

McKean, Jennifer - FSIS

From: Bolick, Thomas - OGC
Sent: Monday, June 24, 2013 11:17 AM
To: McKean, Jennifer - FSIS
Subject: FW: Response to Questions about Composting at Valley Meats

Importance: High

Categories: Red Category

From: Davis, Gary - FSIS
Sent: Tuesday, February 05, 2013 8:12 PM
To: Bolick, Thomas - OGC
Cc: Engeljohn, Daniel - FSIS; Gilmore, Keith - FSIS; McKean, Jennifer - FSIS
Subject: FW: Response to Questions about Composting at Valley Meats
Importance: High

Greetings,

The state of New Mexico Environmental Solid Waste Bureau finally responded to the queries regarding the composting activities and fines at Valley Meats. Please read and review response to questions in the thread of communication below.

Kind regards,

Gary A. Davis, DVM
Deputy District Manager
Dallas District Office
Phone: 214-767-9116
Fax: 214-767-8230
Mobile: 214-763-7201
E-mail: gary.davis@fsis.usda.gov

From: [REDACTED] - FSIS
Sent: Tuesday, February 05, 2013 4:45 PM
To: Davis, Gary - FSIS
Cc: McKean, Jennifer - FSIS; 'Ashley-Marx, Auralie, NMENV'; Monaghan, Teri, NMENV
Subject: FW: Response to Questions about Composting at Valley Meats
Importance: High

FYI

From: Ashley-Marx, Auralie, NMENV [<mailto:Auralie.Ashley-Marx@state.nm.us>]
Sent: Tuesday, February 05, 2013 5:33 PM
To: [REDACTED] FSIS
Cc: Monaghan, Teri, NMENV; McKean, Jennifer - FSIS
Subject: Response to Questions about Composting at Valley Meats
Importance: High

Good afternoon Ms. [REDACTED]

Attached are the answers to your questions provided to NMED on 1/28/12. I am responding for Ms. Monaghan. I am sorry that I have not been able to respond sooner. It would be appreciated if you could also forward this email or brief Dr. Gary Davis, Deputy Director, Food & Safety Inspection, Dallas, Texas region, (214) 763-7201 about this matter as we were not provided his email address.

Did NMENV issue a composting permit to Valley Meat Company before they considered Equine Slaughter processing?

Response: New Mexico Environment Department (NMED) was unable to approve a composting registration for Valley Meat Company due to lack of due diligence in preparing the composting application and inclusion of the necessary operation plan and other supporting information. Mr. De Los Santos, was informed by certified mail on June 7, 2012 that his composting application was denied. (Please note that composting facilities are registered, not permitted in New Mexico). The denial of this application was not directly related to Equine Slaughter processing, as we do not have any regulatory authority regarding the types of animals that are accepted and processed as jurisdiction for these activities lies within USDA. SWB has authority only for the management of the waste (special waste offal) generated from the meat process.

The registration was also denied due to lack of timely response in getting the existing composting operation registered, and lack of due diligence with timely marketing and removal of on-site stockpiled compost material.

Did NMENV issue a composting permit to Valley Meat Company after they considered Equine Slaughter processing?

Response: Same response as number one. This facility was not registered. Because the owner's application was denied, and previous attempts to have the stockpiled compost materials removed from the site faltered, an Administrative Compliance Order was issued on August 2, 1012. This Order assessed penalties totaling \$86,000

Has Valley Meat Company's fines been paid?

Response: Yes 100% of agreed upon fines were paid as of January 8, 2013.

NMED and Valley Meats settled this case on November 16, 2012. The Stipulated Final Order required that a Removal Plan be prepared to ensure that 100% of all remaining compost materials be removed from the site, within a specific time-frame, and taken to an approved NMED location or permitted landfill, within 45 days, and that the necessary weigh tickets and evidence be provided of the removal of all the waste. Because their registration was denied, they are not authorized to undertake any composting operations at this facility once meat processing is undertaken again (it is our understanding that they have not been open for business for several months), and that they must contract with a rendering firm, and/or the must manifest and take the meat processing waste and offal to a landfill that is approved to accept special waste offal.

Are there any outstanding issues with NMENV for Valley Meat Company?

Response: No. As of January 8, 2013 the Enforcement Action between NMED and Valley Meat Company LLC was terminated. We have not further involvement in this matter as composting is no longer authorized at this site.

Has Valley Meat Company been instructed/trained to take proper precautions to prevent recurrence of such composting pile if and when it commences commercial horse slaughter?

Response: Valley Meats is aware via the just completed enforcement process that they are NOT authorized to compost any waste generated from the processing operation at this facility, as they are not and will not be authorized by NMED to compost given their poor compliance record and inability to demonstrate knowledge and ability to implement the necessary management controls to properly compost, store composted materials, and market the resulting product.

Would this be NMENV responsibility to ensure they are properly maintaining their compost pile or would it be the responsibility of USDA Food Safety Inspection Service?

Response: Our Enforcement Officer based in Roswell has been instructed to complete periodic on-going site checks to ensure that this owner does not attempt to compost materials at this site again, as Valley Meat LLC is not authorized by NMED to undertake such an operation. Once processing recommences at this facility, it would be USDA's role to notify NMED, if during an inspection, it was found that the waste was being composted on site again without the proper registration by NMED, and/or if the offal was stored too long inside the plant before being rendered or if the special waste is not manifested and taken to a permitted landfill for disposal.

Ms. Monaghan,

I received your contact information from the Denver District Office as you were involved with the compost of slaughter and processing inedible products at Valley Meat Company in Roswell, NM; 3845 Cedarvale Road in 2010. And I have spoken to you on a previous occasion, I believe it was in September of 2012 in regards to Equine Slaughter at Valley Meats.

Thanks,

[REDACTED]
Frontline Supervisor
Albuquerque Circuit
Dallas District
BB: 303-[REDACTED]

McKean, Jennifer - FSIS

From: Davis, Gary - FSIS
Sent: Friday, March 01, 2013 4:19 PM
To: McKean, Jennifer - FSIS; [REDACTED] - FSIS
Subject: Re: contacting NMED

Ok thank you

Gary A. Davis, DVM
Deputy District Manager
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From: McKean, Jennifer - FSIS
Sent: Friday, March 01, 2013 07:23 PM
To: Davis, Gary - FSIS; [REDACTED] FSIS
Subject: contacting NMED

When/if Valley Meats operates again, please ensure our IPP post something on the bulletin board in the inspection office and in our files with the following information:

Composting solid waste at this location is prohibited by New Mexico Environmental Department. In the event this facility composts solid wastes, NMED must be notified immediately.

Contacts are:

Troy Grant, Enforcement Officer Roswell, NM 575-624-6124 or cell: 505-[REDACTED] Troy.grant@state.nm.us
Chuck Akeley, Enforcement Section Manager 505-827-2924 as back up. Chuck.akeley@state.nm.us
Auralie Ashley-Marx 505-827-2275 Auralie.ashley-marx@state.nm.us

I want to get something posted and in our files since this position is vacant and will likely be covered by relief personnel for some period of time.

Jennifer Beasley-McKean, DVM
District Manager
Dallas District Office
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Dallas, TX 75242
(214) 767-1253