

JOSH GREEN, M.D.
GOVERNOR OF HAWAII
KE KIA'AINA O KA MOKU'AINA 'O HAWAII



STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
P. O. BOX 3378
HONOLULU, HI 96801-3378

KENNETH S. FINK, MD, MGA, MPH
DIRECTOR OF HEALTH
KA LUNA HO'OKELE

In reply, please refer to:
File:

03009EMK.23

March 9, 2023

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7020 1810 0001 2241 5187

Mr. Robert Bruce Graham Jr.
Agent
Villa Rose, LLC
999 Bishop Street, Suite 1400
Honolulu, Hawaii 96813

Dear Mr. Graham:

**Subject: National Pollutant Discharge Elimination System (NPDES)
Concentrated Animal Feeding Operation (CAFO)
Villa Rose Egg Farm
Waialua, Island of Oahu, Hawaii**

The Department of Health (DOH), Clean Water Branch (CWB), is notifying you of findings made during an inspection conducted by the DOH-CWB on February 23, 2023. Based on information gathered during the inspection, the DOH has identified the Villa Rose Egg Farm (Facility) as a Large CAFO and subject to regulation under the NPDES program should the Facility discharge to State waters. While no discharges were observed at the time of inspection, it is the Villa Rose, LLC's responsibility to obtain and comply with an NPDES permit authorizing discharges from the Facility prior to any such discharge. Failure to do so may elicit enforcement actions against responsible persons for unauthorized discharges as well as operating the Facility without the applicable NPDES permit.

If you believe that the Facility may discharge to State waters, the DOH-CWB advises that you seek an NPDES permit as soon as possible. If the Facility has already discharged without an NPDES permit, be advised that the DOH shall consider such discharges as violations of State law.

Hawaii Revised Statutes (HRS) §§342D-30 and -31 provides for penalties up to \$25,000 per day for each violation. Further, the Federal Clean Water Act also includes authorization for enforcement by Federal agencies or members of the public for violations by facilities subject to NPDES permits.

Mr. Robert Bruce Graham Jr.
March 9, 2023
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Should you have any questions, please contact Ms. Bobbie Teixeira of the Enforcement Section, CWB, at (808) 586-4309.

Sincerely,



DARRYL LUM, P.E., ACTING CHIEF
Clean Water Branch

BT

Enclosure: Villa Rose Egg Farm Inspection Report, Inspection Report No. OA2833

c: Mr. Steven Curry, Villa Rose Egg Farm, 65-1001 Kaukonahua Road, Waialua HI 96791 (w/ encl)
Mr. Dale Sakata, Deputy Attorney General, (via email w/ encl.)
Ms. Joanna Yeh, Deputy Attorney General, (via email w/ encl.)



**Hawaii Department of Health
 Clean Water Branch
 National Pollutant Discharge Elimination System (NPDES)
 Concentrated Animal Feeding Operation Inspection Report**

The Waialua Fresh Egg Farm facility (Facility) is a large Concentrated Animal Feeding Operation (CAFO) located on the Island of Oahu. The Facility maintains approximately 150k-160k laying hens and produces and packages chicken eggs for local sale. The Facility produces domestic wastewater from employee restrooms and process wastewater from egg washing and machine washing. Both wastewater streams are treated and disposed of via an onsite wastewater system that utilizes a subsurface irrigation system for final effluent disposal. Manure is handled in dry form. The Facility currently does not reuse manure, farm fields nor discharge wastewater to State waters. All chicken manure generated at the Facility is currently stored in an unoccupied barn. Any excess animal products (mortalities, damaged eggs, etc.) are removed from the Facility by a contractor for additional processing offsite.

The Facility does not maintain an NPDES permit authorizing discharges from the Facility. While no discharges were observed at the time of inspection, the nature of the Facility does obligate an NPDES permit for any such discharges.

This inspection report includes observations made during the inspection and a photolog of visual observations made during the inspection.

Facility Information

Facility Name:	Villa Rose Egg Farm		
Facility Address:	65-1001 Kaukonahua Road		
Tax Map Key (TMK):	65002005		
File Number:	HIU010693		
Issuance Date:	N/A	Effective Date:	N/A
Expiration Date:	N/A	Island:	Oahu
Total Facility Area (acres):	318 acres		
Other Site Information:	none		



Inspection Information

Inspector Type/ Inspection Type: State / Concentrated Animal Feeding Operation Non-Sampling

Inspection Date: February 23, 2023 **Weather:** Intermittent light rain

Time In: 10:35 AM **Time Out:** 11:30 AM

Inspection Report No. OA2833 **Announced:** Yes- <24-hour notice

Contact Information

Inspection Team: Jacquelyn Corpus Environmental Health Specialist, DOH-CWB 808-586-4309
 Bobbie Teixeira
 Matthew Kurano
 Sina Pruder Program Manager, DOH-WWB

On-Site Representative(s), Title(s): Steven Curry, Complex Manager
 Avery Barry, Sales Manager
 Kristina Torres, FSQA Supervisor

Responsible Official Contacted? No

Responsible Official Mailing Address: 999 Bishop Street, Suite 1400, Honolulu, Hawaii 96813
 (Attachment 1)

Applicable NPDES Regulations and Permit Status

Federal and state regulations require certain facilities or activities to obtain and comply with NPDES permits when there is a discharge to surface waters.

The 40 Code of Federal Regulations (CFR), Section 122.23(a) states that certain concentrated animal feeding operations (CAFOs) are point sources, subject to NPDES permitting requirements. 40 CFR, Section 122.23(b)(4)(xi) defines CAFOs that confine 82,000 or more laying hens (if the AFO uses other than a liquid manure handling system) as a Large CAFO.

Hawaii Revised Statutes (HRS), Chapter 342D-50(a), prohibits the discharge of pollutants into state waters without a permit or variance issued by the Director of Health.

A search of DOH-CWB records indicates that the Facility does not have an NPDES permit authorizing discharges from its CAFO activities.



Facility Information/Observations

The inspection began with an opening conference at a meeting room within the Facility. The inspection continued with a site inspection with observations made around the production barns, empty barn where manure was being stored, wastewater septic tank area, wastewater disposal area, and graded area between the production barns and Mohiakea Gulch (nearest State water).

The Facility (Image 1) is located at street address 65-1001 Kaukonahua Road, Waialua, Hawaii 96791 (Attachment 2). Property Records indicate that the property is owned by Villa Rose, LLC, 318 acres and zoned for agriculture. According to S. Curry, the Facility produces chicken eggs for local distribution. A small stand at the entry to the Facility offers retail sales of eggs produced at the Facility.

The Facility is surrounded by pastures on three (3) sides. Mohiakea Gulch is located immediately west of the Facility. Mohiakea Gulch (inland state water) flows into Kaukonahua Stream before its terminus in the Pacific Ocean.

Facility Capacity and Current Operation

During the opening conference, S. Curry provided the following information to the Inspection Team.

Egg Production

1. The Facility began operation in November 2021 and is manned (security) 24 hours a day. Hours of operation are between 7 am and 3:30 pm.
2. The Facility includes ten (10) barns that have the capability of housing approximately 40,000 laying hens each. At the time of inspection. S. Curry and A. Barry stated that the Facility was currently maintaining approximately 150,000 laying hens within 4 of the Facility's 10 barns (Photograph 2). 6 barns were not in use for egg production. Future expansion can be accommodated in the currently vacant 6 barns.
3. The Facility utilizes a dry manure handling system that relies on the moisture content of the manure being controlled through the use of mechanical ventilation systems within the barns. Dry manure is removed from the barns through a conveyor system that loads a large capacity truck (Photograph 3). The Truck transports the dry manure to a barn currently not being used for egg production. The manure is stored in the barn (Photograph 4) and is turned and kept dry in what appeared to be a well-ventilated structure. The Facility Representatives estimates approximately 10 tons of manure is generated per day.
4. No manure is currently reused or field applied. Initial plans included producing "biochar" from the manure. The Facility is still exploring producing "biochar" from the manure but is not currently operating the biochar equipment on a regular basis. Facility representatives stated that composting the material is also a possibility.



5. Chicks are not hatched at the Facility nor is feed grown at the Facility. The Facility imports batches of 2-day old young chicks and raises the chicks to laying age within the barns. Egg washing, packaging and shipping is conducted in an enclosed building adjacent to the chicken barns (Photograph 5).
6. Any mortalities or similar products are disposed of via a contract with Island Commodities (local rendering facility) offsite.

Wastewater

7. Process wastewater generated at the Facility includes egg wash water, wastewater from facility and machine cleaning, and employee restrooms. K. Torres provided an estimate of 255 gallons of wastewater was generated per day from egg washing. The source of the water is an onsite well.
8. The Facility is currently on its first batch therefore, the barns have not been fully turned over yet but when they do, dry methods will be used for disinfection. The anticipated date for turnover is mid October 2023.
9. The Facility treats and disposes of its wastewater through operation and use of an onsite wastewater system. The onsite wastewater system includes a septic tank component (Photograph 6), subsurface contact with media (Photograph 7 and 8), and final disposal through a subsurface drip field. The flow meter for the wastewater system was reading an instantaneous flow of 5 gallons per minute (gpm) at the time of inspection.

Storm water

10. The majority of activities conducted at the Facility are enclosed within newly constructed structures. The barns, feed handling, production, and wastewater systems are all enclosed. Manure transfer from the barns into the hauling truck is exposed but does not have a large footprint. Facility representatives stated that no manure is currently used in the surrounding fields nor are the fields used for agricultural production.
11. The area of highest risk for storm water discharge appeared to be the west side of the Facility. The Mohiakea Gulch is located immediately west of the Facility. However, it appears that large earthen berms in place between the Facility's production areas and Mohiakea Gulch (Photographs 9 and 10) contain storm water contacting production areas of the Facility. Note: The perimeter on the Mohiakea Gulch was *not* fully inspected at the time of inspection. It is the responsibility of the Facility to determine whether storm water discharges from the production area occur or not.

State Waters/Evidence of Discharge

12. Mohiakea Gulch is located immediately west of the Facility. An inspection of Mohiakea Stream was not conducted as part of the inspection.



Image 1: View of the Villa Rose Waialua Egg Farm (general outline in green). Image taken from Google Earth on 2/27/2023. Note: According to Facility representatives, the surrounding fields are not being used at the time of inspection.



Photograph 1.

Date Photograph Taken: February 23, 2023

Photograph Taken By: Jacquelyn Corpus

Description: View of the Facility's sign along the Facility's driveway.



Photograph 2.

Date Photograph Taken: February 23, 2023

Photograph Taken By: Jacquelyn Corpus

Description: View of the northeast side of two of the barns that are in operation. The barns are identical externally. The barns not in operation did not have hoppers pictured.

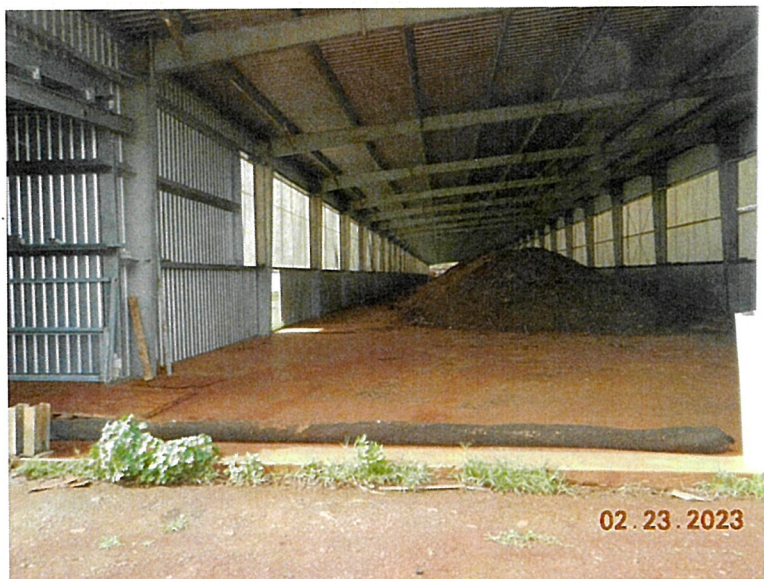


Photograph 3.

Date Photograph Taken: February 23, 2023

Photograph Taken By: Jacquelyn Corpus

Description: View of the southwest side two of the barns in operation. The southwest sides had exhaust fans installed and conveyor belts used to remove and load the manure generated in each barn.



Photograph 4.

Date Photograph Taken: February 23, 2023

Photograph Taken By: Bobbie Teixeira

Description: View of the Facility's manure stockpile. The manure is stored in an enclosed barn currently not in use for egg production.



Photograph 5.

Date Photograph Taken: February 23, 2023

Photograph Taken By: Jacquelyn Corpus

Description: View of the Facility's production and shipping building



Photograph 6.

Date Photograph Taken: February 23, 2023

Photograph Taken By: Jacquelyn Corpus

Description: View of the Facility's wastewater system (septic segment). Bulky solids are removed from the wastewater through a septic system before additional treatment on the north side of the Facility.



Photograph 7.

Date Photograph Taken: February 23, 2023

Photograph Taken By: Jacquelyn Corpus

Description: View of the Facility's subsurface treatment and disposal system on the north side of the facility. Wastewater is filtered through underground media prior to disposal through infiltration/irrigation.



Photograph 8.

Date Photograph Taken: February 23, 2023

Photograph Taken By: Jacquelyn Corpus

Description: View of the wastewater treatment system's subsurface media beds used for additional treatment.



Photograph 9.

Date Photograph Taken: February 23, 2023

Photograph Taken By: Bobbie Teixeira

Description: View of the large earthen berms on the west perimeter of the Facility facing south. Storm water that contacts the production area pools in the area between the berm and the nearby Mohiakea Gulch.



Photograph 10.

Date Photograph Taken: February 23, 2023


Photograph Taken By: Bobbie Teixeira

Description: View of the earthen berm on the west side of the Facility facing north. No evidence of storm water discharge from the Facility through the berm was observed at the time of inspection.



Inspection Report Certification

I certify that the statements made in this inspection report are, to the best of my knowledge, a true and accurate representation of what was observed on February 23, 2023 at the Villa Rose Waialua Egg Farm.




Feb 28, 2023

Matthew Kurano
 Environmental Health Specialist

Date

I certify that the attached photographs 4, 9 and 10 described above were taken by the undersigned and are a true and accurate representation of what was observed on February 23, 2023 at the Villa Rose Waialua Egg Farm.




2/28/23

Bobbie Teixeira
 Environmental Health Specialist

Date

I certify that the attached photographs 1,2,3,5,6,7 and 8 described above were taken by the undersigned and are a true and accurate representation of what was observed on February 23, 2023 at the Villa Rose Waialua Egg Farm.



2/28/2023

Jacquelyn Corpus
 Environmental Health Specialist

Date

Attachment 1

DCCA State of Hawaii

Downloaded on February 24, 2023.

The information provided below is not a certification of good standing and does not constitute any other certification by the State.

Website URL: <http://hbe.ehawaii.gov/documents>

Business Information

MASTER NAME	VILLA ROSE LLC
BUSINESS TYPE	Domestic Limited Liability Company (LLC)
FILE NUMBER	111937 C5
STATUS	Active
ORGANIZED IN	Hawaii UNITED STATES
REGISTRATION DATE	Dec 6, 2013
MAILING ADDRESS	999 BISHOP ST STE 1400 HONOLULU, Hawaii 96813 UNITED STATES
MANAGED BY	MEMBER(S)
AGENT NAME	ROBERT BRUCE GRAHAM JR
AGENT ADDRESS	999 BISHOP ST STE 1400 HONOLULU, Hawaii 96813 UNITED STATES

Annual Filings

FILING YEAR	DATE RECEIVED	STATUS
2022	Nov 3, 2022	Processed
2021	Nov 8, 2021	Processed
2020	Nov 30, 2020	Processed
2019	Nov 18, 2019	Processed
2018	Dec 7, 2018	Processed
2017	Nov 29, 2017	Processed
2016	Nov 15, 2016	Processed
2015	Feb 5, 2016	Processed
2014	Dec 29, 2014	Processed

Officers

NAME	OFFICE	DATE
ROSE ACRE FARMS, INC., AN INDIANA CORPORATION	MEM	Dec 6, 2013
LUBERSKI, INC., A CALIFORNIA CORPORATION	MEM	Dec 6, 2013

Trade Names

NAME	TYPE	CATEGORY	REGISTRATION DATE	EXPIRATION DATE	STATUS
WAIALUA EGG	Trade	NO CATEGORY	Jul 22, 2021	Jul 21, 2026	Active

FARM

Name

SELECTED

FARM	Name	SELECTED
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2/24/23, 8:32 AM

City & County of Honolulu - Department of Planning & Permitting - Property Information

Information shown on these maps are derived from public records that are constantly undergoing change and do not replace a site survey, and is not warranted for content or accuracy.

Department of Planning & Permitting
650 S. King St, Ste 8, Honolulu, HI 96813
gis@honolulu.gov
[Property Info Page FAQ](#)

2010 Assessed Values as of October 1, 2009.

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