



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

Date: *Dated as shown on electronic signature(s)*

Subj: Inspection Report
Clean Water Act - National Pollutant Discharge Elimination
System ("NPDES")
Magnan Bros Dairy, Inc

From: Andrew Spejewski, Inspector

**ANDREW
SPEJEWSKI**

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SPEJEWSKI
Date: 2022.12.12 15:36:52
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Thru: Todd Borci

To: File

I. Facility Information

A. *Facility Name:* Magnan Bros Dairy, Inc

B. *Facility Location:* Main Farm:
1376 Chester A Arthur Rd
Fairfield, VT 05455

C. *Facility Contacts:* Mark Magnan, owner
802-782-0393, mwmagnan@gmail.com

Jonathan Chamberlain, Bourdeau Brothers, Inc.
Nutrient Planner for the farm

D. *NPDES ID No(s):* None currently

II. Background Information

A. *Date(s) of inspection:* October 13, 2022

B. *Weather Conditions:* Clear, dry

C. *US EPA Representative(s):*
Andrew Spejewski

D. State/Local Representative(s):
Clarice Cutler, VT DEC

E. Federally Enforceable Requirements Covered During the Inspection:

F. Previous Enforcement Actions:
No known federal actions

III. Type and Purpose of Inspection

Evaluation of whether a discharge is occurring or has occurred, under CAFO regulations

IV. Facility Description

The main farm includes a large barn to the southeast, a large manure pit in the center, a smaller manure pit south of that, several other buildings around the large central manure pit, and a large feed bunker to the west. Across the street (to the north) are several outbuildings and a pit for runoff from the bunker. [See attached map, taken from a Vermont Agency of Agriculture, Farms and Markets inspection report]

The operation includes two satellite farms: Stonehouse Farm at 124 Stonehouse Dr and the Burnor Farm at 4883 VT Route 36.

The Stonehouse farm includes a barn and several other structures, with a large pit down a slope to the north, and a feed bunker to the south.

The Burnor Farm includes a barn with a small currently unused feed bunker between the barn and the road, and a large in-use manure pit behind the barn to the north.

V. Inspection

The inspection was arranged two days ahead of time through Mr. Chamberlain. By arrangement, Mr. Spejewski, Ms. Cutler and Mr. Chamberlain met at 9:00 AM at the main farm.

A. Opening Conference

Mr. Chamberlain met the inspectors and told them Mr. Magnan was busy in the barn but would join them soon. The inspectors and Mr. Chamberlain briefly discussed the inspection. After a few minutes, Mr. Magnan came out and met the group.

Mr. Spejewski presented Mr. Magnan with his credential and a copy of the Small Business Resources Information Sheet. After a short discussion about the farm operations, Mr. Magnan agreed to let the inspectors tour the facility (and the satellite

farms) accompanied by Mr. Chamberlain. The inspectors said they would talk with Mr. Magnan before they left the main site. Mr. Magnan then left the group.

Mr. Chamberlain said that they farm was currently cutting hay and corn, and had not spread any manure in several weeks, since just after the last hay cut.

Mr. Chamberlain said that the farm hired a contractor to spread manure, and the contractor kept records on-line. Mr. Chamberlain said there was no data service for his cell phone at the main farm, so he couldn't immediately show spreading records, but could send them after the inspection. Mr. Spejewski said that he would contact Mr. Chamberlain to request what specific records he wanted to review, which Mr. Chamberlain agreed to.

Mr. Spejewski asked why the estimated manure production in the last Nutrient Management Plan was about 15 million gallons, but total manure spread and exported only was about 10 million gallon. Mr. Chamberlain said he was unaware of any particular issue, and assumed the difference was low rainfall and other year-to-year variations.

B. Facility Tours

1, Main Farm

Mr. Spejewski, Ms. Cutler and Mr. Chamberlain toured the main farm. After touring the main farm, they briefly met with Mr. Magnan [see closing conference below] then left to tour the Burnor and Stone House sites.

At the main farm, the pit across the road to the north had somewhat clear water. According to Mr. Chamberlain, it took drainage from the silage bunker area, rather than manure. The pit was near full. The north bank, the lowest, was covered in vegetation, extending into the water, so it was difficult to determine an exact amount of available space. A rough estimate was 12 – 18” of remaining freeboard.

There were several other small sheds and buildings north of the road, but they did not appear to have any significant animal-handling or feed-storage areas.

West of the main farm buildings are two feed bunkers side-by-side; formed by concrete walls on three sides, open to the west. The land slopes down from the main buildings, so the floor of the bunkers is well below the main farm, and the tops of the concrete walls are about at the level of the main farm buildings.

An access drive runs down along the north side of the bunkers; it is sloped to direct flow down the south side of the drive and into the bunker collection system.

The bunker collection system includes a large screen, a concrete collection/settling tank and pumps to direct flow back across the road to the silage pit. A pipe discharges into the collection tank; Mr. Chamberlain said it was from a drain from the feed bunkers.

Mr. Chamberlain also pointed out a culvert discharge to the west; he said this collects water from the other side of the farm and runs completely underneath the farm, so the discharge should be uncontaminated. The culvert discharge was not observed.

Towards the southwest of the main farm, a large (apparently several thousand gallon) fuel tank was sitting on a bed of gravel, with the bottom of the tank unobservable. The tank appeared to be double-walled. Some staining of the gravel near the fill-port could be seen.

At the southwest corner of the main farm was the mortality pile. West of the pile was a moderately steep slope down to the west. The northern half of the slope was a corn field, and the southern half grass. A slight channel led west down the hill between the two halves. The channel was mostly vegetated. The channel appeared to run into a flat area of grass and dissipate about fifty yards before a stream.

The large and small manure pits were both nearly full. There were no depth markers, but both appeared to be within a foot of overtopping the edges.

There was some signs of manure on the ground near the large pit, apparently from a spill. This area drained back into the large pit.

2. Burnor Farm

Note that the Burnor and StoneHouse farm tours took place after the closing conference with Mr. Magnan.

The Burnor Farm includes a barn just north of the road, and a manure pit north of the barn. Mr. Chamberlain said that the piles of compost just north of the farm and accessed from the farm driveway were a separate operation, run by a composting company.

The manure pit was at the top of a slope down to the north; the north wall was a high dirt berm. There was freeboard of about ten feet in the pit.

The north wall of the pit was part of a field where cows were being pastured, with paths worn across the outer edge of the wall.

3. StoneHouse Farm

The Stonehouse farm includes a barn, several smaller structures around a gravel yard, and a pit north of the barn. The pit is down a short slope to the north. There appeared to be about five feet of freeboard.

C. Records Review

No records were reviewed during the inspection.

D. Closing Conference

After touring the Home Farm, Mr. Spejewski, Ms. Cutler and Mr. Chamberlain briefly met with Mr. Magnan. Ms. Cutler expressed concern about the level of the pits at the home farm; Mr. Magnan said there was room at the other facilities to store manure if necessary.

Mr. Spejewski pointed out that the large fuel tank was designed to be installed on a cradle or otherwise supported above ground level, and that installing it on the ground could lead to increased chance of corrosive failure, but more importantly made it impossible to properly inspect the tank for signs of corrosion.

Mr. Spejewski departed at approximately 10:40 from the Stonehouse farm.

Picture List:

IMG_2758.JPG	Pit north of road, facing north
IMG_2759.JPG	Facing west over pit north of road (showing inlet pipe)
IMG_2760.JPG	Facing east-southeast over pit north of road
IMG_2761.JPG	Leachate collection system inlet
IMG_2762.JPG	South feed bunk (facing east)
IMG_2763.JPG	Leachate collection, secondary inlet
IMG_2764.JPG	Facing east up drive to north of hay bunk
IMG_2765.JPG	Facing south from top of feed bunks
IMG_2766.JPG	Home farm large pit
IMG_2767.JPG	Home farm small pit
IMG_2768.JPG	Home farm small pit and portion of barn
IMG_2769.JPG	Mortality pile
IMG_2770.JPG	Mortality pile, west edge
IMG_2771.JPG	Facing west down slope from mortality pile
IMG_2772.JPG	Fuel tank, north of mortality pile
IMG_2773.JPG	Facing west along south edge of main barn
IMG_2774.JPG	Facing south to south edge of main barn
IMG_2775.JPG	Southeast side Main barn (between north and south sections)
IMG_2776.JPG	Culvert inlet, north of main barn
IMG_2777.JPG	Burnor pit, facing north
IMG_2778.JPG	North outer wall of Burnor pit, facing west
IMG_2779.JPG	Facing southwest over Burnor pit
IMG_2780.JPG	Oil tank at Stone House farm
IMG_2781.JPG	Stone House manure pit

END

Unless otherwise noted, this report describes conditions at the facility/property as observed by EPA inspector(s), and/or through records provided to and/or information reported to EPA inspector(s) by facility representatives and as understood by the inspector(s). This report may not capture all operations or activities ongoing at the time of the inspection. This report does not make final determinations on potential areas of

concern. Nothing in this report affects EPA's authorities under federal statutes and regulations to pursue further investigation or action.