



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

January 5, 2011

Madison County  
4IK00026\*AD

**CERTIFIED MAIL**

Rising Sun Dairy  
c/o Pieter Assen  
8500 Yankeetown-Chenoweth Road  
London, Ohio 43140

Re: Notice of Violation, NPDES Permit Renewal for Rising Sun Dairy

Dear Mr. Assen,

Your Concentrated Animal Feeding Operation (CAFO) National Pollutant Discharge Elimination System (NPDES) permit expires on May 31, 2011. The NPDES permit requires that you submit an application for renewal of the permit at least 180 days prior to its expiration. You are currently in violation of this requirement.

It is my understanding that your consultant, Enviro-Ag Engineering, is preparing the CAFO NPDES permit application for you. Ohio EPA, Division of Surface Water requests that you submit an application for renewal of the CAFO NPDES permit for Rising Sun Dairy (including Manure Management Plan and check for \$200 made payable to "Treasurer, State of Ohio") within 15 days of receipt of this letter. The completed CAFO NPDES permit application should be submitted to the following address:

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

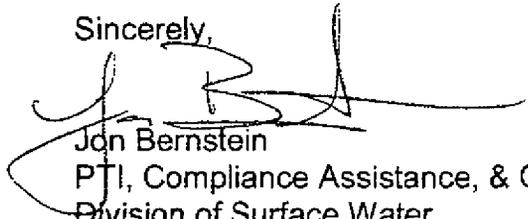
Please submit the completed CAFO NPDES permit application **within 15 days of receipt of this letter.**

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

Rising Sun Dairy  
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Should you have any questions 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



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MAILING ADDRESS:

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

June 11, 2010

Madison County  
4IK00026\*AD

**CERTIFIED MAIL**

Rising Sun Dairy  
c/o Pieter Assen  
8500 Yankeetown-Chenoweth Road  
London, Ohio 43140

Re: Notice of Violation, Manure Discharges to Madden-Higgins Ditch

Dear Mr. Assen,

This letter documents manure discharges associated with land-applied manure from Rising Sun (Assen) Dairy. A remedial response and investigation was conducted between April 2, 2010, and April 6, 2010. The manure discharges impacted several miles of a tributary to Bradford Creek and also caused a fish kill. The Ohio Department of Natural Resources, Division of Wildlife (ODNR, DOW) determined that approximately 396 fish and aquatic animals were killed as a result of the manure discharges.

On March 31, 2010, and April 1, 2010, manure from Rising Sun Dairy was applied to the 86 acre "Member Housing" field. The field is northeast of the intersection of Yankeetown-Chenoweth Road and Madden-Higgins Road. You have stated that the Member Housing field only has one tile; the tile passes underneath Madden-Higgins Road and connects with a main tile in the "Miller" field which discharges to Madden-Higgins Ditch. During a 3:00 p.m. (April 1) inspection of the main tile outlet, you noted that the discharge from the tile was discolored. At this point, the tile was plugged. As contaminated water continued to get around the tile, you decided to excavate and smash the tile in two locations upstream of the tile outlet.

On April 3, 2010, manure from Rising Sun Dairy was applied to the 110 acre Miller field beginning at 4:00 a.m. The field is southeast of the intersection of Yankeetown-Chenoweth Road and Madden-Higgins Road. You estimated that approximately 80 acres of the field were applied to before the application was stopped. During a field tile inspection at 10:00 a.m., you noted a slight discoloration in the discharge of two tiles. The tiles were then plugged. During a 3:00 p.m. tile inspection, you noted that the "condition in the ditch is unacceptable". The manure application was stopped at this time. At about 5:00 p.m., a soil dam was installed in the ditch and you began to pump contaminated

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water from the ditch. ODNR Wildlife Officer Roger Niese arrived in the area around this time.

On April 4, 2010, investigators from the Ohio Department of Agriculture (Jim Young), ODNR, DOW (Leighland Arehart and Kirk Kiefer), and the Ohio EPA (Wes Drake) arrived in order to respond to the release and to begin to document the manure release. Water quality samples were collected and field tests were performed during the response. ODNR investigators also conducted an interview with you and Johannes Assen.

At approximately 9:30 a.m. on April 5, 2010, I (Jon Bernstein, Ohio EPA, Division of Surface Water) arrived at the Madden-Higgins Ditch to assist in the response and investigation. Leighland Arehart, ODNR, was already onsite when I arrived. You and ODNR Wildlife Officer Roger Niese arrived onsite shortly thereafter. Excavating equipment was set to arrive in the afternoon so that the main tile area could be excavated. I collected several water quality samples from Madden-Higgins Ditch between 11:30 a.m. and 12:05 p.m. The results of the samples are displayed in Tables 1 through 4.

Table 1. Sample collected 20 feet upstream of discharging tile

<b>Parameter</b>	<b>Result</b>	<b>Units</b>
BOD <sub>5</sub>	<2.0	mg/L
Ammonia	<0.050	mg/L
Nitrate+Nitrite	9.44	mg/L
Total Kjeldahl Nitrogen	0.34	mg/L
Total Phosphorus	0.020	mg/L

Table 2. Sample collected directly from discharging tile

<b>Parameter</b>	<b>Result</b>	<b>Units</b>
BOD <sub>5</sub>	400	mg/L
Ammonia	3.94	mg/L
Nitrate+Nitrite	3.48	mg/L
Total Kjeldahl Nitrogen	28.2	mg/L
Total Phosphorus	3.08	mg/L

Table 3. Sample collected from mixing zone of tile discharge

<b>Parameter</b>	<b>Result</b>	<b>Units</b>
BOD <sub>5</sub>	250	mg/L
Ammonia	3.79	mg/L
Nitrate+Nitrite	4.54	mg/L
Total Kjeldahl Nitrogen	22.9	mg/L
Total Phosphorus	2.76	mg/L