



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WASTE MANAGEMENT - SOUTHWEST REGION

Insp ID: _____

Client ID: _____

Enf ID: _____

NOTICE OF VIOLATION

Date of Inspection: 3/13/15

Municipality: Elk Lick Twp.

Inspector: Michael Kaufman

County: Somerset

Company Name: Tub Mill Farms Inc.

ID No: 289282

Address: Springs Rd (SR669) Salisbury, PA 15558

Phone: 814-289-1366

City, State, Zip: Salisbury, PA 15558

Responsible Official: Terry Brenneman

Title: President

Person Interviewed: Terry Brenneman

Title: President

Notice to facility operator:

Attached to this Notice of Violation is a report of an inspection of your facility. It is important that you carefully read the report and respond as requested. The report notes conditions that are violations of the Department's rules and regulations and the Solid Waste Management Act, the Act of July 7, 1980, P.L. 380, as amended, 35 P.S. §§ 6018.101-6018.1003 ("SWMA"). The report may also note conditions that may contribute to or develop into violations of the regulations and/or the SWMA and therefore should be addressed.

This Notice of Violation is neither an order nor any other final action of the Department. 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.

Signature by the person interviewed does not necessarily imply concurrence with this Notice of Violation or the attached inspection report, but does acknowledge that the person was shown the report or that a copy was left with that person.

Person Interviewed (signature): _____

Date: _____

Inspector (signature) _____

Date: _____

ATTACHMENT: Inspection Report

MARKS

This inspection was conducted to determine compliance with the PA Solid Waste Mgmt Act (Act 97), the Administrative Order of 10/27/14, and the Department's waste mgmt rules & regulations. Present for the inspection was Michael Planinsek, Solid Waste Supervisor, Matt Shawley, Solid Waste Specialist, and myself. The following was observed:

75% Poles; 15% Cut Poles; 5% Mulch; 5% RR Ties.

The site appears to remain abandoned, as there was no equipment/machinery or personnel on site.

Serious erosion gullies were observed onsite from water runoff.

There appears to be no change in number of poles & pole pieces or RR ties since the 6/18/12 inspection.

The site still consists of 95% poles & pole pieces, numbering in the thousands; and 5% shredded wood waste, RR ties, and pallets. The shredded wood waste pile appears the same as the 6/18/12 inspection.

The following violations of the PA Solid Waste Management Act (Act 97):

- A) Section 6018.301.-Operating a residual waste storage, processing, or disposal facility without a permit from the Department.
- B) Section 6018.610(1)-Dumping of waste on the ground without a permit from the Department.
- C) Section 6018.610(2)-Operating a solid waste storage, processing, and disposal site without a permit from the Department.
- D) Section 6018.610(4)-Storage, processing, and disposal of solid waste contrary to Department regulations and in a manner causing a public nuisance and adversely affecting public health, safety, and welfare.
- E) Section 6018.610(9)-Causing or assisting in violations of the Act, Department regulations and a Department order.

The following violations of the Department's Consent Order and Agreement of 10/27/14 were observed:

- 1) Paragraph 3(b)(ii) - Within six (6) months of the date of the Consent Order and Agreement, provide a detailed description of the number and estimated linear footage of all previously used railroad ties, previously used utility poles, and volume in cubic yards of all wood materials derived therefrom to the Department for approval. ~~State the volume~~
- 2) Paragraph 3(b)(iii)(C) - The Brenneman Parties shall timely submit to the Department written quarterly reports within fourteen (14) days of the end of each calendar quarter during the term of this Consent Order and Agreement commencing with the quarter ending December 31, 2014. The Quarterly Reports shall describe all removal and remediation activities undertaken at the Tub Mill Site during that quarter, including a written summary and legible copies of all documentation regarding all sales, disposals, or other transfers of all Tub Mill Material during the calendar quarter.
- 3) Paragraph 3(b)(iii)(D) - In addition to the required Quarterly Reports, the Brenneman parties shall submit to the Department a written accounting of all compensation received or due from anyone from the sale or transfer of any Tub Mill Materials on a Department-approved form, to include date of transfer, the transferee's name, and a description of and the value of all compensation received or due. This shall be received by the Department on or before the tenth (10th) day of each calendar month, beginning with the first month after complete execution of the Consent Order and Agreement.
- 4) Paragraph 3(b)(iv) - The Brenneman Parties shall, during the three (3) months following execution of the Consent Order and Agreement and thereafter if directed by the Department, use their best efforts to obtain reasonable access to the Tub Mill Site from the site owner for the purpose of conducting the activities set forth in Paragraph 3 of the Consent Order and Agreement, and shall contemporaneously provide documentation to the Department of all such efforts.
- 5) Paragraph 3(c) - The Brenneman Parties shall, within forty-five (45) days of execution of the Consent Order and Agreement, establish an escrow account with the terms and conditions and with an institution or person approved by the Department in writing, and shall deposit gross proceeds from all private or public sales of the Tub Mill Material at or from the Tub Mill site into the Escrow Account.