

Inspection Date 07/11/2023



**Region 6 - Enforcement & Compliance Assurance Division
INSPECTION REPORT**

Inspection Date(s):	07/11/2023	
Media Program:	Water	
Regulatory Program(s)	CAFO	
Company Name:	[REDACTED]	
Facility Name:	[REDACTED]	
Facility Physical Location:	[REDACTED]	
(city, state, zip code)	[REDACTED] AR [REDACTED]	
Mailing address:	[REDACTED]	
(city, state, zip code)	[REDACTED] AR [REDACTED]	
County/Parish:	Howard	
Facility Phone Number	[REDACTED]	
Facility Contact:	[REDACTED]	Owner
FRS Number:	360154 [REDACTED]	
Identification/Permit Number:	ARU00 [REDACTED]	
Media Identifier Number:	N/A	
NAICS:	112210	
SIC:	0213	
Personnel participating in inspection:		
[REDACTED]	Owner	Owner
Lucas Bomar	EPA/6ECAD-AA	Inspector
Juan Ibarra	EPA/6ECAD-AA	Inspector
Monica Hancock	AR Dept of Ag	Inspector
Richard Gray	JBS (Integrator)	Environmental Manager
EPA Lead Inspector Signature/Date		
	{Inspector name}	Date
Supervisor Signature/Date		
	{Supervisor name}	Date

Section I – INTRODUCTION

PURPOSE OF THE INSPECTION

EPA Region 6 inspectors Juan Ibarra and Lucas Bomar, accompanied by Monica Hancock of the Arkansas Department of Agriculture, arrived at [REDACTED] at 1130 on July 11, 2023, for an announced inspection (due to JBS biosecurity farm sequencing requirements). We met with [REDACTED] owner and Mr. Richard Gray/JBS Environmental Manager at the Opening Conference. I presented my credentials to [REDACTED] and informed him that this was an EPA inspection to determine the facility's compliance status with the requirements of the Clean Water Act (CWA) and the National Pollutant Discharge Elimination System (NPDES) Concentrated Animal Feeding Operation (CAFO) regulations stipulated within the facility's Arkansas Department of Environmental Quality (ADEQ) Regulation No. 5 AFO general permit. The scope of the inspection included a compliance evaluation of the facility's site operations, lagoon management, nutrient management plan, and record keeping requirements of their ADEQ permit. Close observation of the land application fields was not possible due to the heavy rain that occurred the morning of the inspection. For biosecurity purposes, the inspectors walked the site on foot and wore the JBS required Tyvek suits and over-boots. There were no other biosecurity or disease issues of concern at the farm.

Additionally, I separately met with an anonymous complainant prior to the inspection, just off the farm property, to discuss concerns that he had with a discharge of an unknown source. I also presented my credentials to the complainant at which time he described what he had previously witnessed as visibly contaminated water in [REDACTED] on 6-20-2023. He noted a discoloration of the creek (at approximately [REDACTED] at a location approximately 1/4 mile upstream of [REDACTED] [REDACTED] swine farm. No source of discharge from the farm was apparent at the time of the inspection and the creek was running clear at the time of the inspection.

FACILITY DESCRIPTION

[REDACTED] has a current ADEQ permit [REDACTED] for 720 sows and 900 wiener pigs contained within three barns. [REDACTED] reported that at the time of the inspection that he had approximately 700 sows and 1000 wiener pigs. The piglets are raised to about 3 weeks of age, at which time they are shipped to the Missouri or Iowa for finishing. The sows are bred about 2.5 times per year on a rotating sequence of approximately every four weeks.

The farm's three barns are flushed once per day using lagoon recycled water; however, the farm does have access to fresh water. The flush water drains within each of the barns (toward the east end) to a concrete catch basin which then channels the wastewater to the single lagoon through an 8" drainage pipe. The lagoon has a design capacity for 221,380 cubic feet with an additional 1.7 feet of freeboard. The farm also has five land application fields totaling 105.3 acres. Land application is made by a traveling reel gun, or a

tanker truck for times when an agitator is used to slurry and remove solids from the lagoon (approximately every five years).

The farm has a Certified Nutrient Management Plan (CNMP) dated 1/13/2017. It was written by the NRCS. The Arkansas Department of Agriculture will assume ADEQ's responsibility for Regulation No. 5, which will include permitting, inspecting and enforcement of AFO lagoon systems on 8/1/2023.

Section II – OBSERVATIONS

The farm's physical grounds appear well managed, clean, and organized with no apparent deficiencies noted during the inspection. Many of the CNMP records for facility inspections and maintenance are maintained on-site; however, [REDACTED] reported that he had a second book which contained some of the required records and they were not available at the time of the inspection. [REDACTED] had to submit several records from this second book, including the 2021 and 2022 Annual Reports, last wastewater analysis, and pounds of nitrogen and phosphorus applied in 2022 to me by email, as he did not have those present in the CNMP during the inspection. Also, ADEQ reported to me by email that they did not have a record of [REDACTED] submitting the required 2021 and 2022 annual reports to ADEQ.

The land application records for wastewater land application were reviewed for years 2022 and 2023 (see Photos 3-4). JBS also requires that their contract farms provide monthly report detailing the lagoon level; however, there was no written documentation of these lagoon level readings in the CNMP, as they are not required by the ADEQ Regulation No. 5.

The agronomic rate calculations have been done based on the 2013 CNMP which allowed up to 1.37 MG of applied wastewater. At the time of the inspection, the farm was awaiting an update to the CNMP with a revision of how much wastewater can be applied. Therefore, land application is being done using 10-year-old nutrient management data. The farm has reported that they are awaiting a revision of the CNMP. For the year 2022, the farm applied 875,000 gallons of wastewater to [REDACTED] field (see Photo 3), which according to Part II, Paragraph 7 falls within the allowable 34,000 gallons of wastewater applied per acre per year.

Additionally, the P-Index was rated as "Low" when it was first developed in 2013 and allowed for additional application of wastewater containing phosphorus. An update to the P-index should be done to provide a current index. The farm was maintaining daily land application irrigation records which are submitted to the ADEQ in the annual report.

The lagoon (see Photo 1) has a pole marker, and the level was below the 25-yr/24-hr event mark. The embankment appears well vegetated, and there was no evidence of a discharge. The available freeboard is estimated to be approximately four feet. Mortalities are managed using an incinerator, and the ash is land applied as well.

Section III – AREAS OF CONCERN

AO1: The agronomic rate at which wastewater and nutrients are applied needs to be updated from the 2013 CNMP. Revisions to the rates of land application need to reflect recent soils analysis (within the

previous five years) and wastewater analysis (within the previous year). During the inspection, the owner stated that he applied for a revision to the CNMP, and that he was in line to get that done, but that the Conservation District nutrient planner was behind schedule.

AOC 2: All records must be made available at the time of the inspection, including the 2021 and 2022 Annual Reports, last wastewater analysis, and pounds of nitrogen and phosphorus applied in 2022. This was supplied to me by email on 8-1-2023, as described below in the Follow-Up Section.

AOC 3: The P-Index needs to be updated to reflect current soils analysis data. Soils testing is required every 5 years, and the P-Index should be updated during the next CNMP update cycle.

Section IV – FOLLOW UP

During the inspection, [REDACTED] did not have records of the 2021 and 2022 Annual Reports and the latest wastewater analysis (which he received from the lab on 7-12-2023) was not available on-site [REDACTED] submitted these three reports to me by email on 8-1-2023.

Section V – LIST OF APPENDICES

Appendix 1 – Photo Log – Eight photos taken 7/11/2023, and a Digital Globe aerial photograph