To: Chan, Janice[Chan.Janice@epa.gov]
Cc: Shari Yeatts[syeatts@hickmanseggs.com]
From: Robert Phalen
Sent: Tue 6/14/2016 6:22:32 PM
Subject: RE: Hickman Request for Extension

Hi Janice,

I am currently calculating and submitting the annual emissions inventory (including rolling 12-month totals) for all generators and permitted equipment listed for both the Arlington and Tonopah facilities (Maricopa County Air Quality Permit #s: 040136 and 140062). Based upon the condition of the records kept by my predecessor prior to my arrival here at Hickman's, as well as facility changes, I have been granted an extension by Maricopa County to provide this information by June 22, 2016. The emission inventory survey has not been requested from Hickman's since 2008, therefore numerous equipment and facility changes have occurred in the meantime. If you would like paper copies of all rolling totals, I can provided those immediately, dating back to 2011 / 2012 when they were originally calculated and recorded. Based upon a Maricopa County inspection and resulting penalty, Hickman's has maintained these records in paper form since that date – however, as stated, I am currently converting and calculating the records for 2015 – so that we may continue to use a sustainable boilerplate for our record keeping requirements.

To Address the following statement: *"Since Requests 9 and 10 are asking for records that are required to be maintained under existing permits, we do not understand why such a lengthy extension is needed for answers to 9 and 10',* seems a bit condescending to me when I initially read your response. I apologize if I am misinterpreting this, however, as a full time employee for the last two months at Hickman's, I find the statement mildly offensive.

Based upon the unexpected departure of the Health, Safety, and Environmental Coordinator at our company, I have been put in charge of all environmental and safety and health requirements; including, but not limited to: permitting, inspections, complaints, record retention and organization, safety training, compliance, documentation, internal audits, as well as all personal protective equipment needs and requirements.

As you know, Shari Yeatts is in charge of all compliance, which includes overseeing my

responsibilities, as well as all Food Safety Coordination and Compliance including: Hickman's Salmonella Enteritidis Egg Safety Plan, Hazard Analysis Critical Control Point (HACCP) requirements, Food Defense requirements, United Egg Producers Certification requirements, Animal Welfare requirements, Safe Quality Food Institute requirements, Biosecurity requirements, and Food and Drug Administration requirements.

In addition, an "unannounced" inspection conducted by the Global Food Safety Initiative has been scheduled for all Hickman's facilities for July of 2016.

We are committed to ensure that food safety, animal health care, food quality and employee safety meet and exceeds all regulatory requirements and customer expectations. However, based upon the recent request by your office for all Emergency Planning & Community Right-to-Know Act (EPCRA) SARA Title III documents and correspondence, in addition to this recent request regarding all Air Quality documentation and correspondence, the commitment that we have to provide safe quality eggs to the consumer is suddenly being compromised by your office.

I understand your mission, and I respect your authority to investigate our company. However, please realize that the requests we are asking for are only to provide clear and concise information to your office. We are not attempting to hide, nor ignore your request – we are only attempting to ensure that our eggs are safe for human consumption, as well as our environmental impact is minimal and compliant rather than over-exaggerated and in violation.

<u>In summary:</u>

- Items #1 and #2

Will be e-mailed to your office by the end of the week (6-17-16).

- Items #3 - #8

Will be e-mailed and or mailed to your office (postmarked) as requested by June 27, 2016.

- Item #9

(Rolling totals) will be e-mailed to your office for the calendar year of 2015 by June 24, 2016 after submittal to Maricopa County on June 22, 2016. If you would like the paper copies of the 2012-2014 calendar year rolling totals, please let me know, and I will mail your office the documents immediately. If this is not acceptable to you, then the four week extension previously requested (July 25, 2016) is requested once more.

- Item #10

As requested, July 25, 2016

- Item #11

Recently I have requested all documentation for Maricopa County and ADEQ. Maricopa County is providing me this information on a weekly basis via their cloud database. If needed, I will gladly provide your office with duplicate electronic copies. I have already received most of the requested documents from ADEQ – however based upon the cost of the data, as well as the duplicative nature, records have been consolidated on once CD, as well as in hard copy form located in my office. Not all information has been retained by Hickman's or ADEQ, for e-mail communication was discarded once finalized inspection and/or complaints were issued and/or closed by ADEQ. If needed, I will attempt to compile this information, however, all requested information, including any and all e-mail correspondence can be obtained for the ADEQ Records Center.

To clarify, is your office requesting all permits and correspondence for ADEQ and Maricopa County? If so, then all e-mail correspondence alone is overwhelming to say the least. I can provide your office all permits immediately – issued by both Maricopa County as well as ADEQ. However, Maricopa County is the only entity that issued the Hickman's Tonopah and Arlington facilities air quality permits. Therefore, are you requesting all correspondence including inspections, complaints, and/or documentation from both ADEQ and Maricopa County? If this is indeed is your request, then based upon the number and size of this request, July 25, 2016 is requested.

- Item #12

As stated previously, on or before June 27th

If you have any questions, or need any additional information, please feel free to contact me at any time.

-Rp

Robert Phalen

Hickman's Family Farms

Environmental Program Manager

rphalen@hickmanseggs.com

623-300-5630 (Cell)

From: Chan, Janice [mailto:Chan.Janice@epa.gov]
Sent: Friday, June 10, 2016 4:37 PM
To: Shari Yeatts <syeatts@hickmanseggs.com>
Cc: Robert Phalen <rphalen@hickmanseggs.com>
Subject: RE: Hickman Request for Extension

Hi Shari,

Thank you for the clarification on Request #12.

As for the request for the extension, thank you for explaining the purpose for the request for the extension. As for the actual extension in time, I would propose that Hickman provide a schedule in what can be delivered prior to the 4 weeks, and what else will be delivered upon 4 weeks. I'll use language from the Request for Information itself.

The language on page 5 of the Request for Information states: *If Hickman anticipates that it will not be able to respond fully to this request within the time period specified, Hickman must submit a sworn declaration by a responsible corporate official within ten (10) calendar days after receipt of this letter specifying what information will be provided by the allotted deadline, describing the efforts that have been/are being undertaken to obtain the remaining other responsive information, and providing a detailed schedule of when such other responsive information will be provided. Upon receipt and based upon such declaration, EPA may extend the time in which to respond to this information request. Also, please contact EPA if Hickman determines that a full response to a particular request for information would require the submission of an extremely large number of documents or data files. Based upon such notification, EPA may modify the scope of the documents required to be produced.*

So to figure out the schedule of documents to be provided, Hickman will need to provide information **describing the efforts that have been/are being undertaken to obtain the remaining other responsive information, and providing a detailed schedule of when such other responsive information will be provided**. I understand that we are discussing the schedule now.

Based on my discussion with my team, here are some of our thoughts.

I'm glad that most of the information (responses to Requests 1-8 and 12) will be provided on time. However, Request #9 asks for records Hickman is already required to maintain for your permits, and Request #10 also asks for copies of records already maintained. Since Requests 9 and 10 are asking for records that are required to be maintained under existing permits, we do not understand why such a lengthy extension is needed for answers to 9 and 10. As for Request #11, we understand that a complete answer to Request #11 might take some time to pull together, but it isn't clear why at least a partial answer cannot be provided in a shorter timeframe. In order for EPA to agree to an extension, our request letter says that the extension request should describe the efforts that have been/are being undertaken to obtain the remaining other responsive information, and providing a detailed schedule of when such other responsive information will be provided. Please provide that information.

Thanks,

Janice

From: Shari Yeatts [mailto:syeatts@hickmanseggs.com]
Sent: Friday, June 10, 2016 3:59 PM
To: Chan, Janice <Chan.Janice@epa.gov>
Cc: Robert Phalen <rphalen@hickmanseggs.com>
Subject: RE: Hickman Request for Extension

Janice,

I apologize, yes we will respond to #12 on or before June 27th.

I am asking for the 4 week extension due to the resent personnel change within our company. The employee responsible for the emissions monitoring, documenting and keeping of the records is no longer with us. We have hired Robert Phalen to manage the Environmental Program and it is imperative to both of us that you receive the most accurate information and therefore we need additional time to compile, review and submit the records from the requested years and submit them to you in an organized, concise and timely manner.

It may not take the full 4 weeks, we wanted to make sure so we asked for an ample extension.

Thank you for your consideration,

Shari Yeatts

From: Chan, Janice [mailto:Chan.Janice@epa.gov]
Sent: Friday, June 10, 2016 2:08 PM
To: Shari Yeatts <syeatts@hickmanseggs.com>
Cc: Robert Phalen <rphalen@hickmanseggs.com>
Subject: RE: Hickman Request for Extension

Hi Shari and Robert,

It states in the letter that you will be able to submit responses to Requests 1-8 on time; that you are requesting a 4-week extension for Requests 9, 10, and 11; and doesn't mention Request 12. Will you be able to respond to Request 12 on or by June 27 as well?

I need to check with my management regarding the 4-week extension. If you can state the purpose of the request for the extension and the length of time requested, that would guide us in the decision-making.

Thanks,

Janice

From: Shari Yeatts [mailto:syeatts@hickmanseggs.com]
Sent: Friday, June 10, 2016 1:30 PM
To: Chan, Janice <Chan.Janice@epa.gov>
Cc: Robert Phalen <rphalen@hickmanseggs.com>
Subject: Hickman Request for Extension

Hi Janice,

Robert Phalen and I had a meeting with the Owner today and we are officially asking for a request on 3 of the items, everything else we should have sufficient time to accurately submit the information to you and Kathleen Johnson. Thank you for your consideration in this matter.

Sincerely,

Shari Yeatts

Compliance Manager

623-872-2358