



State of Ohio Environmental Protection Agency

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May 10, 2007

Paulding County
21K00008*AD

CERTIFIED MAIL

Gerwin Oolman
Oolman Dairy
6755 CR 144
Antwerp, Ohio 45813

Re: Manure Discharge March 9, 2007, Notice of Violation

Dear Mr. Oolman:

On March 9, 2007, Roger Zeedyk, manure applicator, reported a discharge of manure to waters of the State to Gail Rodabaugh with the Ohio Department of Agriculture, Livestock Environmental Permitting Program (OAD, LEPP). Mrs. Rodabaugh investigated the spill along with Ohio Department of Natural Resources (ODNR), Division of Wildlife Officer Duane Bailey. The following letter outlines violations and required corrective actions as a result of the incident.

According to the attached investigation report prepared by Mrs. Rodabaugh, manure was land applied to 40 acres at an application rate of 15,000 gallons per acre. The field was corn stalks and the soil was frozen. The field contained surface drains.

The applied manure discharged from the surface drains into the field collector ditch and then into the unnamed tributary along TR 61 that enters South Creek. Efforts were made by you and Mr. Zeedyk to dike the field drains but manure bypassed the dikes. Eventually the field collector ditch was blocked and the manure in the ditch was pumped back into the manure storage pond.

As a result of this incident, you are in violation of the following conditions of your Concentrated Animal Feeding Operation (CAFO) National Pollutant Discharge Elimination System (NPDES) permit:

Part I, A, 2, b: There shall be no discharge during the process of applying manure to land.

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

Part I, A, 2, c: There shall be no discharge of manure except for discharges that are composed of storm water runoff and/or snow melt runoff originating from a land area where manure from a CAFO has been applied in accordance with the Livestock Waste Management Plan and Part II Items H through O of this permit. These discharges shall not cause a violation of Ohio Water Quality Standards.

Part II, A: The permittee shall immediately inform his/her employees and all owners/operators of land to which manure will be applied, of the terms and conditions of this NPDES permit and shall require adherence to the conditions of this permit. It is the permittee's responsibility to ensure that all wastes are used/disposed of in accordance with this permit, Ohio Revised Code 6111, and any regulations promulgated there under.

Part II, C: The discharge of manure, process wastewater, or other wastes to waters of the State as defined in ORC 6111.01 and which include surface waters, wetlands, and ditches is prohibited except in compliance with this permit.

Part II, J: Manure shall be applied in a manner that will prevent discharges during dry weather and will minimize contaminated storm water discharges so that Water Quality Standards are not violated. Land application shall follow best management practices established in the LWMP for setbacks, buffers, slope restrictions, soil conditions and application on frozen or snow covered ground. Application shall not take place on fields where soil loss exceeds "T".

Part II, N: Manure shall be managed in such a manner as to minimize the need to land apply on frozen or snow covered soils or ground. Every attempt shall be made by the permittee to land apply manure to process wastewater during the spring, summer, and fall.

Mrs. Rodabaugh collected water quality samples during the investigation. The table contains the sample results:

Sample Location	Ammonia, mg/L	Total Phosphorus, mg/L
Upstream in unnamed tributary of South Creek along TR 61	4.25	0.857
Manure in field collector ditch approximately 100 feet from TR 61	19.8	3.25
Mixing point in unnamed tributary along TR 61 with field collector ditch	8.66	1.35
Downstream mixing point in unnamed tributary along TR 61	6.59	0.996

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It should be noted that this manure discharge incident could have been avoided through the use of best management practices (BMPs) for manure application on frozen ground and fields with surface drains. The Ohio Natural Resources Conservation Service (NRCS) Conservation Practice Standard for Waste Utilization (633) outlines BMPs for manure application on frozen/snow covered ground. The maximum application rate is 5,000 gallons per acre. Part of the reason behind this reduced application rate is that frozen soil does not absorb liquids the same as non-frozen soil. This volume restriction applies regardless of manure nutrient concentration.

BMPs are established with the intent to provide manure managers with a set of guidelines that if followed will be protective of water quality. In many manure discharge events, the proper BMPs are not followed. In the future, should you have questions regarding manure application or which BMPs to follow, please contact the Paulding County Soil and Water Conservation District, Ohio EPA or ODA.

As a reminder, your current CAFO NPDES expires on August 31, 2007. A renewal application is required to be submitted within 180 days of this expiration date. Ohio EPA has not received a renewal application. Please complete and submit the enclosed forms as soon as practical. During the permit renewal process, several of the monitoring stations will be deleted from the permit, simplifying the Monthly Operating Report (MOR) submittals. The renewal fee of \$200 must be included.

You should also be aware that your CAFO NPDES permit renewal will require an updated an updated Manure Management Plan that meets the NPDES program requirements. I recommend you begin the plan update process as soon as possible if you have not already done so as this updated plan will be required to be submitted and reviewed with your NPDES permit renewal.

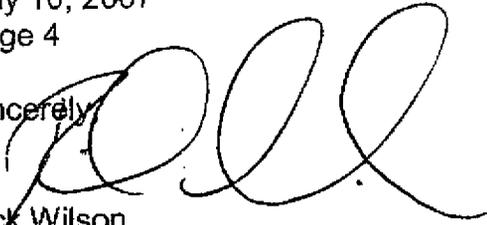
Understand that you could be held liable for further impacts to waters of the State, which may include further degradation of habitat, fish kills, and possibly public health and nuisance complaints. Please note that failure to mitigate potential releases and failure to take the preventative measures as listed above to minimize further impacts to waters of the State could lead to escalated enforcement action from this Agency.

Should you have any questions, comments, or concerns please contact me at 614-644-2032 or rick.wilson@epa.state.oh.us.

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Sincerely,

A handwritten signature in black ink, appearing to read 'Wilson', written over the word 'Sincerely,'.

Rick Wilson

PTI, Compliance Assistance & CAFO Unit
Division of Surface Water

cc: Kevin Elder, ODA-LEPP
Gail Rodabaugh, ODA-LEPP
Rob Hamilton, ODNR-DSWC
Duane Bailey, ODNR, Division of Wildlife