

STATE OF COLORADO

John W. Hickenlooper, Governor
Christopher E. Urbina, MD, MPH
Executive Director and Chief Medical Officer

Dedicated to protecting and improving the health and environment of the people of Colorado

4300 Cherry Creek Dr. S. Laboratory Services Division
Denver, Colorado 80246-1530 8100 Lowry Blvd.
Phone (303) 692-2000 Denver, Colorado 80230-6928
Located in Glendale, Colorado (303) 692-3090
<http://www.cdphe.state.co.us>



Colorado Department
of Public Health
and Environment

July 22, 2011

Mr. Larry Luttrell
Hastings Pork Partnership
222 Milwaukee Street, Suite 209
Denver, Colorado 80206-5008

Certified Mail Number: 7006 2760 0003 4263 9465

RE: Expedited Settlement Agreement, Number: EC-110721-1

Dear Mr. Luttrell:

Enclosed for your records you will find Hastings Pork Partnership's copy of the recently executed Expedited Settlement Agreement ("ESA"). Please be advised that the first page of the ESA was changed in order to place the correct ESA Number on the final document. The ESA is now fully enforceable and constitutes a final agency action.

As specified in the enclosed ESA, Hastings Pork Partnership must, within fifteen (15) calendar days, submit a certified or cashier's check for the amount specified in the ESA to the Water Quality Control Division in order for this matter to be resolved.

If you have any questions, please don't hesitate to contact Kelly Morgan at (303) 692-3634 or by electronic mail at kelly.morgan@state.co.us.

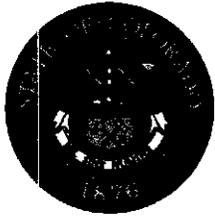
Sincerely,

Russell Zigler, Legal Assistant
Water Quality Protection Section
WATER QUALITY CONTROL DIVISION

cc: Baca County Public Health Agency
Prowers County Public Health

ec: Natasha Davis, EPA Region VIII
Phyllis Woodford, Environmental Agriculture Program, CDPHE

Enclosure(s)



Colorado Department of Public Health & Environment

EXPEDITED SETTLEMENT AGREEMENT

Number: EC-110721-1

The Colorado Department of Public Health and Environment (the "Department"), through the Water Quality Control Division (the "Division"), issues this Expedited Settlement Agreement ("ESA"), pursuant to the Division's authority under §§25-8-602, 25-8-605 and 25-8-608, C.R.S. of the Colorado Water Quality Control Act (the "Act") §§25-8-101 to 703, C.R.S., and its implementing regulations, with the express consent of Hastings Pork Partnership ("Hastings Pork"). The Division and Hastings Pork may be referred to collectively as "the Parties."

1. Hastings Pork is a "person" as defined under the Water Quality Control Act, §25-8-103(13), C.R.S. and 5 CCR 1002-81, §81.3(24).
2. Hastings Pork owns and/or operates the following swine producing facilities:
 - a) Facility A located in the vicinity of 38750 County Road 41, near the town of Two Buttes, in Baca County, Colorado ("Facility A").
 - b) Facility B located in the vicinity of 40490 County Road 41, near the town of Two Buttes, in Baca County, Colorado ("Facility B").
 - c) Facility C located in the vicinity of B County Road 19795, near the city of Lamar, in Prowers County, Colorado ("Facility C").
3. Each of the facilities identified above in paragraph 2 are Concentrated Animal Feeding Operations ("CAFOs") as defined by 5 CCR 1002-81, §81.3(5).
4. Pursuant to 5 CCR 1002-81, §81.8(2)(b), CAFO operators shall have available documentation prepared by a professional engineer, registered in Colorado, certifying that the impoundment liner provisions of 5 CCR 1002-81, §81.8(2) have been met, and stating what constitutes each constructed liner (e.g., synthetic, clay). For impoundments constructed prior to June 30, 2004, such documentation shall be available no later than April 13, 2006. (*See Attachment A*)
5. In an October 6, 2009 letter, the Department required Hastings Pork to provide self-certification documentation certifying that its impoundments at Facility C meet the seepage rate standards of 5 CCR 1002-81, §81.8(2). Department records establish that Hastings Pork failed to respond to the October 6, 2009 letter. Hastings Pork's failure to respond to the Department's October 6, 2009 letter and provide self-certification that its impoundments at Facility C were constructed and are maintained to comply with the seepage rate standards constitutes violation(s) of 5 CCR 1002-81, §81.8(2). (*See Attachment B*)
6. Pursuant to 5 CCR 1002-81, §81.8(3), CAFO operators shall submit to the Department for approval, by no later than December 31, 2004, a Standard Operating Procedure ("SOP") that demonstrates how manure, including sludge, will be removed such that the liner integrity of impoundments is not damaged. The SOP also shall indicate the expected frequency with which manure will be removed from impoundments. (*See Attachment A*)

7. Department records establish that Hastings Pork has not submitted its impoundment SOPs for Facility A, Facility B, and Facility C to the Division in violation of 5 CCR 1002-81, §81.8(3).
8. The parties enter into this ESA in order to outline an enforceable compliance schedule to resolve the violations identified herein and to resolve the matter of civil penalties associated with the alleged violations for a civil penalty in the amount of eight thousand dollars (\$8,000.00).
9. By accepting this ESA, Hastings Pork neither admits nor denies the violation specified herein.
10. Hastings Pork agrees to the terms and conditions of this ESA. Hastings Pork agrees that this ESA constitutes a notice of alleged violation and an order issued pursuant to §§25-8-602, 25-8-605 and 25-8-608, C.R.S., and is an enforceable requirement of the Act. By signing the ESA, Hastings Pork waives: (1) the right to contest the finding(s) specified herein; and (2) the opportunity for a public hearing pursuant to §25-8-603, C.R.S.
11. Hastings Pork agrees to submit to the Department within two hundred and ten (210) calendar days of receipt of the final signed ESA documentation prepared by a professional engineer, registered in Colorado, certifying that the impoundment liner provisions of 5 CCR 1002-81, §81.8(2) have been met, and stating what constitutes each constructed liner (e.g., synthetic, clay) at Facility C.
12. Hastings Pork agrees to submit to the Department within two hundred and ten (210) calendar days of receipt of the final signed ESA Standard Operating Procedures for Facility A, Facility B, and Facility C, developed in accordance with 5 CCR 1002-81, §81.8(3), that demonstrate how manure, including sludge, will be removed such that the liner integrities of the impoundments at Facility A, Facility B, and Facility C are not damaged. *(See Attachment C, SOP Examples)*
13. This ESA is subject to the Division's "Public Notification of Administrative Enforcement Actions Policy," which includes a thirty-day public comment period. The Division and Hastings Pork each reserve the right to withdraw consent to this ESA if comments received during the thirty-day period result in any proposed modification to the ESA.
14. This ESA constitutes a final agency order or action upon the date when the Department's Executive Director or his designee signs the ESA and effectively imposes the civil penalty.
15. Nothing in this ESA shall preclude the Department from imposing additional requirements in the event that new information is discovered that indicates such requirements are necessary to protect human health or the environment.
16. Hastings Pork agrees that, within fifteen (15) calendar days of receiving the signed and final ESA from the Division, Hastings Pork shall submit a certified or cashier's check drawn to the order of the "Colorado Department of Public Health and Environment," for the civil penalty amount specified in paragraph 8 above, to:

Ms. Kelly Morgan
Colorado Department of Public Health and Environment
Water Quality Control Division
Mail Code: WQCD-CADM-B2
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

17. Notwithstanding paragraph 9 above, the violations described in this ESA will constitute part of Hastings Pork's compliance history for purposes where such history is relevant. This includes considering the violations described above in assessing a penalty for any subsequent violations against Hastings Pork. Hastings Pork agrees not to challenge the use of the cited violations for any such purpose.
18. This ESA, when final, is binding upon Hastings Pork and its corporate subsidiaries or parents, their officers, directors, employees, successors in interest, and assigns. The undersigned warrant that they are authorized to legally bind their respective principals to this ESA.

ACCEPTED BY HASTINGS PORK PARTNERSHIP:

Larry F. Luttrell Date: May 5, 2011
Signature

Larry F. Luttrell Title: Sec/Treas.
Name (printed)

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH & ENVIRONMENT:

Lori M. Gerzina Date: 7/21/11
Lori M. Gerzina, Section Manager
Compliance Assurance and Data Management Section
WATER QUALITY CONTROL DIVISION

Attachment A

Excerpt from Animal Feeding Operations Control Regulation 81 (5 CCR 1002-81)

81.8 GROUND WATER PROTECTION REQUIREMENTS - CONCENTRATED ANIMAL FEEDING OPERATIONS (PERMITTED AND NON-PERMITTED)

(1) Tanks at concentrated animal feeding operations shall be operated and maintained so as not to discharge wastewater to ground water.

(2) Impoundment liners

(a) An impoundment at a concentrated animal feeding operation shall be constructed and maintained to comply with one of the following standards, as applicable:

(i) The seepage rate from an impoundment shall not exceed 1×10^{-4} cm/sec; or

(ii) Where approved by the Division for an impoundment with an earthen liner, the seepage rate from the impoundment shall not exceed 7.35×10^{-4} cm/sec. The operator of the impoundment shall submit to the Division a request that the impoundment be approved to meet this seepage standard. Such a request shall include, but not be limited to, information documenting that only open-hot wastewater will be diverted to the impoundment, that the impoundment is not designed as an evaporation impoundment, and that the ten (10) foot soil depth zone immediately beneath the impoundment has a cation exchange capacity of at least 15 meq/100 g of soil. Demonstration of compliance with the cation exchange capacity criteria requires the following:

(A) At least seven soil samples shall be acquired from below the entire surface area of the impoundment and analyzed for cation exchange capacity.

(B) The soil samples shall be reasonably equidistant from each other, with five locations being within ten feet of, and downslope of, the two-foot freeboard elevation of the impoundment, and two locations from the middle of the impoundment.

(C) The operator shall have available a map of the impoundment and soil sampling locations.

(D) Where soil samples were taken below existing impoundments, the operator shall have available documentation from a professional engineer registered in the State of Colorado of how the core locations were sealed to meet a 1×10^{-4} cm/sec maximum seepage rate.

(b) CAFO operators shall have available documentation, including the supporting information required by section 81.8(2)(b)(iii), prepared by a professional engineer registered in Colorado certifying that the provisions of section 81.8(2) have been met, and stating what constitutes each constructed liner (e.g., synthetic, clay).

(i) For impoundments constructed prior to June 30, 2004, the liner certification shall be available no later than April 13, 2006.

(ii) For any impoundment constructed by an operator on or after June 30, 2004 and before February 27, 2009, the liner certification shall be available prior to wastewater entering the impoundment.

Attachment A

Excerpt from Animal Feeding Operations Control Regulation 81 (5 CCR 1002-81)

(III) For any impoundment constructed by an operator on or after February 27, 2009, the liner certification and, where applicable, the seepage rate calculations using Darcy's Law shall be available prior to wastewater entering the impoundment.

(IV) Copies of the liner certification and supporting information shall be made available to the Division and its designee, upon request. In addition, these documents shall be submitted to the Division as follows:

(A) For impoundments constructed after February 1, 2007, and before December 30, 2008, submit the documents by February 27, 2009.

(B) For an impoundment constructed after December 30, 2008, submit the documents by no later than 30 days after construction of the impoundment is complete.

(c) A CAFO operator shall visually inspect the exposed liner of an impoundment weekly to identify physical changes or deficiencies that may affect the integrity of the liner. Such deficiencies and physical changes shall be corrected within thirty (30) days of having been identified.

(i) The operator shall record the date of the inspection, deficiencies identified, corrective actions taken, and dates that corrective action was completed.

(ii) Deficiencies not corrected within 30 days shall be accompanied by an explanation of the factors preventing completion of corrective actions within this time period.

(iii) The records shall be maintained on-site for five years from the date of creation and shall be made available to the Division upon request.

(3) Removal of manure or wastewater from an impoundment shall be accomplished in a manner that does not damage the integrity of the liner. The operator shall submit to the Division for approval a Standard Operating Procedure ("SOP") that demonstrates how manure, including sludge, will be removed such that the liner integrity of impoundments is not damaged. The SOP also shall indicate the expected frequency with which manure will be removed from impoundments.

(a) The approved SOP must be available on-site and be submitted to the Division upon request.

(b) The operator shall follow the approved SOP whenever manure, including sludge, is removed. Where the SOP was not followed, the Division may require that the operator make the liner available for inspection. Where the Division has just cause as a result of the inspection, the Division may require re-certification of the liner by a professional engineer registered in Colorado.

(c) An existing CAFO shall submit the SOP no later than December 31, 2004.

(i) A CAFO that comes into existence after December 31, 2004 shall submit the SOP no later than 120 days after animals are placed on the production area.

(ii) The operator shall submit a revised SOP for approval within 30 days of a change having been made to the impoundment(s) at the facility that requires a revision of the SOP, such as a new impoundment or different liner having been constructed.

(d) The operator shall certify after each manure or sludge removal event that the manure or sludge was removed in accordance with the approved SOP.

Attachment A

Excerpt from Animal Feeding Operations Control Regulation 81 (5 CCR 1002-81)

(i) For a concrete-lined impoundment, where a certification for each removal event is not completed, the operator shall:

(A) Drain and clean the impoundment every five years and use best professional judgment to determine whether the liner integrity is damaged such that the impoundment is no longer capable of having a maximum seepage rate of 1×10^{-6} cm/sec.

(B) Where the operator determines that the liner integrity is such that the impoundment remains capable of having a maximum seepage rate of 1×10^{-6} cm/sec, the operator shall so certify within five days of the liner inspection. The certification shall include photographs supporting the determination.

(C) Where the operator determines that the liner integrity is damaged such that the impoundment is no longer capable of having a maximum seepage rate of 1×10^{-6} cm/sec, the operator shall:

(I) Repair the impoundment within 30 days of the liner inspection so that the liner integrity is such that the impoundment is capable of having a maximum seepage rate of 1×10^{-6} cm/sec.

(II) Within 14 days of the impoundment having been repaired, submit to the Division evidence of the repair having been properly completed. The evidence shall consist either of photographs with accompanying written documentation or of other evidence approved by the Division.

(ii) The certifications must be available on-site and be submitted to the Division upon request.

(e) Where the SOP is not followed the operator shall provide notice to the Division within 30 days of the date of manure removal.

(4) Any depth marker in an impoundment shall be installed in a manner that maintains the integrity of the liner and maintains the required seepage rate standard.

(5) Earthen Wastewater Conveyance Structures - Earthen conveyance structures shall be maintained to minimize ponding of wastewater. In addition, such structures shall be constructed and maintained as follows for the purpose of limiting seepage of wastewater in the structures:

(a) Conveyance structures that carry open-lot wastewater

(i) Where constructed in soils that have 35-60 percent gravel, a conveyance structure shall be constructed by sufficiently compacting the existing soil material (less than 60 percent gravel) in place with at least two passes of rubber-tired construction equipment, four passes of track-type equipment, or equivalent, over the entire surface of the conveyance structure. Moisture content of the soil material during compaction shall be maintained to promote sufficient compaction of the in-place materials. The soil should be wet to the touch and leave a stain on the hand when squeezed.

(ii) Where constructed in soils that have greater than 60 percent gravel, or in loamy sand or sandy soils with greater than 35 percent gravel, a conveyance structure shall be constructed by placing a compacted liner over the entire surface of the conveyance structure. A conveyance structure liner shall be constructed of soils having less than 60 percent gravel, shall be twelve (12) inches thick, and shall be compacted with at least two passes of rubber-tired construction equipment, four passes of track-type equipment, or equivalent, over the entire surface of the conveyance structure. Moisture content of the soil material during compaction shall be maintained to promote sufficient compaction of the soil

Attachment A

Excerpt from Animal Feeding Operations Control Regulation 81 (5 CCR 1002-81)

liner material. The soil should be wet to the touch and leave a stain on the hand when squeezed. In addition, the constructed liner shall be maintained to retain these standards.

(iii) Where constructed in soils having less than 35 percent gravel, a conveyance structure does not need to be lined or compacted.

(b) Conveyance structures that carry process-generated wastewater intermittently (greater than 48 hours between conveyance events) – Earthen conveyance structures that carry process-generated wastewater intermittently shall be constructed and maintained in accordance with the standards specified in section 81.8(5)(a)(ii), above.

(c) Conveyance structures that carry process-generated wastewater non-intermittently (48 hours or less between conveyance events) – Earthen and non-earthen (e.g., pipe or concrete) conveyance structures that carry process-generated wastewater non-intermittently shall be constructed and maintained to have a maximum seepage rate of 1×10^{-4} cm/sec.

(d) Where upon inspection the Division has just cause to determine that the required liner is not in place, the Division may require that the operator submit to the Division a certification that the conveyance structure meets the requirements of section 81.8(5)(b) or (c), or 81.8(5)(a)(ii). The certification shall be made by a professional engineer registered in the State of Colorado.

(6) Setbacks for New and Expanded Impoundments – A completely new impoundment constructed after June 30, 2008, and an existing impoundment that is expanded by 50 percent or more of existing storage capacity after June 30, 2008, shall not be located:

(a) Except as provided below, where the seasonally high ground water level is located within four (4) feet of the bottom of the impoundment liner; and

(i) Where the seasonally high ground water level is located within four (4) feet of the bottom of the impoundment liner, the impoundment shall be constructed and maintained in accordance with the design by a professional engineer registered in the state of Colorado that prevents ground water from contacting the impoundment's liner.

(b) Within 150 feet of a private domestic water supply well or within 300 feet of a community domestic water supply well.

(7) Ground Water Monitoring - Where an impoundment is not in compliance with section 81.8(2), or where the Division determines that an impoundment liner is not being properly maintained, the Division may require the operator to conduct site-specific ground water quality monitoring of, but not limited to, total nitrogen, ammonia-nitrogen, nitrate-nitrogen, and fecal coliform. In making a determination of whether ground water monitoring is required, the Division shall consider all pertinent factors, including but not limited to: whether the impoundment poses a significant potential risk to beneficial uses of ground water, whether there is suspected contamination of ground water attributable to the facility, whether early detection of ground water contamination is essential to protect valuable drinking water sources, and whether there has been a significant failure on the part of the operator to comply with Section 81.8(2), (3), (4), (6), or (7).

(8) Ground Water Remediation - When the Division determines that non-compliance with Section 81.8(2), (3), (4), (6), or (7) has caused, or contributed to, the exceedance of established ground water quality standards, the operator shall:

(a) Submit, in consultation with the Division, an approvable investigation plan (IP) within 60 days of being notified by the Division of the exceedance, unless an extension of time is granted by the Division based on good faith efforts made by the operator.

Attachment A

Excerpt from Animal Feeding Operations Control Regulation 81 (5 CCR 1002-81)

(i) The IP must indicate how the nature and extent of the contamination will be delineated and shall include the following, at minimum:

- (A) A plan to determine the full vertical and horizontal extent of ground water contamination.
- (B) All potential human and environmental receptors, including: 1) all surface water features including springs, streams, and lakes that could be impacted; and 2) all municipal, agricultural, and domestic ground water users.
- (C) A plan to obtain other site-specific hydrogeologic data necessary to fully determine the nature and extent of the contamination. These shall include, as appropriate, but not be limited to, the hydraulic conductivity of all hydrogeologic units, associated porosity values, ground water flow directions, regional and local hydraulic gradients, and pumping rates associated with all wells. The Division may require that the operator install additional monitoring wells for the purpose of fully determining the nature and extent of the contamination.
- (D) A reasonable timeline for completing the investigation.

(ii) The operator shall implement the IP within 30 days of it being approved by the Division.

(b) The operator shall submit the following information by no later than 60 days after completion of the approved IP, unless an extension of time is granted by the Division based on good faith efforts made by the operator:

(i) A summary report of the findings of the investigation conducted pursuant to section 81.8(8)(a).

(ii) A comparison of all appropriate and applicable remediation alternatives, including innovative technologies, the associated performance and costs of each alternative, the estimated timelines to achieve the required remediation goals, and the monitoring that will be done until the remediation goal(s) is reached. The Division shall review remediation alternatives based on technological, economic, and environmental risk factors. In determining economic reasonableness, the Division shall take into account such factors as costs of the various alternatives, the potential impact of the alternatives on a project's profitability or competitive position, and any long-term energy impacts. In determining environmental risk factors the Division will include potential exposures of sensitive human and environmental receptors. In cases where sensitive human and environmental impacts could occur, the Division may require interim, or emergency, remedial activities.

(c) The operator shall submit an approvable remediation plan (RP) by no later than 60 days of being notified of the Division's preferred remediation alternative, unless an extension of time is granted by the Division based on good faith efforts made by the operator. The RP shall contain designs and plans for implementation of the preferred alternative.

(i) The operator shall implement the RP within 30 days of it being approved by the Division.

(9) Impoundment Closure – The operator of a facility shall remove manure and wastewater from a closed impoundment, to the fullest extent practicable within 60 days of the impoundment being closed, unless an alternative timeline is approved by the Division. Within one hundred twenty (120) days of an impoundment being closed, an impoundment shall be backfilled with soil that is graded to blend with surface topography and

STATE OF COLORADO

Bjill Ritter, Jr., Governor
James B. Martin, Executive Director

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Denver, Colorado 80246-1530
Phone (303) 692-2000
TDD Line (303) 691-7700
Located in Glendale, Colorado

Laboratory Services Division
8100 Lowry Blvd.
Denver, Colorado 80230-6928
(303) 692-3090

<http://www.cdph.state.co.us>



Colorado Department
of Public Health
and Environment

October 6, 2009

Larry Luttrell
Hastings Pork – Site C
222 Milwaukee Street #209
Denver, CO 80206

Certified Mail Number: 7002 2410 0001 0123 1628
(Return Receipt Requested)

Subject: Response Required – Self-certification for Regulation No. 81

Dear Mr. Luttrell:

The Colorado Department of Public Health and Environment's Environmental Agriculture Program (Ag Program) is implementing for all Colorado concentrated animal feeding operations (CAFOs) a regulatory self-certification process for the protection of groundwater as set forth in the requirements of the Colorado Water Quality Control Commission's Regulation No. 81 (5 CCR 1002-81). The following information describes your regulatory responsibilities under the self-certification process.

To implement the self-certification process, the Ag Program is requesting that all CAFOs fill-out the attached form and submit documentation certifying that the facility's impoundment(s) meet the regulatory seepage rate and stating what material (clay, synthetic liner, etc.) constitutes each constructed liner. Please note, laboratory permeability results (also known as "k" values) do not represent seepage rate values, but should be entered into a calculation (known as Darcy's Law) to get the desired values. It is the CAFOs responsibility to submit the seepage rate calculation to the Ag Program in the Darcy's Law format. Additionally, the factor allowed in the NRCS-Agricultural Waste Management Field Handbook (AWMFH), part 651 chapter 10, Appendix 10D cannot be used to meet the seepage rate.

Please be aware that the documentation provided must also include supporting information such as how the determination was made that the impoundment met the seepage rate. For example, was the seepage rate determination based on a certification made by a Colorado registered professional engineer certification and what was the methodology used for determining the seepage rate.

The deadline to submit the completed form is 30 days from receipt of this correspondence and attached self-certification form. Failure to respond may result in a formal enforcement action with civil penalties of up to \$10,000 per day of violation. This penalty will continue until a CAFO can provide documentation certifying that a liner is in place that meets the regulatory seepage rate.

If a CAFO does not have a liner in place that meets the regulatory seepage rate or is in the process of determining the seepage rate of its liner(s), please contact the Ag Program immediately to discuss eligibility for an expedited settlement agreement option. For your information, the expedited settlement agreement penalty is \$5,000. In addition, an expedited settlement agreement contains a 210-day compliance schedule that allows the CAFO to complete the liner certification process without incurring additional penalties.

Thank you for your attention to this important matter. If you have any questions, please feel free to contact me at 303-692-3523 or via electronic mail at erin.kress@state.co.us.

Sincerely,



Erin P. Kress
Colorado Department of Public Health and Environment
Environmental Agriculture Program

cc: file

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p><i>William Bass</i></p> <p>B. Received by (Printed Name) C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p>Larry Luttrell Hastings Pork – Site C 222 Milwaukee Street #209 Denver, CO 80206</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p> <p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) 7002 2410 0001 0123 1628</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

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	Denver, CO 80206

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City, State, ZIP+4

PS Form 3800, June 2002 See Reverse for Instructions

7002 2410 0001 0123 1628

Standard Operating Procedure (SOP) for Removal of Manure and Sludge from Impoundments

Name of Facility: _____ Date: _____

Address: _____

Contact Person: _____ Phone Number: _____

Removal Timing:

Impoundments will be cleaned as needed, depending on run off and manure and sludge accumulation rates. It is expected that ponds will be cleaned approximately every 10 years.

General Procedures:

1. Manure and sludge removal from ponds will be performed in a manner that does not damage the liner.
2. Progress of manure and sludge removal activities will be monitored daily to ensure that pond liner integrity is not being damaged.
3. Only well-experienced equipment operators will perform pond cleaning activities. Prior to work initiation, the equipment operator will be advised of this SOP and the importance of protecting pond liner integrity.

Specific Procedures (check all that apply):

- All excavation work will be performed with smooth bladed equipment (i.e. no teeth).
- Ponds will be dewatered to the extent practicable prior to the initiation of manure and sludge removal activities.
- A rounded "lip" will be fastened over the cutting edge of the bucket or blade to protect pond liner integrity when cleaning ponds with synthetic or GCL liners. This method will also be employed if needed on clay lined ponds.
- A _____ inch thick "buffer" will be maintained on top of the liner (i.e. not removed). If no buffer will be maintained, surveying equipment will be used to establish the top of liner.
- If needed, temporary stakes or poles with depth markings will be placed in the bottom of the pond at strategic locations to aid in identifying the buffer elevation or the top of the liner. Temporary depth markers will not penetrate the pond liner.
- In ponds where liquid level marker numbers can be easily read from any location in the pond, the marker will serve as the primary guide for identifying the top of the pond liner.
- In large ponds, the "buffer" elevation or the top of the pond liner will be identified using the pond depth gauge in conjunction with surveying equipment as needed, such as level or transit.
- The equipment operator will periodically use the rounded edge of the bucket (cutting edge retracted) to gently push through the accumulated manure to the top of the liner to establish depth of accumulated manure. Such activity will not damage the liner.
- Stakes or poles indicating liquid depth will be placed at strategic locations along the pond side slopes to assist the equipment operator in establishing the depth to the top of the buffer, or the liner.
- The track hoe or backhoe arm will be marked in 1 foot increments to assist in identifying liquid depth.

- An agitator pump will be used to remove sludge. Methods that will be used to protect the liner may include keeping the agitator pump suspended _____ inches above the pond liner and/or installing a protective cover over the liner, such as concrete, at the location where the agitator pump will be used.
- Other procedures as described _____

Other methods that may be used to protect liner integrity but are not mentioned here will be included in an amended SOP and submitted to the WQCD prior to the use of such methods.

All manure removal events will be recorded. If manure removal events have been conducted in accordance with this SOP, _____ will certify in writing that the removal event was in accordance with this approved SOP. All certifications and the approved SOP will be available on-site and will be submitted to the Division upon request.

If this SOP is not followed for a removal event, _____ will provide notice to the state Water Quality Control Division within 30 days of the date of manure removal.

 Owner/Operator Signature Date

 State WQCD SOP Approval Date
 Signature

**Standard Operating Procedure
for Manure/Sludge Removal
from Impoundments**

Prepared in Accordance with
Colorado Department of Public Health and Environment –
Water Quality Control Commission
Regulation No. 81.5 (3)

Submitted on behalf of:

Facility

Prepared by:



702 Quail Creek Drive
Amarillo, Texas 79124
(806) 353-6123
Fax (806) 353-4132

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702 Quail Creek Drive ♦ Amarillo, Texas 79124 ♦ Tel 806/353-6123 ♦ Fax 806/353-4132 ♦

Standard Operating Procedure for Manure/Sludge Removal from Impoundments

This Standard Operating Procedure (SOP) shall apply to all impoundments at Facility located approximately five miles west of City, Colorado in County County, Colorado.

Regulatory Provisions and Discussion

Per Regulation No. 81.5(3)(a), "the operator shall follow the approved SOP whenever manure, including sludge, is removed. Where the SOP was not followed, the Division may require that the operator make the liner available for inspection. Where the Division has just cause as a result of the inspection, the Division may require re-certification of the liner." Facility will follow this SOP for all manure/sludge removal events to ensure liner integrity is maintained during manure/sludge removal events from all impoundments.

Per Regulation No. 81.5(3)(c), "the operator shall certify after each manure or sludge removal event that the manure or sludge was removed in accordance with the approved SOP." Facility will complete a "Manure Removal Certification" form each time manure/sludge is removed and certify that the approved SOP was followed. A blank "Manure Removal Certification" form is included with this SOP.

Per Regulation No. 81.5(3)(d), "the certifications and approved SOP must be available on-site and be submitted to the Division upon request." Facility will maintain a copy of all certifications and the approved SOP in their record keeping files and will submit them to the Division upon request.

Per Regulation No. 81.5(3)(e), "where the SOP is not followed the operator shall provide notice to the Division within 30 days of the date of manure removal." In the event that the SOP is not followed, the Division will be notified within 30 days of the date of the manure/sludge removal event.

Operational Information

The frequency of solids removal from the impoundments is dictated by sludge accumulation depths in each impoundment, however, the frequency is expected to be at least every two years for settling basins and at least every ten years for other impoundments. The depth indicators of the pond markers will be used to monitor sludge levels in the impoundments. These observed depths will be considered by the operator in determining how deep manure/sludge is to be removed from the impoundment. Additionally, the facility will utilize any existing survey data to define the bottom of the manure/sludge layer. During manure/sludge removal, the operator will exercise caution to ensure only manure/sludge is removed and that the liner is not compromised.

Manure Removal Methods

Physical manure/sludge removal generally occurs through the use of an excavator parked either outside of or on the top of the berm of the impoundment. The excavator extends the boom (arm) into the accumulated solids and removes a load. That load is then transferred to a waiting truck that sits along side the excavator. The truck then transfers the solids to the appropriate location.

Alternate methods of manure/sludge removal from the impoundments at Facility include the use of a front end loader that enters the impoundment or a backhoe that is either located outside of or on the top of the berm of the impoundment. Additionally, Facility may elect to utilize agitation and pumping of the manure/sludge directly to waiting trucks. Other methods of manure/sludge removal that may become available will be included in an amended SOP to be submitted to the Division for approval prior to intializing the method.



Liner Integrity Inspection & Maintenance

During removal of manure/sludge through the use of an excavator, the excavator operator shall exercise caution to ensure no "gouging" or damage occurs to the existing liner. The bucket on the excavator shall have no teeth and shall have a smooth edge, preferably retro-fitted with a pipe or rounded edge, to ensure digging into the liner does not occur.

Removal of manure/sludge with a loader-type vehicle that enters the impoundment, may be accomplished without impacting the liner. However, care shall be taken by the operator to minimize any impacts to the liner due to tire activity. The bucket of the loaders shall have no teeth and shall have a smooth edge, preferably retro-fitted with a pipe or rounded edge, to ensure digging through the liner does not occur.

During removal of manure/sludge through agitation, the agitation device (propeller, etc.) and pipe intake shall be monitored to ensure that the mechanical operation does not cause damage to the installed liner. Should a floating agitator be used, its location will be monitored to ensure it does not get too close to the sides to damage the liner on the impoundment sidewalls. Manure/sludge depths will be continually monitored during removal to ensure the agitator's depth does not create the potential for damage to the liner that exists on the bottom of the impoundment.

Should any suspected disturbance occur to the liner as a result of manure/sludge removal events, the facility shall contact a registered professional engineer to inspect the damage and develop any necessary corrective action to repair the damage. It shall be at the engineer's discretion as to what methods, repair work and testing will be required to deem the liner integrity restored. The engineer shall be required to document in writing, the findings of the inspection as well as any follow-up reports, including recertifications, as required. The engineer shall provide the operator with copies of all reports so that the operator can attach the reports to the Manure Removal Certification form.

Signs of suspected liner disturbance shall include, but is not limited to:

- Sloughing along impoundment sidewalls and bottoms due to mechanical activities from manure/sludge removal,
- Tire ruts or equipment tracks deeper than two inches below the natural (liner) surface of the impoundment sidewalls and bottoms,
- Digging or gouging of the liner with excavator or loader buckets,
- Compromise of liner surfaces due to agitation of solids/sludge.



Manure/Sludge Removal Certification

Beginning Date of Removal: _____

Ending Date of Removal: _____

Manure/sludge removed from which impoundment: _____

Estimated amount of manure/sludge removed (from loads or weigh tickets): _____

Manure/sludge removal was conducted by: Facility Contractor

If by contractor, name of contractor: _____

Equipment Used:

Place a check (✓) in the appropriate box:

- Excavator with smooth bucket
- Excavator with smooth bucket and retro-fitted rounded edge
- Back hoe with smooth bucket
- Back hoe with smooth bucket and retro-fitted rounded edge
- Front end loader with smooth bucket
- Front end loader with smooth bucket and retro-fitted rounded edge
- Agitator and pump
- Other (describe) _____

Was the Standard Operating Procedure for Manure/Sludge Removal from Impoundments followed for this manure/sludge removal event?

Yes

No, Colorado Department of Public Health and Environment must be notified within 30 days of the date of manure/sludge removal that the SOP was not followed.

Note any suspected liner disturbance:

Attach any applicable engineering reports to this certification documenting corrective action to all liner disturbances.

Operator Signature

Date



Standard Operating Procedure (SOP)

*For Pond Cleaning and Liner Protection
(in accordance with Colorado Regulation No. 81.5.3)*

Name of Facility: _____

Address: _____ Contact: _____

Phone: _____

This standard operating procedure will be followed when any impoundment is cleaned. This form outlines the operational practices of the facility taken to protect the impoundment liner. Fill in the table below with the pond identification; an estimate of length, width, and depth; procedure used to clean the pond; and the measure taken to protect the pond liner. Select all that apply from list 1 for removal methods and list 2 for liner protection methods that best match your operation and fill the chart with the corresponding number from list 1 and 2. Use Number 13 for "other" and explain.

Pond ID or description	Type of Liner	Estimate length x width x depth	Removal Method(s) <i>(From list 1)</i>	Liner Protection Method(s) <i>(From list 2)</i>	Cleaning Frequency

List 1 – Removal Methods

1. Cleaning not needed *(justify in item 13)*
2. Backhoe / excavator / loader *(circle one)*
3. Biological Treatment
4. Dredging / bucket or suction *(circle one)*
5. Pump w/agitation, w/out agitation *(circle one)*

List 2 – Liner Protection Methods

6. Remove teeth from bucket or implement
7. Add protective lip to bucket or implement
8. Continual visual inspection used during pumping or agitation
9. Use a liner that will not erode during cleaning
10. Partial cleaning *(explain in item 13, e.g. will remove 50% or to a depth not more than 6" above the liner.)*
11. Experienced Contractor* *(must complete below)*

*Contract Cleaning – Contractor/Business Name _____ License No. _____ Date _____
(Experienced Contractor cleaning must also include at least one additional item from List 2)

13. Other *(explain)* _____

The facility will identify the top of the lagoon liner by surveying or measuring the depth of the lagoon. The survey or measurements will include the depth of the pond and the slope of the lagoon embankment. The operator can measure the depth of the manure layer using the information included in the survey or site map by measuring the depth of the pond to the top of the manure layer. A copy of the survey or a site map will be kept with the SOP.

If the facility chooses pumping as an option for manure removal, the pipe inlet will be placed at a minimum of six inches above the pond liner. Information from the site map or survey will provide the operator with the pond depth and the operator can then measure the length of the pipe and place the inlet appropriately.

A staff gauge will be installed in most lagoons that will indicate the top of the lagoon liner. Lagoon gauges will be labeled on the site map and will assist the operator as to where the lagoon liner begins.

If the facility decides to revise the SOP, an amended SOP will be submitted to the Division for approval 30 days prior to the structure being cleaned. The revised SOP will indicate how the pond will be cleaned in a manner that protects the liner. The structure will not be cleaned until there is written approval from the Division of the amendment to the SOP.

After cleaning each pond the operator will conduct a visual inspection, certify that this approved SOP was followed and notify the Division within 30 days of the removal event if this SOP is not followed.

Owner/Operator Signature Date

State SOP Certification Approval Date
Signature