



State of Ohio Environmental Protection Agency

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March 23, 2009

**CERTIFIED MAIL**

Steve Bliesner  
New Day Farms, LLC  
Ohio Office  
27322 St. Rt. 739  
Raymond, Ohio 43067

Re: Notice of Violations of Ohio EPA General Permit for New Day Farms, Farm 3 and Individual Permit for New Day Farms, Mad River Egg Farm

Dear Mr. Bliesner:

This correspondence is being sent to you as an official notice to describe violations of National Pollutant Discharge Elimination System (NPDES) permits 4IK00005\*CD and 4GA00002\*AG resulting from failure to maintain adequate freeboard in the egg wash water ponds at New Day Farms' Mad River Egg Farm and Farm 3 facilities.

Ohio Department of Agriculture (ODA) inspector Chris Rodabaugh conducted inspections of the Farm 3 and Mad River Egg Farm facilities on March 11, 2009. During his inspections, Mr. Rodabaugh noted that the egg wash water ponds at both facilities were above freeboard. Maintenance of adequate freeboard is required by both your ODA Review Compliance Certificates and your Ohio EPA NPDES permits. Please see below for conditions from your NPDES permits that were violated.

*Violations of Permit 4IK00005\*CD:*

**Part II., P.** For structures containing manure with less than 20% total solids and exposed to precipitation, a minimum freeboard of one foot must be maintained at all times. This is in addition to the capacity needed to contain direct precipitation and runoff from the 25-year, 24-hour storm. These structures must be equipped with a depth marker which clearly indicates the minimum capacity to contain the runoff and precipitation of the 25-year, 24-hour storm event. See Part VII, Production Area Requirements.

*Violations of Permit 4GA00002\*AG*

**Part IV., D.** For structures containing manure with less than 20% total solids and exposed to precipitation, a minimum freeboard of one foot must be maintained at all times. This is in addition to the capacity needed to contain direct precipitation and runoff from the 25-year, 24-hour storm or, for CAFOs subject to Part III, A, 1, b, the 100-year, 24-hour storm. These structures must be equipped with a depth marker which clearly indicates the minimum capacity to contain the runoff and precipitation of the 25-year, 24-hour storm event, or where applicable, the 100-year, 24-hour storm event.

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

We are aware that you have made some changes to operations at the Mad River and Farm 3 facilities and that you are currently breaking eggs onsite. This has resulted in a larger volume of water being used for egg washing procedures. A consequence of this action is that you are now producing a larger volume of nutrient-laden waste water than your Nutrient Management Plans (NMPs) account for. As such, we request that you provide updated NMPs for the Farm 3 and Mad River facilities within **3 months** of receipt of this letter. We encourage you to look for more fields for land application of the egg wash water as part of the NMP updates.

We are also aware that you are currently working with the ODA on a possible Major Operational Change (MOC) for the Farm 3 facility. As we understand it, implementation of the MOC would provide Farm 3 with increased storage capacity and would help relieve New Day Farms of some of the difficulties it has had in regards to egg wash water management. We would appreciate it if you would copy our office on any correspondence with ODA concerning either the MOC or any corrective actions that will be required of you in order to maintain compliance with your ODA RCC's and your Ohio EPA NPDES permits.

Please be sure to pay close attention to your NPDES permit requirements in the future. Also, please be aware that continued violations of your NPDES permits may lead to escalated enforcement action from this Agency.

Should you have any questions, comments, or concerns, feel free to contact me at (614) 644-2021 or via email at [cathy.alexander@epa.state.oh.us](mailto:cathy.alexander@epa.state.oh.us) or you may contact Jon Bernstein at (614) 728-2397 or at [jon.bernstein@epa.state.oh.us](mailto:jon.bernstein@epa.state.oh.us).

Sincerely,



Cathy Alexander, Supervisor  
PTI, Compliance Assistance, & CAFO Unit  
Division of Surface Water

cc: Mark Meyer, New Day Farms LLC  
Kevin Elder, ODA-LEPP