

- Part I, A, 2, b - There shall be no discharge to waters of the State during the process of applying manure to land.
- Part I, A, 2, d - The permittee shall notify Ohio EPA by calling 1-800-282-9378 as soon as possible but no later than 24 hours following the first knowledge of a spill or discharge of pollutants from land applied manure that is not composed of storm water runoff (e.g., tile discharge during dry weather), except as required by Part VII, B for land application on frozen and/or snow covered ground. Immediate notification allows Ohio EPA to assist in clean-up and remediation and may reduce magnitude of environmental impact and extent of permit violations.
- Part II, B - The discharge of manure or other wastes to waters of the State as defined in ORC 6111.01 and which include surface waters, wetlands (not including constructed treatment wetlands), and ditches is prohibited except in compliance with this permit.
- Part II, M - The manure handling equipment shall be effectively maintained and operated at all times so that there is no discharge to waters of the State, except in compliance with Part I, A. In the event that the equipment fails to perform satisfactorily, including the creation of nuisance conditions or failure of an application area to adequately assimilate the manure, the permittee shall take immediate corrective actions including those actions that may be required by Ohio EPA, such as the acquisition of equipment capable of properly applying manure in the proper approved amounts in accordance with this permit.

Manure Management Plan

In accordance with your CAFO NPDES permit Part I, C, 1 – Schedule of Compliance, a updated Manure Management Plan was to be submitted to Ohio EPA for review by October 31, 2006, with the final version to be implemented by December 31, 2006. Ohio EPA has not yet received an updated Manure Management Plan for your dairy facility. This is a violation of your CAFO NPDES permit.

Corrective Actions

1. The practice of disposing of contaminated storm water by pumping onto a field through a hose shall discontinue immediately. Contaminated storm water shall be managed in the same manner as manure, contaminated storm water is included in the definition of manure, and in accordance with your CAFO NPDES permit.
2. Within **30 days** of the date of this letter, an updated Manure Management Plan shall be submitted to this office. The plan shall meet the requirements of your CAFO NPDES permit. The plan shall include a description of contaminated storm water management that addresses appropriate agronomic utilization of the material.

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



State of Ohio Environmental Protection Agency

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January 3, 2011

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Defiance County

CERTIFIED MAIL

91 7108 2133 3937 1504 5811

Paul Vissers and Corinne Joosen
Vissers Dairy, LLC
09711 Breininger Road
Mark Center, OH 43536

Re: **Notice of Violation, Failure to Submit Discharge Monitoring Report**

Dear Paul and Corinne,

Ohio EPA has not received a Discharge Monitoring Report for the following months:

- 1. May, 2010
- 2. November, 2010

Please note that your Concentrated Animal Feeding Operation (CAFO) National Pollutant Discharge Elimination System (NPDES) permit requires collection of water quality samples during the months of **May** and **November**. The results from these samples are due no later than June 15th for the month of May and December 15th for the month of November. Ohio EPA recommends that you have the sampling containers available and review your permit requirements in Part I, B for specific details on sampling location and parameters to be analyzed. Failure to submit sampling data in accordance with your permit is a violation of the permit.

If you have any questions regarding sample collection or submitting the sample results to Ohio EPA, please contact me at 614-728-2397 or at jon.bernstein@epa.state.oh.us.

Sincerely,

Jon Bernstein
PTI, Compliance Assistance & CAFO Unit
Division of Surface Water

cc: Kevin Elder, ODA-LEPP

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

