

DNREC and Mountaire Farms of Delaware, Inc. enter into consent decree addressing violations at Mountaire's Millsboro poultry processing facility

DOVER – The Department of Natural Resources and Environmental Control today filed a complaint in state Superior Court against Mountaire Farms of Delaware, Inc. that requests civil penalties for Mountaire's violations of its spray and land application permits at its Millsboro facility. The complaint, which includes reimbursed costs for DNREC, calls for Mountaire to make short-term corrective measures, long-term system upgrades at the plant, along with environmental mitigation, and for Mountaire to provide an alternative water supply to nearby residents. The complaint also requests that the Superior Court approve a consent decree that redresses those permit violations through monetary penalties and mitigation measures that abate the total nitrogen amount sprayed above permit limits by Mountaire's Millsboro facility. DNREC has also filed a complaint in the United States District Court for the District of Delaware, raising claims that Mountaire has violated the Clean Water Act and the Resource Conversation and Recovery Act.



On Sept. 5, 2017, Mountaire reported to DNREC that the Millsboro wastewater treatment facility was in failure due to a build-up of solids throughout the plant, as well as a depletion of oxygen in the plant's aerobic operations, causing Mountaire's wastewater to exceed the effluent limits of their spray permit. Mountaire undertook interim action to reduce the solids from spray effluent and disinfect effluent prior to its application on the spray fields. In November 2017, Mountaire submitted a corrective action work plan setting forth interim measures and proposed long-term measures for permit compliance.

On Nov. 2, 2017, DNREC issued a Notice of Violation (NOV) identifying a total of 17 categories of permit violations, including 13 categories of spray permit violations, and four categories of land application permit violations. On Dec. 22, 2017, DNREC supplemented the NOV requiring additional corrective actions by Mountaire for violations of both permits. Subsequent interim measures by Mountaire resulted in significant improvements in the quality of the effluent from the wastewater treatment plant. Full permit compliance is not expected to be consistently achieved until Mountaire completes a planned long-term wastewater treatment plant upgrade.

The consent decree, which was submitted for approval in Delaware Superior Court, requires Mountaire Farms to pay a civil penalty of \$600,000 and to reimburse the Department \$25,000 for expenses incurred during the Department's investigation.

The consent decree also requires Mountaire to implement a beneficial environmental offset project that will reduce the penalty by 30 percent to \$420,000 by offering an alternative water supply to nearby residents. Mountaire is required by the decree to seek to make available an alternative water supply through a central water supply company that meets safe drinking water standards. If unable to obtain necessary approvals from the Delaware Public Service Commission and

other government agencies, Mountaire must provide deep drinking water wells to the residential property owners.

In addition, Mountaire is required to implement, or to complete, in a timely manner interim measures designed to improve functionality of the company's wastewater treatment plant, implement long-term corrective measures to return the wastewater treatment plant to full compliance with the current or future spray permit and land application permits, and provide environmental mitigation at a ratio of 2:1 for the quantity of total nitrogen sprayed on fields in excess of its permit limit. Mountaire also must submit to third-party monitoring of all remedial measures, according to the consent decree.

Mountaire will begin environmental mitigation upon completion of the wastewater treatment plant upgrades. Mitigation involves relocating Mountaire's shallow production wells to spray fields where elevated levels of nitrates occur in the groundwater, using this well water for processing within the plant, treating the water at the upgraded treatment plant, and finally applying the water to the spray fields in accordance with spray permit requirements to achieve a net reduction of nitrates in the groundwater. The relocated production wells will allow for hydraulic control of groundwater – a “pump and treat” system – beneath the spray fields to assist in capture and treatment of nitrates that may move from potential onsite or offsite sources even after the 2:1 mitigation is complete.

The consent decree can be found on the DNREC website at http://www.dnrec.delaware.gov/Info/Pages/SecOrders_Enforcement.aspx.

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