

DNREC accepting written public comment on agreement and proposed consent decree with Mountaire Farms of Delaware, Inc.

Public comment period runs from Feb. 1 until close of business March 2 on agreement and proposed consent decree between DNREC and Mountaire Farms of Delaware, Inc. addressing violations at Mountaire's Millsboro poultry processing facility

DOVER – On Dec.13, 2019, the Department of Natural Resources and Environmental Control (DNREC) entered into an Agreement and [Proposed] Consent Decree with Mountaire Farms of Delaware, Inc., to resolve spray irrigation and land application permit violations cited by DNREC in a Nov. 2, 2017 Notice of Violation (NOV).

On Feb. 1, 2020, DNREC will publish a Notice of Lodging of the Agreement and [Proposed] Consent Decree in the Delaware Register of Regulations, soliciting public written comments. The Notice of Lodging of the Agreement is outside of DNREC's standard public notice process, and therefore, there will be no public hearing held regarding this matter. The Notice of Lodging states the following:

“The Department of Natural Resources and Environmental Control (“DNREC”) and Mountaire Farms of Delaware, Inc. (“MFODI”) have entered into an Agreement and [Proposed] Consent Decree (the “Agreement”) in the proceeding captioned State of Delaware Department of Natural Resources & Environmental Control v.

Mountaire Farms of Delaware, Inc. Case No. 18-00838 MN, currently pending in the United States District Court for the District of Delaware. In accordance with the terms of the Agreement, notice is hereby given that the Agreement has been lodged with the United States District Court for the District of Delaware (the "Delaware District Court").

"No action is required by the Delaware District Court at this time because the Agreement is subject to public written comment before it can be entered by the Delaware District Court as a Consent Decree.

"The Agreement resolves claims alleging violations of the Clean Water Act, the Resource Conservation and Recovery Act, and state law as described in the Agreement. In the Agreement, MFODI commits to: (i) pay a civil penalty; (ii) construct a major upgrade to its wastewater treatment plant ("WWTP") at its Millsboro, Delaware facility; (iii) take and maintain various interim measures at its WWTP until such time as the upgrade is completed and operational in order to mitigate potential nitrate loading at its permitted spray irrigation fields; (iv) relocate its water supply wells at the facility to enable MFODI to extract and treat nitrate in groundwater as part of its WWTP operations and to maintain a measure of hydraulic control; and (v) provide options for an alternative water supply to nearby residents.

"Although the Agreement is currently effective as a contract between DNREC and MFODI, it will not become effective as a Consent Decree unless and until signed and entered by the Delaware District Court.

"DNREC will accept written comments only relating to the Agreement for 30 days from the date of publication of this General Notice. Individuals may submit written comments via email to DNRECHearingComments@delaware.gov, or via the United States Postal Service to Lisa Vest, Office of the Secretary, 89 Kings Highway, Dover, DE 19901. Written comments will be

accepted until the close of business on Monday, March 2, 2020.

“The Agreement may be examined at the Clerk’s Office, United States District Court for the District of Delaware, 844 North King St, Unit 18, Wilmington, DE 19801-3570. In addition, the Agreement may be viewed on the DNREC website at <http://www.dnrec.delaware.gov/Info/Documents/agreement-and-proposed-consent-decree-dnrec-and-mountaire-20191213.pdf>.”

Media contact: Michael Globetti, DNREC Public Affairs,
302-739-9902

-End-