

June 29, 2020

**NOTICE OF VIOLATION**

**FIRST-CLASS MAIL**

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

Re: Improper Management of Food Processing Waste  
Client #283872, Insp. ID: 3050909  
Greene Township, Clinton County

Dear Mr. Nicholas:

As a result of a June 15, 2020, complaint inspection at 1535 East Valley Road in Greene Township, Clinton County, regarding Food Processing Residuals (FPR) from your facility being land applied, 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. as follows:

On June 12, 2020, the Department received a complaint regarding FPR that was being applied on fields at this property had been able to flow downhill and cross about 200 feet of pasture and begin pooling up and impacting the shoulder of State Route 880. Mitigation efforts were undertaken to stop this flow in order to minimize further impact. By the time of the inspection, no liquid FPR material remained visible in the pasture or shoulder of the road and stone had been placed down on the impacted area.

Placing solid waste on the ground constitutes a violation of Act 97 Section 6018.610(1), which states in part: **“It shall be unlawful for any person or municipality to dump or deposit, or permit the dumping or depositing, of any solid waste onto the surface of the ground or underground or into the waters of the Commonwealth, by any means, unless a permit for the dumping or depositing of such solid wastes has been obtained from the department...”**

The Department recommends that the facility manage application of FPR in accordance with the Nutrient Management Plans developed for the fields and consider reduced rates of application or increased setback distances if runoff issues from the fields is able to occur. Additionally, the Department requests that it be notified whenever the NMPs are updated or renewed for any of the land application sites in the Loganton and Antes Fort areas.

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 plan to prevent runoff from reoccurring at this land application site. If you have any questions, please do not hesitate to contact me at [dkarschner@pa.gov](mailto:dkarschner@pa.gov) or at 570.971.1467.

Sincerely,



Dustan Karschner  
Environmental Protection Specialist  
Waste Management Program

cc: Compliance  
Field  
File