

Application Type New
Facility Type CAFO
Permit Type Individual

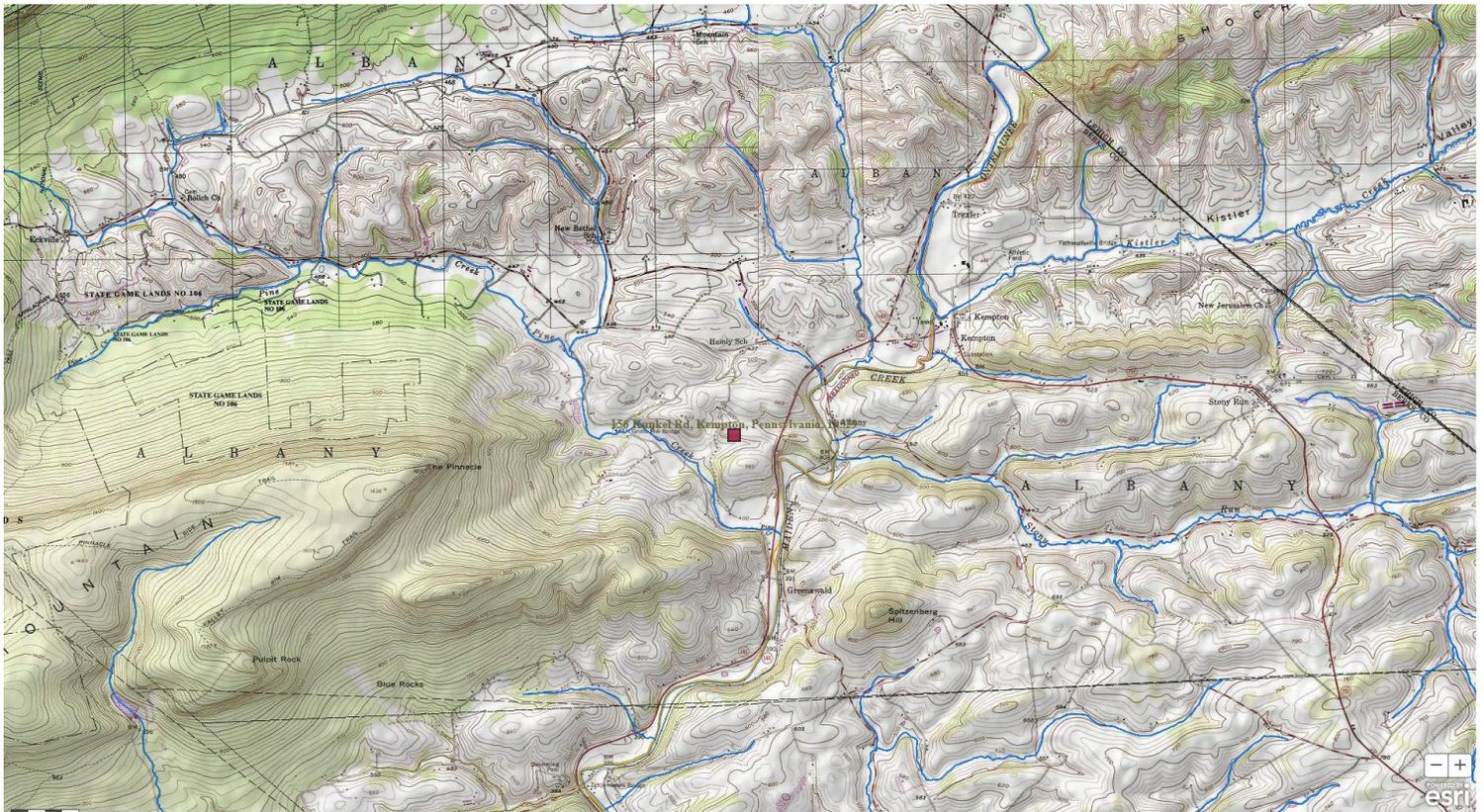
**NPDES PERMIT FACT SHEET
CAFOs**

Application No. PA0294161
APS ID 1092203
Authorization ID 1446164

Applicant and Facility Information

Applicant Name	<u>Delbert Burkholder</u>	Farm Name	<u>Delbert's Ag Operation</u>
Applicant Address	<u>413 Oak Haven Road</u> <u>Kutztown, PA 19530-8330</u>	Farm Address	<u>156 Kunkel Road</u> <u>Kempton, PA 19529-8855</u>
Applicant Contact	<u>Delbert Burkholder</u>	Farm Contact	<u>Delbert Burkholder</u>
Applicant Phone	<u>(484) 547-3045</u>	Farm Phone	<u>(484) 547-3045</u>
Client ID	<u>378383</u>	Site ID	<u>865733</u>
SIC Code	<u>0259</u>	Municipality	<u>Albany Township</u>
SIC Description	<u>Agriculture - Poultry And Eggs, Nec</u>	County	<u>Berks</u>
Date Application Received	<u>July 6, 2023</u>	WQM Required	<u>No</u>
Date Application Accepted	<u>July 25, 2023</u>	WQM App. No.	<u>N/A</u>

Project Description Delbert Burkholder submitted an application for new CAFO permit coverage for his proposed duck operation.



Approve	Deny	Signatures	Date
X		<i>Hans D. Shollenberger</i> Hans D. Shollenberger / Environmental Engineering Specialist	October 4, 2023
X		<i>Scott M Arwood</i> Scott M. Arwood, P.E. / Environmental Engineer Manager	10/5/2023

Description:

Delbert Burkholder submitted an application for new CAFO permit coverage for his proposed duck operation in Albany Township, Berks County. For the proposed duck operation, Delbert is constructing a duck finishing barn on property owned by Leon and Linda Burkholder. Also, on that property is an existing dairy farm which is operated by Steve Dietrich and holds a separate Act 38 NMP. Dairy Manure from Steve Dietrich’s NMP will be added to Delbert’s proposed HDPE-Lined Lagoon. At the point of manure transfer, Delbert will take ownership of this manure and the manure in the HDPE Lagoon will be considered a blended manure. Appendix 8 of the Delbert Burkholder NMP includes an Importer/Exporter agreement treating Steve Dietrich’s manure as imported manure.

The proposed duck operation is not considered a CAO since the animal density is less than 2 AEUs/Acre. The operation will be considered a large CAFO for exceeding the EPA large CAFO threshold of 5,000 ducks when using a liquid manure handling system. Once populated, the operation will have the following animal population:

Animal Type	Number	AEUs
Duck, starter: 0–17 days	19,600	16.14
Duck, finisher: 17-38 days	19,600	64.73
	Total AEUs =	80.87

The nearest receiving water to the operation is Pine Creek, designated as Cold Water Fishes and Migratory Fishes (CWF, MF), located in Watershed 3-B. This stream is not impaired by Department standards. While the operation is not located in a High Quality Watershed, the operation applied for an Individual CAFO permit since the PAG12 was in a period of administrative extension.

Manure/Nutrient Management:

The current NMP was approved on June 28, 2023, for crop years 2024, 2025, and 2026. There are 86.5 acres available on lands rented by the applicant for manure application according to the NMP, resulting in a density of 0.93 AEUs/acre.

Manure Group Information:

Manure Group	Manure Generated Annually	Manure Used on the Farm	Manure Exported (gallons or tons)
Duck/Dairy Blended Fall Manure	1,012,213.0 gal	412,600.0 gal	599,613.0 gal
Duck/Dairy Blended Spring Manure	979,121.0 gal	170,500.0 gal	808,621.0 gal
Imported Tilled Pack	0.0	93.5 tons	0.0
Imported Calf Pack	0.0	91.0 tons	0.0

Exported Manure:

Name/ Address	Amount and Source of Manure Exported per Season (gallons/ tons)			
	Spring	Summer	Fall	Winter
Rosetree Consulting LLC Eric Rosenbaum Broker [1441-MB1] 20 Glenbrook Drive, Shillington, PA 19607	Up to 1,200,000 gal Duck/Dairy Blended	0	Up to 1,200,000 gal Duck/Dairy Blended	0
William Dietrich 7319 Central Road, Germansville, PA 18053	600,000 gal Duck/Dairy Blended	0	550,000 gal Duck/Dairy Blended	0

Excess manure not utilized on Delbert Burkholder’s cropland will be exported to known importer, William Dietrich for agricultural use. Any additional excess manure will be brokered through Eric Rosenbaum 1441-MB1.

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The following requirements must be met when transferring manure to other persons:

40 CFR 122.42(e)(3) - Requirements relating to transfer of manure or process wastewater to other persons.

Prior to transferring manure, litter, or process wastewater to other persons, Large CAFOs must provide the recipient of the manure, litter or process wastewater with the most current nutrient analysis. The analysis provided must be consistent with the requirements of 40 CFR part 412. Large CAFOs must retain for five years records of the date, recipient name and address, and approximate amount of manure, litter or process wastewater transferred to another person.

The table below shows the imported manure coming from the dairy operation also located at 156 Kunkel Road, Kempton, PA 19529:

Imported Manure:

Name/ Address	Amount and Source of Manure Imported per Season (gallons/ tons)			
	Spring	Summer	Fall	Winter
Steven Dietrich 156 Kunkel Road, Kempton, PA 19529	Up to 175 tons Tilled Pack Up to 135 tons Calf Pack 600,000 gal Dairy Cow	0	Up to 175 tons Tilled Pack Up to 135 tons Calf Pack 600,000 gal Dairy Cow	0

Winter Manure Management:

Application of manure during the winter period is not approved in the NMP.

The HDPE-Lined Lagoon must be maintained such that there will be at least 7.8 feet of freeboard by December 15th of each year to implement the NMP.

Manure Storage Facilities:

Storage	Type	Dimensions	Freeboard	Usable Capacity
<i>Name</i>	<i>Liquid or solid</i>	<i>feet</i>	<i>Minimum regulatory</i>	<i>Gallons or cubic feet</i>
HDPE-Lined Lagoon (proposed)	Liquid	200' x 150' x 12'	2 ft*	1,579,577 gallons

***The minimum regulatory freeboard required for a lagoon exposed to rainfall on an operation with less than 1,000 AEUs is 12 inches per 25 Pa. Code § 91.36(a)(6)(ii); however, a minimum freeboard of 2ft is required at all times to implement the approved NMP for Delbert Burkholder.**

The operation previously utilized an onsite earthen lagoon with sloped sides and clean out ramp which is being replaced by the above listed proposed HDPE lagoon. The earthen lagoon had an estimated useable capacity of 1,000,000 gallons with surface area dimensions 165ft x 165ft. The proposed HDPE Lagoon will be constructed at the same location/footprint that the earthen lagoon was located. *NRCS Practice Code 360 for Closure of Waste Impoundment* is prescribed in the operation's conservation plan to ensure removal of waste from the existing clay lined lagoon will be completed prior to any excavation for the proposed HPDE lined lagoon.

Prior to final permit issuance documentation must be provided that the HDPE Lagoon was constructed in accordance with the "Manure Management Manual" and "Pennsylvania Technical Guide" by a registered professional engineer.

The operation is proposing to construct a 20' x 30' x 4' hoop shed with concrete floor and 3 walls for composting.

There are no alternative manure technology practices and no in-field manure stacking planned for this operation.

BMPs Applicable to the Chesapeake Bay TMDL:

DEP has evaluated the information included in the application materials; as well as the effluent limitations, BMPs, and other requirements included in the draft permit. This would include the approved Act 38 compliant Nutrient Management Plan, which includes Best Management Practices to meet Pennsylvania nutrient and manure management regulations, as well as Nutrient Balance Sheets for manure importers, applicable manure storage and manure spreading setback requirements, and Emergency Response Plan. Applicable Conservation Plans and/or Agricultural Erosion & Sediment Control Plans were also evaluated, which includes Best Management Practices to meet Pennsylvania erosion and sediment control regulations.

The applicant is implementing the following BMPs within the production area:

- Manure Storage Facilities (Proposed HDPE Lagoon)
- Mortality Management (Proposed Compost Shed)

The following NRCS Practice Codes are prescribed as BMPs in the approved 2024 to 2026 NMP:

- 313 *Waste Storage Facility*, Farmstead- expanding manure storage (Fall 2024)
- 342 *Critical Planting Area*, Farmstead - expanding manure storage (Fall 2024)
- 350 *Sediment Basin*, Farmstead- expanding manure storage (Fall 2024)
- 316 *Animal Mortality Facility*, Farmstead - expanding manure storage (Fall 2024)

Based upon this evaluation, DEP believes no additional BMPs will be required at this time to meet the goals and requirements of the Chesapeake Bay TMDL and to protect water quality criteria. This determination will be reevaluated through review of self-inspection reporting, annual reporting, and regular compliance inspections.

Animal Mortality:

The mortalities will be composted onsite in the proposed 20' x 30' x 4' Hoop shed.

Animal Concentration Areas (Chapter 102.4a):

The operation does not have Animal Heavy Use Areas (AHUAs).

Chapter 102 E&S (Conservation Plans):

Conservation Plans have been included and verified to exist for land subjected to plowing and tilling activities. Some BMPs included in the conservation plan are 313 Waste Storage Facility, 316 Animal Mortality Facility, 328 Conservation Crop Rotation, 329 Residue & Tillage Management -- No till, 340 Cover Crop, 342 Critical Area Planting, 350 Sediment (Bio-Retention) Basin, 360 Closure of Waste Impoundment, 362 Diversion, 367 Waste Facility Cover (Compost Facility Roof), 382 Fence, 468 Lined Waterway, 516 Pipeline, 558 Roof Runoff Structure, 560 Access Road, 587 Structure for Water Control, 590 Nutrient Management, 620 Underground Outlet, and 634 Manure Transfer.

Downstream Public Water Supplies:

The nearest downstream public water supply intake is located over 16 miles downstream on Lake Ontelaunee. The public water intake supplies the Reading Area Water Authority and is not expected to be impacted by the Delbert Burkholder operation.

Compliance History:

There are no open violations for this operation.

Public Participation:

DEP will publish notice of the receipt of the NPDES permit application and a tentative decision to issue the individual NPDES permit in the *Pennsylvania Bulletin* in accordance with 25 Pa. Code § 92a.82. Upon publication in the *Pennsylvania Bulletin*, DEP will accept written comments from interested persons for a 30-day period (which may

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be extended for one additional 15-day period at DEP's discretion), which will be considered in making a final decision on the application. Any person may request or petition for a public hearing with respect to the application. A public hearing may be held if DEP determines that there is significant public interest in holding a hearing. If a hearing is held, notice of the hearing will be published in the *Pennsylvania Bulletin* at least 30 days prior to the hearing and in at least one newspaper of general circulation within the geographical area of the discharge.