



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

Jeffrey Douglass
Double "S" Farm, LLC.
435 Highland Avenue
Dartmouth, Massachusetts 02747

Re: NOTICE OF NONCOMPLIANCE: NON-SE-16-4001

Noncompliance with M.G.L. Chapter(s)
111, s.150A and 310 CMR 16.01(8)

At: Double "S" Farm, LLC
435 Highland Avenue
Dartmouth, MA 02747
FMF Facility # 573246

DART BOARD MEETING

FEB 11 2016 PM 03:45

Dear Mr. Douglass:

Massachusetts Department of Environmental Protection (MassDEP) personnel determined that on October 9, 2015, activity occurred at Double "S" Farm, LLC., Dartmouth, Massachusetts in noncompliance with one or more laws, regulations, orders, licenses, permits, or approvals enforced by MassDEP.

Enclosed please find a notice of noncompliance, an important legal document describing the activities that are in noncompliance.

If you have any questions regarding this matter, please contact me at (508) 946-2847 or Colleen Ferguson at (508) 946-2832 or at the letterhead address.

Very truly yours,



Mark Dakers, Chief
Solid Waste Management Section
Bureau of Air and Waste

D/CF

Attachment: Notice of Noncompliance

CERTIFIED MAIL#701402120000369040371

cc: Chris Machaud, Dartmouth Director of Public Health
cmichaud@town.dartmouth.ma.us

MDAR

Gerard.Kennedy@state.ma.us

Sean.Bowen@state.ma.us

DEP - Boston
ATTN: R. Blanchet

DEP - SERO
ATTN: M. Pinaud
M. Dakers
L. Ramos

NOTICE OF NONCOMPLIANCE

THIS IS AN IMPORTANT NOTICE. FAILURE TO TAKE ADEQUATE ACTION IN RESPONSE TO THIS NOTICE COULD RESULT IN SERIOUS LEGAL CONSEQUENCES.

Based on the Department of Environmental Protection's ("MassDEP" or "Department") investigation on October 9, 2015, noncompliance occurred or was observed at the Double "S" Farms, LLC facility located on 435 Highland Avenue, Dartmouth, Massachusetts, in violation of one or more laws, regulations, orders, licenses, permits or approvals enforced by MassDEP.

This Notice of Noncompliance describes (1) the requirement violated, (2) the date and place MassDEP asserts the requirement was violated, (3) either the specific actions which must be taken in order to return to compliance or direction to submit a written proposal describing how and when you plan to return to compliance, and (4) the deadline for taking such actions or submitting such a proposal.

If the required actions are not completed by the deadlines specified below, an administrative penalty may be assessed for every day after the date of this Notice that the noncompliance occurs or continues. MassDEP reserves its rights to exercise the full extent of its legal authority in order to obtain full compliance with all applicable requirements, including, but not limited to, criminal prosecution, civil action including court-imposed civil penalties, or administrative action, including administrative penalties imposed by MassDEP.

NAME OF ENTITY(S) IN NONCOMPLIANCE:

Jeffrey Douglass
Double "S" Farm, LLC
435 Highland Avenue
Dartmouth, MA 02747

LOCATION(S) WHERE NONCOMPLIANCE OCCURRED OR WAS OBSERVED:

Jeffrey Douglass
Double "S" Farm, LLC
435 Highland Avenue
Dartmouth, MA 02747

DATE(S) WHEN NONCOMPLIANCE OCCURRED OR WAS OBSERVED:

October 9, 2015

DESCRIPTION OF NONCOMPLIANCE:

On October 9, 2015, MassDEP, Dartmouth Board of Health and Massachusetts Department of Agriculture Resources ("MDAR") performed a joint inspection of Double S Farm, LLC off of

Highland Avenue in Dartmouth in response to neighbor odor complaints. The site is a registered compost site with MDAR. During the inspection MassDEP observed, documented and captured via photograph the farm is taking bagged solid waste for pig feed. The organic material that is suitable for feed is separated out and the rest of the material is placed in a dumpster. On November 25, 2015, MassDEP received an email from MDAR stating that taking mixed loads and separating out material for pig feed is acting like a transfer station by sorting the waste "is not an activity regulated by MDAR."

Site Assignment Regulations for Solid Waste Facilities

Failure to submit the required permits is a violation of the following requirements:

310 CMR 16.01(8) (a) Enforcement 5. "maintain or operate any place as a facility unless such place has been assigned by the board of health or the Department, whichever is applicable, pursuant to M.G.L. c. 111, § 150A;"

310 CMR 19.014 (1) which requires: "No person shall establish, construct, operate or maintain a dumping ground."

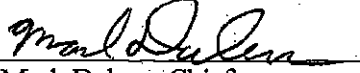
ACTION(S) TO BE TAKEN AND THE DEADLINE FOR TAKING SUCH ACTION(S):

Immediately cease all unpermitted activity at Double "S" Farms, LLC in Dartmouth. Within thirty (30) calendar days from the date of receipt of this Notice, Double "S" Farm, LLC shall submit to MassDEP a written description of each of the actions taken to correct the violation noted above as well as a status report of any corrective actions planned or being taken to achieve or maintain compliance. Any and all supporting documentation shall be included with the response to MassDEP.

MassDEP's regulations at 310 CMR 5.09 presume receipt of this Notice of Noncompliance, if delivered by regular mail, three (3) business days after its date of issuance.

Please address your reply to this Notice of Noncompliance to Mark Dakers at this office at the letterhead address.

Date: 2/1/2016


Mark Dakers, Chief
Bureau of Air and Waste
Solid Waste Management Section