To: Aquitania, Manny[Aquitania.Manny@epa.gov]; Rios, Gerardo[Rios.Gerardo@epa.gov]; McKaughan, Colleen[McKaughan.Colleen@epa.gov]; Chilingaryan, Sona[Chilingaryan.Sona@epa.gov]
Cc: Drake, Kerry[Drake.Kerry@epa.gov]
From: Chan, Janice
Sent: Thur 5/8/2014 10:46:33 PM
Subject: RE: proposed Hickman egg-laying operation in Tonopah, AZ
Hickman complaint challenging ag exemption

Hi everyone,

The attorney representing the parties complaining about the Hickman Egg facility sent me a copy of a complaint challenging Maricopa County and the egg facility for the agricultural exemption. I'm forwarding his email to me, which includes the complaint for your reference.

There's more ongoing with ADEQ regarding the egg facility not having a stormwater construction permit.

Janice

From: Aquitania, Manny
Sent: Thursday, May 01, 2014 2:30 PM
To: Rios, Gerardo; McKaughan, Colleen; Chilingaryan, Sona
Cc: Chan, Janice; Drake, Kerry
Subject: RE: proposed Hickman egg-laying operation in Tonopah, AZ

All,

An update on the proposed Hickman Egg facility: I spoke to Maricopa County's Richard Sumner a few days ago. He was familiar with the proposal. He shared that no federal permit is required due to the Arizona agriculture exemption rule. However, a state dust control permit is required for construction. Maricopa Co. has not received the formal application as yet so further details on permitting/regulatory requirements are forthcoming. In addition, I will research the ag exemption rule and update folks later. I also plan to call ADEQ on what they know about the proposed facility.

As an aside, Mr. Sumner mentioned that Maricopa County Board Member, Clint Hickman belongs to the family who will own/operate the egg producing facility –a potential conflict of interest. The Hickman family owns another egg facility in Maricopa Co. and that facility required an air permit because it included a crematory as part of its operations. The proposed facility does not have a crematory.

-Manny

Manny Aquitania

U.S. EPA, Region IX

75 Hawthorne St.

San Francisco, CA 94105

(415)972-3977

(415)947-3579 fax

From: Rios, Gerardo
Sent: Tuesday, April 22, 2014 10:33 AM
To: McKaughan, Colleen; Chilingaryan, Sona
Cc: Chan, Janice; Drake, Kerry; Aquitania, Manny
Subject: RE: proposed Hickman egg-laying operation in Tonopah, AZ

I've asked Manny to check in with the Maricopa County regarding this facility.

From: McKaughan, Colleen
Sent: Tuesday, April 22, 2014 10:25 AM
To: Chilingaryan, Sona; Rios, Gerardo
Cc: Chan, Janice; Drake, Kerry

Subject: RE: proposed Hickman egg-laying operation in Tonopah, AZ

Tonopah is way outside the populated area of Maricopa County but it looks like it is included (just barely) in the 8-hour ozone nonattainment area. It's outside the PM-10 nonattainment area.

From: Chilingaryan, Sona
Sent: Tuesday, April 22, 2014 10:17 AM
To: Rios, Gerardo
Cc: Chan, Janice; Drake, Kerry; McKaughan, Colleen
Subject: FW: proposed Hickman egg-laying operation in Tonopah, AZ

Hi Gerardo,

Janice in Enforcement needs help answering some questions from a concerned NGO about what they say is a 2.2 million egg laying operation that's in the process of being constructed in Tonopah, Arizona, which is about 50 miles west of downtown Phoenix in Maricopa County. Any thoughts on the question below about the facility needing a Clean Air Act permit? I'm assuming that referring these queries to ADEQ will be a part of our response.

Copying Kerry and Colleen in case they're aware of anything else related to this facility.

Thanks!

s.

Sona Chilingaryan

Agriculture Program

U.S. EPA Region 9

75 Hawthorne Street (Air - 6)

San Francisco, CA 94105

Phone: 415-972-3368

Fax: 415-947-3579

From: Chan, Janice
Sent: Tuesday, April 22, 2014 8:17 AM
To: Mitschele, Becky; Chilingaryan, Sona
Subject: FW: proposed Hickman egg-laying operation in Tonopah, AZ

Hi Becky and Sona,

When you have some time, would you be able to assist me in answering some of questions below concerning a proposed egg-laying facility in Arizona?

Thanks,

Janice

From: Danielle Diamond [mailto:danielled@sraproject.org]
Sent: Friday, April 18, 2014 10:16 PM
To: Chan, Janice
Subject: proposed Hickman egg-laying operation in Tonopah, AZ

Greetings Ms. Chan

I'm writing with some concerns about a proposed egg-laying operation in the town of Tonopah, Arizona. The facility is in the process of being constructed, but I question whether it has obtained all of the proper approvals/permits it should have or whether it intends to obtain such permits.

The name of the facility is Desert Pride and it is owned/operated by Hickman's Egg Ranch, LLC. It will be located near 41625 W. Indian School Rd., Tonopah, AZ 85354 (on the South East corner of 420th Ave. and Indian School Road). Attached is a site plan for the facility. It will initially house 2.2 million birds, but is ultimately expected to expand to house approximately 12 million birds. For the first phase of construction, it will have 28 poultry houses and two central egg-processing plants.

According to testimony given by Billy Hickman at a county informational hearing on the proposal (transcript attached), there will be two waste ponds on site that will only hold wastewater from the processing plant (see page 53). The rest of the facility's waste will apparently be shipped offsite. However, according to the testimony, the hens will have a 90-110 week laying cycle and then they will be euthanized with co2 (see page 35) and apparently ground up and composted onsite (see page 85).

It is difficult to know exactly what the plans are for the facility, its processing plants, and its waste management because the County has exempted the operation from its zoning, drainage and building codes based on a determination that the project is an "agricultural" use. And there are apparently no documents on file about the project at AZDEQ, aside from a very recently filed NOI for coverage under the state's stormwater construction General Permit. (FYI...According to local knowledge and belief, this NOI was submitted after construction began at the site.)

One of my main questions is whether the egg processing facilities and their corresponding waste ponds trigger the automatic need for an NPDES discharge permit. It would seem that while a portion of the site would be considered a Large CAFO, other portions of the site would fall under a different SIC food processing code and hence trigger different permit requirements than a CAFO would. Another question is whether the facility may need a Clean Air Act permit as it appears to be in an EPA designated 8-hour ozone non-attaiment area. Further, would the co2 used to euthanize the birds onsite contribute to existing air pollution problems in the area? In addition, there are floodplain and sensitive aquifer issues on the site and apparently the aquifer is the sole source of drinking water for the community.

Any assistance you may be able to provide in understanding what applicable permitting/regulatory requirements may apply to this operation would be most appreciated. Please let me know if I may be able to provide any additional information that may be helpful in figuring this out.

Many thanks in advance,

Danielle Diamond

Danielle Diamond, Executive Director
Socially Responsible Agriculture Project
danielled@sraproject.org
815.403.0278

www.sraproject.org

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