To: danielled@sraproject.org[danielled@sraproject.org]
Cc: Howard Shanker[howard@shankerlaw.net]
From: Chan, Janice
Sent: Thur 5/8/2014 12:24:56 AM
Subject: RE: proposed Hickman egg-laying operation in Tonopah, AZ

Hi Dani,

Tomorrow at 2:00 pm will work for me. You can call my cell phone tomorrow, as I will work from home.

Thanks,

Janice

From: Danielle Diamond [mailto:danielled@sraproject.org]
Sent: Wednesday, May 07, 2014 3:30 PM
To: Chan, Janice
Cc: Howard Shanker
Subject: Re: proposed Hickman egg-laying operation in Tonopah, AZ

Hello Janice

Thank you for circling back. I would very much like to connect with you ASAP to follow-up on the Hickman operation. Would you happen to have time tomorrow at or after 2:00PM PT? I'm happy to call you at your office then if so, or perhaps you can suggest another time on Friday if tomorrow is not good for you?

I'd like to have my colleague, Howard Shanker, on the line when we talk, as he's been looking into some environmental permitting issues on the facility as well and may have some more details on some things, as well as the ability to answer some questions you might have about the facility. I'm copying Howard to this so we can coordinate.

Again, many thanks, Janice! Looking forward to touching base.

Dani

Danielle Diamond, Executive Director
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On Wed, May 7, 2014 at 9:32 AM, Chan, Janice <Chan.Janice@epa.gov> wrote:

Hi Dani,

How is everything going with the Hickman I have talked to a couple air and water permits here at Region 9. Let me know if you when you can talk so that I can give you an update, or I can gather more information.

The facility is required to get a dust control permit from the state in order to construct, and Maricopa County has not received an application yet.

The agriculture exemption is pretty difficult to get around. We're still looking into whether other operations at the facility will fall under that exemption. Interestingly, another Hickman facility had required an air permit because it included a crematory. This new facility does not have a crematory. Do you know what it will use for its culled birds? I wonder if they plan to compost or make blood meal – can't speculate.

Janice

From: Danielle Diamond [mailto:danielled@sraproject.org]
Sent: Tuesday, April 22, 2014 6:17 PM

To: Chan, Janice
Subject: Re: proposed Hickman egg-laying operation in Tonopah, AZ

Wonderful. Thank you very much. I will look forward to hearing back and please feel free to contact me or have other EPA staff contact me if I can help answer any questions about the facility.

Again, thank you for your assistance.

Danielle Diamond

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On Tue, Apr 22, 2014 at 12:15 PM, Chan, Janice <Chan.Janice@epa.gov> wrote:

Hi Ms. Diamond,

I appreciate the warm greetings.

Thank you for reaching out with your concerns about the proposed egg-laying facility in Tonopah, AZ. I circulated the message to some of the technical and permits members of the agency, and will get back to you with answers to your questions and possible next steps you may take.

Thanks and regards,

Janice Chan

Janice Chan

Environmental Protection Specialist

U.S. Environmental Protection Agency, Region 9

Enforcement Division

Air & TRI Section (ENF-2-1)

75 Hawthorne Street

San Francisco, CA 94105

415-972-3308

Chan.Janice@epa.gov

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

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