



RICK SNYDER
GOVERNOR

DAN WYANT
DIRECTOR

March 24, 2014

Mr. Blaine Baker
Bakerlads Farm
10960 Cadmus Road
Clayton, Michigan 49235

Dear Mr. Baker:

SUBJECT: Land Application Violations
NPDES Permit No. MI0059009
Designated Name: Bakerlads Farm-CAFO

Staff of the Department of Environmental Quality (DEQ), Water Resources Division (WRD), received a complaint alleging that Bakerlads Farm located at 10960 Cadmus, Clayton, Michigan, spread manure on frozen/snow covered ground on a field that was not listed in the farm's Comprehensive Nutrient Management Plan (CNMP). The alleged manure applications occurred on March 1 and March 10, 2014 on the west side of Morey Highway, north of the facility, south of Beecher Road in Hudson Township. The field in this location is not currently listed in the CNMP. You confirmed that manure was spread on this field on the above dates and that the facility recently added this field to the land base. This new field was not submitted for approval and public notice prior to the application of manure, as required in National Pollutant Discharge Elimination System (NPDES) Permit No. MI0059009, which states:

"Any new fields shall be assessed prior to their use for land application activities. The Department shall be notified of the new fields prior to their use through submittal of a permit modification request that includes the field-by-field assessment, a map showing the entire field, its size in acres, location information, planned crops, and realistic crop yield goals. The request will be public noticed. The permittee may not use the field until the permittee has been notified by the Department that processing of the permit modification is complete."

Application of CAFO waste to fields not approved by the Department is a violation of NPDES Permit No. MI0059009.

The permit also states:

"On ground that is frozen or snow-covered, CAFO waste may be surface applied and not incorporated within 24 hours only if there is a field-by-field demonstration, in accordance with the Department 2005 Technical Standard for the Surface Application of CAFO Waste on Frozen or Snow-Covered Ground Without Incorporation or Injection showing that such land application will not result in a situation where CAFO waste may enter waters of the state."

In accordance with the 2005 Technical Standard (enclosed), a field must score a 37 or lower on The Natural Resources Conservation Service's Manure Application Risk Index (MARI) to receive surface applied CAFO waste without incorporation within 24 hours while frozen or snow-covered. At this time, this field has not yet been evaluated in accordance with the Technical Standard. The

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application of CAFO waste to frozen or snow-covered ground without an acceptable MARI score is a violation of NPDES Permit No. MI0059009.

You have since submitted the required permit modification request for this field, and others. These fields shall not be land applied to until you receive Departmental notification that processing of the permit modification is complete. CAFO waste shall not be applied to fields with frozen or snow-covered ground without incorporation prior to obtaining records of acceptable MARI scores.

Thank you for your cooperation in these matters. Should you require further information, please contact me at 517-780-7917 or DEQ, WRD, Jackson District Office, 301 East Louis Glick Highway, Jackson, Michigan 49201-1556.

Sincerely,



Michael Kennedy
Environmental Quality Analyst
Water Resource Division

Enclosure

CC: **File: Bakerlads Farm-CAFO, MI0059009, Lenawee County**