calculating the nutrients, the facility is offsetting.

ENVIRONMENTAL BENEFITS – ALTERNATIVES TO LAND APPLICATION

The BDC AD offers an alternative to the land application of raw poultry by-products on farmland. Residents of Sussex County are too familiar with the unpleasant pervasive smell of land application. Instead of those materials being spread, sprayed, or injected into farm soil, they will be transported to the Bioenergy Innovation Center and recycled in an enclosed, contained system.

Raw poultry by-products contain pathogens that can pose serious public health impacts, including Salmonella and E. Coli. When these by-products are land applied, these pathogens can contaminate water and our drinking supply. The high heat of the AD and composting process kills these pathogens, and our compost is routinely tested to ensure that the amount of these pathogens meets state requirements.

Furthermore, repeated land application of raw poultry by-products causes long-term soil fertility problems. While poultry by-products do have high nitrogen content and can be used as a nutrient source for plants, they also contain high levels of grease and oil. When applied to farmland, these high levels of grease and oil create a high oxygen demand and potentially anaerobic conditions in the soil, all which negatively affect plant growth. On the contrary, in the case of compost and digestate from AD that uses poultry by-products as feedstock, grease and oils have already been through biological degradation. Thus, digestate or compost from the same feedstock does not cause such severe anaerobic soil conditions in the soil, which promotes the health of the soil and its ability to manage the nutrients in a natural undisturbed way¹³.

Another problem related to direct land application of raw poultry by-products is the physical clogging of the soil and obstruction of water flow. Long-term application of the high fat and oil content of sludge can lead to physical clogging of the soil. As a result, water cannot flow through the soil and plants cannot grow. In contrast, compost and digestate from AD derived from DAF sludge, grease and oils

¹² Möller, K., & Müller, T. (2012). Effects of anaerobic digestion on digestate nutrient availability and crop growth: A review. *Engineering in Life Sciences*, 12(3), 242-257.

¹³ Simpson, T. W. (1991). Agronomic use of poultry industry waste. *Poultry Science*, 70(5), 1126-1131.

undergo degradation and are broken down to allow for the flow of water and nutrients. As a result, there is no potential long-term risk of soil clogging with the use of digestate and compost. The resulting healthy soil can manage the nutrients in a natural undisturbed way.

COMMUNITY ENGAGEMENT

BDC welcomes the opportunity to engage with local communities and show how our anaerobic digestion facilities will bring a more sustainable approach to regional organics processing and renewable energy generation – all while producing better soil, water, and air quality outcomes for our collective environment.

The BIC has made donations to the Spade and Trowel Garden Club of Seaford, the Delaware Food Bank, and other local organizations to foster community engagement and involvement. On November 21, 2020, BDC hosted a Discovery Day event at the BIC with both in-person and virtual attendance options. The purpose of the event was to educate and provide transparency to the community about existing and future facility operations, environmental benefits, and any other topics of interest to attendees.

The BIC has partnered with the University of Delaware for a compost study and is in discussions with other local educational institutions about job pathways program partnerships.

BDC will continue to engage with local organizations and community members as part of its Community Engagement Program and welcomes all interested parties for tours and site visits. We also look forward to providing a space for future job training and research.

DESIGN CONSIDERATIONS

TRAFFIC

All incoming truck traffic will access the site from Seaford Road and turn onto Enviro Way. All Trucks leaving the site will use Enviro Way and turn onto Seaford Road. A separate administrative entrance is planned to be constructed to allow access to the site from Oneals Road. This administrative entrance will be used by all visitors and employees, and thus limit the Seaford Road entrance to commercial truck traffic. BDC anticipates approximately a forty (40) trucks per day of organic feedstock material delivered to the Site for both the anaerobic digester and the composting facility. It is anticipated another five (5) trucks per day will move finished digestate solids and/or compost. Total vehicle trips per day are expected at less than 200 and therefore a traffic impact analysis was not required by DelDOT. A permit for entrance construction has been issued by DelDOT.

ODOR

During the design phase, the design team evaluates odor control using a holistic approach. Odor control measures are site specific and can include a combination of negative pressure, carbon filters placed on vents and dilution stacks, depending on the needs of a specific project. Our facilities are designed so that all food waste/solid waste is received in an enclosed Process Building with an air ventilation system designed to prevent odors from escaping. The air ventilation systems are designed to remove odors

from the building and the elimination or the sufficient dilution of odors prior to being released into the surrounding environment. Biofilters and dilution exhaust fans are proven technologies that are currently used in the design of BDC Facilities. Inbound and outbound vehicles transporting material to our facilities would be required to tarp and/or containerize food waste, digestate and other material loads from the point of origin to the facility.

DUST

Gravel roads will be wetted by truck throughout construction and operation of the Facility to minimize and control dust. As in the previous operation of this site, feedstock including chicken litter is offloaded and handled inside a closed building with dust mitigation and environmental controls to facilitate collection of air born dust in the air.

NOISE

Noise emitting devices, such as back up alarms on heavy equipment will be confined to the facility and contained within structures to limit the noise pollution beyond the property boundary.

GAS AND SAFETY

We certify all facilities to comply with all required safety and emission standards. BDC and its technology partner BTS have an exemplary safety record. In over 20 years and more than 225 Plants worldwide a BTS digester has never exploded. BTS technology has maintained this excellent safety record by proactively defining any potential explosion risk areas and ensuring use of certified tools and redundant safety measures (i.e., pressure relief systems) to prevent accidents. The anaerobic digestion process is completely enclosed process and monitored continuously with instrumentation reporting to a plant-wide integrated controls and automation system and by daily visual inspections. Sampling ports allow operators to collect samples of the materials in the digester for lab analysis to ensure the digester is operating for optimal performance and ensure the safety of facility workforce and the surrounding community.

AIR QUALITY AND EMISSIONS

The facility is designed in compliance with all local air quality and odor control ordinances. Air ventilation systems are built into the facility to remove odors from the building and allow for elimination or significant dilution of odors/contaminants prior to any release into the air surrounding the facility. Our 20 plus year history clearly illustrates an excellent track record in preventing fugitive emissions from digestate. BTS biogas plants are designed for optimal digestion/degradation of organic matter in the Digesters and capture of biogas produced which ensures minimal fugitive emissions. Materials received are processed immediately and incorporated in enclosed systems restricting emissions release. Covered storage tanks and digesters maximize gas capture for processing. Therefore, the storage tanks have a covering that captures the rest of biogas (more or less 55% methane) and sending it to the CHP/upgrading.

GROUNDWATER

The Property is located within the Coastal Plain Physiographic Province, which is characterized by flat to gently sloping land surfaces underlain by sedimentary deposits. Mapping by the Delaware Geological Survey (2010) indicates that the project site is just south of the Georgetown Quadrangle Geologic Map which indicates that the area south of Georgetown is underlain in succession by sediments of the Beaverdam and Cat Hill Formations. The United States Geological Survey, Hydrologic Investigations Atlas (1968) maps a groundwater elevation contour of 40 feet above MSL west of the Property and a groundwater elevation contour of 30 feet above MSL east to southeast of the Property, suggesting a groundwater flow direction of east to southeast across the Property. While groundwater elevations vary seasonably, the groundwater elevation contours suggest a depth to groundwater of six feet below ground surface on the north end of the Property to approximately two feet below ground surface on the south end of the Property near Horse Pound Swamp Ditch. A detailed discussion of subsurface and ground water conditions is included in the BDC Hydrogeologic Assessment Report submitted as part of permit request.

STORMWATER

There are four existing ponds on the site. Impervious surfaces include the existing building and associated gravel and asphalt areas. The site generally drains to five analysis points. About half of the site drains west towards an existing pond on the property. The rest of the site drains west towards the edge of property. Three offsite drainage areas have also been identified. All three areas drain toward the existing on-site ponds. A detailed discussion of existing and proposed stormwater management facilities is included in the Stormwater Management Report.

WASTEWATER PRETREATMENT

The facility does not require use of fresh water for waste processing. The wastewater or liquid fraction from the digestate if not recycled back into the anaerobic digestion process is pre-treated before discharge using a membrane bioreactor, ultrafiltration and reverse osmosis. The wastewater treatment program consists of two equally sized systems, when fully built out, they are each designed to treat approximately 140,000 gallons per day. The wastewater passes through a mix tank and into an anoxic reactor via screening and micro-screening to remove particulate or suspended solids. After the anoxic reactor, the wastewater passes through two aerobic reactor tanks in parallel where antifoam sprayers are used as needed and then is stored in the ultrafiltration feed tank for a short duration. From the UF feed tank, the liquid is pumped into and treated by an ultrafiltration unit followed by treatment with a reverse osmosis unit. The wastewater is then cooled and stored for discharge to Sussex County via a forced main connection from the plant to the Sussex County wastewater system. The total discharge to Sussex County is estimated to be 60,000 gallons per day when plant is fully built out. The wastewater makeup while being finalized will readily meet all county standards and we are currently in discussions with Sussex County about becoming a customer and utilizing a County facility for discharge.

ENGINEERING CONSIDERATIONS

SITE PERMITTING

TRAFFIC

The average daily estimated traffic coming to and leaving the site were projected at less than the 200 trips per day, below the threshold that would trigger a traffic impact analysis required by the Department of Transportation. Vehicles using the site include employees, feedstock delivery, product pick up, wastewater transport, natural gas transport. DelDOT has issued an Entrance Improvements approval.

SEDIMENT AND STORMWATER

Sussex Conservation District has approval final sediment and stormwater plans for the project. The stormwater facility that separately serves the former pelletizing plant will be redesigned and reconstructed to accommodate the construction of the proposed tank farm and process equipment associated with the anaerobic digester. The existing outfall from the stormwater pond will be utilized. The proposed stormwater management design will utilize one proposed wet extended detention pond facility and one existing wet extended detention pond facility to reduce peak runoff from the Site. A wet pond is proposed in lieu of infiltration and bioretention practices due to a high ground water table. Improvements to the anaerobic digester area do not result in feedstock or product exposed to weather.

STORMWATER (INDUSTRIAL)

The existing stormwater pond serving the compost area is being upgraded under plans developed by Perdue, as the past owner of the site, approved by DNREC and implemented by BDC. Enhancements include installation of aerators to assist with evaporation and raising of weir to enhance storage capacity. Nutrient offsets are being developed for potential discharge from pond. The industrial stormwater plan will be updated post construction under the National Pollution Discharge Elimination System program and will include specific steps forward surrounding the entire parcel.

WATER SUPPLY

The Facility is currently served by on-site water supply wells that include an irrigation well, public wells, domestic well, and a production well that serves the facility's fire suppression system. Water supply needs are expected to be met using existing wells and accordingly, an allocation permit is not expected to be needed.

WASTEWATER

The wastewater generated from the anaerobic digestion process will be treated using a purpose-built treatment plant. Effluent quality from the treatment facility will meet Sussex County Public Sewer

Discharge Standards. Wastewater volumes are expected to be up to 60,000 gallons per day at full operation with effluent being recycled back into the anaerobic digestion process thereby essentially eliminating the need for supplement water from on-site water supply. Treated wastewater will be trucked to a Sussex County facility for discharge. BDC is currently evaluating options for connection to local municipal system.

AIR

The facility will utilize equipment that produces air emissions and require permits from DNREC. There are three units; a standby generator for use when electricity is not available from the grid, a thermal oxidizer that will provide conditioning as part of the renewable natural gas processing system and a flare that will be used as a backup for treatment of gases. All three units are considered minor emissions sources under DNREC regulations.

RESOURCE RECOVERY FACILITY PERMIT

The facility will require a Resource Recovery Facility Permit pursuant to the Delaware Regulations Governing Solid Waste administered by DNREC and will be applicable to both the composting and anaerobic digestion operations. Composting is currently operating under a composting permit issued by DNREC. The current permit application is under review by DNREC.

Elements of the application include an engineering report, operations plan, recycling analysis, closure plan, financial assurance in the event of closure and an environmental assessment. The application also includes a hydrogeological assessment of the soils and groundwater on the site.

Sussex County Major Subdivision Application**Sussex County, Delaware**

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

Type of Application: (please check applicable)Standard: ☐Cluster: ☒ESDDOZ: ☐**Location of Subdivision:**

Cannon Road (adjacent to Pelican Point 1-3)

Proposed Name of Subdivision:

Pelican Point 4-5

Tax Map #: 2-34-16.00, Parcels 21.03, 21.07, 23.01, 1509 through 1697 **Total Acreage:** 109.99 acres (+/-)**Zoning:** AR-1 **Density:** 1.99 ^{units/}_{acre} **Minimum Lot Size:** 7,500 sqft **Number of Lots:** 219**Open Space Acres:** 44.22 acres (+/-)**Water Provider:** Artesian Resources**Sewer Provider:** Artesian Resources**Applicant Information****Applicant Name:** Cannon Road Investments, LLC**Applicant Address:** 5169 West Woodmill Drive, Suite 10**City:** Wilmington**State:** DE**Zip Code:** 19808**Phone #:** (302) 999-9200**E-mail:** DelawareDevelopment1@gmail.com**Owner Information****Owner Name:** Cannon Road Investments, LLC**Owner Address:** 5169 West Woodmill Drive, Suite 10**City:** Wilmington**State:** DE**Zip Code:** 19808**Phone #:** (302) 999-9200**E-mail:** DelawareDevelopment1@gmail.com**Agent/Attorney/Engineer Information****Agent/Attorney/Engineer Name:** Dennis Schrader**Agent/Attorney/Engineer Address:** 107 W. Market Street/P.O. Box 690**City:** Georgetown**State:** DE**Zip Code:** 19947**Phone #:** (302) 256-0010**E-mail:** dschrader@morrisjames.com

Check List for Sussex County Major Subdivision Applications

The following shall be submitted with the application

- ☒ **Completed Application**
- ☒ **Provide fifteen (15) copies of the Site Plan or Survey of the property and a PDF (via e-mail)**
 - o Plan shall show the existing conditions, setbacks, roads, floodplain, wetlands, topography, proposed lots, landscape plan, etc. **Per Subdivision Code 99-22, 99-23 & 99-24**
 - o Provide compliance with Section 99-9.
 - o Deed or Legal description, copy of proposed deed restrictions, soil feasibility study
- ☒ **Provide Fee \$500.00**
- ☐ **Optional - Additional information for the Commission to consider** (ex. photos, exhibit books, etc.) If provided submit seven (7) copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- ☒ **Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**
- ☒ **PLUS Response Letter** (if required)
- ☐ **51% of property owners consent if applicable**

The undersigned hereby certifies that the forms, exhibits, and statements contained in any papers or plans submitted as a part of this application are true and correct.

I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future needs, the health, safety, morals, convenience, order, prosperity, and general welfare of the inhabitants of Sussex County, Delaware.

Signature of Applicant/Agent/Attorney

[Signature]

Date:

12/4/19

Signature of Owner

[Signature]

Date:

12/4/19

For office use only:

Date Submitted: _____

Fee: \$500.00 Check #: _____

Staff accepting application: _____

Application & Case #: _____

Location of property: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

**COMMUNITY
DEVELOPMENT & HOUSING**

BRAD D. WHALEY
DIRECTOR

(302) 855-7777 T
(302) 854-6397 F



Sussex County
DELAWARE
sussexcountype.gov

Affordable Housing Support Policy

I. Mission Statement

It is Sussex County's mission to promote non-discrimination and affirmatively further fair and equal housing opportunities for all, and further, to inform housing developers and the general public that the County supports the development of affordable housing opportunities in Sussex County.

II. Affordable Housing Subdivisions

Sussex County promotes racially/ethnically diverse, mixed income, affordable housing in all areas under its jurisdiction. Accordingly, Developers are encouraged to provide affordable housing opportunities to Sussex County residents in all new developments, affirmatively market those affordable housing units to diverse populations, and meet with the surrounding residents early in the development approval process.

III. Affordable Housing Defined

- a. **Homeownership:** Sussex County considers an affordable housing project to be a housing project in which any portion thereof is designed or intended to serve households earning less than 125 percent of the Area Median Income for Sussex County as calculated by the U.S. Department of Housing and Urban Development annually, and which is comprised of at least one of the following elements:
 - i. Seeking participation in Sussex County's Moderately Priced Housing Unit (MPHU) Program
 - ii. Applying for funding by the Delaware State Housing Authority's (DSHA) Housing Development Fund (HDF)
 - iii. Applying for HOME Investment Partnerships (HOME) funding through DSHA
 - iv. Applying for a Section 523 or 524 Rural Housing Site Loan through the U.S. Department of Agriculture (USDA) Rural Development
 - v. Sussex County Habitat for Humanity
 - vi. Milford Housing Development Corporation
 - vii. Community Land Trust
 - viii. Other elements which, in the County's discretion, meet the goals and objectives set forth in the Affordable Housing Support Policy Mission Statement.



COUNTY ADMINISTRATIVE OFFICES WEST COMPLEX
22216 DUPONT BOULEVARD | PO BOX 589
GEORGETOWN, DELAWARE 19947

- b. **Rental:** Sussex County considers an affordable rental housing project to be a rental housing project in which any portion thereof is designed or intended to serve households earning less than 80 percent of the Area Median Income for Sussex County as calculated by the U.S. Department of Housing and Urban Development annually, and which is comprised of at least one of the following elements:
 - i. Seeking participation in the Sussex County Rental Program (SCRCP)
 - ii. Applying for funding by the Delaware State Housing Authority's (DSHA) Housing Development Fund (HDF)
 - iii. Applying for HOME Investment Partnerships (HOME) funding through DSHA
 - iv. Applying for funding by DSHA's Low Income Housing Tax Credits (LIHTC) program
 - v. Applying for Multi-Family Mortgage Revenue Bond Program (MFMRB) financing through DSHA
 - vi. Applying for a Rural Rental Housing Loan through USDA Rural Development
 - vii. Applying for a Guaranteed Rental Housing Loan through USDA Rural Development
 - viii. Community Land Trust
 - ix. Other elements which, in the County's discretion, meet the goals and objectives set forth in the Affordable Housing Support Policy Mission Statement.

IV. Affordable Housing Project Support

a. Letter of Support

Sussex County will provide conditional letters of support to developers of affordable housing projects seeking financing opportunities, provided that the project qualifies under the definitions above. Further, support letters for affordable rental housing projects will only be authorized if the project is proposed in an Area of Opportunity, as defined by DSHA in Exhibit A. For further information regarding impacted areas versus areas of opportunity, please contact Karen Horton with DSHA at (302) 739-4263. **Note:** Letters of support do not exempt the developer from the County's planning and zoning process, nor guarantee approval through that process.

b. Deferral of Fees

Sussex County desires to encourage the construction of affordable housing for low- and moderate-income households. The County finds that the up-front payment of sewer impact fees for affordable residential housing development creates a barrier to such development and desires to ease the barrier by deferring the time for payment of the fees.

Projects must qualify under Sussex County Code (§110-94) and Delaware State Code (Title 9, Chapter 81, Sections 8105, 8106, and 8110). Qualifying projects will not be assessed connection charges for County sewer. However, once the property is

transferred or sold to a non-qualifying buyer, those deferred charges will be immediately due and payable within 30 days.

It is incumbent upon the affordable housing developer to submit evidence of their qualifying status to the County's Assessment Department to ensure that they benefit from this affordable housing incentive.



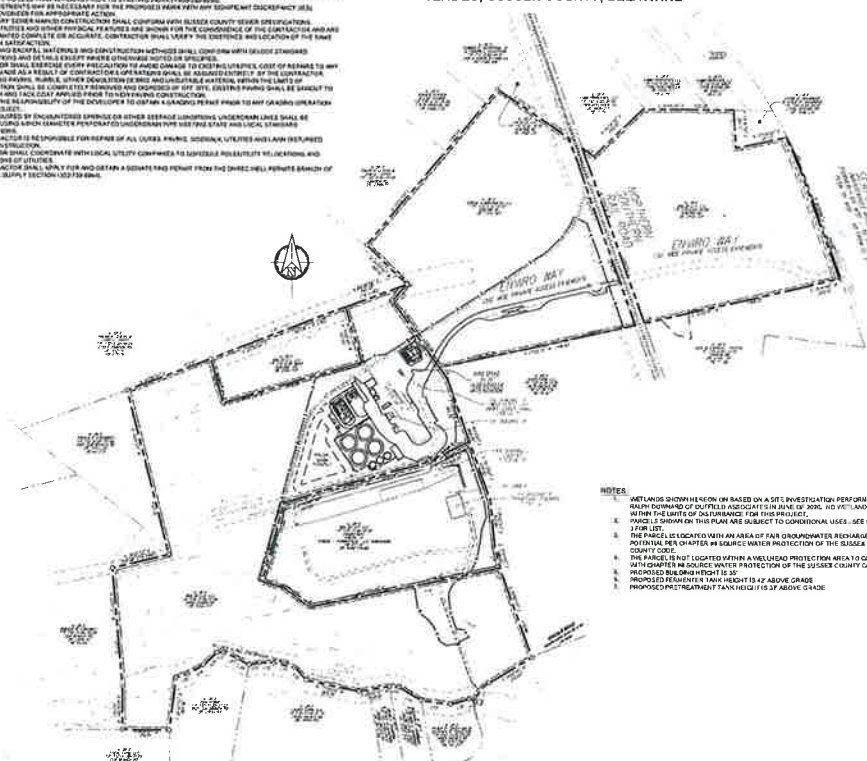
BIOENERGY DEVELOPMENT GROUP, LLC



BLADES, SUSSEX COUNTY, DELAWARE

[illegible]

MAP 1003	LOCATION MAP	DATE: 01/01/00
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WETLANDS SHOWN HEREON ARE BASED ON A SITE INVESTIGATION PERFORMED BY
RALPH DOWD AND DUFFIELD ASSOCIATES IN JUNE OF 2006. NO WETLANDS EXIST
WITHIN THE LIMITS OF DISBURMENT FOR THIS PROJECT.
PARCELS SHOWN ON THIS PLAN ARE SUBJECT TO CONDITIONAL USES. (SEE SHEET 3
FOR LIST).
THE PARCEL IS LOCATED WITHIN AN AREA OF FAIR GROUNDWATER RECHARGE
POTENTIAL PER CHAPTER 99 SOURCE WATER PROTECTION OF THE SUDASSEE
COUNTY CODE.
THE PARCEL IS NOT LOCATED WITHIN A WETLAND PROTECTION AREA TO COMPLY
WITH CHAPTER 10 SOURCE WATER PROTECTION OF THE SUDASSEE COUNTY CODE.
PROPOSED BUILDING FOOTPRINT IS 12' ABOVE GRADE.
PROPOSED PUMP/ENTER TANK HEIGHT IS 42' ABOVE GRADE.
PROPOSED PRETREATMENT TANK HEIGHT IS 21' ABOVE GRADE.

SHEET C-1	INDEX SHEET
SHEET C-2	EXISTING CONSTRUCTION/DEMOLITION PLAN
SHEET C-3	INTERNAL SITE PLAN
SHEET C-4	SITE PLAN
SHEET C-5	SITE PLAN
SHEET C-6	NOTE PLAN
SHEET C-7	GRADING PLAN
SHEET C-8	GRADING PLAN
SHEET C-9	GRADING PLAN
SHEET C-10	UTILITY PLAN
SHEET C-11	DRIVE PAVEMENT TABLES AND PROFILES
SHEET C-12	DRIVE PAVEMENT TABLES AND PROFILES
SHEET C-13	FIRE MARSHAL PLAN - INTERNAL SITE PLAN
SHEET C-14	FIRE MARSHAL PLAN - SITE PLAN
SHEET C-15	FIRE MARSHAL PLAN - SITE PLAN
SHEET C-16	LANDSCAPE PLAN

[illegible]

ADJACENT PROPERTY LINE
 COUNTRY
 DIST ELEVATION
 EASEMENT
 EASE LINE
 FORCE MAIN
 WATER LINE
 ADJACENT
 CONCRETE
 GRAVEL
 WALL ROAD
 TREELINE

PROPOSED ENVIROMENT
PROPOSED CONTOUR
PROPOSED FURCA WASH
PROPOSED WATER
PROPOSED GAS
PROPOSED UNITARY CO
PROPOSED STORM DRAIN
PROPOSED ELECTRICAL
4" HEAVY DUTY ALUMINUM
FULL DEPTH HEAVY DUTY
PROPOSED (S&B)
PROPOSED CONCRETE
LIFT OF DISTANCE
PROPOSED (S&B) GROUND

I, BIGNERDY DEVELOPMENT GROUP, LLC, HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, AND THAT I ACKNOWLEDGE THE SAME TO BE MY ACT AND DEEDS THE PLAN TO BE RECORDED ACCORDING TO LAW.

PROPERTY OWNER _____ DATE _____ 202

I, STEPHEN J. DORSKI, HEREBY CERTIFY THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

30 NOVEMBER 2021
DATE

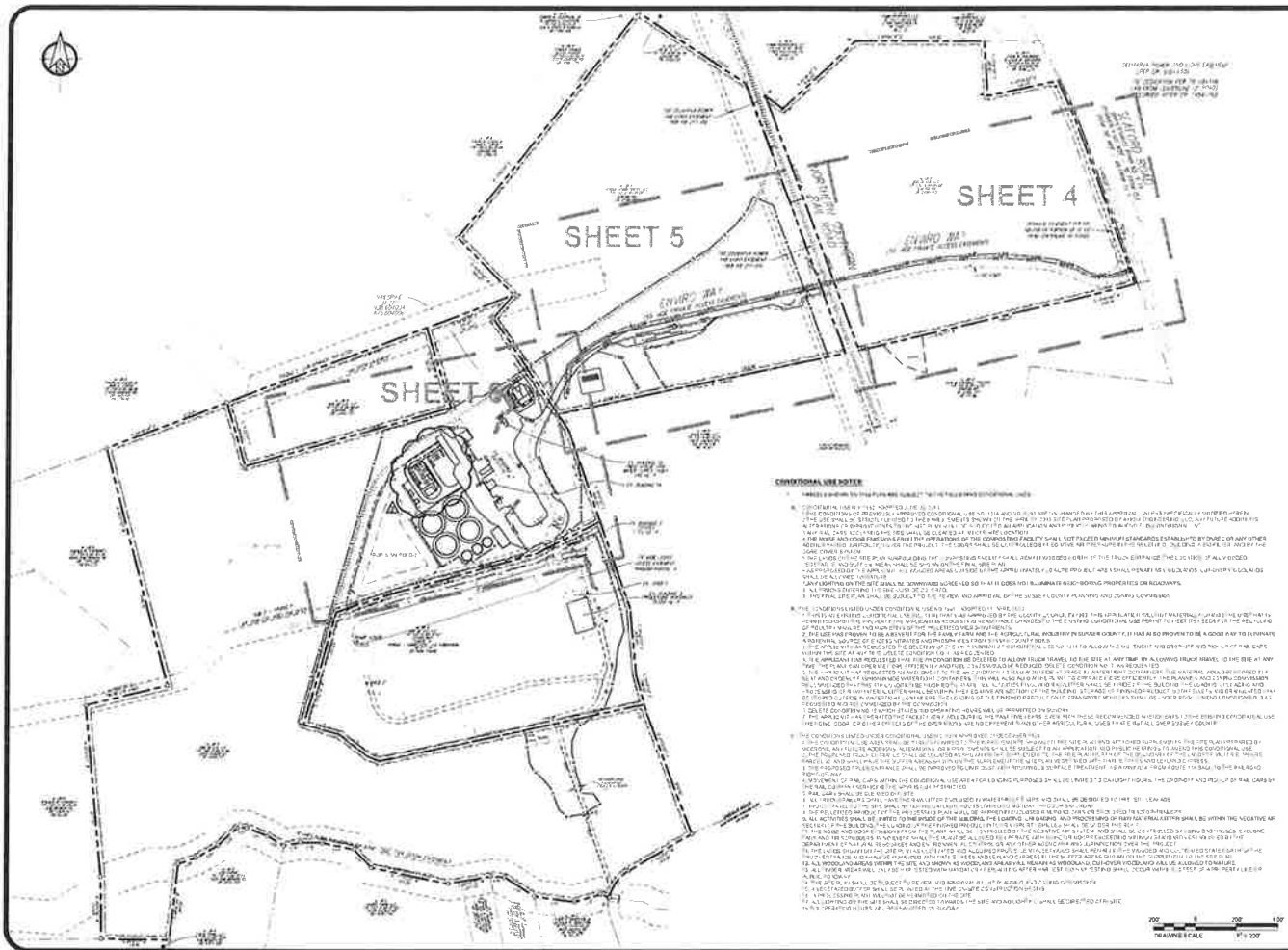
SUSSEX COUNTY CONSERVATION DISTRICT
APPROVED SUSSEX COUNTY CONSERVATION DISTRICT

SUSSEX COUNTY CERTIFICATION
APPROVED: THE COUNTY PLANNING AND ZONING COMMISSION ON _____

DATE: 27 JANUARY 2021
SCALE: AS SHOWN
PROJECT NO: 12393 CF
SHEET: 01 OF 17

INDEX SHEET
FINAL SITE PLAN
BIOENERGY DEVELOPMENT
GROUP, LLC
SUSSEX COUNTY - DELAWARE

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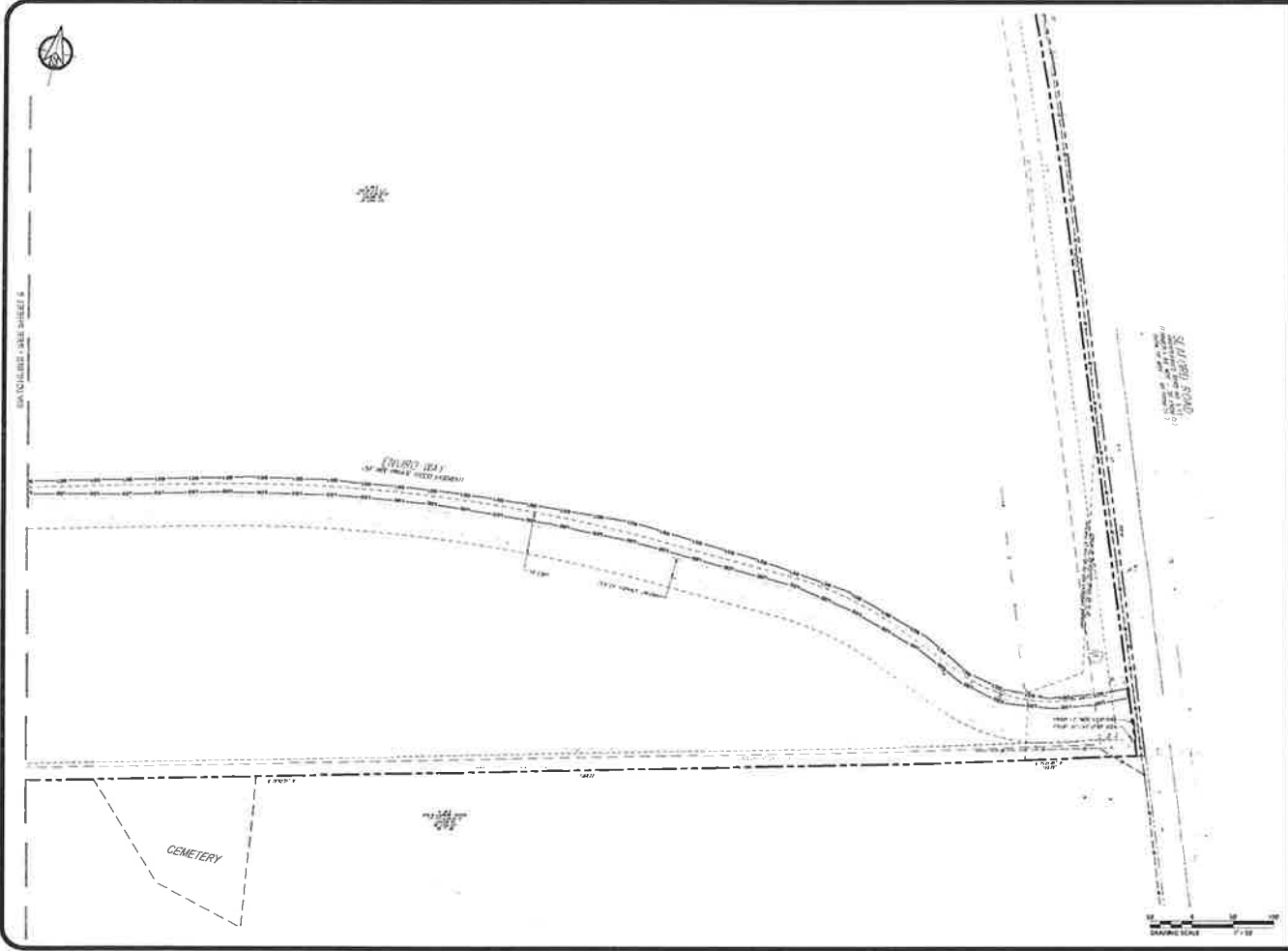


DUFFIELD ASSOCIATES
 1000 LINDSEY LANE, SUITE 200
 WILMINGTON, DE 19808-1222
 TEL: 302 299 9667
 FAX: 302 299 2485

1. Personal Information									
Full Name	Address	City	State	Zip	Phone	Age	Gender	Marital Status	Occupation
John Doe	123 Main St	New York	NY	10001	212-555-1234	35	Male	Married	Software Engineer
Jane Smith	456 Elm St	Los Angeles	CA	90001	213-555-5678	28	Female	Single	Marketing Manager
Robert Brown	789 Oak St	Chicago	IL	60601	312-555-9012	42	Male	Divorced	Operations Director
Emily White	101 Pine St	San Francisco	CA	94101	415-555-3456	30	Female	Single	Product Manager
David Green	202 Maple St	Houston	TX	77001	281-555-7890	38	Male	Married	Business Development
Sarah Black	303 Cedar St	Phoenix	AZ	85001	602-555-2345	25	Female	Single	Finance Analyst
Michael Lee	404 Birch St	San Diego	CA	92101	619-555-6789	32	Male	Married	Systems Administrator
Lisa King	505 Walnut St	Dallas	TX	75201	214-555-0123	27	Female	Single	Human Resources
James Hall	606 Cherry St	San Antonio	TX	78201	210-555-4567	33	Male	Married	Quality Assurance
Karen Young	707 Elm St	Fort Worth	TX	76101	817-555-8901	29	Female	Single	Customer Support
Thomas Anderson	808 Oak St	Austin	TX	78701	512-555-2345	31	Male	Married	IT Support
Patricia Taylor	909 Pine St	Jacksonville	FL	32201	904-555-6789	26	Female	Single	Administrative Assistant
Christopher Wilson	1010 Maple St	San Jose	CA	95101	408-555-0123	34	Male	Married	Software Tester
Michelle Davis	1111 Cedar St	San Luis Obispo	CA	93401	805-555-4567	24	Female	Single	Project Coordinator
Daniel Garcia	1212 Birch St	Santa Barbara	CA	93101	805-555-8901	30	Male	Married	Business Development
Rebecca Martinez	1313 Walnut St	Santa Cruz	CA	95060	408-555-2345	23	Female	Single	Marketing Assistant
Steven Rodriguez	1414 Cherry St	Santa Clara	CA	95050	408-555-6789	36	Male	Married	Operations Manager
Kimberly Lopez	1515 Elm St	Santa Rosa	CA	95401	408-555-0123	22	Female	Single	Finance Analyst
Benjamin Hill	1616 Oak St	Redwood City	CA	94061	650-555-4567	37	Male	Married	Software Engineer
Victoria Perez	1717 Pine St	Menlo Park	CA	94025	650-555-8901	21	Female	Single	Product Manager
Alexander Evans	1818 Maple St	Palo Alto	CA	94301	650-555-2345	39	Male	Married	Business Development
Sophia King	1919 Cedar St	Sunnyvale	CA	94035	650-555-6789	20	Female	Single	Systems Administrator
Lucas Green	2020 Birch St	Sunnyvale	CA	94085	650-555-0123	19	Male	Single	IT Support
Isabella White	2121 Walnut St	San Jose	CA	95128	408-555-4567	18	Female	Single	Customer Support
Noah Black	2222 Cherry St	Santa Clara	CA	95050	408-555-8901	17	Male	Single	Administrative Assistant
Mia Brown	2323 Elm St	Santa Cruz	CA	95060	408-555-2345	16	Female	Single	Project Coordinator
Liam Green	2424 Oak St	Santa Rosa	CA	95401	408-555-6789	15	Male	Single	Finance Analyst
Mia White	2525 Pine St	Redwood City	CA	94061	650-555-0123	14	Female	Single	Software Engineer
Owen Black	2626 Maple St	Menlo Park	CA	94025	650-555-4567	13	Male	Single	Product Manager
Charlotte Brown	2727 Cedar St	Palo Alto	CA	94301	650-555-8901	12	Female	Single	Business Development
Ethan Green	2828 Birch St	Sunnyvale	CA	94085	650-555-2345	11	Male	Single	Systems Administrator
Harper White	2929 Walnut St	San Jose	CA	95128	408-555-6789	10	Female	Single	IT Support
Jacob Black	3030 Cherry St	Santa Clara	CA	95050	408-555-0123	9	Male	Single	Customer Support
Kimberly Brown	3131 Elm St	Santa Cruz	CA	95060	408-555-4567	8	Female	Single	Administrative Assistant
Benjamin Green	3232 Oak St	Santa Rosa	CA	95401	408-555-8901	7	Male	Single	Project Coordinator
Abigail White	3333 Pine St	Redwood City	CA	94061	650-555-2345	6	Female	Single	Finance Analyst
Lucas Black	3434 Maple St	Menlo Park	CA	94025	650-555-6789	5	Male	Single	Software Engineer
Sophia Brown	3535 Cedar St	Palo Alto	CA	94301	650-555-0123	4	Female	Single	Product Manager
Noah Green	3636 Birch St	Sunnyvale	CA	94085	650-555-4567	3	Male	Single	Business Development
Isabella White	3737 Walnut St	San Jose	CA	95128	408-555-8901	2	Female	Single	Systems Administrator
Owen Black	3838 Cherry St	Santa Clara	CA	95050	408-555-2345	1	Male	Single	IT Support

OVERALL SITE PLAN
FINAL SITE PLAN
ENERGY DEVELOPMENT
GROUP, LLC

DATE: 17 JANUARY 2014
SCALE: 1" = 10'
PROJECT NO. 12393 C
SHEET C3 OF 1

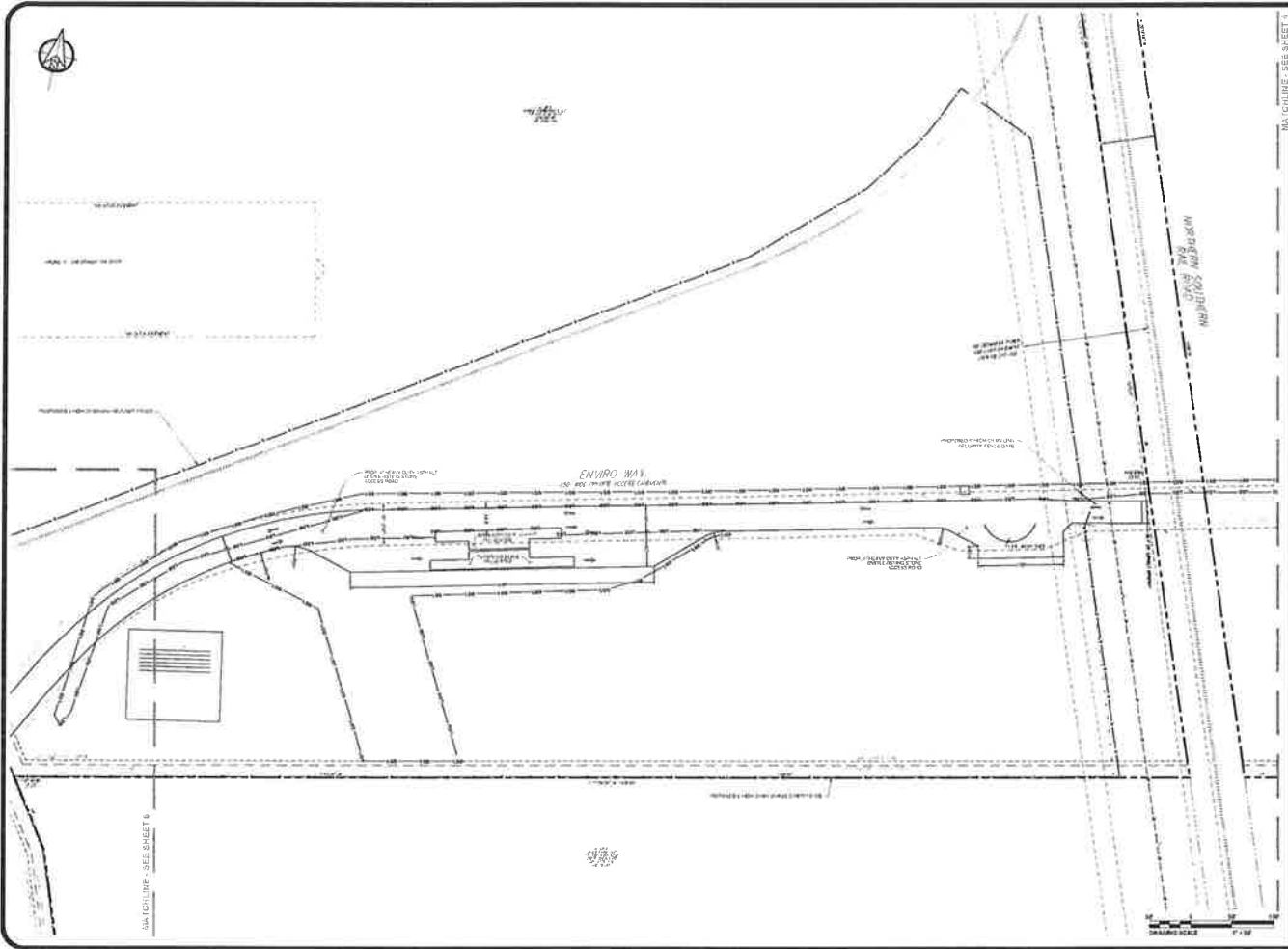


SITE PLAN
FINAL SITE PLAN
BIOENERGY DEVELOPMENT
GROUP, LLC
SUSSEX COUNTY - DELAWARE

DUFFIELD ASSOCIATES
1000 N. MARKET STREET, SUITE 200
WILMINGTON, DE 19801-2222
P: 302.422.2222
F: 302.422.2222
WWW.DUFFIELDASSOCIATES.COM

NO.	REVISION	DATE	BY	CHKD BY
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DATE: 27 JANUARY 2021
SCALE: 1" = 50'
PROJECT NO: 12393 CF
SHEET: C4 OF 17



SITE PLAN
FINAL SITE PLAN
BIOENERGY DEVELOPMENT
GROUP, LLC
SUSSEX COUNTY - DELAWARE

DUFFIELD ASSOCIATES
1000 N. MARKET STREET
WILMINGTON, DE 19804-2122
TEL: 302.224.2242
FAX: 302.224.2242
WWW.DUFFIELDASSOCIATES.COM

NO.	REVISION	DATE	BY	CHKD	APP'D
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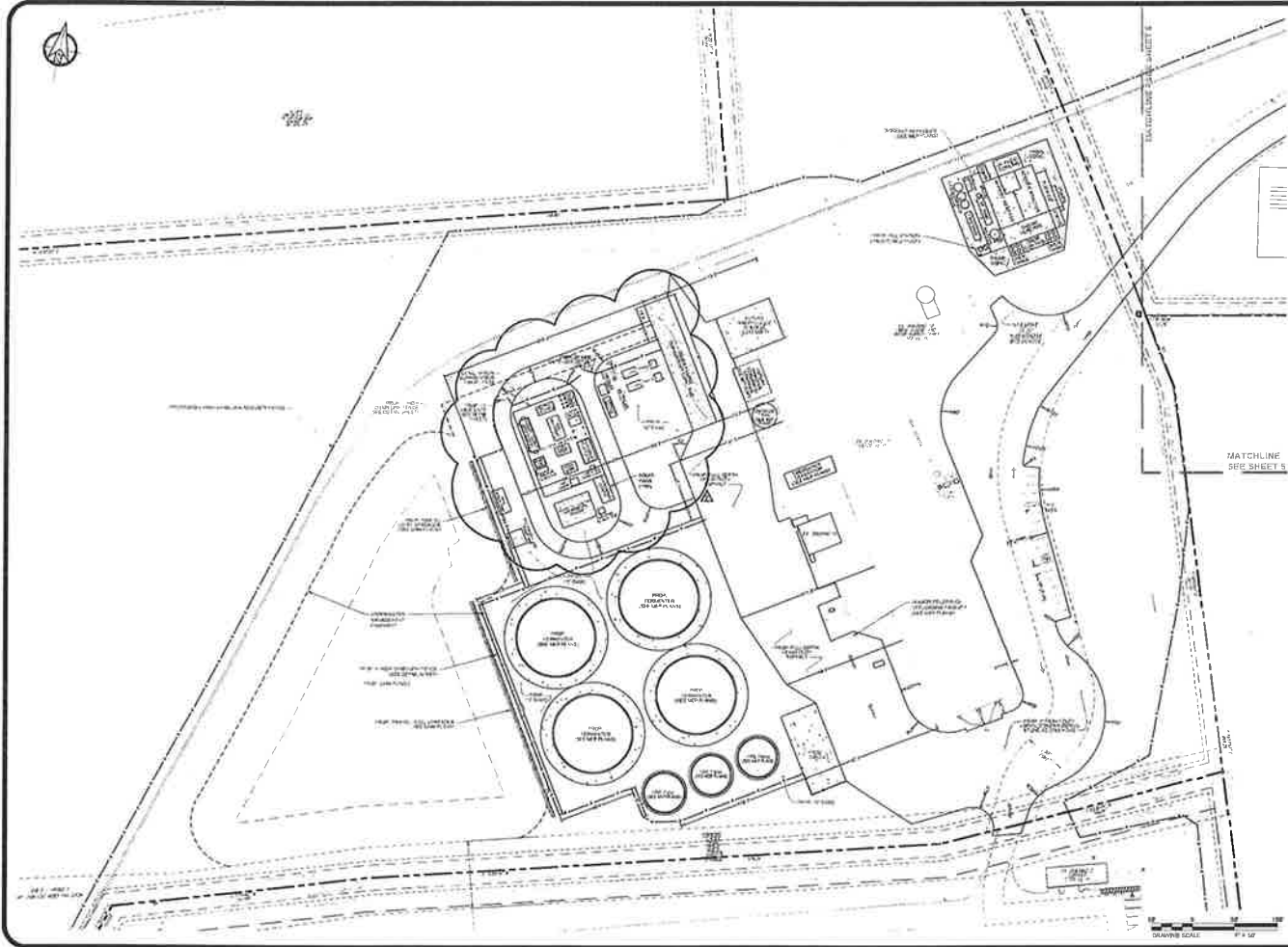
DATE: 17 JANUARY 2021

SCALE: 1" = 50'

PROJECT NO. 12391 CP

SHEET: 05 OF 17

SEE SHEET 5 FOR CONTINUATION



SITE PLAN

FINAL SITE PLAN

BIOENERGY DEVELOPMENT

GROUP, LLC

SUSSEX COUNTY - DELAWARE

DATE: 27 JANUARY 2021

SCALE: 1" = 50'

PROJECT NO. 12393 CF

SHEET C6 OF 17

DUFFIELD ASSOCIATES

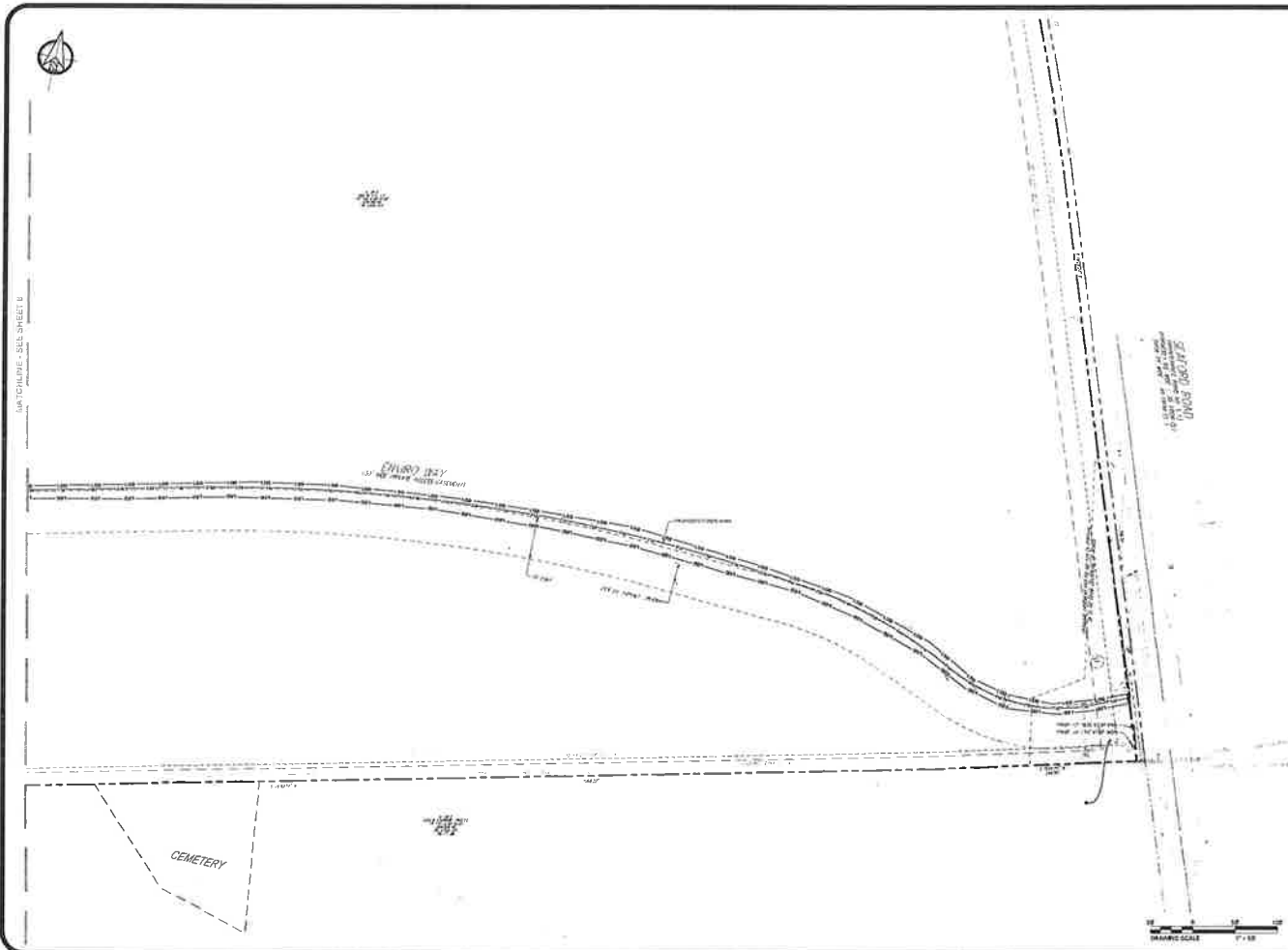
1000 LAMAR AVENUE, SUITE 200

DOVER, DE 19901

TEL: 302.234.4400

WWW.DUFFIELDASSOCIATES.COM

NO.	REVISION	DATE	BY	CHKD.
1	ISSUED FOR PERMIT	01/27/21	JM	JD



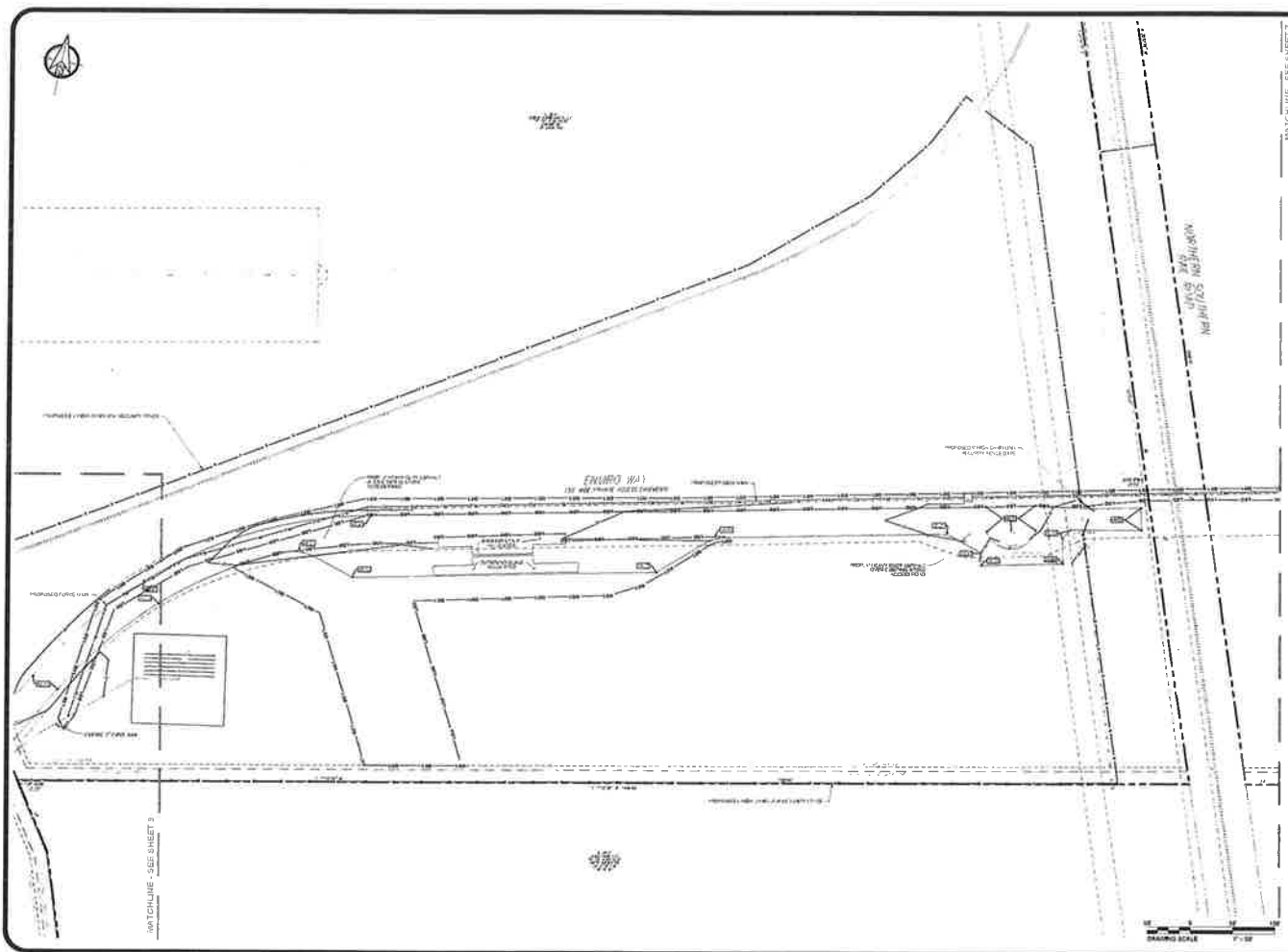
GRADING PLAN
FINAL SITE PLAN
BIOENERGY DEVELOPMENT
GROUP, LLC
 SUSSEX COUNTY - DELAWARE

DUFFIELD ASSOCIATES
 1100 N. MARKET STREET, SUITE 200
 WILMINGTON, DELAWARE 19801
 TEL: 302.237.1100
 FAX: 302.237.1101
 EMAIL: DUFFIELD@DUFFIELD-VA.COM

NO.	DESCRIPTION	DATE	BY	CHECKED BY	APPROVED BY
1	PRELIMINARY	01/15/2021	J. DUFFIELD		
2	REVISED	02/10/2021	J. DUFFIELD		
3	REVISED	03/10/2021	J. DUFFIELD		
4	REVISED	04/10/2021	J. DUFFIELD		
5	REVISED	05/10/2021	J. DUFFIELD		
6	REVISED	06/10/2021	J. DUFFIELD		
7	REVISED	07/10/2021	J. DUFFIELD		
8	REVISED	08/10/2021	J. DUFFIELD		
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99	REVISED	03/10/2029	J. DUFFIELD		
100	REVISED	04/10/2029	J. DUFFIELD		

DATE: 27 JANUARY 2021
 SCALE: 1" = 50'
 PROJECT NO: 12393 CF
 SHEET: 07 OF 17

GRAPHIC SCALE: 0' 20' 40'

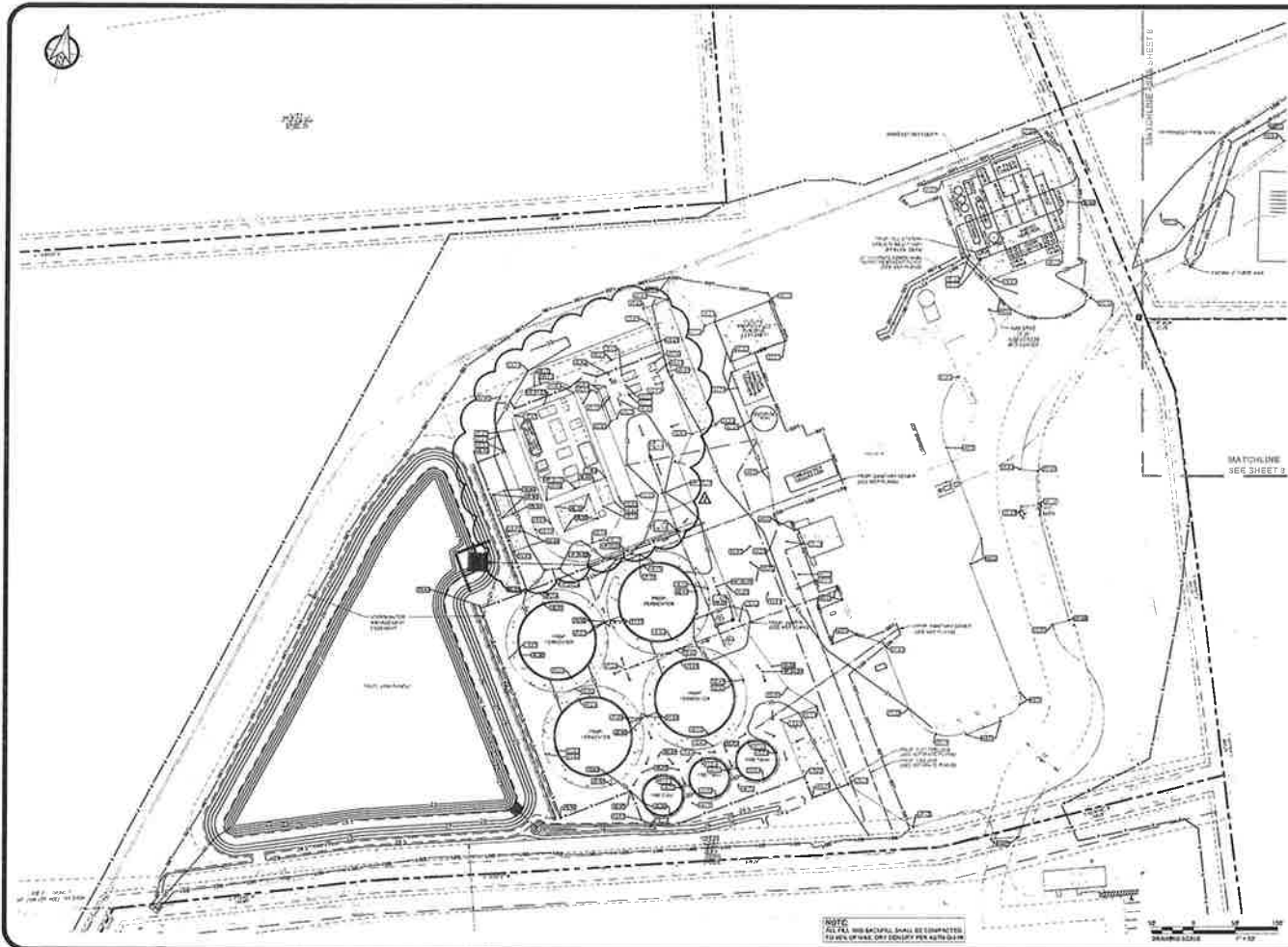


GRADING PLAN
FINAL SITE PLAN
BIOENERGY DEVELOPMENT
GROUP, LLC
SUNSEX COUNTY - DELAWARE

DUFFIELD ASSOCIATES
1000 N. MARKET STREET, SUITE 200
WILMINGTON, DE 19801
TEL: 302.234.1000
WWW.DUFFIELDASSOCIATES.COM

NO.	DESCRIPTION	DATE	BY	CHKD BY
1	ISSUED FOR PERMIT	1/27/2021	JL	JL
2	REVISED			
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DATE: 27 JANUARY 2021
SCALE: 1" = 50'
PROJECT NO: 12393 CF
SHEET: 08 OF 17



GRADING PLAN

FINAL SITE PLAN

BIOENERGY DEVELOPMENT

GROUP, LLC

SUSSEX COUNTY - DELAWARE

DUFFIELD ASSOCIATES

1015 MARKET STREET, SUITE 200
DOVER, DELAWARE 19901
TEL: 302.235.1100
FAX: 302.235.1101
WWW.DUFFIELDASSOCIATES.COM

NO.	REVISION	DATE	BY	CHKD.
1	ISSUED FOR PERMIT	01/27/2021	J. DUFFIELD	
2	ISSUED FOR PERMIT	01/27/2021	J. DUFFIELD	
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19	ISSUED FOR PERMIT	01/27/2021	J. DUFFIELD	
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DATE: 27 JANUARY 2021

SCALE: 1" = 50'

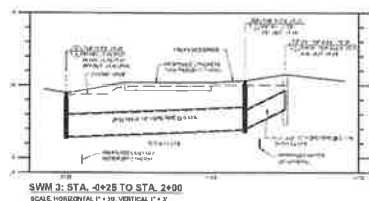
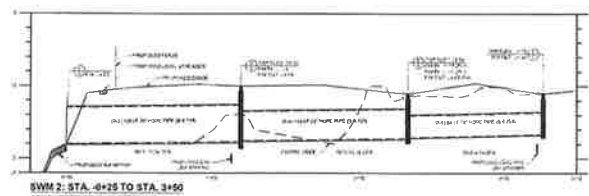
PROJECT NO: 12093 CF

SHEET: 09 OF 17

NOTE: ALL ELEVATIONS ARE BASED ON THE DATUM OF 1985. ELEVATIONS ARE IN FEET AND DECIMALS THEREOF. ELEVATIONS ARE NOT TO BE USED FOR CONSTRUCTION WITHOUT THE ENGINEER'S APPROVAL.

STORM DRAINAGE STRUCTURE SCHEDULE						
NO.	BOX DESCRIPTION	TYPE	SIZE	INVERT ELEVATION	MANHOLE INVERT ELEVATION	MANHOLE OUTLET ELEVATION
1	12" DIA. 10' LONG	CONCRETE	12" DIA.	10.00	10.00	10.00
2	12" DIA. 10' LONG	CONCRETE	12" DIA.	10.00	10.00	10.00
3	12" DIA. 10' LONG	CONCRETE	12" DIA.	10.00	10.00	10.00
4	12" DIA. 10' LONG	CONCRETE	12" DIA.	10.00	10.00	10.00
5	12" DIA. 10' LONG	CONCRETE	12" DIA.	10.00	10.00	10.00
6	12" DIA. 10' LONG	CONCRETE	12" DIA.	10.00	10.00	10.00
7	12" DIA. 10' LONG	CONCRETE	12" DIA.	10.00	10.00	10.00
8	12" DIA. 10' LONG	CONCRETE	12" DIA.	10.00	10.00	10.00
9	12" DIA. 10' LONG	CONCRETE	12" DIA.	10.00	10.00	10.00
10	12" DIA. 10' LONG	CONCRETE	12" DIA.	10.00	10.00	10.00

STORM DRAINAGE PIPE SCHEDULE						
NO.	FROM	TO	TYPE	LENGTH	INVERT ELEVATION	MANHOLE INVERT ELEVATION
1	1	2	12" DIA.	10.00	10.00	10.00
2	2	3	12" DIA.	10.00	10.00	10.00
3	3	4	12" DIA.	10.00	10.00	10.00
4	4	5	12" DIA.	10.00	10.00	10.00
5	5	6	12" DIA.	10.00	10.00	10.00
6	6	7	12" DIA.	10.00	10.00	10.00
7	7	8	12" DIA.	10.00	10.00	10.00
8	8	9	12" DIA.	10.00	10.00	10.00
9	9	10	12" DIA.	10.00	10.00	10.00
10	10	11	12" DIA.	10.00	10.00	10.00

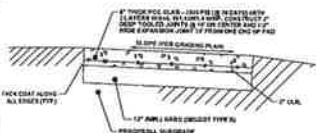


DUFFIELD ASSOCIATES
 1000 N. 10TH AVE., SUITE 100
 DENVER, CO 80202
 PHONE: 303.733.1100
 FAX: 303.733.1101
 WWW.DUFFIELDASSOCIATES.COM

NO.	DATE	BY	CHKD	APP'D
1	01/10/2021	J. DUFFIELD	J. DUFFIELD	J. DUFFIELD
2				
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STORM DRAIN TABLES AND PROFILES
FINAL SITE PLAN
BIOENERGY DEVELOPMENT
GROUP, LLC
 SUSSEX COUNTY - DELAWARE

DATE: 27 JANUARY 2021
 SCALE: AS SHOWN
 PROJECT NO: 12093 CF
 SHEET: CH 1 OF 17



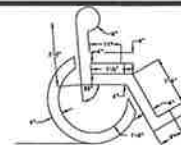
DETAIL: CONCRETE PAVEMENT
SCALE: NOT TO SCALE



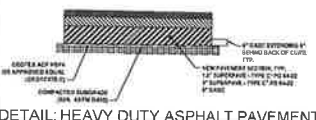
DETAIL: HANDICAPPED PARKING STALL
SCALE: NOT TO SCALE



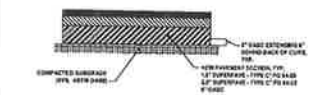
DETAIL: ACCESSIBLE PARKING SIGN (R7-8)
SCALE: NOT TO SCALE



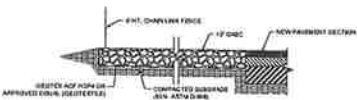
DETAIL: HANDICAP PVMT MARKING SYMBOL
SCALE: NONE



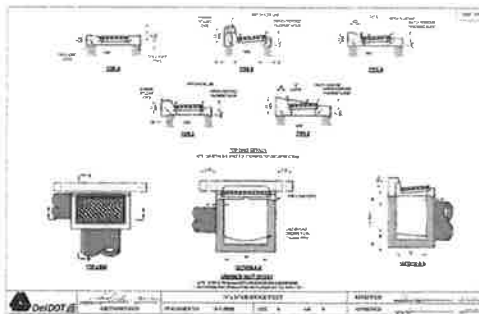
DETAIL: HEAVY DUTY ASPHALT PAVEMENT
SCALE: NOT TO SCALE



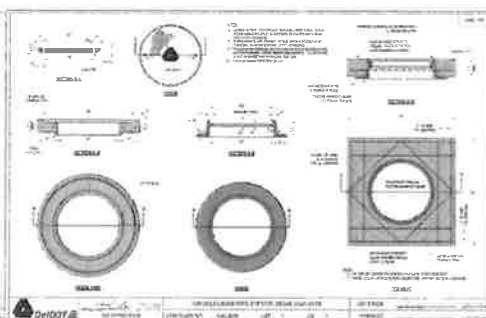
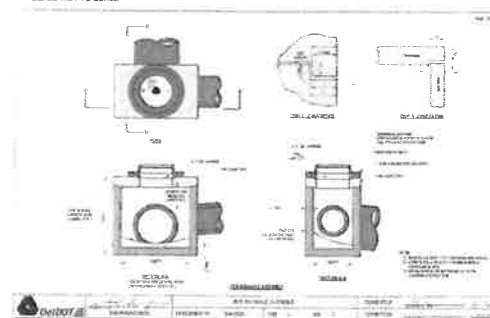
DETAIL: LIGHT DUTY ASPHALT PAVEMENT
SCALE: NOT TO SCALE



DETAIL: 10" GABC
SCALE: NOT TO SCALE



DETAIL: STOP SIGN (R1-1)
SCALE: NOT TO SCALE



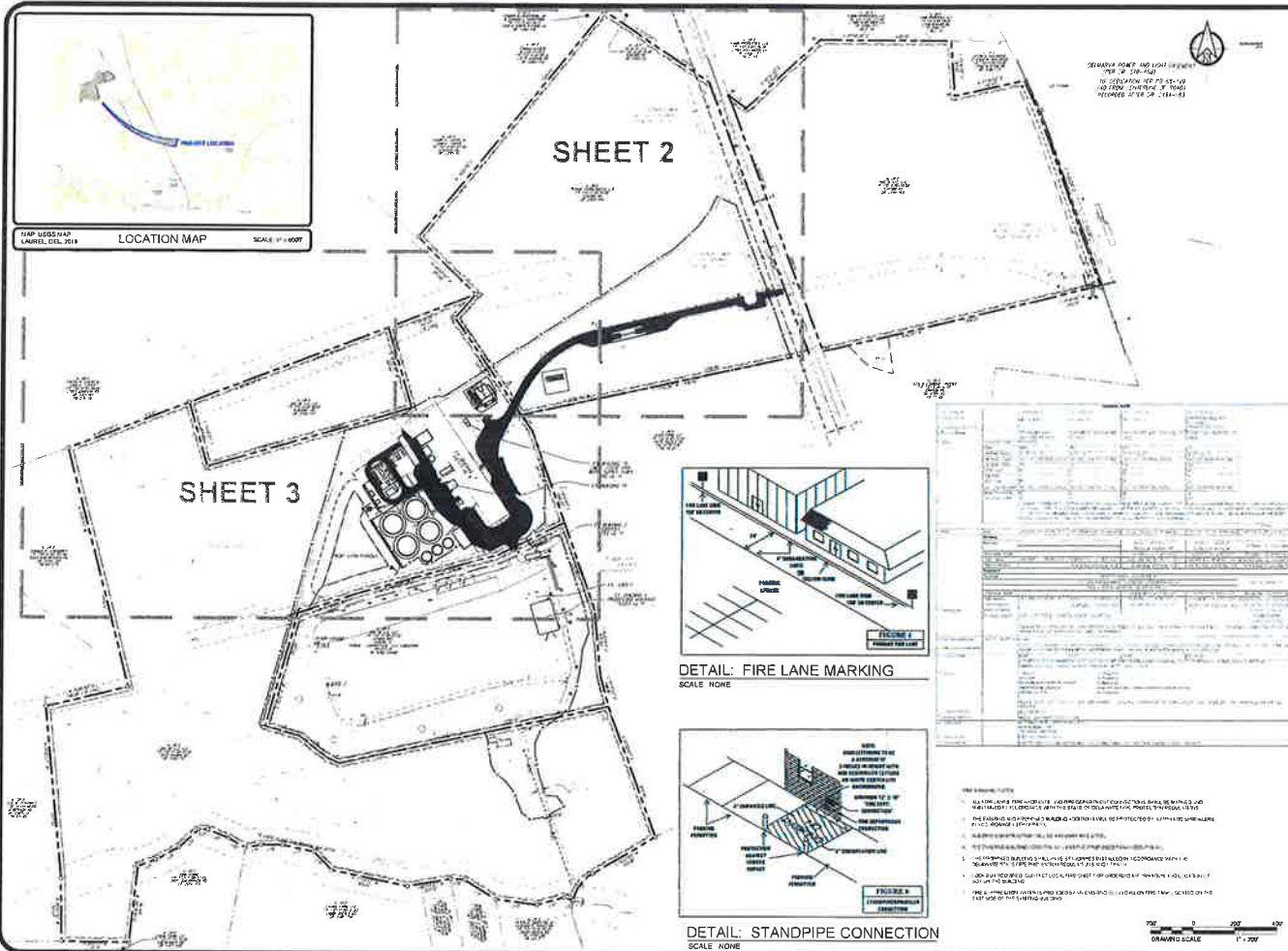
DUFFIELD ASSOCIATES
1000 N. MARKET STREET, SUITE 200
DOVER, DE 19901
TEL: 302.739.1111
FAX: 302.739.1112
WWW.DUFFIELDASSOCIATES.COM

NO.	REVISION	DATE	BY	CHKD.
1	ISSUED FOR PERMIT	12/15/2021	JD	JD
2	REVISED PER COMMENTS	1/10/2022	JD	JD
3	REVISED PER COMMENTS	1/10/2022	JD	JD
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NO.	REVISION	DATE	BY	CHKD.
1	ISSUED FOR PERMIT	12/15/2021	JD	JD
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SITE DETAILS
FINAL SITE PLAN
BIOENERGY DEVELOPMENT
GROUP, LLC
SUSSEX COUNTY - DELAWARE

DATE: 27 JANUARY 2021
SCALE: AS SHOWN
PROJECT NO: 12393.CP
SHEET: 013 OF 17

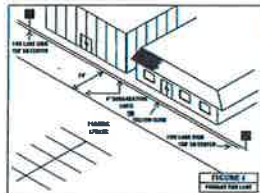


LOCATION MAP

SCALE: 1" = 1000'

SHEET 2

SHEET 3



DETAIL: FIRE LANE MARKING



DETAIL: STANDPIPE CONNECTION

- NOTES:
1. ALL FIRE LANE MARKINGS SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE DELAWARE FIRE MARSHAL'S MANUAL.
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DATE: 27 JANUARY 2021
SCALE: 1" = 300'
PROJECT NO: 12393.E.A
SHEET: C13 OF 17

DUFFIELD ASSOCIATES

1100 MARKET STREET, SUITE 200
DOVER, DE 19901
TEL: 302.233.1100
WWW.DUFFIELDASSOCIATES.COM

OVERALL SITE PLAN

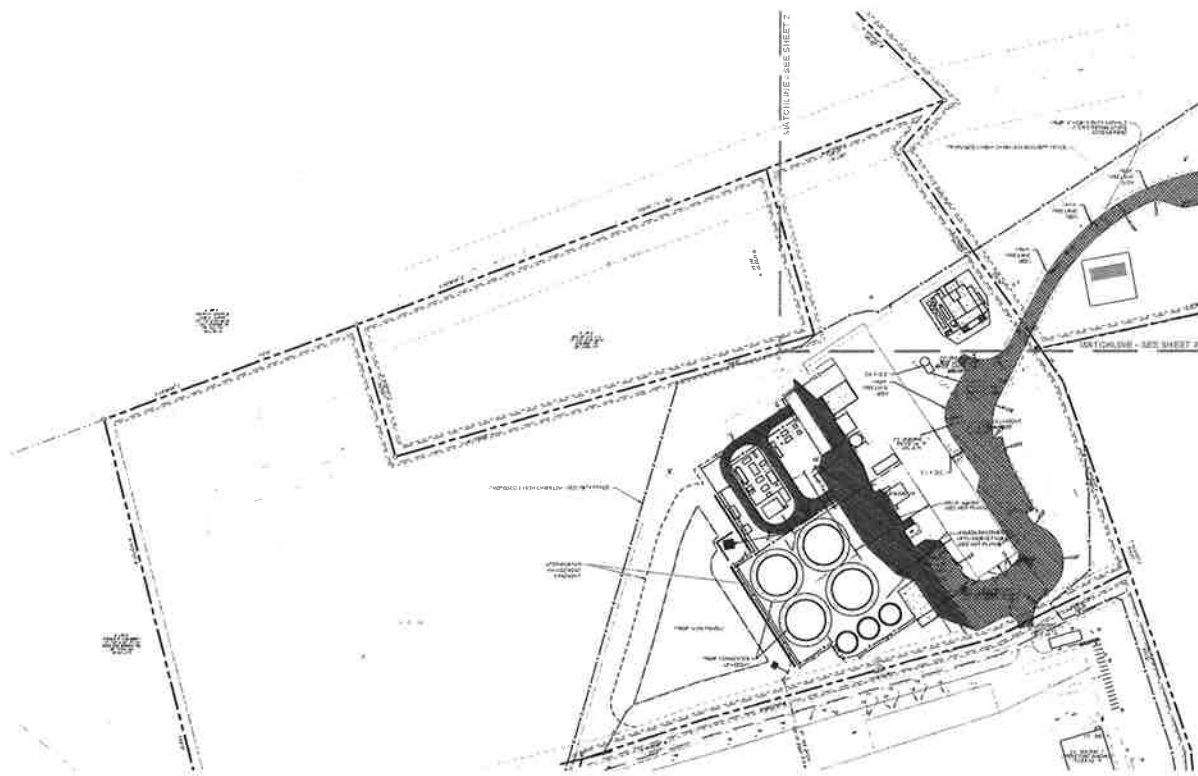
STATE FIRE MARSHAL PLAN

BIOENERGY DEVELOPMENT

GROUP, LLC

SUSSEX COUNTY - DELAWARE

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SITE PLAN
STATE FIRE MARSHAL PLAN
BIOENERGY DEVELOPMENT
GROUP, LLC
SUSSEX COUNTY - DELAWARE

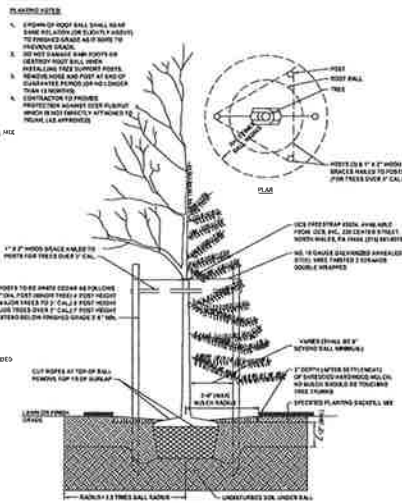
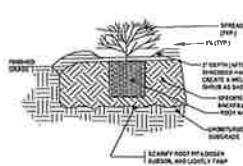
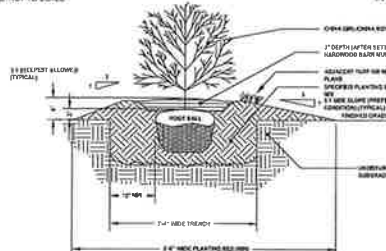
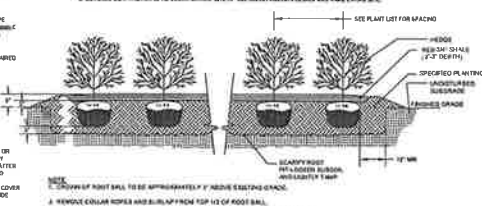
DATE: 27 JANUARY 2021
SCALE: 1" = 100'
PROJECT NO. 12393.E.A
SHEET: C15 OF 17

DUFFIELD ASSOCIATES
ARCHITECTS
1000 W. MARKET STREET, SUITE 200
DOVER, DE 19901-2122
TEL: 302.234.4400
WWW.DUFFIELDASSOCIATES.COM

NO.	REVISION	DATE	BY	CHKD
1	ISSUED FOR PERMIT	1/27/2021	JD	JD
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1. CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE CODES AND ORDINANCES REGARDING LANDSCAPING.



CATCH BASINS AND ROOF DRAIN CLEANSING:

CATCH BASINS AND ROOF DRAIN CLEANSING SHOULD BE INSPECTED SEMI-ANNUALLY. ROOFS SHOULD BE CLEARED OF ANY OBSERVED DEBRIS. CATCH BASIN INSPECTIONS SHOULD BE EXPECTED TO TAKE SEMI-ANNUALLY ON AN AFTER LARGE SNOW EVENTS. SEDIMENT SHALL BE REMOVED DURING THE SEMI-ANNUAL INSPECTIONS. FILTER STOPS SHOULD BE REPLACED WHEN THEIR CAPACITY IS REACHED.

RENCH DRAIN:

RENCH BASIN SHALL BE INSPECTED SEMI-ANNUALLY. ACCUMULATED SEDIMENT AND DEBRIS MUST BE REMOVED BY PRESSURE WASHING OR OTHER APPROPRIATE MEANS TO ALLOW RUNOFF TO FLOWER INTO THE TRENCH BASIN AT ALL TIMES.

1. THERE SHOULD BE AN ANNUAL REGULAR INSPECTION OF THE FACILITY, ONCE BEFORE GROWTH BEGINS IN THE SPRING, AND ONCE AT THE END OF THE FALL, JUST BEFORE NEW GROWTH BEGINS IN THE SPRING. OUT OF SEASON STANDING STILLS OF THE FACILITY SHOULD BE USED TO DETERMINE IF THERE ARE ANY PROBLEMS WITH THE FACILITY AND IF NECESSARY, APPLY APPROPRIATE REMEDY WITHIN A YEAR AFTER APPLICATION OF THE FACILITY TO PLANT SYSTEMS. PRINTED STILLS SHOULD BE USED TO DETERMINE IF THERE ARE ANY PROBLEMS WITH THE FACILITY.
2. THE FACILITY SHOULD BE INSPECTED AT LEAST TWICE A YEAR FOR A MINOR, MAJOR, CRISIS AND FATALITY AS REQUIRED BASED ON INSPECTION FINDINGS FOR FURTHER MATERIAL, REPORT FOR PESTS AND DAMAGE.
3. WHERE SEVERITY FINDINGS ARE PROVIDED, REMEDY SHOULD BE ADOPTED IN THE RESPONSE (ONCE IT IS A FATALITY).
4. REMOVE ALL VISIBLE AGENTS OF STANDING OF THE FACILITY ON THE WALLS/CLAVES WITH A FLAT SHOVEL. AGENT TO PROMOTE INSPECTION, AGENT AGENT TO PROMOTE INSPECTION TO MAINTAIN A WALL/CLAVES.
5. STABILIZE CRACKS AND REPAIR AS NECESSARY.
6. THE SOIL SHOULD BE TESTED ANNUALLY TO MONITOR PH, AND AGENT WITHIN LIMITATION OF IT IS DETERMINED TO BE TOO LOW OR TOO HIGH. REMEDY SHOULD BE ADOPTED IN THE RESPONSE (ONCE IT IS A FATALITY).

- PROTECTIVE FENCING TO BE SELECTED BEFORE EXCAVATION AND AS REQUIRED TO COMPLY WITH ALL APPLICABLE REGULATIONS.

ANIMALS	PERSONALS
* ZEPHYR	- SUMNER PRIDEY
- PAXIS	- CORNER THOMP
- SARATOGA	- SHASTA GLETT
- DUSTY MILLER	- TITICAC - LEANED CORCORAN
* SUMNER	- INDIAN LAYNER
- GERARDUS	- PERSONAL SALVA
- LEAPGOLD	- AUTUMN STONE CRIP
- BELFABERTS	
* FALL, WINTER	
- PAXIS	
- CHRYSLER PERMAN	
- ORNAMENTAL KALT	- CARRAGE



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

JENNIFER COHAN
SECRETARY

October 01, 2020

Peter Ettinger
Bioenergy Development Group LLC
6751 Columbia Gateway Dr. STE 300
Columbia, Maryland 21046

SUBJECT: Authorization to Apply for a Permit for Entrance Construction
Bioenergy Development Blades
Tax Parcel # 132-11.00-41.00, 132-6.00-95.00
SCR013-SEAFORD ROAD
Broad Creek Hundred, Sussex

Dear Peter Ettinger:

The Delaware Department of Transportation (DelDOT) has reviewed your request, dated September 3, 2020, to obtain a Letter of No Contention (LONC) to use an existing commercial building and site entrance for the above referenced project. In coordination with the South District Public Works Office we have determined that your project will require some modifications or enhancements to meet current regulatory requirements. We have therefore determined that this project is eligible to obtain a Permit for Entrance Construction (PEC) to make these modifications. The PEC will include a list of items that must be addressed, as well as requirements for bonding to perform work, where needed, within the State of Delaware right-of-way (ROW). This approval shall be valid for a period of **one (1) year**.

Please note: Your Permit for Entrance Construction must be obtained from the South District Public Works Office, before you can start any construction.

The following conditions are provided with this response letter:

- 1) Site shall have access from the existing entrance located on Seaford Road (SCR 013).
- 2) Only the modifications/construction or traffic pattern changes that are itemized and authorized under the PEC will be permitted. Please coordinate with the DelDOT Public Works Office regarding the scope, location and limits of the following items, as well as any other items listed in the PEC:
 - a) Replace existing stop sign with a new 36"x36" R1-1 stop sign and install a new 16" wide thermo stop bar
- 3) DelDOT reserves the right to review, modify or revoke this authorization letter and PEC and require additional entrance upgrades in the future if proposed activities create traffic conflicts, safety concerns or operational issues.



- 4) The property owner is responsible to:
- a. Submit information to DelDOT, regarding any future operational or site changes, (including but not limited to: rezoning, site layout changes, changes in use, entrance modifications, expanded/additional uses, new uses, etc.). Changes of this nature may alter the flow and/or volume of traffic and could require a new PEC, LONC or formal review for Approvals and/or Permits.
 - b. Establish and maintain clear sight lines at the entrance. There shall be no placement of structures, signs, objects, items for sale or parking of vehicles within State ROW or entrance limits. Shrubbery, Plantings, trees and/or other visual barriers that could obstruct the sight distance of a driver preparing to enter the roadway are prohibited.
- 5) The property owner and applicant are responsible to coordinate with DelDOT Outdoor Advertising & Roadside Control at (302) 853-1327, for information on obtaining specific permits for sign installation on private property. Permits for Utilities construction within State right-of-way require separate permit applications please contact DelDOT's South District at (302) 853-1345.

The Department would like to thank you for your submittal.

Please contact the South District Public Works Office at (302) 853-1340, for their assistance in obtaining the PEC. No construction or modification listed under Item 2 is allowed in advance of the DelDOT Public Works Office issuance of the Permit for Entrance Construction.

Sincerely,



Susanne K. Laws
Sussex County Review Coordinator,
Development Coordination

cc: Stephen Gorski, Duffield Associates, Inc.
Jamie Whitehouse, Sussex County Planning & Zoning Commission
Rusty Warrington, Sussex County Planning & Zoning
Jessica L. Watson, Sussex Conservation District
Gomez Norwood, South District Public Works manager
William Kirsch, South District Entrance Permit Supervisor
James Argo, South District Project Reviewer
Wendy L. Polasko, Subdivision Engineer
John Andrescavage, Sussex County Reviewer

PERMIT FOR ENTRANCE CONSTRUCTION

PERMIT NO. : SC-0059-20CM



STATE OF DELAWARE
DEPARTMENT OF
TRANSPORTATION

DIVISION OF
MAINTENANCE &
OPERATIONS

23697 Dupont Blvd
Georgetown, DE 19947

DISTRICT Sussex AREA 1 PERMIT NO. SC-0059-20CM DATE 11/20/2020
Type Of Access : **Commercial** Bonding Company : Waived
Maintenance Road No.: S13 Delaware Grid Coordinate : 29A3
Issue To : BioEnergy Development Group, LLC. Phone No.: 7195026100
(Owner)
Address : 9250 Bendix Road, Columbia, MD 21045
Type Of Security Furnished : NA Amount : \$0.00
(150% of cost)
Estimated Construction Cost : \$0.00 Expiration Date : 11/20/2021
PARCEL ID NO. 132-11.00-41.00

DESCRIPTION OF CONSTRUCTION

Permission is granted to install stop sign with 3-piece break away at 7 feet height to bottom of sign and thermoplastic bar only at the entrance to the project known as Bioenergy Development Blades located on SCR 13 as per plans approved on 10/1/2020 by Susanne Laws, Sussex County Review Coordinator. Due to the minor nature of improvements, the security for this project has been waived. Upon successful completion of work in conformance with approved plans, a permanent entrance permit will be issued. As a property owner granted a permit to construct improvements within the State right-of-way, it is your responsibility to construct improvements according to your plans and State Specifications. The District requires that any changes in the plans have prior approval from the Section Supervisor. Prior notification must be given to the Section Supervisor when work will occur on the permit. Failure to give adequate notification will result in loss of permit and possible legal ramifications. Please contact Bill Kirsch at (302) 853-1342 to give 72 hours notice prior to construction at the entrance.

A final inspection will be held when work on the permit is complete. Any corrections, additions, alterations, etc. will be done before the permit is accepted. These items in no way eliminate guarantees set forth by the permit. The owner/developer must obtain a Utility Construction Permit, separate from the entrance permit, for any utility work to be done within State right-of-way.

If in the future the proposed use changes, expands, is sold, or leased, then this permit will be null and void. The owner will be required to obtain a new permit from DelDOT.

PERMIT FOR ENTRANCE CONSTRUCTION

PERMIT NO. : SC-0059-20CM

It is hereby agreed by the owner of the property affected, and all heirs, assigns, and/or successors in interest, that all construction covered by this permit shall be performed in accordance with the approved construction plan and the current Standard Specifications published by the Department of Transportation. The plan and specifications are incorporated herein by reference, and made part of this permit. Work is to begin within 90 days of the date of this permit, and it is to be completed on or before the above completion date. Requests for an extension of this permit shall be submitted in writing to the Permit Section 30 days prior to expiration.

The Owner agrees not to sell, lease, or change the use of the property to significantly alter the flow and/or volume of traffic and/or drainage as determined within the sole discretion of the Division, and/or transfer his/her interest in the property without obtaining a new permit from the Division of Maintenance & Operations. Such failure automatically voids this permit.

The holder of this permit shall indemnify and save harmless the Division of Maintenance & Operations and its officers, employees, and/or agents from suits and damages arising from, or on account of the above described construction herein permitted on State rights-of-way, or the Division's acceptance thereof consistent with Section 107.14 of the Standard Specifications and all amendments thereto, incorporated herein by reference.

Traffic Control and utility alterations shall be in accordance with current The Division of Maintenance & Operations "Traffic Controls for Streets and Highway Construction Manual" and the "Utilities Policy and Procedure Manual," incorporated herein by reference.

Permittee shall call the Division of Maintenance & Operations Permit Section, (Canal District: 326-4679, Central District: 760-2433, South District: 853-1342) and Miss Utility (1-800-282-8555) prior to any construction on State rights-of-way.

The Division of Maintenance & Operations may require revisions to the approved plans as required by field conditions.

The permittee shall request the Division of Maintenance & Operations make final inspection of the construction when work is completed, and all work must be completed to the satisfaction of said Division of Maintenance & Operations.

This permit shall be wholly conditional upon the satisfactory completion of all provisions set forth herein. If, upon expiration of this permit, work is incomplete or not performed according to the aforesaid plan and specifications, and no extension is applied for and issued, this permit shall become null and void for all legal purposes and the entrance shall be considered illegal with reference to 17 Del.C. §146.

William Kirsch

BioEnergy Development Group, LLC.

Authorized Representative of Division of Maintenance &
Operations

Property Owner

Property Owner Signature



OFFICE OF THE STATE FIRE MARSHAL
Technical Services

22705 Park Avenue
Georgetown, DE 19947



SFMO PERMIT

Plan Review Number: 2020-04-204445-MJS-01

Tax Parcel Number: 1-32-6-95&88.01

Status: Approved as Submitted

Date: 08/04/2020

Project

Tank Farm

28339 Enviro Way - BioEnergy Innovation Center

Enviro Way
Seaford DE 19973

Scope of Project

Number of Stories:

Square Footage:

Construction Class:

Fire District: 71 - Blades Volunteer Fire Company

Occupant Load Inside:

Occupancy Code:

Applicant

Steve Gorski

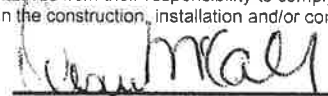
This office has reviewed the plans and specifications of the above described project for compliance with the Delaware State Fire Prevention Regulations, in effect as of the date of this review.

The owner understands that this construction start approval is limited to preliminary site construction and foundation work only. No other construction of any kind shall be permitted until the required building plan review is completed.

A Review Status of "Approved as Submitted" or "Not Approved as Submitted" must comply with the provisions of the attached Plan Review Comments.

Any Conditional Approval does not relieve the Applicant, Owner, Engineer, Contractor, nor their representatives from their responsibility to comply with the plan review comments and the applicable provisions of the Delaware State Fire Prevention Regulations in the construction, installation and/or completion of the project as reviewed by this Agency.

This Plan Review Project was prepared by:


Desiree McCall

FIRE PROTECTION PLAN REVIEW COMMENTS

Plan Review Number: 2020-04-204445-MJS-01

Tax Parcel Number: 1-32-6-95&88.01

Status: Approved as Submitted

Date: 08/04/2020

PROJECT COMMENTS

- 1002 A** This project has been reviewed under the provisions of the Delaware State Fire Prevention Regulations (DSFPR) UPDATED March 11, 2016. The current Delaware State Fire Prevention Regulations are available on our website at www.statefiremarshal.delaware.gov. These plans were not reviewed for compliance with the Americans with Disabilities Act (ADA). These plans were not reviewed for compliance with any Local, Municipal, nor County Building Codes.
- 1031 A** Where the structure being considered is protected throughout by an automatic sprinkler system, the required fire flow shall be modified to meet the designed sprinkler demand where hydraulically calculated plus outside hose streams as specified in NFPA13, Table 11.2.3.1.1 (2002 ed.) (DSFPR Part II, Section 6 3.2.1).
- 1180 A** This report reflects site review only. It is the responsibility of the applicant and owner to forward copies of this review to any other agency as required by those agencies.
- 1190 A** Separate plan submittal is required for the building(s) proposed for this project.
- 9999**
- * PLANS FOR THE GENERATOR SHALL BE SUBMITTED FOR REVIEW
- 1299 A** The required Fire Lane Access and Perimeter Access and all fire lane markings shall be in accordance with the site plan as approved by this Agency. This will be field verified at the final inspection. Noncompliance may cause a delay in approval for Certificate of Occupancy.
- 1415 A** Fire Department access shall be provided to all otherwise inaccessible gated communities, subdivisions, developments, gated commercial properties or property by any other name through the use of a system or device as required by the Delaware State Fire Prevention Regulations and approved by the Office of the State Fire Marshal after consultation with the local Fire Chief. (DSFPR

Regulation 705, Chapter 2, Section 2.6.2).Please provide specifications for the device. Include how the system works, where the device will be located, and a letter from the Fire Chief accepting the layout.

*** PROVIDE A LETTER SIGNED BY THE PROPERTY OWNER AND FIRE CHIEF AGREEING TO HOW THE FIRE DEPARTMENT WILL ACCESS THE PROPERTY.**

1501 A If there are any questions about the above referenced comments please feel free to contact the Fire Protection Specialist who reviewed this project. Please have the plan review number available when calling about a specific project. When changes or revisions to the plans occur, plans are required to be submitted, reviewed, and approved.

2nd c/y

ORDINANCE NO. 2311

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A COMPOSTING FACILITY AS AN EXTENSION TO CONDITIONAL USE NO. 1314 AND CONDITIONAL USE NO. 1691 (A MICRO-NUTRIENT PLANT WITH RELATED TRUCK ENTRANCE AND RAIL SPUR FOR THE PROCESSING AND HANDLING OF POULTRY LITTER) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 228.88 ACRES, MORE OR LESS (Tax Map I.D. 1-32-6.00-88.01 AND 95.00 and Tax Map I.D. 1-32-11.00-41.00)

WHEREAS, on the 5th day of March 2013, a conditional use application, denominated Conditional Use No. 1962 was filed on behalf of Chesapeake AgriSoil, LLC; and

WHEREAS, on the 25th day of April 2013, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 23rd day of May 2013, said Planning and Zoning Commission recommended that Conditional Use No. 1962 be approved with conditions; and

WHEREAS, on the 21st day of May 2013, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1962 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Broad Creek Hundred, Sussex County, Delaware, and lying west of Route 13A and north of Road 485 and being more particularly described as:

BEGINNING at a point on the westerly right of way of U.S. Route 13A, a corner for these subject lands and lands now or formerly of Victor E. Moore; thence south 85°45'06" west 250.23 feet, south 86°46'11" west 1068.22 feet and south 07°53'54" west 1,495.60 feet along lands of Victor E. Moore to a point; thence southerly along these lands and lands now or formerly of Victor E. Moore the following courses: south 24°14'37" east 92.40 feet, thence south 09°17'37" east 899.25 feet, thence south 05°00'23" west 313.50 feet, thence south 05°14'37" east 198.00 feet, thence south 09°59'37" east 610.94 feet to the northerly right of way of Road 465; thence westerly 505.15 feet along the northerly right of way of Road 485 to the centerline of Gum Branch; thence northwesterly along the meandering centerline of Gum Branch approximately 2,200.00 feet to a point, a corner for these lands and lands now or formerly of Stephen C. Glenn; thence south 16°46'19" west 354.98 feet along said Glenn property to a point; thence north 78°57'47" west 318.35 feet along lands now or formerly of Frederick M. O'Neal (Trustee) to a point; thence north 09°16'05" east 297.01 feet and north 04°55'59" east 817.39 feet along lands now or formerly of Ronald W. and Ruth M. Conaway to a point; thence north 86°05'12" east 396.08 feet and north 04°18'33" west 1,168.72 feet along lands now or formerly of Donald R. Eisenbrey to a point; thence north 79°02'14" east 2,055.56 feet and north 34°54'37" west 384.45 feet along lands now or formerly of Ralph H. and Jane L. Givens to a point; thence north 49°05'23" east 1,384.35 feet along lands now or formerly of Ralph H. Givens, lands now or formerly of Ronald G. Fensick, and lands now or formerly of Edward N. Dickerson to a point; thence south 45°47'19" east 717.20 feet along lands now or formerly of George D. Elzey, Jr. to a point; thence north 68°08'07" east 504.34 feet and south 79°42'15" east 619.83 feet along lands of Florence E. Johnson and Sussex Manor to a point; thence south 06°25'19" west 261.98 feet to a point; thence north 87°41'15" east 351.14 feet to a point on the westerly right of way of U.S. Route 13A; thence 1,036.47 feet along the westerly right of way of U.S. Route 13A to the point and place of beginning and containing 228.88 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

This Ordinance was adopted subject to the following conditions:

1. The conditions of previously approved Conditional Use No. 1314 and No. 1691 are unchanged by this approval, unless specifically modified herein.
2. The use shall be strictly limited to the improvements shown on the April 11, 2013 Site Plan proposed by Axiom Engineering, LLC. Any future additions, alterations or improvements to the Site Plan shall be subject to an application and public hearing to amend this Conditional Use.
3. Any rail cars accessing the site shall be cleaned at an off-site location.
4. The noise and odor emissions from the operations of the composting facility shall not exceed minimum standards established by DNREC or any other agency having jurisdiction over the project. The odors shall be controlled by negative air pressure in the receiving building, a bio-filter, and by the Gore Cover System.
5. The lands on the Site Plan surrounding the composting facility shall remain wooded north of the truck entrance. The location of all wooded, vegetative and buffer areas shall be shown on the Final Site Plan.
6. As proposed by the Applicant, all wooded areas outside of the approximately 20 acre project area shall remain as woodlands. Cut-over woodlands shall be allowed to mature.
7. Any lighting on the site shall be downward screened so that it does not illuminate neighboring properties or roadways.
8. All trucks entering the site must be covered.
9. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2311 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 25TH DAY OF JUNE 2013.


ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

The Council found that the Conditional Use was appropriate legislative action based on the following Findings of Fact:

1. This is an application of Chesapeake AgriSoil, LLC to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a composting facility as an extension to Conditional Use No. 1314 Conditional Use No. 1691 (a micro-nutrient plant with related truck entrance and rail spur for processing and handling poultry litter), to be located on a certain parcel of land lying and being in Broad Creek

Hundred, Sussex County, containing 228.88 acres, more or less, lying west of Route 13A north of Road 485 (Tax Map I.D. 1-32-6.00-88.01 and 95.00 and Tax Map I.D. 1-32-11.00-41.00).

2. The Sussex Conservation District commented that the Applicant will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation; that no storm flood hazard areas or tax ditches are affected; that it is not likely that any off-site drainage improvements will be required; and that it is possible that on-site drainage improvements will be required.
3. The Sussex County Engineering Department, Utility Planning Division, commented that the site is located in the Western Sussex Planning Area No. 3 and Blades Planning Area No. 2; that an onsite septic system will be utilized; that the parcel is not in an area where the County has a schedule to provide sewer service at this time; and that a Concept Plan is not required.
4. Shannon Carmean-Burton, Attorney, of Sergovic, Carmean and Weidman, P.A., Ken Christenbury, Professional Engineer with Axiom Engineering, LLC, Whitney Hall, Professional Engineer, Wayne Hudson of Perdue Agri-Recycle, LLC, and Charlie Gifford of Chesapeake AgriSoil, LLC were present on behalf of the application and stated that this use will occupy approximately 20 acres of the 228.88 acre site; that the 20 acre portion is contained within Tax Map 1-32-11.00-41.00; that the site is immediately adjacent to the plant; that the existing wooded buffers will remain; that the site is being cleared to eliminate young seedlings and tree growth; that no clearing will occur beyond the railroad spur; that the original conditions for the micro-nutrient plant, as amended in 2006, will remain with the exception of the use of this facility; that DelDOT voiced no objections and determined that there will not be any traffic impact; and that DNREC approvals are required and will be obtained.
5. The Applicant stated that the proposed facility would utilize processed water from the Plant in this process rather than having to haul the processed water off-site for land application.
6. The Applicant further represented that Best Management Practices will be utilized; that the proposed project is very environmentally responsible; that the operation will be carried on during one daytime shift from 7:00 a.m. to 5:00 p.m. weekdays only; that water can be provided to control any dust; that the intended 20 acre area for the facility includes the stormwater management pond; that they may utilize dead-birds in a catastrophic emergency situation; that they anticipate 11 full-time employees, and assume approximately eight (8) secondary related service jobs; and that they will most likely be using independent haulers.
7. The Applicant further represented that the purpose of AR-1 includes references to provide for a full range of agricultural activities and protects agricultural lands; that it should also protect established agricultural operations and activities; that the permitted conditional uses in the AR-1 District include agricultural related activities; that it will decrease the amount of pollution and odor from poultry waste previously applied directly to the soils as a fertilizer; that the proposed use will provide community-wide benefits and the ability to recycle a by-product of the poultry industry utilizing the latest Gore technology; that due to the need for enhancing the ability of the poultry industry to protect the local environment, the proposed conditional use is an appropriate zoning method for permitting the use and thus, the conditional use complies with the Zoning Code; that the Applicant submits that this project is consistent with the provisions of the Comprehensive Plan which identifies the property in a Low Density Area; that the Plan provides that all land designated in the Low Density Area are currently zoned AR-1; that the Plan provides that the primary uses envisioned in Low Density Areas are agricultural activities and single family detached homes; and that industrial uses that support or depend on agriculture should be permitted.

8. The Applicant further represented that the Gore system proposed to be utilized uses positive aeration and a specially designed cover to create an enclosed system that optimizes the recycling process, controls odors and micro-organisms, separates leachate from storm water and creates a consistent product unaffected by outside environmental conditions; and that the use is designed to benefit the family farm and agricultural industry, especially poultry growers, in the County.
9. This is an extension of existing Conditional Uses approved by Sussex County; that Conditional Use Nos. 1314 and 1691 were for a micro-nutrient plant with related truck entrances and a rail spur for the processing and handling of poultry litter; that this is a reasonable change to the existing uses and a reasonable expansion to the overall site; that the proposed site is adjacent to the existing micro-nutrient plant that is operated by Perdue AgriSoil, LLC; and that the proposal is consistent with this adjacent use.
10. The proposed use will have a positive economic impact on Sussex County and its residents, with full-time employees on the site, and additional equipment and hauling services that are necessary for the operation of the facility.
11. The application is supported by the Inland Bays Foundation and the Secretary of the Delaware Department of Agriculture.
12. The use is consistent with the underling AR-1 Agricultural Zoning and the rural agricultural uses that exist in the vicinity of the site; that the proposed use will be a benefit to agriculture in Sussex County, as well as the Delmarva Peninsula, as an efficient means to eliminate a potential source of excess nitrates and phosphates from area soils; and that it also provides an innovative but environmentally sensitive method of handling poultry waste products and produces an end-product that can be beneficially used in an environmentally responsible manner.
13. This use promotes the goals of the Sussex County Comprehensive Plan by enhancing the environmental quality of Sussex County; it is also a use which has a public or semipublic character that is essential and desirable to the general convenience and welfare of Sussex County and its residents.
14. Based on the record and recommendation of the Planning and Zoning Commission and the record created before Council, the Conditional Use was approved subject to 9 conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.

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ORDINANCE NO. 1865

With Conditions and Reasons

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AMENDMENT TO CONDITIONS OF APPROVAL OF CONDITIONAL USE NO. 1314 FOR A MICRO-NUTRIENT PLANT WITH RELATED TRUCK ENTRANCE AND RAIL SPUR FOR THE PROCESSING AND HANDLING OF POULTRY LITTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 228.88 ACRES, MORE OR LESS

WHEREAS, on the 11th day of April 2006, a conditional use application, denominated C/U #1691, was filed on behalf of Perdue Farms AgriRecycle, L.L.C.; and

WHEREAS, on the 22nd day of June 2006, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 6th day of July 2006, said Planning and Zoning Commission recommended that C/U #1691 be approved with conditions and reasons; and

WHEREAS, on the 18th day of July 2006, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE,

THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of C/U #1691 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Broad Creek Hundred, Sussex County, Delaware, and lying west of U.S. Route 13A and north of Road 485 and being more particularly described as follows:

BEGINNING at a point on the westerly right of way of U.S. Route 13A, a corner for these subject lands and lands now or formerly of Victor E. Moore; thence south 85°45'06"

west 250.23 feet, south $86^{\circ}46'11''$ west 1068.22 feet and south $07^{\circ}53'54''$ west 1,495.60 feet along lands of Victor E. Moore to a point; thence southerly along these lands and lands now or formerly of Victor E. Moore the following courses: south $24^{\circ}14'37''$ east 92.40 feet, thence south $09^{\circ}17'37''$ east 899.25 feet, thence south $05^{\circ}00'23''$ west 313.50 feet, thence south $05^{\circ}14'37''$ east 198.00 feet, thence south $09^{\circ}59'37''$ east 610.94 feet to the northerly right of way of Road 465; thence westerly 505.15 feet along the northerly right of way of Road 485 to the centerline of Gum Branch; thence northwesterly along the meandering centerline of Gum Branch approximately 2,200.00 feet to a point, a corner for these lands and lands now or formerly of Stephen C. Glenn; thence south $16^{\circ}46'19''$ west 354.98 feet along said Glenn property to a point; thence north $78^{\circ}57'47''$ west 318.35 feet along lands now or formerly of Frederick M. O'Neal (Trustee) to a point; thence north $09^{\circ}16'05''$ east 297.01 feet and north $04^{\circ}55'59''$ east 817.39 feet along lands now or formerly of Ronald W. and Ruth M. Conaway to a point; thence north $86^{\circ}05'12''$ east 396.08 feet and north $04^{\circ}18'33''$ west 1,168.72 feet along lands now or formerly of Donald R. Eisenbrey to a point; thence north $79^{\circ}02'14''$ east 2,055.56 feet and north $34^{\circ}54'37''$ west 384.45 feet along lands now or formerly of Ralph H. and Jane L. Givens to a point; thence north $49^{\circ}05'23''$ east 1,384.35 feet along lands now or formerly of Ralph H. Givens, lands now or formerly of Ronald G. Fensick, and lands now or formerly of Edward N. Dickerson to a point; thence south $45^{\circ}47'19''$ east 717.20 feet along lands now or formerly of George D. Elzey, Jr. to a point; thence north $68^{\circ}08'07''$ east 504.34 feet and south $79^{\circ}42'15''$ east 619.83 feet along lands of Florence E. Johnson and Sussex Manor to a point; thence south $06^{\circ}25'19''$ west 261.98 feet to a point; thence north $87^{\circ}41'15''$ east 351.14 feet to a point on the westerly right of way of U.S. Route 13A; thence 1,036.47 feet along the westerly right of way of U.S. Route 13A to the point and place of beginning and containing 228.88 acres more or less as surveyed by Hampshire, Hampshire and Andrews, and F. Douglas Jones Surveying Associates.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

This Ordinance was adopted subject to the following conditions and reasons:

1. This is an existing Conditional Use (No. 1314) that was approved by the County Council in 1999. This application will not materially change the use that is permitted upon the property.

2. The Applicant is requesting reasonable changes to the existing Conditional Use permit to meet its needs for the recycling of poultry manure and marketing of the pelletized micro-nutrients.
3. The use has proven to be a benefit for the family farm and the agricultural industry in Sussex County. It has also proven to be a good way to eliminate a potential source of excess nitrates and phosphates from Sussex County soils.
4. The Applicant has requested the deletion of the 4th condition of Conditional Use No. 1314 to allow the movement and drop-off and pick-up of rail cars within the site at any time. Delete Condition No. 4, as requested.
5. The Applicant has requested that the 7th condition be deleted to allow truck travel to the site at any time; by allowing truck travel to the site at any time, the plant can operate more efficiently and fuel costs would be reduced. Delete Condition No. 7, as requested.
6. The Applicant has requested an amendment to the 9th condition to allow outside storage in watertight containers; the material would be stored in a neat and orderly fashion inside watertight containers. This will also allow the plant to operate more efficiently. The Planning and Zoning Commission recommended that the 9th condition be modified to state "all activities involving raw litter shall be inside of the building. The loading, unloading and processing of raw material/litter shall be within the negative air section of the building. Storage of finished product, both pellets and granulated, may be stored outside in watertight containers. The loading of the finished product onto transport vehicles shall be under roof." Amend Condition No. 9 as requested and recommended by the Commission.
7. Delete Condition No. 18 which states "No operating hours will be permitted on Sunday."
8. The Applicant has operated the facility very well during the past five years. Even with these recommended amendments to the existing Conditional Use, the noise, odor, or other effects of the operations are no different than other agricultural uses that exist all over Sussex County.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 1865 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 25TH DAY OF JULY 2006.


ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

had a positive effect on the environment by providing a more environmentally sound method of poultry litter disposal.

7. Council heard objections from Russell Ebron, a neighbor who was present in opposition to the application, who voiced various complaints and that he is in opposition to Council approving Sunday operating hours, that lights on the rear of the Perdue building are directed toward his home, and that odors and noises from the plant are offensive and negatively affect the ability of his family to enjoy their property.
8. In response to the objections of Mr. Ebron, the representative from Perdue stated that when any problem is brought to their attention they have tried to correct it and that he will make certain that their lights are not directed toward Mr. Ebron's home, and that DNREC has written a letter in support of the application and stated that the plant is a model facility.
9. Council was provided with a letter from the Delaware Economic Development Office indicating that poultry is a positive factor in the agricultural health of the State and that DEDO supports the expansion of the operating hours, and that in the past a Sunday production schedule has not diminished the quality of life for adjacent property owners.
10. Modifying the conditions as requested by the applicant would not materially change the use that was allowed by the approval of C/U #1314 in 1999, and the changes requested are reasonable to meet the applicant's needs for the recycling of poultry manure and the sale of the pelletized micro-nutrients produced by the plant.
11. The use is proven to be a benefit for the farm family and agricultural industry in Sussex County and has proven to be a good way to eliminate a potential source of excess nitrates and phosphates from Sussex County soils which occurred with the past practice of applying raw poultry manure directly to the soils.
12. The deletion of Conditions 4 and 7 are reasonable and will allow the plant to operate more efficiently throughout the year.
13. The amendment of Condition 9 to allow outside storage in watertight containers is reasonable and will allow the plant to operate more efficiently since all activities involving raw poultry litter are conducted within the building.
14. It was more reasonable to eliminate Condition 18 in order to allow the plant to have the

ability to conduct Sunday operations without the necessity of having to make approval for each Sunday operation.

15. The plant has operated efficiently and within pollution emission standards over the past five years and any noise, odor or other effects of the operations are no different than would occur with other agricultural uses in the County.
16. The revised conditions will not have an adverse impact on the neighborhood or the community.
17. The use is of a public or semi-public character in that it provides a more environmentally sound method of disposing of poultry litter in a commercially reasonable manner and has decreased the amount of pollution from poultry litter previously applied directly to the soils as fertilizer.
18. Based on the above findings, the conditional use is approved subject to the eight (8) conditions and reasons, which will serve to minimize any potential impacts on the surrounding area.

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ORDINANCE NO. 1354

With Stipulations

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MICRO-NUTRIENT PLANT WITH RELATED TRUCK ENTRANCE AND RAIL SPUR FOR THE PROCESSING AND HANDLING OF POULTRY LITTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 228.88 ACRES, MORE OR LESS

WHEREAS, on the 9th day of September, 1999, a conditional use application, denominated C/U #1314 was filed on behalf of Perdue-AgriRecycle, LLC; and

WHEREAS, on the 4th day of November, 1999, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that C/U #1314 be approved; and

WHEREAS, on the 30th day of November, 1999, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE,

THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of C/U #1314 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Broad Creek Hundred, Sussex County, Delaware, and lying west of U.S. Route 13A and north of Road 485 and being more particularly described as follows:

BEGINNING at a point on the westerly right of way of U.S. Route 13A, a corner for these subject and lands now or formerly of Victor E. Moore; thence south 85°45'06"

west 250.23 feet, south $86^{\circ}46'11''$ west 1068.22 feet and south $07^{\circ}53'54''$ west 1,495.60 feet along lands of Victor E. Moore to a point; thence southerly along these lands and lands now or formerly of Victor E. Moore the following courses: south $24^{\circ}14'37''$ east 92.40 feet, thence south $09^{\circ}17'37''$ east 899.25 feet, thence south $05^{\circ}00'23''$ west 313.50 feet, thence south $05^{\circ}14'37''$ east 198.00 feet, thence south $09^{\circ}59'37''$ east 610.94 feet to the northerly right of way of Road 465; thence westerly 505.15 feet along the northerly right of way of Road 485 to the centerline of Gum Branch; thence northwesterly along the meandering centerline of Gum Branch approximately 2,200.00 feet to a point, a corner for these lands and lands now or formerly of Stephen C. Glenn; thence south $16^{\circ}46'19''$ west 354.98 feet along said Glenn property to a point; thence north $78^{\circ}57'47''$ west 318.35 feet along lands now or formerly of Frederick M. O'Neal (Trustee) to a point; thence north $09^{\circ}16'05''$ east 297.01 feet and north $04^{\circ}55'59''$ east 817.39 feet along lands now or formerly of Ronald W. and Ruth M. Conaway to a point; thence north $86^{\circ}05'12''$ east 396.08 feet and north $04^{\circ}18'33''$ west 1,168.72 feet along lands now or formerly of Donald R. Eisenbrey to a point; thence north $79^{\circ}02'14''$ east 2,055.56 feet and north $34^{\circ}54'37''$ west 384.45 feet along lands now or formerly of Ralph H. and Jane L. Givens to a point; thence north $49^{\circ}05'23''$ east 1,384.35 feet along lands now or formerly of Ralph H. Givens, lands now or formerly of Ronald G. Fensick, and lands now or formerly of Edward N. Dickerson to a point; thence south $45^{\circ}47'19''$ east 717.20 feet along lands now or formerly of George D. Elzey, Jr. to a point; thence north $68^{\circ}08'07''$ east 504.34 feet and south $79^{\circ}42'15''$ east 619.83 feet along lands of Florence E. Johnson and Sussex Manor to a point; thence south $06^{\circ}25'19''$ west 261.98 feet to a point; thence north $87^{\circ}41'15''$ east 351.14 feet to a point on the westerly right of way of U.S. Route 13A; thence 1,036.47 feet along the westerly right of way of U.S. Route 13A to the point and place of beginning and containing 228.88 acres more or less as surveyed by Hampshire, Hampshire and Andrews, and F. Douglas Jones Surveying Associates.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

This Ordinance was adopted subject to the following stipulations:

1. The conditional use area shall be strictly limited to the improvements shown on the site plan and attached supplements, the site plan prepared by McCrone. Any future additions, alterations, or improvements shall be subject to an application and public hearings to amend this conditional use.
2. The proposed truck entrance shall be located as shown on the supplement to the site plan north of the boundary of the lands of Victor E. Moore, parcel 92, and shall have the buffer areas shown on the supplement the site plan vegetated with native trees and Leyland Cypress.
3. The proposed truck entrance shall be improved to limit dust with bituminous surface treatment, as a minimum, from Route 13A back to the railroad right-of-way.
4. Movement of rail cars within the conditional use area for loading purposes shall be limited to daylight hours. The drop-off and pick-up of rail cars by the rail company servicing the spur is not restricted.
5. Rail cars shall be cleaned off-site.
6. All truck trailers shall have the raw litter enclosed in waterproof tarps and shall be designed to prevent leakage.
7. Truck travel to the site shall be during daylight hours limited to Monday through Saturday.
8. The pelletized product of the processing plan shall be shipped in enclosed railroad cars or enclosed tractor-trailers.
9. All activities shall be limited to the inside of the building. The loading, unloading, and processing of raw material/litter shall be within the negative air section of the building. The loading of the finished product into transport vehicles shall be under the roof.
10. The noise and odor emissions from the plant shall be controlled by the negative air system, and shall be controlled by using bag houses, cyclone fans and air scrubbers; in no event shall the plant be allowed to operate with noise or odors exceeding minimum standards established by the Department of Natural Resources and Environmental Control or any other agency having jurisdiction over the project.
11. The lands shown on the site plan as cultivated and acquired from E. Jean Fleetwood shall remain in the wooded and cultivated state north of the truck entrance and shall be enhanced with native trees and Leyland Cypress in the buffer areas shown on the supplement to the site plan.
12. All woodland areas within the site and shown as woodland areas will remain as woodland, cut-over woodland will be allowed to mature.
13. All timber areas will only be harvested with mandatory replanting after harvest. No harvesting shall occur within 100 feet of a property line or public roadway.
14. The site plan shall be subject to review and approval by the Planning and Zoning Commission.
15. A vegetated buffer shall be planted at the time on-site construction begins.
16. A processing plant will not be permitted on the site.

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17. All lighting on the site shall be directed towards the site and no lighting shall be directed off-site.
18. No operating hours will be permitted on Sunday.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 1354 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 21ST DAY OF DECEMBER, 1999.


ROBIN A. GRIFFITH
CLERK OF THE COUNTY COUNCIL

The Council found that the conditional use was appropriate legislative action based on the following findings of fact:

1. The applicant, Perdue-AgriRecycle, L.L.C., is a recently formed business entity, combining the experience of Perdue Farms Incorporated, an established poultry producer on the Delmarva peninsula with experience in pelletization, and AgriRecycle, Inc., which has knowledge in the field of micro-nutrient production, through recycling of poultry manure and marketing of the pelletized micro-nutrients.
2. The applicant has applied for a conditional use on 228± acres of land for a micro-nutrient plant which will be housed in a building 100' x 630'. The remaining portion of the property is to be preserved, except for roads and rail, in production farmland and/or timberland.
3. The proposed facility will have the same physical impact being viewed from off the property as would two chicken broiler houses, and the proposed building is compatible with traditional farm buildings in AR-1 Districts in Sussex County. The building is designed with a conveyor belt tower of 90± feet and a 60± foot rail car loading or staging tower which are exempt from height limits by Sussex County Code § 115-179.
4. The proposed use, as applied for through the conditional use permit, is a use which is designed to benefit the family farm and agricultural industry in Sussex County, particularly the poultry growers in Sussex County. The use is designed to enable the poultry growers to eliminate a potential source of excess nitrates and phosphates being deposited in the soils of Sussex County. The historic spreading of chicken litter without appropriate controls on farmlands within Sussex County and the Delmarva Peninsula is reported by environmental experts as contributing to the contamination problems in the tidal waters and tributaries of the Delmarva Peninsula.

5. The proposed micro-nutrient process uses a waste by-product of the poultry industry productivity and reduces the cost of waste by-product disposal for poultry growers. The process allows the original poultry waste by-product to be converted to a micro-nutrient for resale off the Delmarva peninsula to be utilized in areas where current soils are deprived of the nutrients.
6. Enhancing the environmental quality of life in Sussex County is a goal of the Comprehensive Plan, and a conditional use permit has, for its purpose, the location of uses which are generally of a public or semi-public character, and are essential and desirable to the general convenience and welfare. The application, as presented, meets both the goal and purpose thereby established.
7. The applied for use meets the criteria that the proposed use is for the general convenience and welfare of the entire community, but does require the exercise of planning judgment as to the location and site plan.
8. The conditional use approval process allows the County to condition its approval by imposing restrictions, and the County Council hereinafter imposes conditions on the application approval to lessen its impact on the surrounding neighborhood.
9. Authorization of this use by conditional use permit is appropriate. The use is not a specified use listed in either the LI-1, LI-2 or heavy industrial zoning districts of Sussex County. While the resulting product is akin to a product produced in fertilizer manufacturing, the plant design and process is a recycling facility. The plant will use a negative air flow system and it will operate within a completely enclosed environment which is designed to minimize, if not eliminate, odors and noise from extending beyond the enclosed plant by use of air scrubbers and cyclone fans. The process utilized and the technology of the proposed micro-nutrient plant does not fit within any particular zone established by the Sussex County Zoning Ordinance. Due to the need for enhancing the ability of the poultry industry to protect the local environment, a conditional use is an appropriate zoning method for permitting a use, which will provide community-wide benefits and the ability to recycle a potential environmentally damaging by-product of the poultry industry.
10. The Sussex County Council finds that the restrictions and enhancements to the property which are hereinafter imposed will reduce impacts, if any, on immediately neighboring properties.

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The closest residence is approximately one-half mile from the plant, and the screening proposed by the applicant and the retention of woodlands should screen the plant's operation from immediate view by any residents.

11. The plant is to be served solely by covered trucks. The Sussex County Council recognizes that the need to control odors through fully enclosed trucks will be required as a condition of the permit that all trucks containing poultry litter coming to the property must be covered, with the failure of a contract truck driver to maintain a covered product to be subject to probable termination.
12. The proposed use is partially located within a development district under the 1997 Sussex County Comprehensive Development Plan, and is therefore an appropriate location for a recycling plant which serves the Delmarva agricultural community. Although the plant itself is located in an agricultural district, it is in compliance with the Comprehensive Plan, since facilities designed to enhance and benefit the agricultural community are permitted in all agricultural districts. The use supports, and in turn is dependent upon local agricultural product and by-products. (See Comprehensive Plan at Page 11.)
13. The location of the plant is appropriate. The plant needs to be served by a spur rail line to ship the finished product from the Delmarva peninsula. The location of the plant is centralized with respect to a concentration of the poultry growers within Sussex County, and is served by an adequate road system not part of the major north-south through traffic roadway of Route 13 or Route 113.
14. Granting the conditional use permit should enhance the quality of life in Sussex County by providing an alternative source of disposal of poultry waste, and will allow a continuation of the poultry industry in Sussex County providing poultry growers with an option to be more environmentally responsible.
15. The proposed use which is designed to provide assistance to the poultry growing industry, a major part of the eastern shore agricultural business community, protects a viable economic base of Sussex County, and will provide the poultry growers the opportunity to meet ever-increasing stringent environmental standards imposed by the State and Federal government on their operations.

16. The proposed use will be economically beneficial to the County in that it will create from 15 to 20 skilled and semi-skilled jobs. The jobs will have a multiplier effect for the economy of Sussex County. The need to retain skilled and semi-skilled jobs in Sussex County is particularly crucial at this junction, since the Dupont Plant has announced a reduction of employees by 600, or one-third of the existing employees in the year 2000.
17. The tax base of Sussex County will be increased by the assessment for the plant authorized by the conditional use permit, and the local school districts will be benefited by an increase in tax base, without any additional burdens by reason of increased population on the lands conditionally zoned.
18. The Planning and Zoning Commission has recommended approval with conditions. The Sussex County Council accepts and adopts the findings of the Planning and Zoning Commission in principle, but modifies the proposed conditions in certain aspects as hereinafter provided.
19. The Sussex County Council finds that the subject micro-nutrient plant operation will dry, pasteurize and pelletize natural poultry waste within an enclosed plant. This type of facility is not addressed in any of the specific zoning districts established under the Sussex County Comprehensive Zoning Ordinance. The use is best authorized by a conditional use permit, as opposed to a rezoning of the 228 acres of land, so that a majority of the land not required for the plant can be restricted as to use. The below imposed conditions could not be imposed by the Sussex County Council in an ordinance rezoning the property LI-1, or any other non-conditional use zoning classification.
20. The proposed use will also be subject to permit requirements and regulation requirements of the Delaware Department of Natural Resources and Environmental Control controlling noise, odor, surface run-off, dust and wastewater disposal; the Delaware Department of Transportation controlling entrance and truck route access; and the federal government relating to rail use. These agencies will control the operation within their areas of expertise, which is in addition to the conditions that the Sussex County Council can legislatively impose within its area of expertise.
21. The County Council adopts the position of the Applicant as set forth in its letter to the Council dated December 7, 1999, which document is incorporated herein by reference, and finds

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that the appropriate method of implementing the rezoning sought for the Applicant's micro-nutrient processing facility, together with truck entrance and rail spurs, is through a conditional use.

22. The County Council finds that by authorizing the use through a conditional use procedure, the County can impose restrictions and conditions on the use which are designed to provide assurance that the facility will be operated so as to minimize any impact to the community and neighborhood in which the use is located. By the conditional use approval, the County can impose appropriate conditions on the Applicant's use of the property. If the Applicant's proposed use were approved through a district rezoning of lands, then all uses that would be authorized in that district would be authorized at the property, and the County could not impose specific restrictions and conditions upon such use to provide assurance that the Applicant's use of the property will be compatible with uses permitted in the surrounding area and otherwise operate in harmony with the community.

JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountye.gov



Sussex County
DELAWARE
sussexcountye.gov

October 20, 2020

Mr. Stephen J. Gorski, P.E.
Duffield Associates, Inc.
5400 Limestone Road
Wilmington, DE 19808

By email to: sgorski@duffnet.com

Dear Mr. Gorski,

Thank you for your zoning verification request regarding Tax Parcels 132-11.00-41.00, 132-6.00-88.01, 132-6.00-95.00 and 132-11.00-41.02. The tax parcels are located on the north side of Oneals Road (S.C.R. 485) and the west side of Seaford Road (Route 13A) with access off of Enviro Way.

The above-mentioned parcels consist of a total of 223.26 acres and are zoned Agricultural Residential (AR-1). The subject properties are not located within a Flood Zone. There are two tax ditches present on parcel 132-11.00-41.00. The northern tax ditch contains a R.O.W. that is measured 30-ft from the top of bank of the ditch, and the southern tax ditch contains a R.O.W. is measured 80-ft from the centerline of the ditch.

The use of the site as a composting facility as an addition/extension to the previously approved micro-nutrient plant for the processing and handling of poultry litter was approved by the Sussex County Council on Tuesday, June 25, 2013 under Conditional Use No. 1962. This change was adopted through Ordinance No. 2311 and is subject to nine (9) conditions. The conditions previously approved for the site under Conditional Use No. 1314 and 1691 were unchanged by this approval.

A Preliminary Site Plan for the addition of seven (7) storage tanks and other associated site improvements to be located between Buildings 1 and 3 was received by the Department of Planning and Zoning on April 16, 2020. The site plan includes a proposed 2,000 square foot security and reception office, new landscaping and fencing near the site entrance.

At their meeting of Thursday, April 23, 2020, the Planning and Zoning Commission approved the Preliminary Site Plan with the request that the Final Site Plan also require Commission approval.

A search was conducted regarding the parcel's history which concluded that there are no open violations on the property. Placement of any additional structures on the property which are not reflected on the current site plan will require site plan review and a separate permit from the County.

Please feel free to contact me with any further questions you may have during normal business hours, 8:30AM to 4:30PM, Monday through Friday at (302)855-7878.

Best Regards,

Mr. Jamie Whitehouse,
Director of Planning & Zoning



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE 19947

Bioenergy Development Group, LLC
C.U. No 2258

**PROPOSED
FINDINGS OF FACT**

1. This application is made by Bioenergy Development Group, LLC pursuant to S.C. Code § 115-22, to permit the processing and handling of poultry litter to include nutrient recovery for natural gas and electrical generation.

2. The applicant is the owner and occupant of the subject property located in Broad Creek Hundred and identified on the Tax Maps of the Sussex County Department of Finance as T.M. No. 132-6.00-88.01 and 95.00 and 132-11.00-41.00 and 41.02, containing 228.88 acres, more or less.

3. The site was originally approved in 1999 and has been in operation since then for the receipt of poultry waste to be converted to fertilizers. The site is currently operated by the Applicant as a micro-nutrient plant with related truck entrance and rail spur for the processing and handling of poultry waste and litter. These historic uses have been approved by regulatory agencies, including DNREC air and water quality agencies.

4. The site is designated as an AR-1 Agricultural-Residential District, which allows for a full range of agricultural activities, and is designated in the County's Comprehensive Land Use Plan as an Industrial Area, allowing land to be devoted to concentrations of larger industrial uses including heavier industry, light industry, warehousing, and flex space.

5. The present use was originally granted by Conditional Use No. 1314 (approved Dec. 21, 1999) and has been amended by Conditional Use Nos. 1691 (approved July 25, 2006) and 1962 (approved June 25, 2013). These conditions, as amended, will continue to be binding on the site.

6. This proposed extension to the existing conditional use enlarges the use to include nutrient recovery and conversion for natural gas and electrical generation. The structures currently existing on the site will remain. By granting this extension to the conditional use, the

Applicant will be able to continue supporting the agricultural business in the area and maintain or -increase the number of employees working at this site.

7. The proposed change is consistent with and is a reasonable expansion of the current Use and is essential and desirable for the general convenience and welfare of Sussex County residents and the agribusiness community and will have a positive effect on the County's economy.

8. The proposed use will require regulatory review by State agencies, including the Delaware Department of Natural Resources and Environmental Control, relating to air and water quality controls, the State Fire Marshal, and the Department of Transportation.

9. Any concerns raised about the location of facilities, traffic, noise, odor, dust, etc., have been addressed by the Applicant and the best environmentally responsible processes will be continued. The proposed use with the conditions imposed will not have an adverse effect on the neighboring or adjacent properties.

10. This application is appropriate at the subject site because of its designation as an industrial area in the County's Comprehensive Land Use Plan on the State's strategy for spending map in that they encourage these type activities supporting agriculture.

11. The granting of this application benefits the environment by providing a clean and efficient method for the conversion of poultry litter to renewable energy and a serving the community with natural gas and electricity.

12. The conditional uses requested will promote the health, safety and welfare of the inhabitants of Sussex County.

PROPOSED CONDITIONS
OF APPROVAL

1. All improvements for processing and handling of poultry litter to include nutrient recovery for natural gas and electrical generation shall be constructed and maintained in accordance with the requirements of Delaware Department of Natural Resources and Environmental Control, the State Fire Marshal, and any other state or federal governmental agency with jurisdiction over the use of the site, or any modification thereto.
2. The final site plan shall be subject to review and approval by the Sussex County Planning and Zoning Commission.
3. Except as amended by this grant of conditional use, the conditions imposed by Conditional Use No. 1314, and as amended by Conditional Use Nos. 1691 and 1962, shall remain in effect.



Sussex Conservation District
23181 Shortly Road
Georgetown, DE 19947
302-856-2105

<https://www.sussexconservation.org>

APPLICATION FOR STANDARD PLAN APPROVAL
**NON-RESIDENTIAL CONSTRUCTION WITH
LESS THAN 1.0 ACRE DISTURBED**

Applicability Criteria

1. The disturbed area for construction of the improvements will not exceed 1.0 acre.
2. Within the disturbed area, the pre-development land use is not classified as forest.
3. For project site locations within an area previously managed for stormwater quantity and quality under an approved Sediment and Stormwater Plan, the post construction condition meets the original stormwater design criteria.
4. For project site locations within an area previously unmanaged for stormwater quantity and quality under an approved Sediment and Stormwater Plan, one of the following is met:
 - a. Comparison of the existing parcel curved number (CN) based upon the Department's 2017 aerial photography to the proposed CN for the parcel after non-residential construction results in less than one whole number change in the CN, OR
 - b. No new impervious area is proposed as a result of construction.

Site Information

Project Name: <u>Bioenergy Alternative Fuel Processing Facility</u>	Parcel Total Acres (nearest 0.1ac): <u>220.5</u>
Site Location: <u>Enviro Way, Seaford, DE 19973</u>	Disturbed Acres (nearest 0.1ac): <u>.95 acre</u>
Previous Plan Name: <u>N/A</u>	Proposed Impervious Area (square feet): <u>875 sf (net)</u>
Previous Plan Approval Number: <u>N/A</u>	Wooded area to be cleared: <u>0 ac.</u>
Tax Parcel ID: <u>132-6.00-88.01; 95.00; 132-11.00-41.00; 41.02</u>	Pre CN: <u>85</u> Post CN: <u>85</u>

Applicant Information

Owner: <u>BioEnergy Development Group, LLC</u>	Applicant: <u>Duffield Associates</u>
Mailing Address: <u>9250 Bendix Road</u>	Mailing Address: <u>5400 Limestone Rd</u>
<u>Columbia, MD 21045</u>	<u>Wilmington, DE 19808</u>
Owner Phone: <u>719-502-6100</u>	Applicant Phone: <u>410-399-9777</u>
Owner Email: <u>swarfield@bioenergydevco.com</u>	Applicant Email: <u>sgorski@duffnet.com</u>

Approval Information (for office use only)

Approval # <u>2020-967</u>	Fee Paid: \$ <u>1000.00</u>
Approved by: <u>[Signature]</u>	Approval Date: <u>9/21/20</u>
Title: <u>Program Manager</u>	Expiration Date: <u>9/21/25</u>

Standard Conditions

1. Discharges from rooftops will be disconnected using one of the following methods or another method approved by the Department or Delegated Agency:
 - a. Individual downspouts will discharge to lawn or landscape area.
 - b. Discharges from downspouts will be collected to discharge to a rain garden.
 - c. Discharges from downspouts will be collected in rain barrels or cisterns for reuse.
2. Driveways, sidewalks, patios, and other impervious surfaces will be graded to sheet flow to lawn or other pervious areas to the maximum extent practicable.
3. Unless waived in writing by the Department or Delegated Agency a construction site stormwater management plan in accordance with Department or Delegated Agency guidance for this Standard Plan shall be followed. The attached checklist has been developed to serve as guidance for preparing the construction site stormwater management plan.
4. Approval of this Standard Plan does not relieve the applicant from complying with any and all federal, state, county or municipal laws and regulations.

Stabilization Conditions

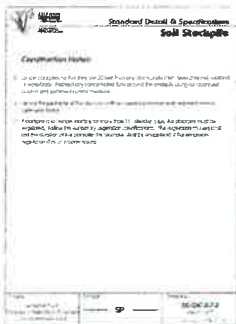
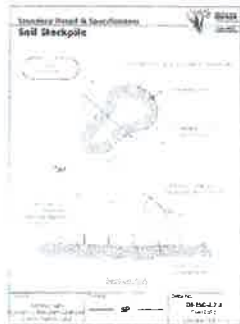
1. Following initial soil disturbance or redistribution, temporary or permanent stabilization with seed and mulch shall be completed within 14 calendar days to the surface of all disturbed areas not actively under construction.
2. Specific stabilization recommendations may be found in the Delaware Erosion and Sediment Control Handbook, 3.4.3 Standard and Specifications for Vegetative Stabilization.

Applicant Certification

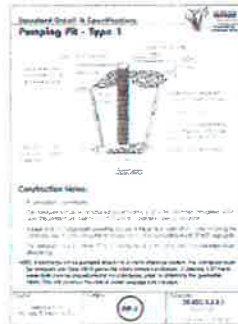
I, the undersigned, certify that the information supplied on this Application for Standard Plan Approval is accurate, the proposed land disturbing activity meets the criteria established, and all conditions of this Standard Plan Approval will be met by the applicant, builder, contractor, and owner during construction and post construction.

Applicant Signature: Stephen Gorski Date: 8/26/2020
Applicant Printed Name: Stephen Gorski, P.E. Title: Sr. Project Manager

THIS STANDARD PLAN APPLICATION FORM MUST BE MAINTAINED ON THE SITE AT ALL TIMES DURING CONSTRUCTION



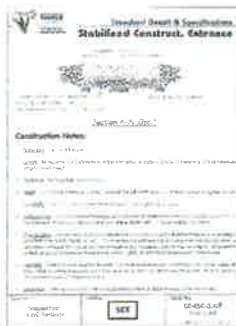
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SCALE: NOT TO SCALE



DETAIL: PUMPING PIT
SCALE: NOT TO SCALE



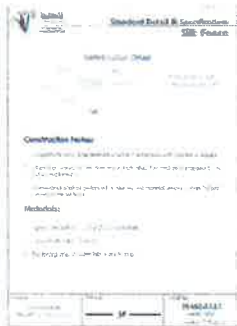
DETAIL: GEOTEXTILE DEWATERING BAG
SCALE: NOT TO SCALE



DETAIL: STABILIZED CONSTRUCTION ENTRANCE
SCALE: NOT TO SCALE



DETAIL: SILT FENCE
SCALE: NOT TO SCALE



CONSTRUCTION DETAIL SHEET

SEDIMENT AND STORMWATER MANAGEMENT PLAN

BIOENERGY DEVELOPMENT

GROUP, LLC

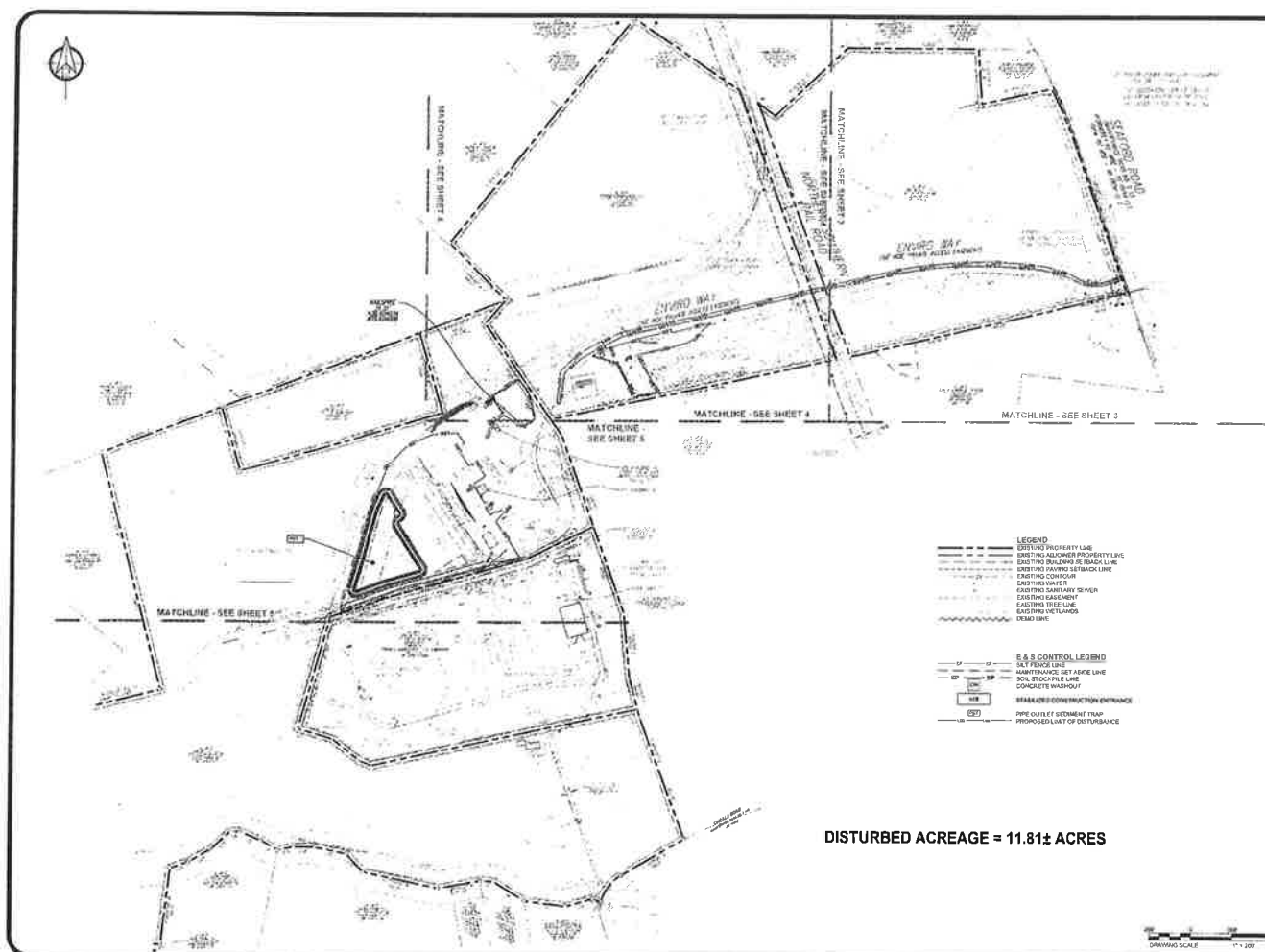
BROAD CREEK HUNDRED - SUSSEX COUNTY - DELAWARE

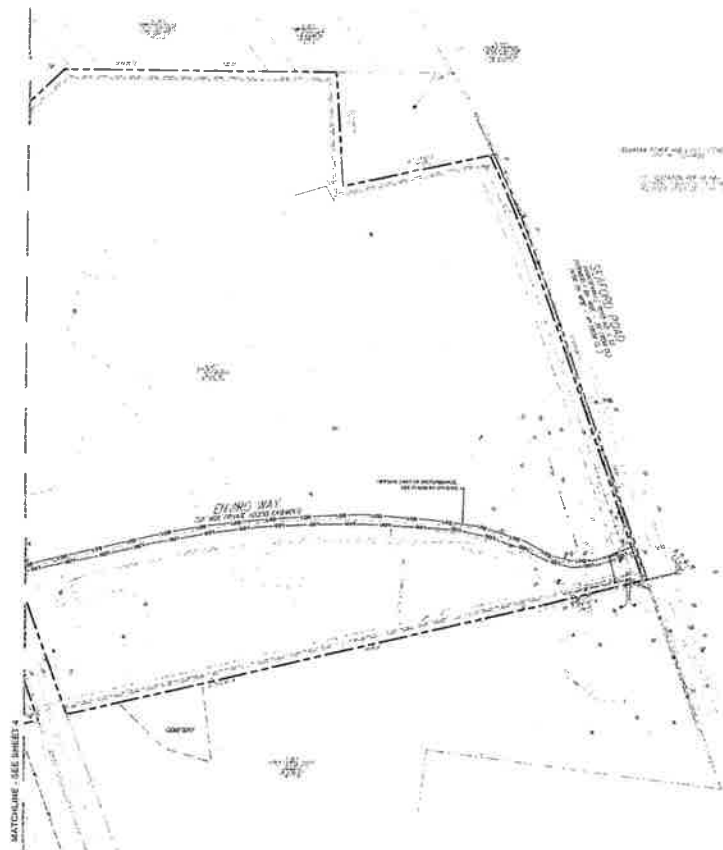
DUFFIELD ASSOCIATES

1000 N. MARKET STREET, SUITE 200
WILMINGTON, DE 19801
TEL: 302.441.1111
WWW.DUFFIELDASSOCIATES.COM

DATE: 09 SEPTEMBER 2020
SCALE: AS NOTED
PROJECT NO: 120111
SHEET: 5 OF 8







**PRE-CONSTRUCTION STORMWATER MANAGEMENT PLAN
SEDIMENT AND STORMWATER MANAGEMENT PLAN
BIOENERGY DEVELOPMENT
GROUP, LLC**

DATE: 27 OCTOBER 2020
SCALE: 1" = 100'
PROJECT NO. 12391 CF
SHEET: 3 OF 17

DUFFIELD ASSOCIATES
Inc. • 1000 • 1000 • 1000

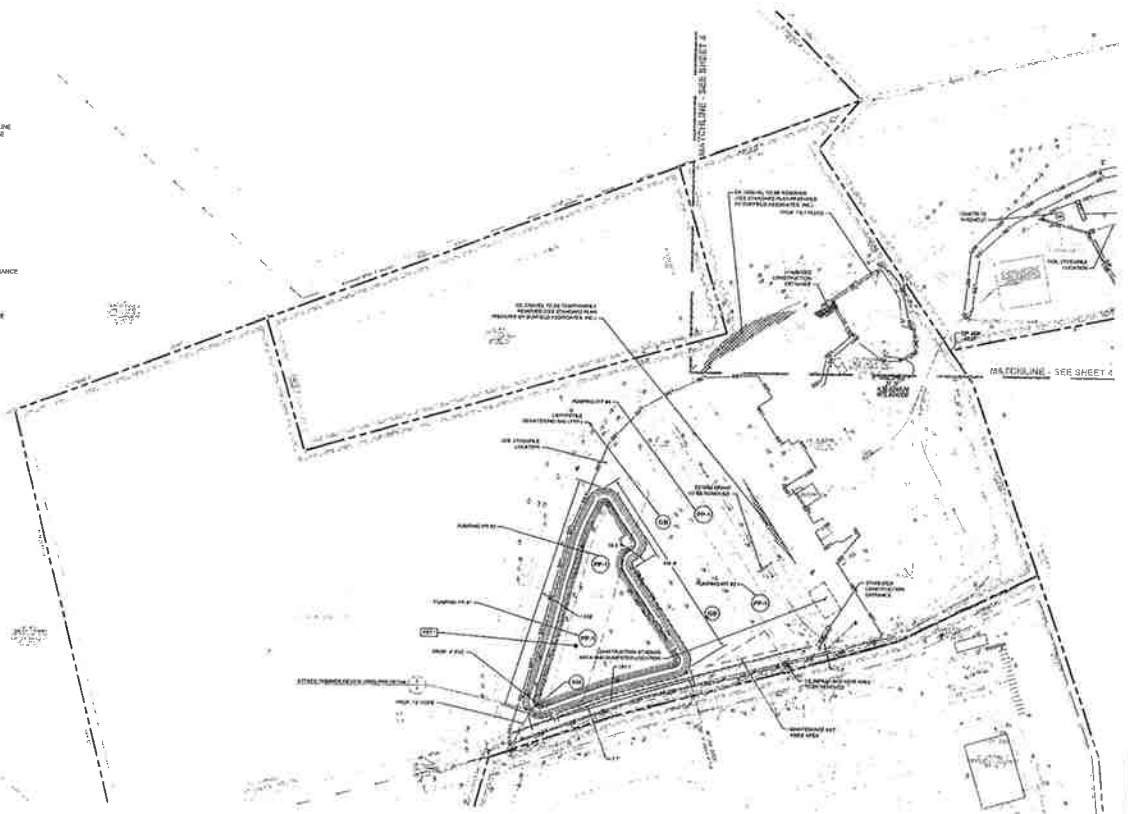
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1000 LINDSEY LANE, BOULDER
1000 LINDSEY LANE, BOULDER

OR OFFICE IN DELAWARE • MARYLAND,
PENNSYLVANIA AND NEW JERSEY
CALL: DUFFIELD ASSOCIATES
FAX: DUFFIELD ASSOCIATES





- LEGEND**
- EXISTING PROPERTY LINE
 - EXISTING ADJACENT PROPERTY LINE
 - EXISTING BUILDING SETBACK LINE
 - EXISTING PARKING SETBACK LINE
 - EXISTING CONTOUR
 - EXISTING VALLEY
 - EXISTING SANITARY SEWER
 - EXISTING EASEMENT
 - EXISTING TREE LINE
 - EXISTING VEGETATION
 - EXISTING LOT
- E & S CONTROL LEGEND**
- TEST FENCE LINE
 - MAINTENANCE SET ASIDE LINE
 - SOIL STOCKPILE LINE
 - STABILIZED CONSTRUCTION ENTRANCE
 - PIPE OUTLET SEDIMENT TRAP
 - IMPERVIOUS DRAINAGE SERVICE
 - PROPOSED LINE OF DISTURBANCE



- NOTE:**
- SEE SHEET 13 FOR PIPE OUTLET SEDIMENT TRAP SIZING DATA
 - SEE SEQUENCE OF CONSTRUCTION (SHEET 10) FOR WHEN TO INSTALL PUMPING PITS AND DEWATERING BAGS



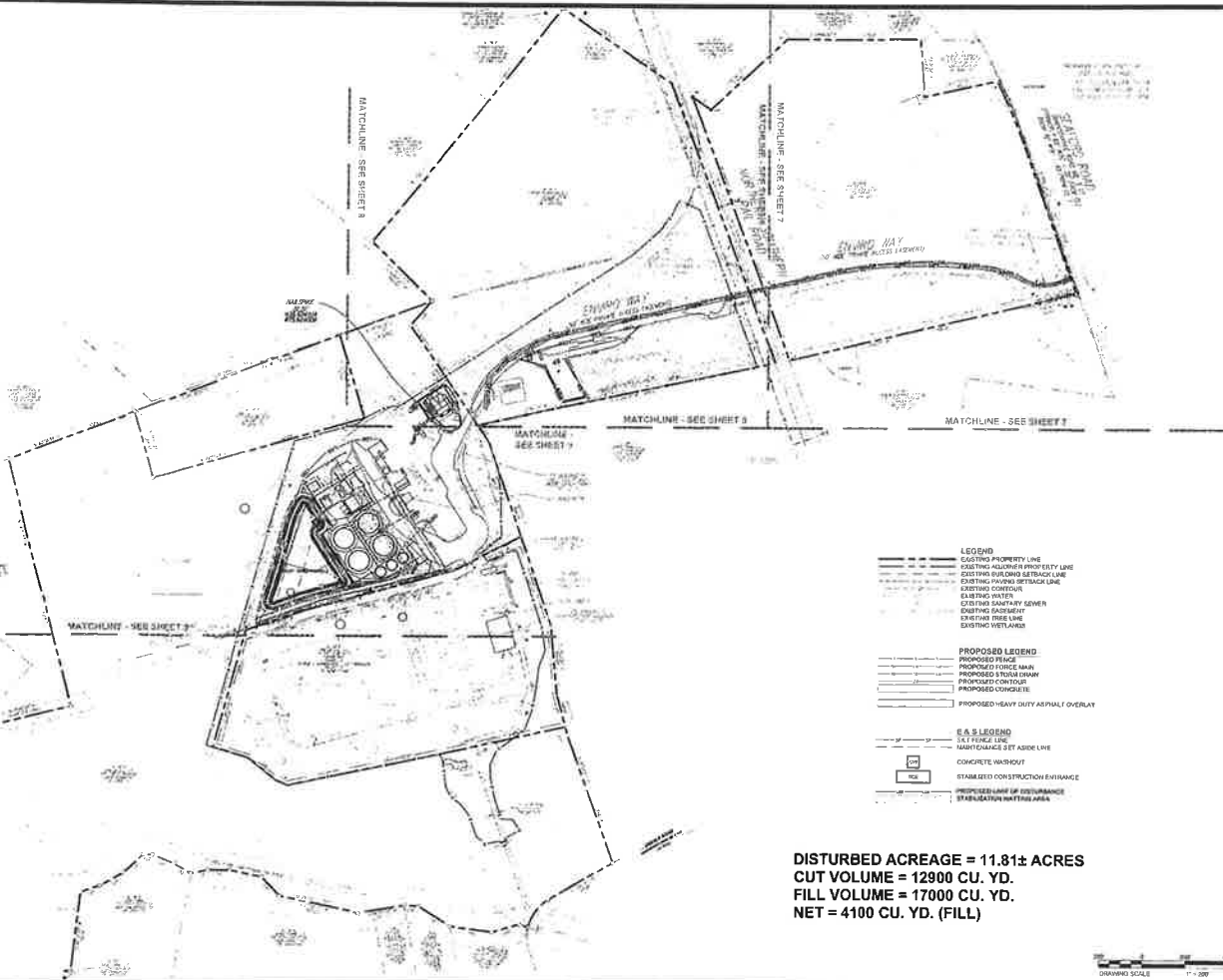
DUFFIELD ASSOCIATES
INCORPORATED
1000 LINDSEY ROAD
SUITE 200
DOVER, DE 19901-1211
TEL: 302.237.8800
FAX: 302.237.8801
WWW.DUFFIELDASSOCIATES.COM

**PRE-CONSTRUCTION STORMWATER MANAGEMENT PLAN
SEDIMENT AND STORMWATER MANAGEMENT PLAN
BIOENERGY DEVELOPMENT
GROUP, LLC**

BROAD CREEK HUNDRED - SUSSEX COUNTY - DELAWARE

DATE: 27 OCTOBER 2020
SCALE: 1" = 100'
PROJECT NO: 12393 CF
SHEET: 5 OF 17

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- LEGEND**
- EXISTING PROPERTY LINE
 - EXISTING ADJACENT PROPERTY LINE
 - EXISTING PAVING DETACH LINE
 - EXISTING PAVING DETACH LINE
 - EXISTING WATER
 - EXISTING SANITARY SEWER
 - EXISTING EASEMENT
 - EXISTING TREE LINE
 - EXISTING WETLANDS
- PROPOSED LEGEND**
- PROPOSED FENCE
 - PROPOSED FORCE MAIN
 - PROPOSED TIE-IN DRAIN
 - PROPOSED CONTOUR
 - PROPOSED CONCRETE
 - PROPOSED HEAVY DUTY ASPHALT OVERLAY
- E.A.'S LEGEND**
- E.A. FENCE LINE
 - MAINTENANCE SET ASIDE LINE
 - CONCRETE WALKOUT
 - STABILIZED CONSTRUCTION ENTRANCE
 - PROPOSED LINE OF DISTURBANCE
 - STABILIZATION MATTING AREA

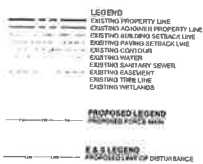
DISTURBED ACREAGE = 11.81± ACRES
CUT VOLUME = 12900 CU. YD.
FILL VOLUME = 17000 CU. YD.
NET = 4100 CU. YD. (FILL)



DUFFIELD ASSOCIATES
INCORPORATED
1000 N. MARKET STREET, SUITE 200
WILMINGTON, DE 19801
TEL: 302.441.1111
WWW.DUFFIELDASSOCIATES.COM

DATE: 27 OCTOBER 2020
SCALE: 1" = 200'
PROJECT NO.: 12303 CF
SHEET: 6 OF 11

OVERALL CONSTRUCTION SITE STORMWATER MANAGEMENT PLAN
SEDIMENT AND STORMWATER MANAGEMENT PLAN
BIOENERGY DEVELOPMENT
GROUP, LLC
BROAD CREEK HUNDRED - SUSSEX COUNTY - DELAWARE



DRAWING SCALE 1" = 100'

**CONSTRUCTION SITE STORMWATER MANAGEMENT PLAN
SEDIMENT AND STORMWATER MANAGEMENT PLAN
BIOENERGY DEVELOPMENT
GROUP, LLC
BROAD CREEK HUNDRED - SUXESS COUNTY - DELAWARE**

DATE: 27 OCTOBER 2020
SCALE: 1" = 100'
PROJECT NO. 12393.CF
SHEET: 7 OF 17

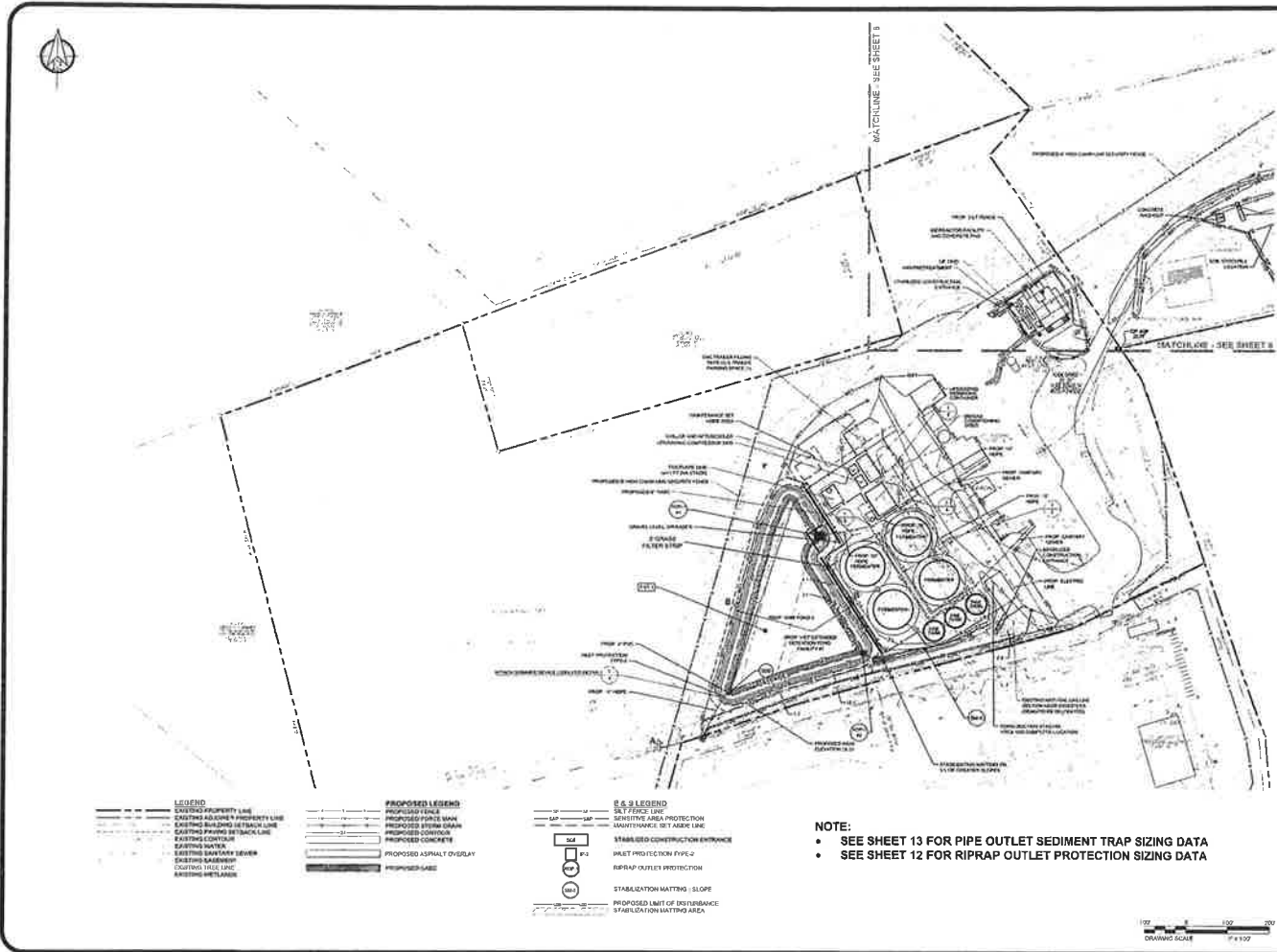


**DUFFIELD
ASSOCIATES**

600 LAMINGTON ROAD
LAWRENCEVILLE GA 30046-7352
TEL 404 239 6534
FAX 404 239 8488



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- LEGEND**
- EXISTING PROPERTY LINE
 - EXISTING ADJACENT PROPERTY LINE
 - EXISTING BUILDING SETBACK LINE
 - EXISTING PAVING DETAIL LINE
 - EXISTING CONTOUR
 - EXISTING WATER
 - EXISTING BARRIERS
 - EXISTING VEEC LINE
 - EXISTING WETLANDS
- PROPOSED LEGEND**
- PROPOSED FENCE
 - PROPOSED FENCE MAIN
 - PROPOSED CONDUIT
 - PROPOSED CONDUIT
 - PROPOSED ASPHALT OVERLAY
 - PROPOSED LAKE
- S & S LEGEND**
- SETBACK LINE
 - SENSITIVE AREA PROTECTION
 - STABILIZED CONSTRUCTION ENTRANCE
 - INLET PROTECTION TYPE 2
 - RIPRAP OUTLET PROTECTION
 - STABILIZATION MATING - SLOPE
 - PROPOSED LIMIT OF DISTURBANCE
 - STABILIZATION MATING AREA

NOTE:

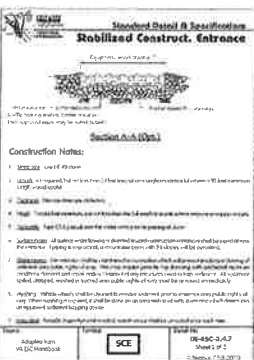
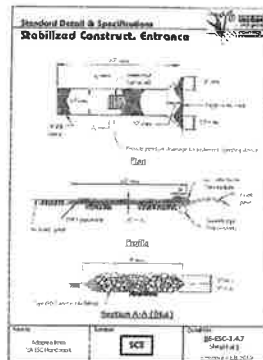
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- SEE SHEET 12 FOR RIPRAP OUTLET PROTECTION SIZING DATA



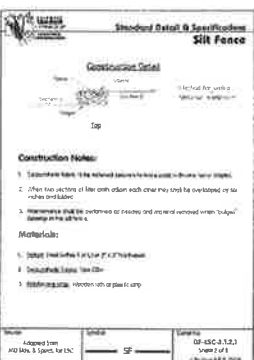
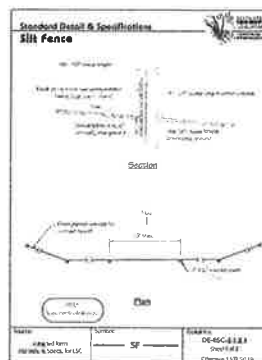
DUFFIELD ASSOCIATES
1000 LINDSEY ROAD
WILMINGTON, DE 19801-1212
TEL: 302.234.4400
FAX: 302.234.4400
WWW.DUFFIELDASSOCIATES.COM

CONSTRUCTION SITE STORMWATER MANAGEMENT PLAN
SEDIMENT AND STORMWATER MANAGEMENT PLAN
BIOENERGY DEVELOPMENT
GROUP, LLC
BROAD CREEK HUNDRED - SUSSEX COUNTY - DELAWARE

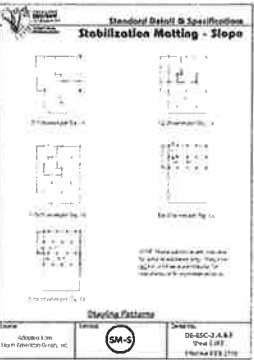
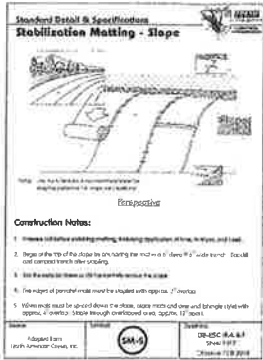
DATE: 27 OCTOBER 2020
SCALE: 1" = 100'
PROJECT NO. 13193.CT
SHEET: 9 OF 17



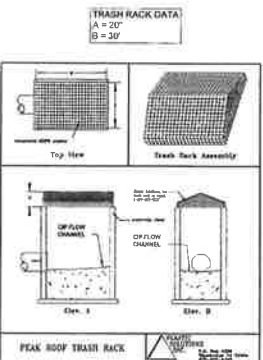
DETAIL: STABILIZED CONSTRUCTION ENTRANCE
SCALE: NOT TO SCALE



DETAIL: SILT FENCE
SCALE: NOT TO SCALE



DETAIL: STABILIZATION MATTING - SLOPE
SCALE: NOT TO SCALE



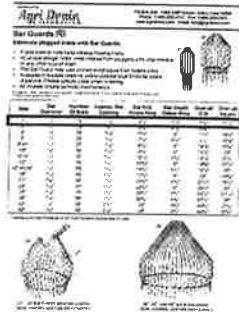
DETAIL: TRASH RACK
SCALE: NOT TO SCALE

- STANDARD SPECIFICATIONS FOR CONSTRUCTION**
1. NOTIFY THE SUPERVISOR OF THE DISTRICT ENGINEER AND STORMWATER MANAGEMENT DIVISION AT LEAST 14 DAYS PRIOR TO THE START OF CONSTRUCTION. FAILURE TO DO SO CONSTITUTES A VIOLATION OF THE APPROVED PERMIT AND CONSTRUCTION MANAGEMENT PLAN.
 2. PRIOR TO ANY CLEARING, INSTALLATION OF SEDIMENT CONTROL MEASURES OR GRADING, A PRECONSTRUCTION MEETING SHALL BE CONVENED AND CONDUCTED WITH THE AGENCY CONSTRUCTION SITE SUPERVISOR. THE LANDOWNER, EROSION CONTROL MEASURES, AND SEDIMENT CONTROL MEASURES ARE REQUIRED TO BE IN PLACE PRIOR TO THE START OF CONSTRUCTION. THE DESIGNER IS RESPONSIBLE FOR THIS.
 3. THE CONTRACTOR SHALL AT ALL TIMES PROTECT AGAINST EROSION OR EXCESSIVE SEDIMENTATION AND SHALL MAINTAIN THE SITE. EROSION CONTROL MEASURES SHALL BE MAINTAINED AND MONITORED THROUGHOUT THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE EROSION CONTROL MEASURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE EROSION CONTROL MEASURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE EROSION CONTROL MEASURES.
 4. CONDUCT SITE CONSTRUCTION LAYOUT. VERIFY FIELD CONDITIONS WITH THE PLAN. NOTIFY THE SUPERVISOR OF ANY DISCREPANCIES. LIMITS OF PERFORMANCE SHALL BE DETERMINED IN THE FIELD.
 5. INSTALL STABILIZED CONSTRUCTION ENTRANCES, MATINGS AND REPAIR EROSION CONTROL MEASURES. EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE PROJECT.
 6. INSTALL AND MAINTAIN TRASH RACKS. TRASH RACKS SHALL BE MAINTAINED THROUGHOUT THE PROJECT.
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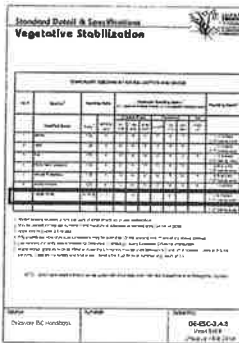
SEEDMENT AND STORMWATER MANAGEMENT PLAN
BIOENERGY DEVELOPMENT
GROUP, LLC
BROAD CREEK HUNDRED - SUSSEX COUNTY - DELAWARE

DATE: 27 OCTOBER 2020
SCALE: 1" = 300'
SHEET NO.: 123/124
SHEET: 10 OF 17

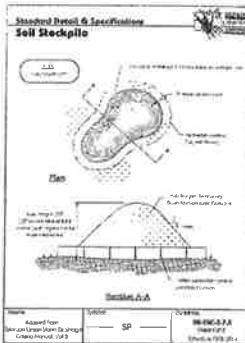
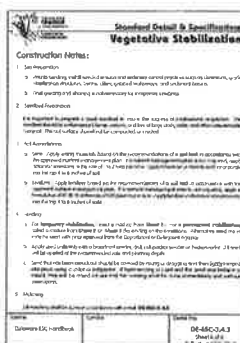
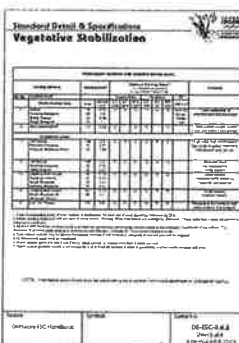
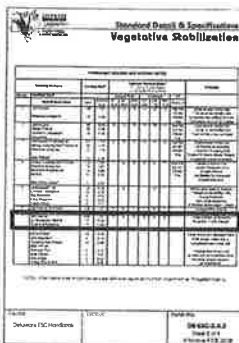
DUFFIELD ASSOCIATES
1000 LAMBERT AVENUE, SUITE 200
DELAWARE, DE 19701
PHONE: 302.441.1234
FAX: 302.441.1235
WWW.DUFFIELDASSOCIATES.COM



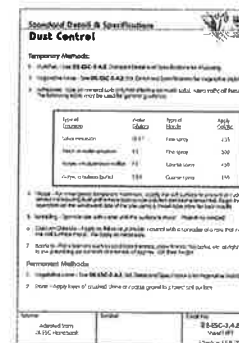
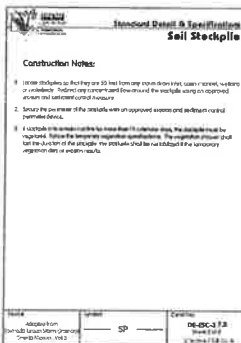
DETAIL: BAR GUARD
SCALE: NOT TO SCALE



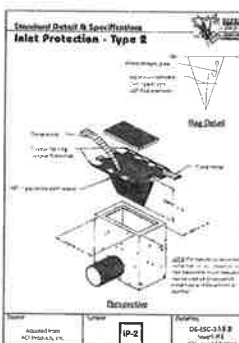
DETAIL: VEGETATIVE STABILIZATION
SCALE: NOT TO SCALE



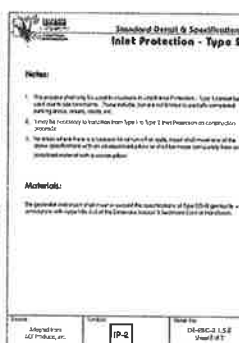
DETAIL: SOIL STOCK PILE
SCALE: NOT TO SCALE



DETAIL: DUST CONTROL
SCALE: NOT TO SCALE



DETAIL: INLET PROTECTION - TYPE 2
SCALE: NOT TO SCALE



CONSTRUCTION SITE DETAILS AND NOTES

SEDIMENT AND STORMWATER MANAGEMENT PLAN

BIOENERGY DEVELOPMENT GROUP, LLC

BROAD CREEK HUNDRED - SUSSEX COUNTY - DELAWARE

DATE: 27 OCTOBER 2020

SCALE: 1" = 20'

PROJECT NO. 12393.CP

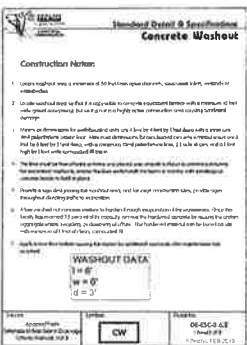
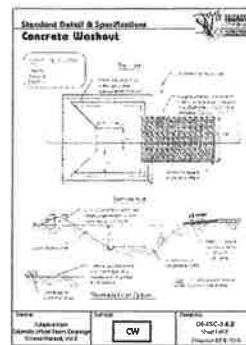
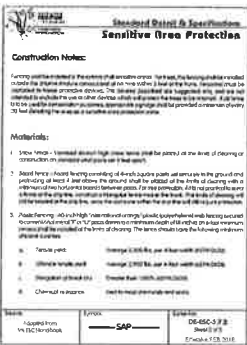
SHEET: 11 OF 17

DUFFIELD ASSOCIATES

4000 LEBANON ROAD
DALLAS, TEXAS 75244
TEL: 972.707.1000
FAX: 972.707.1001

PROJECT NO. 12393.CP

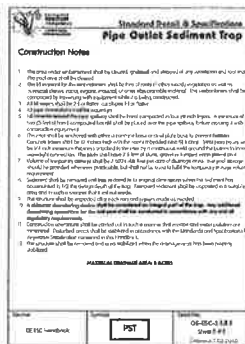
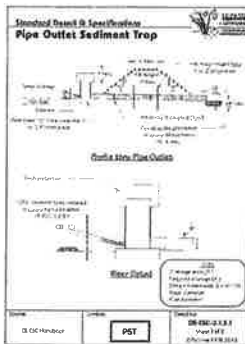
SHEET: 11 OF 17



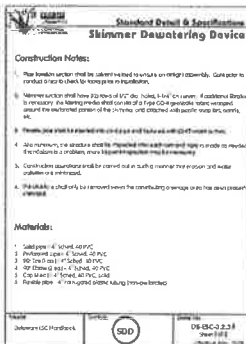
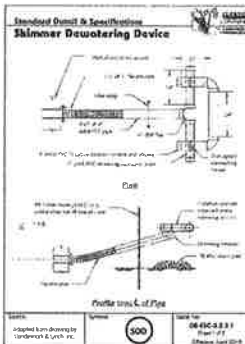
DETAIL: SENSITIVE AREA PROTECTION
SCALE: NOT TO SCALE

DETAIL: CONCRETE WASHOUT
SCALE: NOT TO SCALE

SEDIMENT TRAP AT DATA
DA = 12,204 AG
Vp = 43,900 CF (3600 PER AC)
Vp = 351,145 CF
DESIGN DIMENSIONS: SEE PLANS
RIBER: 24"x34"
PIPE DIA: 18"



DETAIL: RIPRAP OUTLET SEDIMENT TRAP
SCALE: NOT TO SCALE



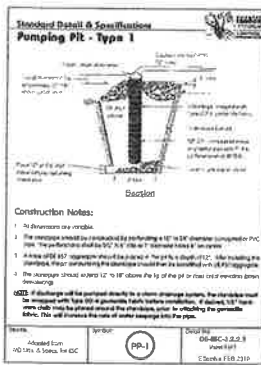
DETAIL: SKIMMER DEWATERING DEVICE
SCALE: NOT TO SCALE

DUFFIELD ASSOCIATES
1000 LAMAR AVENUE, SUITE 100
WILMINGTON, DE 19801-1232
PH: 302.441.1234
FAX: 302.441.1235
WWW.DUFFIELDASSOCIATES.COM

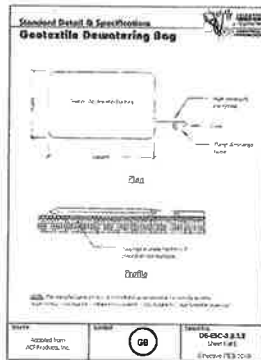
NO.	REVISION	DATE	BY	CHKD	APP'D
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CONSTRUCTION SITE DETAILS AND NOTES
SEDIMENT AND STORMWATER MANAGEMENT PLAN
BIOENERGY DEVELOPMENT GROUP, LLC
BROAD CREEK HUNDRED - SUSSEX COUNTY - DELAWARE

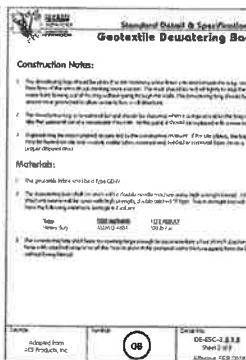
DATE: 27 OCTOBER 2020
SCALE: 1" = 200'
PROJECT NO.: 12391.CT
SHEET: 13 OF 17



DETAIL: PUMPING PIT
SCALE: NOT TO SCALE



DETAIL: GEOTEXTILE DEWATERING BAG
SCALE: NOT TO SCALE



DUFFIELD ASSOCIATES
1000 INDUSTRIAL ROAD
PO BOX 1000
NEW CASTLE, DE 19720-1000
TEL: 410-326-4444
FAX: 410-326-4444
WWW.DUFFIELDASSOCIATES.COM

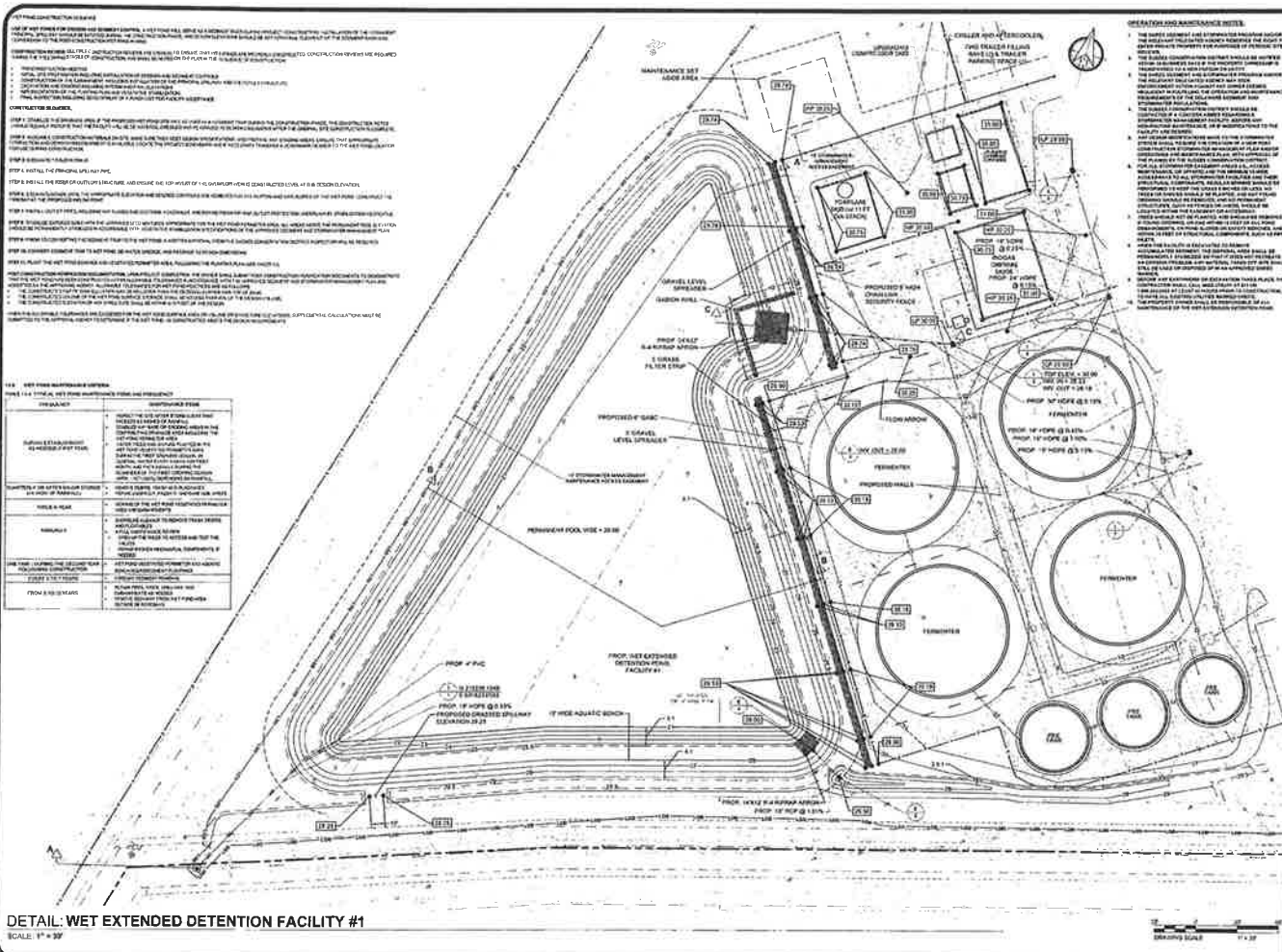
**OVERALL PRE-CONSTRUCTION SITE STORMWATER MANAGEMENT PLAN
SEDIMENT AND STORMWATER MANAGEMENT PLAN
BIOENERGY DEVELOPMENT
GROUP, LLC**

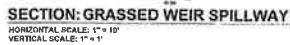
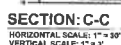
BROAD CREEK BUNKER - SUSSEX COUNTY - DELAWARE

NO.	REVISION	DATE	BY	CHKD
1	ISSUED FOR PERMIT	27 OCTOBER 2020		
2	REVISED FOR PERMIT	27 OCTOBER 2020		
3	REVISED FOR PERMIT	27 OCTOBER 2020		
4	REVISED FOR PERMIT	27 OCTOBER 2020		
5	REVISED FOR PERMIT	27 OCTOBER 2020		
6	REVISED FOR PERMIT	27 OCTOBER 2020		
7	REVISED FOR PERMIT	27 OCTOBER 2020		
8	REVISED FOR PERMIT	27 OCTOBER 2020		
9	REVISED FOR PERMIT	27 OCTOBER 2020		
10	REVISED FOR PERMIT	27 OCTOBER 2020		

DATE: 27 OCTOBER 2020
SCALE: 1" = 20'
PROJECT NO: 12393.CF
SHEET: 14 OF 17

DATE: 27 OCTOBER 2020
SCALE: 1" = 20'
PROJECT NO: 12393.CF
SHEET: 14 OF 17

[illegible]



NET EXTENDED DETENTION POND FACILITY # CROSS-SECTIONS		DATE: 27 OCTOBER 2020	
SEDIMENT AND STORMWATER MANAGEMENT PLAN		SCALE: AS SHOWN	
BIOENERGY DEVELOPMENT		PROJECT NO: 12793.07	
GROUP, LLC		SHEET: 16 OF 17	
BROAD CREEK HUNDRED - SHELBY COUNTY - DELAWARE			

GROUP, LLC



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL
DIVISION OF WATERSHED STEWARDSHIP
21309 BERLIN ROAD, UNIT #6
GEORGETOWN, DELAWARE 19947

DRAINAGE PROGRAM

PHONE: (302) 855-1930
FAX: (302) 677-7059

11/17/2020

Stephen Gorski
Duffield Associates
5400 Limestone Rd.
Wilmington, DE 19808

RE: Parcel #132-6.00-88.01, 132-6.00-95.00, 132-11.00-41.00, 132-11.00-41.02, BioEnergy Development

The Delaware Department of Natural Resources and Environmental Control (DNREC), Drainage Program has reviewed the plans submitted by Duffield Associates for the above noted property within the Mt. Zion Tax Ditch Watershed.

My office has **no objection** to the works of improvement to these parcels with the following recommendations and comments:

- Maintenance of any private crossings located within the tax ditch channel and/or right-of-ways are the responsibility of the landowner, **not** the tax ditch organization.
- Maintenance of any stormwater management facilities and/or associated infrastructure located within the tax ditch channel(s) and/or right-of-ways are the responsibility of the landowner, **not** the tax ditch organization.
- It is highly recommended that the landowner evaluates and cleans out the tax ditch channel to design grade, if needed, prior to construction of this project. The DNREC Drainage Program can provide technical assistance on this matter.

If you are a consultant working on behalf of a landowner, it is your responsibility to pass on this information to the landowner(s).

If you have any questions or concerns, please contact the Drainage Program at (302) 855-1930.

Sincerely,

Melissa Hubert

Melissa Hubert
Tax Ditch Program Manager II

cc: John Justice, Sussex Conservation District