



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

May 21, 2013

Union County  
4IK00032\*AD  
4IK00005\*DD

**CERTIFIED MAIL**

Bill Fitzpatrick and Neal Moser  
New Day Farms, LLC  
27322 St. Rt. 739  
Raymond, Ohio 43067

Re: Report for May 15, 2013 inspections of New Day Farms Farm 3 and Mad River Egg Farm

Gentlemen,

This letter documents the inspections conducted at the New Day Farms Mad River Egg Farm and Farm 3 facilities on May 15, 2013. The inspections were performed in order to determine compliance with Concentrated Animal Feeding Operation (CAFO) National Pollutant Discharge Elimination System (NPDES) permits 4IK00032\*AD and 4IK00005\*DD.

Your records were reviewed were generally adequate to demonstrate compliance with your NPDES permits. The following items should be addressed as soon as possible.

- We discussed recent violations of ammonia effluent limitations from the Mad River Egg Farm constructed wetlands. A review of the data submitted to Ohio EPA indicates that you have generally been able to maintain compliance with your daily ammonia discharge limit. However, you have had violations of the monthly ammonia limit. You should attempt to perform more than one water quality analysis per month so that the average concentration is reduced below the monthly limit. Please note that you are now considered to be in significant non-compliance due to repeated violations and you could be subject to enforcement action if you do not address the ammonia effluent violations.
- Your annual calculations should account for the amount of nitrogen nutrients applied to and removed by crops. The information you submitted for 2012 only accounted for phosphorus. Additionally, you must record conventional fertilizer applications to owned ground in your operating record.
- As of November, 2012, grid soil samples are being collected from the center pivot fields. Please note that many portions of the center pivot fields have soil

phosphorus levels that remain above 150 ppm Bray P1. You should continue to implement phosphorus drawdown strategies. Updated phosphorus indexes should be determined for each center pivot field and the results should be maintained in your operating record. See page 53 of Mad River Egg Farm CAFO NPDES permit 4IK00005\*DD.

- Detailed records regarding calibration of center pivots should be maintained in your operating record. I understand that the pivots are generally calibrated once per year and that the center pivots still have their original nozzles installed.

### **Mad River Egg Farm Production Area**

The Mad River facility production area was inspected. The facility was generally well-maintained and there is a healthy amount of vegetation around the facility. The first two egg wash water cells operate at constant overflow to the following cell. The final cell was approximately two feet below maximum operating level.

Manure transport trucks are loaded inside of the manure storage barns and this has helped to keep the driveways free of manure. The east manure storage barn was approximately 30% full during the time of the inspection.

New tile has been installed at the facility to facilitate better drainage. The NPDES permit for Mad River Egg Farm allows discharges of clean storm water only if good housekeeping practices are being conducted to ensure that the storm water is free of manure contamination. Please continue to practice good housekeeping so that storm water discharges are kept free of manure pollutants.

Fuel storage containers are contained within walled storage areas. There is also a roof over each storage area which prevents rain water from entering these areas. Spill Prevention, Control, and Countermeasure (SPCC) Plans have been developed for both Mad River Egg Farm and Farm 3.

### **Farm 3 Production Area**

The Farm 3 facility production area was inspected. Three of the egg wash water pond cells at the facility operate at constant overflow. The final cell was approximately six inches below maximum operating level. You should be making efforts to remove liquid from the final egg wash water pond cell in order to provide more storage capacity.

Some of the egg wash water banks had thick weeds growing on them. It was indicated that some of the mowing machinery was broken down but that it would be fixed soon and that weeds would be addressed as soon as possible. The farm had significantly more vegetation established than during my last site inspection.

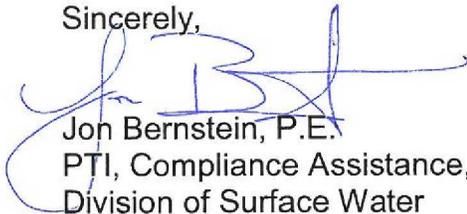
New tile has been installed at the facility to facilitate better drainage. The NPDES permit for Farm 3 allows discharges of clean storm water only if good housekeeping practices are being conducted to ensure that the storm water is free of manure contamination. Please continue to practice good housekeeping so that storm water discharges are kept free of manure pollutants.

The small waste water treatment plant has been abandoned. Please note that a PTI for a chlorinator was issued to New Day Farms in 2008. The PTI was proposed to be used for disinfection of sanitary wastewater and egg wash water. The chlorinator was to be installed in the small waste water treatment plant. Sanitary wastewater **must** be treated if it is to be discharged into the egg wash water pond.

Within **30** days of receipt of this letter, please submit a proposal for treating sanitary wastewater produced at the Farm 3 facility.

If there is any statement in this letter which you believe is in error, please advise me in writing within 15 days. Should you have any questions, comments, or concerns, feel free to contact me at (614) 728-2397 or at [jon.bernstein@epa.state.oh.us](mailto:jon.bernstein@epa.state.oh.us).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jon Bernstein', is written over the typed name and title.

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

cc: Kevin Elder, ODA-DLEP  
Christine Pence, ODA-DLEP