

James and Mary Wenning
November 14, 2007
Page Two

Part III, D. of your NPDES permit describes the actions to be taken should you fail to meet any date in your schedule of compliance. The language from your permit is displayed below:

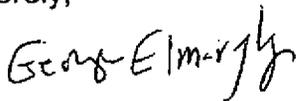
"If the permittee is unable to meet any date for achieving an event, as specified in the schedule of compliance, the permittee shall submit a written report to the appropriate district office of the Ohio EPA within 14 days of becoming aware of such situation. The report shall include the following:

1. The compliance event which has been or will be violated;
2. The cause of the violation;
3. The remedial action being taken;
4. The probable date by which compliance will occur; and
5. The probability of complying with subsequent and final events as scheduled."

Ohio EPA did not receive a written report from you as stated above. You are now more than **12 months** late in submitting the required documents to Ohio EPA. Please note that failure to meet Schedule of Compliance deadlines is a violation of your NPDES permit and is subject to enforcement action by this Agency. To avoid more severe enforcement actions, you must submit an updated MMP to Ohio EPA within **21 days** of receipt of this letter.

Should you have any questions and/or comments, please contact Cathy Alexander at 614-644-2021 or via email at cathy.alexander@epa.state.oh.us or Jon Bernstein at 614-728-2397 or via email jon.bernstein@epa.state.oh.us.

Sincerely,



George Elmaraghy, P.E., Chief
Division of Surface Water

cc: Kevin Elder, Ohio Department of Agriculture-LEPP
Rob Hamilton, Ohio Department of Natural Resources-DSWC
Cathy Alexander, Division of Surface Water
Jon Bernstein, Division of Surface Water



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

July 20, 2011

2IK00009*BD
Mercer County

CERTIFIED MAIL

Jim Wenning
Wenning Poultry Farm
1500 Union City Road
Ft. Recovery, Ohio 45846

**Re: Notice of Violation, Failure to Submit Discharge Monitoring Report and
Failure to Meet Schedule of Compliance Item**

Dear Mr. Wenning,

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

1. May, 2008
2. November, 2008
3. May, 2009
4. May, 2010
5. November, 2010
6. May, 2011

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 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.*

Part I, C. of your CAFO NPDES permit requires that you submit documentation to Ohio EPA demonstrating that you have signed up for the electronic Discharge Monitoring Report (e-DMR) system. To date, no such notification has been received by Ohio EPA.

Part I, C, 1, A. of your CAFO NPDES permit is displayed below:

Part I, C - SCHEDULE OF COMPLIANCE

1. MANURE MANAGEMENT PLAN

A. As soon as possible, but no later than June 1, 2011, Wenning Poultry Farm shall submit documentation to Ohio EPA, Division of Surface Water which demonstrates that it has signed up for the electronic Discharge Monitoring Report (e-DMR) system in order to report results of monitoring required by Part I, B of this permit. (Event Code 1299)

Within 15 days of receipt of this letter, please perform the following actions:

1. Complete the sign-up process for the e-DMR system.
2. Submit the Discharge Monitoring Reports which are listed on Page 1 of this letter.

Failure to respond to this Notice of Violation will result in escalated enforcement action being initiated against Wenning Poultry Farm

Should you have any questions or concerns, feel free to 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