



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

July 3, 2013

CERTIFIED LETTER

Mr. Paddy Dunne
Irish Acres Dairy LLC
7111 East State Road 218
Berne, Indiana 46711-9105

**RE: Irish Acres Dairy (Spill ID Number: 1306-75-1398)
Notice of Violation, Shelby County**

Dear Mr. Dunne:

On June 26, 2013, I conducted a complaint investigation regarding reports of a "pinkish-red substance" in the Turtle Creek. As part of the investigation, I stopped by Irish Acres Dairy located at 11053 State Route 705, Sidney, Ohio. Dan Fullenkamp was representing the facility.

Mr. Fullenkamp showed me three lagoons. One is a two-celled lagoon that handles the manure and associated material (bedding, etc.). Mr. Fullenkamp explained that the manure lagoons are in series and is land applied under the auspices of the Ohio Department of Agriculture (ODA). There is a separate lagoon that handles contaminated storm water from the silage storage area. The wastewater in this lagoon was brownish in color with a pinkish tinge. This is exactly what I observed in Turtle Creek between Fort Loramie-Swanders Road, McClure Road and State Route 705.

Mr. Fullenkamp confirmed that on Friday (June 21, 2013), he did pump down the storm water lagoon to a low lying area immediately to the north of the lagoon. He explained that a pump was used and a hose was laid on the ground with the wastewater pouring on the ground. This wastewater entered an unnamed tributary of Turtle Creek via a field tile between State Route 29 and Fort Loramie-Swanders Road as observed by OSC Lohner on June 24, 2013. This method of emptying the lagoon must permanently cease.

This discharge is in violation of Ohio Revised Code 6111.04, *Water pollution and sludge management violations prohibited*. This law prohibits any person from placing or causing to be placed any sewage, industrial waste or other waste where they cause

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pollution to waters of the State except where the director has issued a valid and unexpired permit.

Also, this discharge is in violation of Ohio Administrative Code 3745-1-04. This rule specifies that any discharge to waters of the State shall be free from "suspended solids" and "color."

Violations of ORC, referred to above, carry maximum civil penalties of up to \$10,000 per day per violation, as well as, maximum criminal penalties of up to one year in jail and/or \$25,000 fine per day per violation.

Due to the unpermitted discharge of contaminated storm water from your dairy facility to waters of the State, you now meet the definition of a Concentrated Animal Feeding Operation (CAFO). As a result, you are now required to obtain coverage under a CAFO National Pollutant Discharge Elimination System permit. To apply for a CAFO NPDES permit, you will need to complete and submit the following:

- Form 1
- Form 2B
- Antidegradation Addendum
- Copy of ODA approved Manure Management Plan (MMP)
- \$200.00 check made payable to "Treasurer, State of Ohio"

General information on the CAFO program and the CAFO NPDES forms may be obtained at the following link: <http://epa.ohio.gov/dsw/cafo/index.aspx>. I will also send you this link via email (paddy.irishacresdairy@gmail.com).

No later than August 9, 2013, please submit the completed forms, Antidegradation Addendum, MMP and check to the following address:

Ohio Environmental Protection Agency
Division of Surface Water
ATTN: Cathy Alexander
P. O. Box 1049
Columbus, OH 43216-1049

Should you have another spill, you are required to immediately call the Ohio EPA Spill Hotline at 1-800-282-9378. Alerting Ohio EPA of potential impacts to waters of the State allows this Agency to evaluate and respond to spills in a timely fashion. Environmental impacts can be lessened if agency personnel are aware of and can respond to such spills.

No later than August 9, 2013, please provide a written response on the actions that you have or will take to prevent a reoccurrence of any spills from your dairy operation.

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If you have any questions, please call Cathy Alexander at (614) 644-2021 or me at (937) 285-6104.

Sincerely,



Sandra D. Leibfritz
Compliance and Enforcement
Division of Surface Water

ec: Cathy Alexander, DSW, CO
Christine Pence, ODA (CPence@agri.ohio.gov)
Craig Kleinhenz, OSI, CO (Craig.Kleinhenz@epa.state.oh.us)

SDL\bp

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SENDER:
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AUTHOR:
SARAH D. LEIBFRITZ
-DSW

| | |
|---------------------------------|--|
| Sent To | MR PADDY DUNNE |
| Street, Apt. No., or PO Box No. | IRISH ACRES DAIRY LLC |
| City, State, ZIP+4 | 7111 E STATE ROAD 218 BERNE IN 46711-9105 |

PS Form 3800, June 2002 See Reverse for Instructions

| SENDER: COMPLETE THIS SECTION | COMPLETE THIS SECTION ON DELIVERY |
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| <ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. | <p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> <i>Tana E. Flickinger</i> <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> |
| <p>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 10px auto;"> MR PADDY DUNNE IRISH ACRES DAIRY LLC 7111 E STATE ROAD 218 BERNE IN 46711-9105 </div> | <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> |
| <p>2. Article Number (Transfer from service label)</p> | <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> |
| <p>7004 1160 0000 6169 5859</p> | |
| <p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p> | |