U.S. ENVIRONMENTAL PROTECTION AGENCY - REGION 6
FINDINGS OF VIOLATION AND COMPLIANCE ORDER
In the Matter of Foster Poultry Farms, Respondent
D/B/A Foster Farms Athens Hatchery
Docket No. CWA-06-2012-1790
NPDES Facility Number LAU000376

STATUTORY AUTHORITY

The following findings are made and Order issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA), by Section 309(a) of the Clean Water Act (Act), 33 U.S.C. § 1319(a). The Administrator has delegated the authority to issue this Order to the Regional Administrator of EPA Region 6, who further delegated such authority to the Director of the Compliance Assurance and Enforcement Division.

FINDINGS

1. The Respondent, Foster Poultry Farms, is a company incorporated in the State of California, and is therefore considered a "person", as defined by Section 502(5) of the Act, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

2. At all times relevant to the violation alleged herein (relevant time period), Respondent was doing business as "Foster Farms Athens Hatchery," and operating a chicken hatchery located approximately one and eight tenths (1.8) miles east of Athens, on the north side of Louisiana Hwy 518, Claiborne Parish, Louisiana (facility). The Hatchery produces about 3,800,000 chicks per month, which are then sent to the broiler farms within hours of hatching. The facility, which opened in approximately 1992 and has an approximately 9.2 acre hay field for land application of process wastewater from the single process wastewater lagoon, has been assigned NPDES facility number LAU000376.

3. The facility's process wastewater lagoon acts as "point source," as defined by Section 502(14) of the Act, 33 U.S.C. § 1362(14).

4. During the relevant time period, it was unlawful under Section 301(a) of the Act, 33 U.S.C. § 1311(a), for any person to discharge a pollutant from a point source to waters of the United States without a permit issued under Section 402 of the Act, 33 U.S.C. § 1342.

5. On January 26, 2012, an EPA and LDEQ inspector conducted an on-site investigation of the facility, and observed the following violations:

a) Section 301 of the Act, 33 U.S.C. § 1311, was violated in that Respondent caused or allowed an unauthorized discharge of pollutants from the process wastewater lagoon to a water of the United States.

   The facility's process wastewater lagoon was discharging wastewater from the lagoon's aeration sprinkler head onto the lagoon embankment, which then flowed northwest through a small discharge channel, and then exited the property. The wastewater then discharged into an unnamed tributary of Leatherman Creek, then to Leatherman Creek, then to Black Lake Bayou, and thence to the Red River.

ORDER

Based on these findings and pursuant to the authority of Section 309(a) of the Act, 33 U.S.C. § 1319(a), EPA orders that Respondent take the following actions upon receipt of this Order:

a) immediately cease and desist all discharges of pollutants from the facility's process wastewater lagoon;

b) within thirty (30) days of the receipt of this Order, Respondent shall submit to EPA and LDEQ a certified summary, including photographs, to

document that the discharge has been addressed and stopped.

GENERAL PROVISIONS

Issuance of this Order shall not be deemed an election by EPA to waive any administrative, judicial, civil, or criminal action to seek penalties, fines, or other relief under the Act for the violation alleged herein or other violations which may become known to EPA. EPA reserves the right to seek any remedy available under the law which it deems appropriate.

Failure to comply with this Order or the Act may result in the initiation of an administrative penalty action by EPA or a civil judicial penalty action by the U.S. Department of Justice.

Compliance with this Order does not relieve Respondent of its obligation to comply with all applicable federal, state, and local laws.

The effective date of this Order is the date it is received by the Respondent.

FEB 07 2012

Date

John Blevins
Director
Compliance Assurance
and Enforcement Division