



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III

FOUR PENN CENTER – 1600 JOHN F. KENNEDY BLVD.  
PHILADELPHIA, PENNSYLVANIA 19103-2852

**Report Title:** Animal Feeding Operation Assessment Report  
**Assessment Date(s):** 04/20/2023  
**Regulatory Program(s):** National Pollutant Discharge Elimination System (NPDES)  
**Type of Activity:** Animal Feeding Operation  
**Site/Facility Name:** SJM Farms  
**Site/Facility Operator:** Wes Metzler  
**Site/Facility Address:** 249 Peters Creek Road, Peach Bottom, PA 17563  
**Latitude/Longitude:** 39.78019, -76.208083  
**County/Parish:** Lancaster  
**General Permit #:** N/A  
**Site Specific Permit #:** N/A  
**NAICS Code:** 112120  
**SIC Code:** 0241  
**Unique Project #:** 3E23WN036A

**Site/Facility Representative(s):**

Wes Metzler

**Point of Contact**



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**Report Preparer**

**Signature/Date**

**PETER GOLD**

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Peter Gold, Enforcement Officer  
NPDES Enforcement Section 1 (3ED32)

Date

**Supervisor**

**Signature/Date**

**MARK ZOLANDZ**

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ZOLANDZ  
Date: 2023.06.22 10:55:36 -04'00'

Mark Zolandz, Section Chief  
NPDES Enforcement Section 1 (3ED32)

Date

Unique Project#: 3E32WN036A

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## **List of Attachments**

Attachment A: Photograph Log

Attachment B: AFO On-Site Assessment Form Completed During On-Site Interview

Attachment C: Manure Management Plan

Attachment D: Agriculture Erosion and Sediment Control Plan

## I. Introduction

On April 20, 2023, an assessment team composed of staff from the U.S. Environmental Protection Agency (EPA) Region III (hereinafter, “EPA Assessment Team”) met with representatives of the Lancaster County Conservation District (LCCD) at SJM Farm (hereinafter, “the Farm”) at 249 Peters Creek Road, Peach Bottom, PA 17563. The assessment was one of several assessment of Animal Feeding Operations (AFO) in Lancaster County, PA to better understand sources of nutrient loadings to local streams and the Chesapeake Bay watershed. The Farm was not a permitted operation at the time of the assessment.

### A. Assessment Opening Conference

The EPA Assessment Team arrived at the Farm at approximately 8:00 AM for the announced assessment. The EPA Assessment Team identified themselves to LCCD Representatives, Wes Metzler (the Farm Representative), and Reber Testerman from Pennsylvania State Representative Bryan Cutler’s Office. The EPA Assessment Team displayed their credentials, described the purpose of the assessment, and completed the AFO Assessment On-Site Form prior to walking the entire production area of the Farm. The EPA Assessment Team’s observations are listed later in this document. The EPA Assessment Team was composed of two groups: Peter Gold, Michael Greenwald and Leah Martino assessed the farm production area and spoke with farm representatives regarding farm practices, and John Epps, Kelly Krock and Joel Blanco-Gonzalez conducted aqueous sampling in Peters Creek and an Unnamed Tributary to Peters Creek.

**Table 1: Assessment Attendee List**

| Name                                   | Affiliation                              | Telephone      | Email                                                                                                |
|----------------------------------------|------------------------------------------|----------------|------------------------------------------------------------------------------------------------------|
| <b>EPA Region III</b>                  |                                          |                |                                                                                                      |
| Peter Gold                             | EPA Region III                           | (215) 814-5236 | <a href="mailto:Gold.Peter@epa.gov">Gold.Peter@epa.gov</a>                                           |
| Michael Greenwald                      | EPA Region III                           | (215) 814-2398 | <a href="mailto:Greenwald.Michael@epa.gov">Greenwald.Michael@epa.gov</a>                             |
| Kelly Krock                            | EPA Region III                           | (304) 234-0242 | <a href="mailto:Krock.Kelly@epa.gov">Krock.Kelly@epa.gov</a>                                         |
| John Epps                              | EPA Region III                           | (215) 814-3144 | <a href="mailto:Epps.John@epa.gov">Epps.John@epa.gov</a>                                             |
| Joel Blanco-Gonzalez                   | EPA Region III                           | (215) 814-2768 | <a href="mailto:Blanco-Gonzalez.Joel@epa.gov">Blanco-Gonzalez.Joel@epa.gov</a>                       |
| Leah Martino                           | EPA Region III                           | (215) 814-3262 | <a href="mailto:Martino.Leah@epa.gov">Martino.Leah@epa.gov</a>                                       |
| <b>State or County Representatives</b> |                                          |                |                                                                                                      |
| Samantha Adams                         | LCCD                                     | (717) 299-5361 | <a href="mailto:SamanthaAdams@lancasterconservation.org">SamanthaAdams@lancasterconservation.org</a> |
| <b>Facility Representatives</b>        |                                          |                |                                                                                                      |
| Wes Metzler                            | SJM Farm                                 | (717) 548-3994 | <a href="mailto:metzlers@emypeople.net">metzlers@emypeople.net</a>                                   |
| <b>Other Representatives</b>           |                                          |                |                                                                                                      |
| Reber Testerman                        | PA Representative, Bryan Cutler’s Office |                |                                                                                                      |

## B. Weather and Precipitation Conditions

During the assessment, weather was sunny. National Oceanic and Atmospheric Administration (NOAA) National Weather Service precipitation data for the date of the assessment and five days prior are provided in the Table 2 below:

**Table 2. Precipitation Data**

| Station Name                         | Date       | Precipitation Amount (inches) <sup>1</sup> |
|--------------------------------------|------------|--------------------------------------------|
| ADAMSTOWN 2.5 SSE, PA US US1PALN0003 | 04/15/2023 | 0.00                                       |
| ADAMSTOWN 2.5 SSE, PA US US1PALN0003 | 04/16/2022 | 0.02                                       |
| ADAMSTOWN 2.5 SSE, PA US US1PALN0003 | 04/17/2022 | 0.39                                       |
| ADAMSTOWN 2.5 SSE, PA US US1PALN0003 | 04/18/2022 | 0.00                                       |
| ADAMSTOWN 2.5 SSE, PA US US1PALN0003 | 04/19/2022 | 0.00                                       |
| ADAMSTOWN 2.5 SSE, PA US US1PALN0003 | 04/20/2022 | 0.00                                       |

## II. Site/Facility Activity

SJM Farm is a dairy farm. The Farm has one large barn (dairy barn) and a few smaller satellite barns (calf, heifer, and maternity). The maternity barn is attached to the dairy barn. There is a feed lot in the front of the dairy barn and another lot along the driveway to the farm which cows can walk to via a fenced pathway. There is one manure storage structure, a 300,000 gallon 16' x 60' circular concrete pit, which was built in 1982. Manure, bedding and washwater from the dairy barn and the lot in front of the dairy barn go into the pit, while manure and bedding from the heifer and calf barn are scraped and land applied onto fields.

Based on conversations with Mr. Metzler, the farm at the time of the assessment had 103 dairy cows, eight of which were dry. The facility housed 71 heifers (cows that have not had a calf), 26 of the heifers were greater than a year old and 45 were less than a year old. The farm had an additional 15 calves that were under 2 months of age and 25 dairy steers (cows that have been "retired"). The farm currently owned 266 total acres, with 211 acres of crop and 55 acres of pasture lands, and rented an additional 30 acres of pasture.

An Unnamed Tributary to Peters Creek runs through pasture in the front of the farm and confluences with Peters Creek which runs through pasture in the back and to the side of the farm. There is one dedicated area to the composting of mortalities that is located to the rear of the farm and is in a well vegetated area not located within 100' of a surface water.

During the assessment, water samples were taken at different locations in the streams in proximity to the Farm. The sampling data will be collected in a different report.

Photographs were taken during the assessment by Michael Greenwald and are provided in Attachment A.

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

### **III. Observations**

#### **Manure Management Plan**

25 Pa. Code § 91.36(b) states that “The land application of animal manures and agricultural process wastewater requires a permit or approval from the Department unless the operator can demonstrate that the land application meets one of the following: (i) The land application follows current standards for development and implementation of a plan to manage nutrients for water quality protection, including soil and manure testing and calculation of proper levels and methods of nitrogen and phosphorus application. The Manure Management Manual contains current standards for development and implementation of a plan to manage nutrients for water quality protection which can be used to comply with the requirements in paragraph (1)...”

Page 1 of the Land Application of Manure, Manure Management Plan Guidance 361-0300-002 states “Every farm in Pennsylvania that land applies manure or agricultural process wastewater (generated on the farm or received from an importer), regardless of size is required to have and implement a written Manure Management Plan.”

Paragraph 1 on page 3 of the Land Application of Manure, Manure Management Plan Guidance 361-0300-002 notes “..that the Manure Management Plan must be evaluated by owner/operator annually and updated when necessary to keep the plan consistent with farm management practices.”

#### **Observation #1:**

Farm representatives provided Samantha Adams of LCCD with a copy of the March 12, 2018 Manure Management Plan (MMP) (Photograph 1) which was prepared by Merle Kurtz of FarmGrow. The MMP was prepared just over 5 years ago and it appears that some farm practices may have changed based on discussions with farm representatives. The MMP states that the farm applies manure to fields in the winter. Farm representatives informed the EPA Assessment Team that there is no winter application. The animal numbers in the MMP are 107 cows, 60 heifers and 25 calves, which are different than the animal numbers documented during the assessment (103 cows, 71 heifers, 15 calves and 25 dairy steer). The farm is applying its manure to close to 300 acres of crop and pasture lands. The MMP shows on Page 3 that there are no rented acres and at the time of assessment; however, Mr. Metzler told the EPA Assessment Team that the farm was renting 30 acres of pasture.

#### **Observation #2:**

The MMP mentions in the Best Management Practices (BMP) section (page 11) a roof over the walkway to the Dry Cow barn. At the time of the assessment, a roof was not observed over the walkway between the open lot in front of the dairy barn and the roofed lot by the driveway (Photograph 10). The roof on the walkway is also mentioned on page 4 of the farm’s Agriculture Erosion and Sediment Control Plan (Ag E&S plan) and displayed on the New BMP Map of the Ag E&S Plan. The curbing along the walkway appeared to have breaks or spacing between curbing sections. Without roofing, manure and sediment on the walkway could comeingle with stormwater and discharge from the walkway.

The BMP section of the MMP (page 11) mentions stream fencing associated with stream crossings in Peters Creek. At the time of the assessment, Mr. Metzler mentioned two stream crossings which the EPA Assessment Team observed. Mr. Metzler informed the EPA Assessment Team that these conservation measures were installed without cost share funding. The EPA Assessment Team did not observe stream fencing in the pasture as identified in the MMP and in the New BMP Map of the Ag E&S Plan. According to the MMP, fencing was to be installed in Pasture 2 by 11/1/2018. There was some fencing in the pasture area but it did not appear to exclude cattle from the stream as labeled on the New BMP Map of the Ag E&S Plan.

### **Manure Storage Monthly Inspections**

Paragraph 4 on page 17 of the Land Application of Manure, Manure Management Plan Guidance 361-0300-002 states “In order to prevent discharges of manure from manure storage facilities, it is important to inspect these facilities on at least a monthly basis. The form below is used for these routine inspections.”

#### **Observation #3:**

The EPA Assessment Team was unable to verify if the farm documented and conducted these monthly inspections. The form for the monthly inspections requires the preparer to identify the depth from surface of manure to freeboard. During the assessment, the EPA Assessment Team did not see a depth marker or freeboard marker in the circular concrete manure storage pit (Photograph 5 and Photograph 7). Farm representatives informed the EPA Assessment Team that the farm maintained 18 inches of freeboard in the manure storage structure and that the structure has never had an overflow. The MMP does not mention the freeboard amount.

### **Application of Manure within an Environmentally Sensitive Area**

Paragraph 1 on page 6 of the Land Application of Manure, Manure Management Plan Guidance 361-0300-002 states “Farmers may not mechanically apply manure within the following areas, regardless of the slope, of the land or the ground cover: a) Within 100 feet of the top of the bank of a stream....”

#### **Observation #4:**

A stormwater inlet was observed within the lot in front of the dairy barn (Photograph 9). This inlet collects water that could potentially mix with sediment and manure and discharges to the pasture in front of the farm where the Unnamed Tributary runs to Peters Creek. This pasture is labelled pasture 2 7.00 ac on the Farmstead Map on the 25<sup>th</sup> page of the Ag E&S plan. It appeared that fencing prevented the cows within the lot from going on this inlet and there was a berm on the side to prevent stormwater flows that have comingled with manure from entering the inlet. The berm appeared to only partially surround the inlet, and the inlet was close to where cows were housed.

## **Manure Management**

Section 83.311(c) (ii) of Pennsylvania Act 38 states that Animal Concentration Areas “shall be located and managed to eliminate the direct discharge of storm water runoff commingled with manure from a storm event of up to and including a 25-year 24- hour storm intensity...”

### **Observation #5:**

The EPA Assessment Team observed a manure and bedding mix on the ground which extended beyond the roofed area in the last enclosure of the Maternity Barn (Photograph 2). This was also observed at the Heifer Barn (Photograph 3).

## **IV. Records Review**

The EPA Assessment Team reviewed the farm’s Ag E&S plan dated March 20, 2018 (Attachment D) and the farm’s MMP dated March 12, 2018 (Attachment C).

## **V. Closing Conference**

At the conclusion of the onsite assessment, the EPA Assessment Team met with Mr. Metzler for a closing conference. The EPA Assessment Team shared preliminary observations with Mr. Metzler. The EPA Assessment Team reiterated to Mr. Metzler that all preliminary observations discussed were not compliance determinations. Any and all preliminary observations shared were subject to further review by EPA upon the additional review of records and documentation. Additional observations may be contained in this assessment report that were not identified at the time of the closing conference after EPA reviewed additional materials following the assessment.

The assessment concluded at approximately 10:30 AM (EDT).