



State of Ohio Environmental Protection Agency

STREET ADDRESS:

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

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MAILING ADDRESS:

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

June 15, 2007

Hardin County

CERTIFIED MAIL

Craig Geberin
C&G Farms LLC
7431 Township Road 105
Kenton, Ohio 43326

Re: Notice of Violation

Dear Mr. Geberin:

On April 4, 2007, Ohio EPA, Division of Surface Water was notified of a manure discharge into waters of the State from your swine facility. Rick Wilson with Ohio EPA, Ryan Kennedy with Ohio Department of Natural Resources, Division of Wildlife (ODNR-DOW), and Jim Abrams with Hardin County Soil and Water Conservation District (SWCD) investigated the incident. The following letter details the findings and outlines corrective actions required by Ohio EPA.

Background

During the inspection, you indicated that the manure storage pit of the North Barn had been overflowing for about a month. The overflowed manure entered the roadside drainageway that is a tributary to Fourmile Run, a tributary of Cessna Creek. The barn was emptied of swine and power washed (this power washing most likely caused the manure slug that resulted in a fish kill noted several days earlier). You mentioned the inflow of clean water into the manure storage pit is a problem as it reduces the manure storage volume.

Mr. Wilson collected a water quality sample of the manure discharge in the roadside drainageway. Mr. Wilson transferred the sample to the Ohio EPA laboratory for analysis. The samples results are:

Ammonia – 2260 mg/L
Nitrate+nitrite – 2.97 mg/L
Total Phosphorus – 61.4 mg/L

Please note that the ammonia level in this sample greatly exceeds Ohio's Water Quality Standards in Ohio Administrative Code Chapter 3745-1-07 for the

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

protection of aquatic life. Ammonia concentrations higher than 13 mg/L in surface waters are likely to cause acute (immediate) impacts to aquatic life.

Findings

As a result of this incident, you are in violation of the following State regulations:

1. Ohio Revised Code 6111.04(A)(1)
No person shall cause pollution or place or cause to be placed any sewage, sludge, sludge materials, industrial waste, or other wastes in a location where they cause pollution of any waters of the State.
2. Ohio Administrative Code 3745-1-04(C) and (D)
The following general water quality criteria shall apply to all surface waters of the State including mixing zones. To every extent practical and possible as determined by the Director, these waters shall be:
 - (C) Free from materials entering the waters as a result of human activity producing color, odor or other conditions in such a degree as to create a nuisance.
 - (D) Free from substances entering the waters as a result of human activity in concentrations that are toxic or harmful to human, animal or aquatic life and/or are rapidly lethal in the mixing zone.
3. Ohio Administrative Code 3745-33-02(A)
No person may discharge any pollutant or cause, permit, or allow a discharge of any pollutant without applying for and obtaining an Ohio NPDES- permit in accordance with the requirements of this Chapter, 3745-33.

Corrective Actions

At this time, Ohio EPA requires that the following corrective actions be taken by you to prevent additional discharges of manure into waters of the State:

1. Please provide a response to the following items requested in an email sent to you on April 5, 2007:
 - Please provide the date swine were removed from the North Barn
 - Please provide the date of power washing
 - Please provide the manure hauling records from the past week (last week of March to first week of April) by fax or email to my attention
 - Please, as soon as possible, seek assistance to improve the barn pump ports in order to eliminate the inflow of clean water

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- Please notify me when manure is removed from the full North Barn, through transfer to either the South Barn or land application under proper conditions. Please send records that indicate the amount removed and how the manure was managed. See the enclosed recommended record keeping form.
2. As mentioned in the above referenced email, Ohio EPA intends to begin processing your Concentrated Animal Feeding Operation (CAFO) National Pollutant Discharge Elimination System (NPDES) permit. A copy of your permit application is enclosed. Please review the application and notify me if any information requires update and/or revision.

Your NPDES permit will contain a Schedule of Compliance to eliminate the factors that lead to this discharge incident. This may include re-grading, re-directing storm water, increasing manure storage, changing crop rotations to open manure application window, etc. We intend to work with you to establish the list of actions items and set reasonable timelines for project completion.

Depending on the timeline established, Ohio EPA may shorten the standard permit length from five years to three years. Then at the end of the permit length, Ohio EPA may evaluate facility improvements and compliance in deciding whether regulation under the NPDES permit is still necessary for your facility.

3. Please submit a copy of your current Manure Management Plan. Your NPDES permit will require that your current Manure Management Plan be updated to meet the requirements of the permit. Upon review of your current plan, I can assist in determining the sections that may require update.

Please submit the above requested items to the following address:
Cathy Alexander, Ohio EPA, Division of Surface Water, P.O. Box 1049,
Columbus, Ohio 43216-1049.

This office will become very concerned about continued illegal discharges to waters of the State should a new group of swine arrive before manure is transferred or land applied from the North Barn.

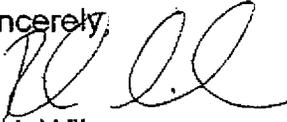
Understand that you could be held liable for further impacts to waters of the State, which may include further degradation of habitat, fish kills, and possible public health and nuisance complaints. Please note that failure to mitigate potential releases and failure to take the preventative measures as listed above to minimize further impacts to waters of the State will lead to escalated enforcement actions from this Agency.

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Should you have any questions, comments, or concerns please contact me at 614-644-2032 or via email at rick.wilson@epa.state.oh.us.

Sincerely,



Rick Wilson
PTI, Compliance Assistance & CAFO Unit
Division of Surface Water

cc: Kevin Elder, ODA-LEPP
Rob Hamilton, ODNR-DSWC
Hardin County SWCD
Ryan Kennedy, ODNR-DOW