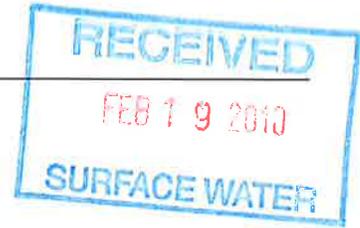




P.O. Box 625, Rt. 331S, Millsboro, DE 19966



February 17, 2010

Glenn F. Davis
Program Manager
Division of Water Resources
Surface Water Discharges Section
89 Kings Highway
Dover, DE 19901

RE: Notice of Violation-Pinnacle Foods Group LLC-Millsboro, DE Plant
NPDES Permit No. 0000736

Dear Mr. Davis;

1. Violation No. 1: Failure To Meet The Average Monthly Allowable Permit Loading Limits For AMMONIA Nitrogen:

The composite sample taken August 11th through August 12th 2009 resulted in an Ammonia concentration of 5.13 mg/l, below our Daily Maximum Concentration limit of 6.7 mg/l. Unfortunately this came during the height of our green season with corresponding high flows giving us a result of 20.664 lbs. above our monthly average number of 16.5 lbs., still well below our Daily Maximum of 33.5 lbs.

We believe the culprit to be excessive decant from our sludge holding lagoon. We had been having issues with the lagoon not settling all summer and were running out of room for solids handling. It was near the end of July before the holding lagoon reverted to normal and we were able to decant from it. This led to our decanting almost constantly while trying to maintain the correct solids balance in the system. This is not a normal situation for the lagoon. There was no land available that time of year for a sludge haul to alleviate the lagoon situation. The corrective actions planned are as follows:

- a) A retest may have lowered our average to below the permitted limit, we will sample earlier in the month and monitor more frequently if running a large amount of lagoon decant.
- b) Solids handling and storage should not be as much an issue going forward as our pack plan has been reduced.
- c) Our sludge holding lagoon had been emptied prior to green season .

2. Violation No. 2: Failure to Meet Minimum Ph Permit Requirements:

On the morning of October 16, 2009 we found the Aeration basin to have a pH of 4.97 S.U. The flow was shut down and an effluent sample grabbed, the Ph was 5.66 S.U. below the 6.0 minimum. We started doing pH adjustment testing to determine the amount of caustic needed to bring the pH back up. We used 1800lbs of caustic beads that were on hand and 766 lbs of liquid caustic that we diverted from a water plant shipment. An emergency order was placed with Intercoastal Trading, when that arrived we used another 300 lbs. of caustic beads and started a constant liquid feed to the Aeration until things stabilized. The corrective actions planned are as follows:

- a) A Ph probe for the infeed end of the aeration basin has been purchased. This will give us advance notice of Ph drops before the effluent is affected.

3. Violation No. 3: Failure to Meet Daily Maximum and Monthly Average Concentration for BOD5:

The summary below is a response to Violation No. 3, items 2,4,5 and 6 as listed in your letter dated January 11, 2010.

We had a BOD result of > 29.7 mg/l on October 13, 2009. We had performed our normal dilutions on this sample and had never experienced this issue before. The corrective actions are as follows:

- a) As per your suggestion we now do a very small dilution weekly to eliminate the possibility of this happening again.

On October 20th and 21st we had BOD's of 405 and 264 mg/l respectively. We believe the main culprits to be the seasonal shift from green produce to more drum and process stock, the processing of seasonal sweet items and a liquid sucrose leak from a sugar tank. These results led to our Monthly Average Concentration being above the limit. The corrective actions planned are as follows:

- b) Our immediate response included contacting your office for sampling advice and guidance, sending a sample of the biomass for immediate analysis to our consulting agency, and hourly monitoring of the system performed by salaried staff for several weeks to verify system stability.
- c) Conduct additional monitoring of our EB BOD's to try and find a correlation between what we pack and the loading from those items. This data can be used to come up with some do not exceed values for certain high strength items.
- d) The sugar tank leak has been repaired and added as a daily spot to check for certain individuals
- e) Dock B in the tank yard has been isolated and a dedicated line runs from the process room to it. This gives us approximately 200,000 gallons of storage for drum brine when loading is high. It can then be fed to the Waste Water Plant under controlled conditions.

- f) The reduction in annual pack plan will reduce the over all system loading and equalize system inputs.
- g) Inspection Sheets were modified to include more observation for early detection..
- h) A turbidity meter was also purchased as an early warning indicator of effluent degradation.

We trust this satisfies your request for information concerning the violations. Any questions or concerns do not hesitate to call.

Sincerely,

A handwritten signature in black ink that reads "R. Spence" followed by a horizontal line.

Randy Spence
Plant Manager
(302)934-3841

Attachments:

Vlasic WWTP Daily Checklist
Wastewater Treatment Check Sheet

VLASIC WWTP DAILY CHECKLIST

DATE: 2/4

Bob - home 253-8396
 Bob - cell 228-3015
 Dennis- home 410-896-3125
 Dennis cell 443-359-1304

OPERATIONAL - DAY SHIFT

1) WASTED SLUDGE TODAY? Y N COMPLETED WASTING? Y N

2) SLUDGE PUMP USED?
 for transferring? Y N digester #1 digester #2

 *for recirculating? Y N digester #2 only

*continues overnight? Y N

3) DECANTING LAGOON?
*continues overnight? Y N

OPERATOR _____

ENV. MGR BL

CHECK OFF SHEET - OVERNIGHT

APPROX. TIME -	6 PM	10 PM	1 AM	4 AM
1) AERATION BASIN level alarm	<input checked="" type="checkbox"/> <u>OK</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) DIGESTER #1 - check level	<input checked="" type="checkbox"/> <u>OK</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
#2 - check level	<input checked="" type="checkbox"/> <u>OK</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
*recirculating ok?	<input checked="" type="checkbox"/> <u>-</u>	<input checked="" type="checkbox"/> <u>-</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
*decant feeding ok?	<input checked="" type="checkbox"/> <u>-</u>	<input checked="" type="checkbox"/> <u>-</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) UV LIGHTS lights on?	<input checked="" type="checkbox"/> <u>OK</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
clarity # bulbs visible?	<input type="checkbox"/> <u>4</u> +	<input type="checkbox"/> <u>4</u> +	<input type="checkbox"/>	<input type="checkbox"/> <u>4</u>
4) Depth to sludge blanket	<input type="checkbox"/> <u>6'</u> +	<input type="checkbox"/> <u>6'</u> +	<input type="checkbox"/>	<input type="checkbox"/> <u>8'</u> +
INITIALS	<u>CP</u>	<u>RF</u>	---	<u>BL</u>

* This process occurs overnight occasionally. Check box only when occurring.

Pinnacle Foods Group Wastewater Treatment Check Sheet

While in this area check for the following: **power failure, alarms sounding, UV lights off, no flow through UV light system, brown solids in the UV system, less than (3) aerators running, tanks overflowing or anything that looks unusual.**

IF ANY OF THESE THINGS ARE PRESENT IMMEDIATELY CONTACT BOB LYNCH (302) 253-8396 OR DENNIS PARKINSON (443) 359-1304 OR RANDY SPENCE (302) 378-4901.

DATE	TIME	POWER FAILURE / ALARMS SOUNDING	UV LIGHTS	BROWN SOLIDS IN UV SYSTEM	# OF AERATORS ON	TANK LEVEL OKAY?	OFFICER	GPM
2/12	2205	N N	ON	N	8	OK	Bob Lynch	88
2/12	2312	N N	ON	N	8	OK	Bob Lynch	90
2/13	0053	N N	ON	N	8	OK	Bob Lynch	90
2/13	0221	N N	ON	N	8	OK	Bob Lynch	90
2/13	0340	N N	ON	N	8	OK	Bob Lynch	88
2/13	0456	N N	ON	N	8	OK	Bob Lynch	88
2/13/10	0912	No No	On	No	8	OK	Lt. Carter	51
2/13/10	1024	No No	On	No	8	Yes	Lt. Carter	50
2/13/10	1132	No No	On	No	8	Yes	Lt. Carter	51
2/13/10	1247	No No	On	No	8	Yes	Lt. Carter	50
2/13/10	1447	No No	On	No	8	Yes	Lt. Carter	50
2/13/10	5:00pm	N N	ON	N	8	yes	E. Lanette	50
2/13/10	6:38pm	N N	ON	N	8	yes	E. Lanette	50
2/13/10	8:24pm	N N	ON	N	8	yes	Lanette	50
2/13/10	10:50pm	N N	ON	N	8	yes	Lanette	50
2/13/10	1:46am	N N	ON	N	8	yes	Lanette	51
2/14/10	3:52am	N N	ON	N	8	yes	Lanette	51
2/14/10	6:34am	N N	ON	N	8	yes	Lanette	51
2/14/10	0845	N N	ON	NO	8	yes	Bob Lynch	51
2/14/10	1016	N N	ON	NO	8	yes	Bob Lynch	51
2/14/10	1126	N N	ON	NO	8	yes	Bob Lynch	51
2/14/10	1258	N N	ON	NO	8	yes	Bob Lynch	5
2/14/10	1428	N N	ON	NO	8	yes	Bob Lynch	51
2/14/10	1556	N N	ON	N	8	yes	Bob Lynch	51