

February 5, 2021

NOTICE OF VIOLATION

FIRST-CLASS MAIL

Mr. Doug Nicholas
Nicholas Meat, LLC
508 East Valley Road
Loganton, PA 17747

Re: Improper Management of Food Processing Waste
Client #283872
Greene Township, Clinton County

Dear Mr. Nicholas:

As a result of complaint investigations on January 27, 2021, regarding land application of Food Processing Residuals (FPR) from your facility on fields in Lamar Township, and on February 4, 2021, regarding land application of FPR from your facility on fields in Greene Township, the Department of Environmental Protection (Department) has determined that you are in violation of the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, No. 97, 35 P.S. Section 6018.101 et seq. and the Pennsylvania Residual Waste Regulations found at 25 Pa Code Chapters 287-299 as follows:

On January 27, 2021, the Department responded to a complaint and noted land application of FPR occurring on fields designated as Maguire 1-5 on the current Nutrient Management Plan (NMP) instituted as of January 29, 2021. This plan does not provide for any winter applications on these fields and is therefore not in accordance with best management practices.

On February 4, 2021, the Department responded to a complaint and noted land application of FPR occurring on fields designated as Web Log North 1-2. Currently there are several inches of snow on the ground at this location. In section 8.3 of the Department's FPR Management Manual, it is stated: "Field application of FPRs is not permitted on snow-covered ground." This is not in accordance with best management practices.

Failure to follow best management practices for land application of FPR is a violation of 25 Pa Code Chapter 287.101(b)(2) which states in part: **"... A person managing food processing waste shall implement best management practices. The Department will prepare a manual for the management of food processing waste which identifies best management practices and may approve additional best management practices on a case-by-case basis. If a person fails to implement best management practices for food processing waste, the Department may require compliance with the land application, composting and storage operating requirements of Chapters 291, 295, and 299."**

The Department recommends that the facility manage application of FPR in accordance with the NMPs and the best management practices outlined in the FPR Management Manual. The facility should ensure that only fields that are slated for winter application in the NMP are utilized and not

apply to any fields for which winter application is not designated. It is requested that no further application occur on any fields that are snow-covered. Prior to recommencing application, please contact a representative of the DEP Waste Management Program to describe the field conditions.

You are officially notified of both the existence of the violations as well as the need to provide for prompt correction. Failure to correct the violations may result in legal proceedings against you under the Solid Waste Management Act. Under the Act, each day of the violation is considered a distinct and separate offense and will be handled accordingly.

This Notice of Violation does not waive, either expressly or by implication, the power or authority of the Commonwealth of Pennsylvania to prosecute for any or all violations of law arising prior to or after the issuance of this letter or the conditions upon which this letter was based, nor shall this letter be construed so as to waive or impair the rights of the Department of Environmental Protection heretofore or hereafter existing.

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 the Department determines that an enforcement action is appropriate, you will be notified of the action.

Within 14 days of receipt of this letter, please submit to the Department a written response regarding these issues. If you have any questions, please do not hesitate to contact me at pbrennan@pa.gov or at 570.327.3431.

Sincerely,

Patrick Brennan

Patrick Brennan
Environmental Program Manager
Waste Management Program

cc: Compliance
Field
File