



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19103-2852

Report Title: Clean Water Act Compliance Inspection Report
Inspection Date(s): 09/14/2022
Regulatory Program(s): National Pollutant Discharge Elimination System (NPDES)
Type of Activity: CAFO
Site/Facility Name: Willow Behrer Farm
Permittee(s): Willow Behrer Farm LLC
Site/Facility Operator: Mike Behrer
Site/Facility Address: 3288 Behrer Lane
Spruce Creek, PA 16683
Latitude: 40.670833 **Longitude:** -78.073611
County/Parish: Huntingdon
General Permit #:
Site Specific Permit #: PA0248312
NAICS Code: 112120 **SIC:** 0241
Unique Project #: 3E22WN100A

Site/Facility Representative(s): **Point of Contact**

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Date

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**Supervisor
Signature/Date**

Mark Zolandz, Acting Section Chief
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Date

Unique Project#: 3E22WN100A

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List of Attachments

- Attachment A: Photo Log
- Attachment B: Nutrient Management Plan
- Attachment C: National Oceanic and Atmospheric Administration Storm Interval Data
- Attachment D: NPDES Permit
- Attachment E: PA DEP Inspection Report November 22, 2022

I. Introduction

On September 14, 2022, an inspection team composed of staff from the U.S. Environmental Protection Agency (EPA) Region III (hereinafter, “EPA Inspection Team”) met with Krista Crone and William Severs of the Pennsylvania Department of Environmental Protection (PADEP) and Mike Behrer of Willow Behrer Farm at the farm in Spruce Creek, Pennsylvania. The EPA Inspection Team was conducting an inspection of the farm to assess its compliance with its NPDES Permit No. PA0248312 (hereinafter, the “Permit”).

A. Inspection Opening Conference

The EPA Inspection Team arrived at the site at approximately 11:00 AM for the announced inspection. The EPA Inspection Team met with Krista Crone and William Severs of PADEP and Mike Behrer at the farm. Mike Behrer accompanied the EPA and PADEP inspectors throughout the inspection. The EPA representatives listed below were at the site for the inspection:

Table 1. EPA Representatives

Name	Agency	E-mail
Peter Gold	EPA	Gold.peter@epa.gov
Chuck Schadel	EPA	Schadel.chuck@epa.gov

B. Weather and Precipitation Conditions

During the inspection, weather was overcast. The EPA Inspector was unable to find a National Oceanic and Atmospheric Administration (NOAA) National Weather Service station near Middleburg, PA; the nearest station was in Altoona PA. NOAA National Weather Service precipitation data for the date of the inspection and 5 days prior are provided in Table 2 below:

Table 2. Precipitation Data

Station Name	Date	Precipitation Amount (inches) ¹
Altoona 7 SW, PA US USC00360132	09/09/2022	0.00
Altoona 7 SW, PA US USC00360132	09/10/2022	0.01
Altoona 7 SW, PA US USC00360132	09/11/2022	0.42
Altoona 7 SW, PA US USC00360132	09/12/2022	0.44
Altoona 7 SW, PA US USC00360132	09/13/2022	0.00
Altoona 7 SW, PA US USC00360132	09/14/2022	0.00

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

C. Summary of the Site/Facility

Willow Behrer Farm is a dairy operation in Huntingdon County, PA that housed over 1,500 cows and calves at the time of the inspection. There are multiple farms with multiple barns.

II. Site/Facility Activity

According to the most recent Nutrient Management Plan (NMP), this operation consists of 644 New Barn dairy cows, 250 Houck barn dairy cows, 40 New Barn heifers, 18 Parlor Barn dairy cows, 60 Blue Barn heifers, 95 Houck heifers, 90 Steer Barn heifers, 67 Steer Barn calves, 30 Mountain Bank Barn heifers, 30 Blue Shed calves, 133 Hutch calves, 150 Freestall Barn dairy cows, 36 Heifer Barn heifers, 68 Heifer Barn calves, and one Heifer Barn bull. Calves and heifers from the Heifer Barn have access to graze pastures throughout the growing season.

Manure from the New Barn and Parlor Barn passes through a mechanical sand and solids separator before flowing into two Sand Settling Cells where additional sand is removed from the waste stream. After passing through the sand settling cells, the liquid manure gravity flows into the Manure Pond. Milkhouse waste and washwater is also collected in the Manure Pond. Separated solids are stacked on the Solids Stacking Pad, while sand is placed on the concrete Sand Stacking Pad.

Manure from the Blue Shed, Blue Barn, Calf Barn/Hutches, and Steer Barn is collected as pen pack. Pen-pack manure is cleaned out year-round and is either directly land applied or stacked on the Gilland Farm and Reed Farm if cropland is unavailable. Manure from the Heifer Barn is collected as a semi-solid manure in the covered Heifer Barn Storage, while manure from the Freestall Barn is collected as a semi-solid manure in the Semi-Solid Storage. Manure from the Houck Farm dairy barn is stored in a liquid underbarn storage that is roofed. The manure generated from the heifers on the Houck Farm is all collected as pen pack. Pen pack manure is cleaned out year-round and is either directly land applied or stacked on the Gilland Farm and Reed Farm if cropland is unavailable, or exported off the farm.

There are approximately 1037.0 acres of cropland, 93.0 acres of continuous hay, and 43.7 acres of pasture under the management control of the operator available to receive nutrient applications. The farmstead consists of approximately 33 acres, with another approximately 107 acres of woodland and un-farmed land. On the Home, Hayes, Peters, Twin Meadows and Wagner farms, the general crop rotation consists of small grain silage followed by corn silage, with some hay fields mixed into the rotation. On the Gilland, Lakes, and Reed farms the general crop rotation is corn silage, ryelage, and soybeans, with some hay fields mixed into the rotation. On the Cox and Durbin farms the general crop rotation consists of corn silage with a small grain cover crop. The Ivy farm and field M1 and V1 are continuous hay.

Mortalities are composted using pen pack manure from the dairy herd. Mortality compost is typically reused with pen pack manure for future mortality composting or land applied with the pen-pack manure.

III. Observations

The following section summarizes the EPA Inspection Team's observations relative to the farm inspection. Willow Behrer Farm is an NPDES permitted facility and operations were compared with permit requirements.

Waterline and Land Application Inspections

Part A.III.C.1. of the Permit states that for large CAFOs "...the permittee shall inspect water lines daily, including drinking water or cooling water lines, for the presence of leaks...."

Part A.III.C.3 of the Permit relates to Land Application Inspections and requires the permittee to "...inspect the land application equipment for leaks.... document weather conditions at the time of land application and for 24 hours prior to and following application...."

Observation #1:

The facility did not provide documentation of daily waterline inspections conducted at the farm. EPA is unable to verify if these inspections are occurring. The EPA Inspection Team was unable to find documentation of equipment inspections in the land application forms provided to the EPA Inspection Team.

Depth Markers

Part C.V.B.1 of the Permit requires that all facilities containing liquid and semi-solid manure contain a permanent depth marker.

Observation #2:

The EPA Inspection Team was unable to visually find a depth marker in some of the manure storage facilities such as the Heifer Barn Storage, Semi-Solid Storage/Settling Basin and Steer Barn Reception Pit. Photographs P9140019, P9140020, P9140055 and P9140065 of Attachment A document the storage structures that the Inspection Team was unable to verify the location and existence of depth markers.

Nutrient Management Plan Requirements

Part C.I.A.1 of the Permit states "The permittee shall implement a site-specific Nutrient Management Plan (NMP) for the land application of manure that is approved by the State Conservation Commission or delegated county conservation district and meets the requirements of 25 Pa. Code Chapter 83, Subchapter D and 40 CFR 122.42(e)(1)(i-ix)....."

40 CFR 122.42(e)(1)(V) The NMP shall ensure that chemicals and other contaminants are not disposed of in any manure litter, process wastewater, or storm water storage or treatment system (unless specifically designed to treat such chemicals and other contaminants).

Observation #3:

The EPA Inspection Team was unable to find any mention of the disposal of chemicals within the NMP.

Manure Storage Facility Structure

Part C.V.D.2 of the Permit requires facilities to prevent woody vegetation with roots from growing on embankments or the top of manure storage facility berms.

Observation #4:

The EPA Inspection Team observed what appeared to be woody vegetation on the top of berm of one of the manure storage lagoons believed to be the Semi-Solid Storage/Settling Basin. The vegetation can be observed just behind the wooden fence on the right side in Photograph P9140065 in Attachment A.

Mortality Composting

Part C.IV.A of the Permit addresses mortality composting and requires “The permittee shall comply with the requirements of the Domestic Animal Law..... If the carcass is buried, it must be placed so that every part shall be covered by at least 2 feet of earth....”

2352.a.2 of the Domestic Animal Law states ‘Persons caring for or owning domestic animals that have died shall prevent exposure of the carcasses of such domestic animals to other living animals....’

Observation #5:

The EPA Inspection Team observed many bones on the top of the compost pile along with the head of a cow uncovered. The head of the cow can be seen in the middle of Photograph P9140073 in Attachment A.

Waste Management

Part C.VI.A of the Permit states “The permittee shall implement measures and/or BMPs to prevent discharge from raw material storage areas, including feed storages to surface waters.”

Observation #6:

The EPA Inspection Team observed an open dump area as documented in Photograph P9140069 of Attachment A.

Manure Storage Freeboard

Part C.V.C of the Permit states “The permittee shall maintain freeboard within liquid and semi-solid manure storage facilities in accordance with 25 Pa. Code 91.36(a)(6), as follows: 2. For all other agricultural operations, a minimum 12-inch freeboard for manure storage facilities that are ponds or impoundments, and a minimum 6-inch freeboard for all other manure storage facilities.”

Observation #7:

The EPA Inspection Team observed a reception pit at the steer barn that appeared to have under one foot of freeboard, there was no depth marker at the reception pit to determine the actual amount/height of freeboard. Please refer to photographs P9140018, P9140019 and P9140020 of the Photo Log for this observation.

Manure Storage Collection

Part C.V.A.1 of the Permit states “The permittee shall design, construct, operate and maintain manure storage and handling facilities to collect all liquid and semi-solid manure and agriculture process wastewater from production areas unless otherwise approved by DEP and accounted for in the NMP.”

Observation #8:

The EPA Inspection Team observed manure migrating from the concrete pad prior to the manure storage of the heifer barn. Please refer to photograph P9140055 of the Photo Log for this observation.

Permitted Annual Equivalent Unit (AEU) Capacity

Part B.III.G.2 of the Permit requires the permittee to submit an application to amend this permit “When the permittee plans to increase the animal population on the operation by more than 10%, in terms of AEUs, in comparison to the AEUs identified in the approval of coverage under this permit...”

Observation #9:

According to the cover page of the February 1, 2020, permit Willow Behrer Farms was authorized to maintain an animal population of 1,531 AEUs. At the time of the inspection there were 1,927 AEUs. PA DEP informed EPA that they were told about this increase verbally. PA DEP informed Willow Behrer that an amendment to the permit was necessary. PA DEP identified Willow Behrer’s failure to apply for and amend their NPDES CAFO Permit prior to making changes as a violation in their November 22, 2022 Inspection Report of Willow Behrer Farms.

IV. Records Review

The Inspection Team reviewed the Permit, inspection photographs, and the site’s NMP.

V. Closing Conference

There was a closing conference held with the operator where the preliminary observations of the inspection were discussed.