



**Environmental
Protection Agency**

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

January 26, 2011

Henry County
2IK00039*AD

CERTIFIED MAIL

Ted and Kent Sonnenberg
Sun Mountain Dairy, LLC
H-361 County Road 14
Holgate, OH 43527

Re: Notice of Violation, Discharge from Sun Mountain Dairy

Gentlemen,

This Office is aware of a dry weather discharge of manure which occurred at Sun Mountain Dairy, LLC on January 9, 2011. A flume was plugged by a cow and manure discharged out of a freestall barn and into the clean water ditch at the facility. Manure was subsequently transported to an unnamed tributary of North Powell Creek. The discharge is in violation of your Concentrated Animal Feeding Operation (CAFO) National Pollutant Discharge Elimination System (NPDES) permit.

Corrective action was taken by the dairy in that clay dams were installed in front of and behind the manure spill in order to contain the manure and to assist in pumping. Manure directly adjacent to the facility was stated to have been too thick to pump. Therefore, you stated that this manure was to be scraped out of the ditch with a pay loader and placed on a drying pad at the facility. New gates have been installed in the barn and the flume has been sealed outside of the barn in order to prevent a reoccurrence of the incident.

You contacted Mark Fritz of the Ohio Department of Agriculture, Livestock Environmental Permitting Program (ODA-LEPP) for assistance during the afternoon of January 9, 2011. Please note that your CAFO NPDES permit requires that you contact the Ohio EPA Spill Hotline (1-800-282-9378) within 24 hours of a spill occurring from the production area of your facility or from land application.

Violations of NPDES Permit 2IK00039*AD:

Part I, A, 1, a.

Beginning on the effective date of this permit, there shall be no discharge of manure from the production area to waters of the State, except that pollutants in an overflow may be discharged when a 25-year, 24-hour storm event (or greater) or a chronic rainfall event causes an overflow from the production area, which is properly designed, constructed, operated, and maintained to contain manure, direct precipitation, and the runoff from a 25-year, 24-hour rainfall event, and the production area is operated in compliance with the additional measures and records required in Part II and Part VII. If an overflow occurs in compliance with the previous sentence, Ohio Water Quality Standards shall not be exceeded in the receiving water of the State. Any overflow that occurs in accordance with the above shall be noted in the operating records for the facility. In order for the permittee to use this discharge exception, the permittee must provide documentation that establishes the conditions necessary to meet the exception.

Part I, A, 1, b.

Dry weather discharges of manure are prohibited from production and land application areas.

Part I, A, 1, e.

If a spill, discharge or overflow of manure occurs at any time from the production area to waters of the State, the permittee shall collect and analyze grab samples from each spill, discharge or overflow for the following list of parameters:

00310 - Biochemical Oxygen Demand, 5 Day (BOD5) - mg/l

00610 - Nitrogen, Ammonia (NH3) - mg/l

00665 - Phosphorus, Total (P) - mg/l

(Note: units of mg/l)

The permittee shall: (a) collect the sample within 30 minutes of the first knowledge of the spill, discharge, or overflow; or (b) if sampling in that period is inappropriate due to dangerous weather conditions, collect the sample as soon as possible after suitable conditions occur, and document the reason for delay.

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 the spill, discharge, or overflow. Immediate notification allows Ohio EPA to assist in clean-up and remediation efforts and may reduce magnitude of environmental impact and extent of permit violations.

The permittee shall report the results of the spill, discharge, or overflow sample to Ohio EPA, Central Office, Division of Surface Water, within 14 days of occurrence. The report shall, at a minimum, contain the sample results of the aforementioned parameters, describe the reason for the spill, discharge, or overflow,

the location, estimate of quantity and duration of the spill, discharge, or overflow, quantity and duration of the precipitation leading up to the event, as well as any measures taken to clean up and eliminate the spill, discharge, or overflow and prevent reoccurrence of the spill, discharge or overflow. See Part III, 12 and Part VII, Production Area Requirements.

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, H.

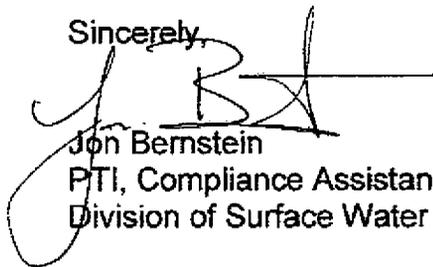
The permittee shall be responsible for proper operation and maintenance of the manure storage, treatment, or disposal system.

Actions Required

1. Ensure that all liquid and solid manure is removed from the clean water ditch and unnamed tributary of North Powell Creek prior to removing the clay dams.
2. If needed, reseed any grassy areas impacted by manure.
3. Update your emergency response plan to include the Ohio EPA Spill Hotline Number. Train employees on the proper protocol to follow in the event of a spill.
4. Submit to Ohio EPA the results of the water quality sample collected from the spill as soon as the results are available.

Should you have any questions or concerns regarding this letter, feel free to contact me at 614-728-2397 or via email at jon.bernstein@epa.state.oh.us.

Sincerely,



Jon Bernstein

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

cc: Kevin Elder, ODA-LEPP