

REPORT OF CONCENTRATED ANIMAL FEEDING OPERATION INSPECTION

At

Gardner Growers I
85850 586th Avenue
Wakefield, Nebraska 68784
(402) 287-5062

Facility IIS# 65440
State Permit # NE0136301

On

August 13, 2024

By

U.S. ENVIRONMENTAL PROTECTION AGENCY
Region 7
Environmental Services Division

1.0 INTRODUCTION

I performed a Concentrated Animal Feeding Operation (CAFO) inspection at the Gardner Growers 1 poultry facility, on August 13, 2024. This inspection was performed pursuant to Section 308(a) of the Federal Water Pollution Control Act, as amended. This narrative report and attachments present the findings and observations made during the inspection.

2.0 PARTICIPANTS

Gardner Growers I: (GGI)
Ray Stanley, Pullet Operations Manager
Rod Nixon, By-Products Manager
Email: Rod.Nixon@MichaelFoods.com

U.S. Environmental Protection Agency (EPA):
Adam Hendrickson, Physical Scientist (Lead Inspector) (913) 551-7253
Email: hendrickson.adam@epa.gov
Zachary Leibowitz, Physical Scientist

Nutrient Advisors, LLC (Consultant):
Andy Scholting, President
Email: andy@nutrientadvisors.com

Nebraska Department of Environment and Energy (NDEE):
Derek Schreiter, Environmental Specialist III

3.0 INSPECTION PROCEDURES

I contacted Mr. Ray Stanley on August 12, 2024, to set up an inspection of the Gardner Growers poultry facility. We agreed to meet at 9:00 a.m. on August 13, 2024, at the Micheal Foods, Inc. main office in Wakefield, Nebraska. I also stated that I would have Mr. Leibowitz from the EPA with me along with two NDEE inspectors.

I conducted a visual reconnaissance of the facility on August 12, 2024, prior to performing the visual inspection. I searched for areas of concern observable from 586th Avenue such as discharges, drainage patterns, flow directions, distance and direction of nearest perennial waters, visual condition of perennial waters, facility location and layout. I did not observe any areas of concern during the visual reconnaissance. The facility is located approximately two miles east and ¼ mile north of Wakefield, Nebraska, on 586th Avenue. The pullet grower operation is positioned directly east of 586th Avenue and ¼ mile north of 858th Road. A slight ridge runs along the north end of the two high rise production buildings and the facility slopes both northwest and southwest. A storm water drainage way is located along the north end of the facility. The storm water drainage way flows northwest approximately ½ mile to an unnamed tributary. The unnamed tributary flows southwest for approximately ½ mile before flowing into Logan Creek Dredge. Logan Creek Dredge was observed flowing at the time of the inspection and is identified as perennial waters per the USGS topographic maps.

Mr. Leibowitz and I met with Mr. Schreiter and Ms. Kammerer from NDEE in Wakefield, Nebraska and proceeded to the Micheal Foods, Inc. main office. We arrived at the facility at approximately 9:00 a.m. and met with Mr. Stanley, Mr. Nixon, and Mr. Scholting. I presented my credentials and explained both the purpose of the inspection and the procedures I would follow during the inspection to Messrs. Stanley, Nixon, and Scholting. Mr. Stanley stated he was pullet operations manager and Mr. Nixon stated he was the by-products supervisor, both for the main facility and surrounding facilities which included the Gardner Growers 1 (GG1) facility located on 586th Avenue. Mr. Scholting stated he was an agronomist working for Nutrient Advisors, LLC and is a consultant for Michael Foods, Inc. which includes the GG1 facility located on 586th Avenue. I explained the Region 7 bio-security protocols to Messrs. Stanley, Nixon, and Scholting and informed them I would not need access to the interior of the facility buildings to perform my inspection. I told Messrs. Stanley, Nixon, and Scholting that we had not been to any other facilities in that week, and that we would park at the entrance to the facility to further protect the facility's biosecurity. Mr. Stanley and Mr. Nixon stated the EPA Region 7 bio-security protocol would be appropriate for the inspection. I then made Messrs. Stanley, Nixon, and Scholting aware of their confidentiality rights and informed them that a confidential business information notice, which Mr. Stanley reviewed and signed, would be provided at the end of the inspection to make any claims (attachment 7). Mr. Stanley made no confidential business information claims. Mr. Stanley and Mr. Nixon acted as the official facility representatives during the inspection. Messrs. Stanley, Nixon, and Scholting provided operational information and accompanied Mr. Schreiter, Ms. Kammerer, Mr. Leibowitz and me during the entire inspection. Mr. Scholting provided me with copies of facility records for review and provided additional waste management information during the inspection.

I explained to Mr. Springer that I would be conducting the CAFO inspection under the authority of Section 308(a) of the Federal Water Pollution Control Act to evaluate the facility's compliance status with the requirements of the CWA. I explained that the inspection would consist of a review of the facility operations, required records, waste generation and management practices, and a visual inspection of the facility. I stated that I would document my findings and observations by scanning documents, taking photographs and/or videos, and obtaining statements from facility staff.

After reviewing records and discussing facility management and procedures at the facility's offices, we drove to the Gardner Growers 1 facility. I conducted this inspection in accordance with the most current procedures described herein and the following EPA Region VII Standard Operating Procedures (SOPs), unless otherwise noted. I completed my inspection, and I summarized the findings and recommendations with Messrs. Stanley, Nixon, and Scholting during the exit briefing. No samples were taken during the inspection, and a Notice of Preliminary Findings (NOPF) was not issued during the inspection. Five photographs were taken during the inspection. See attachment 1 for the digital photograph log and photos #1 - #5, and attachment 8 for photo locations.

4.0 FACILITY DESCRIPTION

4.1 Facility Operations

The GG1 facility is located approximately two miles east and ¼ mile north of Wakefield, Nebraska, on 586th Avenue. The facility's physical address is 85850 586th Avenue, Wakefield, Nebraska 68784 and is within the Winnebago Indian Reservation boundary. The legal description for the facility is the NW¼ of the SW¼ of Section 35, in Township 27N, Range 05E, in Dixon County, Nebraska, within the Logan Creek Dredge watershed and the Elkhorn River basin.

Mr. Nixon and Mr. Stanley stated that the facility originally consisted of seven confinement buildings, but they were all destroyed during a tornado several years ago. The facility currently consists of approximately 40 acres, with approximately 20 acres utilized for two total confinement high rise production buildings for growing pullets that are then utilized off-site for their layer operation. The remaining acreage is grass and woods. The facility is fairly flat and there are no discernible drainage ways or flow run-off patterns but appears to slope both northwest and southwest. A slight ridge runs along the north end of the two high rise production buildings. Any storm water run-off or process wastewater generated from the facility would flow into a storm water drainage way and then northwest approximately ½ mile to an unnamed tributary. The unnamed tributary then flows southwest for approximately ½ mile before flowing into Logan Creek Dredge.

Mr. Stanley and Mr. Nixon stated the GG1 facility utilizes approximately seven full time employees, and their hours of operation are 24 hours/day, 7 days/week. Records showed that there were approximately 403,715 pullet chickens on site at the time of the inspection. The facility consists of two total confinement high rise buildings. Each building is split down the middle from north to south and has dedicated feed bins for each side. The east building is numbered 1 and 2 from east to west and the west building is numbered 3 and 4 from east to west. The two confinement buildings are each 80 feet (ft.) wide x 425ft. long. The feed bins are located

at the northeast and northwest corners of both buildings on concrete pads and are totally enclosed systems (photo 2). The pullets are grown in cages that are stacked on four levels within the confinement buildings and the confinement buildings utilize batteries of belts to collect the manure generated in the confinement buildings. The belts transport the manure to the south ends of the two buildings and then a belt at the south end of the two buildings is used to load the manure onto trucks at the southwest corner of each building (photos 3 and 4). The facility office and the maintenance building/garage are located north of the two high rise production buildings and storm water run-off flows from south to north from the office and garage area (photo 1).

Mr. Stanley and Mr. Nixon stated that the operation consists of GG1 receiving one day old chicks and placing them into the stacked cage system. The chicks are fed for fifteen to sixteen weeks at the facility and become pullets. The pullets are removed from the cages and relocated to a layer operation at a different facility. Manure is removed from the confinement buildings via the battery belt system and loaded directly into trucks on a concrete loading pad via a covered conveyer belt (photos 3 and 4). Mr. Stanley and Mr. Nixon stated the manure is normally hauled to local area fields and stockpiled in predetermined areas to be land applied and no manure is ever stockpiled at the facility. Mr. Nixon stated the manure stockpiles are located in strategic areas and bermed within a couple weeks to prevent storm water run-on and process wastewater run-off. Mr. Stanley and Mr. Nixon stated there are currently approximately 20 stockpiles. Mr. Stanley and Mr. Nixon stated all the manure is sold to local farmers and then land applied by facility staff utilizing a nutrient management plan (NMP) developed for multiple facilities owned by GG1's parent company M.G. Waldbaum Co. located in the Wakefield, Nebraska, area. Mr. Nixon stated the confinement buildings are swept and washed clean between each flock cycle. After the inspection at the facility, I inspected four of the stockpiles to ensure they were properly located and bermed.

GG1 sells/exports all the manure solids generated at the facility to M. G. Waldbaum Company and the manure is land applied utilizing an NMP developed for multiple facilities located in the Wakefield, Nebraska, area. The local area farmers sign a manure fertilizer sales agreement and the manure is delivered per the agreement. The amount of manure delivered is predetermined based on crop and soil needs and the number of loads delivered are tracked and documented. Mr. Stanley and Mr. Nixon stated mortalities are collected daily for rendering.

4.2 CAFO Status

GG1 is permitted along with other M.G. Waldbaum Company poultry facilities in the Wakefield, Nebraska area, and when combined with the company's other facilities has a maximum confinement capacity of 2,079,000 pullets. GG1 was issued a combined NPDES permit with M.D. Waldbaum's other facilities by the NDEE that became effective on October 17, 2019, and expires on October 16, 2024 (attachment 2). After a review of facility records and statements made by Messrs. Stanley, Nixon, and Scholting, I determined that GG1 has confined at least 125,000 (total) head of pullets/chickens for more than 45 days during the last 12-month period. Mr. Nixon estimated the number of pullets being fed at the facility to be approximately 403,715 on the day of the inspection. As a result of my observations, I determined that GG1 meets the definition of a large CAFO as it is defined in Title 40 of the Code of Federal Regulations, Part 122.23. Therefore, GGI must control all process wastewater generated from inside and outside the confinement buildings.

4.3 Regulatory History

The EPA last inspected the GG1 facility on April 26, 2018, and GG1 was found to be in compliance with their permit terms and conditions (attachment 3).

5.0 FINDINGS AND OBSERVATIONS

The EPA Region 7 Enforcement and Compliance Assurance Division (ECAD) requested a CAFO inspection to determine if Gardner Growers 1 is in compliance with the Clean Water Act.

On August 13, 2024, I inspected the Gardner Growers 1 poultry facility. The facility received approximately 0.02 inches of rain in the last 24 hours prior to the inspection. The weather conditions at the time of the inspection were cloudy with 9 mph east southeast winds and a temperature of 73°F. I met with Messrs. Stanley, Nixon, and Scholting and discussed operational processes being performed at the facility, performed a visual inspection of the facility and reviewed on site records being maintained by the facility. GG1 had approximately 403,715 pullets at the facility on the day of the inspection. The GG1 pullet grower operation is a large CAFO and is permitted along with additional production facilities in the Wakefield, Nebraska, area under the name of M.G. Waldbaum Company (MGW). MGW manages all the farming activities for Michael Foods, Inc. and all process wastewater and manure solids are exported to MGW to be land applied. MGW developed a nutrient management plan (NMP) and maintains all required records for the NMP. GG1 must control all manure solids/process wastewater generated at the facility. GG1 transfers/exports the manure solids/process wastewater to MGW and is required to maintain records that document the amounts, dates, and nutrient values of manure solids/process wastewater transferred to MGW. The permit ties MGW to the GG1 facility and an NMP is required by the permit when performing land application activities. MGW is responsible to maintain and manage any off-site manure stockpiles in the fields or at any authorized temporary manure stockpiles.

GG1 is required to maintain records to include documentation of inventory/mortalities, precipitation records, LWCF inspections, equipment maintenance records, and analyses of manure wastes. GG1 is also required to maintain manure transfer/export records to include the name of the person receiving the manure and the amount given, as well as providing the recipient a copy of the nutrient analysis. I conducted an initial on-site review of the facilities records and requested Messrs. Stanley, Nixon, and Scholting send me the 2023 Stockpiles document (attachment 4), the January weekly inspection worksheet (taken during inspection), and the 2023 land application records for four locations (attachment 5). On August 8, 2024, Mr. Scholting emailed me the requested documents. Mr. Stanley and Mr. Nixon stated that GG1 is completing the documents and performing inspection activities required by the permit, including daily inspection of water lines, and weekly inspections of all stormwater diversion devices and structures. Mr. Nixon and Mr. Stanley stated the temporary manure stockpiles are being inspected weekly and documented by MGW and I reviewed the records during the inspection. All documents reviewed in the onsite and post inspection review appeared to be completed correctly.

GGI transfers/exports the manure solids/process wastewater generated at the facility to MGW. MGW contracts with local area farmers and maintains signed manure fertilizer sales agreements

that identifies the fields and details how the manure solids/process wastewater is to be delivered and land applied. The amount of manure delivered is predetermined based on crop and soil needs and the loads delivered are tracked and documented. Messrs. Stanley, Nixon, and Scholting stated that the manure is currently being land applied utilizing the NMP developed for the multiple facilities located in the Wakefield, Nebraska, area. Mr. Nixon stated that MGW employees land apply the majority of the manure solids per the manure sales agreements/contracts and act as contract applicators. Mr. Nixon stated that the local area farmers own the land and determine which crops will be planted and when the manure solids is to be land applied. I completed an initial review of past land application records onsite and a further review of 2023 land application records offsite and no issues were noted. GGI/MGW is required to submit an annual report that details the facility production information, the amount of manure solids and process wastewater generated at the facility, total land application acres, total tons of manure applied and a summary of discharges if any. I reviewed the last five years of annual reports and scanned the 2023 annual report for reference (attachment 6). No issues were noted with the annual reports.

After the initial document review at the M.G. Waldbaum office, Messrs. Stanley, Nixon, and Scholting, NDEE personnel, and my EPA colleagues and I drove to the Gardner Growers 1 poultry facility and parked at the entrance. During the inspection I walked around the perimeter of the facility along with around both of the facility's confinement high rise production building. Mr. Nixon stated the houses are washed down once a flock approximately once every 15 weeks. I observed the facility's feeders (photo 2), the outside portion of the outside manure conveyer belt (photo 3), and the manure loading pads (photos 3 and 4). I did not observe any manure around the facility and the area appeared to be well maintained at the time of the inspection.

Mr. Nixon stated there are currently approximately 20 manure stockpiles from M.G. Waldbaum facilities located around the Wakefield area. Mr. Nixon stated that within a couple weeks of the beginning of the stockpile it is fully bermed until the pile is spread on a crop field. The facility inspects every stockpile at least every week. We inspected the closest stockpile (photo 5) with facility personnel and afterwards inspected three other stockpiles with just EPA personnel. All the stockpiles inspected appeared adequately placed and bermed.

6.0 SUMMARY

The Gardner Growers 1 facility is located approximately two miles east and ¼ mile north of Wakefield, Nebraska, on 586th Avenue and is within the Winnebago Indian Reservation boundary. GG1 is permitted and has a maximum capacity of 420,000 pullets. The NDEE facility IIS# is 58283. GG1 meets the definition of a large CAFO as it is defined in Title 40 of the Code of Federal Regulations, Part 122.23 and must control all process wastewater generated from inside and outside the confinement buildings. The GG1 pullet grower operation is permitted along with additional production facilities in the Wakefield, Nebraska, area under the name of M.G. Waldbaum Company. MGW manages all the farming activities for Michael Foods, Inc. and all process wastewater and manure solids are exported to MGW to be land applied utilizing an NMP. I reviewed facility paperwork, observed the perimeter of the entire facility during the visual inspection, and observed manure stockpiles I did not observe evidence of current or past discharges from the facility. No notice of preliminary findings was issued to GG1 at the time of the inspection.

ADAM
HENDRICKSON
Adam Hendrickson
Physical Scientist

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JOSEPH
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Joe Heafner
Acting Section Supervisor

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ATTACHMENTS:

1. Digital Photograph Image Chain of Custody/Photo Log and Photos #1 - #5 (6 pages)
2. NDEE NPDES Permit NE0136301 (30 pages)
3. 2018 EPA Inspection Report (116 pages)
4. 2023 Manure Stockpiles Worksheet (2 pages)
5. 2023 Land Application Records (38 pages)
6. 2023 Annual Report (1 page)
7. Confidential Business Information notice (1 page)
8. Site Map with Photo Locations (1 page)