



State of Ohio Environmental Protection Agency

STREET ADDRESS:

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MAILING ADDRESS:

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

May 5, 2008

Van Wert County  
2IK00037\*AD

Mr. Wallace Armstrong  
Blue Stream Farms, LLC  
3242 Mentzer Church Road  
Convoy, OH 45832

**CERTIFIED MAIL**

Re: Notice of Violation - Manure Spill in Sponseller Ditch and Blue Creek

Dear Mr. Armstrong:

This letter is a follow up to the visit that Jon Bernstein, Ohio EPA Division of Surface Water, made to Blue Stream Farms and the surrounding area on Thursday, April 24, 2008. The visit was in response to a manure spill in Sponseller Ditch which you reported to Ohio EPA on April 23, 2008. The discharge of manure to Sponseller Ditch also led to a fish kill. Mark Weihrauch, Ohio Department of Natural Resources, Division of Wildlife, and other wildlife officers were also present in the area and conducted a fish kill count. At the time of the visit, it was determined that multiple violations of the CAFO NPDES permit had occurred and there was a fish kill in Sponseller Ditch.

Manure was applied to a field bordering the Blue Stream Farms facility on April 22, 2008. On the evening of April 23, 2008 you observed that manure was entering Sponseller Ditch from a field tile. Manure also appeared to be seeping through the gravel and soil surrounding the field tile. From observations at the site, it appears that there may have been an unmapped tile main which served as a conduit for manure to exit the application field.

Sponseller Ditch was dammed with soil at Feasby-Wisener Road to contain the discharge. Manure was found downstream of the dam and also entered Blue Creek. A sucker wagon was employed at Klinger Road in an effort to pump out manure-contaminated water.

At this time, there appears to be inadequate acreage available for the land application of manure from the Blue Stream Farms facility. You relayed information to Jon Bernstein which suggests that a majority of the land application of manure occurs on the field from which the discharge occurred. The lack of availability of other fields for land application may be leading to a nutrient buildup in this field. This is also having an impact on the maintenance of adequate storage in the manure storage lagoon.

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

May 5, 2008

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This is not a complete list of violations or problems. A more detailed letter will soon follow that outlines the exact permit and rule violations. At this time, you need to immediately take the following actions:

- Provide a report on the manure spill which provides a summary of corrective actions taken and which details actions to be taken in the future to prevent a recurrence of the incident.
- Provide a status update and action plan for the Blue Stream Farms Manure Management Plan (MMP). Rick Wilson sent Blue Stream Farms (Olsthoom Dairy) a Notice of Violation (NOV) on September 27, 2007. Progress on development of a MMP was requested in the letter. The NOV has been included with this letter. No response has been received to date.
- As part of the action plan you should also provide a description of how manure will be managed in the interim until sufficient acreage can be obtained for the land application of manure.
- Do not apply manure to the field from which the discharge occurred until an investigation of field tiles has been completed. The investigation should entail mapping out any tiles in this field and possibly repairing or plugging any problem tiles.

Please provide the requested information within **21 days** of receipt of this letter. The report should be submitted to my attention at the following address:

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

Should you have any questions and/or concerns, please 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 via email 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: Nico Olsthoom  
Kevin Elder, ODA-LEPP  
Mark Weihrauch, ODNR, Division of Wildlife  
Monte Tucker, Vreba-Hoff Dairy Development