CAFO FACILITY INSPECTION REPORT

INSPECTOR(S): Kristine Karlson (USEPA, Region 9), Michelle Mata and Dat Quach (Regional Water Quality Control Board, San Diego Region)

REPORT PREPARED BY: Kristine Karlson, Environmental Protection Specialist, USEPA, Region 9 and Dat Quach, Regional Water Quality Control Board, San Diego Region

FACILITY INFORMATION

Inspection Date:	**March 26, 2014**
Facility Name:	**Armstrong Egg Farms**
Facility Address:	Ex. 6 Personal Privacy (PP)
Authorized Official & Phone:	**Ryan Armstrong, VP Operations,** Ex. 6 Personal Privacy (PP)
Mailing Address of Authorized Official:	**P.O. Box 2299 Valley Center, CA 92082**
NPDES #:	**Unpermitted**
On-Site Representative & Phone:	**Ryan Armstrong, VP Operations** Ex. 6 Personal Privacy (PP) Ex. 5 DP / Ex. 7(A)
Receiving Water(s):	**Not yet determined at time of inspection.**
Inspector(s)	**Kristine Karlson, EPA Region 9 - 415-947-4297** **Michelle Mata, San Diego Water Quality Control Board (SDWQCB) - 619-521-3369** **Dat Quach, SDWQCB - 619-521-5899**

BACKGROUND

The Armstrong Egg Farms facility located at Ex. 6 Personal Privacy (PP) was the subject of a complaint from the San Pasqual Tribe in February 2014 regarding possible air and groundwater pollution. The Air and Drinking Water programs have responded to the initial concerns that were raised. This follow-up inspection was conducted to ascertain whether there are surface water concerns at the Site. The Site is not permitted to discharge pollutants under the Clean Water Act and had been operating under a conditional waiver (Conditional Waiver No. 3/Resolution No. R9-2007-0104), which allows eligible facilities, including the Site, to operate without a discharge permit subject to certain conditions. The conditional waiver expired on February 2, 2014 and is in the process of being reassessed and reissued by the SDWQCB. Inspections by the SDWQCB in 2008 found that runoff management at the Site was inconsistent with the conditional waiver. Specifically, state inspectors found that there was evidence of discharges from the Site; that there were inadequate management practices in place to prevent manure from contaminating runoff and discharging from the Site; and that roof misters were generating runoff. In addition, the state found that the Site's composting practices were not allowed under its existing waiver; accordingly, the state expressed an intention to issue site-specific Waste Discharge Requirements to the Site. Documentation of the SDRWQB's follow-up actions ended in 2008.

INSPECTION OBSERVATIONS

On March 27, 2014, Kristine Karlson (US EPA Inspector), and Michelle Mata and Dat Quach (San Diego Regional Water Quality Control Board Inspectors) conducted a joint federal/state compliance evaluation inspection of the Armstrong Egg Farms facility to follow up on the tribal complaint. The inspectors arrived at the Site unannounced and contacted Ryan Armstrong to begin the inspection. Mr. Armstrong arrived promptly and granted access to the Site. Mr. Armstrong was present throughout the inspection, from the opening conference until the end of the exit

interview. Weather at the time of the inspection was about 63°F and overcast with light rain (enough to cause puddling but not discharges).

At the opening conference, I asked to inspect the following areas of the Site: the hen houses, stormwater and process wastewater conveyances, manure storage and handling areas, the perimeter of the Site, and any surface waters either adjacent to, or that might receive flows from, the Site. We began by visiting the nearest surface water – a canal located immediately adjacent to the eastern perimeter of the Site. It was apparent that this water body could not receive flows from the Site, as it was significantly uphill. Other than the canal, Mr. Armstrong said that Lake Wohlford was the nearest surface water, and he was not sure whether it might receive flows from the Site. He did volunteer that process wastewater (runoff from the Site, including flows from the manure processing area) had discharged on multiple occasions from the designated discharge point near the Site's northwest corner (see Photos 24-28 and 32).

The Site is an approximately 32 acre egg farm, located at this address for over 40 years according to Mr. Armstrong. It has 16 active hen houses and a row of older, smaller hen houses at the south end of the Site that he says are no longer in use. In the center of the Site is a manure storage and processing area. Mr. Armstrong reported at the time of the inspection that there were approximately 270,000 hens at the Site, weighing an average of 2.9 lbs. EPA regulations categorize egg farms as Large Concentrated Animal Feeding Operations (Large CAFOs) if there are greater than 82,000 laying hens at an operation that uses other than a liquid manure handling system (40 CFR Part 122.23(b)(2)). The San Diego Regional Water Quality Control Board (SDRWQCB) has no general permit available for poultry facilities; each such facility that discharges would be required to apply for individual permit coverage. There is a conditional waiver from permit coverage (Conditional Waiver No. 3) available from the SDRWQCB. Under the definitions in this waiver, CAFO facilities with 300-999 "animal units" are considered "medium-sized" and eligible for a waiver, where each animal unit is 1,000 lbs. Under this definition, the Site would be considered to house 783 animal units and would be conditionally eligible for a waiver. According to Mr. Armstrong, all chickens are confined in hen houses, and they are housed there 365 days per year.

There are no manure lagoons, as chicken manure is instead scraped from the floors of the hen houses and dried onsite before being sold as fertilizer to local farmers. Mr. Armstrong reported that he stores manure onsite for about 30 days before it is sold. The manure storage area in the center of the Site is paved, but it is not covered; and manure wastewater has eroded rills in the exposed soil between the concrete storage pads and the curb and gutter area at the front of the Site.

According to Mr. Armstrong, process water was previously generated when misters were used to cool the older hen houses at the south end of the Site. Mr. Armstrong reported that over-misting did previously result in some runoff, but he said that the newer hen houses currently in use do not requiring misting as they instead use blowers for cooling and aeration. The surface of the Site is mostly bare dirt, except for the following paved areas: access roads, the concrete pads under the hen houses and other buildings, and the concrete pad in the center of the Site where manure is stored and dried. My observation that the Site slopes gently toward the northwest corner was corroborated by Mr. Armstrong during the inspection. He reported that he had directed all surface flows toward a single point near the northwest corner, in anticipation of building a retention pond at that location someday. Mr. Armstrong showed us an engineering plan written in 2011 that called for the retention pond to be sited there. I observed that the selected location had limited space for construction of a retention pond, but Mr. Armstrong was not concerned about lack of space. At the time of the inspection, it was unclear why Mr. Armstrong had not yet installed the pond, or when he planned to do so.

The discharge point near the northwest corner consists of a concrete curb leading to a funnel-shaped headwall at the inlet of a culvert that directs flows west under N. Lake Wohlford Rd. At the outlet of the culvert is an earthen ditch

that turns sharply toward the north, then bends west. The ultimate destination of flows that enter the ditch is not apparent from the roadway. Mr. Armstrong claims to be leasing this property that receives the Site's discharges.

AREAS OF CONCERN

1. **Potential for Unauthorized Discharges:**
   a. Because this Site qualifies as a Large CAFO under EPA's regulations (40 CFR Part 122.23(b)(2)), and the Site is unpermitted under the Clean Water Act, discharges from the Site to Waters of the United States are prohibited. The operator acknowledges that on multiple occasions, flows have left the Site, but it is currently unclear whether there is a pathway to a jurisdictional surface water. The operator must ensure that no discharges to Waters of the United States occur without authorization by the permitting authority.
   b. The State of California regulates discharges to all "waters of the state," which include both surface waters and groundwater (Porter-Cologne Water Quality Control Act § 13050). 27 CCR § 13264(a) provides that no person shall initiate any new discharge of waste to waters of the state prior to issuance of waste discharge requirements or a waiver of such requirements. At several points – both onsite and offsite, polluted waters come into contact with soils (unpaved areas) and may soak into the groundwater. Part 3.II.B.1 of the conditional waiver the Site has been operating under prohibits this.

2. **Terms of the Conditional Waiver No. 3 Not Met:**
   a. Part 3.II.B of the conditional waiver requires that facilities are operated and maintained in accordance with 27 CCR 27 § 22562-22565, including a provision in § 22562 requiring that wastewater and manure run-off be retained in a basin designed to capture a 25-year, 24-hour storm. No such basin has yet been constructed at the Site.
   b. Part 3.I.B.2.e) of the conditional waiver states that temporary manure storage areas should covered to prevent direct contact between precipitation and animal wastes. No such permanent cover was provided; nor was temporary plastic sheeting provided in preparation for the precipitation event that occurred on the date of the inspection.
   c. Part 3.I.B.2.b) of the conditional waiver states that manure can be stored for no more than two weeks onsite. Manure at the Site is stored for 30 days, inconsistent with this requirement.

3. **Conditional Waiver No. 3 No Longer Applicable:**
   a. In 2008, the state found that conditions at the Site were not consistence with the terms of Conditional Waiver No. 3. Accordingly, the SDRWQCB stated its intention to issue site-specific water discharge requirements. Further, Conditional Waiver No. 3 expired on February 3, 2014. The state is in the process of reissuing the conditional waiver for Discharges from Animal Operations; however, both past and current conditions at the Site would not meet the terms of the new draft waiver (now called Conditional Waiver No. 7).