

Region 6 - Enforcement & Compliance Assurance Division

INSPECTION REPORT

Inspection Date(s):	07/13/2021	
Media Program:	Water	
Regulatory Program(s)	CAFO	
Company Name:	Jacobs Dairy	
Facility Name:	Jacobs Dairy	
Facility Physical Location:	925 Private Road 6342 (33.109578, -95.444403)	
(city, state, zip code)	Sulphur Springs, TX 75482	
Mailing address:	Same	
(city, state, zip code)	Same	
County/Parish:	Hopkins	
Facility Phone Number	N/A – dairy closed	
Facility Contact:	Antoon Jacobs	Owner
	Jacobstj5@gmail.com	
FRS Number:		
Identification/Permit Number:	TXG920116	
Media Identifier Number:		
NAICS:	112120	
SIC:	0241	
Personnel participating in inspection:		
Juan Ibarra	EPA / 6ECD-WA	Inspector
Antoon Jacobs (not present)	Jacobs Dairy	Owner
EPA Lead Inspector Signature/Date		
	{Inspector name}	Date
Supervisor Signature/Date		
	{Supervisor name}	Date

Section I – INTRODUCTION

PURPOSE OF THE INSPECTION

EPA Region 6 inspector Juan Ibarra arrived at Jacobs Dairy at 1150 on July 13, 2021, for an announced inspection. No one was at the dairy because the dairy was closed in June 2020, but Mr. Antoon Jacobs was called by phone the day before and informed of the inspection at that time. Mr. Jacobs provided the inspector with consent for entry and the code to the gate lock that secured the facility from unauthorized access (credentials could not be presented). The purpose of the EPA inspection was to determine compliance with the requirements of the facility's Texas Commission on Environmental Quality (TCEQ) General CAFO Permit. The scope of the inspection was a compliance evaluation of the facility's lagoon maintenance requirements.

FACILITY DESCRIPTION

Mr. Jacobs closed the dairy in June 2019. He briefly leased the facility to a third party that ran beef cattle on the property, but that lease expired in March 2020. The entry gate is currently locked and according to Mr. Jacobs the property is currently up for sale. Although Jacobs Dairy has a current TCEQ CAFO General Permit (TXG920116), no dairy cows or any other cattle are on the property. No one was at the property at the time of the inspection, there were no records available for review, but the operational condition of the facility's three lagoons were observed to the degree allowed due to the dense/high vegetation surrounding the embankments and pastures surrounding the lagoons.

The facility has three Retention Control Structures (RCSs) located in the area around the three large covered barns. Each of the three barns has two feed lanes for a total of six feed lanes. When the dairy was operational (before being closed in June 2019) the feed lanes located within these three compact bedding/freestall barns were flushed with recycled water. Flush water went to a solids separator which then discharged into RCS 1. RCS 1 captured most of the solids within the West Side and the East Side of the RCS. RCS 1 would then discharge into RCS 2. Both RCS 1 and 2, which are constructed to operate in series, are located on the southeast side of the dairy. RCS 3 is located on the north side of the barns, and it was constructed most recently in 2016. When the dairy was operational, RCS 1 was dewatered by honey wagon and the solids slurry was land applied to a separate dairy farm (called Humphreys Dairy) located north of Como, Texas. The other two RCSs were dewatered by irrigation equipment onto the Jacobs Dairy land application sites. However, since the dairy was now closed, none of these dewatering and solids removal operations were being done.

Section II - OBSERVATIONS

During the site inspection of Jacobs Dairy, I observed that the three retention control structures (RCS) were not being maintained. I was unable to access the embankments of the three units due to very dense and high vegetation, but I got as close as I could and photographed the condition of the lagoons (see photos 8 and 10). Due to the very dense vegetation, I was unable to locate RCS 1. The lagoons were

inaccessible due to the lack of proper and required maintenance such as mowing of vegetation and preventing trees from growing on the embankments of all three units. Lagoon markers were not visible, and I could not get close enough to determine whether they were discharging or had discharged recently.

The dairy has not maintained lagoon maintenance records since shutting down the dairy. Neither Mr. Jacobs nor his consultant could provide any recent lagoon maintenance records. These records would include the weekly lagoon level records, land application records of manure solids and wastewater, and current annual sampling records for the lagoons and land application sites.

Additionally, an orange-brownish clear water was found in the bar ditch located just west of the covered hay barn and on the north side of the private road that serves as the dairy entrance (see Photos 2, 11 and 12). The pool of orange-brownish water was next to the drainage culvert that runs under the private road, across from the clean fresh-water stock tank. Only a few bales of hay remained in the covered hay barn and feed commodities storage area, and no source for this orange-brownish water could be found. All of the other upslope puddles of water within the bar ditches located along the private road only contained clear runoff water.

Section III – AREAS OF CONCERN

- 1) The dairy is required to maintain their lagoons per the requirements of their TCEQ CAFO General Permit (Section III.A.10.(a)(c)(e) and (f)). This includes managing the embankments of the units, removing trees, mowing the perimeter to allow access and observe embankment integrity and maintaining a pole marker. Also, solids must be removed from RCS 1 as that unit's location could not even be discerned during the inspection.
- 2) Lagoon levels must be managed thru land application to maintain the capacity for the 25-yr/24-hr rain event (Section III.A.10.(a)(1) and (2)). This is to be accomplished thru weekly documented lagoon level measurements using the lagoon pole markers which were not visible during the inspection.
- 3) The facility must maintain all the CAFO permit required lagoon maintenance records including the weekly lagoon levels (Part III.A.15.(a)(2)), lagoon embankment maintenance records, and land application records (Part IV.4.), and the annual wastewater and manure solids sampling records (Part IV.5.).
- 4) The unknown source of the clear orange-brownish water in the bar ditch along the Private Road entrance opposite the freshwater stock tank should be determined.

EPA Region 6 inspector Juan Ibarra was unable to conduct a closing conference by telephone with Mr. Jacobs following the inspection, as Mr. Jacobs notified me that he was ill.

Section IV – FOLLOW UP

While conducting another Antoon Jacobs dairy site inspection (Jacobs Dairy II) on July 28, 2021, I took the time to look at the condition of the orange-brownish pool of water documented during the Jacobs Dairy inspection conducted on July 13, 2021. I found that the orange-brownish and somewhat clear pool of water found in the bar ditch was now gone, and in its place was a pool of clear water with a slight greenish tint (see Photo 13). I also photographed a set of tire tracks running thru the bar ditch leading to the pool of greenish water. I suspect that someone has been dumping some type of waste into the bar ditch (see Photo 14).

Section V – LIST OF APPENDICES

Appendix 1 – Photograph Log and Location of Significant Photos – 14 photos taken on 7/13/2021 and during the follow-up inspection on 7/28/2021. Additionally, a 15th photo/aerial was added to depict the locations from which some of the photographs were taken.

Appendix 1

Photograph Log and Location of Significant Photos



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 1

Location: Jacobs Dairy		
City: Sulphur Springs	County: Hopkins	State: Texas



Photo File Name: P7130007.JPG

Date of Photo: 07/13/2021

Time of Photo: 1319

Photographer: Juan Ibarra

Description: The freshwater stock tank located west of the covered hay barn and feed commodities storage area, and south of the private road entrance to the dairy. The stock tank appeared to be unimpacted by CAFO nutrients and was essentially free of duck weed or algae. The view is toward the south.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 2

Location: Jacobs Dairy		
City: Sulphur Springs	County: Hopkins	State: Texas



Photo File Name: P7130008.JPG

Date of Photo: 07/13/2021

Time of Photo: 1340

Photographer: Juan Ibarra

Description: A pool of orange-brownish (somewhat clear) water was found in the bar ditch located opposite of the stock tank shown in Photo 1. The source of this water coloration could not be determined during the inspection because all the other pooled storm water along this bar ditch, including those located on the south side of the private road next to the freshwater stock tank, and from around the hay/commodities storage barn were clear. The view is toward the north.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 3

Location: Jacobs Dairy		
City: Sulphur Springs	County: Hopkins	State: Texas



Photo File Name: P7130009.JPG

Date of Photo: 07/13/2021

Time of Photo: 1344

Photographer: Juan Ibarra

Description: The drainage area from the hay barn and commodities storage bins (both covered) and from the pond shown in Photo 6 was clear. This was located on the South side of the private road entrance. Note water is highlighted with a red arrow. The view is toward the west.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 4

Location: Jacobs Dairy		
City: Sulphur Springs	County: Hopkins	State: Texas



Photo File Name: P7130010.JPG

Date of Photo: 07/13/2021

Time of Photo: 1345

Photographer: Juan Ibarra

Description: The culvert (seen at the end of the red arrow) leading from the area seen in Photo 3 to the north side of the private road entrance, located opposite of the side of the road shown in Photo 3. The view is looking downward. No ponded water was seen on this side of the culvert.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 5

Location: Jacobs Dairy		
City: Sulphur Springs	County: Hopkins	State: Texas



Photo File Name: P7130011.JPG

Date of Photo: 07/13/2021

Time of Photo: 1345

Photographer: Juan Ibarra

Description: View of the clear water that has pooled in the bar ditch, located northwest of the hay barn, along the south side of the private road entrance before it would enter the culvert. This pool of clear water was about 50' downslope of the small pool seen in Photo 3. The view is toward the south.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 6

Location: Jacobs Dairy		
City: Sulphur Springs	County: Hopkins	State: Texas



Photo File Name: P7130012.JPG

Date of Photo: 07/13/2021

Time of Photo: 1357

Photographer: Juan Ibarra

Description: The ponded water located southwest of the covered hay barn and commodities storage area. The pond is located within dense woods and surrounded by thick leaf litter. The water is clear but dark in color due to the years of leaf litter accumulation. This pond may discharge toward the areas shown in Photos 3-4. The view is toward the north, and the direction of potential flow was difficult to assess due to the flat topography and dense woods.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 7

Location: Jacobs Dairy		
City: Sulphur Springs	County: Hopkins	State: Texas



Photo File Name: P7130013.JPG

Date of Photo: 07/13/2021

Time of Photo: 1405

Photographer: Juan Ibarra

Description: Another view of the clear water leading to the pool of clear water seen in Photo 5. The view is toward the west and was taken from a point northwest of the hay barn.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 8

Location: Jacobs Dairy		
City: Sulphur Springs	County: Hopkins	State: Texas



Photo File Name: P7130014.JPG

Date of Photo: 07/13/2021

Time of Photo: 1416

Photographer: Juan Ibarra

Description: A view of RCS2 that is located on the south side of the dairy. The dense vegetation has grown tall and I was unable to safely access the embankment perimeter to assess the lagoon level and embankment condition. Neither was I able to assess whether there was any available freeboard. The view was toward the east.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 9

Location: Jacobs Dairy		
City: Sulphur Springs	County: Hopkins	State: Texas



Photo File Name: P7130015.JPG

Date of Photo: 07/13/2021

Time of Photo: 1428

Photographer: Juan Ibarra

Description: A view of the freshwater stock tank that is located on the north side of what used to be a cattle pen. The dense vegetation has grown dense and there was no sign of any recent cattle grazing. The view was toward the north.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 10

Location: Jacobs Dairy		
City: Sulphur Springs	County: Hopkins	State: Texas



Photo File Name: P7130016.JPG

Date of Photo: 07/13/2021

Time of Photo: 1437

Photographer: Juan Ibarra

Description: The small northeast lagoon (RCS3). The conditions are comparable to RCS2, as the dense vegetation has grown tall and I was unable to safely access the embankment perimeter to assess the lagoon level and embankment condition. Neither was I able to assess whether there was any available freeboard. The view was toward the southeast.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 11

Location: Jacobs Dairy		
City: Sulphur Springs	County: Hopkins	State: Texas



Photo File Name: P7130017.JPG

Date of Photo: 07/13/2021

Time of Photo: 1443

Photographer: Juan Ibarra

Description: A possible tire track leading toward the orange-brownish water seen in Photo 2. The dairy should monitor for possible illicit dumping at this unmanned and closed dairy. The tire track could have resulted from tractor mowing, or possibly a tanker truck. The source of the orange-brownish water could not be determined during the inspection. The view is toward the east.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 12

Location: Jacobs Dairy		
City: Sulphur Springs	County: Hopkins	State: Texas



Photo File Name: P7130018.JPG

Date of Photo: 07/13/2021

Time of Photo: 1444

Photographer: Juan Ibarra

Description: A close-up view of the orange-brownish water. Water bugs and mosquito larvae were seen in the pooled water.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 13

Location: Jacobs Dairy		
City: Sulphur Springs	County: Hopkins	State: Texas



Photo File Name: P7280028.JPG

Date of Photo: 07/28/2021

Time of Photo: 1021

Photographer: Juan Ibarra

Description: During a brief follow-up visit to check on what was an orange-brownish and somewhat clear pool of water seen during the 7/13/2021 site inspection, I noticed that the orange-brownish water was gone, and now in its place was a clear pool of water with a slight greenish tint. I could not determine if the tint was due to algae or some other source. This photo was taken from the north side of the private road bar ditch looking down and to the north.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 14

Location: Jacobs Dairy		
City: Sulphur Springs	County: Hopkins	State: Texas



Photo File Name: P7280031.JPG

Date of Photo: 07/28/2021

Time of Photo: 1021

Photographer: Juan Ibarra

Description: During a brief follow-up visit to check on what was an orange-brownish and somewhat clear pool of water seen during the 7/13/2021 site inspection, I noticed that the orange-brownish water was gone, and now in its place was a clear pool of water with a slight greenish tint. I could clearly see that a vehicle has regularly driven down the bar ditch area toward the pool of what was now clear water with a slight greenish tint. I suspect that someone may be dumping some sort of wastewater into the bar ditch. The view was toward the west-northwest.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 15

Location: Jacobs Dairy		
City: Sulphur Springs	County: Hopkins	State: Texas

Location of Significant Photos at Jacobs Dairy Inspection on 7/13/2021, based on a DigitalGlobe aerial from 12/19/2020

