



Environmental
Protection Agency
John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

October 17, 2011

Clark County

CERTIFIED MAIL

Ted VanRaay
VanRaay Dairy, LLC
12471 Thomas Road
South Charleston, Ohio 45368

Re: Notice of Violation, Land Application Discharge on August 12, 2011

Dear Mr. VanRaay,

On August 12, 2011, a complaint regarding a manure discharge attributed to land application of manure from VanRaay Dairy was received by the Ohio Department of Agriculture, Livestock Environmental Permitting Program (ODA, LEPP). The complaint was investigated by Christine Pence of ODA, LEPP on August 12 and 13.

Upon investigation, it was found that land application of manure from VanRaay Dairy contributed to a manure discharge to Wilson Ditch and Lisbon Fork (a tributary of Little Miami River). Manure had been applied to a crop field on Stewart Road near State Route 54. Manure had been applied by a custom manure applicator (L.B. Farms), however ODA determined that the manure application was not considered distribution and utilization.

Water quality standards were violated in at least two of the water quality samples collected downstream of the discharge point. Please note that while the water quality standard for ammonia depends on temperature and pH, the standard is never higher than 13 mg/L. Concentrations of ammonia above 13 mg/L are considered to be acutely toxic to aquatic wildlife. The results of two of the samples collected by Ms. Pence are listed below:

Table 1. Results of water quality samples collected from manure discharge

Sample Location	Ammonia	Nitrate-Nitrite	TKN	Total Phosphorus	Units
DS application field/US Woosley Road	150	3.10	160	15.2	mg/L
DS application field at McNally Property	407	3.34	427	20.4	mg/L

Please be aware that the discharge described above is a violation of the following state regulations:

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.

At this time, you must submit an application for a Concentrated Animal Feeding Operation (CAFO) National Pollutant Discharge Elimination System (NPDES) permit. A Manure Management Plan must be included with the application. An application has been included with this letter.

Within **30 days** of receipt of this letter, please submit a complete CAFO NPDES permit application to my attention at:

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

Please note that the severity of this event makes it likely that formal enforcement will follow this letter.

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

Sincerely,



Jon Bernstein
PTI, Compliance Assistance, & CAFO Unit
Division of Surface Water

cc: Kevin Elder, ODA-LEPP
Kirk Hines, ODNR-DSWR
Clark SWCD