



September 28, 2020

NOTICE OF VIOLATION

Mr. Doug Nicholas
General Manager
Nicholas Meat LLC
P.O. Box 95
508 East Valley Road
Loganton, PA 17747

VIA ELECTRONIC MAIL

RE: Nicholas Meat Processing Facility

Dear Mr. Nicholas:

On September 15, 2020, at 10:30 AM and on September 18, 2020, at 9:09 AM the Department detected a malodor being emitted from the Nicholas Meat LLC processing facility located in Greene Township, Clinton County. The malodor was detectable outside the property of Nicholas Meat LLC. The malodor investigations were in response to citizen complaints received by the Department.

Section 123.31(b) of the Rules and Regulations of the Department, 25 Pa. Code § 123.31(b), states that “A person may not permit the emission into the outdoor atmosphere of any malodorous air contaminants from any source, in such a manner that the malodors are detectable outside the property of the person on whose land the source is being operated.”

By emitting a malodor detectable outside of the facility property, Nicholas Meat LLC violated 25 Pa. Code Section 123.31(b).

The penalties for violations of Department Rules and Regulations, as provided by the Air Pollution Control Act of January 8, 1960, P. L. 2119, as amended, 35 P. S. §4001 et seq., subject a person to a variety of enforcement actions, including civil and criminal penalties. Each day the violation continues constitutes a separate offense.

Although the Department intends to take enforcement action for the violations described above, it has not limited its options. The Department is willing to discuss this matter with you in an attempt to settle it without litigation. The Department will notify Nicholas Meat LLC in the near future regarding the level of enforcement action to be taken.

This Notice of Violation is neither an order nor any other final action of the Department of Environmental Protection. It neither imposes nor waives any enforcement action available to the Department under any of its statutes.

If you have any questions, please contact me at sschulte@pa.gov or 570-220-2044.

Regards,

Steven M. Schulte

Steven M. Schulte
Chief, Operations Section
Northcentral Region

cc: Harrisburg
File