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December 8, 2010

RE: INDUSTRIAL WASTEWATER
HOLMES CHEESE COMPANY
9444 STATE ROUTE 39
NPDES PERMIT NO. 3IH00102**NOTICE OF VIOLATION**Mr. Brian Ramseyer
Holmes Cheese Company
9444 State Route 39
Millersburg, OH 44654

Mr. Ramseyer:

On November 5, 2010, this writer along with Reggie Brown of this office responded to reported upsets at the Holmes Cheese wastewater treatment system. The upset was reported by Holmes Cheese on November 4, 2010. The inspection was also made in response to other complaints regarding the condition of Corns Run. Following are observations made during the November 5, 2010 inspection.

Receiving Stream

At the time of the inspection, the bottom of Corns Run downstream of the discharge from Holmes Cheese was covered with organic sludge from the wastewater treatment system.



Figure 1. Corns Run downstream of Holmes Cheese on November 5, 2010.

Though the results identified no violations of the chemical Water Quality Standards, they did demonstrate that the stream was impacted by the wastewater discharged from Holmes Cheese.

On October 27, 2010, more complaints were received at this office regarding the discoloration of Corns Run downstream of Holmes Cheese. The Division of Emergency and Remedial Response responded to the complaints. A letter was forwarded to Holmes Cheese from DERR describing their observations and explaining that Holmes Cheese was in violation of ORC 6111.04 as a result of the discharge of partially or untreated wastewater. Field data from the October 27, 2010 spill response are below.

Parameter	Upstream (mg/l)	Downstream (mg/l)
Specific Conductance	460	850
pH	7.7	8.0
Total Phosphorus	0.67	13.6
BOD ₅	-	18
Total Dissolved Solids (TDS)	313	547

As can be seen, the discharge from Holmes Cheese was having an impact on Corns Run at the time the samples were collected. In particular, Specific Conductance, Total Phosphorus, and Total Dissolved Solids were elevated downstream of Holmes Cheese.

Finally, a November 19, 2010 inspection of Corns Run by this writer identified significant foaming downstream of Holmes Cheese. Though water clarity in the stream was significantly improved, the foam was significantly more than previously observed. Be advised that the foam in Corns Run constitutes a violation of Ohio Administrative Code 3745-1-04(B).

Actions to be taken

Following are actions that must be taken in order to address concerns regarding impacts to Corns Run resulting from the discharge of wastewater from Holmes Cheese.

1. The new treatment system must be made operational as soon as possible. It is understood that this is a priority of Holmes Cheese. The final date for compliance is January 1, 2011.
2. Clarity in Corns Run was improved during the November 19, 2010 inspection. However, foam in the stream was significant. Until such time as the new wastewater treatment system is fully operational, Holmes Cheese must inject nontoxic de-foamer into the treated effluent to prevent foaming in Corns Run.
3. During the August 30, 2010 inspection, we discussed the need for visually evaluating the effluent quality and stream conditions each day. As agreed, and as proposed in a September 1, 2010 plan, the effluent would be inspected three times per day and this office would be updated daily regarding the observations. However, this office has not

Very little flow was apparent in Corns Run upstream of the discharge location from Holmes Cheese. No sludge deposition was present upstream of the Holmes Cheese outfall. Sludge and foam extended beyond County Road 400.

The presence of sludge and foam in Corns Run constitutes a violation of Part III, Item 2 of the NPDES Permit and a violation of Ohio Administrative Code (OAC) 3745-1-04(A), (B), (C) and (E).

During the November 5, 2010 inspection, discussions with Holmes Cheese took place regarding options for removing the sludge from the stream. A dam was constructed in Corns Run to collect the solids and to prevent further migration downstream. It was the understanding of this writer that solids were also removed from Corns Run downstream of the dam. The dam remains in place to protect the downstream areas in the event of another upset until the new treatment system is operational.

Prior Discharges

Prior to the November spill, the Ohio EPA responded to two other events at Holmes Cheese since August 2010. Both occurrences were of partially treated wastewater and sludge to Corns Run, and both events resulted in complaints to this office. The first spill occurred at the end of August 2010. The condition of Corns Run during an August 30, 2010 inspection was very similar to the conditions identified on November 2010. A September 16, 2010 letter documenting the event was provided to Holmes Cheese. The letter described the condition of Corns Run and also provided field sampling results from the inspection. Attached are additional analytical results from the August 30, 2010 inspection that have since been received from the agency's laboratory. Be advised that the following violations of the NPDES Permit were identified in the new analytical data.

Outfall	Parameter	Unit	Result	NPDES Permit Limit
601	BOD ₅	mg/l	77	54
001 – Dup A*	BOD ₅	mg/l	45	23
001 – Dup A*	Ammonia - N	mg/l	4.2	3.0
001 – Dup B*	BOD ₅	mg/l	47	23
001 – Dup B*	Ammonia - N	mg/l	3.93	3.0

*Duplicates of the same sample for quality assurance. These results constitute a total of only two violations.

Since no upstream flow was identified in Corns Run, no upstream sample could be collected that would demonstrate the magnitude of impacts on the receiving stream.

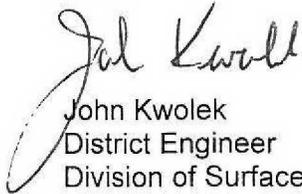
In addition to the samples collected by the Division of Surface, the Division of Emergency and Remedial Response (DERR) collected stream samples on August 27, 2010 in response to complaints. The analytical results for the samples collected by DERR are attached. The data for August 27, 2010 is a summary of the complete report which is available upon request.

Mr. Brian Ramseyer
Holmes Cheese Company
December 8, 2010
Page 4

received a daily status report since the November 5, 2010 event. This writer still considers the September 1, 2010 plan to be in effect until such time as the new treatment plant is made operational. Holmes Cheese should continue to provide the daily updates of observations of the effluent and receiving stream.

You may contact this office at (330) 963-1251 to discuss any questions you may have.

Respectfully,



John Kwolek
District Engineer
Division of Surface Water

JK/mt

Attachments (3)

cc: Bob Ramseyer, Holmes Cheese
Larry Reeder, Ohio EPA, DSW, Enforcement Section, CO

File: Industrial/Holmes Cheese/Permit and Compliance