

Application Type New
Facility Type CAFO
Permit Type Individual

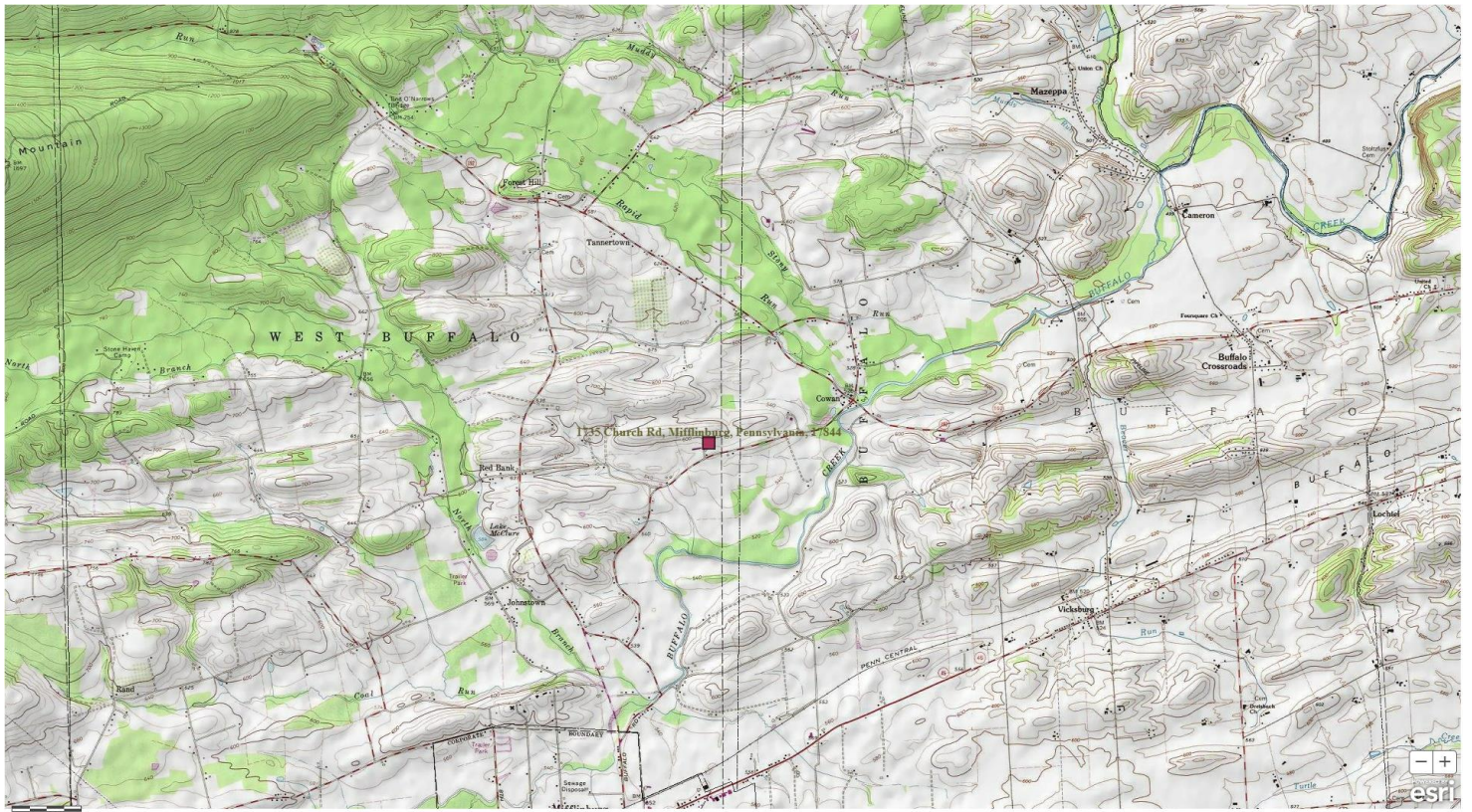
**NPDES PERMIT FACT SHEET
CAFOs**

Application No. PA0294179
APS ID 1092829
Authorization ID 1447307

Applicant and Facility Information

Applicant Name	<u>Mark Bender</u>	Farm Name	<u>Mark Bender Farm</u>
Applicant Address	<u>1735 Church Road</u> <u>Mifflinburg, PA 17844-7737</u>	Farm Address	<u>1735 Church Road</u> <u>Mifflinburg, PA 17844-7737</u>
Applicant Contact	<u>Mark Bender</u>	Farm Contact	<u>Mark Bender</u>
Applicant Phone	<u>(570) 217-3252</u>	Farm Phone	<u>(570) 217-3252</u>
Client ID	<u>378599</u>	Site ID	<u>865922</u>
SIC Code	<u>0251</u>	Municipality	<u>West Buffalo Township</u>
SIC Description	<u>Agriculture - Broiler, Fryer, and Roaster Chickens</u>	County	<u>Union</u>
Date Application Received	<u>July 13, 2023</u>	WQM Required	<u>No</u>
Date Application Accepted	<u>July 18, 2023</u>	WQM App. No.	<u>N/A</u>

Project Description Mark Bender submitted an application for new NPDES Individual CAFO permit coverage for his expanding broiler and beef operation.



Approve	Deny	Signatures	Date
X		<i>Hans D. Shollenberger</i> Hans D. Shollenberger / Environmental Engineering Specialist	9/6/2023
X		<i>Scott M Arwood</i> Scott M. Arwood, P.E. / Environmental Engineer Manager	9/6/2023

Description:

Mark Bender submitted an application for new NPDES Individual CAFO permit coverage for his expanding broiler and beef operation located in West Buffalo Township, Union County. The operation has two existing broiler barns and 1 existing beef barn. The operation proposes to construct 2 new broiler barns. The operation is considered a CAO for exceeding 8 AEUs while exceeding an animal density of 2 AEUs/Acre. The operation is considered a large CAFO for being a CAO that exceeds 300 AEUs.

Once expanded, the operation will have the following animal population:

Animal Type	Number	AEUs
Broiler, large: 0–53 days	119,000	318.28
Beef Finishing: 8–24 mo.	3	2.85
	Total AEUs =	321.13

The nearest receiving water is Tributary 19028 To Buffalo Creek, designated as Cold Water Fishes and Migratory Fishes (CWF, MF), located in Watershed 10-C. This stream is impaired by Rural E.coli and Agriculture E. coli. The operation applied for the Department’s Individual CAFO permit since the PAG12 General permit is currently in a period of administrative extension.

Manure/Nutrient Management:

The current NMP was approved on June 14th, 2023, for crop years 2024, 2025, and 2026. There are 65.1 acres available on lands owned by the applicant for manure application according to the NMP, resulting in a density of 4.93 AEUs/acre.

Manure Group Information:

Manure Group	Manure Generated Annually	Manure Used on the Farm	Manure Exported (gallons or tons)
Existing Broiler Manure	520.0 tons	171.9 tons	348.1 tons
Proposed Broiler Manure	530.0 tons	0.0	530.0 tons
Steers	0.0	0.0	0.0
Steers - uncollected	25.5 tons	25.5 tons	0.0

Exported Manure:

Name/ Address	Amount and Source of Manure Exported per Season (gallons/ tons)			
	Spring	Summer	Fall	Winter
Christian Herr 6103 Penns Valley Road, Aaronsburg, PA 16820	125 tons broiler	125 tons broiler	125 tons broiler	125 tons broiler
Rodney Walter 443 Dekalb Lane, Lewisburg, PA 17837	250 tons broiler	0	250 tons broiler	100 tons broiler
David Wengerd 34 Faylor Lane, Winfield, PA 17889	40 tons broiler	0	0	0

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,

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recipient name and address, and approximate amount of manure, litter or process wastewater transferred to another person.

Winter Manure Management:

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

There are no liquid manure storage facilities used on the operation for the storage of liquid manure and therefore no winter freeboard requirements that must be met by December 15 to implement the NMP.

Manure Storage Facilities:

Storage	Type	Dimensions	Freeboard	Usable Capacity @ Freeboard
<i>Name</i>	<i>Liquid or solid</i>	<i>Ft</i>	<i>Minimum regulatory</i>	<i>Gallons or cubic feet</i>
Existing Concrete Circular Storage (no longer in use)	Liquid	50ft x 11ft	1 ft	146,800 gal

The existing concrete circular manure storage facility is no longer used to store manure. The storage collects direct rainfall which will be emptied as needed and spread on the fields. The spreading of rainwater from the storage is not accounted for in the NMP but is mentioned in the operation description. A manure storage self-inspection report form will be required for this storage unless it gets officially decommissioned.

There is an existing roofed manure storage shed for broiler manure on this operation. This structure is 62ft x 42ft and can store approximately 300 tons of broiler manure. This structure is also used to compost mortalities.

There is an existing manure stacking pad for steer manure. This structure is 20ft x 40ft with a useable storage capacity of approximately 70 tons.

The operator is proposing to construct a 40ft x 80ft roofed dual use manure storage/mortality composting building associated with the proposed broiler barns. This structure should be capable of storing approximately 400 tons of broiler manure.

There are no plans to field stack manure and no planned alternative manure technology practices 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
- Mortality Management (Composting Onsite)

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

- 313 *Waste Storage Facility*, located at proposed broiler barns, Implementation Fall 2026
- 587 *Structure for Water Control*, located at proposed broiler barns, Implementation Fall 2024
- 606 *Subsurface Drain*, located at Fields 12-16, Implementation Fall 2024

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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:

Mortalities will be composted in the proposed roofed dual use manure storage/mortality composting building. Mortality composting will occur in a separate pile from the stacked broiler manure.

Animal Concentration Areas (Chapter 102.4a):

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

Chapter 102 E&S (Conservation Plans):

Agricultural E&S Plans have been included and verified to exist for land subjected to plowing and tilling activities. Some BMPs prescribed in the Mark Bender E&S plan include Conservation Crop Rotation (328), Contour Farming (330), Diversion (362), Field Border (386), Forage Harvest Management (511), Nutrient Management (590), Residue And Tillage Management, No Till (329), Strip Cropping (585), Structure For Water Control (587), Waste Storage Facility (313), and Waste Storage Facility – Concrete Circular (313).

Downstream Public Water Supplies:

The nearest downstream public water supply intake is located over 21 miles downstream on the Susquehanna River by the Municipal Authority Sunbury in Sunbury PA. The operation is not expected to impact any public water supplies.

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 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.