

ECCSCM

Environmentally Concerned Citizens of South Central Michigan

WINTER

2003

22 water violations from CAFOs— new discharges from Vreba-Hoff II and Bakerlads Dairy

The discharge list keeps growing – 22 violations documented from DEQ files. And **still no fines or penalties** for illegal discharges, even with multiple violators like Hartland Farms and Vreba-Hoff II. In November, DEQ cited Bakerlads Dairy, Clayton, for a manure discharge to the South Branch of the River Raisin, and also cited Vreba-Hoff II on US-127 for a milkhouse waste discharge into waters leading to Fisher Lake in the Bean Creek Watershed.



(left) milkhouse waste discharge, **Vreba-Hoff II**, Nov. 25, 2002; (right) manure discharge, **Bakerlads Dairy**, Nov. 11, 2002

November water sampling shows worst bacterial contamination so far

ECCSCM water monitoring downstream of CAFOs found *E. coli* bacteria at its highest level so far on November 11, 2002. At 10 of the 12 sites sampled, bacteria counts were higher than 1,000/100ml – the level acceptable for partial body contact. One site, **Toad Creek at Mulberry Road**, had an *E. coli* count of **297,000/100ml**. (see **chart of Toad Creek data**, p. 4) Dissolved Oxygen levels were extremely low, fish-kill level, at two sites: 0.5 mg/L at South Branch of

River Raisin at Cadmus Road (site of Bakerlads manure discharge); and 2.8 mg/L at Rice Lake Drain, Haley Road. Dissolved Oxygen levels should be 5.0 mg/L or higher.

November appears to be one of the most dangerous months for water quality near CAFOs. Monitoring shows terrible contamination; manure discharges are frequent. Crops have been harvested, there's little vegetation on field surfaces, and liquid manure is applied in large quantities, often reaching drainage tiles and entering streams.

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Gov. Granholm picks former enforcement lawyer to head DEQ

The new administration of Gov. Jennifer Granholm has selected **Steve Chester** to replace Russell Harding as head of the Michigan Department of Environmental Quality. Chester has worked as an attorney specializing in environmental enforcement. James Clift, of Michigan Environmental Council, commented that, "Because of [Chester's] background in criminal prosecution of violators, Steve understands there is a small percentage of the regulated community who will for financial gain ignore environmental laws. It good to have a person at the top who is versed in the use of all the tools necessary to gain compliance."

Current DEQ officials and local contacts:

Steve Chester, Director: chesters@michigan.gov

Jon Russell, Surface Water Quality, Jackson District: russellje@michigan.gov

Scott Miller, Surface Water Quality, Jackson District: millersm@michigan.gov

**If you see polluted water or smell manure in water, call immediately:
Scott Miller, DEQ: 517-780-7003**

On New Year's Eve, Foul Water Was Flowing Every Which Way!

On holidays and weekends, when state offices are closed, why is it we see so much manure flowing into the streams? Chance?

On Dec. 31, 2002, New Year's Eve, ECCSCM poop-loop drivers verified brown water and manure stench at many drains and streams. At Lime Lake inlet, water was running with "a green color with odor," according to **Lynn Henning's** report. "At Tamarack Road at about 3:00 pm the pipe was still discharging brown water. From there we went to Ingall Hwy (VH I) south drain was running with manure brown water with strong manure odor. Went to Bruinsma, the tile drain under the road in front of the facility was running very cloudy grey, with manure odor, Silver Creek was very greenish

brown. From there we went to Haley Road Dairy, the tile in front of the facility was running cloudy, the Rice Lake Drain was running fast but clear, the catch basin on Wheeler on the west side of road was running black with manure odor, the Deline drain was running fast but clear.. Also checked Bakerlads Farms at Cadmus, slight odor of manure with very high flow, brown water."

DEQ has no emergency response plan for manure discharges on holidays or weekends. They rely on CAFO operators and "emergency procedures" in CNMPs (**although not one CAFO has an approved CNMP yet**).

DEQ reports on Lime Creek/Lime Lake Pollution

At a meeting in Waldron on Dec. 16, DEQ aquatic biologist Christine Thelen described the extreme bacterial pollution in the "impaired" stretch of Lime Creek, between US-127 and Coman Rd, including the Prattville Drain and Lime Lake. Because of problems in the past with septic contamination of the Prattville Drain, DEQ conducted the monitoring project to determine the Total Maximum Daily Load, the amount of pollution allowed that could still meet water quality standards. The TMDL study showed that on numerous occasions all points sampled in Lime Creek exceeded water quality standards for *E. coli*. In an [Adrian Daily Telegram](#) article, Thelen said, "We realize (now) we have a much larger problem than just human sewage. We have a mixed source problem."

Vreba-Hoff II is the one CAFO identified in the report, although **Jelsma/Mericam** applies manure on fields in the drainage area. Because VH-II is under enforcement, it will be required to apply for an NPDES general permit.

DEQ sampled weekly May to September 2002, taking triplicate samples at 9 sites in Lime Creek, Lime Lake, and the Prattville Drain. All nine sites exceeded state water quality standards during various periods. In July, bacteria levels spiked on several occasions, with bacteria counts reaching more than 100,000/100ml in the Prattville Drain. Lime Creek at Coman Road and at Lime Lake Road also showed serious bacterial contamination.

The DEQ collected two DNA samples from Lime Creek, at Lime Lake Rd and at US-127. Results, which are classified as human or non-human sources, showed both human and non-human at Lime Lake Rd, but non-human only at US-127. For full TMDL report: http://www.michigan.gov/deq/0,1607,7-135-3313_3686_3728---,00.html

DEQ Should Take Four Steps To Protect Water – Now

Adapted from Janet Kauffman's letter (January 4, 2002) to Steve Chester, Director, DEQ:

CAFOs are a national problem, and we have a particular crisis here. While DEQ enforcement cases have languished for more than a year, illegal discharges continue, contaminating the Bean/Tiffin and River Raisin watersheds. **Please urge immediate action in the 4 enforcement cases against local CAFOs, as well as broader action – 4 suggestions follow – in the issue of CAFO discharges to surface waters.**

1. We need prompt DEQ enforcement, including fines for multiple discharges and repeat offenders. We need DEQ to fine operations that discharge while under enforcement. Voluntary compliance has not worked – CNMPs are not an incentive to compliance, not a solution. They are good education for livestock producers, but they can and have been delayed for years, and they do not prevent the ongoing pollution, they do not engage the CAFOs in pollution prevention action. All (except one) of the 22 illegal discharges in our area were identified and reported to DEQ by residents or neighbors, not by the CAFOs.

2. We need DEQ to have a plan of action to stop and cleanup CAFO discharges whenever they occur. No matter when, including weekends and holidays.

3. We need DEQ to conduct dye testing of facility drain connections, as part of permit inspections. The EPA Administrative Order against Hartland Farms, Sept. 2000, required smoke and dye tests, after inspections found floor drains connected to tiles reaching streams. But no dye tests were done at that facility, or any others (although most were built by the same construction company, and all may well have the same design “flaw”).

4. We need DEQ to press for less-liquid, less-polluting manure systems.

All of the farmland here is drained by sub-surface tile systems – almost every discharge has been through tiles to streams. Liquid manure functions as contaminated rainfall. In wet and dry weather, liquid manure has reached surface waters, fast, sometimes within minutes. Tiles are the major pathway of pollution. Knowing this, knowing that daily – not accidental or incidental – pollution is occurring, DEQ and MSU must be willing to press immediately for drier systems of waste management. It may well prove that to avoid the continuous pollution of watersheds, liquid manure application should be prohibited on tiled fields.

With so many CAFOs locating in this small area – and **no public notice** of construction, **no watershed consideration of livestock density** in Michigan's Site Selection GAAMPs, **no environmental impact studies** – we appeal to the new Department of Environmental Quality to enforce the law and protect our watershed. We ask for immediate action to enforce Michigan's Natural Resource and Environmental Protection Act in the case of these 4 CAFOs, and to demonstrate this administration's and this state's renewed will to protect the waters of the Great Lakes Basin. – *Janet Kauffman*

**Because: 3 years of compliance efforts have not worked, and have not stopped pollution,
call for a moratorium on new & expanding CAFOs,
until non-polluting systems are in place.**

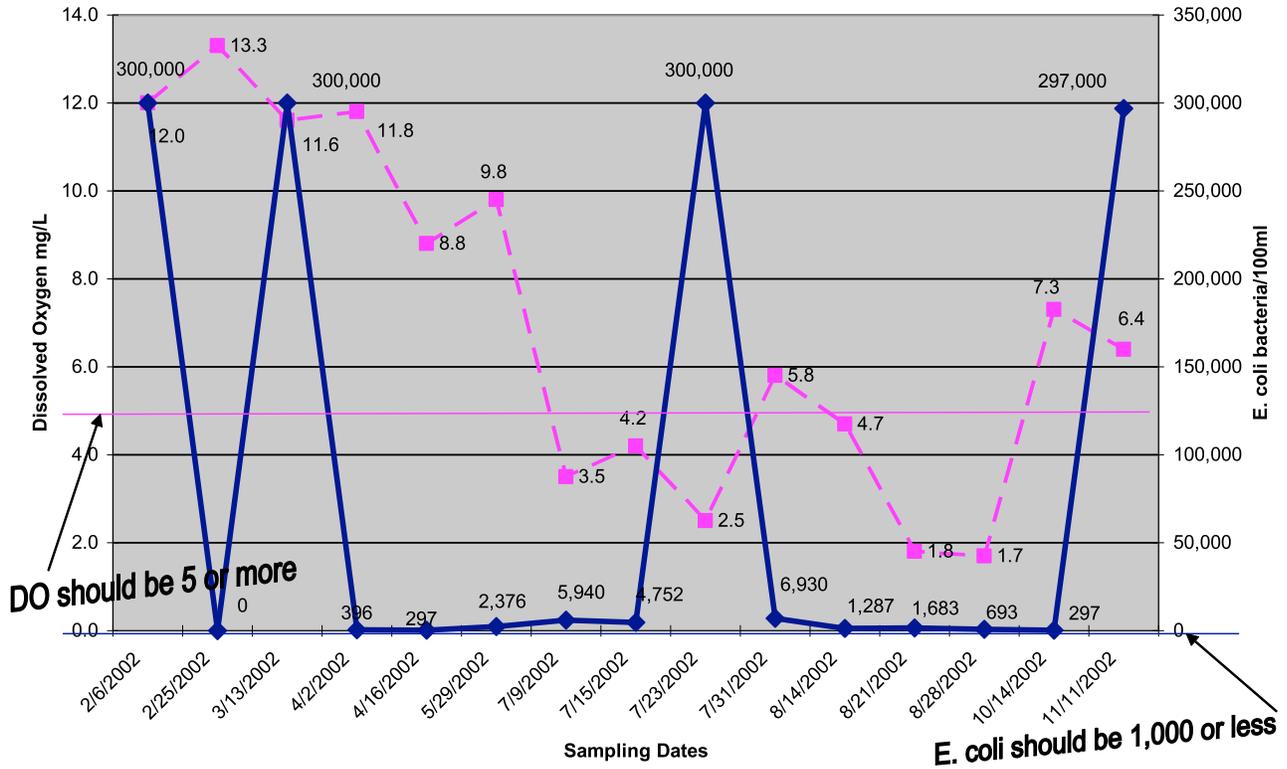
Your representatives in Lansing:

Rep. Doug Spade (Lenawee) P.O. Box 30014, Lansing, MI 48909
Rep. Bruce Caswell (Hillsdale) P.O. Box 30014, Lansing, MI 48909
Sen. Cameron Brown (Hillsdale, Lenawee) PO Box 30036, Lansing, MI 48909

**Toad Creek used to be a clear stream with freshwater mussels, fish, and toads!
What's happening?**

ECCSCM water monitoring at Toad Creek, Mulberry Road, 2002, downstream from Jelsma/Mericam CAFO, shows the spikes in bacterial contamination in February, March, July, and November – some counts more than 300 times the acceptable level (1,000/100 ml) for partial body contact. Dissolved Oxygen levels were below acceptable levels (5 mg/L or more) for aquatic life in most of July and August, when the DO dropped to fish-kill levels of 1.8 and 1.7 mg/L.

Toad Creek, Mulberry Road -- Sampling Data



TOAD CREEK SITE TOTAL DATA – ECCSCM WATER MONITORING PROJECT

sampling date	water temp.	Diss. Oxygen mg/L	E. coli count/100ml
2/6/2002	35	12.0	*Too Numerous To Count
2/25/2002	41	13.3	0
3/13/2002	41	11.6	*Too Numerous To Count
4/2/2002	41	11.8	396
4/16/2002	58	8.8	297
5/29/2002	63	9.8	2376
7/9/2002	71	3.5	5940
7/15/2002	68	4.2	4752
7/23/2002	71	2.5	*Too Numerous To Count
7/31/2002	71	5.8	6930
8/14/2002	69	4.7	1287
8/21/2002	63	1.8	1683
8/28/2002	64	1.7	693
10/14/2002	43	7.3	297
11/11/2002	49	6.4	297000

*Too Numerous To Count charted as 300,000

Buckeye Egg suit and hydrogen sulfide: At the December ECCSCM meeting, attorney **John Sproat** of Columbus, Ohio spoke about the lawsuit against Buckeye Egg. He also introduced **Robert Thornell**, who discussed the symptoms of hydrogen sulfide that he and his wife have suffered since 1998, when a swine facility was built next to their house in Ohio. Thornell has major symptoms of hydrogen sulfide poisoning, including memory loss, upper respiratory problems (loss of lung capacity), tremors, tinnitus (ringing in ears), anxiety and depression. **Dr. Kaye Kilburn**, M.D. of the University of Southern California, an expert in hydrogen sulfide poisoning, diagnosed Thornell with chemical encephalopathy due to hydrogen sulfide exposure. Dr. Kilburn advises that if you can smell the characteristic rotten egg odor of hydrogen sulfide – a gas given off by decomposing animal manure – you are probably being affected. Dr. Kilburn will be testing individuals who believe they may suffer from hydrogen sulfide chemical brain injury on February 15 and 16 in Defiance, Ohio.

Tri-State Citizens for Clean Air and Water: This coalition of environmental groups from Michigan, Indiana, and Ohio, will meet on January 11. **Lynn and Dean Henning** will represent ECCSCM.

Lyons, Ohio: On January 14, **Kathy Melmoth** and **Janet Kauffman**, will meet with concerned citizens in Lyons, Ohio, to discuss the ECCSCM water monitoring project. Vreba-Hoff is developing another dairy CAFO near Lyons, just east of Morenci, in the River Raisin Watershed.

www.nocafos.org

Check it out! our latest photos, discharge list, water monitoring data

**If you smell rotten-egg air or have symptoms of hydrogen sulfide exposure –call your doctor, and report the exposure to both:
DEQ Air Divison – 517-780-7845
MDA – 517-373-9797**



ECCSCM Officers: John Klein, President; Lynn Henning, V-P; Richard Chudey, Sec-Treas
P.O. Box 254, Hudson, MI 49247
www.eccscm.org

JOIN US: Yes, I want to help protect our water and promote sustainable agriculture. Contributions support water monitoring programs and community education.

Name: _____

Address: _____

___ \$ 20 Membership ___ \$10 Senior

Mail to: ECCSCM, P.O. Box 254, Hudson, MI 49247

THANK YOU!

We Support Sustainable Agriculture -

that preserves & protects water quality in streams and lakes

that raises animals in a healthy, natural environment, grazing, absorbing sunshine

that avoids the steady diet of hormones and antibiotics given animals in the crowded, confined conditions of industrial facilities

that values and protects farmland, the environment, and the rural community