



State of Ohio Environmental Protection Agency

STREET ADDRESS:

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January 6, 2010

CERTIFIED MAIL

Harold Mong
2125 Township Road 405
Jeromesville, Ohio 44840

Re: Unpermitted Discharge from Mong Farm Discovered September 28, 2009

Dear Mr. Mong,

Ohio EPA, Division of Surface Water is aware of a discharge from your dairy farm which was discovered on September 28, 2009. At approximately 11:00 am on September 28, Ashland County Wildlife Officer Brian Banbury reported a discharge of manure from a field tile to the Ohio EPA Spill Hotline. The field tile was said to be located near the intersection of Township Road (TR) 405 and County Road (CR) 2102.

BACKGROUND

Ohio EPA On-scene Coordinator (OSC) Mike Dalton responded to the spill at approximately 12:50 pm on September 28. OSC Dalton met with Wildlife Officer Banbury and Wildlife Officer Tom Franks near the intersection of TR 405 and CR 2102. OSC Dalton collected a sample of the water which was discharging from an eight-inch field tile at the location. The discharging liquid was opaque black and had a strong manure odor. A second six-inch tile was also found to be discharging manure at this location. The tiles both appeared to convey liquids from a nearby farm.

The investigators next drove to your farm and met with you. At that time, you indicated that one of your manure lagoons had overflowed because a riser pipe in the lagoon had become clogged with straw. The manure spilled out of the south end of the primary lagoon and flowed past the second lagoon and into a grassed waterway. An employee of Mong Farm attempted to build a dike across the end of the lagoon where the overflow occurred and cleared the straw from around the inlet of the riser pipe.

OSC Dalton asked you if a pump was available that could be used to pump the manure back to the lagoon. You stated that you did not have a pump but that someone was coming to pump down the settling lagoon in order to prevent further overflow.

The game protectors and the OSC left the farm to begin checking the creek for wildlife impacts. They started at the stream crossing on County Road 2000. The creek above

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

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this point is intermittent, so fish were not likely going to be present. The group walked from County Road 2000 to State Route 89 and counted approximately 150 dead fish. Due to the unpermitted discharge of manure to waters of the State, you are in violation of the following:

Ohio Revised Code 6111.04

(A) Both of the following apply except as otherwise provided in division (A) or (F) of this section:

(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) Such an action prohibited under division (A)(1) of this section is hereby declared to be a public nuisance.

OAC 3745-33-02 Ohio NPDES permit required

(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. Any person who holds a federal NPDES permit issued under Section 402 (a) of the act is not required to obtain an Ohio NPDES permit until its expiration date. The director shall administer and enforce permits issued under Section 402 (a) of the act within this state, and may modify the terms and conditions thereof, in accordance with paragraph (J) of section 6111.03 of the Revised Code.

Due to the unpermitted discharge of manure from the production area of your dairy facility to waters of the State, you now meet the definition of a medium Concentrated Animal Feeding Operation (CAFO). As a result, you are now required to obtain coverage under a CAFO National Pollutant Discharge Elimination System (NPDES) permit.

In order to apply for a CAFO NPDES permit, please submit the following:

- Form 1
- Form 2B
- Antidegradation Addendum
- Copy of Manure Management Plan (MMP)
- MMP Update Packet
- \$200 check made payable to "Treasurer, State of Ohio"

The forms and the MMP update packet mentioned above have been included with this letter. The Comprehensive Nutrient Management Plan (CNMP) developed by the Ashland Soil and Water Conservation District (SWCD) may be submitted if that is the MMP you currently operate under.