



State of Ohio Environmental Protection Agency

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January 25, 2007

Wood County
2IK00019*AD

CERTIFIED MAIL

Reyskens Dairy, LLC
Mark van de Heijning
19480 Cygnet Road
Custar, OH 43511

Re: Notice of Violation

On January 11, 2007, Ohio EPA, Division of Surface Water (DSW) received a citizen complaint regarding alleged illegal discharges from your dairy facility. On January 12, 2007, Pat Tebbe with Ohio EPA, DSW Northwest District Office investigated the complaint. Mr. Chris Rodabaugh with Ohio Department of Agriculture, Livestock Environmental Permitting Program (ODA, LEPP) also investigated.

During the inspection, Mrs. Tebbe observed contaminated storm water from the production area entering the storm water detention basin. This storm water detention basin was designed to collect construction storm water and allow sediment to settle out prior to overflow and discharge into waters of the State. The storm water detention pond is not designed to collect production area contaminated storm water (storm water in contact with manure, silage, etc.).

Rick Wilson with Ohio EPA, DSW identified concern over the silage leachate containment system design during a previous visit on December 7, 2007. Since a discharge from this system was observed, it is clear that the current design for directing production area runoff to non-discharging storage ponds is not acceptable and a containment solution must be developed and implemented. The specific areas of concern include the east end of the concrete where discussions indicate the likelihood of run off bypassing the manure storage basins and flowing off the driveway on the north and east side of the freestall barns, just north of the concrete basin, and a conveyance from next to the southeast corner of the silage pad.

The discharge of contaminated storm water is a violation of state and federal regulations. Ohio EPA is in the process of finalizing preparations for a decision regarding issuance of a Concentrated Animal Feeding Operation (CAFO) National Pollutant Discharge Elimination System (NPDES) permit for your dairy facility. However, the occurrence of and the potential for future occurrence of

Ted Strickland, Governor

Lee Fisher, Lieutenant Governor

Laura H. Powell, Acting Director

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facility. However, the occurrence of and the potential for future occurrence of production area discharges indicates that your facility is not properly designed to prevent the discharge of manure or contaminated storm water to waters of the State as the permit (as drafted) and federal CAFO regulations require. Therefore the following corrective actions shall be implemented:

1. A temporary method for prevention of discharge shall be developed and implemented as soon as possible. This may include the installation of an impermeable barrier to prevent production area runoff from discharging to waters of the State. This shall be accomplished within **five (5) days** of receipt of this letter. Written notification indicating what measures were implemented and when shall be submitted to this office upon completion.
2. A plan to permanently prevent the discharge of contaminated storm water shall be developed and a timeline for completing installation of such long-term production area containment solution must be provided within **30 days** from receipt of this letter. All silage leachate and contaminated water must be contained from the southeast corner of the silage pad. The berm at the end of the concrete driveway, north of the sand basin and southeast of the silage pad, must be raised to prevent overflow during periods of high flow production area run off. This plan may require authorization from the Ohio Department of Agriculture prior to implementation. You must forward this plan to both Ohio EPA and ODA-LEPP for review once complete.
3. As required in a previous letter dated October 4, 2006 (attached), a revised Manure Management Plan shall be submitted within **30 days** of the receipt of this letter.

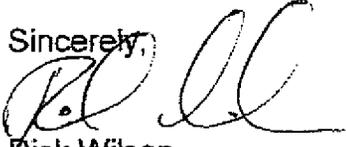
Understand that you could be held liable for further impacts to waters of the State, which may include further degradation of habitat, fish kills, and possibly public health and nuisance complaints. Please note that failure to mitigate potential releases and failure to take the preventative measures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

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.

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Sincerely,


Rick Wilson

Division of Surface Water

cc: Kevin Elder, ODA-LEPP
Chris Rodabaugh, ODA-LEPP
Pat Tebbe, DSW-NWDO
Karen Miller, Vreba-Hoff Dairy Development

Figure 1: Conduit where runoff from silage pad flows to construction storm water pond. Storm water pond subsequently discharges to waters of the State. The end of the driveway is also shown where potential for discharge during high runoff periods occurs. (Photo by Rick Wilson, Ohio EPA, December 7, 2006)

