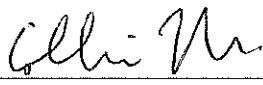
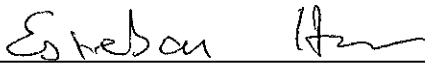




**Region 6 Compliance Assurance and Enforcement Division
INSPECTION REPORT**

Inspection Date(s):	10/25/18		
Media:	Water		
Regulatory Program(s)	NPDES		
Company Name:	N/A		
Facility Name:	XXX Dairy		
Facility Physical Location:	15280 TX-16, (31.966333, -98.562971)		
(city, state, zip code)	Comanche, TX 76442		
Mailing address:	PO Box 461		
(city, state, zip code)	Comanche, TX 76442		
County/Parish:	Comanche County		
Facility Contact:	Wayne Moerman	Owner	
	Consultant email: manureisgood@yahoo.com		
FRS Number:	N/A		
Identification/Permit Number:	TXG920040		
Media Number:	N/A		
NAICS:	112120		
SIC:	0241		
Personnel participating in inspection:			
Collin Martin	6EN-WC	Inspector	214-665-8380
Noel Courts	N/A	Consultant	325-829-5264
Wayne Moerman	N/A	Dairy Owner	
EPA Lead Inspector Signature/Date	 {Inspector name}		12/13/18 Date
Supervisor Signature/Date	 {Supervisor name}		12/13/18 Date

Section I – INTRODUCTION**PURPOSE OF THE INSPECTION**

EPA Region 6 inspector Collin Martin arrived at XXX Dairy at 9:40 A.M. on 10/25/2018 for an unannounced inspection. I met with the owner of the facility, Peter Wayne Moerman, and his consultant Noel Courts at the opening conference. I presented my credentials to Mr. Moerman as I informed him that this was an EPA inspection to determine the facility's compliance with the Clean Water Act (CWA) National Pollutant Discharge Elimination System (NPDES) Concentrated Animal Feeding Operation (CAFO) regulations and the facility's Texas Commission on Environmental Quality (TCEQ) Permit. The scope of the inspection was a Compliance Evaluation Inspection and included an evaluation of the compliance of the facility with their TCEQ CAFO permit. Following the opening conference, Mr. Moerman and Mr. Courts accompanied me for the entirety of the inspection.

FACILITY DESCRIPTION

XXX Dairy is a permitted facility that has approximately 5065 cattle. At the time of the inspection, according to Mr. Moerman, the facility was milking 3300 cows. In addition to the milking cows, Mr. Moerman notified us that there were approximately 500 head of dry cows on site in addition to ten to fifteen calves and 1200-1300 heifers. The cows are milked twice per day and between sessions kept in open lots which are situated adjacent to the facility's three Retention Control Structures (RCSs). There are three main open lot areas in which cattle are housed. For the purposes of this report, I will refer to these lots as the heifer lot, the north lots (north of TX-16), and the south lots (South of TX-16). The RCSs which border these lots all receive wastewater via gravity flow. Mr. Moerman informed us that the open lots are scraped and the scrapings are piled at the edge of the lots. These piles are composted and are hauled off-site. All wastewater is applied via center pivot to fields owned or leased by the facility operator. Silage was stored in large plastic bags. Mortalities were being composted in the lot scraping piles on the edge of the open lots.

Section II - OBSERVATIONS**Wastewater & Solids Conveyance**

On the day of the inspection, I observed an area approximately 0.25 acres in size in the southwest corner of the south lots which showed evidence of ponding. The grading of this area did not allow for wastewater to be conveyed to the adjacent RCS (Photo #4). Additionally, I observed that the berm intended to convey wastewater from the heifer pens toward RCS G3 was not functioning as designed. At the time of the inspection there was evidence of manure solids which appeared to have flowed over the berm and towards the freshwater pond adjacent to RCS G3 (Photos #1-2).

Retention Control Structures

On the day of the inspection I observed that RCS' #1 and #3 had adequate freeboard and pole markers which were intact and readable. Upon inspection of RCS #2, I observed some small woody vegetation which had taken root within the embankment and evidence of some erosion along the RCS' upper embankments. I observed the fencing to be in good shape and functioning as intended for all three RCSs.

Land Management Units

On the day of our inspection, I observed the Land Management Units to be in good condition and free from any evidence of overapplication such as ponding or puddling. I spoke with Mr. Moerman to confirm that he was adhering to the conditions set by his Nutrient Management Plan (NMP).

Silage and Commodities Storage

On the day of our inspection I observed the commodity storage barns to be in good condition. I observed silage which was stored securely in large plastic bags just southeast of the north lots (Photo #9).

Records Review

I reviewed the records which were available on-site at XXX Dairy. I reviewed the records required to be kept onsite and found them to be accurate and up to date.

Section III – AREAS OF CONCERN

The following Areas of Concern were conveyed to Mr. Moerman during the closing conference:

- Wastewater from the heifer pens was not being properly routed to RCS G3. The residual manure solids will need to be removed and land applied or transferred offsite. Additionally, the berm will need to be restored to its original design to ensure that wastewater is routed to a RCS per TXG920040 Part 3.A.5(a)(4)
- An area approximately 0.25 acres located in the southwest corner of the south lots was not graded in a way that allowed for proper drainage to RCS #2 per TXG920040 Part 3.A.6(c)(3)
- Some small woody vegetation had taken root within the embankment of RCS #2. This vegetation will need to be removed to prevent the root zone from intruding upon the RCS liner per TXG920040 Part 3.A.10(f)(3).
- There was some mild erosion along the western berm of RCS #2. This embankment needs to be monitored to ensure that the erosion does not worsen per TXG920040 Part 3.A.6(f)(3).

Section IV – LIST OF APPENDICES

Appendix 1 – Photo Log – 9 photos taken 10/25/18 and 3 Aerial Images of Significant Photos

Appendix 1

Photograph Log



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 1

Location: XXX Dairy		
City: Comanche	County/Parish: Comanche	State: Texas



Photo File Name: DSCN3773

Date of Photo: 10/25/18

Time of Photo: 11:27 A.M.

Photographer: Collin Martin

Description: This photo was taken facing southeast toward the freshwater tank adjacent to RCS #G3.

Note the manure solids which have not been contained and redirected towards RCS #G3. The blue arrow denotes the freshwater tank and the red-dashed line denotes the ineffective berm.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 2

Location: XXX Dairy		
City: Comanche	County/Parish: Comanche	State: Texas



Photo File Name: DSCN3774

Date of Photo: 10/25/18

Time of Photo: 11:29 A.M.

Photographer: Collin Martin

Description: This photo was taken facing southeast toward the freshwater tank adjacent to RCS #G3.
Note the manure solids from the heifer pens which flowed into the tank.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 3

Location: XXX Dairy		
City: Comanche	County/Parish: Comanche	State: Texas



Photo File Name: DSCN3775

Date of Photo: 10/25/18

Time of Photo: 11:32 A.M.

Photographer: Collin Martin

Description: This photo was taken facing northeast toward the heifer containment area. Note the pond marker.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 4

Location: XXX Dairy		
City: Comanche	County/Parish: Comanche	State: Texas



Photo File Name: DSCN3776

Date of Photo: 10/25/18

Time of Photo: 11:57 A.M.

Photographer: Collin Martin

Description: This photo was taken facing northeast toward the low point of the south lots. This area in the southwest corner of the lot was not graded in a way which allowed for drainage to RCS #2



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 5

Location: XXX Dairy		
City: Comanche	County/Parish: Comanche	State: Texas



Photo File Name: DSCN3777

Date of Photo: 10/25/18

Time of Photo: 12:13 P.M.

Photographer: Collin Martin

Description: This photo was taken facing north along the western berm of RCS #2. Note the erosion along the embankment. This area will need to be monitored to ensure no further erosion occurs.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 6

Location: XXX Dairy		
City: Comanche	County/Parish: Comanche	State: Texas



Photo File Name: DSCN3779

Date of Photo: 10/25/18

Time of Photo:

Photographer: Collin Martin

Description: This photo was taken facing east across the western berm of RCS #2. Note the erosion along the embankment. This area will need to be monitored to ensure no further erosion occurs.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 7

Location: XXX Dairy		
City: Comanche	County/Parish: Comanche	State: Texas



Photo File Name: DSCN3780

Date of Photo: 10/25/18

Time of Photo: 12:19 P.M.

Photographer: Collin Martin

Description: This photo was taken facing east toward the flow of wastewater coming off the north lots and heading to RCS #1.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 8

Location: XXX Dairy		
City: Comanche	County/Parish: Comanche	State: Texas



Photo File Name: DSCN3782

Date of Photo: 10/25/18

Time of Photo: 12:52 P.M.

Photographer: Collin Martin

Description: This photo was taken facing west towards RCS #1 and the north lots.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 9

Location: XXX Dairy		
City: Comanche	County/Parish: Comanche	State: Texas



Photo File Name: DSCN3784t7

Date of Photo: 10/25/18

Time of Photo: 1:10 P.M.

Photographer: Collin Martin

Description: This photo was taken facing east toward the silage storage area.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 10

Location: XXX Dairy		
City: Comanche	County/Parish: Comanche	State: Texas



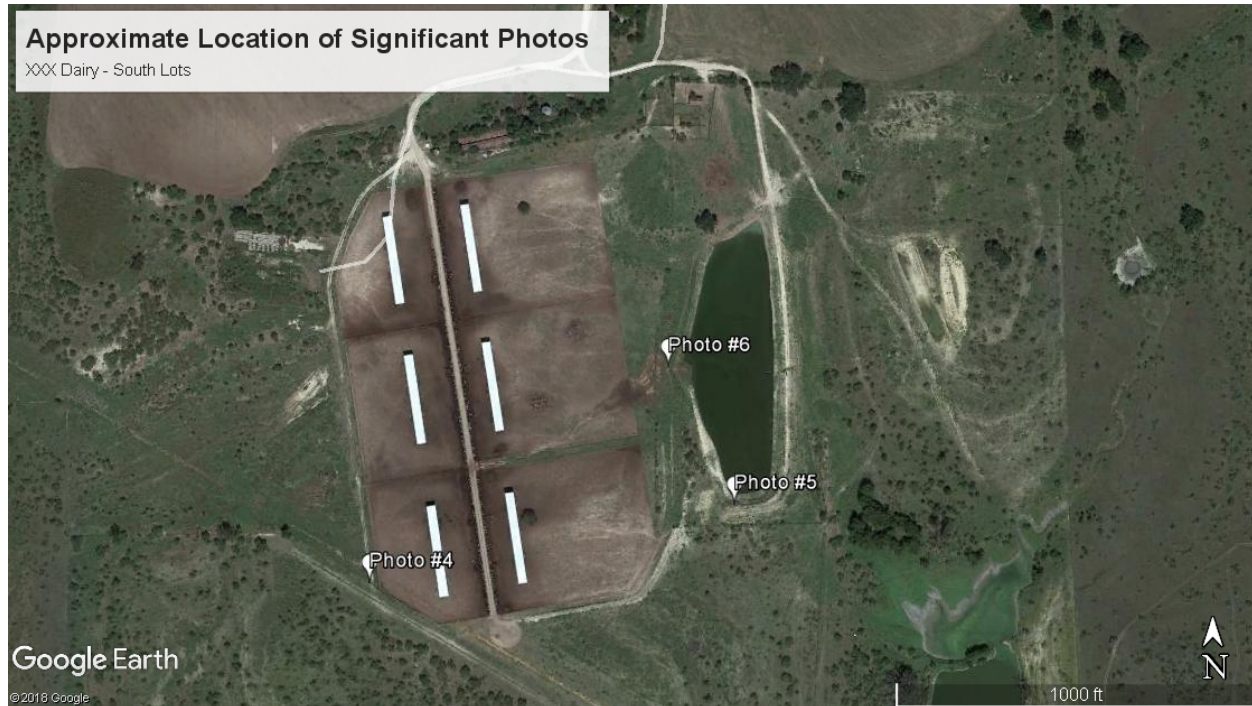


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 11

Location: XXX Dairy		
City: Comanche	County/Parish: Comanche	State: Texas





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 12

Location: XXX Dairy		
City: Comanche	County/Parish: Comanche	State: Texas

