



Ohio EPA Livestock Operation Inspections – What to Expect

Ohio EPA inspects livestock operations to make sure the operators comply with federal and state environmental laws regarding discharges of pollutants to waters of the State. U.S. EPA may also conduct inspections of livestock operations to evaluate compliance with federal laws. Poorly operated livestock operations can pollute rivers, lakes, wetlands and ground water. When pollution occurs, it is most often the result of runoff from feedlots, spills from lagoons and over and/or misapplication of manure.

This fact sheet explains what you can expect during an inspection from Ohio EPA. It outlines what the inspector will be looking for and what may result from the inspection. Note that all inspections are not the same and that they depend on the type of operations and reasons for the inspection. Also note that Ohio EPA routinely conducts unannounced inspections, so an inspector may arrive at the facility without prior notice. Ohio law 6111.05 authorizes Ohio EPA inspectors to enter private or public property at reasonable times to inspect and/or investigate conditions relating to pollution of any waters of the state and collect samples of any discharges.

Ohio EPA Inspector

The Ohio EPA inspector who visits your operation will most likely be an employee in the Division of Surface Water (DSW) central office. However, the inspector could also be an employee from one of the five DSW district offices or an employee from another division such as the Division of Emergency and Remedial Response, Division of Materials Waste Management or Division of Drinking and Ground Waters. In all cases, the inspector should show identification to confirm that the visit is authorized.

Purpose of Inspection

Ohio EPA primarily conducts two types of inspections of animal feeding operations (AFOs):

- to determine whether a facility must obtain a National Pollutant Discharge Elimination System (NPDES) permit because it meets the definition of a concentrated animal feeding operation (CAFO) or
- to determine whether a facility is in compliance with federal and state environmental laws regarding discharges and/or conditions of their NPDES permit.

Biosecurity Concerns

Inspectors know there is a potential for them to pass animal disease from one livestock operation to another. To minimize the risk, let the inspector know of any biosecurity procedures you follow. Usually, the inspector will have disposable boots to wear during the inspection and will not visit more than one facility of the same livestock species per day.

The Inspection

Most inspectors begin an inspection by explaining the purpose of the inspection and writing down basic information like:

- weather conditions;
- date;
- facility name and address;
- name of the owner/operator; and
- telephone number.

If the inspection is being conducted in cooperation with the Ohio Department Agriculture (ODA), the inspectors will typically go through the questions on the ODA inspection form. If only Ohio EPA is conducting the inspection, the Ohio EPA inspection form may be used.

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To help determine whether the facility has had a discharge and/or if there are factors present that could lead to future discharges, the Ohio EPA inspector will seek information related to the operation of the entire facility, especially with regard to manure, process wastewater and silage leachate management, including:

- Is any manure being discharged to surface water or is there any sign of a recent discharge?
- How is manure handled? Is there too much manure in the feedlots, fields or along flush alleys? Is a discharge likely because of the way the manure is being handled?
- Are adequate records maintained?
- How is silage handled? Is runoff controlled?
- How are mortalities handled?
- Is manure being land applied? If so, to what kind of crops? How often is it applied and when? Is a discharge to surface waters likely because of the way the manure is being applied?
- Is there a lagoon? If so, is it made to comply that any requirements that apply? How much freeboard (distance between the contents of the lagoon and top of the berm) is there? Is the lagoon in good condition and properly maintained? When was the last time it was dredged?
- Are there any pipelines or other routes that allow manure to be discharged to ditches, streams or other waterways?
- How is storm water handled? Are roof drains and gutters well maintained? Is clean storm water diverted around the animal containment areas and manure piles?
- How is iron filtration backwash water handled? Is a discharge likely?
- How many days of storage are available in the manure and wastewater containment structures?

The inspector will review records that relate to environmental regulations. Ohio EPA's inspection authority includes obtaining photocopies of records. Some common records reviewed during the inspection include:

- permits and certifications;
- inspection logs;
- equipment and operating records; and
- sampling or monitoring data.

Ohio EPA regulates sanitary wastewater disposal from livestock operations. The inspector may ask questions about the sanitary sewage disposal system at the operation.

Operation Walk-through

The inspector will walk through the operation to observe processes and activities such as how manure is collected and stored. The inspector also will walk around the outside of the buildings to look for contaminated discharges or to inspect outdoor manure storage structures.

During the walk-through, the inspector may ask employees, such as barn managers, questions about the facility's processes or practices. The inspector may take notes during all phases of the inspection, including the walk-through. The inspector might also have a camera and take photographs during the inspection. Typical areas photographed include manure storage structures, areas where spills or discharges have occurred and storm water controls. Sometimes an inspector will take water quality samples during an inspection.

Closing Meeting

During the closing meeting, the inspector will summarize his or her findings. The inspector cannot always give a complete summary of the inspection, particularly if a situation requires more information or additional research. The inspector will usually describe the general paperwork procedures that follow the inspection, such as a report or follow-up letter.

Written Summary

A report is typically mailed to you after the inspection. The report will identify any Ohio EPA violations or other problems found during the inspection. A copy of the inspector's field checklist might also be included with the report.

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Possible Actions

If violations are found, there is a range of possible actions Ohio EPA can take, depending on the factors, including the number and seriousness of the violations. Possible actions include:

- You may receive a Notice of Violation (NOV). This letter will inform you of violation and direct you to correct them. Ohio EPA is available for technical assistance in helping to correct the violations.
- You may be issued an administrative order with or without a proposed administrative penalty. If an administrative penalty is proposed, you may contact Ohio EPA for a settlement conference, to which you may bring an attorney or consultant.
- For more serious violations or a history of violations, Ohio EPA may begin a civil suit, asking a court to require corrective actions and to impose a penalty.
- If Ohio EPA suspects that you have willingly, knowingly or negligently violated federal or state law, it may conduct a criminal investigation.

After the Inspection

If your operation receives an NOV letter after an inspection, here are some simple tips to remember:

DO

- Be sure that you read and understand the NOV. If you have questions about anything in the letter, call the inspector directly. You may want to call the inspector shortly after getting the NOV to acknowledge that you received it.
- Follow the instructions in the NOV and take timely actions to correct violations. As violations are corrected, document and submit this information to the inspector.
- Most NOVs include a deadline for response. Ask for additional time if you feel you need this time to prepare a response to the NOV or to correct violations. Ohio EPA provides some flexibility to facilities when responding to NOVs if you can demonstrate that you are working on the problem.
- Keep the inspector informed of your progress in correcting violations. However, remember that your operation remains in violation (and is subject to enforcement action) even if additional time to respond to the NOV is granted. It is still important to return to compliance as quickly as possible.
- Talk with the inspector directly if you are unclear about what you need to do to correct violations. Most NOVs will state what you need to do to correct violations, but ask if you are not sure. Talk with the inspector about how to correct violations. You can frequently correct the violations on your own without hiring outside help.
- Ask for an explanation of the enforcement process. Receiving an NOV should be taken seriously; however, it does not necessarily mean that the company will also receive a penalty. The NOV is just the first step in the enforcement process. Often, when a facility works diligently to correct violations, fines or penalties are not sought.

DON'T

- Throw the NOV away. Many NOVs are sent via certified mail, which provides proof that you received the letter. In addition, failure to respond to the NOV and take corrective measures will usually result in more serious enforcement actions, which could mean fines or penalties.
- Wait until the last day to respond. Responding before a deadline always shows you are making a good-faith effort to comply.
- Cut off communication with Ohio EPA. Even though your operation has been inspected and received an NOV, the inspector is still available to give you technical guidance. The inspector can help you identify measures to correct problems.

Technical Assistance Contacts

Ohio EPA, Division of Surface Water, CAFO Unit - (614) 644-2001

epa.ohio.gov/dsw/cafo/index.aspx

Ohio Department of Agriculture, Division of Livestock Environmental Permitting – (614) 387-0470

ohioagriculture.gov/divs/DLEP/dlep.aspx

Ohio Department of Natural Resources, Division of Soil and Water Resources – (614) 265-6610

ohiodnr.com/tabid/21817/Default.aspx