



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

June 19, 2013

CERTIFIED MAIL

Mr. Greg Spencer
Harvest Land Co-op
P. O. Box 242
Pittsburg, Ohio 45358

RE: OHIO EPA ID. # 1305-55-1090; NOTICE OF VIOLATION

Dear Mr. Spencer:

This letter is to serve as a follow up to the May 18 - 29, 2013, investigation by Ohio EPA of Incident # 1305-55-1090, a fish kill in a tributary of Ludlow Creek located between Wright Road and State Route 721, north of Cross Street, Laura Township, Miami County. On May 18, 2013, this OSC observed approximately 30 dead crayfish and numerous dead isopods in the tributary. As an Ohio EPA Emergency Response On-Scene Coordinator (OSC), I investigated this incident on May 18 and 20, 2013. This OSC's investigation revealed that agricultural chemicals were applied by Harvest Land Co-op for Dean Dohner to the Bambic and Fourman Farm on May 9, 2013. Erosion rills were observed leading from the Bambic and Fourman Farm to the tributary. Local climactic data indicate that 0.88 inches of precipitation fell in the area on May 10, 2013. One of the agricultural chemicals applied contains Permethrin which is highly toxic to fish and aquatic arthropods.

Ludlow Creek and its tributaries are considered waters of the state as defined in Ohio Revised Code 6111. A discharge or release of agricultural chemicals into waters of the state is in violation of Ohio Revised Code (ORC) Section 6111.04. "No person shall cause pollution or place or cause to be placed any sewage, industrial waste, or other wastes in a location where they cause pollution of any waters of the state, "

The release of agricultural chemicals resulting in a fish kill is a violation of Ohio Administrative Code 3745-1-04(D). OAC 3745-1-04(D) states that all waters "shall be 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;"

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CORRECTIVE ACTION

- Follow agricultural chemical application instructions and be aware of meteorological conditions to prevent run-off of agricultural chemicals that may be harmful to aquatic life.

Ohio EPA reserves its right, pursuant to Chapters 3704, 3714, 3734, 3745, 3750, 6109, and 6111 of the ORC and any other applicable state or federal laws or regulation to require further site investigation and abatement to address releases or discharges into the environment at the above designated site, and to seek civil penalties, reimbursement of oversight costs and any other appropriate legal or equitable relief for any violation of law.

This letter is not a final action of the director of the Ohio Environmental Protection Agency and is intended only as a notification of a violation of the Ohio environmental laws and regulations.

If you have any questions concerning this letter, please contact me at (937) 285-6051, or by email at bill.lohner@epa.ohio.gov.

Sincerely,

William Lohner

Digitally signed by William Lohner
DN: cn=William Lohner, o=Ohio EPA,
ou=Emergency Response,
email=bill.lohner@epa.state.oh.us, c=US
Date: 2013.06.19 08:30:58 -04'00'

Bill Lohner
On-Scene Coordinator
Division of Environmental Response and Revitalization

ec: Diana Zimmerman, Ohio EPA, DSW

BL\bp

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<i>City, State, ZIP+4</i>	P O BOX 242 PITSBURG OH 45358



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