

REGIONAL WATER QUALITY CONTROL BOARD SAN DIEGO REGION

ADVISORY TEAM SUMMARY REPORT

NOVEMBER 8, 2023

ITEM 4

SUBJECT

Revised Tentative Cease and Desist Order No. R9-2023-0129 for Pine Hill Egg Ranch and Demler Brothers' Pullet Farm. (*Jeremy Haas, Vincent Vu*)

KEY ISSUE

The San Diego Water Board will hear evidence and testimony regarding and consider adoption of Revised Tentative Cease and Desist Order No. R9-2023-0129 (Revised Tentative Order) (**Supporting Document No. 1**). Adoption of the Revised Tentative Order will essentially require Demler Brothers LLC, (Discharger) to cease and desist (1) the unpermitted discharge of any egg wash process wastewater, egg process solid and semi-solid wastes, and animal waste compost to land and (2) the unpermitted discharge of stormwater. Further, the Revised Tentative Order would require the Discharger to (1) seek regulatory coverage for discharges of waste and stormwater and (2) install or implement best management practices (BMPs) and infrastructure improvements to comply with appropriate regulatory requirements. Adoption of the Revised Tentative Order would not impose any administrative civil liability on the Discharger. The Revised Tentative Order alleges that the Discharger has and would otherwise continue to harm beneficial uses of surface and groundwater from two facilities in the Santa Teresa Valley of San Diego County.

PRACTICAL VISION

Stormwater from the Pine Hill Egg Ranch (Egg Ranch) and Demler Brothers Pullet Farm (Pullet Farm) drain to Santa Teresa Valley Creek, a tributary to Hatfield Creek. The Egg Ranch and Pullet Farm are located about 0.5 miles upgradient of four groundwater wells owned by the Rancho Santa Teresa Municipal Water Company that provide potable water to residents. Consistent with the mission of the Strategize for Healthy Waters chapter of the Practical Vision, adoption of the Revised Tentative Order would address sources of pollution to surface water and groundwater in the San Dieguito Hydrologic Unit (HU) (905.00).

DISCUSSION

Beneficial uses designated in the Water Quality Control Plan for the San Diego Basin (Basin Plan) for Santa Teresa Valley and Hatfield Creeks include agricultural supply (AGR), industrial service supply (IND), Municipal and Domestic Supply (MUN), Industrial Process Supply (PROC), contact water recreation (REC-1) and non-contact water recreation (REC-2), warm freshwater habitat (WARM), and wildlife habitat (WILD). Beneficial uses designated in the Basin Plan for the Santa Maria Valley Groundwater Basin include MUN, AGR, IND, and PROC.

The Revised Tentative Order alleges several findings about the operations of the Egg Ranch and Pullet Farm that are summarized here. The Demler Brothers LLC operates the Egg Ranch, an egg production facility on 362 acres, located at 25818 State Route 78 in Ramona, San Diego County. The Egg Ranch currently houses approximately one million chickens that produce approximately 800,000 eggs per day. The Egg Ranch operations include egg production and washing that generate approximately 375 tons of manure per week and approximately 2,000 gallons of wastewater per day.

Currently, the Egg Ranch directs the egg wash process wastewater to an on-site wastewater treatment system (OWTS) that includes a septic tank and an above ground surge tank. The OWTS does not include a leach field. The OWTS then discharges the wastewater to an unlined pond in a natural depression on the Egg Ranch property, which has the potential to overflow into a downstream stormwater detention basin.

The Discharger has been operating the Pullet Farm, a chicken raising operation on 74 acres since around 2008. The Pullet Farm is located at 24555 Old Julian Highway in Ramona, San Diego County. The Pullet Farm houses approximately 400,000 pullets. Until recently, pullet mortality waste was managed through onsite composting operations.

The Revised Tentative Order includes separate requirements for the Egg Ranch and the Pullet Farm. For the Egg Ranch, the Revised Tentative Order would require the Discharger to direct all egg wash process wastewater generated at the Egg Ranch to temporary on-site liquid storage containers and dispose of the egg wash process wastewater at a fully permitted wastewater treatment facility. Treated and managed discharges to land and/or water could resume when the Discharger submits a complete report of waste discharge (ROWD), the San Diego Water Board adopts site-specific WDRs for the discharge of egg-process wastewater to land, and the Discharger installs and maintains an OWTS that complies with the WDRs for the Egg Ranch.

The Revised Tentative Order would also require the Discharger to direct all egg process solid and semi-solid waste, chicken carcasses, and chicken manure to lined and covered temporary storage containers and dispose of the solid and semi-solid waste at a fully permitted waste disposal facility. Treated and managed discharges to land and/or water could resume when the Discharger submits a complete ROWD, the San Diego Water Board adopts site-specific WDRs for the discharge of egg process solid and semi-solid waste and animal waste to land, and the Discharger constructs and maintains a composting operation that complies with the WDRs for the Egg Ranch.

Regarding its stormwater discharges, the Discharger submitted a notice of intent (NOI) to enroll the Egg Ranch in Order No. 2014-0057-DWQ, *National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activities* (IGP) but did not include a nutrient management plan with the submittal. The Pullet Farm has not submitted a NOI to enroll in the IGP. Neither the

Egg Ranch nor the Pullet Farm have site-specific waste discharge requirements (WDRs) for their discharges to land.

The Revised Tentative Order would also prohibit the discharge of stormwater from the Egg Ranch, unless the Discharger conducts stormwater sampling as described in the IGP, analyzes stormwater samples for certain constituents, implements BMPs in compliance with the IGP, and installs and maintains Egg Ranch upgrades to ensure stormwater discharges comply with applicable law. The Revised Tentative Order also requires the Discharger to submit a complete nutrient management plan for the Egg Ranch.

For the Pullet Farm, the Revised Tentative Order would require the Discharger to direct all pullet carcasses and manure to lined and covered temporary storage containers; and dispose of the animal wastes at a fully permitted waste disposal facility. Treated and managed discharges to land and/or water would resume when the Discharger submits a complete ROWD, the San Diego Water Board adopts site-specific WDRs for the discharge of animal wastes to land, and the Discharger constructs and maintains a composting operation that complies with the WDRs for the Pullet Farm.

The Revised Tentative Order would also prohibit the discharge of stormwater from the Pullet Farm. Treated and managed stormwater discharges could resume when the Discharger submits a complete NOI to enroll in the IGP, the Discharger conducts stormwater sampling as described in the IGP, analyzes stormwater samples for certain constituents, implements BMPs in compliance with the IGP, and installs and maintains Pullet Farm upgrades to ensure stormwater discharges comply with applicable law. The Revised Tentative Order also requires the Discharger to submit a complete nutrient management plan for the Pullet Farm.

The Discharger submitted timely written comments during the public comment period (**Supporting Document No. 5**). In its comments, the Discharger proposed to implement a series of short-term and long-term activities to reduce and/or eliminate unauthorized discharges and protect water quality. The short-term activities are intended to allow for simultaneous planning, design, and construction activities to implement infrastructure improvements and obtain regulatory coverage for waste discharges at the Egg Ranch and Pullet Farm. The Discharger alleges that these interim measures will be the bridge to the long-term infrastructure improvements that will be constructed to fully address issues water quality issues at the Egg Ranch and Pullet Farm.

In response to the Discharger's comments and other public comments received, the San Diego Water Board Prosecution Team prepared the Revised Tentative Order (**Supporting Document No. 1**) and a Response to Comments document (**Supporting Document No. 7**). The Time Schedule for Corrective Actions (Table 3) of the Revised Tentative Order was revised based on the Discharger's comments and proposed submittal dates for the nutrient management plan and Report of Waste Discharge.

PUBLIC NOTICE

Tentative Cease and Desist Order No. R9-2023-0129 was released for public review and comment on July 25, 2023, with comments due by August 28, 2023.

Subsequently, on August 24, 2023, the Prosecution Team extended the comment deadline to September 4, 2023. A Revised Notice of Opportunity to Comment (Notice) (**Supporting Document No. 8**) was posted on the San Diego Water Board website and sent to all interested parties. The Notice identified availability of the tentative order for review and provided instructions for submittal of written comments.

The San Diego Water Board received 69 comments on the tentative order (**Supporting Document No. 6**). Fifty-nine of the comments are in support of the adoption of the order. The San Diego Water Board received one comment letter not in support of adoption of the order from the Discharger (**Supporting Document No. 5**). The remaining comments were neither in support of or opposition to the order. The San Diego Water Board received five comment letters after the close of the public comment period. The San Diego Water Board Chair declined to admit the late comment letters into the record because the comments were not timely submitted. The San Diego Water Board Prosecution Team transmitted the Revised Tentative Order to the Discharger and interested persons on October 9, 2023 (**Supporting Document No. 1**).

Notice of the public hearing on the Revised Tentative Order was also provided in the Meeting Notice and Agenda for the November 8, 2023, San Diego Water Board meeting, which is posted on the San Diego Water Board website.

SUPPORTING DOCUMENTS

1. Revised Tentative Order No. R9-2023-0129
2. Attachment A – Egg Ranch Satellite Photo
3. Attachment B – Pullet Farm Satellite Photo
4. Attachment C – Documents Replied Upon
5. Comment Letter from the Discharger
6. Other Comment Letters Received
7. Response to Public Comments Timely Received
8. Revised Notice of Opportunity to Comment