



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
FOUR PENN CENTER – 1600 JOHN F. KENNEDY BLVD.
PHILADELPHIA, PENNSYLVANIA 19103-2852

Report Title: Clean Water Act Compliance Inspection Report
Inspection Date(s): August 8, 2023
Regulatory Program(s): National Pollutant Discharge Elimination System (NPDES)
Type of Activity: CAFO Inspection
Facility Name: J&D Farms
Facility Address: 16833 Wilson Hill Road, Georgetown, DE 19947
Facility Latitude: 38.712852
Facility Longitude: -75.416489
County/Parish: Sussex County
CAFO Permit No: DE5000N11
Site Specific Permit No: DEA117089
NAICS Code: 112310
SIC: 0251
Unique Project #: 3E23WN109A

Facility Representative(s):

Mark Briggs, Operator
Email: Luckystarfarms1@gmail.com

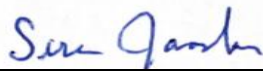
Point of Contact



Inspectors:

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**Report Preparer
Signature/Date**


Sirese Jacobson, PG Environmental

September 29, 2023
Date

**Supervisor
Signature/Date**

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

Date

Attachments

Attachment A Site Map

Attachment B Photograph Log

DELAWARE CAFO INSPECTION REPORT

GENERAL INFORMATION

Facility ID #: N/A Facility Name: J&D Farms Facility Owner: Deborah Hearn Facility Operator: Mark Briggs Mailing Address: 16833 Wilson Hill Road, Georgetown, DE 19947 Physical Address: 16833 Wilson Hill Road, Georgetown, DE 19947 County: Sussex County Contact Person: Mark Briggs Phone office: N/A fax: N/A cell: 302-841-5177 E-mail: Luckystarfarms1@gmail.com Persons Present During Inspection: Mark Briggs (J&D Farms); Chris Brosch, Clint Gill, Bob Coleman, and Aaron Givens (Delaware Department of Agriculture [DDA]); Lydia Smith (Delaware Department of Natural Resources and Environmental Control [DNREC]); Mark Zolandz, Peter Gold, and Michael Greenwald (EPA Region 3); Sirese Jacobson and Andrew Rimelman (PG Environmental)	Inspectors: Sirese Jacobson and Andrew Rimelman (PG Environmental) Inspection Date: 8/8/2023 Time in: 8:00 AM Time out: 10:00 AM Weather: Sunny, ~ 75 degrees F during the site tour. On the evening of 8/7/2023, Georgetown, DE received 1.47 inches of rain (source: Climate (weather.gov)). GPS Reading (at gate) North: 38.712852 West: -75.416489 Does the facility owner/operator own and/or operate any other animal feeding operations? Yes If yes provide name(s) and address(es) and indicate whether the facility is an AFO or a CAFO: Lucky Star Farms – 20670 Piglet Path Road, Georgetown, DE 19947; Shingle Point Farms – 22879 Lewes Georgetown Hwy, Georgetown, DE 19947
Max. Animals Confined per Month: 44,000 Max. Capacity of Facility: 60,000	Location and name of nearest surface water¹ and description of flow path: Mifflin Ditch is located approximately 0.5 miles northwest of the production area. After crossing under Wilson Hill Road west of the production area, Mifflin Ditch flows approximately 2.5 miles southwest before entering Deep Creek. Deep Creek travels generally southwest to the Nanticoke River.
Number of animals today (all animals in production area): 44,000 roaster and broiler chickens	
X	Presented credentials? (check if yes)
X	Inspection photos attached? (check if yes)

¹ Surface water means all waters of the United States.

INSPECTION OVERVIEW AND FACILITY DESCRIPTION

On August 8, 2023, EPA Region 3 inspectors Mark Zolandz, Peter Gold, and Michael Greenwald, along with their contractors Sirese Jacobson and Andrew Rimelman (PG Environmental), collectively, "EPA inspection team," conducted a compliance inspection of J&D Farms, a CAFO located in Georgetown, Sussex County, Delaware. The EPA inspection team entered the facility at approximately 8:00 AM and stopped at the facility entrance to carry out biosecurity measures, including disinfecting vehicle tires and donning disposable boot covers and coveralls. The group then proceeded into the facility where they met the facility operator, Mark Briggs, and the DDA representatives Chris Brosch, Clint Gill, Bob Coleman, and Aaron Givens, as well as DNREC representative Lydia Smith, who were already onsite. Michael Greenwald, Peter Gold, and Sirese Jacobson presented their credentials and explained the inspection goals and procedure. EPA contract inspectors conducted an opening conference. Then, Mr. Briggs led the group on a site walk around the production area. After the site walk, the group assembled near the eastern edge of the production area to discuss the operation and review records, and conduct the closeout conference. The EPA inspection team left the facility at approximately 10:00 AM, stopping at the facility entrance on the way out to disinfect the vehicle tires.

J&D Farm is a contract poultry growing operation that produces roasters and broilers and is permitted for 60,000 chickens. According to the facility's Animal Waste Management Plan (AWMP), the facility operator grows 4 flocks of roasters and one flock of broilers per year. The facility raises the chickens to an average weight of 9.5-10 pounds. The facility has two active poultry barns onsite (the southernmost poultry barn is referred to a "Poultry Barn 1" and the northernmost poultry barn is referred to as "Poultry Barn 2" throughout this report) and a number of out-of-use buildings in the production area.

Manure is windrowed inside the barns, and the piles are turned every 3-4 days. Manure is removed once per year by the manure recipient directly from the west ends of the poultry barns. The facility has a manure storage shed onsite, but it is currently used for equipment storage. Mortalities are composted in a compost shed located east of the Poultry Barn 2 (Photographs 1 and 2).

All of the animal confinement, manure storage, and mortality composting is done under roofed structures. In the areas surrounding these buildings, the inspectors saw accumulated feathers and standing water in places (Photographs 12-14, and 21). The inspectors noted that the topography of the site is generally flat. As noted on page 1 of the report, Georgetown, DE received 1.47 inches of rain the night prior to the inspection. The areas of standing water observed during the site walk appear to indicate that some stormwater is retained in low areas on the site (Photographs 10, 11, 15, and 16); however, there were other areas that appear to be swales that may carry flow, although no flow was observed exiting the site at the time of the inspection.

During periods of heavy rain, the swale located northeast and east of Poultry Barn 2 would appear to capture runoff from the areas around the mortality composting shed and poultry barn exhaust fans as well as some roof runoff from the poultry barns. Runoff captured in the area around the exhaust fans located on the southeast corner of Poultry Barn 2 would appear to flow into a culvert located immediately south of the exhaust fans along the north side of Poultry Barn 1. During the site tour, the inspectors noted accumulated feathers near these exhaust fans (Photographs 12-14, and 21). From this culvert inlet, runoff would appear to flow northeast under the facility road through the culvert and into the swale (Photograph 5). From this point, runoff would appear to flow north. The inspection team observed accumulated water in this swale near one of the facility's abandoned buildings (Photograph 6); however, it appeared that runoff would continue under the wood

framework supporting the sloped entrance to the building and enter the swale on the far side, continuing on towards the northern boundary of the production area (Photograph 7). There appeared to be sufficient gradient to support the flow of water during a heavy rainstorm to continue offsite into the wooded area located along the northern boundary of the production area.

During the site tour, the inspection team observed green standing water adjacent to the mortality composting shed and across from the exhaust fans on the northeast corner of Poultry Barn 1 and also observed accumulated feathers nearby (Photograph 14). It appears that during periods of heavy rain, runoff from this area of green standing water would be within the flow path directing runoff west and north into the swale running towards the northern facility boundary.

During periods of heavy rain, the depression which runs along the southern side of Poultry Barn 1 would appear to capture runoff from the areas on the south side of the building, roof runoff, and runoff from the area around the exhaust fans (Photographs 15, 16, and 20). During the site tour, the inspectors noted accumulated feathers across from the exhaust fans on the southeast corner of Poultry Barn 1 (Photograph 21). In addition, the inspection team observed a white PVC pipe near the southwest corner of Poultry Barn 1 (Photograph 18). The facility operator stated he believed that the PVC pipe was connected to a sump pump in an adjacent residence, but was not certain. This PVC pipe would drain to a production area if it were to convey flow.

During periods of heavy rain, it would appear that runoff from the north side of Poultry Barn 2 would flow into the adjacent facility field (Photograph 8). Runoff from the manure pads located on the west side of each poultry barn would flow west into the adjacent grassy areas and facility field (Photographs 9, 11, and 19). Runoff from the area near the southwest portion of Poultry Barn 2 would flow into the adjacent grassy area (Photographs 10 and 11) and remain onsite.

During periods of heavy rain, it would appear that the swale located along the east side of the production area would capture stormwater off the adjacent facility road and east side of Poultry Barn 1, and eventually convey flow into the swale that directs runoff towards the north facility boundary (Photographs 22 and 23).

All manure is hauled offsite; the farmer does not apply any poultry manure/litter to land under his operational control. Manure is windrowed inside the poultry barns and is exported offsite directly from the poultry barns; the facility does not use a manure storage shed.

SUMMARY OF OBSERVATIONS

The following observations identify potential noncompliance relative to the requirements of NPDES Concentrated Animal Feeding Operation (CAFO) General Permit for Large, Medium, & Designated Poultry CAFOs – Manure Generation Facilities Only (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. In the observations below, references to sections of the permit refer to Permit No. DE5000N/11, which became effective April 1, 2016. Each observation also includes a reference to questions that are included in the "Inspection Checklist" section below. This facility would be considered a Medium CAFO based on its animal numbers.

- Part I.D.3 of the permit requires that manure testing be performed annually and records "be retained by the permittee and also provided to the DDA each year as an attachment to the annual report submission." In addition, Part I.D.2.c.iv of the permit requires that "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." Furthermore, Section 6 of the facility's Animal Waste Management Plan (AWMP) also specifies manure sampling and analysis frequencies.

Observation #1

- The facility operator does not collect samples of manure and litter. According to the facility operator, the manure recipient collects the sample after removal offsite and provides the analytical results to the facility operator. The analytical results for samples collected by manure receivers were not available in the facility records at the time of the inspection. Following the inspection, the inspection team received a copy of manure analytical results for samples collected by a manure recipient which based on the analysis, were received at the laboratory on 12/07/2022. See questions 18.e, 26, and 27 of the Inspection Checklist below.
- Part I.D.4 of the permit specifies that "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..."

Observation #2

- The facility operator does not collect manure samples; samples are collected by the receiver of the manure. The manure sampling analytical report for samples collected by the manure recipient did not specify the test method used to analyze the manure. See question 18.e and 26. This manure sampling analytical report also did not specify the place, time, nor individuals who performed the sampling. See question 28.a of the Inspection Checklist below.
- Part I.D.5 of the permit requires that the permittee retain a copy of the annual report and supporting documents.

Observation #3

- The facility operator did not have a copy of an annual report onsite. DDA indicated that Mr. Briggs had not been the operator for a full year and therefore had not yet submitted an annual report to DDA. Following the inspection, DDA followed up with the EPA inspectors stating that the facility operator was not able to get the 2022 annual report from the facility owner (Deborah Hearn) but noted that DDA had modified their records to list Mr. Briggs as the person who should receive the annual report and reminded Mr. Briggs that he would need to submit the annual report moving forward. See question 36 of the Inspection Checklist below.
- Part II.A.6 of the permit requires the permittee to maintain “in good working order and operate as efficiently as possible all BMPs 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 of mortalities as addressed in the AWMP or NMP.” In addition, Part II.A.4 of the permit requires the permittee to “have manure residue and litter residue adequately cleaned up on a reasonable and necessary basis.”

Observation #4

- While the concrete pads on the west side of the poultry barns appeared clean during the site tour, the inspection team observed standing water across from the exhaust fans on the northeast corner of Poultry Barn 1. The standing water was green and feathers were observed nearby (Photograph 14). The inspection team also observed a few other areas with accumulated feathers across from exhaust fans (Photographs 12-14, and 21). See question 40 of the Inspection Checklist below.

INSPECTION CHECKLIST**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 | <p>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]</p> <p>Date developed or last revised: <u>The copy of the AWMP available onsite was for 2018-2022, signed by the owner on 9/12/2017. According to DDA representatives, DDA requires CAFOs to review the AWMPs at least once every five years. If no changes to the plan are needed at that time (i.e., the plan is still current and valid), the facility should submit a form ("documentation of plan review") indicating such, and containing signatures from the producer and consultant, along with the new notice of intent (NOI) and application for CAFO permit coverage. According to the facility operator, the facility had recently submitted its NOI, along with the documentation of plan review form, in anticipation of the reissuance of the general permit. The inspection team reviewed the documentation of plan review form onsite, which was signed by the facility operator and the facility consultant on 8/1/2023. DDA stated that they had received the facility's NOI and had not yet reviewed it at the time of the inspection. Based on the inspection interview and site tour, the AWMP appeared to reflect the current operational practices of the facility.</u></p> <p>Approved by: <u>The inspection team did not review an approval letter from DDA.</u></p> <p>Approval date: <u>The inspection team did not review an approval letter from DDA.</u></p> <p>Date submitted to DNREC: <u>Not determined.</u></p> |
| Yes | 2. Ensure adequate storage of manure and process wastewater, including operation and maintenance procedures. [40 CFR 122.42(e)(1)(i)] |
| Yes | 3. Ensure proper management of animal mortalities. [40 CFR 122.42(e)(1)(ii)] |
| No | <p>4. Ensure that clean water is diverted, as appropriate, from the production area. [40 CFR 122.42(e)(1)(iii)]</p> <p><u>The AWMP does not address diversion of clean water from the production area. The topography of the site is relatively flat and therefore, clean water from offsite does not appear to run onto the facility. Roof runoff is not captured and diverted offsite. Instead, roof runoff appears to generally be captured in a depression, in swales, or flow into grassy areas adjacent to the buildings. The facility did not appear to be implementing any specific practices to divert clean water.</u></p> |
| Yes | <p>5. Prevent direct contact of confined animals with surface waters. [40 CFR 122.42(e)(1)(iv)]</p> <p><u>The chickens are housed in the poultry barns and do not have direct access to surface waters.</u></p> |
| N/A | 6. Ensure proper disposal of chemicals and other contaminants. [40 CFR 122.42(e)(1)(v)] |

	<u>The AWMP includes general information on chemical handling but the inspection team did not see anything regarding chemical disposal nor were chemicals observed during the inspection.</u>
No	7. Identify site-specific conservation practices to control runoff of pollutants. [40 CFR 122.42(e)(1)(vi)] <u>The AWMP lists “good house keeping” as an additional production area conservation practice. The AWMP specifies that these additional practices are not required, but does not contain any required site-specific conservation practices.</u>
Yes	8. Identify protocols for manure, process wastewater, and soil sampling and testing. [40 CFR 122.42(e)(1)(vii)] <u>The AWMP includes general manure litter analysis protocols, stating that samples shall be collected and analyzed at least annually in accordance with University of Delaware recommendations. As stated above the facility relies on the manure importer to sample manure/litter.</u>
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)] <u>The facility exports all manure/litter.</u>
Yes	10. Identify specific records that will be maintained to document the implementation and management of the minimum NMP elements (#2-#9 above). <u>The general permit specifies the records that must be maintained to document implementation of the AWMP/NMP.</u>
<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). <u>The facility does not land apply.</u>
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</i>) [DE GP1 Part I.D.3] <u>The AWMP specifies manure sampling frequencies as at least annual. The AWMP does not specify soil sampling frequencies because the facility does not land apply manure to land under its operational control.</u>
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)]

Where applicable, identify each field and setback type:

Field ID	Setback Type
N/A	

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)]
<u>The facility had a copy of its recently submitted NOI, signed by the facility operator 8/3/2023, completed in anticipation of general permit reissuance by 9/1/2023. Following the inspection, the inspection team received a copy of this NOI from DDA via email.</u> |
| No | 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]
<u>The facility has the litter exporter remove litter directly from poultry houses between flocks. The facility does not use a litter storage shed.</u> |
| 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]
<u>The facility appears to rely on the exporter conducting analysis and providing that analysis back to the farm.</u> |
| Yes | a. Name of recipient and contact information |
| No | b. Address of recipient
<u>The manure transfer records reviewed onsite did not contain recipient addresses; however, the facility operator stated that he does maintain this information.</u> |
| Yes | c. Date of transfer |
| Yes | 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]
<u>The facility operator does not collect samples of manure and litter. The receiver collects the sample and provides the analytical results to the operator. Following the inspection, the inspection team received a copy of manure analytical results for samples collected by a manure recipient which, based on the analysis, were received at the laboratory on 12/07/2022.</u> |
| N/A | f. Does the facility maintain these manure transfer records for 6 years?
<u>The facility operator began operating this facility approximately one year prior to the inspection and has been maintaining the records marked yes above since that time.</u> |

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

- | | |
|-----|---|
| N/A | 19. Documentation of daily and weekly visual inspections of the production area, including: |
|-----|---|

N/A	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]
N/A	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]
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] <u>The facility was not documenting daily and weekly visual production area inspections. However, consistent with the federal regulations and 7 DE Admin. Code § 7201-9.5.6.4.3.1.1.3, these requirements do not apply to operations that confine fewer than 125,000 chickens other than laying hens and do not use a liquid manure handling system.</u>
Monitoring, Documentation and Recordkeeping (continued)	
N/A	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].)
N/A	a. Does the facility maintain these records for 6 years?
N/A	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?
N/A	b. If not, does the file contain an explanation of factors preventing immediate correction? [40 CFR 412.37(b)(3)]
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] <u>The facility operator stated that he maintains records of mortalities management; however, the records were inside one of the poultry barns and due to biosecurity concerns, the inspectors did not review these records onsite. Following the inspection, the inspection team received a copy of mortality records for both poultry barns for 6/20/2023 – 8/14/2023.</u>
N/A	a. Does the facility maintain these records for 6 years? <u>The facility operator has been operating this facility for approximately one year, but has been maintaining mortality management records during that timeframe.</u>
<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)]

Monitoring, Documentation and Recordkeeping (continued)

- | | |
|-----|--|
| 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 | <p>26. Test methods used to sample and analyze manure, process wastewater, and soil? [40 CFR 412.37(c)(4)]</p> <p><u>The facility operator does not collect manure samples; samples are collected by the receiver of the manure. The manure sampling analytical report for samples collected by the manure recipient does not specify the test method used to analyze the manure. See question 18.e.</u></p> <p><u>The facility does not collect soil samples because the facility does not land apply manure to land under their operational control.</u></p> |
| No | <p>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)</p> <p><u>See question 26. Following the inspection, the operator provided the inspection team (via DDA) with a copy of manure analytical results for samples collected by a manure recipient (samples received at the laboratory on 12/07/2022).</u></p> |
| N/A | 28. If sampling and/or monitoring is performed, samples and measurements are representative of the monitored activity? [DE GP1 Part I.D.4] |
| N/A | <p>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.</p> <p><u>See questions 26 and 27. The manure sampling analytical report for samples collected by the manure recipient does not specify the place, time, nor individuals who performed the sampling.</u></p> |
| 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]
- No 34. 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. According to the facility operator there have been no changes to the facility since he began operation and he did not have any planned changes to the facility at the time of the inspection.
- No 35. Has the facility reported any noncompliance? [DE GP1 Part I.F]
- If yes, describe: N/A. According to the facility operator, the facility has not experienced any noncompliance since he began operation.
- No 36. Has the facility retained a copy of the annual report and supporting documents onsite? [DE GP1 Part I.D.5]
- The facility operator did not have a copy of an annual report onsite. DDA indicated that Mr. Briggs had not been the operator for a full year and therefore had not yet submitted an annual report to DDA. Following the inspection, DDA followed up with the EPA inspectors stating that the facility operator was not able to get the 2022 annual report from the facility owner (Deborah Hearn) but noted that DDA had modified their records to list Mr. Briggs as the person who should receive the annual report and reminded Mr. Briggs that he would need to submit the annual report moving forward.

Land Application Sites

- No 37. Does the facility apply manure or wastewater to land owned by or under the operational control of the CAFO?
- Number of land application sites: None
 - Irrigation type(s): N/A
 - Furrow/flood irrigation sites – what is fate of applied wastewater and tailwater?: N/A
- N/A 38. Was manure/wastewater applied in accordance with the procedures and protocols identified in the NMP? If no, describe:?
- N/A

Production Area

39. 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	N/A	N/A	N/A	N/A	N/A

40. Impoundment(s) collect all runoff from:

N/A Animal confinement areas?³N/A Manure storage areas?⁴

Manure is stored in the barns until it is transferred to an offsite recipient. The manure pads on the west ends of the poultry barns appeared clean and free of manure during the site walk (Photographs 9 and 19).

N/A Raw material storage areas?⁵

Feed is stored in grain bins located at the northeast corner of each poultry barn.

N/A Waste containment areas?⁶

N/A Egg washing or egg processing facility?

N/A Mortality storage, handling, treatment or disposal area?

Mortalities are composted in the mortality composting shed.

N/A Other? (describe): N/A

- If no, describe non-retained areas:

The inspection team observed green standing water and accumulated feathers adjacent to the mortality composting area and across from the exhaust fans on the northeast corner of Poultry Barn 1 (Photograph 14). It appears that during periods of heavy rain, runoff from this area of green standing water would be within the flow path directing runoff west and north into the swale running towards the northern facility boundary. As discussed in the *Inspection Overview and Facility Description* Section of this report, there appeared to be sufficient gradient to support the flow

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)).

of water during a heavy rainstorm to continue offsite into the wooded area located along the northern boundary of the production area.

The inspection team also observed a few other areas with accumulated feathers across from poultry barn exhaust fans (Photographs 12-14, and 21). Runoff from these areas would flow into either the depression on the south side of Poultry Barn 1 or into the swale directing runoff toward the northern facility boundary.

The swale at the east side of the facility was dry at the time of the inspection and because of the flat topography it was not clear which direction water would flow (Photographs 22 and 23).

The inspection team did not observe any stormwater flowing offsite at the time of the inspection, but it appeared that runoff could flow offsite if there was sufficient flow.

Production Area (continued)

- | | |
|-----|---|
| No | 41. Was manure or wastewater observed in a waterway? If yes, describe: <u>N/A</u> |
| Yes | 42. 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)]

<u>The facility has a manure storage shed but is not currently using it for manure storage. Manure is windrowed inside the poultry barns and is exported offsite directly from the poultry barns. The inspection team did not observe the windrowed manure as it conducted within the houses between flocks.</u> |
| Yes | 43. Confined animals do not have direct contact with waters of the United States? [40 CFR 122.42(e)(1)(iv)]

<u>Poultry are housed inside the poultry barns and do not have access to surface waters.</u> |
| No | 44. Clean water is diverted from the production area? [40 CFR 122.42(e)(1)(iii)]

<u>The topography of the site is relatively flat and therefore, clean water from offsite does not appear to run onto the facility. Roof runoff is not captured and diverted offsite. Instead, roof runoff appears to generally be captured in a depression, in swales, or flow into grassy areas adjacent to the buildings.</u> |
| N/A | 45. 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]

<u>The inspection team did not observe any chemicals onsite.</u> |
| Yes | 46. Manure residue and litter residue is adequately cleaned up on a reasonable and necessary basis? [DE GP1 Part II.A.4] |
| Yes | 47. 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] |

Production Area (continued)

Yes 48. 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
Good housekeeping	The AWMP does not require BMPs; however, the facility maintains good housekeeping (such as cleaning manure pads after manure removal and bird removal) which is listed as an additional production area conservation practice in the AWMP.

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

N/A 49. 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]

The facility does not operate any open surface impoundments or terminal storage tanks. Manure is windrowed inside the poultry barns and removed directly from the barns for transfer offsite.

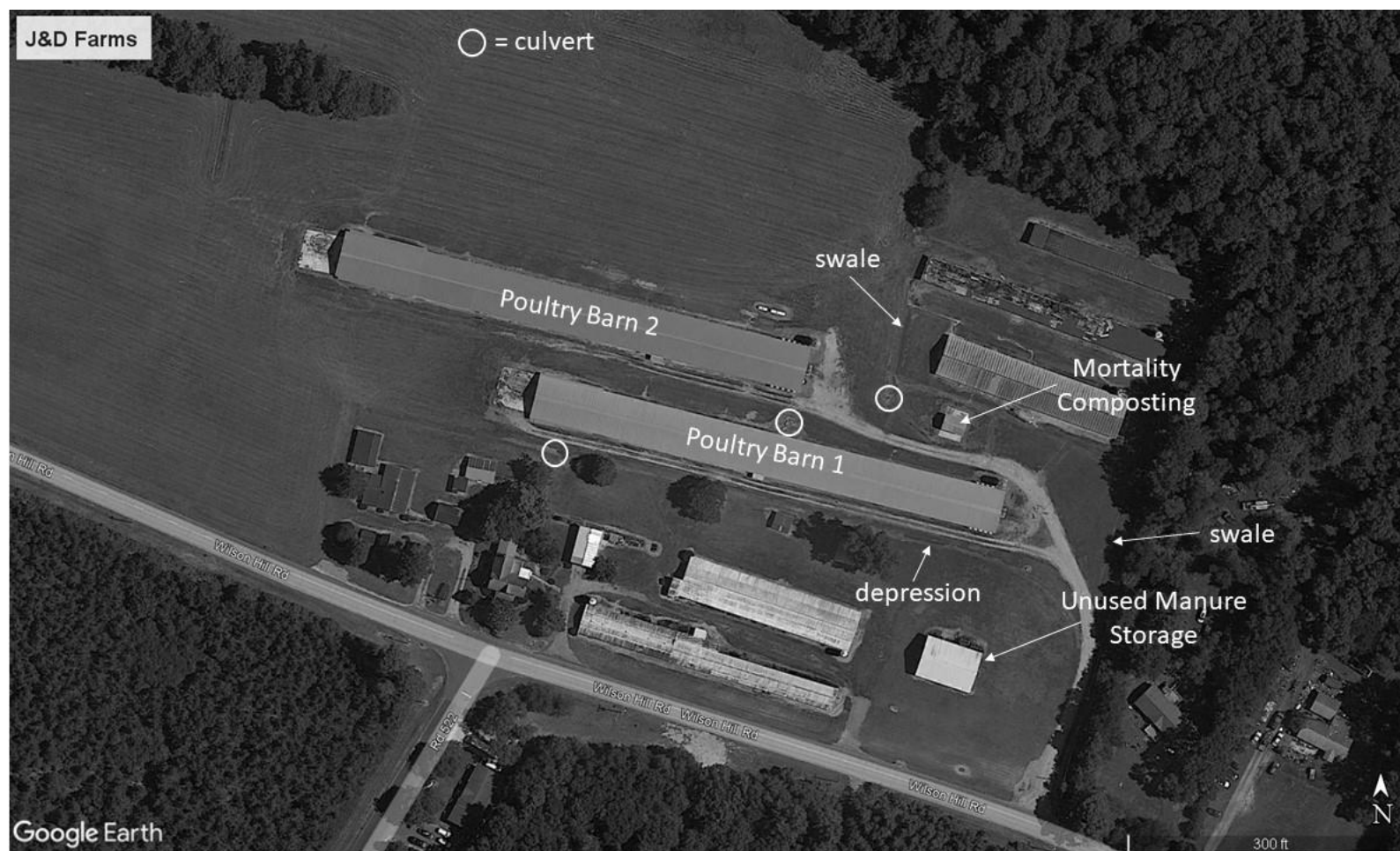
Yes 50. Mortalities remain in the production area until disposal, are not disposed in liquid manure or process wastewater treatment systems, and are handled to prevent discharge of pollutants to surface waters? [40 CFR 412.37(a)(4)] [DE GP1 Part II.A.6]

Mortalities are composted in the mortalities composting shed (Photographs 1 and 2).

N/A 51. 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]

According to the operator, the facility does not stockpile manure.

Attachment A – Site Map



Attachment B – Photograph Log



Photograph 1. View looking northwest from the eastern edge of the facility. The Poultry Barn 1 feed storage is shown on the left side of the photo and the mortality composting shed (indicated by the arrow) and Poultry Barn 2 are shown in the center of the photo. The barn at the right side of the photo is not in use.



Photograph 2. View looking north at the mortality composting shed. The EPA inspection team did not identify the nature of the material on the concrete.



Photograph 3. View, looking southeast, of the exhaust fans and feed storage bin located on the northeast corner of Poultry Barn 1.



Photograph 4. View looking northwest along the swale running west of the mortality compost shed. Poultry Barn 2 is visible at the left side of the photo.



Photograph 5. View of a culvert that outlets into the swale shown in Photograph 4. The swale directs flow towards the northern boundary of the facility.



Photograph 6. View of the swale shown in Photographs 4 and 5, near the northern edge of the production area. The swale appeared to continue under the wood framework supporting the sloped building entrance, visible in the upper left part of the photo. The photographer is standing on the west side of the swale.



Photograph 7. View of the north side of the sloped building entrance. Note the standing water in the swale and the sediment deposition in the top right portion of the photograph which would appear to indicate flows continue away from the location of standing water, north towards the tree line at the north side of the production area. The photographer is standing on the east side of the swale.



Photograph 8. View facing west along the north wall of Poultry Barn 2.



Photograph 9. View of the west side of Poultry Barn 2 and the barn's concrete pad.



Photograph 10. View of both poultry barns taken from the western side of the facility. Poultry Barn 2 is on the left side of the photo and Poultry Barn 1 is on the right side of the photo. The arrow indicates the location of the standing water shown in Photograph 10.



Photograph 11. View of standing water located 30-40 ft northwest of Poultry Barn 1.



Photograph 12. View looking west at both poultry barns. Poultry Barn 1 is on the left side of the photo and Poultry Barn 2 is on the right side of the photo. Note the feathers on the ground at the bottom of the photo.



Photograph 13. Exhaust fans on the southeast corner of Poultry Barn 2. Note the feathers on the ground beneath the fans.



Photograph 14. View, looking north, of standing water located east of the mortality composting shed. Note the green discoloration and feathers present at the bottom of the photo.



Photograph 15. View looking west along the depression located along the south side of the production area (photo taken from the southeast corner of Poultry Barn 1).



Photograph 16. View along the south side of Poultry Barn 1.



Photograph 17. View of a partially buried culvert located near the southwest corner of Poultry Barn 1. The inspectors did not determine the purpose of the culvert.



Photograph 18. View, facing south, of a PVC pipe outlet located near the southwest corner of Poultry Barn 1. The facility operator was not certain of the purpose of the pipe.



Photograph 19. View of the concrete pad on the west end of Poultry Barn 1 with Poultry Barn 2 visible in the background.



Photograph 20. View, looking east, of the depression located south of Poultry Barn 1 (taken from the southwest corner of the barn).



Photograph 21. View of feathers on the ground in the depression located south of Poultry Barn 1.



Photograph 22. View looking south towards the facility entrance and swale that runs along the east side of the production area.



Photograph 23. View looking north along the swale on the east side of the production area.