



State of Ohio Environmental Protection Agency

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

April 15, 2008

Henry County
2IK00039*AD

CERTIFIED MAIL

Maple Grove Dairy
Rinke Oenema
18377 CR B
New Bavaria, Ohio 43548

Re: Notice of Violation and Reminder of NPDES Permit Requirements

Dear Rinke:

This letter is a follow-up to the visit that Jon Bernstein, Ohio EPA Division of Surface of Water, made to your facility on April 9, 2008. The visit was in response to an anonymous call stating that land application of manure from your facility was occurring when rain was forecast for the next day. The visit was also conducted in order to determine what progress had been made in developing a complete Manure Management Plan (MMP).

According to your manure application records, on April 7, 2008 you land applied 600,000 gallons of manure by dragline to 157.9 acres. On April 8, 2008 you were in the process of moving equipment and land applied 10,000 gallons of manure to the same 157.9 acres. A tile outlet check was performed after land application and no problems were observed. From your weather records, there was a 60% chance of rain forecasted for Wednesday, April 9, 2008.

Upon investigation of the field used for manure application, many areas of ponded manure were observed. This indicated that the ground may have been saturated at the time of application. You stated that approximately one to two inches of topsoil was dry while underneath that was mostly wet. According to the most recent Manure Management Plan on file with Ohio EPA, the field used for land application is composed of the Latty soil type. Ohio Department of Agriculture Appendix A, Table 1 of Rule 901:10-2-14 lists soils prone to flooding. According to this table, the Latty soil is prone to flooding between January and May.

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

April 15, 2008

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Part VII, B, 2, c. of your NPDES permit states:

"For fields that are prone to flooding, floodplains, or floodways, manure must be injected or incorporated within 24 hours of application. No manure application shall occur during periods of expected flooding. See USDA, NRCS Field Office Technical Guide."

Part VII, B, 2, d. of your NPDES permit states:

"Land application of manure shall not cause ponding or runoff. For liquid manure applications, the land application shall not exceed the available water capacity in the upper eight inches of the soil in the application field."

Based upon my observations, you are in violation of these two conditions of your permit. The manure was not injected or incorporated over most of the acreage used for land application. The manure application occurred in April, which is during the period of expected flooding for the Latty soil type. Finally, the land application of manure caused ponding over many areas of the field.

You are also out of compliance in regards to submitting a complete Manure Management Plan. According to Part I,C. of your NPDES permit, a final version of your Manure Management Plan was to have been implemented by October 1, 2007. Ohio EPA has still not received a final MMP for your facility.

Please submit a progress update on your final Manure Management Plan within **30** days of receipt of this letter.

You should make sure to pay close attention to your NPDES permit requirements during any future land application activities. Please note that continued violations of your NPDES permit may lead to escalated enforcement action from this Agency.

As a reminder, **Part VII, B, 2, e.** of your NPDES permit states that land application of manure shall not occur if the forecast contains a greater than 50% chance of precipitation for any individual hour, for a period extending 24 hours after commencement of land application. Please take great care to follow this condition of your permit in the future.

April 15, 2008

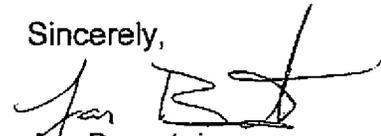
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The progress update should be sent to my attention at the following address:

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

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

Sincerely,



Jon Bernstein

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

cc: Kevin Elder, ODA-LEPP
Bob George, Henry County SWCD