



GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
JACKSON DISTRICT OFFICE



DAN WYANT
DIRECTOR

March 31, 2015

CERTIFIED MAIL

Mr. and Mrs. Jim and JoLynne Bleecker
Terrehaven Farms
3007 Wolf Creek Highway
Adrian, Michigan 49221

VN No. VN-006024

Dear Mr. and Mrs. Bleecker:

SUBJECT: Violation Notice

Department of Environmental Quality (DEQ), Water Resources Division (WRD) staff inspected Terrehaven Farms located at 3007 Wolf Creek Highway, Adrian, Michigan on March 12, 2015 and March 13, 2015, to determine compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), and National Pollutant Discharge Elimination System (NPDES) Permit No. MIG019000; COC No. MIG010061 issued on April 19, 2012.

On March 12, 2015, WRD staff observed the unpermitted discharge of manure laden water to Black Creek. During the inspection at Terrehaven Farms, WRD staff observed manure laden water leaving the field application site via overland flow and traced the flow to a discharge point on Black Creek. As a result of this discharge, the receiving water contained unnatural color and odor, which is a violation of NPDES Permit No. MIG019000.

The following issues were identified and discussed during the site inspection and interview:

1. Manure laden water (generated by snow melt following the land application of manure to snow covered ground) was leaving the field and discharging to Black Creek. Runoff from land application areas that causes or contributes to an exceedance of Michigan's Water Quality Standards is prohibited under Part I.A.3 of the facility's permit. The subsequent inspection of the site by WRD staff on March 13, 2015 found that earthen berms had been constructed at the site and appeared to be effectively stopping the release of surface runoff from that portion of the field.
2. Inconsistencies present in the farm's CNMP made the determination of the field's suitability for manure application on frozen or snow-covered ground difficult to discern; however, the permit holder is responsible for ensuring that information in the CNMP is accurate and representative of the actual field conditions. Failure to

demonstrate that fields receiving manure applications during frozen or snow-covered conditions meet the Department 2005 Technical Standard for the Surface Application of CAFO Waste on Frozen or Snow-Covered Ground without Incorporation or Injection (page 33 of the permit) is a violation of NPDES Permit No. MIG019000.

The discharge identified in this Violation Notice was addressed on March 12, 2015 by the farm and has ceased.

Terrehaven Farms should take immediate action to achieve and maintain compliance with the terms and conditions of (NPDES) Permit No. MIG019000.

Please submit a written response to this office by May 1, 2015. At a minimum, the response shall include:

1. A timetable for completion of field-by-field assessments meeting the requirements of the Technical Standard for the Application of CAFO Waste on Frozen or Snow-Covered Ground. The requirements for this standard can be found on page 33 of the permit. The application of CAFO waste to any frozen and/or snow-covered field for which appropriate field-by-field assessments are not available will be a violation of the permit. Please note that in accordance with the permit, fields for which up-to-date soil tests are unavailable cannot receive manure applications at any time.

Additionally, compliance requirements from earlier communications with the DEQ need to be completed.

1. As first noted in a violation notice from the DEQ dated November 8, 2013, all production area waste generated in the production area needs to be collected. On July 11, 2014, DEQ received and reviewed construction plans to address CAFO waste collection and transfer on the east side of the facility. During an inspection on December 19, 2014 a schedule for completion of this containment was discussed and construction was scheduled to be completed in the spring of 2015. To ensure that this issue is addressed in a timely manner, a timetable (including anticipated construction completion dates) for construction of the CAFO waste collection system on the east side of the farmstead must be submitted to the DEQ by May 1, 2015. Submission of this timeline was addressed in a compliance communication from DEQ on January 29, 2015.
2. The evaluation of the northern solid manure storage structures and any associated improvements required to bring them up to the 313 equivalency standard must be completed by August 1, 2015, with written certification of completion provided to this office. Submission of this evaluation and completion of any subsequent improvements was also addressed in the compliance communication from DEQ on January 29, 2015.

Failure to agree to a fixed schedule for completion of the production area storage requirements discussed above may result in the re-opening of Terrehaven's existing Administrative Consent Order with the DEQ regarding the evaluation and sufficiency of waste storage structures.

If you have any factual information you would like us to consider regarding the violations identified in this Notice, please provide them with your written response.

Compliance with the terms of this Notice does not relieve Terrehaven Farms of any liability, past or present from the failure to meet the conditions specified in NPDES Permit No. MIG019000.

The DEQ reserves its right to take all necessary and appropriate enforcement actions for all violations observed to date and any violations that occur in the future. This may include civil action seeking fines, enforcement costs and injunctive relief, and potential criminal prosecution.

We anticipate and appreciate your cooperation in resolving this matter. Should you require further information regarding this Notice or if you would like to arrange a meeting to discuss it, please contact me at 517-780-7917; koledar@michigan.gov; or DEQ, WRD, Jackson District Office, 301 East Louis Glick Highway, Jackson, Michigan 49201-1556.

Sincerely,



Rachel Koleda
Environmental Quality Analyst
Water Resources Division

cc: Ms. Nicole Zacharda, Enforcement Specialist, DEQ, WRD (electronically)
File: Terrehaven Farm - CAFO, MIG010061, Correspondence, Lenawee County