



GEORGIA

DEPARTMENT OF NATURAL RESOURCES

ENVIRONMENTAL PROTECTION DIVISION

Jeffrey W. Cown, Director

Southwest District
2024 Newton Road
Albany, Georgia 31701
229-430-4144

November 12, 2024

Mr. Tony Kincaid
Tkincaid1967@gmail.com

RE: Notice of Violation
Parcel No. 015 32 000 and Parcel No. 051 15 015
Berrien County, Georgia

Dear Mr. Kincaid:

On October 29, 2024, representatives from the Georgia Environmental Protection Division (Division) investigated multiple complaints alleging open dumping of soybeans, hay bales, chicken litter, and tree and limb debris at the above referenced properties (Sites). Division representatives observed multiple piles of soybeans, chicken litter, hay bales and a massive pile of tree and limb debris. The Georgia Rules for Solid Waste Management (Rules) requires that for those materials to be considered recovered materials and exempt from regulation as solid wastes, those materials must have a known use, reuse, or recycling potential; must be feasibly used, reused, or recycled; and must have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing (Rule Section 391-3-4-.04(7)(a)). Active composting is a demonstration of use, reuse, or recycling potential; stockpiling materials that are not being composted is not.

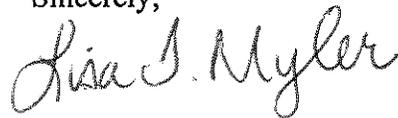
Further, Rules Section 391-3-4-.04(7)(c) states that a recovered material is not accumulated speculatively if the person accumulating it can show that there is a known use, reuse, or recycling potential for the material, that the material can be feasibly sold, used, reused, or recycled and that during a twelve (12) month period, seventy-five percent (75%), by weight or volume, of the recovered material stored at a facility is recycled, sold, used, or reused. Any material that is accumulated speculatively and not in accordance with these requirements must be handled as solid waste.

You stated that you intend to begin a composting operation at the Sites. Rules Section 391-3-4.16(5)(e) states that chicken litter is a Category B feed stock that requires a Class 3 Solid Waste Handling Permit (SWHP). Rules Section 391-3-4-.02(1) states, no person shall engage in solid waste handling or construct or operate a solid waste handling facility, except those individuals exempted from the provisions of the Georgia Comprehensive Solid Waste Management Act, under the provisions of O.C.G.A. 12-8-30.10 or O.C.G.A. 12-8-40 or those individuals who have a Permit-by-Rule (PBR) under Rule 391-3-4-.06, without first obtaining a permit from the Director authorizing such activity. This Notice of Violation (NOV) is issued for accepting manure prior to applying for a SWHP.

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You are requested to either remove the chicken litter from the Sites or land apply at agronomic rates within sixty (60) days of the date of this letter. Additionally, you have thirty (30) days from the date of this letter to submit a (PBR) application for the remaining recovered materials staged at the Sites. Please contact the Department of Agriculture for questions about applying at agronomic rates. Please contact Sarah Knapp or Richard Posey with permitting questions. If you have any other questions or concerns, please contact this office at (229) 430-4144.

Sincerely,



Lisa T. Myler, P.E.
District Manager

LTM/ns

cc: Dwight Canton, Property Owner (dwight@marsrecylers.com)
Courtney Wilson (Courtney.wilson@agr.georgia.gov)
Cameron Garret (cameron.garret@agr.georgia.gov)
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