Message

**From:** Roushey, Jennifer S. (DNREC) [Jennifer.Roushey@delaware.gov]
**Sent:** 6/2/2022 4:32:50 PM
**To:** Gold, Peter [Gold.Peter@epa.gov]
**CC:** Cody.Letsinger@Delaware.gov; Saxton, Jena (DNREC) [Jena.Saxton@delaware.gov]; Greenwald, Michael [Greenwald.Michael@epa.gov]; Rogers, Rick [rogers.rick@epa.gov]; nicole.smith@delaware.gov
**Subject:** RE: Inland Bays
**Attachments:** spraying on weeds (002).jpg

Good morning Pete,

By way of update, John Rebar from Division of Water looked into this and offered the below response to DNREC leadership this past Tuesday. In case you did not receive it, the photo of the field in question is attached:

> **From:** Rebar Jr., John J (DNREC) <John.Rebar@delaware.gov>
> **Sent:** Tuesday, May 31, 2022 5:02 PM
> **To:** Smailer, Steven M. (DNREC) <Steven.Smailer@delaware.gov>
> **Cc:** Roushey, Jennifer S. (DNREC) <Jennifer.Roushey@delaware.gov>
> **Subject:** RE: Your relentless, non-permitted spraying at the Inland Bays Regional Wastewater Facility
>
> Steve,
>
> I spoke with Hans Medlarz regarding the situation. The picture is the South Hettie-Lingo Field which is planted with Rye. I don't see any evidence in the photograph of a barren field and the Permit does not prohibit weed growth. Hans did say that Snow Geese do land on the fields in the hundreds and eat away crop coverage significantly. However, for the past eight (8) years the annual average total nitrogen concentration of the treated effluent sprayed on the field is 6.0 mg/L (well below the 10 mg/L drinking water standard) and therefore crop (TN) uptake is not essential for protection of public health or the environment. The only other concern with barren spray fields is effluent run-off but, no evidence of run-off has been observed by staff or submitted by the Public. The comments below have been uploaded to the Hearing website and will be addressed in the Division's TRM. Please let me know if you require additional information.
>
> John

Please let me know if you have any questions or concerns.

Regards,
Jenn

**Jennifer S. Roushey**
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**From:** Gold, Peter <Gold.Peter@epa.gov>
**Sent:** Tuesday, May 31, 2022 3:23 PM
**To:** Smith, Nicole (DNREC) <Nicole.smith@delaware.gov>
**Cc:** Letsinger, Cody (DNREC) <Cody.Letsinger@delaware.gov>; Saxton, Jena (DNREC) <Jena.Saxton@delaware.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>; Roushey, Jennifer S. (DNREC) <Jennifer.Roushey@delaware.gov>
**Subject:** Inland Bays

Nicole,

We received this complaint and well data on Friday regarding the Inland Bays RWTF. Karen brought it up to Rick. I am sure you have already seen this. Thanks

**From:** Ex. 6 Personal Privacy (PP) >
**Sent:** Friday, May 27, 2022 9:56 PM
**To:** Ex. 6 Personal Privacy (PP) >
**Cc:** Hans Medlarz <Hans.medlarz@sussexcountyde.gov>; DNRECHearingComments@delaware.gov; tlawson@sussexcountyde.gov; attorney.general@delaware.gov; faye.wheeler@delaware.gov; joe.regalsky@delaware.gov; shawn.garvin@delaware.gov; john.carney@delaware.gov; john.rebar@state.de.us; Ex. 6 PP / Ex. 7(C) Ex. 6 PP / Ex. 7(C) >; Rogers, Rick <rogers.rick@epa.gov>; Melvin, Karen <Melvin.Karen@epa.gov>; news@wboc.com; patrick.emory@delaware.gov; jennifer.roushey@state.de.us
**Subject:** Re: Your relentless, non-permitted spraying at the Inland Bays Regional Wastewater Facility

All,

Dr. [redacted] had some of the email addresses typed wrong. I wanted to be sure you were included.

I would like to add that perhaps all of that spraying on weeds is contributing to the monitoring well data being consistently over the limit of 10 mg/L. I put together the attached analysis of the quarterly monitoring reports from March 2015 through March 2022. There should be some sort of mechanism to handle situations like this before they become a problem, not after.

Ex. 6 Personal Privacy (PP)

On Fri, May 27, 2022 at 1:26 PM Ex. 6 Personal Privacy (PP) > wrote:
**Docket: #2022-P-W-0008**

Hans:

As Sussex County Engineer overseeing the wastewater facilities in Sussex County, you are well aware that you have allowed the Inland Bays Regional Wastewater Facility (IBRWF) to spray effluent wastewater on crop-barren and weed-laden spray fields since last winter. Page 23 of the IBRWF permit (obtained by FOIA request and posted at https://brokenbambi.com/InlandBaysPermit.pdf) clearly states "Spray irrigation of wastewater SHALL NOT occur on barren fields". Your actions and those of IBRWF are a major permit violation.

Instead of doing anything related to permit compliance, you simply sprayed and sprayed and sprayed---5 months of spraying on barren fields and they are still at it. All the while, the suffering public was never told. Spraying effluent wastewater on barren fields for months at a time, as you have done all winter and spring, represents an abject failure on your part to abide by the permit, and to protect public health and the environment.

In case there is any doubt, attached is a photo taken 25 May 2022, which shows effluent wastewater being sprayed on weed-laden spray fields at the IBRWF. EXIF data is turned on, so we can prove exactly where and when the photo was taken.

When asked if you could stop spraying until crops were planted, you said you would "as soon as people stop flushing their toilets". When you were told it wasn't fair that my community should suffer because our well water was being poisoned, you told my husband you could not stop spraying because it would cause a major public emergency.

You were told by citizens that the non-permitted spraying was a public emergency because our wells were being contaminated, and because we were bleeding, burning, itching, had bumps and sores, had intestinal issues requiring surgery, and had huge numbers of kidney stones. You had no solution. We did. We bought some people whole-house water treatment systems and their horrible conditions improved dramatically. Countless others continue to be poisoned by your ongoing, non-permitted spraying of wastewater effluent on the crop-barren and weed-laden spray fields.

You stated that they planted triple-dosed rye seed in the spray fields last fall. You also stated that the spray fields became barren because snow geese ate all of rye, all 300+ acres of it, right up to the green grass on the neighboring property.

The permit (pg. 39) states "The spray irrigation field's crops MUST be maintained in optimal condition, including any necessary weed management, RESEEDING, or other vegetative management". You did not do this. There was no reseeding, and weeds abound. In no way are crop-barren fields "optimal". Again, you knowingly acted in direct violation of the permit, and to the harm of the public and the environment.

At the recent public hearing regarding the IBRWF expansion plans, you stated on the record "our goal is 100 percent compliance all the time." (https://documents.dnrec.delaware.gov/Admin/Hearings/2022-P-W-0008/Public-Hearing-Transcript-IBWTF-20220510.pdf). Sussex County Administrator Todd Lawson stated on the record "And Finally, goal number four: Assure the public of Sussex County's continued, continued commitment to 100 percent DNREC permit compliance and full transparency." (see also slide 2 of https://documents.dnrec.delaware.gov/Admin/Hearings/2022-P-W-0008/exhibits/Sussex-County-Presentation.pdf) Neither of you stated that IBRWF had been spraying effluent wastewater on crop-barren spray fields since last winter, and that said spraying was literally taking place at the moment. Therefore, these statements appear to be highly misleading, blatantly disingenuous, and have a complete lack of transparency. I call them bold-faced lies!

The permit (pg. 24) states "The permittee shall report to the Ground Water Discharges Section orally within 24 hours from the time the permittee became aware of any noncompliance that may endanger the public health or the environment by contacting the Department at the telephone numbers cited in Part I.1.2 of this permit."

The permit (pg. 24) also states "If for any reason the permittee does not comply with, or will be unable to comply with, any effluent limitations or other conditions specified in this permit, the permittee shall provide the Department with the following information in writing within 5 days of becoming aware of any actual or potential noncompliance:

a. A description and cause of the non-compliance with any limitation or condition;
b. The period of non-compliance including exact dates and times; or, if not yet corrected, the anticipated time the non-compliance is expected to continue; and
c. The steps being taken or planned to reduce, eliminate and/or prevent recurrence of the non-compliant condition."

In reference to the ongoing non-permitted spraying at IBRWF, John Rebar, head of DNREC's Ground Water Discharges Section, stated on the phone (5/25/2022) "I am well aware of the situation down there." Yet DNREC has apparently done nothing. To my further consternation, Mr. Rebar said we should write up our complaint and include it in our comments regarding the proposed updated IBRWF permit due June 7th . His statement reinforces the obvious-- DNREC has no intention of ensuring permit compliance at the present time.

All of the above are blatant examples of the kinds of public trust crimes that routinely permeate the IBRWF, Sussex County, and DNREC.

Given that you and Mr. Lawson spoke of 100% permit compliance, and Mr. Lawson also spoke of full transparency, in the presentations at the recent hearing for the IBRWF expansion, I would like you to address my following questions:

1. What is your justification for the non-permitted spraying of effluent wastewater throughout the crop-barren and weed-laden spray fields at the IBRWF for at least the last five months?

2. What is your justification for not warning citizens downstream that you fully intended to spray effluent wastewater throughout the crop-barren and weed-laden spray fields at the IBRWF for at least the last five months?

3. When do you intend to stop spraying effluent wastewater on the crop-barren, weed-laden spray fields at the IBRWF?

4. Also in the light of full transparency, when do you plan on alerting the public and the media of your non-permitted spraying of effluent wastewater throughout the crop-barren and weed-laden spray fields at the IBRWF for at least the last five months?

5. When do you plan on alerting the public and the media of the 2018 Notice of Non-Compliance issued to Sussex County regarding failures at the IBRWF?

6. Did you follow the permit requirements and alert County Administrator Todd Lawson and DNREC Ground Water Discharges Section about the widespread, multiple, long term permit violations you were committing, and that people were telling you they were being harmed?

7. If so, please indicate who, when, and how were they alerted? Please provide a copy of those communications.

Dr. Ex. 6 Personal Privacy (PP)

Peter Gold
NPDES Section

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