



REGION 3

PHILADELPHIA, PA 19103

Report Title: Clean Water Act Compliance Inspection Report
Inspection Date(s): June 21, 2024
Regulatory Program(s): National Pollutant Discharge Elimination System (NPDES)
Type of Activity: CAFO Inspection
Facility Name: Abby Farm
Facility Address: 4797 John Cooper Road, Laurel, Delaware 19956
Facility Lat/Long: 38.504360/-75.660156
County/Parish: Sussex County
Permit No: DEA170132
NAICS Code: 112320
SIC: 0251
Unique Project #: ECAD-5503

Facility Representative(s):

Raymond Akbar, Owner
Email: RayAkbar01@gmail.com

Point of Contact



Inspectors:

Peter Gold, EPA
Email: gold.peter@epa.gov
Michael Greenwald, EPA
Email: greenwald.michael@epa.gov

Report Preparer

Signature/Date

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

Date

Supervisor

Signature/Date

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

Date

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I. GENERAL INFORMATION

Facility ID #: <u>DEA170132</u> Facility Name: <u>Abbys Farm</u> Facility Owner: <u>Raymond Akbar</u> Facility Operator: <u>Raymond Akbar</u> Mailing Address: <u>4797 John Cooper Road, Laurel, DE 19956</u> Physical Address: <u>4797 John Cooper Road, Laurel, DE 19956</u> County: <u>Sussex</u> Contact Person: <u>Raymond Akbar</u> Phone (office): _____ (fax): _____ (cell): <u>302-875-4442</u> E-mail: <u>rayakbar01@gmail.com</u> Persons Present During Inspection: <u>Chris Brosch (DDA), Aaron Givens (DDA), Alexis Capes (DNREC), Mike Greenwald (EPA), Peter Gold (EPA), Raymond Akbar (Farmer)</u>	Inspector: <u>Peter Gold and Michael Greenwald</u> Inspection Date: <u>6/21/2024</u> Time in: <u>1:00 p.m.</u> Time out: <u>2:30 p.m.</u> Weather: <u>Sunny, 90 degrees</u> GPS Reading (at gate) North: _____ West: _____ Does the facility owner/operator own and/or operate any other animal feeding operations? No If yes provide name(s) and address(es) and indicate whether the facility is an AFO or a CAFO: _____ _____ _____		
Max. Animals Confined per Month: <u>115,000-120,000</u> _____ Max. Capacity of Facility: <u>150,000 (NMP)</u>	Location and name of nearest surface water and description of flow path: <u>Prospect Branch</u> _____ _____		
Number of animals today (all animals in production area):			
	# confined		# confined
Cattle	N/A	Sheep	N/A
Dairy mature	N/A	Dairy heifers	N/A
Swine (≥55#)	N/A	Swine (<55#)	N/A
Turkeys	N/A	Laying hens	N/A
Other chickens	110,000	Other (specify)	N/A
X	Presented credentials? (check if yes)		
X	Inspection photos attached? (check if yes)		
Attachments: Attachment A – Photograph Log			

II. INSPECTION OVERVIEW AND FACILITY DESCRIPTION

Abby Farm is a poultry operation in Laurel, Delaware. The farm has four poultry houses with a capacity of 150,000 birds according to the 2017 Nutrient Management Plan. Annual Reports from 2021 and 2022 indicate the capacity is 100,000 birds per flock. The 2023 Annual Report documents a capacity of 120,000 birds per flock. According to the farmer there were 110,000 birds on site at the time of the inspection with 30,000 birds being housed in houses #2, #3 and #4 and 20,000 birds in House #1. The facility has five flocks per year with a residence time of 7-weeks. Litter is windrowed and pulverized between flocks. This process requires at least 12 to 14 days for completion. Windrowing reduces the amount of litter being exported from the facility. Facility representatives stated that the last clean-out occurred 8 to 9 flocks prior to the inspection, roughly between a year and half to two years ago. In addition to the 4 poultry houses, the facility has a litter shed and channel composter. At the time of the inspection there was a small amount of litter within the litter shed. The composter appeared to have a significant amount of exposed chicken feathers and bones in and around the composter and litter shed. There were also other bird feathers around the composter.

The farm had swales that drained to a pond along the forested back perimeter of the farm. The pond was covered in algae or plant growth at the time of the inspection. The facility representative stated that inspections of the waterlines, stormwater conveyances, and litter shed occur, but they were not being documented. There were no records of any self-inspections at the time of the inspection.

There were no export or litter analysis records at the time of the inspection. The facility provided a request for litter analysis within their 2022 Annual Report but there were no litter analysis provided in their 2021 through 2023 Annual Reports. The 2017 NMP notes that litter is exported on an annual basis however, based on interviews with farm representatives, the farm is windrowing and pulling litter from the houses less frequently. The farm representative stated that the last export of litter occurred 8 to 9 flocks ago. There was no documentation of this export in the 2021, 2022 or 2023 Annual Report.

Observations made during the inspection are listed in the Observations section below.

Inspection attendees are listed in Table 1 below:

Table 1: Inspection Attendee List

Name	Affiliation	Telephone	Email
EPA Region 3			
Peter Gold	EPA Region 3	(215) 814-5236	Gold.Peter@epa.gov
Michael Greenwald	EPA Region 3	(215) 814-2398	Greenwald.Michael@epa.gov
State or County Representatives			
Chris Brosch	DDA	302-698-4555	Chris.Brosch@delaware.gov
Aaron Givens	DDA	-	Aaron.Givens@delaware.gov
Alora Baker	DDA	-	-
Alexis Capes	DNREC	302-739-9946	Alexis.Capes@delaware.gov
Farm Representatives			
Raymond Akbar	Abbys Farm	(302) 875-4442	RayAkbar01@gmail.com

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

Table 2. Precipitation Data

Station Name	Date	Precipitation Amount (inches) ¹
LAUREL 5.6 ESE, DE US US1DESS0073	06/16/2024	0.00
LAUREL 5.6 ESE, DE US US1DESS0073	06/17/2024	0.00
LAUREL 5.6 ESE, DE US US1DESS0073	06/18/2024	0.00
LAUREL 5.6 ESE, DE US US1DESS0073	06/19/2024	0.00
LAUREL 5.6 ESE, DE US US1DESS0073	06/20/2024	0.00
LAUREL 5.6 ESE, DE US US1DESS0073	06/21/2024	0.00

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

III. OBSERVATIONS

The following inspection observations have been made relative to the requirements of NPDES Concentrated Animal Feeding Operation (CAFO) General Permit for Large, Medium, & Designated Poultry CAFOs – Manure Generation Facilities Only (Permit No. DE5000N/11) and the Delaware Administrative Code. Part I.B.1 of the permit requires the CAFO to comply with DNREC's 7 Del. Admin. C. §7201-9.5, the CAFO Regulations. Permit No. DE5000N/11 became effective on April 1, 2016.

Maintaining an Accurate Nutrient Management Plan (NMP)

Part II.A.2 of the permit requires the permittee to "...implement and fully comply with the AWMP/NMP as described in 7 Delaware administrative Code...."

The cover page of the NMP states "This plan remains current and valid unless one or more of the following conditions are met: animal capacity increases > 25%; removal or addition of BMPs; other changes in the operation that may be inconsistent with this plan."

Observation #1:

The NMP states that the facility has capacity for a flock of 150,000 birds and calls for the exportation of over 100 tons of litter per year. A large CAFO is defined based on animal numbers, for non-laying hens that number is 125,000 birds if the farm uses other than liquid manure. The facility's annual reports in 2021 and 2022 show a capacity of 100,000 birds while the 2023 annual report shows a capacity of 120,000 all of these are a significant decrease in the capacity written in the NMP and none of these show an increase in capacity of over 25%. The farm representative stated that litter was exported 8 to 9 flocks ago. Windrowing appears to have reduced the amount of litter the facility intends to export as there are many years the facility is not reporting the exportation of litter. It appears the NMP from 2017 does not accurately reflect the farm operations of 2024.

Documentation of Self-Inspections

Part 1.D.2 of the permit requires "The permittee shall operate and comply with all applicable requirements in 7 Del. Admin. C. §7201-9.5.6.4.3.1.1 and §9.5.6.4.3.1.3 of the CAFO Regulations for Large CAFOs or 7 Del. Admin. C. §7201-9.5.6.6.2.1.1 and §9.5.6.6.2.1.3 of the CAFO Regulations for Medium CAFOs. The permittee shall maintain records of implementation for six (6) years at the CAFO in accordance with State Technical Standards."

Del. Admin C. §7201 9.5.6.2.2.1.1.3 requires the farm to maintain "Records indicating the following routine visual inspections of the CAFO production area were conducted. At a minimum the following must be visually inspected....." weekly inspections of diversion devices and runoff structures, daily inspections of water lines, and weekly inspections of manure impoundments.

Observation #2:

Farm representatives stated that waterlines and stormwater conveyances were being inspected and assessed during daily site walk throughs, but they were not being documented. The farm was unable to provide the EPA Inspection Team with any documentation of these inspections.

Manure Exportation Records

Part I.D.2.c. of the permit states "If manure, litter or process wastewater is sold or given to other persons for disposal or utilization, the following information shall be maintained at the CAFO generating

the manure, litter or process wastewater: i. The date of manure, litter or process wastewater removal. ii. Name of receiver and contact information. iii. Quantity (tons/gallons) of manure, litter or process wastewater removed. iv. A copy of the most recent manure...analysis shall be given to the receiver on or before the date of the transfer.”

Observation #3:

The farm representative informed the inspection team that the facility was windrowing and was not exporting litter with every flock, they informed EPA that the last export of litter occurred 8 to 9 flocks prior to the inspection. The farm was unable to provide the inspection team with documentation of the exportation of the litter. The 2021, 2022 and 2023 Annual Reports all stated that there was no exportation of litter, though the farm representative verified an export was made within the past two years.

Manure/Litter Testing

Part I.D.3. of the permit states “Manure testing shall be performed annually in accordance with the State Technical Standards. Records of the annual manure analysis must be retained by the permittee and also provided to DDA each year as an attachment to the annual report submission.”

Observation #4:

The EPA Inspection Team obtained and reviewed the Annual Reports for 2021, 2022 and 2023. The Annual Reports did not contain manure/litter analysis. The 2022 Annual Report contained the request for manure/litter analysis, but the results of the analysis were not provided. There was no documentation of manure/litter analysis at the time of inspection.

Proper Operation and Maintenance

Part II.A.6. of the permit “The permittee shall at all times maintain in good working order and operate as efficiently as possible all BMP’s installed or used by the permittee for water pollution control to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes, but is not limited to, good housekeeping practices, appropriate chemical storage and handling, proper handling and storage of manure, and proper handling or mortalities as addressed in the AWMP or NMP.”

Observation #5:

At the time of the inspection, there appeared to be a hole on the manure storage shed (refer to Attachment A, Photograph 3).

At the time of the inspection, the EPA Inspection Team observed a significant amount of feathers and bird parts at the surface and in front of the compost pile, within the litter shed, and around the composter (refer to Attachment A, Photographs 4, 5, and 6). There were large feathers of different birds around the composter, which may have been due to birds taking mortalities from the composter.

The inspection team also observed feathers in some of the swales leading to the stormwater pond (refer to Attachment A, Photograph 10). The stormwater pond was pea green in color and had significant amounts of algae and/or plants on the surface (refer to Attachment A, Photograph 12 and 13). The farm representative stated that the pond has never discharged. At the time of the inspection, it appeared that the pond had about 1 foot of freeboard. There were no devices measuring the water level of the pond.

The inspection team observed a rust color puddle of water between two of the poultry houses (refer to Attachment A, Photograph 17).

IV. INSPECTION CHECKLIST

The inspection checklist below was completed during the inspection and included for reference purposes.

Nutrient Management Plan (NMP)	
Required NMP Element [40 CFR 122.42(e)(1)] [7 DE Admin. Code § 7201-9.5.5.2] [DE GP1 Part II.A.2]	
Yes	1. Is the facility's AWMP/NMP available on-site? Does it reflect the current operational characteristics and practices? [40 CFR 122.42(e)(2)(ii)] [7 DE Admin. Code § 7201-9.5.5.2] [DE GP1 Part I.D.1] Date developed or last revised: <u>11/20/2017</u> Approved by: _____ Approval date: _____ Date submitted to DNREC: _____
Yes	2. Ensure adequate storage of manure and process wastewater, including operation and maintenance procedures. [40 CFR 122.42(e)(1)(i)] Identified in the Poultry Litter Quantity Estimate and Manure Storage Capacity in NMP
Yes	3. Ensure proper management of animal mortalities. [40 CFR 122.42(e)(1)(ii)] Method of Mortality Disposal in NMP
Yes	4. Ensure that clean water is diverted, as appropriate, from the production area. [40 CFR 122.42(e)(1)(iii)] The poultry houses, litter sheds and composter are all covered and prevent stormwater from access to areas where litter/manure is stored, mortalities are composted, or birds are confined. Gutters on these structures guide stormwater to vegetated areas adjacent to the structures, where it would infiltrate. Pads in the front and rear of the house are part of the production area and need to be managed as such.
Yes	5. Prevent direct contact of confined animals with surface waters. [40 CFR 122.42(e)(1)(iv)] Animals are in houses and do not have access to surface waters.
Yes	6. Ensure proper disposal of chemicals and other contaminants. [40 CFR 122.42(e)(1)(v)] Page 11 of the NMP states "Chemicals and other contaminants handled on-site are not to be disposed of in any manure, litter, or storm water storage or treatment system unless specifically designed to treat such chemicals and contaminants."
Yes	7. Identify site-specific conservation practices to control runoff of pollutants. [40 CFR 122.42(e)(1)(vi)] Page 6 of the NMP identifies the vegetative buffers and good housekeeping practices.
Yes	8. Identify protocols for manure, process wastewater, and soil sampling and testing. [40 CFR 122.42(e)(1)(vii)] Page 9 of the NMP states "Nutrient values of manure and organic amendments shall be collected and analyzed at least once annually, Samples should be taken in accordance with recommendations of the University of Delaware."

N/A	9. Establish protocols to land apply manure or process wastewater in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter, or process wastewater. [40 CFR 122.42(e)(1)(viii)]. The facility exports all of its manure.						
Yes	10. Identify specific records that will be maintained to document the implementation and management of the minimum NMP elements (#2-#9 above). This is discussed on page 13 of the NMP.						
<i>Additional NMP Requirements for Large Dairy Cow, Cattle, Swine, Poultry, and Veal Calf CAFOs</i>							
N/A	11. Application rates are calculated as required by 40 CFR 412.4(c)(2).						
Yes	12. Specifies the manure, process wastewater, and soil sampling at the required frequencies and for the required parameters? [40 CFR 412.4(c)(3)] <i>(manure/wastewater annually for P & N (at minimum, analysis for total nitrogen (N), ammonium N, total phosphorus (P) or P2O5, total potassium (K) or K2O, and percent solids); soils (at a minimum, analysis for organic matter, pH, lime requirement, and plant available phosphorus and potassium; Current soil tests are ones that are no older than three years) in accordance with State Technical Standards) [DE GP1 Part I.D.3]</i>						
N/A	13. Includes periodic inspection of land application equipment? [40 CFR 412.4(c)(4)]						
N/A	14. Includes 100-foot setback or 35-foot vegetated buffer, or approved alternative? [40 CFR 412.4(c)(5)]						
Nutrient Management Plan (NMP) (continued)							
Where applicable, identify each field and setback type:							
<table border="1"> <thead> <tr> <th>Field ID</th> <th>Setback Type</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </tbody> </table>		Field ID	Setback Type				
Field ID	Setback Type						
Nutrient Management Plan (NMP) comments:							
<u>The facility is an export only/no land application operation. All litter from the facility is being exported.</u> <u>Animals are kept within poultry houses</u> 							

Monitoring, Documentation and Recordkeeping

Does the facility maintain the following records? [7 DE Admin. Code § 7201-9.5.6.4.3]

- Yes** 15. The completed permit application? [40 CFR 412.37(b)]
- Yes** 16. The current design of manure storage structures, including volume of solids accumulation, design treatment volume, total design volume, and approximate number of days of storage capacity? [40 CFR 412.37(b)(5)] [7 DE Admin. Code § 7201-9.5.6.4.3.1.1.5] **The NMP identifies the dimensions and capacity of the litter shed.**
- N/A** 17. The date, time, and estimated volume of any overflow? [40 CFR 412.37(b)(6)] [7 DE Admin. Code § 7201-9.5.6.4.3.1.1.4]
- No** 18. Manure and process wastewater transfers, including the most current nutrient analysis of the manure or wastewater that was provided to the recipient, the date and approximate amount transferred, and the name and address of the recipient? [40 CFR 122.42(e)(3)] [DE GP1 Part I.D.2.c.iv] [7 DE Admin. Code § 7201-9.5.6.4.3.1.3.1] **The 2017 NMP identifies a farm that receives all litter from the farm and also shows the exportation of litter on annual basis. The farm owner said that the last exportation of litter was 8-9 flocks ago between 1.5 and 2.0 years ago. The annual reports from 2021 through 2023 are all marked that manure export for land application or other use is not applicable.**
- No** a. Name of recipient and contact information
- No** b. Address of recipient
- No** c. Date of transfer
- No** d. Approximate amount transferred (tons/gallons)
- No** e. A copy of the most recent manure, litter and process wastewater nutrient analysis shall be given to the receiver on or before the date of transfer. [DE GP1 Part I.D.2.c.iv]
- No** f. Does the facility maintain these manure transfer records for 6 years?

Additional Production Area Records for Large Dairy Cow, Cattle, Swine, Poultry, and Veal Calf CAFOs

- No** 19. Documentation of daily and weekly visual inspections of the production area, including:
- No** a. Weekly inspection of stormwater diversions, runoff diversion structures, and devices channeling contaminated storm water to the wastewater and manure storage containment structure? [40 CFR 412.37(b)(1)] [7 DE Admin. Code § 7201-9.5.6.4.3.1.1.3.2] **There were no documented inspections**
- No** b. Daily inspection of water lines? [40 CFR 412.37(b)(1)] [7 DE Admin. Code § 7201-9.5.6.4.3.1.1.3.3] **There were no documented inspections**
- N/A** c. Weekly inspection of impoundments and tanks? [40 CFR 412.37(b)(1)] [7 DE Admin. Code § 7201-9.5.6.4.3.1.1.3.4] **There are no impoundments or tanks for manure storage. There is a stormwater impoundment in the rear of the site that appears to show nutrient loading based on its coloration.**

No	20. Weekly records of the depth of manure and process wastewater in liquid impoundments and terminal tanks? [40 CFR 412.37(b)(2)] [7 DE Admin. Code § 7201-9.5.6.4.3.1.1.3.4] (Permit requires records of “amount stored” [DE GP1 Part I.D.2.b].)
No	a. Does the facility maintain these records for 6 years?
No	21. Documentation of actions taken to correct deficiencies found as a result of production area inspections? [40 CFR 412.37(b)(3)] [7 DE Admin. Code § 7201-9.5.6.4.3.1.1.3.1]
N/A	a. Were deficiencies corrected within 30 days? <u>There were no documented inspections.</u>
N/A	b. If not, does the file contain an explanation of factors preventing immediate correction? [40 CFR 412.37(b)(3)] <u>There were no documents inspections</u>
<i>Monitoring, Documentation and Recordkeeping (continued)</i>	
Yes	22. Documentation of mortalities management? [40 CFR 412.37(b)(4)] [7 DE Admin. Code § 7201-9.5.6.4.3.1.1.1] [DE GP1 Part I.D.2.a]
Unknown	a. Does the facility maintain these records for 6 years?
<i>Land Application Area Records for Large Dairy Cow, Cattle, Swine, Poultry, and Veal Calf CAFOs</i>	
N/A	23. Expected crop yields? [40 CFR 412.37(c)(1)]
N/A	24. Date(s) manure or process wastewater is applied to each land application site? [40 CFR 412.37(c)(2)]
N/A	25. Weather conditions at the time of, and for 24 hours prior to and following, land application? [40 CFR 412.37(c)(3)] [7 DE Admin. Code § 7201-9.5.6.4.3.1.2.3]
No	26. Test methods used to sample and analyze manure, process wastewater, and soil? [40 CFR 412.37(c)(4)]
No	27. Results from manure, process wastewater, and soil analyses? [40 CFR 412.37(c)(5)] [7 DE Admin. Code § 7201-9.5.6.4.3.1.2.1] [DE GP1 Part I.D.3] (maintained onsite and also provided to DDA as an attachment to the annual report) <u>A request for manure analysis was submitted with the 2022 Annual Report, however the facility did not provide the results of the requested analysis to the Inspection Team.</u>
Yes	28. If sampling and/or monitoring is performed, samples and measurements are representative of the monitored activity? [DE GP1 Part I.D.4]
No	a. Sampling and monitoring records shall include the date, place, and time of sampling or measurements, and the individuals who performed the sampling or measurements. The facility responsible for analysis of the sample shall document the date of the analysis, the individual who performed the analysis, the analytical techniques/methods used, and the results of such analysis in accordance with 7 Del. Admin. C. §7201-6.41.2. The facility did not provide any documentation of litter analysis to the Inspection Team during the inspection.

N/A	29. Manure and process wastewater application rates determined in accordance with the technical standards? [40 CFR 412.37(c)(6)] [7 DE Admin. Code § 7201-9.5.6.4.3.1.2.1]
N/A	30. Calculations showing the total N and P to be applied to each land application site, including sources other than manure or process wastewater? [40 CFR 412.37(c)(7)] [7 DE Admin. Code § 7201-9.5.6.4.3.1.2.1]
N/A	31. Total amount of N and P actually applied to each land application site, including calculations? [40 CFR 412.37(c)(8)] [7 DE Admin. Code § 7201-9.5.6.4.3.1.2.2]
N/A	32. Method used to apply manure and process wastewater? [40 CFR 412.37(c)(9)] [7 DE Admin. Code § 7201-9.5.6.4.3.1.2.3]
Monitoring, Documentation and Recordkeeping (continued)	
N/A	33. Date(s) of manure application equipment inspections for leaks? [40 CFR 412.37(c)(10)] [7 DE Admin. Code § 7201-9.5.6.4.3.1.2.5]
	34. Describe the records that are maintained to document implementation of the following nutrient management planning elements [40 CFR 122.23(e)]:
	a. Identify site-specific conservation practices to control runoff of pollutants.
	_____ _____ _____
	b. Identify protocols for manure, process wastewater, and soil sampling and testing.
	_____ _____ _____
	c. Establish protocols to land apply manure or process wastewater in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter, or process wastewater.
	_____ _____ _____ _____ _____ _____
N/A	35. Has the facility notified DDA/DNREC of any actual or planned physical alterations or additions to the facility: [DE GP1 Part II.A.3]
	• New poultry houses are to be constructed at the permitted facility; • The alteration or addition meets criteria of a "New Source" in accordance with 7 Del. Admin. C. §9.5. 7.0 of the CAFO Regulations; • The alteration or addition changes the location of discharge points, if any.

If yes, describe:

N/A

36. Has the facility reported any noncompliance? [DE GP1 Part I.F]

If yes, describe: _____

Yes

37. Has the facility retained a copy of the annual report and supporting documents onsite?
[DE GP1 Part I.D.5]

Monitoring, Documentation and Recordkeeping comments:

Facility representatives informed the EPA Inspection Team that while the facility did conduct self-inspections of waterlines and stormwater conveyances, these inspections were not documented. The EPA Inspection Team was therefore not provided with any documentation of these actions. The EPA Inspection Team requested but was not provided with any documentation of manure/litter export records. The NMP, which was developed in 2017, documents annual exports and the facility representatives stated that an export occurred 8-9 flocks prior to the inspection; however, there were no records of the export, nor was it documented in the Annual Reports from 2021 through 2023.

Land Application Sites

N/A 38. Does the facility apply manure or wastewater to land owned by or under the operational control of the CAFO?

- Number of land application sites: _____
- Irrigation type(s): _____
- Furrow/flood irrigation sites – what is fate of applied wastewater and tailwater?: _____

N/A 39. Was manure/wastewater applied in accordance with the procedures and protocols identified in the NMP? (*spot check records for one for one field to complete the information below.*) If no, describe:?

Field ID:		Acreage:		P Index:		Calculations based on: ☐ N or ☐ P	
		Calculated*		Applied			
		Gal. or Tons (specify)	Lbs. N or P	Gal. or Tons (specify)	Lbs. N or P		
Rates of application:	Liquid						
	Slurry						
	Solid						
Total Lbs. N or P that may be applied and that were applied:							
*If rates are calculated for more than one form, are the rates ☐ exclusive (e.g., slurry or solid)?					☐ additive (e.g. slurry <i>and</i> solid) or		
Copy record(s) including rate calculations, land application records and any other relevant documentation.							

Production Area						
40. List impoundments (attach additional sheet(s), if needed)						
Impoundment ID	Wastewater Type	Wastewater Source(s)	Pumping level ²	Wastewater below pumping level?	Max. recorded level	Date of max. recorded level
N/A	☐ process generated ☐ runoff			Y or N		
	☐ process generated ☐ runoff			Y or N		

41. Impoundment(s) collect all runoff from:

N/A Animal confinement areas?³

N/A Manure storage areas?⁴

N/A Raw material storage areas?⁵

N/A Waste containment areas?⁶

N/A Egg washing or egg processing facility?

Production Area (continued)

Yes Mortality storage, handling, treatment or disposal area? **Channel Composter**

N/A Other? (describe): _____

If no, describe non-retained areas:

No 42. Was manure or wastewater observed in a waterway? If yes, describe:

² The pumping level represents the minimum capacity necessary to contain runoff and direct precipitation from the 25-year, 24-hour rainfall event (40 CFR 40 CFR 412.37(a)(2)). [7 DE Admin. Code § 7201-9.5.6.4.3.1.1.3.4.1]

³ Animal confinement area includes but is not limited to open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, milkrooms, milking centers, cowyards, barnyards, medication pens, walkers, animal walkways, and stables (40 CFR 40 CFR 122.23(b)(8)).

⁴ Manure storage area includes but is not limited to lagoons, runoff ponds, storage sheds, stockpiles, under house or pit storages, liquid impoundments, static piles, and composting piles (40 CFR 40 CFR 122.23(b)(8)).

⁵ Raw materials storage area includes but is not limited to feed silos, silage bunkers, and bedding materials (40 CFR 40 CFR 122.23(b)(8)).

⁶ The waste containment area includes but is not limited to settling basins, and areas within berms and diversions which separate uncontaminated storm water (40 CFR 40 CFR 122.23(b)(8)).

Yes	43. Adequate storage available for manure, litter, and process wastewater, and procedures are in place to ensure proper operation and maintenance of the storage facilities? [40 CFR 122.42(e)(1)(i)]	
Yes	44. Confined animals do not have direct contact with waters of the United States? [40 CFR 122.42(e)(1)(iv)]	
Yes	45. Clean water is diverted from the production area? [40 CFR 122.42(e)(1)(iii)]	
	The poultry houses, litter sheds and composter are all covered and prevent stormwater from access to areas where litter/manure is stored, mortalities are composted, or birds are confined. Gutters on these structures guide stormwater to vegetated areas adjacent to the structures, where it would infiltrate. Pads in the front and rear of the house are part of the production area and need to be managed as such.	
Yes	46. Chemicals and other contaminants handled on-site are not disposed of in any manure, litter, process wastewater, or storm water storage or treatment system? [40 CFR 122.42(e)(1)(v)] [DE GP1 Part II.A.6]	
No	47. Manure residue and litter residue is adequately cleaned up on a reasonable and necessary basis? [DE GP1 Part II.A.4] The poultry house pads did not appear to have litter on them at the time of inspection. At the time of the inspection there was a significant amount of feathers that were visible in the composter and bones at the composter surface and around the composter. There were also feathers of other birds around the composter indicating that there was the potential of other animals getting into the composter. Significant amounts of feathers were seen in the litter shed as well which abuts the composter	
Yes	48. Manure residue and litter residue is adequately cleaned up from the exterior area(s) of the poultry house(s) as soon as practically possible after bird movement not to exceed 14 days? [DE GP1 Part II.A.5] Litter was not observed on the pad in front of the poultry houses or the outside the litter shed.	
Yes	49. All BMPs installed or used by the facility for water pollution control to achieve compliance with the terms and conditions of the permit are maintained in good working order and operate as efficiently as possible at all times? [DE GP1 Part II.A.6]	
	a. Identify water pollution control BMPs	b. Describe maintenance activities

Production Area (continued)

Additional Production Area Requirements for Large Dairy Cow, Cattle, Swine, Poultry, and Veal Calf CAFOs (Subparts C and D)

N/A 50. All open surface impoundments and terminal storage tanks have depth markers which clearly indicate the minimum capacity necessary to contain the runoff and direct precipitation of the 25-year, 24-hour rainfall event? [40 CFR 412.37(a)(2)] [7 DE Admin. Code § 7201-9.5.6.4.3.1.1.3.4.1]

There was a stormwater impoundment at the rear of the site, that was receiving flows from the swales located around the sites. The water within the impoundment was pea green in color with a blanket of algal or plant growth.

Yes 51. Mortalities remain in the production area until disposal, are not disposed in liquid manure or process wastewater treatment systems, and are handled to prevent discharge of pollutants to surface waters? [40 CFR 412.37(a)(4)] [DE GP1 Part II.A.6]

N/A 52. If manure is stockpiled in the production area for more than 14 days, is it under cover in an approved Manure Storage Structure? (stockpiling must be conducted and positioned in accordance with State Technical Standards)? [DE GP1 Part I.G.35]