



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

SEP 28 2010

Ref: 8ENF-L

CERTIFIED MAIL#:
RETURN RECEIPT REQUESTED

Shirley Redland
88 Redland Ranch Lane
Hysham, MT 59038

Re: Findings of Violation and Administrative
Order for Compliance
Docket No. **CWA-08-2010-0033**

Dear Ms. Redland:

On February 1, 2010, the United States Environmental Protection Agency (EPA) inspected the feedlot located at 88 Redland Ranch Lane in Hysham, Montana (the facility). A copy of the report from the inspection (report) is enclosed. Please pay special attention to the Summary of Findings section of the report. Please note that the EPA inspectors? discussed his (their?) observations and concerns during the exit interview.

Also enclosed is an EPA Region 8 administrative order (order) that alleges that the facility proposes to discharge pollutants to waters of the United States as it is designed, constructed, operated, or maintained such that a discharge of pollutants to the Yellowstone River will occur, in violation of § 301 of the Clean Water Act (CWA), 33 U.S.C. § 1311. The order therefore requires, among other things, that you either apply to the Montana Department of Environmental Quality (MDEQ) for a national pollutant discharge elimination system (NPDES) permit, or take certain steps to prevent the discharge of pollutants from the facility to waters of the United States. EPA's authority for such action is provided under § 309(a) of the CWA, 33 U.S.C. § 1319(a), which authorizes the Administrator of the EPA to issue an order to any person found to be in violation of § 301 of the CWA, among others. The enclosed order is also issued pursuant to § 308(a) of the CWA, 33 U.S.C. § 1318(a), which authorizes the EPA to require, among other things, reports and information to carry out the objectives of the CWA.

The CWA requires the EPA to take all appropriate enforcement action necessary to secure prompt compliance with the CWA and any order issued thereunder. Section 309 of the CWA, 33 U.S.C. § 1319, authorizes civil judicial penalties for violating an order issued under § 309(a) of the CWA. The CWA authorizes a variety of possible enforcement actions for noncompliance with the CWA, including civil or criminal actions, administrative penalty actions, and, in some cases following a criminal conviction, debarment from Federal contracts and/or loans. Additionally, EPA may take an enforcement action if the enclosed order is violated. Please also be advised that the issuance of this

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2010 SEP 28 AM 8:37

IN THE MATTER OF:)
)
Shirley Redland)
88 Redland Ranch Lane)
Hysham, MT 59038)

and)
)
Nix Ranch, Inc.)
88 Redland Ranch Lane)
Hysham, MT 59038,)
)
Respondents.)
_____)

**FINDINGS OF VIOLATION AND
ORDER FOR COMPLIANCE**

FILED
EPA REGION VIII
HEARING CLERK

Proceeding under Sections 308(a) and
309(a) of the Clean Water Act, 33 U.S.C.
§§ 1318(a) and §§ 1319(a)

Docket No. CWA-08-2010-0033

I. PRELIMINARY STATEMENT

1. The following Findings of Violation are made and Order for Compliance (order) is issued pursuant to § 309(a) of the Clean Water Act (Act), 33 U.S.C. § 1319(a), which authorizes the Administrator of the U.S. Environmental Protection Agency (EPA) to issue an order requiring compliance by a person found to be in violation of §§ 301, 308, or 402 of the Act, among others, or in violation of any permit condition or limitation implementing such sections of the Act. This order is also issued pursuant to § 308(a) of the Act, 33 U.S.C. § 1318(a), which authorizes the Administrator of EPA to require reports necessary to determine compliance. These authorities have been delegated to the Regional Administrator of EPA Region 8 and redelegated to the undersigned official.
2. Respondent Shirley Redland (respondent Redland) is an individual residing and doing business as Redland Red Angus in Hysham, Montana, 59038.
3. Respondent Redland owns real property located at 88 Redland Ranch Lane in Section 19, Township 6 North, Range 35 East, Hysham, Montana (the facility).
4. Respondent Nix Ranch, Inc. (respondent Nix Ranch) is a Montana corporation having a registered office address of 88 Redland Ranch Lane, Hysham, MT.
5. Respondent Nix Ranch is engaged in farming and ranching - livestock.

II. STATUTORY AND REGULATORY AUTHORITY

6. Section 301 of the Act, 33 U.S.C. § 1311(a), prohibits, among other things, the discharge of pollutants by any person into waters of the United States except as in compliance with § 402 of the Act, 33 U.S.C. § 1342.
7. Section 402 of the Act, 33 U.S.C. § 1342, establishes a National Pollutant Discharge Elimination System (NPDES) program, administered by EPA and, under certain circumstances, the State, to permit discharges of pollutants into navigable waters, subject to specific terms and conditions.
8. EPA has approved the State of Montana's NPDES program pursuant to § 402(b) of the Act, 42 U.S.C. § 1342(b).
9. Section 502(12) of the Act, 33 U.S.C. § 1362(12), defines the term "discharge of a pollutant" to include "any addition of any pollutant to navigable waters from any point source."
10. "Pollutant" is defined by section 502(6) of the Act, 33 U.S.C. § 1362(6), to include, *inter alia*, biological material and agricultural waste discharged into water.
11. "Point source" is defined by section 502(14) of the Act, 33 U.S.C. § 1362(14), to include "any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, well, discrete fissure, container, rolling stock, concentrated animal feeding operation . . . from which pollutants are or may be discharged."
12. To implement § 402 of the Act, EPA promulgated regulations codified at 40 C.F.R. Part 122. 40 C.F.R. § 122.23(d) requires the owner or operator of a CAFO to seek coverage under an NPDES permit if the CAFO discharges or proposes to discharge. A CAFO proposes to discharge if it is designed, constructed, or maintained such that a discharge will occur. *Id.*
13. "Animal feeding operation" or "AFO" is defined by 40 C.F.R. § 122.23(b)(1) as a lot or facility where animals have been, are, or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve month period, and where crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.
14. "Concentrated animal feeding operation" or "CAFO" is defined in 40 C.F.R. 122.23(b)(2) as an animal feeding operation that is defined as a Large CAFO or a Medium CAFO in accordance with 40 C.F.R. § 122.23(b), or that is designated as a CAFO in accordance with 40 C.F.R. § 122.23(c).
15. "Large CAFO" is defined at 40 C.F.R. § 122.23(b)(4) as an animal feeding operation that stable or confines 1,000 or more cattle other than mature dairy cows or veal calves.

16. "Waters of the United States" are defined in 40 C.F.R. § 122.2 to include interstate waters and tributaries thereto.

17. The Montana Department of Environmental Quality (MDEQ) is the agency within the state of Montana that is authorized to administer the federal NPDES program. EPA maintains concurrent enforcement authority with authorized state NPDES programs to address violations of the Act.

III. FACTUAL BACKGROUND AND FINDINGS OF VIOLATION

18. On February 1, 2010, inspectors from EPA conducted an inspection of the facility and observed:

- a. Alkali Creek is located approximately ten (10) yards south of the southernmost confinement pens. Alkali Creek is tributary to the Yellowstone River, which is located approximately 1.13 miles from the facility;
- b. storm water runoff containing feed from the southernmost feed bunks at the facility could discharge into Alkali Creek; and
- c. no diversion structures were in place to prevent storm water runoff from the southernmost feedlot from entering Alkali Creek.

19. Alkali Creek and the Yellowstone River are waters of the United States, as defined in 40 C.F.R. § 122.2.

20. The facility confines and feeds or maintains cattle for a total of forty-five (45) days or more in any twelve month period.

21. Crops, vegetation, forage growth, and post harvest residues are not sustained in the normal growing season over any portion of the facility's feeding areas.

22. The facility is an AFO as defined by 40 C.F.R. § 122.23(b)(1).

23. The facility confined and fed approximately 1,100 head of cattle at the time of the EPA inspection.

24. The number of cattle confined at the facility is greater than or equal to 1,000. Therefore, the facility is a CAFO as defined in 40 C.F.R. § 122.23(b)(2) and section 502(14) of the Act, 33 U.S.C. § 1562(14), and a Large CAFO as that term is defined in 40 C.F.R. § 122.23(b)(4).

25. Respondent Redland and respondent Nix Ranch (hereinafter, respondents) are each a “person” within the meaning of § 502(5) of the Act, 33 U.S.C. § 1362(5).

26. Neither respondent Redland nor respondent Nix Ranch has applied for or received coverage under an NPDES § 402 permit as required under §§ 301 and 402 of the Act, 33 U.S.C. §§ 1311 and 1342, and 40 C.F.R. § 122.23.

IV. ORDER

Based on the foregoing FINDINGS OF VIOLATION, and pursuant to the authority vested in the Administrator of EPA pursuant to §§ 308 and 309(a) of the Act, 33 U.S.C. §§ 1318 and 1319(a), as properly delegated to the Assistant Regional Administrator of the Office of Enforcement, Compliance, and Environmental Justice, Region 8, it is hereby ORDERED:

1. Within ten (10) calendar days of receipt of this Order, respondents shall submit to EPA written notice of their intent to comply with the requirements of this Order.
2. Within thirty (30) calendar days of receipt of this Order, respondents shall provide to EPA a remedial measures plan (plan) for review and approval. The plan shall set forth measures that respondents will take to prevent the discharge of pollutants from the facility to waters of the United States. The measures must include, but need not be limited to, the installation of best management practices (BMPs) to ensure that runoff from the southernmost feed lot does not leave the facility and discharge to waters of the United States. The plan shall also include a schedule for implementation of the remedial measures within sixty (60) days of approval of the plan by EPA. Respondents shall respond to any EPA comments on the plan within fifteen (15) days of receipt of the comments.
3. If respondents propose to discharge pollutants into water of the United States, within ninety (90) days of receipt of this Order, respondents also shall submit a complete application for an NPDES permit to MDEQ. The application must include a site-specific nutrient management plan (NMP).
4. A copy of the plan required by paragraph 3 of this Order, and of all related correspondence, plans, schedules, and reports, shall be sent to the following addresses:

Seth Draper
U.S. Environmental Protection Agency, Region 8 (8ENF-W-NP)
1595 Wynkoop St.
Denver, CO 80202-1129

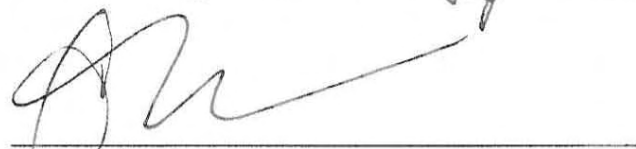
and

Kari S. Smith, Supervisor
Compliance and Technical Support Section
Water Protection Bureau
Montana Department of Environmental Quality
P.O. Box 200901
Helena, MT 59620-0901

5. Respondents shall allow, or use its best efforts to allow, access by any authorized representatives of EPA and the MDEQ, or any of the agencies' contractors, upon proper presentation of credentials, to the facility and records relevant to this Order for the following purposes:
 - a. To inspect and monitor progress of the activities required by this Order;
 - b. To inspect and monitor compliance with this Order; and
 - c. To verify and evaluate data and other information submitted to EPA.
6. This Order shall in no way limit or otherwise affect EPA's authority, or the authority of any other governmental agency, to enter the facility, conduct inspections, have access to records, issue notices and orders for enforcement, compliance, or abatement purposes, or monitor compliance pursuant to any statute, regulation, permit, or court order.
7. Compliance with the terms and conditions of this Order shall not be construed to relieve respondents of their obligation to comply with any applicable Federal, state, or local law or regulation.
8. Please be advised that § 309(d) of the Act, 33 U.S.C. § 1319(d), authorizes civil penalties of up to \$32,500 per day for each violation which occurred from March 15, 2004, through January 12, 2009, and \$37,500 per day for each violation thereafter of § 301 of the Act, 33 U.S.C. § 1311. Section 309(d) of the Act, 33 U.S.C. § 1319(d) further authorizes such penalties for each violation of a permit condition in a permit issued by a state under § 402 of the Act, 33 U.S.C. § 1342, and for each violation of an order issued by the Administrator of EPA under § 309(a) of the Act, 33 U.S.C. § 1319(a), including this Order. Additionally, § 309(g) of the Act, 33 U.S.C. § 1319(g), authorizes EPA to impose administrative penalties for violations of the Act. Further, § 309(c) of the Act, 33 U.S.C. § 1319(c), authorizes fines and imprisonment for willful or negligent violations of the Act.
9. Issuance of this Order shall not be deemed an election by the United States to forego any civil or criminal action to seek penalties, fines, or other appropriate relief under the Act for violations giving rise to this Order.
10. This Order shall be effective upon receipt by respondents.

IN THE MATTER OF: Shirley Redland and Nix Ranch, Inc.

DATED this 22nd day of Sept, 2010.



Andrew M. Gaydosh
Assistant Regional Administrator
Office of Enforcement, Compliance, and
Environmental Justice

ANIMAL FEEDING OPERATION INSPECTION REPORT

Lead Inspector: Jerry Whittum, Science Applications International Corporation

2nd Inspector: Seth Draper, EPA Region 8

Date: 2/1/2010

Arrival Time: 12:50 PM

Departure Time: 4:30 PM

Weather conditions: Light snow. 18° F

Lat/Long information: 46.25422 N 107.38883 W

I. GENERAL INFORMATION

Facility Info:

Name: Redland Red Angus
Address: 88 Redland Ranch Lane
Hysham, MT 59038
Phone: 406-342-5267
Fax: Same as phone.

Owner Info (possibly parent corporation):

Name: Shirley Redland
Mailing Address: 88 Redland Ranch Lane
Hysham, MT 59038
Phone: 406-342-5267
Fax: Same as phone.

Operator Info (if different from Owner):

Name: Same.
Mailing Address:
Phone:
Fax:

Env. Consultant Info:

Name: Not applicable.
Mailing Address:
Phone:
Fax:

Name/position of individual to whom credentials presented: Shirley Redland and Ruth Baue.

II. FACILITY OPERATION INFORMATION

1. What type of operation is the facility?

<input type="checkbox"/> Dairy Cattle	<input type="checkbox"/> Turkeys	<input type="checkbox"/> Livestock Market
<input checked="" type="checkbox"/> Beef Cattle	<input type="checkbox"/> Swine	<input type="checkbox"/> Racetrack/Rodeo
<input type="checkbox"/> Chickens	<input type="checkbox"/> Horses	<input type="checkbox"/> Other

2. How many and what type of animals are present? 400 mature and 600 replacement heifers.

	<u>Currently present</u>	<u>Capacity</u>
<input type="checkbox"/> Dairy Cattle (milking and dry)	No. of animals _____	No. of animals _____
<input type="checkbox"/> Swine (Over 55 lbs.)	No. of animals _____	No. of animals _____
<input checked="" type="checkbox"/> Beef Cattle	No. of animals <u>1,100</u>	No. of animals <u>*</u>
<input type="checkbox"/> Horses	No. of animals _____	No. of animals _____
<input type="checkbox"/> Sheep and/or Lambs	No. of animals _____	No. of animals _____
<input type="checkbox"/> Chickens	No. of animals _____	No. of animals _____
<input type="checkbox"/> Turkeys	No. of animals _____	No. of animals _____
<input type="checkbox"/> Other	No. of animals _____	No. of animals _____

* The inspectors estimated that the facility's total capacity at 1,200 – 2,000.

3. Approximate number of days animals are stabled/confined and fed/maintained over any 12-month period (provide source of the information). Typically, confine cattle from the end of December or first of January until May.
4. How long has the facility been in operation at this location? Operated by the Redland family since 1889.
5. Is there another facility under common ownership or management located adjacent to this one? If so, does it share a common area or system for waste disposal? No.
6. Is the facility located near a surface water? X Y N
 Proximity of surface water Alkali Creek is approximately 10 yards south of confinement pens.
 Name of surface water Yellowstone River via Alkali Creek.
7. What is the 25-year, 24-hour rainfall amount for this location? Approximately 2.7 inches.
8. What is the Chronic Storm amount for this location? Not provided.
9. How are the animals watered? Is there overflow, and where does it go? On-site wells supply float-controlled unheated stock tanks. The water supply is shut off at night during cold weather. No overflow observed, but if an overflow occurred, it would likely be contained in the confinement area.
10. Is water used for dust control? Is it fresh water or lagoon water? No.
11. Are daily inspections of water lines, including drinking water or cooling water lines, performed? Yes, but not documented. A shallow well is located at each stock tank.
12. How are the animals fed? Where is feed stored? Can feed enter surface water? Fed in feed bunks. Stored in a silage pit and grain bins. Waste feed along the south edge of the southernmost pens can enter Alkali Creek during a runoff event.
13. How is process wastewater, such as flush water from a dairy, handled? Not applicable.

III. CONFINEMENT

1. Describe the types of confinement:
 - free stall barns
 - sheltered or limited shelter dirt lots
 - paved lots
 - X dirt open lots
 - swine houses
 - other

2. Are any crops, vegetation, forage growth, or post-harvest residues sustained in the normal growing season over any portion of the lot or facility where animals are kept?(provide source of this information). No. None observed.
3. Do the animals enter/or cross surface water (e.g., rivers, streams, canals) on a regular basis?
No.
4. Were animals observed in surface water?
No.
5. How many feedlots does the owner have?
One.
6. Is there any other location where animals are confined for more than 45 days in a year?
No.

IV. WASTE MANAGEMENT

1. How is process wastewater, such as flush water from a dairy, handled? Not applicable.
2. Describe the types of waste handling used:
 direct spreading in solid form All manure is spread on site.
 slotted floor with lagoon or pit
 single or multi-cell lagoon
 aerated lagoon
 land application of liquid manure
 spray irrigation, contractor disposal
 other
3. Waste storage lagoon: Y N
 How many:
 Capacity:
 Date constructed:
 Date improvements made to lagoon(s):
 How dimensions were obtained by inspector:
 Gage to measure freeboard present?
 Are lagoons lined?
 Is clean water diverted around the animal containment area?
 Will all wastewater flow into the lagoons?
4. Are impoundments and tanks for production areas designed and constructed so they are capable of storing, at a minimum, the volume of all liquid manure and process wastewater, including the runoff from a 25-year, 24-hour Storm or Chronic Storm, whichever is greater? Not applicable.

5. Is 2 feet of freeboard maintained in all impoundments and tanks? Not applicable.
6. Are depth markers installed in all impoundments and storage tanks to indicate the design volume and the minimum capacity necessary to contain the 25-year, 24-hour Storm or Chronic Storm, whichever is greater, and to clearly indicate the 2-foot freeboard elevation? Not applicable.
7. Do all impoundments have a spillway designed to prevent erosion of the structural integrity of the impoundment (unless exempted)? Not applicable.
8. Are weekly inspections of impoundments and tanks, including the recording of process wastewater levels, performed? Not applicable.
9. How is manure stored? Stacked in confinement pens.
10. Does the facility sell/give away manure? If so, what records are kept? For transfers to third parties are the following records kept: Manure is not sold or given away.
The most current nutrient analysis provided to the recipient?
The date and approximate amount transferred?
The name and address of the recipient(s)?
11. How are mortalities handled? Placed on the soil with no cover or containment and the pile is burned about every second year. The mortality pile is also a trash pile for the ranch.
12. Are structures used to divert clean water from running on to feedlots, holding pens, manure and process wastewater storage systems, manure stockpiles, and composting areas designed, constructed, and maintained such that they can carry the flow from a 25-year, 24-hour storm? No best management practices (BMPs) were implemented to divert clean water around the feedlot pens. The cattle were confined and manure was stockpiled in the pens. The operation did not have a process wastewater storage system or composting operation.
13. Are weekly inspections of all storm water run-on diversion devices, runoff diversion structures, animal waste storage structures, and devices channeling process wastewater to impoundments or tanks performed? Not applicable.
14. Are impoundments, tanks, manure stockpiles, or composting areas located within a 100-year floodplain? If so, are they protected from inundation and damage from 100-year or smaller flood events? No.

IV. LAND APPLICATION

1. If waste is land applied:
Does the facility own or control the land? Yes.

What crops are grown? Alfalfa hay, wheat, and corn. Rotate the wheat and corn, then plant alfalfa and crop as hay for five or six years.

How many acres? The ranch has 650 tillable acres and 150 acres of native land and non-tillable soils.

Are soil and/or manure analyses done? How often? The manure applied by the operator is not analyzed. Soil analysis is conducted annually by a commercial fertilizer merchandiser, who then provides the operator with commercial fertilizer application rates and the corresponding projected yields. The operator selects and purchases the commercial fertilizer application amounts based on the cost he is willing to incur.

What application records are kept? The commercial fertilizer application records are kept. The facility does not keep records of the manure land applied.

2. For flood irrigation: Are tail water facilities used? Is there adequate capacity to retain all wastewater runoff? The operator said that flood irrigation is used and that a tail water ditch is located at the low end of the field. The tail water is returned to the irrigation ditch.
3. Are the following records maintained for land application sites:
 - a. Expected crop yields? Operator said the crop yield was provided by the commercial fertilizer merchandiser. No documentation was provided for review.
 - b. The date(s) manure or process wastewater is applied to each land application site? No documentation.
 - c. The amount of precipitation received at the time of land application and for 24 hours prior to and following application? No documentation.
 - d. Test methods used to sample and analyze manure, process wastewater, and soil? Unknown.
 - e. Results from manure, process wastewater, and soil sampling and analysis? No results for manure, and no process wastewater generated. Soil sampling documentation from the fertilizer merchandiser is kept, but was not reviewed.
 - f. Explanations of the basis for determining manure and process wastewater application rates? The operator said that the manure application rate is not calculated because the fields always require additional commercial fertilizer.
 - g. Calculations showing the total nitrogen and phosphorus that will be applied to each land application site? No documentation.
 - h. The total amount of nitrogen and phosphorus actually applied to each land application site, including documentation of calculations? No documentation.
 - i. The method used to apply the manure and process wastewater? Manure was applied as a dry solid by a spreader truck or pull spreader.
 - j. Dates of manure application equipment inspections? No documentation.

V. NUTRIENT MANAGEMENT PLAN

1. Is there a site-specific nutrient management plan (i.e., land application records) kept on-site? No, an NMP has not been developed for the facility.
Date developed or last revised?

2. Is the NMP signed by the operator or other appropriate authority? No, an NMP has not been developed for the facility.

3. Did the facility make a substantive change in how it manages its operation, including the location, method, timing, or frequency of land application? If so, was the NMP amended to reflect current facility conditions? No, an NMP has not been developed for the facility.

4. Does the NMP include the following best management practices and procedures to (if so, confirm that the BMPs and procedures are implemented): No, an NMP has not been developed for the facility.
 - a. Ensure adequate storage of manure and process wastewater, including procedures to ensure proper operation and maintenance of the impoundments and tanks?

 - b. Ensure proper management of animal mortalities to ensure that they are not disposed of in a liquid manure, storm water, or process wastewater storage system that is not specifically designed to treat animal mortalities?

 - c. Ensure that clean water is diverted from the production area?

 - d. Prevent direct contact of confined animals with surface water?

 - e. Ensure that chemicals and other contaminants handled on-site are not disposed of in any manure, storm water, or process wastewater storage system, unless specifically designed to do so?

 - f. Identify site-specific conservation practices that will be implemented to control runoff of pollutants to surface water, including, but not limited to:
 - Incorporation of solid manure?
 - Prevention of process wastewater runoff from furrow or flood irrigation?
 - Ensuring that sprinkler irrigation does not exceed the soil holding capacity?
 - Ensuring that process wastewater is not applied to frozen or flooded sites?
 - Ensuring that manure or process wastewater shall not be land-applied within 150 feet of domestic water supply wells, and within 300 feet of community domestic water supply wells?

 - g. Identify protocols for appropriate sampling and testing of manure, process wastewater, and soil?

 - h. Establish protocols to land apply manure or process wastewater in accordance with site-specific nutrient management practices?

 - i. Identify specific records that will be maintained to document the implementation and management of the minimum NMP elements (a. through h. above)?

- j. Determine application rates for manure and process wastewater land application sites?
- k. Specify the manure, process wastewater, and soil sampling and analytical frequencies and protocols?
- l. Periodically inspect land application equipment (annually at a minimum and within the 6-month period prior to the first application, and at least once daily when process wastewater is being applied)?
- m. Include 100-foot setback requirement from down-gradient surface waters or 35-foot setback requirement where a 35-foot vegetative buffer exists (or permitted alternative)?

VI. DISCHARGE INFORMATION

- 1. Can pollutants from the disposal of wastes and wastewater enter a surface water, drybed, ditch, canal, etc? A berm was observed between Alkali Creek and the cropland located east of the AFO. Waste and feed along the south edge of the southernmost pens will enter Alkali Creek during a runoff event.
- 2. Name the surface water, drybed, ditch, canal, etc. Yellowstone River via Alkali Creek. Describe how the discharge may occur. Process water can be carried by runoff across an alleyway to Alkali Creek. No runoff Best Management Practice (BMP) was observed between the edge of the feed bunk and Alkali Creek.
- 3. If a past overflow did occur, are there records of the date, time, and estimated volume of the overflow? The operator indicated that there were no past overflows. The operator stated that the facility was above the waters of the 1979 flood and did not flood during a three-inch rain event in 1992.
- 4. Are there records of discharge monitoring for all past discharges? Not applicable.

If there is evidence of a discharge or a discharge was observed, obtain answers to the following and indicate how the information was obtained. Also, take a sample from the source of the discharge and take photographs of the discharge or evidence of the discharge.

- 5. List any discharges which have occurred at the facility and describe how and why the discharge occurred (e.g., failure of manure-storage structure, 25-year, 24-hour storm)

Discharges	How Discharge Occurred	Why Discharge Occurred
Manure, feed, and bedding materials from the southern pens will flow across the access road and into Alkali Creek.		

6. Did any of the discharges occur through a:
- i. Y N man-made ditch
 - ii. Y N flushing system
 - iii. Y N similar man-made device (i.e., man-made shaping or grading or man-made alteration to property, trough)
7. Verify the type (ditch, canal, stream, river, drybed) and name of the water body receiving the discharge: Alkali Creek will receive the discharge.
8. Was the discharge:
- | | | | | |
|------------------------------|--------------------------|-----|--------------------------|----|
| Process-generated wastewater | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| Animal Waste | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| Rain or snow runoff | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |

If another type of discharge, please describe:

V. WATER QUALITY ASSESSMENT

1. Does a surface water, drybed, ditch, canal, etc., pass over, across, through, or along side the area where the animals are confined? X Y N The operator stated that Alkali Creek is a spillway for the irrigation ditch and is often dry. Alkali Creek is located approximately 10 yards south of the southernmost confinement pens.
2. If the answer to #1 is no, what is the distance from the area where the animals are confined to a surface water, drybed, ditch, canal, etc.? Not applicable.
3. If there is a buffer or diversion structure to prevent waste from entering a surface water, describe the condition of the buffer or diversion structure. Native vegetation and a berm were observed between Alkali Creek and the cropland located east of the confinement area. No buffer or diversion structure was observed between the southernmost feed bunks and Alkali Creek.
4. Describe where the surface water originates and where it flows once it has received a discharge. The operator said that Alkali Creek is a spillway for the irrigation ditch.

5. Describe other animal operations in the immediate vicinity and their proximity to the same or other surface waters. Numerous animal operations are located in the Yellowstone River Valley.
6. Provide information on the nearby surface water, such as uses, known impairment, etc. Unknown.

VI. OTHER QUESTIONS TO CONSIDER

1. Are waste oil containers labeled properly? None observed.
2. Does the facility have a total storage capacity of fuel and oil greater than 1,320 gallons? Yes, one 1,000-gallon off-road diesel tank, one 500-gallon highway diesel tank, one 500-gallon unleaded gas tank, and one empty 500-gallon tank.
3. Do fuel tanks have spill containment structures? No.
4. Does the facility have a SPCC plan? No.
5. Where and how is vehicle maintenance and washing done? Unknown.
6. Are there any drinking water wells nearby? Yes. Two abandoned wells are located outside the confinement pens in the yard of Shirley Redland. A third well located outside the confinement pens is used as a drinking water supply for human consumption. The homes serviced by the well each have a reverse osmosis treatment unit.

VII. RECOMMENDATIONS

1. Describe any compliance suggestions or recommendations given to facility owner/operator. See below.

Concentrated Animal Feeding Operation (CAFO) Inspection
 Redland Red Angus, Hysham, MT
 February 1, 2010
 Findings and Required Actions

Findings	Required Corrective Actions
1. The AFO had 1,100 animals confined during the inspection and did not have a CAFO permit.	1. Redland Red Angus' feedlot had 1,100 animals confined which exceed the threshold of 1,000 cattle definition of a Large CAFO. Redland Red Angus must contact the Montana Department of Environmental Quality (MTDEQ) to discuss whether the MTDEQ would recommend application for a CAFO permit. Please provide EPA and MTDEQ a written explanation of the corrections you have made. This required corrective action must be accomplished in thirty (30) days following the receipt of this report.
2. Redland Red Angus does not have Nutrient Management Plan.	2. Redland Red Angus should develop a certified NMP that meets all the requirements MTDEQ. Please provide EPA and MTDEQ a written explanation of the corrections you have made. This required corrective action must be accomplished in thirty (30) days following the receipt of this report.
3. Process water from the southernmost pens will runoff into Alkali Creek.	3. Redland Red Angus should install appropriate Best Management Practice (BMP) to address runoff of the manure, feed, and bedding materials that will enter Alkali Creek. Please provide EPA and MTDEQ a written explanation and photo documentation of the corrections you have made. This required corrective action must be accomplished in thirty (30) days following the receipt of this report.
4. The facility has a total storage capacity of fuel and oil greater than 1,320 gallons, but does not have a Spill Prevention Control and Countermeasure (SPCC) plan.	4. Redland Red Angus should develop an SPCC plan for the facility. Please provide EPA and MTDEQ a written explanation of the corrections you have made. This required corrective action must be accomplished in thirty (30) days following the receipt of this report.

Concentrated Animal Feeding Operation (CAFO) Inspection
 Redland Red Angus, Hysham, MT
 February 1, 2010
 Findings and Recommendations

Findings	Recommended Corrective Actions
1. The AFO has two abandoned drinking water wells located at the home of Shirley Redland.	1. Redland Red Angus should contact the MTDEQ to discuss the need to conduct closure of the wells.

VIII. FACILITY DIAGRAM

Attach a sketch of the facility layout, including pertinent information such as surface water, discharge location, buildings, fencing, etc.

See aerial photograph below.



Aerial view of operation.



Photo 1: Sign at entrance to Redland Red Angus facility.



Photo 2: Photo of a picture of the facility. The picture was a view from east of the facility.

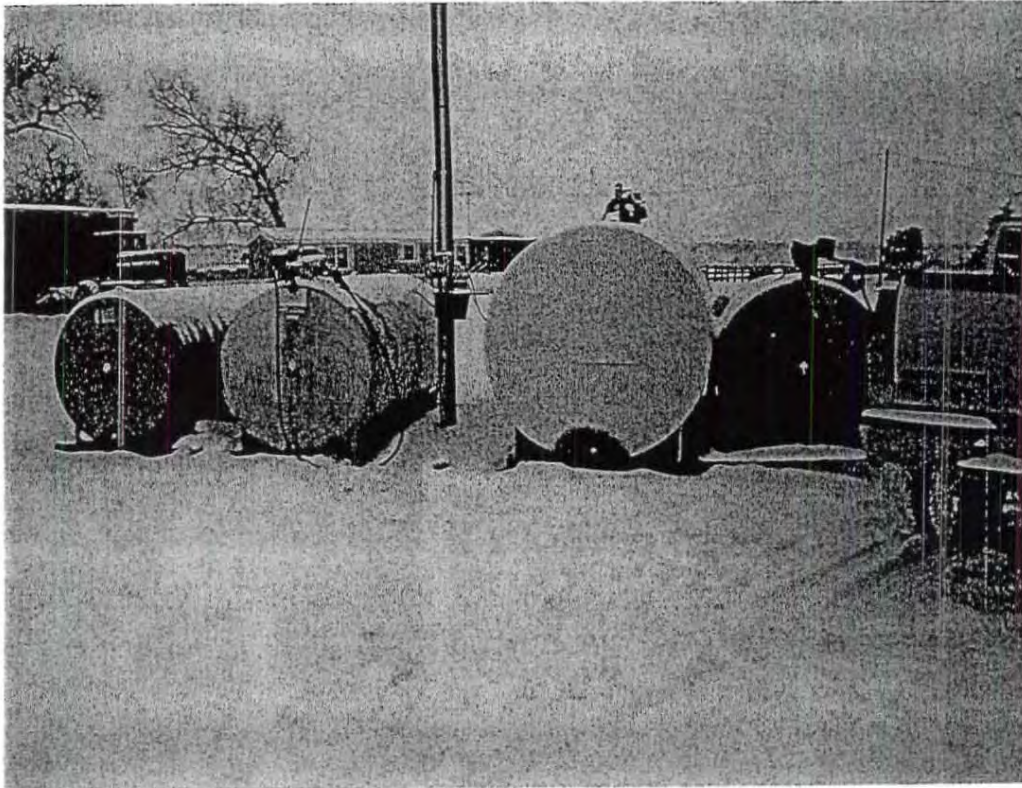


Photo 3: Above-ground fuel tanks include (left to right: empty, unleaded, off-road diesel, highway diesel).

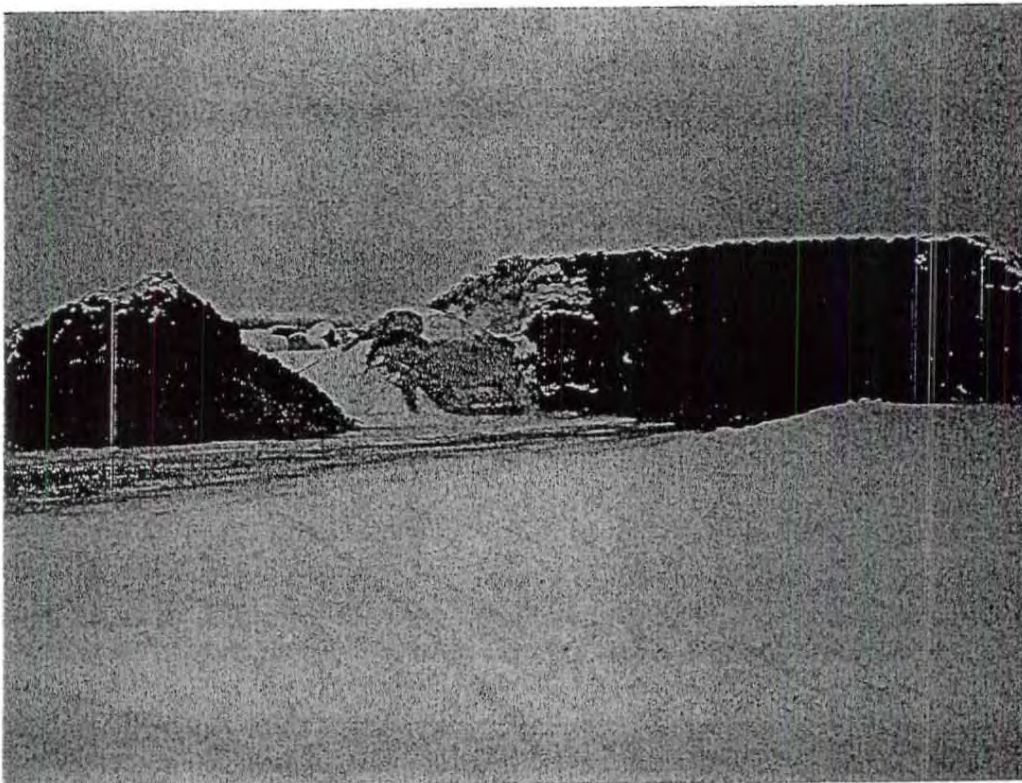


Photo 4: View east of silage pit.



Photo 5: View northwest of back side of silage pit.

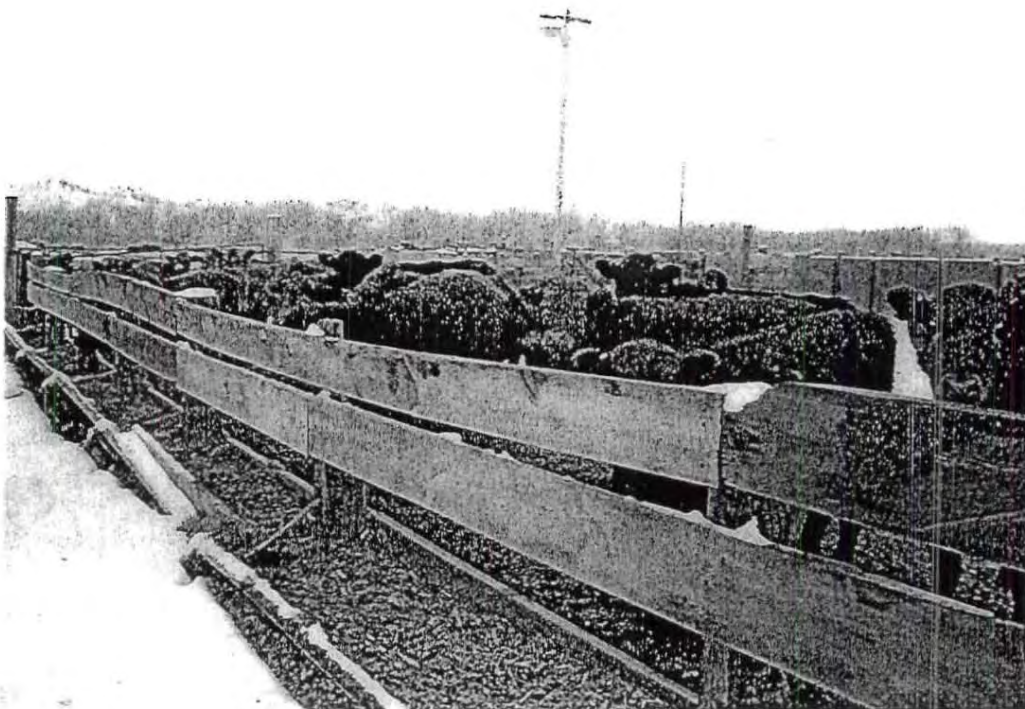


Photo 6: View southwest of pens along alleyway.

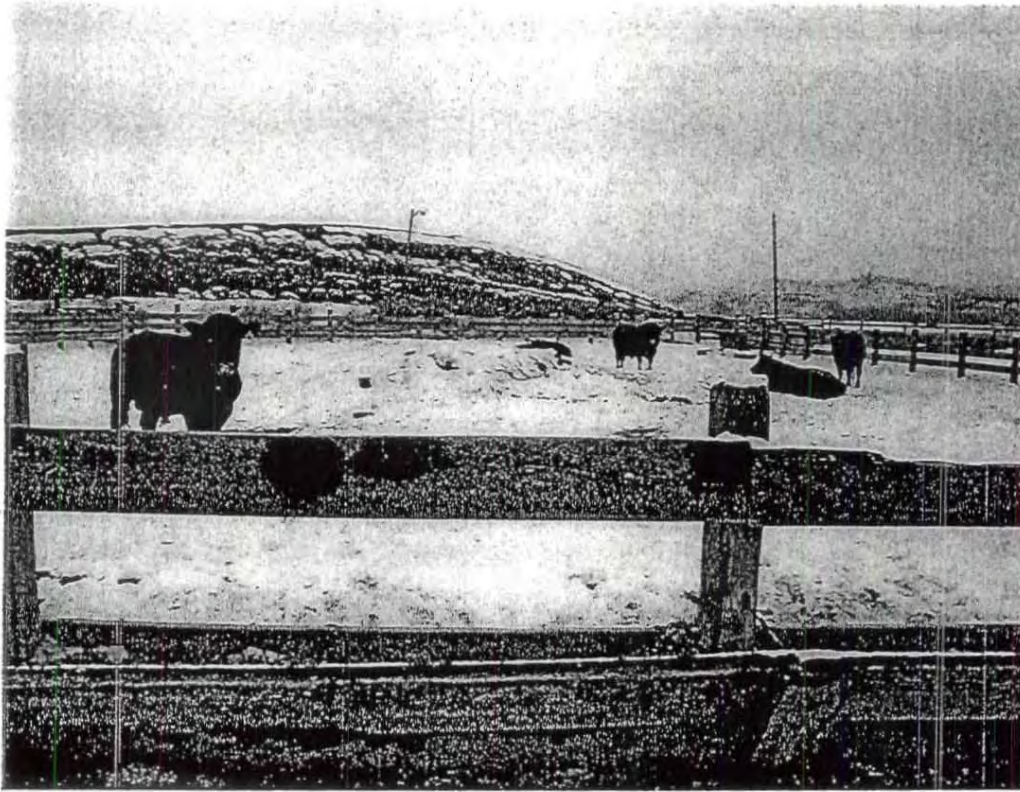


Photo 7: View east of bulls in pen along alleyway.

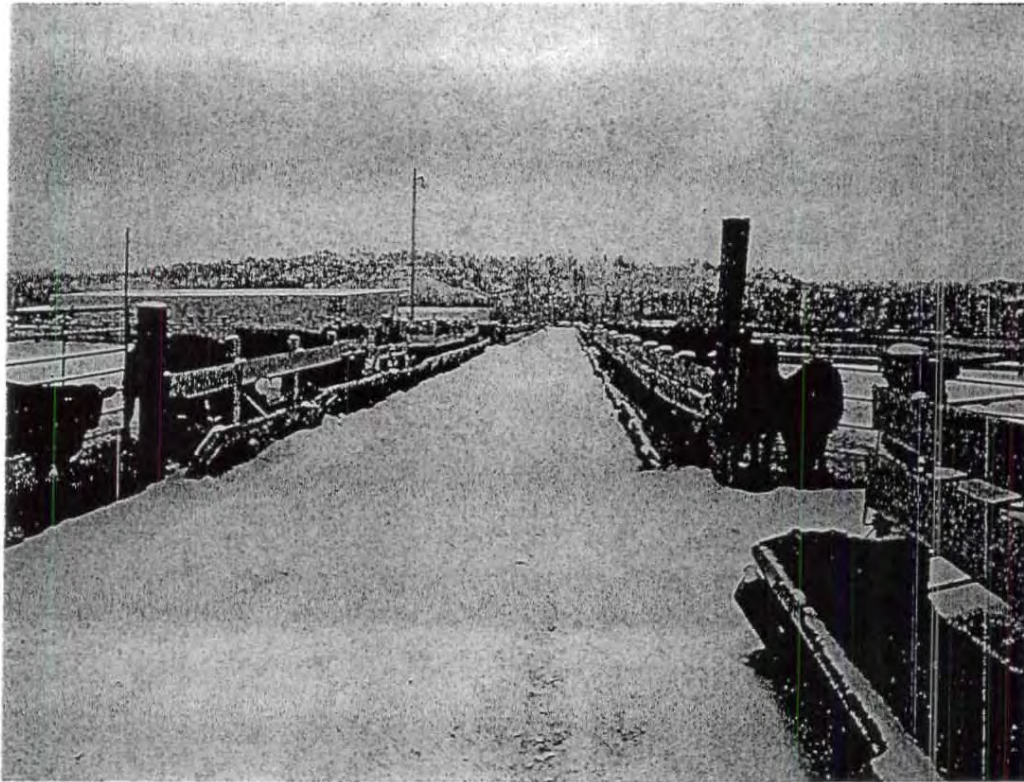


Photo 8: View south along alleyway.



Photo 9: Manure is stacked in the confinement pens.



Photo 10: View east along southernmost pens (photo left) and Alkali Creek (photo right). Note feed bunk along fence.

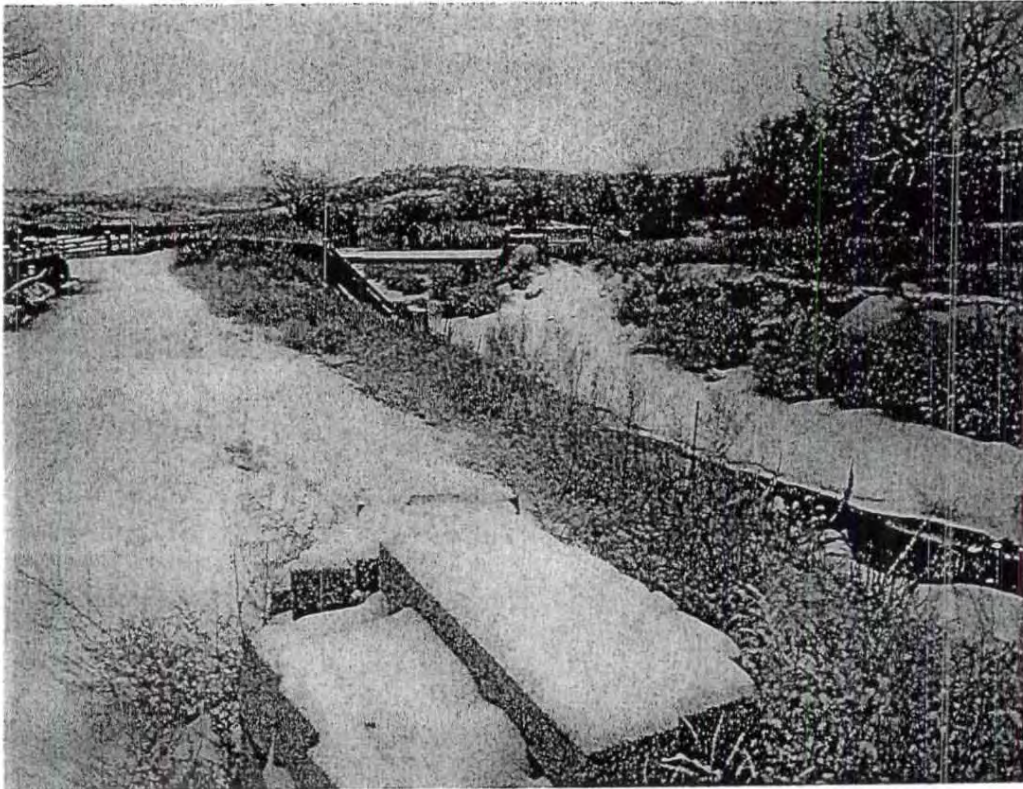


Photo 11: Close-up view east along Alkali Creek.

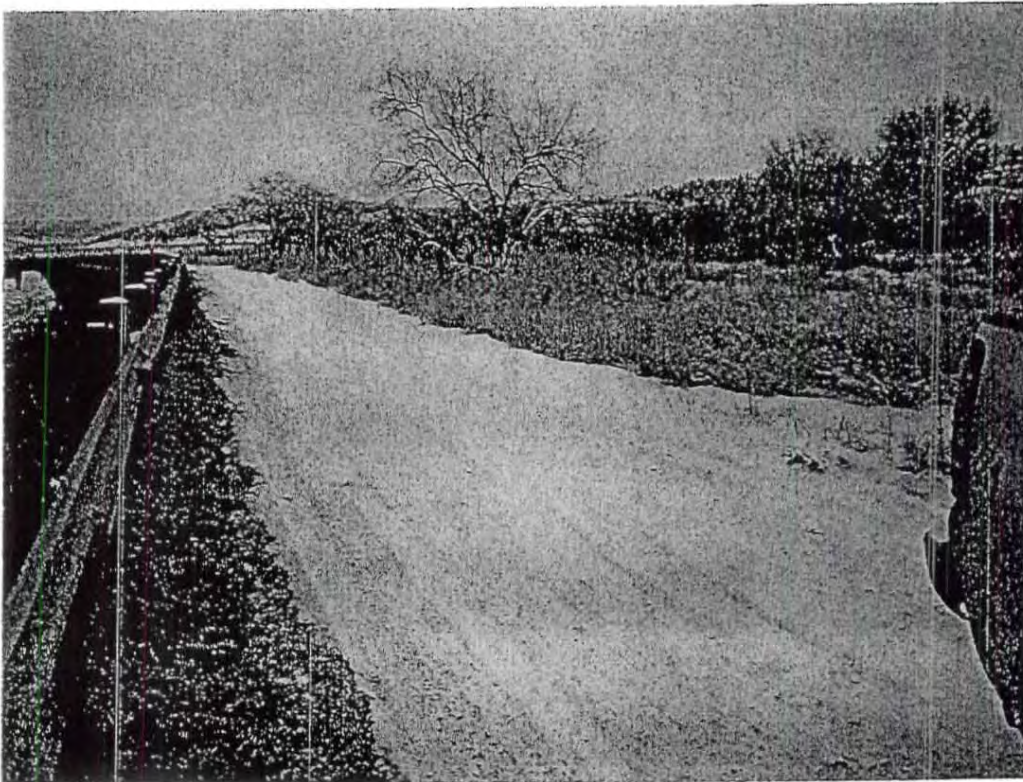


Photo 12: View east of feed bunk (photo left) and Alkali Creek (photo right).



Photo 13: View of stock tank (photo center) for watering that is located in a confinement pen.

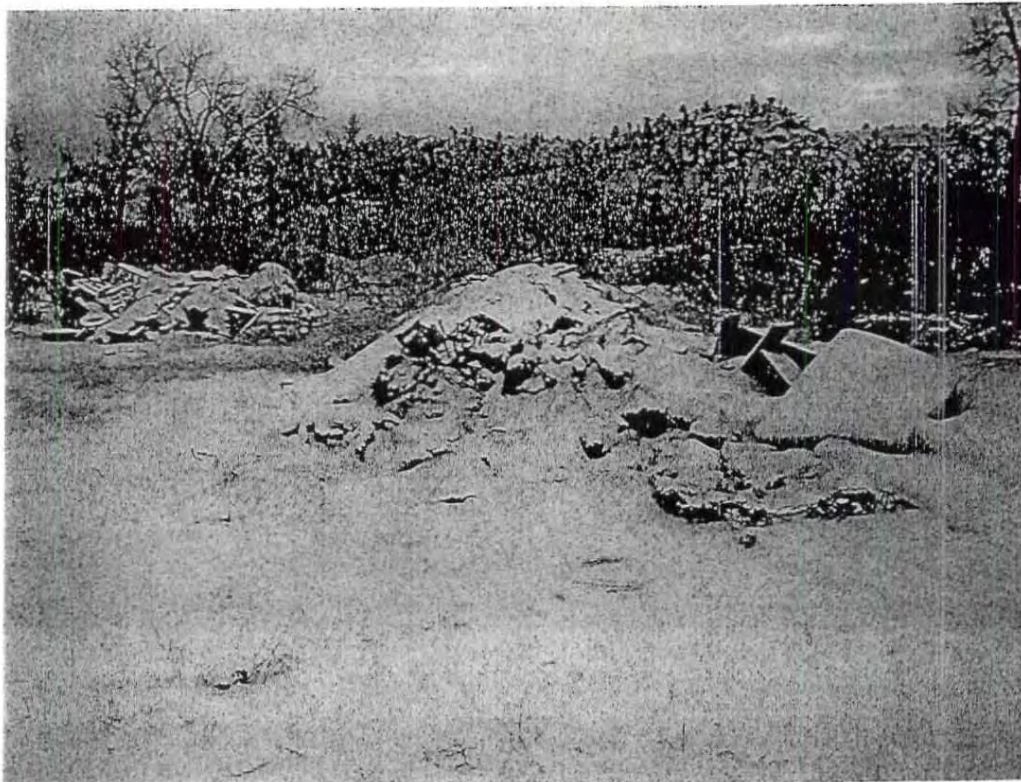


Photo 14: View southwest of the mortality and trash pile.



Photo 15: Close-up of mortality and trash pile.



Oil Spill Prevention, Control, and Countermeasure (SPCC) Program: Information for Farmers

This fact sheet will assist you, as a farmer, in understanding your obligations under the SPCC Program.

What is SPCC?

The goal of the SPCC program is to prevent oil spills into waters of the United States and adjoining shorelines. Oil spills can cause injuries to people and damage to the environment. A key element of this program calls for farmers and other facilities to have an oil spill prevention plan, called an **SPCC Plan**. These Plans can help farmers prevent oil spills which can damage water resources needed for farming operations.

What is considered a farm under SPCC?

Under SPCC, a farm is: "a facility on a tract of land devoted to the production of crops or raising of animals, including fish, which produced and sold, or normally would have produced and sold, \$1,000 or more of agricultural products during a year."

Is my farm covered by SPCC?

SPCC applies to a farm which:

- Stores, transfers, uses, or consumes oil or oil products, such as diesel fuel, gasoline, lube oil, hydraulic oil, adjuvant oil, crop oil, vegetable oil, or animal fat; and
- Stores more than **1,320 US gallons** in aboveground containers or more than **42,000 US gallons** in completely buried containers; and
- Could **reasonably be expected to discharge oil to waters** of the US or adjoining shorelines, such as interstate waters, intrastate lakes, rivers, and streams.

If your farm meets all of these criteria, then your farm is covered by SPCC.

TIPS:

* Count only containers of oil that have a storage capacity of 55 US gallons and above.

* Adjacent or non-adjacent parcels, either leased or owned, may be considered separate facilities for SPCC purposes. Containers on separate parcels (that the farmer identifies as separate facilities based on how they are operated) do not need to be added together in determining whether the 1,320-gallon applicability threshold is met.

If my farm is covered by SPCC, what should I do?

The SPCC program requires you to prepare and implement an SPCC Plan. If you **already have a Plan**, maintain it. If you **do not have a Plan**, you should prepare and implement one. Many farmers will need to have their Plan certified by a Professional Engineer ("PE"). However, you may be eligible to self-certify your amended Plan if:

- Your farm has a total oil storage capacity between 1,320 and 10,000 gallons in aboveground containers, and the farm has a good spill history (as described in the SPCC rule), you may prepare and self-certify your own Plan. (However, if you decide to use certain alternate measures allowed by the federal SPCC Rule, you will need a PE.)
- Your farm has storage capacity of more than 10,000 gallons, or has had an oil spill you may need to prepare an SPCC Plan certified by a PE.

TIP: If you are eligible to self certify your Plan, and no aboveground container at your farm is greater than 5,000 gallons in capacity, then you may use the Plan template that is available to download from EPA's Web site at: <http://www.epa.gov/oem/content/spcc/tier1temp.htm>

When should I prepare and implement a Plan?

Farms in operation on or before August 16, 2002, must maintain or amend their existing Plan by **November 10, 2010**. Any farm that started operation after August 16, 2002, but before November 10, 2010, must prepare and use a Plan on or before **November 10, 2010**.

Note: If your farm was in operation before August 16, 2002, and you do not already have a Plan, you must prepare a Plan now. **Do not wait until November 10, 2010.**

What information will I need to prepare an SPCC Plan for my farm?

- A list of the oil containers at the farm by parcel (including the contents and location of each container);
- A brief description of the procedures that you will use to prevent oil spills. For example, steps you use to transfer fuel from a storage tank to your farm vehicles that reduce the possibility of a fuel spill;
- A brief description of the measures you installed to prevent oil from reaching water (see next section);
- A brief description of the measures you will use to contain and cleanup an oil spill to water; and
- A list of emergency contacts and first responders.

What spill prevention measures should I implement and include in my SPCC Plan?

- Use containers suitable for the oil stored. For example, use a container designed for flammable liquids to store gasoline;
- Identify contractors or other local personnel who can help you clean up an oil spill;
- Provide **overflow prevention** for your oil storage containers. You could use a high-level alarm, or audible vent, or establish a procedure to fill containers;
- Provide **effective, sized secondary containment** for bulk storage containers, such as a dike or a remote impoundment. The containment must be able to hold the full capacity of the container plus possible rainfall. The dike may be constructed of earth or concrete. A double-walled tank may also suffice;
- Provide **effective, general secondary containment** to address the most likely discharge where you transfer oil to and from containers and for mobile refuelers, such as fuel nurse tanks mounted on trucks or trailers. For example, you may use sorbent materials, drip pans or curbing for these areas; and
- **Periodically inspect and test pipes and containers.** You should visually inspect aboveground pipes and inspect aboveground containers following industry standards. You must "leak test" buried pipes when they are installed or repaired. EPA recommends you keep a written record of your inspections.

How and when do I maintain my SPCC Plan?

Amend and update your SPCC Plan when changes are made to the farm, for example, if you add new storage containers (e.g. tanks) that are 55 gallons or larger, or if you purchase or lease parcels with containers that are 55 gallons or larger. You must review your Plan every five years to make sure it includes any changes in oil storage at your farm.

What should I do if I have an oil spill?

- Activate your SPCC Plan procedures to prevent the oil spill from reaching a creek or river.
- Implement spill cleanup and mitigation procedures outlined in your Plan.
- **Notify the National Response Center (NRC) at 800-424-8802** if you have an oil discharge to waters or adjoining shorelines.
- If the amount of oil spilled to water is more than 42 gallons on two different occasions within a 12-month period or more than 1,000 gallons to water in a single spill event, then notify your EPA Regional office in writing.

For More Information

Read the SPCC rule and additional resources:

<http://www.epa.gov/emergencies/spcc>

Call or send an e-mail to the EPA Ag Compliance Assistance Center: 1-888-663-2155

<http://www.epa.gov/agriculture/agctr.html>

Call the Superfund, TRI, EPCRA, RMP, and Oil Information Center:

(800) 424-9346 or (703) 412-9810

TDD (800) 553-7672 or (703) 412-3323

<http://www.epa.gov/superfund/resources/infocenter>



Office of Enforcement and Compliance Assurance
INFORMATION SHEET

U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance resources such as workshops, training sessions, hotlines, websites, and guides to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance, and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Compliance Assistance Centers

(www.assistancecenters.net)

In partnership with industry, universities, and other federal and state agencies, EPA has established Compliance Assistance Centers that provide information targeted to industries with many small businesses.

Agriculture

(www.epa.gov/agriculture or 1-888-663-2155)

Automotive Recycling Industry

(www.ecarcenter.org)

Automotive Service and Repair

(www.ccar-greenlink.org or 1-888-GRN-LINK)

Chemical Industry

(www.chemalliance.org)

Construction Industry

(www.cicacenter.org or 1-734-995-4911)

Education

(www.campuserc.org)

Healthcare Industry

(www.hercenter.org or 1-734-995-4911)

Metal Finishing

(www.nmfrc.org or 1-734-995-4911)

Paints and Coatings

(www.paintcenter.org or 1-734-995-4911)

Printed Wiring Board Manufacturing

(www.pwbrc.org or 1-734-995-4911)

Printing

(www.pneac.org or 1-888-USPNEAC)

Transportation Industry

(www.transource.org)

Tribal Governments and Indian Country

(www.epa.gov/tribal/compliance or 202-564-2516)

US Border Environmental Issues

(www.bordercenter.org or 1-734-995-4911)

The Centers also provide State Resource Locators (www.envcap.org/statetools/index.cfm) for a wide range of topics to help you find important environmental compliance information specific to your state.

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page

www.epa.gov

Small Business Gateway

www.epa.gov/smallbusiness

Compliance Assistance Home Page

www.epa.gov/compliance/assistance

Office of Enforcement and Compliance Assurance

www.epa.gov/compliance

Voluntary Partnership Programs

www.epa.gov/partners





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