



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8  
1595 WYNKOOP STREET  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

AUG 26 2009

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Ref: 8ENF-W

John Dee Hardy, Registered Agent  
Tuleview Holsteins, LC  
3021 North 2800 West  
Brigham City, UT 84302

Re: UTG080028 Inspection Report;  
Findings of Violation and Administrative  
Order for Compliance  
Docket No. **CWA-08-2009-0026**

Dear Mr. Hardy:

On April 7, 2009, the United States Environmental Protection Agency (EPA) inspected the Tuleview Holsteins, LC (Tuleview) dairy operation in Brigham City, Utah. The inspection determined that Tuleview has violated numerous conditions in its Utah Pollution Discharge Elimination System (UPDES) permit no. UTG080028 (the permit). A copy of the report from the inspection (the report) is enclosed. Please pay special attention to the Summary of Findings section of the report. Please note that EPA inspector discussed her observations and concerns during the exit interview.

Also enclosed is an EPA Region 8 administrative order (order) that specifies the nature of the permit violations and describes actions necessary in order for you to achieve compliance with the permit and the Clean Water Act, as amended (the Act or CWA). EPA's authority for such action is provided under § 309(a)(3) of the Act, 33 U.S.C. § 1319(a)(3), which authorizes the Administrator of the EPA to issue an order to any person found to be in violation of §§ 301 and 402 of the Act, among others, or in violation of any condition or limitation implementing such sections in a permit issued by EPA or an authorized State. The enclosed 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, among other things, reports and information necessary to carry out the objectives of the CWA.

The CWA requires the Administrator of EPA to take all appropriate enforcement action necessary to secure prompt compliance with the CWA and any order issued thereunder. Section 309 of the Act authorizes a variety of possible enforcement actions, including filing of a civil or criminal



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action, administrative penalty action, and/or debarment from Federal contracts and/or loans for any non-compliance with the CWA or an order issued pursuant to the CWA. Please be advised that the issuance of this order does not preclude civil or criminal actions in the U.S. District Court pursuant to §§ 309(b) or (c) of the CWA, 33 U.S.C. §§ 1319(b) or (c), or assessment of civil penalties pursuant to §§ 309(d) or (g) of the Act, 33 U.S.C. §§ 1319(d) or (g), for the violations cited in the order.

Please review the report and the order carefully and ensure that all of the requirements in these documents are fully and timely completed. If you have any questions, the most knowledgeable people on my staff are Wendy Silver, Senior Attorney, at 303-312-6637 and Lee Hanley, Environmental Engineer, at 303-312-6555.

Sincerely,



Eddie A. Sierra  
Acting Assistant Regional Administrator  
Office of Enforcement, Compliance and  
Environmental Justice

Enclosures: 1) Inspection Report, Photo Log, 3560 Form, Summary of Findings  
2) Findings of Violation and Administrative Order for Compliance

cc: Tina Artemis, EPA, Regional Hearing Clerk  
John Whitehead, UPDES IES

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

2009 AUG 26 AM 9: 56

IN THE MATTER OF:	)	<b>FINDINGS OF VIOLATION</b>
	)	<b>AND</b>
Tuleview Holsteins, LC	)	<b>ORDER FOR COMPLIANCE</b>
3021 North 2800 West	)	
Brigham City, UT 84302	)	Proceeding under §§ 308(a) and 309(a)
	)	of the Clean Water Act, 33 U.S.C.
	)	§§ 1318(a) and 1319(a)
Respondent.	)	
	)	Docket No. <b>CWA-08-2009-0026</b>
_____	)	

FILED  
EPA REGION VIII  
HEARING CLERK

**STATUTORY AUTHORITY**

The following Findings of Violation are made and Order for Compliance (Order) issued pursuant to § 309(a) of the Clean Water Act (the 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, 302, 306, 307, 308, 318, or 402 of the Act, 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 re-delegated to the undersigned official.

**FINDINGS OF VIOLATION**

1. Respondent Tuleview Holsteins, LC (Respondent) is a Utah limited liability corporation having a registered office address of 3021 North 2800 West, Brigham City, Utah.
2. Respondent is a "person" within the meaning of § 502(5) of the Act, 33 U.S.C. § 1362(5).

3. Respondent owns and/or operates a “concentrated animal feeding operation” (CAFO) as defined in 40 C.F.R. § 122.23(b)(2) and located at 3021 North 2800 West, Brigham City, Utah (the facility).
4. The facility is located adjacent to an unnamed slough (wetland), which drains to and abuts a tributary to the Bear River. The facility is also located adjacent to the Hammond West Branch Canal.
5. The wetland, tributary, and Bear River are waters of the United States within the meaning of 40 C.F.R. § 122.2 and, therefore, navigable waters within the meaning of § 502(7) of the Act, 33 U.S.C. § 1362(7).
6. The wetland, tributary, Hammond West Branch Canal, and Bear River are waters of the State within the meaning of Utah Administrative Code R317-1-1.32.
7. The facility is a “point source” within the meaning of § 502(14) of the Act, 33 U.S.C. § 1362(14).
8. Process wastewater, manure, and litter are each a “pollutant” within the meaning of § 502(6) of the Act, 33 U.S.C. § 1362(6).
9. Section 301(a) 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.
10. Section 402 of the Act, 33 U.S.C. § 1342, establishes a National Pollutant Discharge Elimination System (NPDES) program, administered by EPA and/or, under certain circumstances, the State, to permit discharges into navigable waters. subject to specific terms and conditions.

11. The facility is covered by the Utah Pollutant Discharge Elimination System (UPDES) Concentrated Animal Feeding Operation General Permit #UTG080000, certification number UTG080028 (the permit). The permit was issued on October 1, 2000, and has subsequently been administratively extended.

12. The permit prohibits discharges from the manure management facilities of a CAFO except in the event of a 25-year 24-hour storm event, and then only if the CAFO is meeting the provisions and conditions of the permit.

13. Part I.A.11. of the permit defines “process wastewater” as any process-generated wastewater and any precipitation (rain or snow) which comes into contact with any manure, litter, or bedding, or any other raw material or intermediate or final material or product used in or resulting from the production of animal or poultry or direct products.

14. Part I.F.1. of the permit states, in part, that there shall be no discharge of process wastewater or solid or liquid manure except when chronic or catastrophic rainfall events cause an overflow of process wastewater.

15. Part II.B. of the permit requires, in part, that the permittee make immediate oral notification within 24 hours to the Division of Water Quality of the Utah Department of Environmental Quality (UDEQ) of a discharge to waters of the State. The permittee is further required to notify the Executive Secretary of UDEQ in writing within 5 working days of the discharge.

16. Part III.B.1. of the permit requires each owner/operator of a CAFO covered by the permit to develop, implement, and keep on site a site-specific comprehensive nutrient management plan (CNMP) containing the following components, as applicable: manure and wastewater handling

and storage; land application of manure; land management practices; feed management; record keeping; and other utilization options. At a minimum, the CNMP must include best management practices (BMPs) to address operational and maintenance activities in accordance with current state regulations and Natural Resources Conservation Service (NRCS) practice standards.

17. Part III.B.2. of the permit requires the CAFO to develop and implement the CNMP within 3 years of permit coverage unless otherwise notified by the Executive Secretary of UDEQ.

18. Part III.B.3. of the permit requires the owner/operator of the CAFO to sign certification A of Addendum C of the permit, which specifies that the CNMP has been reviewed by an eligible specialist who has been trained to review and prepare a CNMP.

19. Pursuant to Part III.B.5.c. of the permit, the BMPs included in the facility's CNMP must include containment structures to store the 25-year, 24-hour storm event, plus all other process wastewater and liquid and solid manure.

20. NRCS Conservation Practice Standard for Utah, Code 359, for waste treatment lagoons, requires that the minimum elevation of the top of the settled embankment of the lagoon shall be one (1) foot above the lagoon's required volume.

21. NRCS Conservation Practice Standard for Utah, Code 316, sets forth the accepted practice for animal carcass treatment or disposal as a component of a waste management system for livestock operations.

22. Part IV.A. Table 1 of the permit requires that freeboard of a lagoon or storage structure be reported as feet below the emergency overflow level.

23. Part IV. A. Table 1 of the permit requires that land application soils be sampled to determine nutrient in accordance with the CNMP. Section 6.6 of the CNMP states that soil tests will be taken once every year on annual crops and every three years on alfalfa.
24. Part IV.A. Table 1 of the permit requires that manure and wastewater be sampled once per year to determine available nutrient content.
25. Part IV.A. Table 1 of the permit sets forth the monitoring requirements (frequency and units) for land application activities, including dates, duration, quantity, application rates, and application area. Table 1 also requires that land application practices be conducted in accordance with the CNMP.
26. Part V.B. of the permit requires proper operation and maintenance of all facilities and systems of treatment and control which are installed or used to achieve compliance with the conditions of the permit, including the operation of backup or auxiliary facilities.
27. On March 8, 2006, an inspector from UDEQ conducted a routine compliance inspection of the facility and found that the lagoon appeared to have insufficient capacity. By letter dated March 9, 2006, to the facility, he recommended that a second lagoon be constructed.
28. On April 10, 2008, an inspector from UDEQ conducted a routine inspection of the facility. On June 18, 2008, UDEQ issued a warning letter to the facility noting the following deficiencies, among others:
  - a. A pump failure or power outage could result in overflow of wastewater from the facility's sump to the slough;
  - b. On the low end of the facility, the berm surrounding the facility may be of insufficient height to contain pen and feed runoff;

- c. The facility lacks an adequate Emergency Action Plan, which should be included in the CNMP; and
- d. The pond appears to have insufficient storage capacity and less than one foot of freeboard.

The June 18, 2008, warning letter required the facility to correct the deficiencies noted during the April 10, 2008, inspection and set forth deadlines for completion of the corrective actions.

29. On April 7, 2009, inspectors from EPA and UDEQ conducted a compliance inspection of the facility. The following violations were noted:

- a. In February or March 2008, as the result of a power failure, the facility discharged process water for seven days from the sump area to the slough, in violation of Parts I.F.1. and V.B. of the permit. Further, the facility failed to report the discharge to UDEQ, in violation of Part II.B. of the permit.
- b. The facility's CNMP does not meet the requirements set forth in Parts III.B.1. and III.B.2. of the Permit, and has not been certified, in violation of Part III.B.3. of the permit.
- c. The freeboard at the evaporation pond (lagoon) does not meet the one foot requirement set forth in NRCS Conservation Practice Standard for Utah, Code 359, and the pond is insufficient to contain the 25-year, 24-hour storm event, plus all other process wastewater and liquid and solid manure, in violation of Part III.B.5.c. of the Permit. In addition, the facility does not report the freeboard as feet below the emergency overflow level, in violation of Part IV.A. Table 1 of the permit.



- d. The facility did not sample land application soils on annual crops and alfalfa in accordance with section 6.6 of the CNMP, in violation of Part IV.A. Table 1 of the permit.
- e. The facility did not sample manure and wastewater annually, in violation of Part IV.A. Table 1 of the permit.
- f. The facility did not comply with the inspection and monitoring requirements for land application activities set forth in Part IV.A. Table 1 of the permit and the CNMP.
- g. The facility's CNMP does not include BMPs to address mortalities in accordance with NRCS Conservation Practice Standard for Utah, Code 316, in violation of Part III.B.1. of the permit.
- h. The facility discharged pollutants (feed mixed with snow, process water from the pond, stormwater, excess runoff from field irrigation carried through drain pipes, and various debris) into the slough, in violation of Parts I.F.1. and III.B.1 of the permit and § 301(a) of the Act, 33 U.S.C. § 1311.
- i. The facility discharged pollutants (process wastewater) to the Hammond West Branch Canal, in violation of Part I.F.1. of the permit and § 301(a) of the Act, 33 U.S.C. § 1311.

## 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, EPA Region 8, it is hereby

ORDERED:

1. Within ten (10) calendar days of receipt of this Order, Respondent shall submit to EPA and UDEQ written notice of intent to comply with the requirements of this Order.
2. Within fourteen (14) days of receipt of this Order, Respondent shall cease all discharges of process wastewater, including return wastewater from land application to the slough. Any discharge not authorized by the permit must be reported to EPA and UDEQ in accordance with Part II.B. of the permit.
3. Within thirty (30) calendar days of receipt of this Order, Respondent shall submit to EPA and UDEQ the following information:
  - a. A plan and schedule for removing the pollutants discharged to the slough, as described in paragraph 29.h., above. Respondent shall consult with the U.S. Army Corps of Engineers (Corps) to determine if any of the work to be performed pursuant to this Order requires a permit from the Corps under § 404 of the Act, 33 U.S.C. § 1344. If any such permit is required, Respondent shall obtain such permit(s) and provide a copy or copies to EPA at the address in paragraph 7, below, prior to initiating the work. The work shall be completed by November 15, 2009.

- b. A schedule of all milestones the facility needs to complete for full operation of the new evaporation pond. The schedule must include completion of the new evaporation pond by October 15, 2009.
  - c. A detailed description of the discharge from the sump to the slough in February/March 2008, including the cause, the quantity and duration, the remedial steps taken, and measures implemented to address future discharges.
4. Within forty-five (45) calendar days of receipt of this Order, Respondent shall submit to EPA and UDEQ the following information:
- a. The design and dimensions of the existing pond and new evaporation pond and an explanation of how the capacity of these ponds will meet the requirements set forth in Part III.B.5. of the permit. If the combined capacity of the ponds will not meet those requirements, describe the steps that the facility will take to comply with Part III.B.5. Include in the response a detailed description, prepared by an engineer, of how the facility will measure freeboard, the device(s) that will be used to measure freeboard, and the procedures that will be employed to ensure that a minimum freeboard of one foot is maintained in both ponds.
  - b. An engineering assessment of the earthen berm constructed between the slough and the facility to prevent process water from entering the slough. If the current structure requires improvements or a new structure must be constructed to prevent process water from entering the slough, provide a schedule no later than November 15, 2009 for implementation of the improvements or construction of a new structure.

5. Within sixty (60) calendar days of receipt of this Order, Respondent shall submit to EPA and UDEQ the following information:

- a. A schematic of the facility showing all operating units (pens, feed area, etc.) and structures, drain collection areas, process wastewater flows, stormwater flows and clean water diversion flows. The schematic must also include manure and mortality locations, land application areas, and any other areas where waste or process wastewater can be located, channeled, or discharged to a containment basin or off-site.
- b. An engineering assessment of the sump location and integrity. The assessment must include procedures and mechanisms to prevent discharges to the slough and an analysis of the viability of relocating the sump away from the slough.

6. Within ninety (90) calendar days of receipt of this Order, Respondent shall submit to EPA and UDEQ an updated, certified CNMP that complies with all requirements set forth in Part III.B. of the permit, including, but not limited to: sampling and reporting requirements for 2019 (manure, process wastewater, land application, etc.); record keeping and inspection forms; areas to be inspected and inspection frequency; emergency response plan, including backup power; flow patterns to and from the evaporation ponds; operational controls on the concrete channel; detailed cleanup procedures for the feed area to prevent discharges to the slough; a site map including clean water diversion areas; and BMPs as outlined in Part III.B.5. of the permit.

7. All written notices, correspondence, plans, schedules, and reports required by this Order shall be sent to the following addresses:

Lee Hanley  
U.S. Environmental Protection Agency, Region 8  
1595 Wynkoop St.  
Denver, CO 80202-1129

and

Don Hall, Environmental Scientist  
UPDES IES Section  
P.O. Box 144870  
288 North 1460 West  
Salt Lake City, UT 84114-4870

8. All written notices, correspondence, plans, schedules, and reports submitted pursuant to this Order must be signed by a principal executive officer, ranking elected official, or duly authorized representative of Respondent (as specified by 40 C.F.R. § 122.22(b)) and shall include the following statement:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

9. Respondent shall allow, or use its best efforts to allow, access by any authorized representatives of EPA, the Corps, and the UDEQ, 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.

10. 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.

11. This Order does not constitute a waiver or modification of the terms and conditions of the permit, which remains in full force and effect.

12. Compliance with the terms and conditions of this Order shall not be construed to relieve Respondent of its obligation to comply with any applicable Federal, state, or local law or regulation.

13. 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.

14. 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.

15. This Order shall be effective upon receipt by Respondent.

DATED this 21<sup>st</sup> day of August, 2009.

Eddie A. Sierra  
Eddie A. Sierra  
Acting Assistant Regional Administrator  
Office of Enforcement, Compliance, and  
Environmental Justice

## ANIMAL FEEDING OPERATION INSPECTION REPORT

Lead Inspector: Lee Hanley  
 2<sup>nd</sup> Inspector: UDEQ Don Hall  
 Date: 4/7/09  
 Arrival Time: 8:20am  
 Departure Time: 12:20pm

Permit #: UTG080028

Facility Lat/Long: N41.56316/W112.08415

Weather conditions immediately prior to and during inspection: clear

### I. GENERAL INFORMATION

<b>Facility Info:</b> Name: <u>Tuleview Holsteins LC</u> Address: <u>3021N 2800W</u> <u>Brigham City, UT 84302</u> Phone: <u>435-744-5571</u> Fax: <u>435-744-2784</u>	<b>Owner Info</b> (possibly parent corporation): Name: <u>same as Facility Info</u> Mailing Address: _____ _____ Phone: _____ Fax: _____
<b>Operator Info</b> (if different from Owner): Name: <u>same as above</u> Mailing Address: _____ Phone: _____ Fax: _____	<b>Env. Consultant Info:</b> Name: <u>Brian David, UACD/NRCS</u> Mailing Address: _____ Phone: _____ Fax: _____

Name/position of individual to whom credentials presented: **Mr. Brian Hardy, Owner.**  
**Mr. Mike Kohler, Manager, Dairy Producers of America also attended the inspection.**

### II. FACILITY OPERATION INFORMATION

1. What type of operation is the facility?

- |  |                                  |   |
|--|----------------------------------|---|
| <input checked="" type="checkbox"/> Dairy Cattle | <input type="checkbox"/> Turkeys | <input type="checkbox"/> Livestock Market |
| <input 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 _____      |

**Facility also has 510 heifers on site and 400 cows approximately 1/8 miles away on Tuleview property.**

2. How many and what type of animals are present?

	<u>Currently present</u>	<u>Capacity</u>
<input checked="" type="checkbox"/> Dairy Cows (milking and dry)	No. of animals <u>940</u>	No. of animals <u>960</u>
<input type="checkbox"/> Swine (Over 55lbs.)	No. of animals _____	No. of animals _____
<input type="checkbox"/> Beef Cattle	No. of animals _____	No. of animals _____
<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 _____

Average # of animals for the past 12 months: **960**



3. Approximate number of days animals are:
  - a. Stabled/confined over any 12-month period: **year round**
  - b. Fed/maintained over any 12-month period: **year round**
4. How long has the facility been in operation at this location? **Since 1968. The facility has not expanded its dairy operations in the past three (3) years. However, the facility is constructing a new (additional) evaporation pond.**
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. The owners of Tuleview have two (2) other CAFO (dairy) operations but different partnerships: Little Mountain Dairy in Bear River, UT (≈ 30 miles northeast of Brigham City, UT) , and Brothers Dairy in Honeyville, UT (≈ 12 miles north of Brigham City, UT). Neither of these dairies is connected to the Tuleview operation, i.e., they do not share a common area or system for waste disposal.**
6. Is the facility located near a surface water?   x  Y   N  
 Proximity of surface water to confinement areas and to land application areas: **The slough is adjacent and west of the facility. See Google map. The facility built a berm to prevent runoff from the site from going to the slough; see Photos 12 and 15. However, across from the solid/liquid separator, the berm was breached to allow storm water from the road along the south west side of the property to drain into the slough. See Photos 22 to 26.**  
 Name of surface water: **The slough connects to a drainage that eventually discharges into the Bear River. See map. Debris was observed in the slough; see Photos 14, 16, 19, 21, and 22.**  
  
**In addition, the facility has a concrete channel, located on the south side of the existing evaporation pond, that is used to divert pond water to fields south of the facility and to a canal east of the facility.**
7. How are the animals watered? Is there overflow, and where does it go?  
**The facility has a culinary system, spring and well water, that gravity feeds to water troughs with floats. The overflow goes to a sump and then to the evaporation pond.**
8. Is water used for dust control? **In the summer months, the facility uses canal water, mixes it with magnesium chloride, and sprays the grounds.**
9. How are the animals fed? **Total mix rations are distributed by trucks to the feed bins.**
10. Where is feed stored? **The feed area is located north of the evaporation pond and west of the pens. See facility schematic and Photos 8 and 9.**
11. Can feed enter surface water? **Generally, no. However, the facility will push snow and wet feed up against the berm (that separates the facility and the slough). This practice puts feed into the slough. See Photos 19 and 20.**

### III. CONFINEMENT

1. Describe the types of confinement:

- free stall barns
  - sheltered or limited shelter dirt lots
  - paved lots
  - 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? **No. The facility owns fields where manure and pond water are applied.**

3. Do the animals enter/or cross surface water (e.g., rivers, streams, canals)?  Y  N

4. Were animals observed in surface water?  Y  N

5. How many feedlots does the owner have? **As stated above, the owners of Tuleview have two (2) other CAFO (dairy) operations but with different partnerships: Little Mountain Dairy in Bear River, UT, and Brothers Dairy in Honeyville, UT.**

6. Is there any other location where animals are confined for more than 45 days in a year?  Y  N

### IV. WASTE MANAGEMENT

1. Describe the types of waste handling used:

- direct spreading in solid form
  - slotted floor with lagoon or pit
  - single lagoon (the facility is constructing a second evaporation pond)**
  - aerated lagoon
  - land application of liquid manure
  - spray irrigation, contractor disposal
- other \_\_\_\_\_

2. If waste is land applied:

Does the facility own or control the land?  Y  N

What crops are grown? **alfalfa, corn silage, wheat**

How many acres? **700**

What application records are kept? **Manure analyses were conducted in 2004 and 2003; no sampling conducted in 2005, 2006, 2007, or 2008. The permit requires annual sampling.**

**Field maps indicate where manure is applied and the number of loads applied to a field. Soil analyses were conducted where corn silage is grown in 2007. No samples were analyzed in 2006 or 2008. The permit requires annual soil testing on annual crops and every three years on alfalfa.**

For flood irrigation: Are tail water facilities used? Is there adequate capacity to retain all wastewater runoff? **To lower the evaporation pond, the facility indicated it diverts water to its concrete channels to spread onto the fields. Also, see IV.9. below and Photo 33.**

3. Waste storage lagoon:  Y  N
- How many: **one (1) existing and one (1) being built**
  - Capacity: **Existing evaporation pond capacity is 1,000,848 gallons; the new pond capacity is 2,000,238 gallons. The ponds' dimensions were not provided to the EPA inspector.**
  - Date constructed: **Existing pond was built approximately 1999.**
  - Date improvements made to lagoon(s): **No improvement to the existing pond since constructed.**
  - How dimensions were obtained by inspector: **Capacity information provided by Mr. Hardy.**
  - Gage to measure freeboard present? **See Photo 31. Facility indicated it uses the water mark on the separator's right wall. If pond water is above this water mark, there is 6" of freeboard. If pond water is right below the separator's weeping walls there is no freeboard in the pond. Review of the January to April 2009 records indicated the estimated freeboard in the pond to range between 2" to 10".**
  - Are lagoons lined? **The facility representative indicated the soil was tested and received certification that that pond is lined with existing clay.**
  - Is clean water diverted around the animal containment area? **The entire pen area drains to the sump area and pumped to the evaporation pond.**
  - Will all wastewater flow into the lagoons?  Y  N
  - Are manure and wastewater containment structures located within a 100-year floodplain?  Y  N
  - Are the structures protected from a 100-year flood?  Y  N **Once the new evaporation pond is completed, the facility indicated it will have sufficient storage to address a 100-year flood.**
4. Does the facility stockpile manure?  Y  N
5. How is manure stored? **Manure is currently stored in an alfalfa field (field # J-6 10AC).**
6. Is the area designated for that purpose? **It's a temporary storage area. The site map does not indicate the designated manure storage area.**
7. Does the facility sell/give away manure? If so, what records are kept? **The facility representative indicated manure is not sold or given away. However, a release form found in the Comprehensive Nutrient Management Plan (CNMP) book indicated 1000 tons of manure was given to Russ Fowers Farms LLC on August 3, 2008. Mr. Hardy stated the facility made an error on where the manure came from; that the form should have stated the manure was from the Little Mountain Dairy.**

8. Is there a nutrient management plan (i.e., land application records) kept on-site?   x   Y    N However, the permit issued 10/1/2000 required a CNMP to be developed and implemented within three (3) years of permit issuance. On 6/18/2008, UDEQ issued a warning letter to Tuleview Dairy requiring the facility to have a certified CNMP that reflects current practices, conditions, and facilities by 8/1/08. If changes were needed to the CNMP, the revised CNMP was to be completed by 12/1/2008. On 4/7/09, EPA found the CNMP not updated or certified as required by the permit and the UDEQ warning letter. The facility did not appear to have a copy of the warning letter; EPA provided the facility with its copy.
9. Since creation of the nutrient management plan, has the facility changed the potential to discharge by adding structures? **The CNMP was not dated or signed. Therefore, it is unknown what discharge structures were considered when the CNMP was drafted. For example, the facility has a concrete channel to divert pond water to the canal and to planting field. The site map which may have been drawn prior to 2006 (per Mr. Hardy) does not show the concrete channel.**
10. If yes, has the facility amended its CNMP to reflect the possible change to the discharge of pollutants to waters of the State? **See 9 above.**
11. Can pollutants from the disposal of wastes and wastewater enter a surface water, drybed, ditch, canal, etc?   x   Y    N

Name the surface water, drybed, ditch, canal, etc... **Process water can enter the slough from the 1) feed area cleaning, 2) overflow from the sump pump, 3) at the breached berm area, 4) the drainage from the land application, and 5) overflow from the pond where the berm is breached. The slough eventually drains to Bear River.**

**Pond water (which is process water) that is pumped into the concrete channel can enter the Hammond West Branch Canal east of the facility. The Canal eventually flows into wetlands within the Bear River Migratory Bird Refuge and tributaries that drain into South Bay.**

Describe how the discharge may occur. **See II.11 above and Photos 16, 19, 20, 21, 23, 38, 40, and 41.**

12. How is process wastewater, such as flush water from a dairy, handled? **Process water (from the pens and the milk barn) flows to a sump and is then pumped to the evaporation pond.**
13. How are mortalities handled? **The CNMP states that dead animals will be buried on land owned by the dairy or hauled to the landfill. The facility indicated to the State in 2006 (re: UDEQ's 3/8/06 inspection report) that mortalities are hauled to the landfill.**  
**During the EPA's 4/7/09 inspection, it was unclear how the facility is handling its mortalities. The records reviewed indicated Tuleview's mortality records are combined with the Little Mountain Dairy in Bear River, UT, and Brothers Dairy in Honeyville, UT. Therefore, specific mortality data for Tuleview is unclear.**

**V. DISCHARGE INFORMATION**

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.

1. 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
<b>In Feb or Mar 2008, the facility discharged for seven (7) days.</b>	<b>Sump pump area overflowed into the slough.</b>	<b>Power failure.</b>
<b>On April 7, 2009, EPA observed wet feed discharged into the slough.</b>	<b>Facility operator used front end loader to pushed snow and wet feed onto berm between facility and slough.</b>	<b>To clear feed area.</b>
<b>On April 7, 2009, EPA observed water in the concrete channel that discharges to the Hammond West Branch Canal.</b>	<b>The level of the existing wastewater pond is lowered by pumping the wastewater into the concrete channel. This wastewater is not sampled nor treated prior to pumping into the concrete channel.</b>	<b>The facility assumed that placing a metal baffle in the channel would prevent flow beyond the metal plate (see photos 30 and 40).</b>

2. Did any of the discharges occur through a:
- Y  N man-made ditch  
 Y  N flushing system  
 Y  N similar man-made device (i.e., man-made shaping or grading or man-made alteration to property, trough)
3. Verify the type (ditch, canal, stream, river, drybed) and name of the water body receiving the discharge:  
**The slough eventually drains to the Bear River. Hammond West Branch Canal eventually drains to wetlands within the Bear River Migratory Bird Refuge and tributaries that drain into South Bay.**
4. Was the discharge:
- Process-generated wastewater Yes  No   
 Animal Waste Yes  No   
 Rain or snow runoff Yes  No

If another type of discharge, please describe \_\_\_\_\_

## VI. RECORD KEEPING REQUIREMENTS\*

1. Records kept on site per the comprehensive manure management plan (CNMP)?
  - a. Of all wastewater?  Y  N **No analysis was conducted on the wastewater.**
  - b. Manure?  Y  N **Permit requires annual sampling. The undated, unsigned CNMP states manure tests will be taken at least yearly for a minimum of 5 years so that average manure test values can be obtained. Manure analyses were conducted in 2003 and 2004. No manure analyses were conducted for 2005, 2006, 2007, or 2008.**
  - c. Soil samples as required by or for the development of the CNMP?  Y  N **The permit requires sampling per the CNMP. The CNMP states soil tests will be taken once every year on annual crops and every three years on alfalfa. Facility conducts soil samples on corn silage fields only. The 2007 analyses were provided to the inspector; the facility could not locate the 2006 and 2008 soil analyses.**
  - d. Inspections of storage structures?  Y  N
  - e. Inspections of land application sites to reduce pollutant loading (permit condition IV, Table 1.)?  Y  N **No records of land application site inspections are maintained. The facility has drain pipes that collect excess water during liquid land application, the excess water goes to an outlet at a collection point (see Photos 36 and 38) that goes to the slough.**
2. Facility Inspection:
  - a. Annually inspected the CNMP system?  Y  N **Only the existing evaporation pond free board is estimated/recorded.**
  - b. Annually sample all land application site(s)?  Y  N **See VI.1.c. above.**
3. Lagoon or storage structure monitoring and inspection
  - a. Inspected freeboard (in feet) monthly?  Y  N
  - b. Structural integrity checked semi-annually?  Y  N
4. Sampling of manure/wastewater and land application soils
  - a. Conduct initial sampling of manure to determine available nutrient content (Nitrogen and Phosphorus) Y  N **Unknown**
  - b. Conduct annual sampling of manure to determine available nutrient content (mg/l)?  Y  N **See VI.1.b above.**
  - c. Conduct initial sampling of wastewater to determine available nutrient content (mg/l)? **Unknown**
  - d. Conduct annual sampling of wastewater to determine available nutrient content (mg/l)?  Y  N **Not done.**
  - e. Initial sampling of land application soils to determine nutrient content (lb/acre or ppm)? **Unknown. Facility only samples corn silage fields.**

f. Annual sampling of land application soils to determine nutrient content (lb/acre or ppm)?   Y   **X**  N  
**Facility also applies manure to wheat fields. No sampling conducted on wheat fields.**

5. Land application activities

a. Dates and duration of land application activities (hours, days, and/or if daily when applied)?   Y   **X**  N  
**Facility records the date, number of loads and the location where manure is applied.**

b. Quantity of manure/wastewater applied to land application fields (Tons, Gallons, or Ft<sup>3</sup>/acre and/or daily when applied)?   **X**  Y   N **Facility records the date, number of loads and the location where manure is applied.**

c. Application rate (lb/acre, ft/acre, or loads/acre and/or daily when applied)?   Y   **X**  N **Facility records the date, number of loads and the location where manure is applied. Application rate calculations were not observed.**

d. Application area (acres and daily when applied)?   **X**  Y   N **Facility maintains records on the fields where manure is applied.**

## VII. 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
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.?
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. **The facility constructed an earthen berm at the property edge.**
4. Describe where the surface water originates and where it flows once it has received a discharge. **See II.6. above. The slough is adjacent and west of the facility; the Canal is east of the facility.**
5. Describe other animal operations in the immediate vicinity and their proximity to the same or other surface waters. **NA**
6. Provide information on the nearby surface water, such as uses, known impairment, etc. **Debris was observed in the slough, see Photos 14, 16, 19, 21, and 22.**

## VIII. OTHER QUESTIONS TO CONSIDER

1. Are waste oil containers labeled properly? **The facility is knowledgeable on where and what petroleum containers are on site.**

2. Does the facility have an above-ground fuel tank 660 gallons or greater? **Yes. A 2000 gallon gasoline tank that is no longer in use (Photo 2) and diesel tanks: 6000 gallons is in use and 2000 gallon has rust and not in use (Photo 4).**
3. Does the facility have a total storage capacity of fuel and oil greater than 1,320 gallons? **Yes**
4. Do fuel tanks have spill containment structures? **No**
5. If the answer to questions 2 or 3 is yes, does the facility have a SPCC plan? **No**
6. Where and how is vehicle maintenance and washing done? **None on site.**
7. How does the facility manage their waste oil? **Other than the 55 gallon drum (contents unknown) located near the gasoline and diesel tanks, the inspector did not observe waste oil containers on site.**
8. Are there any drinking water wells nearby? **Information not requested at this inspection.**

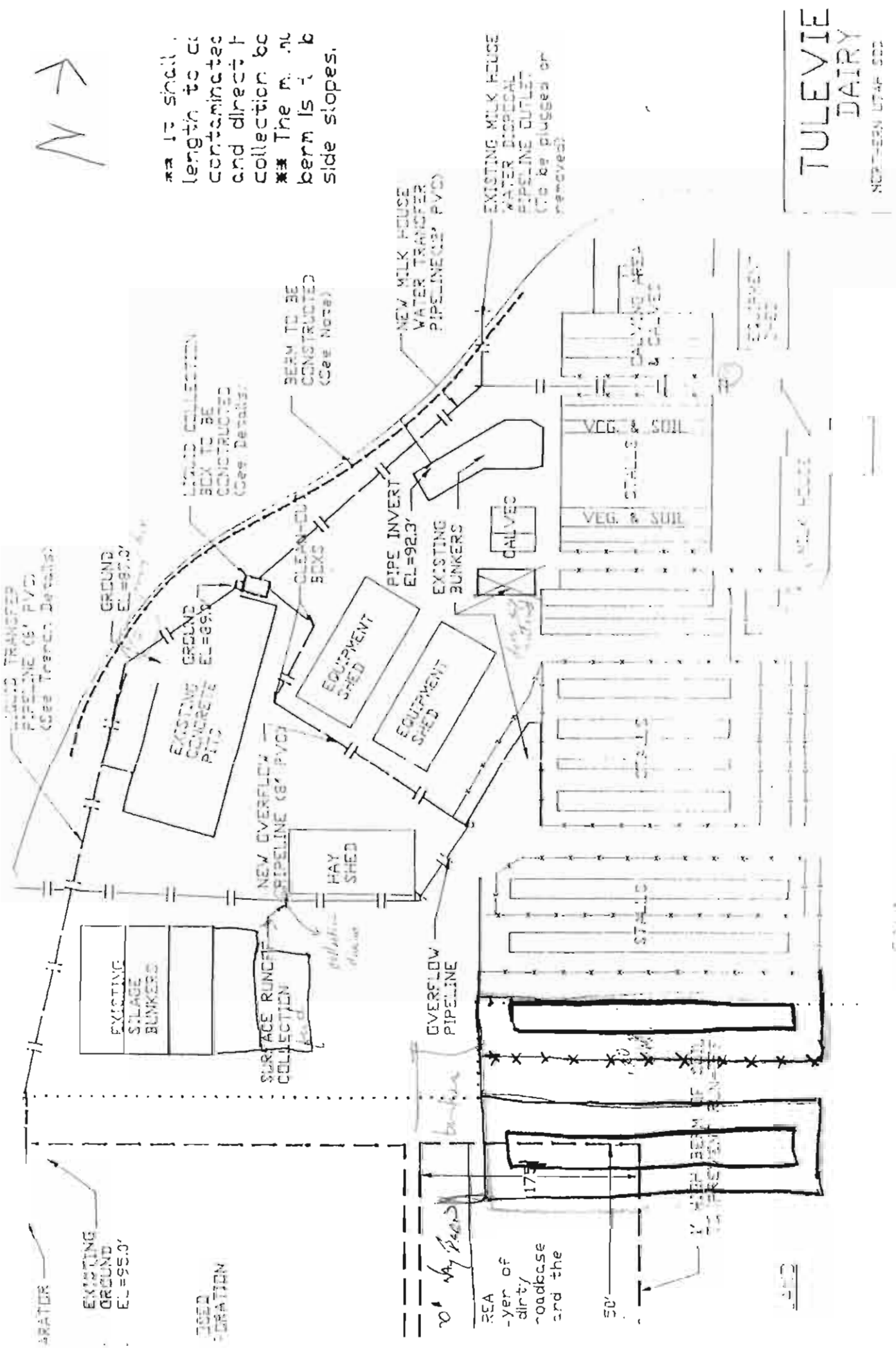
#### **IX. FACILITY DIAGRAM**

See map provided by facility and Google map.





as it shall  
length to  
contaminated  
and direct  
collection  
The m. n.  
berm is t. b  
side slopes.



**TULEVIE DAIRY**  
NORTHERN UTAH CO.

*Proposed main to 70006*

SCALE

1" = 50'

REA  
-ver of  
dirty  
roadbase  
and the

20' by 20' bunks

OVERFLOW PIPELINE

pollution  
flow

SURFACE RUNOFF  
COLLECTION

NEW OVERFLOW  
PIPELINE (8" PVC)

EQUIPMENT  
SHED

EQUIPMENT  
SHED

PIPE INVERT  
EL=92.3'

CLEAN-OUT  
BOXES

NEW MILK HOUSE  
WATER TRANSFER  
PIPELINE (8" PVC)

EXISTING MILK HOUSE  
WATER BIOLOGICAL  
PIPELINE OUTLET  
(To be plugged or  
removed)

LANDS COLLECTION  
BOX TO BE  
CONSTRUCTED  
(See Details)

BERM TO BE  
CONSTRUCTED  
(See Note)

GROUND  
EL=87.3'

EXISTING  
CONCRETE  
PIT

GROUND  
EL=89.8'

WATER TRANSFER  
PIPELINE (8" PVC)  
(See Trench Details)

EXISTING  
GROUND  
EL=95.0'

SEWER  
COLLECTION

GRATOR



Division for Abatement

at Clough

Aluminum and Steel Co.

YAHOO! LOCAL  
MAPS



Google maps

Address 3021 N 2800 W  
Brigham City, UT 84302

Get Google Maps on your phone  
Text the word "GMAPS" to 466453



*Looking toward West Branch reach to Wolfpack - thick  
Bear down Highway but bridge (18) from take on @*

Google maps

Address 3021 N 2800 W  
Brigham City, UT 84302

Get Google Maps on your phone  
Text the word "GMAPS" to 466453



Close up of A where Hammond West Branch Canal connects to other tributaries that flow to Salt Lake Bay

## Summary of Findings and Corrective Actions

**Facility:** Tuleview Holsteins LC  
**Permit #:** UTG080028  
**Inspection Date:** 4/7/09

<b>Findings</b>	<b>Corrective Action Needed</b>
<p>1. The facility did not have an updated, accurate Comprehensive Nutrient Management Plan (CNMP). The permit was issued on 10/1/2000 and required a CNMP to be developed and implemented within three (3) years of permit issuance. Specifically:</p> <ul style="list-style-type: none"> <li>- The certification was not signed by the owner/operator to indicate that the CNMP has been reviewed.</li> <li>- The CNMP does not include operations of backup or auxiliary facilities or similar system (i.e. an emergency backup plan).</li> <li>- The CNMP does not include a description/discussion on the use of a concrete channel to divert wastewater from the existing pond to fields or to the irrigation ditch (Hammond West Branch Canal).</li> </ul> <p>On 6/18/2008, UDEQ issued a warning letter to Tuleview Dairy requiring the facility to have a certified CNMP that reflects current practices, conditions, and facilities by 8/1/08. If changes were needed to the CNMP, the revised CNMP was to be completed by 12/1/2008. On 4/7/09, EPA found the CNMP was not updated or certified as required by the permit and the UDEQ warning letter.</p> <p>To clarify, EPA interprets the requirement that the CNMP reflect current facilities to mean having an updated accurate site map. The site map should show the direction of flow throughout the facility.</p>	<p>Part III.B.1 of the permit requires the facility to develop and implement a site-specific CNMP that shall include manure and wastewater handling and storage, land application of manure, land management practices, feed management, record keeping, and other utilization options. Part III.B.2 requires the facility to develop and implement the CNMP within three (3) years of permit issuance. The UDEQ 6/18/09 warning letter requires the facility to obtain a certified CNMP that reflects the practices, conditions, and facilities by 12/1/08.</p> <p>The facility must develop and implement a CNMP as required in the permit and the warning letter. The CNMP must be certified as required by the Part III.B.3 of the permit. The facility is directed to the Administrative Compliance Order for the required corrective action for this finding.</p>

<p>2. Review of the January to April 2009 records indicated the estimated freeboard in the pond to range between 2 to 10 inches.</p>	<p>Part III.B.5.c) of the permit requires the facility to have a containment structure that stores the 25-year, 24-hour storm event plus all other process wastewater and liquid and solid manure. Part IV.A Table I requires that the facility report the water level as feet below the emergency overflow level. Part III.B.1. requires the facility to develop a CNMP that at a minimum includes best management practices (BMPs) to address operation and maintenance activities in accordance with current State regulations and Natural Resources Conservation Service (NRCS) practice standards.</p> <p>The NRCS Technical Guide, Code 359 for Utah, requires a minimum of 1 foot freeboard in the evaporation pond.</p> <p>The facility is directed to the Administrative Compliance Order for the required corrective action for this finding.</p>
<p>3. The permit requires sampling per the CNMP. The CNMP states soil tests will be taken once every year on annual crops and every three years on alfalfa. The facility conducted soil samples on corn silage fields only. The 2007 analyses were provided to the inspector; the facility could not locate the 2006 and 2008 soil analyses.</p>	<p>Part IV.A Table I of the permit requires sampling per the CNMP which requires soil testing once every year on annual crops and every three years on alfalfa.</p> <p>The facility is directed to the Administrative Compliance Order for the required corrective action for this finding.</p>
<p>4. Manure analyses were conducted in 2003 and 2004. No manure analyses were conducted for 2005, 2006, 2007, or 2008. The CNMP states manure tests will be taken at least yearly for a minimum of 5 years so that average manure test values can be obtained.</p>	<p>Part IV.A Table I of the permit requires annual manure sampling.</p> <p>The facility is directed to the Administrative Compliance Order for the required corrective action for this finding.</p>
<p>5. The facility lowers the existing evaporation pond level by diverting the wastewater to fields. The wastewater is not sampled and the application rate not recorded. Excess flow from this field irrigation practice is diverted to the slough. See Photos 36 and 38.</p>	<p>Part IV.A Table I of the permit requires annual wastewater sampling and to determine application quantity and rate.</p> <p>Part III.B.1. of the permit requires the facility to develop and implement a site-specific CNMP that shall include... land management practices... It also requires the facility to develop a CNMP that at a minimum includes best management practices (BMPs) to address operation and maintenance activities in accordance with current State regulations and NRCS practice standards.</p> <p>Part I.F.2. of the permit states "there shall be no discharge of wastewater... to waters of the State from land application activities under the control of the CAFO owner/operator."</p> <p>The facility is directed to the Administrative Compliance Order for the required corrective action for this finding.</p>

<p>6. The facility pushed snow and wet feed up against and over the berm that separates the facility and the slough. This practice puts feed into the slough. See Photos 19 and 20.</p>	<p>Part I.F. of the permit prohibits the discharge of process wastewater to waters of the State.</p> <p>The facility must cease all discharge of process wastewater, which includes runoff of snow melt which contains feed from entering the slough. As stated above, the facility must develop and certify its CNMP reflects the practices, conditions, and operation at Tuleview. This would include establishing procedures for locating wet feed and for clearing snow and excess moisture from the feed area.</p> <p>The facility is directed to the Administrative Compliance Order for the required corrective action for this finding.</p>
<p>7. A release form was found in the CNMP book indicating 1000 tons of manure was given to Russ Fowers Farms LLC on August 3, 2008. Mr. Hardy indicated the facility made an error on where the manure came from; that the form should have stated the manure was from the Little Mountain Dairy.</p>	<p>Part III.B.1. of the permit requires the facility to develop and implement a CNMP that at a minimum includes BMPs to address operation and maintenance activities in accordance with current State regulations and NRCS practice standards. The CNMP Section 9.0 requires the facility to maintain records on manure quantity sold or given away.</p> <p>If the 1000 tons of manure given away on August 3, 2008 was incorrectly documented, Tuleview must attach a corrected certified statement correcting the error to this release form and maintain this record in the CNMP files. Tuleview must establish procedures in its CNMP on how it will document manure that is sold or given away.</p>
<p>8. The facility records the date, number of loads and the location where manure is applied. Application rate calculations were not observed in the records reviewed.</p>	<p>Part IV.A. Table I of the permit requires the facility to ensure that land application practices are conducted in accordance with its CNMP.</p> <p>The facility is directed to the Administrative Compliance Order for the required corrective action for this finding.</p>
<p>9. It was unclear how the facility is handling its mortalities. The records review indicated Tuleview's mortality records are combined with the Little Mountain Dairy in Bear River, UT, and Brothers Dairy in Honeyville, UT. Therefore, specific mortality data for Tuleview is unclear.</p> <p>Mortality records indicate total number of dead but do not provide information on disposition of the mortalities.</p>	<p>Part III.B.1. of the permit requires the facility to develop a CNMP that at a minimum includes best management practices (BMPs) to address operation and maintenance activities in accordance with current State regulations and NRCS practice standards. The NRCS mortality standards for Utah are found in Code 316.</p> <p>The facility is directed to the Administrative Compliance Order for the required corrective action for this finding.</p>
<p>10. The facility has a 2000 gallon gasoline tank that is no longer in use (Photo 2), a 6000 gallon diesel tank that is in use, and 2000 gallon diesel tank that has rust and not in use (Photo 4). The facility does not have a Spill Conservation and Countermeasures (SPCC) Plan</p>	<p>The facility is encouraged to provide secondary containment for the 6000 diesel gallon tank. In addition, the facility should consider developing an SPCC Plan. The facility should contact Donna Inman of the EPA Region 8's Oil Pollution Act Enforcement Team at 303-312-6201 on any question regarding an SPCC Plan.</p>



<p>11. In February or March 2008, the facility discharged for seven (7) days. The discharge was due to power failure.</p>	<p>Part V.B. of the permit requires the facility to properly operate and maintain all facilities and systems of treatment and control... which includes the operation of backup or auxiliary facilities.</p> <p>The facility is directed to the Administrative Compliance Order for the required corrective action for this finding.</p>
<p>12. The facility did not report the February/March 2008 discharge to UDEQ.</p>	<p>Part II.B. of the permit requires the facility to make immediate oral notification within 24-hours of a discharge and in writing within 5 days.</p> <p>The facility is directed to the Administrative Compliance Order for the required corrective action for this finding.</p>
<p>13. The slough connects to a drainage that eventually discharges into the Bear River. Debris was observed in the slough, see Photos 14, 16, 19, 21, and 22.</p>	<p>Part II.C of the permit states that discharges of pollutants to waters of the State are violations of the Utah Water Quality Act. Section 301(a) of the Act, 33 U.S.C. § 1311(a), among other things, prohibits the discharge of any pollutant into waters of the United States except as in compliance with a permit issued pursuant to section 402 of the Act, 33 U.S.C. § 1342.</p> <p>The facility is directed to the Administrative Compliance Order for the required corrective action for this finding.</p>
<p>14. The facility has a concrete channel, located on the south side of the facility, that is used to divert pond wastewater to fields south of the facility and to the Hammond West Branch Canal east of the facility. Water was observed in the concrete channel outlet (to the Canal), see Photos 33 and 40. The Canal eventually flows into wetlands within the Bear River Migratory Bird Refuge and tributaries that drain into South Bay.</p>	<p>Part I.F.1. of the permit states that “there shall be no discharge or process wastewater... to waters of the State except when chronic or catastrophic rainfall events cause an overflow of process water from a facility...” The discharge to the canal does not comply with the facility’s permit nor discussed in the CNMP.</p> <p>The facility is directed to the Administrative Compliance Order for the required corrective action for this finding.</p>
<p>15. The facility built a berm to prevent runoff from the site from going to the slough; see Photos 12 and 15. However, across from the solid/liquid separator, the berm was breached to allow storm water to enter the slough. See Photos 22 to 26.</p>	<p>Part III.B.1. of the permit requires the facility to develop and CNMP that at a minimum includes best management practices (BMPs) to address operation and maintenance activities in accordance with current State regulations and NRCS practice standards.</p> <p>The facility is directed to the Administrative Compliance Order for the required corrective action for this finding.</p>