Message

From: rogers, rick [rogers.rick@epa.gov]
Sent: 6/5/2018 2:17:04 PM
To: Lueckenhoff, Dominique [Lueckenhoff.Dominique@epa.gov]; McManus, Catharine [mcmanus.catharine@epa.gov]
CC: Bennett, James [bennett.james@epa.gov]
Subject: FW: Mountaire Millsboro

FYI – DE has filed the CD and also a civil action against Mountaire. See, below.

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From: Duchovnay, Andrew
Sent: Tuesday, June 05, 2018 10:07 AM
To: Cohen, Amy <Cohen.Amy@epa.gov>; Bennett, James <bennett.james@epa.gov>; rogers, rick <rogers.rick@epa.gov>; Riccio, Roberta <Riccio.Roberta@epa.gov>
Cc: Day, Christopher <Day.Christopher@epa.gov>
Subject: Mountaire Millsboro

DE has filed a Consent Decree with Mountaire in the state Superior Court! DE has also filed a civil action against Mountaire in the Federal District Court, in response to the Notice of Intent to File a Citizens Suit.

Much more details to follow once I see the paper work, but here is a summary of the Consent Decree:

1. Mountaire agrees to establish a public water system to provide potable water to more than 89 homes. I am waiting for the map of the service area). Mountaire will pay for the installation of all piping and connections. Homeowners, will be responsible for the water bills. Mountaire must get approval of the state public utility commission, which will require that over 50% of the people in the service area vote yes on the proposed system. In the event that the public utility commission votes against the application, Mountaire has committed to drill deeper drinking water wells for the affected areas.
2. Mountaire will also conduct pump and treat of areas with high nitrate levels.
3. Mountaire will retain a consultant to review and certify all future samples of groundwater and land application levels. The consultant will be subject to DNREC approval.
4. Mountaire will obtain construction and operation permits for its new wastewater treatment plant.

The CD was just accepted by the Superior Court, so I should be able to get a copy today, and I will provide it to you all. I wanted to get this update out ASAP.

Andy