



FOR IMMEDIATE RELEASE

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ADEM Issues Cease and Desist Order for Land Application Of Poultry Byproducts at North Jefferson County Site

Distributor Did Not File Required Plan and Failed to Follow Best Practices

MONTGOMERY, Ala. – The Alabama Department of Environmental Management today issued a Cease and Desist order to Denali Water Solutions, LLC barring the company from resuming the application of poultry byproducts materials to land in north Jefferson County for use as fertilizer. The ongoing ADEM investigation found the land application operations violated multiple regulations.

Today's formal written order comes after ADEM requested Denali cease operations on March 5 while it investigated complaints from residents about noxious smells and other environmental concerns from the operations.

ADEM's ongoing investigation determined Denali did not submit to ADEM an Operations Plan and a Nutrient Management Plan for the site prior to the beginning of operations as required by state rules. In addition, ADEM noted the company did not employ best practices in the handling of the byproduct material to minimize odor and protect human health and the environment.

"These are very serious violations, and we certainly empathize with residents in the nearby communities," ADEM Director Lance LeFleur said. "We ordered the company to cease its operations after our inspectors visited the site and our investigation determined the company was not operating in compliance with regulations. This could have been avoided had the company submitted its plans to ADEM for review as required and took the necessary steps to control odors and lessen the chance of other potential environmental harms."

ADEM inspectors visited the site at 6683 Mount Olive Road in north Jefferson County on March 3 and March 5. ADEM contacted Denali on March 5 to inform it that ADEM had not received an approved Nutrient Management Plan and ordered the company to cease the land application of the byproduct materials. Denali subsequently submitted its Operations Plan and Nutrient Management Plan on that day.

During their visits, inspectors noted an odor that was detectable and identifiable to the source. Based on information received by ADEM, the method used by Denali was to spray the byproduct materials on the

land surface, “which allowed odors associated with this material to be dispersed into the surrounding atmosphere unabated.” That method was in contradiction to the company’s plans, which stated “the residuals will be spliced into the ground at a depth of 6-12 inches.”

ADEM found no evidence that any of the poultry byproducts contaminated nearby streams.

The Cease and Desist order means Denali shall cease applying the byproduct material to the land until the company has approval from ADEM of a corrective plan that addresses the violations. Specifically, that plan must include:

- An updated Operations Plan and Nutrient Management Plan that comply with ADEM regulations.
- Updated consent forms signed by the property owners with details regarding the expected intensity, duration and travel of the odors.
- Assurance the site is suitable for both the byproduct applied and the method used, proven by testing and demonstration.

The Cease and Desist order is a preliminary enforcement action while ADEM continues its investigation and does not include penalties.

Director LeFleur pointed out that this enforcement action against Denali is a direct result of the Alabama Environmental Management Commission’s adoption last year of new regulations that now address the use of biosolids for fertilizer or other use.

“ADEM is keenly aware that the improper application of some materials from agricultural and byproduct processing operations can have a significant adverse effect on the quality of life for those nearby who are subjected to the offensive odors,” LeFleur said. “It was with that in mind that ADEM adopted regulations to obtain regulatory authority over such applications, which previously was solely under the control of the EPA.”

The Denali Cease and Desist Order can be accessed on the Department’s website at www.adem.alabama.gov.

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