

NPDES Compliance Inspection Manual

Appendix AP



EPA Publication Number: 305-K-17-001
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Appendix AP – Inspection Report Template (R7)

INSPECTION REPORT TEMPLATE

Example: Structure for Model Inspection Report

All inspection reports should be structured and formatted in an organized way. This example identifies each of the major sections of the report. Each section in this example report has the purpose to communicate specific information as simply and cleanly as possible. This format can be adapted to all types of inspection reports.

It is essential to remember that our goal is clear communication of essential information. We can use our computers' ability to indent, bold, italics, color, change fonts, etc. to help us construct a clear and easy to understand report. Once your master report is completed you can use it to "cut and paste" into additional reports.

Comments: Comments are made throughout the report to highlight important points or identify critical information. Comments are shown in brackets and *[italics]*.

Boiler Plate: Certain sections of the report should use "boiler plate" language. This language should be used for all inspection reports. Slight modifications may be made to accommodate changes in inspection type.

Attachments: Attachments are to be listed in a logical order from Attachment 1, at the beginning of the report, to Attachment 1 + n, at the end of the report. Please reference Attachments as often as needed to clearly present your findings.

Photographs: Photographs need to be referenced, and referenced as often as needed. All photograph numbers should match the photograph log from the field. Photo location and direction should be noted on maps or diagrams using a circle with the photo number in it and an arrow to note direction (σ).

Acronyms: All acronyms will be defined at their first use. For example: I conducted a Confined Animal Feeding Operation (CAFO) inspection at Beefmaster Feeders (BF).

REPORT OF CONFINED ANIMAL FEEDING OPERATION INSPECTION

At

BEEFMASTER FEED YARD

**Rural Route 2, Box 31
Tall Prairie, Kansas**

NPDES Permit Number: KS023764

[use appropriate media program ID or Permit number]

June 5, 2005

By

**U.S. ENVIRONMENTAL PROTECTION AGENCY
Region VII
Enforcement Coordination Office**

[The title area should be center justified, Arial font, bold, size 12, and capitalized as shown]

1.0 INTRODUCTION *[All section headings should be left justified, Arial font, bold, size 12, and all capitalized. This section describes who requested the inspection and under what authority it was conducted.]*

[Boiler plate – Use correct name, address, and date]

At the request of the Water, Wetlands and Pesticides Division, Water Enforcement Branch, I performed a Concentrated Animal Feeding Operation (CAFO³) inspection at Beefmaster Feed Yard on June 5, 2005. This inspection was performed pursuant to Section 308(a) of the Federal Water Pollution Control Act, as amended. The CAFO inspection was conducted as a Level B Multimedia Inspection, and the *Region 7 Multimedia Screening Checklist* (MMSC) is included as Attachment 1 *[if completed]*. This narrative report and attachments present the findings and observations made during the inspection.

[The text of the general body of this report should be left justified, Times New Roman font, size 12, and double-spaced after each period. Please be careful not to allow “widows and orphans” and ensure that new section titles are not be left dangling at the bottom of the page.]

2.0 PARTICIPANTS

[List all those who participated in the inspection activity: name, title, organization]

Beefmaster Feed Yard (BFY):

Tex Ritter, General Manager*

Jill Oakly, Safety Manager*

Kansas Department of Environment (KDE):

John Wayne, Inspector*

U.S. Environmental Protection Agency (EPA):

Angus Steak, CAFO Inspector

*Copy of business card included in Attachment 2 .

3.0 INSPECTION PROCEDURES

[Boiler plate -- Note: In this section, you describe the general procedures used during your inspection, including: SOPs used, initial facility contact, initial site entry, personal identification, purpose, scope, objectives and flow of the inspection, verification that you are at the correct facility and that you are talking with the correct person who can act as the official facility representative, confidential business information, notices of potential violations, and Section 1001 and 1002 of US Code, etc.]

I conducted this inspection in accordance with the procedures described herein and the following EPA Region VII Standard Operating Procedures (SOPs), unless otherwise noted:

<u>SOP No.</u>	
2332.09	Bio-Security Procedures for Conducting NPDES Compliance Evaluations at Animal Feeding Operation
A29392	Sampling of CAFO wastes. <i>[if sampling occurred]</i>

[List all applicable SOPs that are used.]

Prior to beginning the inspection, I conducted a visual reconnaissance of the BFY facility and its surroundings from the public right-of-way. This included State Hwy 24, County road "H" and an un-named road on the north side of the facility. During my reconnaissance, I searched for areas of environmental concern, discharges, drainage patterns, flow directions, distance and direction of nearest perennial waters, visual condition of perennial waters, facility location and layout and potential issues covered on the MMSC. I identified no obvious environmental issues or concerns during this preliminary examination. *[If you did identify a significant issue, state briefly what it was and that it will be fully described later in the report.]*

I contacted Mr. Ritter *[who]*, General Manager, of BFY, by telephone *[how]*, on June 4, 2005, the day before the inspection, at approximately 1300 hrs *[when]*. I conducted this pre-notification to facilitate my access to the facility *[why]*. I informed Mr. Ritter that I would be conducting an inspection at his facility *[where]* on the afternoon of June 5 *[when]*. I asked him if he would be available at that time. He said that he would. Additionally, Mr. Wayne, the KDE inspector, accompanied me during the inspection. *[The theme of answering the questions of*

*who, what, when, where, how, and why, **MUST** run throughout you report and each of the questions needs to be answered to the best of your ability.]*

I arrived at BFY at approximately 1400 hrs on June 5, 2005. Upon arrival, I introduced myself and presented my credentials to Mr. Ritter and Ms. Oakly. I also provided them my business card. I asked Mr. Ritter if he was able to act as the “Official Facility Representative” for the BYF. He said that he would represent the facility. I asked him what he was responsible for and how long he had those responsibilities. Mr. Ritter said that he is responsible for the overall management of the facility and that he had been the General Manager for the last ten years. He said Ms. Oakly was BFY’s Safety Manager, and that she has held that position for the last eight years. Ms. Oakly verified what Mr. Ritter said, and explained she was responsible for all environmental management and compliance activities at BFY.

I explained to them that I would be conducting a Concentrated Animal Feeding Operation (CAFO) inspection under the authority of Section 308 (a) of the Federal Water Pollution Control Act to evaluate their compliance status with their NPDES permit *[if the facility is not permitted, you would say, “their compliance with the requirements of the CWA and determine whether or not they require a permit”]*. I also informed them that I would also be evaluating compliance with several other regulatory requirements through the completion of a Multimedia Screening Checklist. I explained that the inspection would consist of a review of facility operations, required records, waste generation and management practices, and a visual inspection of the site. I stated that I would document my findings and observations by making copies, taking photographs and/or videos, obtaining statements from facility staff, and collecting samples if necessary *[state: “and by collecting samples,” if this was a sampling inspection]*.

I explained to Mr. Ritter and Ms. Oakly that in order to fully understand their operations and properly evaluate their compliance status, it is important that I collect truthful and accurate information. I asked them to inform me anytime they were uncertain about what they were providing me or if they did not understand what I was asking. I presented Mr. Ritter and

Ms. Oakly a copy of *Section 1001 and 1002 of the U.S. Federal Code*** concerning making false statements to federal inspectors. I asked them if they understood Section 1001 and 1002. They said, “Yes, they did.”

At the conclusion of the inspection, I summarized my preliminary findings and observations to Mr. Ritter and Ms. Oakly. I explained BFY’s right to make a claim of business confidentiality and presented Mr. Ritter with a *Confidentiality Notice*** (Attachment 3). Mr. Ritter did not make any confidentiality claims at the time of the inspection. I prepared a *Receipt for Documents and Samples*** (Attachment 4) for all material I received from Mr. Ritter and provided him with a copy of the receipt *[if copies or other material were received]*. I completed an In-Briefing/Exit-Briefing checklist and a CAFO inspection checklist during the inspection (Attachments 5 and 6 respectively). I prepared and presented Mr. Ritter with a *Notice of Preliminary Findings*** (NOPF -Attachment 7) form. I explained that this form documents those observations and preliminary findings made during the inspection process and that the preliminary findings are based on my knowledge of what I observed and knew at the time. I also explained that these findings do not constitute a final enforcement determination and are provided to assist the

facility in their compliance efforts. I explained his need to respond within 10-days. Mr. Ritter acknowledged receipt of these forms by signing them.

*[** Titles of documents should be in italic print]*

4.0 FACILITY DESCRIPTION

[This section of the report will vary based on the facility inspected and the specific findings, observations, and potential violations and regulatory concerns you identify. Please use the format and cover each section identified below.

Please focus on using short, easy to understand sentences, and a separate paragraph for each new train of thought or topic. Use first person, active voice, and strive to present the material in order to minimize your chance of being misunderstood.

For each statement or fact that you present, you must be able to describe or explain “How you know what you know.” If it is not obvious to the reader how you know or knew it, either do not include the statement, rewrite the statement, obtain the appropriate information need to demonstrate how you know what you are saying. If necessary, identify areas where additional inquiry is needed.

For each potential violation or regulatory concern, present the information using a “Compare and Contrast style.” Make sure you address each “Element of Proof” for each component of the potential violation identified in the law, permit, or regulation. This is essential to a good report. For example, a large CAFO needs to have 1000 head of cattle (Element of proof #1) on-site for more than 45-days/year (Element of proof #2) – I counted 2750 head on the day of the inspection and Mr. Ritter’s inventory records (Attachment) show that he had at least that number of cattle on-site for 250 days during the last year.]

4.1 Facility Operations

[This section should provide a brief description of the facility location, the owner, the operator (if different from the owner), number of employees, years at this location, prior operations at this location, size, and a general overview of operations. A more specific description of operations should be described in the sections of this report were the specific description relates directly to the compliance requirements.]

According to Mr. Ritter, BFY is located approximately 3 miles north of Tall Prairie, Kansas (see map, Attachment). The facility address is 40410 NW 20th Avenue, Tall Prairie, KS. *[Note mailing address if different]* The legal description is contained in (Attachment – *[Do not copy the legal description into the report if possible as they are very exact and errors can be easily made]*).

Mr. Ritter stated that the facility employs three full time employees and 2 seasonal employees. He said that BFY was constructed in 1962 has been a feeding operation ever since. He said that Mr. Beefmaster owns BFY.

Mr. Ritter stated that BFY operates a feedlot on approximately 201 acres which are divided into 25 pens. He said that BFY also leases an additional 7,000 acres (see map, Attachment) for grazing, corn production, and land application. He said that BFY currently has approximately 3550 head of cattle in the pens and that he is permitted for a maximum of 5000 head. He said

that all runoff from the 25 pens drain through a series of ditches and runoff control berms into a single five acre lagoon. Mr. Ritter said that he has three center pivot irrigation units for land application of lagoon wastewater on approximately 60 acres.

Mr. Ritter said that manure from the pens is scraped weekly and sold to a composting operation located adjacent to the facility. He said that BFY has three manure storage areas onsite (shown in Attachment .) Mr. Ritter said the runoff from these manure storage areas is captured by the facility lagoon system.

Mr. Ritter also said that BFY has one 500-gallon used oil tank, one 1000-gallon diesel tank, and two 560-gallon gas tanks (Photos 1-3).

4.2 CAFO Status and NPDES Permit Status

[In this section, you need to demonstrate that you have determined that the facility meets the minimum criteria to be subject to the CAFO requirements and you should identify if they are a permitted facility and their key permit requirements, e.g., maximum capacity and that the permit was still in force and has not expired.]

BFY has an NPDES permit for their CAFO that limits the maximum number of cattle to 5000 head. The permit was issued by NDEQ on December 12, 2003 (Attachment). The permit will expire on December 11, 2008. I inspected the facility for compliance with the permit requirements. *[If the facility does not have a permit, skip this type of paragraph.]*

Based on my observations of the cattle on-site, a review of facility records and statements by Mr. Ritter, BFY is confining at least 1,000 (total) head of cattle for more than 45 days during the last twelve month period. During my inspection, I estimated the number of cattle in each of the pens to be approximately 3300-3700 head on the day of the inspection. I reviewed inventory and sales documents which show that there were more than 2500 head on-site continuously during the last 12 month period (Attachment). Mr. Ritter stated that he had 3550 head on the day of the inspection and that there were at least 2500 head on-site during the last 12 months. My inspection of the pens also revealed no vegetative cover in any of the pens (see photo 6-10). As a result of my observations, this facility meets the definition of large CAFO as it is defined at Title 40 of the Code of Federal Regulations, Part 122.23.

4.3 Regulatory History

[Please describe any past inspection activities, compliance orders, previous violations, concerns, or other issues found during your file review or inspection that may affect potential enforcement at this facility. Remember who, when, and what.]

The Nebraska Department of Environmental Quality conducted an inspection of the facility on December 2, 2004 (Attachment). The inspection report lists the following as areas of concern: *[NEVER make a statement like "The inspection report states that the facility was in compliance at the time of the inspection." This is unnecessary and only opens the door to questions and other issues regarding EPA vs. State findings.]*

1. The facility was granted a 90-day extension to complete the permeability tests on the lagoon. The deadline for completion is now March 12, 2005.

2. KLA Environmental will be conducting the permeability test. To conduct this test, the water level of the lagoon needs to be increased by 1 ft in order to float the test equipment. It is estimated that it will take two days to complete the test and return the water level to its original level.

I asked Mr. Ritter what were the results of the permeability tests and if the lagoon was returned to its original level within the two days. He said that the tests were completed on March 2, 2005 and that the permeability of the soil met the permit requirements (Attachment). He also said that he dewatered the lagoon after the test in order to immediately return it to its original level.

On August 24, 1999, EPA Region VII conducted an inspection of the facility. This inspection led EPA to issue an administrative compliance order (ACO) to the facility on December 21, 1999 (See Attachment). The following is a summary of the violations listed in the ACO:

1. The facility did not record the freeboard levels in the lagoons on a daily basis when the levels were less than required by the NPDES permit.
2. Wastewater was land applied during days with precipitation in excess of 0.05 inches and on days immediately preceded by more than 0.05 inches of precipitation.
3. Pond #9 was not completed as described in the facility NPDES permit.
4. Pond #5 did not have a staff gauge.
5. The staff gauges in the remainder of the ponds were tilted and leaning in such a way that determining the required depth was difficult.

5. FINDINGS AND OBSERVATIONS

[In this section you will identify your findings and observations on the day of the inspection. Include rainfall data from nearest official weather station if it is or has been raining within the week prior to the inspections. Remember to include distance, slope, and drainage information to the nearest perennial waters of the U.S.]

Mr. Ritter said he recorded 0.65 inches of precipitation at the feed yard the day before the inspection. I reviewed the last three years of precipitation records required by BFY's permit and observed that the recent rainfall events had been recorded, as well as, previous rainfall events for the past three years. Except for the dust being minimized on the day of the inspection, I did not observe any other impacts of the limited amount of rainfall on the day before the inspection.

Mr. Ritter said that BFY uses tractor-pulled scrapers to clean the pens on a weekly basis to keep them clean and dry. During my inspection of the pens, they appeared to be well maintained (photo). I also verified that the drainage from all of the pens would flow into the lagoon during a rainfall event by physically observing the slope and flow control structures, i.e., ditches flowing to the lagoon. If an overflow were to occur, it would flow from the northeast corner of the lagoon dam (photo) into Jenkins Creek. According to the USGS topographical map, Jenkins Creek is the nearest perennial stream and is approximately 200 yards from the lagoon dam (Attachment).

I inspected the three manure piles located south of the lagoon (see map) and noted that two were quite large (photo) and one was much smaller (photo). I verified that the drainage from the manure piles goes to the lagoons as described by Mr. Ritter. Mr. Ritter said that all of the manure generated by the facility is either sold to a composting operation, located adjacent to the feedlot, or is given away to private individuals. Mr. Ritter provided me with a copy of his records showing the amount of manure picked up by the composting operation (B&G Potting Soil, Inc.) or given away from January 13, 2003 to the present (See sales records Attachment).

During the inspection, I observed the freeboard level in the facility lagoon and compared it against what was specified in BFY's permit.

NOPF #1 – Failure to Maintain Adequate Freeboard - Section B, Operation and Maintenance Requirements, of the facilities NPDES permit states: *“Whenever the available storage capacity is less than the amounts specified in Table 1, dewatering shall be initiated and conducted on all days suitable for land application of wastes until the required storage capacity is again available.”* Table 1 requires that a freeboard level of five feet be maintained. I observed that the freeboard level was four feet on the day of the inspection. I obtained this level by reading it off the staff gage located in the South end of the lagoon. According to Mr. Ritter, this is the deepest portion of the lagoon.

Mr. Ritter said that he had been busy and just did not get around to pumping down the lagoon. He also said that he was aware of the five foot minimum level.

NOPF #2 – Failure to Fully Maintain Monthly Operating Log - Section C, Operation and Maintenance Requirements, of the facilities NPDES permit states: *“A written operational*

log shall be maintained. For each day waste is applied, information recorded shall include; soil condition (frozen/ thawed, etc.), quantity of waste applied, and the area where the waste was applied.” During my review of BFY’s monthly operating log, I observed that the condition of the soil in the land application area is not specified on land application days (Attachment). Mr. Ritter land applies over approximately 60 acres with center pivot irrigation systems.

The current NPDES permit does not specify the amount of time the facility is required to wait following a precipitation event until land application can proceed.

NOPF #3: Failure to Maintain Records for Three Years – Appendix 3 of BFY’s permit, requires BFY to maintain daily records of lagoon levels. During my review of the records, I observed that BFY was not keeping a log of daily lagoon levels prior to March 16, 2003 (Attachment). Mr. Ritter said that he first became aware of this requirement as a result on an December 2, 2004 NDEQ inspection.

[NOTE 1: All potential violations and/or concerns should be described using separate, indented paragraphs, italics and bold text as shown above. It is critical that they stand out from the rest of the report.

Note 2: If this facility did not have a permit, you should document the same type of information that a basic NPDES CAFO would require, just not cite it on the NOPF.]

Example of Sampling:

According to BFY precipitation logs (Attachment), BFY had three inches of rain in the last 48 hours. This is much less than the seven inches of a 25 year, 24-hr storm event.

NOPF #4: Discharging in Excess of Permit Limitations - Section D, Discharges, of BFY’s permit states: “The facility will not discharge any wastewater unless it is the result of a 25 year, 24-hour storm event.” I observed the lagoon overflowing (photo). I followed the overflow, down gradient, approximately 200 yards to where it entered Jenkins Creek (photo 10, note dark discoloration of the overflow material). As I walked this path, I took readings with my inclinometer at several points (see map) and noted that the grade was approximately 5%. I collected samples approximately 100 yards up-stream from the discharge point (point A), at the discharge point (point B), and approximately 100 yards down stream of the discharge point (point C). The samples show (Attachment – Analytical Sample Data) an increase in fecal coliform in the receiving stream from the upstream point (point A) to the downstream point (point C). What is notable about the results, is that the concentration of fecal coliform at point C is approximately 60 times higher than it was upstream (point A). The concentration of fecal coliform downstream was 1,750,000 CFU/ 100ml. The NDEQ Water Quality Standards establish a limit of 200 CFU/ 100 ml for all state waterbodies if there is a possibility it can be used for full body contact recreation. Jenkins Creek is routinely used for swimming by local children near the stream access (point D), approximately ¾ mile downstream from the discharge point B. Sampling at point D showed a fecal coliform concentration of 600,000 CFU/100ml, well above the state standard.

[Note 3: If the facility is discharging to Waters of the U.S. and they do not have a permit, you would cite them for “Unlawful Discharge of Pollutants to Water of the U.S.” per Section 301 , CWA.]

6. OTHER REGULATORY CONCERNS

As noted earlier, I conducted this inspection as a Level B Multimedia inspection. Part of the MMSC covers the requirements for Spill Prevention Control and Countermeasures (SPCC). I observed five fuel storage tanks on-site during the inspection. I observed that two of the tanks, identified as T1 and T2 by Mr. Ritter (photo), were being used and three were in the process of construction. The smaller of the two tanks (T-1) had a capacity of 1,000 gallons and, according to Mr. Ritter, contained #2 off-road diesel. Mr. Ritter also stated that the larger tank (T-2) had a capacity of 4,000 gallons and contained unleaded gasoline. I asked Mr. Ritter if these two tanks were full. He said yes, that they had just been filled last month (see fuel receipt, Attachment). The three new tanks each will have a capacity of 1000-gallons each and will have secondary containment.

Concern: Failure to Have and SPCC Plan or Secondary Containment – 40 CFR Part 112 requires all oil tanks with a combined capacity of greater than 1320 gallons to have secondary containment and an SPCC plan approved by a Professional Engineer. I did not observe secondary containment around either tank T-1 or T-2 (photo). Mr. Ritter stated that he did not have an SPCC plan.

I observed one maintenance shop located on the west side of the facility (see map). Mr. Ritter said that the shop generates used oil but he did not know what the generation rate was. He said that used oil is stored in an approximately 2000-gallon tank on the north side of the shop.

CONCERN: Labeling of Used Oil Tank - 40 CFR Part 279 requires all generators of used to label their used oil containers with the words “USED OIL.” I observed that the used oil tank was not labeled with the words used oil (photo).

Angus Steak, CAFO Inspector

Date

ATTACHMENTS:

1. Multimedia Screening Checklist (1 page)
2. Copy of Business Cards (varies)
3. Confidentiality Notice (1 page)
4. Receipt for Documents and Samples (1 page)
5. In-Briefing/Exit-Briefing checklist (1 page)
6. CAFO Inspection Checklist (? pages)
7. Notice of Potential Violations (3 pages)
8. Other attachments listed in order

Photographs (18)