



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Report Title: Clean Water Act Compliance Inspection Report
Inspection Date(s): 06/23/2022
Regulatory Program(s): National Pollutant Discharge Elimination System (NPDES)
Type of Activity: CAFO
Site/Facility Name: Scattered Acres Farm
Permittee(s): Scattered Acres Farm
Site/Facility Operator: David Zimmerman
Site/Facility Address: 900 Galen Hall Road
Reinholds, PA 17569
Latitude: 40.283333 **Longitude:** -76.104167
County/Parish: Lancaster
General Permit #: PAG-12
Site Specific Permit #: PAG123766
NAICS Code: 121111 **SIC:** 0212
Unique Project #: 3E22WN067A

Site/Facility Representative(s): **Point of Contact**
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Unique Project#: 3E22WN067A

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List of Attachments

- Attachment A: Photo Log
- Attachment B: Nutrient Management Plan
- Attachment C: National Oceanic and Atmospheric Administration Storm Interval Data
- Attachment D: Pennsylvania Department of Environmental Protection April 2022 Inspection
- Attachment E: NPDES Permit

I. Introduction

On June 23, 2022, an inspection team composed of staff from the U.S. Environmental Protection Agency (EPA) Region III (hereinafter, “EPA Inspection Team”) met with David Zimmerman at Scattered Acres Farm in Reinholds, Pennsylvania. The EPA Inspection Team was conducting an inspection of the farm to assess its compliance with its NPDES General Permit No. PAG123766 (hereinafter, the “Permit”).

A. Inspection Opening Conference

The EPA Inspection Team arrived at the site at approximately 10:00 AM for the announced inspection. The EPA Inspection Team met several a few representatives of the farm and were led on the inspection by David Zimmerman. The EPA representatives listed below were at the site for the inspection:

Table 1. EPA Representatives

Name	Agency	E-mail
Peter Gold	EPA	Gold.peter@epa.gov
Eddie Simas	EPA	Simas.Edward@epa.gov
Angela Weisel	EPA	Weisel.Angela@epa.gov

B. Weather and Precipitation Conditions

During the inspection, weather was overcast and raining in the morning. National Oceanic and Atmospheric Administration (NOAA) National Weather Service precipitation data for the date of the inspection and 4 days prior are provided in Table 2 below:

Table 2. Precipitation Data

Station Name	Date	Precipitation Amount (inches) ¹
Adamstown 2.5 SSE, PA US US1PALN0003	06/19/2022	0.00
Adamstown 2.5 SSE, PA US US1PALN0003	06/20/2022	0.00
Adamstown 2.5 SSE, PA US US1PALN0003	06/21/2022	0.00
Adamstown 2.5 SSE, PA US US1PALN0003	06/22/2022	0.00
Adamstown 2.5 SSE, PA US US1PALN0003	06/23/2022	1.15

¹ Source: NOAA National Climatic Data Center (<http://www.ncdc.noaa.gov/>).

C. Summary of the Site/Facility

Scattered Acres is a dairy farm with a farmstead encompassing 13.1 acres. The farm has 56.5 crop acres on which corn silage is grown and 26.9 acres in which hay is grown.

II. Site/Facility Activity

Scattered Acres operates a dairy farm with 707 Holstein cows. According to the Nutrient Management Plan (NMP), in addition to the dairy cows there are 70 dry cows, 50 bred heifers, 40 pre-fresh cows, and 160 calves. At the time of the inspection there were a total of 824 cows and 151 calves at the farm. Scattered Acres is a large, concentrated animal feeding operation (CAFO) as defined in Section II Definitions of the Permit which classifies a dairy with over 700 mature dairy cows as a large CAFO.

Scattered Acres Farm has four barns on the site according to the NMP. The Main Barn and Holding Area are on one side of Galen Hall Road and two calf barns are located just across the street. The Main Barn and Holding Area both have slatted floors and manure storage under the barn (underhouse). The underhouse storage for the main barn has a capacity of 2,915,590 gallons and its dimensions are 373'x112'x10' based on the NMP. The storage area underhouse for the Holding Area is 373'x12'x10' according to the NMP with a capacity of 304,420 gallons.

The floor in the calf barn is not slatted and there is no manure storage beneath the barns. The barns are broken into smaller pens. When the calves are moved to a new pen, the pen is cleaned out and manure and bedding is staged/stacked on an uncovered concrete pad for up to 15-days before it is moved, exported or applied to on-site crop fields. The storage is open-air and is exposed to the elements.

Scattered Acres also has Round Tank Manure Storage. This open-air storage receives wash-water from the milking parlor and low flow silage leachate from the silage bunkers. According to the NMP this structure is 70'x12' and has a capacity of 316,000 gallons. The dimensions and capacities can be found on Page 2 of Appendix 2 within the NMP.

Farm mortalities are composted on site in an open area behind the Main Barn. This is an open, unroofed composting operation.

Scattered Acres also has a 250' x 150' silage bunker. The bunker is split into three sections. Unused feed/silage is covered to protect from stormwater. There is also a high/low flow leachate collection system. During low flow events, silage leachate would be directed to the Round Tank Manure Storage. During high flow events, flow from the silage leachate area would be discharged to a crop field with the potential to discharge to the Unnamed Tributary to Little Cocalico Creek.

The photographs for this report were taken with two cameras as one of the camera batteries ran out during the inspection. The camera-generated file name is used to identify each photo in the observations section of this inspection report. Unused photos are digitally stored and maintained in the inspection file. Unused photos are available upon request.

III. Observations

The following section summarizes the EPA Inspection Team's observations relative to the farm inspection. Scattered Acres is an NPDES permitted facility and operations were compared with permit requirements. There was slightly over an inch of precipitation in the area at the time of the inspection and stormwater runoff was therefore observed during the inspection.

Ensuring Adequate Storage of Manure in NMP

Part C.I.A.1 of the Permit states "The permittee shall implement a site-specific NMP for the land application of manure that is approved by the State Conservation Commission or delegated county conservation district and meets the requirements of 25 Pa. Code Chapter 83, Subchapter D and 40 CFR 122.42(e)(1)(i-ix)....."

Federal regulations at 40 CFR 122.42 require the NMP to ensure adequate storage of manure, litter, and process wastewater including procedures to ensure proper operation and maintenance (O&M) of the storage facilities.

25 Pa. Code Chapter 83, Subchapter D 83.281.a.9.b.6 the NMP maps should include "The location of proposed or existing structural BMPs, including manure storage facilities on the operation." 25 Pa. Code Chapter 83, Subchapter D 83.281.a.9.b.6 the NMP maps should include "The location of proposed or existing emergency manure stacking areas or in-field stacking locations."

Observation #1:

The EPA Inspection Team was unable to find the stacking/staging of manure and bedding from the calf barn pens on the concrete pad in front of the Calf Barns in the NMP or on the NMP Maps (Appendix B – NMP Operator Map). The EPA Inspection was unable to find the storage capacity of this feature in the NMP. Page 1 of the Additional Nutrient Management Plan Requirements states "There are no plans to field stack manure." The Facility Operators informed the EPA Inspection Team that this material does not stay on the pad for over 15 days but it was common practice for the bedding and manure from the calf pens to be stored on this concrete pad. On the morning of the inspection, there was a 1.15" rainfall event and there was evidence of stormwater channels in the manure and bedding waste pile. If material from this storage area would be entrained in stormwater runoff, there is the potential for it to migrate through the paved driveway and roadway and eventually to the Unnamed Tributary to Little Cocalico Creek. Photographs IMG_2476 and IMG_2479 of Appendix A document the conditions observed at the time of inspection.

Potential Discharge from a Manure Storage Facility

Part C.V.A.1 of the Permit states "... Manure storage facilities must be structurally sound, watertight, and located and sized properly to prevent discharges to surface waters for any storm up to and including the design storm event identified in Part A.1.A of the general permit."

Observation #2:

The EPA Inspection Team did not observe a cover, berms or collection devices around the manure and bedding pile by the Calf Barns. The EPA Inspection Team observed stormwater channels in the manure and bedding waste pile on the concrete pad in front of the Calf Barns. If material from this storage area would be entrained in stormwater runoff, there is the potential for it to migrate through the paved driveway and roadway and eventually to the Unnamed Tributary to Little Cocalico Creek. Photographs IMG_2476, IMG_2479, IMG_2486 of Appendix A document the conditions observed at the time of inspection. An aerial photograph of the farm has been included in Appendix A showing potential drainage paths from the Calf Barn manure and bedding storage pad.

Prevention of Discharges from Feed Storage

Part C.VI.A of the Permit states “The permittee shall implement measures and/or BMPs to prevent the discharge from raw material storage to areas, including feed storages, to surface waters.”

Observation #3:

The design storm event identified in Part A.1.A of the permit is a 25-year/24-hour storm event. The National Oceanic and Atmospheric Administration’s 25-year/24-hour storm event for Ephrata, PA is 4.63” inches. On the morning of the inspection, there was a 1.15” rainfall event which is below the design storm event.

The EPA Inspection Team observed stormwater and/or process wastewater discharged from the High Flow Low Flow Leachate Collection system by the silage area. The discharge was being sent to a crop field which was within approximately 220 feet from the Unnamed Tributary to Little Cocalico Creek based on a 2018 Google Earth image. There was silage observed on the pavement beyond the silage storage facility. One of the walls of the silage storage facility was tearing away from the others creating a crack in the structure and potentially allowing stormwater and silage to mix and discharge process wastewater directly to a crop field and the Unnamed Tributary, circumventing the collection system. Photographs IMG_2440, IMG_2442, IMG_2452, IMG_2452, IMG_2453, IMG_2455, IMG_2461 and IMG_2463 of Appendix A document the conditions observed at the time of inspection.

Runoff from the Compost Area**Observation #4**

At the time of the inspection, it appeared that stormwater and/or process wastewater flow from the compost area may have been migrating to the front of the compost area and down a dirt access road/trail which leads to a tributary to Little Cocalico Creek.

At the time of the inspection, stormwater and/or process wastewater was observed pooling and discharging to the front of the composting pile. The Operator Map in the NMP shows the vegetative treatment area for the composting pile in the rear of the compost pile and surrounding three sides. If the stormwater and/or process wastewater drained to the front of the compost pile it could potentially circumvent the vegetative

treatment area. Photographs P6230050, P6230055 and P6230055 of Appendix A document the conditions observed at the time of the inspection.

According to the NMP, there should be a vegetated treatment area to the east of the composting area where the access road is located.

IV. Records Review

The Inspection Team reviewed the Permit, the April 2022 PA DEP Inspection, and the site's NMP.

V. Closing Conference

There was a closing conference held with the operator where the preliminary observations of the inspection were discussed.