



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center  
50 W. Town St., Suite 700  
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184  
www.epa.state.oh.us

MAILING ADDRESS:

P.O. Box 1049  
Columbus, OH 43216-1049

June 23, 2010

Wood County  
21K00023\*AD

**CERTIFIED MAIL**

Walter Manders  
Manders Dairy LLC  
11190 Range Line Road  
Weston, Ohio 43569-9694

Re: Notice of Violation, Schedule of Compliance Item and Water Quality  
Sampling

Dear Mr. Manders,

Your Concentrated Animal Feeding Operation (CAFO) National Pollutant Discharge Elimination System (NPDES) permit was issued on February 4, 2010, and became effective on March 1, 2010. The intent of this letter is to notify you of violations of your permit and to request information which is required by your permit.

Part I, B. of your CAFO NPDES permit describes water quality sampling that you are required to conduct. You are currently required to collect samples of your non-contact cooling water discharge twice per year, during the months of May and November, when non-contact cooling water is discharged into the unnamed tributary of West Branch Tontogany Creek. In the absence of a discharge during the months of May or November, you are still required to report to Ohio EPA that there was no discharge of non-contact cooling water. The parameters to be monitored include water temperature, flow rate, and pH.

Part I, C. (page 15) of your CAFO NPDES permit describes the Schedule of Compliance. The Schedule sets deadlines for you to submit information which is used towards updating your Manure Management Plan. The first item in the Schedule required that you submit to Ohio EPA the most recent soil tests for fields used for land application of manure by Manders Dairy. The soil tests were to be submitted to Ohio EPA by May 1, 2010. To date, the soil tests required to be submitted to Ohio EPA have not been received by Ohio EPA.

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

**Violations of permit 2IK00023\*AD:**

**Part I, B. - MONITORING REQUIREMENTS**

1. Non-contact Cooling Water Monitoring. During the period beginning on the effective date of this permit and lasting until the completion of construction activities and expansion of operations in accordance with the Permit-to-Install issued by the Ohio Department of Agriculture (ODA) on July 13, 2009, the permittee shall monitor the Non-contact Cooling Water Outfall at Station Number 2IK00023601, and report to the Ohio EPA in accordance with the following table. See Part I, A, 5 for location of sampling.

**Part I,C,1,A,(1)** As soon as possible but no later than May 1, 2010, Manders Dairy LLC shall submit to Ohio EPA, Central Office, Division of Surface Water the results of the most recent soil tests for the fields used for land application of manure by Manders Dairy LLC and which are listed within the Manure Management Plan utilized by Manders Dairy LLC.

**Within 14 days of receipt of this letter, please submit the results of your non-contact cooling water monitoring and the most recent soil tests for all of your manure application fields.** Should you not have this information, please provide a written explanation as to why this information is not available. Soil tests or your explanation regarding lack of information provided to Ohio EPA can be sent to the following address:

Ohio EPA, Division of Surface Water  
Attn: Jon Bernstein  
P.O. Box 1049  
Columbus, OH 43216-1049

The results of your non-contact cooling water sampling should be submitted through Ohio EPA's electronic discharge monitoring report submission system (e-DMR). Information on e-DMR can be found at the web site below.

<http://www.epa.ohio.gov/dsw/edmr/eDMR.aspx>

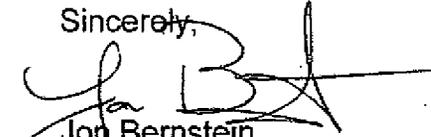
Manders Dairy LLC

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Please note that if you continue to miss deadlines which are set in your CAFO NPDES permit then you may face escalated enforcement action from Ohio EPA.

Should you have any questions and/or concerns, please contact me at 614-728-2397 or at [jon.bernstein@epa.state.oh.us](mailto:jon.bernstein@epa.state.oh.us).

Sincerely,



Jon Bernstein

PTI, Compliance Assistance & CAFO Unit  
Division of Surface Water

cc: Kevin Elder, ODA-LEPP  
Jenny Davison, U.S. EPA- Region 5