



STATE OF DELAWARE
**DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL**

DIVISION OF WATER
RICHARDSON & ROBBINS BUILDING
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

RESOURCE
PROTECTION SECTION

PHONE
(302) 739-9945

**NOTICE OF VIOLATION
W-26-RPS-03**

March 2, 2026

Allen Harim Foods, LLC
29984 Pinnacle Way
Millsboro, DE 19966

**Sent Via Email
Read Receipt &
Confirmation Requested**

ATTENTION: Mike Little - CEO

**SUBJECT: Notice of Violation
Allen Harim Foods, LLC.
State Permit No. 597261-01**

Dear Mr. Little,

This is to notify the Allen Harim Foods, LLC (Respondent) that the Department of Natural Resources and Environmental Control, Division of Water (Department) has found that Respondent has violated 7 Del. C. § 6003, 7 DE Admin. Code § 7101 - State of Delaware *Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal Systems* (On-Site Regulations) and State Permit No. 597261-01 (Permit). Accordingly, the Department is issuing this Notice of Violation (NOV) pursuant to 7 Del. C. § 6005.

BACKGROUND

The Respondent is currently authorized to operate and maintain an on-site wastewater treatment and disposal system (OWTDS) to service the Allen Harim Harbeson Processing Facility (Facility). The Facility receives wastewater generated by poultry processing and disposes of treated wastewater effluent via transfer to Sussex Regional Recharge Facility (SRRF) per State Permit No. 597261-01. SRRF is owned and operated by Artesian Wastewater Management Inc. (AWMI). The average daily flow of treated effluent sent to SRRF by Allen Harim is 1.5 million gallons per day (MGD) with a peak flow of 2.0 MGD. Treated effluent is stored (at SRRF) in a synthetically lined lagoon prior to being disposed of via spray irrigation by AWMI to approximately 1,714 acres of agricultural fields located in Sussex County, Delaware.

On January 30, 2026, the Department received notification from the Respondent by phone that Total Nitrogen concentration (TN) - both max and average - in effluent being transferred to SRRF, have remained in excess of the permit limits since at least January 27, 2026. The Facility was experiencing challenges with nitrification due to prolonged unseasonably cold temperatures. Due to the elevated total nitrogen, the Facility diverted treated effluent to the onsite diversion lagoon instead of discharging to SRRF from January 30, 2026, through February 1, 2026, at midnight. After February 1, 2026 at midnight, the Facility resumed sending treated effluent that exceeds permitted total nitrogen concentration limits to SRRF upon agreement from AWMI.

On Tuesday February 3, 2026, the Department met with representatives from AWMI and Allen Harim Foods LLC to discuss the nature of their situation. During that meeting, it was reported that the Respondent and AWMI were working together to determine the best path

forward in navigating the challenging circumstances and ensuring consultation with the Department. AWMI is aware of the TN exceedances but has conceded for now to allow flows from Allen Harim to continue given the lower TN concentration of the effluent currently stored in their SRRF lagoon near Milton, DE. The Department requested Corrective Action Plans from both parties that explain how the elevated TN levels would be addressed.

On February 5, 2026, the Respondent submitted a Notification of Noncompliance letter. On February 6, 2026, the Respondent submitted a "Follow-up Five-Day Noncompliance Notification and Action Plan" as requested by the Department. This plan outlined coordination efforts with AWMI, and both immediate and long-term actions to bring the Facility back into compliance.

The Respondent has implemented several corrective measures intended to reduce nitrogen concentrations and stabilize treatment system performance; however, to date effluent limit violations have persisted. The violations and associated corrective actions necessary to correct the violations are identified below.

VIOLATIONS

Violation No. 1: Effluent Violations

State Permit No. 597261-01 - Part I.E.4 and Part I.E.5

“Effluent Limitations

Beginning on the effective date and lasting through the expiration date of this Permit, the Permittee is authorized to discharge to ANSRWRF the quantity and quality of effluent specified below.

...

4. Total Nitrogen (as N) concentration daily average shall not exceed 30 mg/l.

5. Total Nitrogen (as N) concentration daily maximum shall not exceed 45 mg/l.”

Fact: Since at least January 27th, 2026 through February 16, 2026, the Facility’s effluent has been in exceedance of the above permitted effluent limits for TN as documented below. As of the date of this NOV, Respondent has not submitted any data to show a return to compliance.

Below is a table that demonstrates the weekly Effluent Composite TN received from Envirocorp Labs with non-compliant TN discharge. The Respondent has not provided reason for any missing data.

ALLEN HARIM FINAL EFFLUENT COMPOSITE 001
 From Envirocorp Labs

Date	TN mg/L
Tuesday, January 20, 2026	**
Tuesday, January 27, 2026	72.4
Wednesday, January 28, 2026	**
Thursday, January 29, 2026	56.1
Friday, January 30, 2026	65.9
Saturday, January 31, 2026	65.3
Sunday, February 1, 2026	66.8
Monday, February 2, 2026	**
Tuesday, February 3, 2026	**
Wednesday, February 4, 2026	64.3
Thursday, February 5, 2026	58.6
Friday, February 6, 2026	61.5
Saturday, February 7, 2026	69.7
Sunday, February 8, 2026	77.7
Monday, February 9, 2026	68.7
Tuesday, February 10, 2026	59.9
*Wednesday, February 11, 2026	63.3
*Thursday, February 12, 2026	66.1
*Friday, February 13, 2026	72.8
*Saturday, February 14, 2026	67.5
*Sunday, February 15, 2026	82.2
*Monday, February 16, 2026	64.7

*Laboratory Data for Total Nitrogen (sampled Daily) – Reported by Artesian as influent sample results from data submitted to them by Allen Harim for effluent monitoring.

**No data provided

Conclusion: The Respondent has exceeded Total Nitrogen effluent limits in treated wastewater from the Facility since at least January 27, 2026 in violation of State Permit No. 597261-01.

Violation No. 2: Failure to Follow Notification Diversion Requirements in Accordance with the Permit and O&M Plan

State Permit No. 597261-01 - Part III.A.a, Nitrogen Process Control Testing and Diversion Indicators

"If laboratory testing confirms that treated wastewater concentrations exceed 30 mg/L for either Nitrate as Nitrogen or Total Nitrogen then the Permittee shall notify the Department to determine if treated wastewater is required to be diverted on-site for retreatment. If required, the treated wastewater shall be immediately diverted for storage and retreatment.

If laboratory testing confirms that treated wastewater concentrations exceed 45 mg/L for either Nitrate as Nitrogen or Total Nitrogen then the Permittee shall immediately divert the treated wastewater for storage and retreatment.

The Permittee shall perform Nitrate as Nitrogen or Total Nitrogen laboratory testing daily until effluent limitations are achieved."

Fact: Prior to January 30, 2026, the Respondent failed to notify the Department of laboratory confirmed TN exceedances above 30 mg/L and to consult with the Department on whether diversion should occur in accordance with the Permit. In addition, the Respondent failed to perform automatic diversion of effluent until January 30, 2026 even though laboratory confirmed samples from at least January 27, 2026 required automatic diversion in accordance with the Permit. Also, daily sampling was

either missed or not reported for the following dates as of the date of this NOV: 1/20/26 through 1/26/26, 1/28/26, 2/2/26, 2/3/26, and 2/17/26 – present (note: data for 2/10/26 – 2/16/26 was data reported by Artesian as influent concentrations using Allen Harim’s effluent concentrations).

Conclusion: The Respondent failed to follow the reporting and automatic diversion requirements as referenced above in direct violation of the Permit. In addition, the Respondent failed to perform required diversion monitoring in accordance with the Permit.

ACTION REQUIRED

Pursuant to 7 *Del. C.* § 6019, Permittee shall correct the violation documented herein and come into voluntary compliance with 7 *Del. C.* § 6003 and 7 DE Admin. Code 7101 by taking the following action:

1. **Upon receipt of this NOV, Respondent shall immediately perform the following:**
 - a. Submit all missing laboratory data for 1/20/26 through 1/26/26, 1/28/26, 2/2/26, 2/3/26, and 2/17/26 – present
 - b. Perform Nitrate as Nitrogen or Total Nitrogen laboratory testing daily in accordance with Part III.A.a of the Permit until effluent limitations are achieved.
 - c. Sample effluent for the following diversion parameters and frequencies in accordance with Part III.A.a of the Permit:

Parameter	Unit Measurement	Monitoring Frequency	Sample Type Effluent
BOD	mg/L	1 x Week	Grab
COD	mg/L	5 x Week	Grab
Nitrate	mg/L	Daily	Composite & Grab
Total Nitrogen	mg/L	Daily	Composite & Grab
Dissolved Oxygen	mg/L	5 x Week	Grab

d. Respondent shall submit results for the above testing, weekly flow volumes, and an update on any interim corrective actions being performed to mitigate noncompliant flow to SRRF and/or bring effluent concentrations back into compliance to the Department. These submissions shall be in writing and submitted weekly by noon every Friday until a return to compliance is achieved and the Department approves the return to routine sampling frequency. In addition, results shall be provided to the Department upon request when status updates are requested.

2. **Upon receipt of this NOV**, Respondent shall also submit all data collected in accordance with the “Follow-up Five-Day Noncompliance Notification and Action Plan” (Action Plan) that Respondent submitted to the Department on February 6, 2026. The Respondent’s Action Plan indicated performance and daily submission of the following beginning the week of February 8, 2026:

- a. Analytical results from certified laboratories as they are received, along with daily flow data, chlorine residuals, and turbidity readings.
 - b. In-house process testing data related to total nitrogen on days nitrogen testing is performed.
3. **Within three (3) days of receipt of this NOV**, Respondent shall submit a report detailing all ongoing effort and a proposed action plan to further mitigate the volume of noncompliant effluent being discharged to SRRF. (e.g. new water use reduction/conservation efforts, decreases in production or process time, diversion cycling, etc...)
4. The Operation and Maintenance Plan (O&M) on file (submitted as part of Respondent's permit renewal application in 2024) does not accurately reflect current diversion sequencing protocols. **Within thirty (30) days from receipt of this NOV**, Permittee shall submit an updated O&M that reflects the following:
 - a. Current diversion sequence that utilizes all available onsite storage for diverted flow to prevent the transfer of non-compliant effluent to SRRF.
 - b. Standard operating procedure for assuring that maximum diversion storage capacity is always available, but especially ahead of significant forecasted weather events that could affect plant treatment efficiency (e.g. long cold weather periods).
 - c. Standard operating procedure for running diverted effluent back through wastewater treatment in a timely fashion following a diversion event to replenish diversion capacity.

NOTICE

This letter shall serve as official Notice of the above violations of 7 Del. C. § 6003, 7 DE Admin. Code § 7101 - State of Delaware *Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal Systems* (“On-Site Regulations”) and 7 Del. C. Chapter 60, 7 DE Admin. Code 7201 - State of Delaware’s *Regulations Governing the Control of Water Pollution* (“Water Pollution Regulations”).

Please note, this NOV is being issued to Allen Harim Foods LLC to address only violations listed above and is not a comprehensive assessment of permit compliance and/or facility conditions. If additional permit violations are identified upon inspection and file review, they will be addressed under separate enforcement.

The Department, to the extent necessary, reserves the right to take enforcement regarding these and other violations by Permittee, including but not limited to one or more of the following: an action under 7 Del. C. § 6005(b)(1) seeking penalties up to \$40,000.00 per day for past violations, an action under 7 Del. C. § 6005(b)(2) seeking penalties for continuing violations, an action in the Court of Chancery pursuant to 7 Del. C. § 6005(b)(2) seeking a temporary restraining order or an injunction, a Cease and Desist Order pursuant to 7 Del. C. § 6018, and the imposition of civil penalties and recovery of the Department's costs and attorney's fees pursuant to 7 Del. C. §§ 6005(b)(3) & (c)(1).

Nothing in this NOV shall be deemed to estop, or in any way preclude any additional enforcement action for these or any other violations, including administrative and civil penalties for each day of violation, or an action for the recovery of Department costs expended in abating these violations.

Please be advised that this Notice of Violation will be made available through the Department’s Internet site, which can be found at <https://www.dnrec.delaware.gov>.

Allen Harim Foods, LLC.
Notice of Violation
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If you have any questions, please contact the Compliance and Enforcement Branch at (302) 739-9945 or Jessica Collins at Jessica.Collins@delaware.gov.

Sincerely,

A handwritten signature in cursive script that reads "Colleen Slater".

Colleen Slater
Program Manager
Resource Protection Section
Division of Water

cc: Jennifer Roushey, DNREC
Scott Figurski, DNREC
Colleen Slater, DNREC
Derrick Caruthers, DNREC
Jessica Collins, DNREC
Elizabeth LaSorte, DNREC