



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
JACKSON DISTRICT OFFICE



DAN WYANT
DIRECTOR

November 8, 2013

CERTIFIED MAIL

Ms. JoLynne Bleecker, Owner
Terrehaven Farms
3007 Wolf Creek Highway
Adrian, Michigan 49221

VN No. VN-005712

Dear Ms. Bleecker:

SUBJECT: Violation Notice

On October 23, 2013, staff of the Department of Environmental Quality (DEQ), Water Resources Division (WRD), conducted a CAFO Reconnaissance Inspection at Terrehaven Farms, located at 3007 Wolf Creek Highway, Adrian Michigan. The purpose of the inspection was to evaluate the facility's 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) Certificate of Coverage No. MIG010061 issued on April 19, 2012.

You and Mr. Jim Bleecker participated in the inspection which included an interview, records review, and site inspection. We toured the facility which included observing the waste handling system for manure and feed storage runoff. You indicated that you are working on getting the storage lagoons NRCS certified and have hired an engineer to do the evaluation in order to satisfy the requirements of the Administrative Consent Order (ACO-000210). You also indicated you plan to close the wastewater lagoon located to the west of the hoop barns, as well as the lagoon located near the north barns at the back of the facility. Please be aware that the closure of structures must follow NRCS 360 standards. You also indicated that you have hired a consultant to update the facility's CNMP. We appreciate your efforts to attain compliance with the ACO and the permit; however, there are still several issues that must be addressed to return to compliance with General Permit No. MIG19000.

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

1. At the time of the inspection, runoff from the feed storage area and surrounding barns was diverted to and collected in a small storage pond. Mr. Bleecker indicated that this pond was only a temporary holding pond for the liquid waste, which is then pumped to the wastewater storage lagoon. At the time of the inspection, the pond appeared to hold a substantial quantity of wastewater. Mr. Bleecker also indicated that there is always some residual liquid in the pond. This collection pond was not mentioned or pictured in the most recent CNMP submitted by this facility in 2011. As the current effort by DEQ to ensure NRCS certification of all CAFO waste storage structures dates back to 2010, this structure would not have been included in this original effort since it was constructed after the effort began, however, the ACO holds that all waste storage structures at the facility must be certified as meeting NRCS standards or closed, therefore all requirements and deadlines listed in the ACO apply to this waste storage structure. Please include the report from the engineering review for this

structure along with the reports due for the other waste storage structures by December 1, 2013. Failure to do so will result in the accrual of stipulated penalties pursuant to paragraph 8.2 of the ACO.

2. At the time of the inspection, it appeared as though not all contaminated production area runoff was collected. Runoff from the barns on the east end of the facility, near the silos, appears to flow east toward an open field. Also, feed storage area runoff does not appear to be completely contained. While a wall is in place for most of the feed storage area to contain leachate, the southern part of the feed storage area remains without a containment wall. Runoff from this area appears to flow west toward an open field, and eventually to a small pond. You indicated Terrehaven Farms is in the process of completing this wall. Please be advised, that all contaminated production area runoff must be contained on site.
3. Per General Permit No. MIG19000 "The permittee shall design and implement structures and management practices to divert clean storm water and floodwaters to prevent contact with contaminated portions of the production areas." At the time of the inspection, several buildings at the facility did not have structures to divert clean stormwater. Runoff from roofs of several barns is not diverted, and comes into contact with production area waste. By diverting clean stormwater, less wastewater will need to be stored and land applied.
4. At the time of the inspection, the presence of woody vegetation on the berms of the wastewater lagoon was noted. The presence of vegetation on the banks is good as long as it is maintained and is not woody vegetation, which can compromise the integrity of the lagoon liner by root penetration. This woody vegetation will need to be removed.
5. During the inspection, we discussed a recent complaint about Terrehaven Farms applying manure to a field in the rain. The DEQ was not able to confirm this complaint, however, facility records indicate manure was spread on the day of the complaint, but the facility did not have a proper forecast on file. An approved forecast is required to be followed, and kept on file for all days manure or wastewater is applied. At the time of the complaint, the permit approved forecast was not available due to the shutdown of the Federal Government, however, alternative forecasts were provided via email on October 3, 2013. Also, the permit states in the event the approved forecast system is not available "the permittee shall contact the Department for information on which forecast models to use." Terrehaven Farms made no attempt to contact the Department prior to land application on this date. Land application without a proper forecast is a violation of the permit. If the approved forecast should at some point become unavailable in the future, please delay land application until an alternative forecast is supplied or approved by the Department.
6. Since the previous CNMP was submitted, new fields have been added to Terrehaven Farms' land base. These new fields were not submitted for approval and public notice, as required in the permit, 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."

Any fields that have been added to Terrehaven Farms' land base since the 2011 CNMP was submitted shall be submitted for departmental approval in accordance with the above permit conditions. These fields shall not be land applied to until you receive Departmental

notification that processing of the permit modification is complete. Application to fields not approved by the Department is a violation of the permit.

7. Per the General Permit, "Soils at land application sites shall be sampled a minimum of once every three years, analyzed to determine phosphorus levels, and the soil test results shall be used to determine land application rates." In the Annual Report submitted by Terrehaven Farms, several fields listed had outdated soil samples. You subsequently submitted updated soil samples for some of the fields; however several fields were still missing up to date soil samples. The application of manure to fields without an up to date soil sample is a violation of the permit. In future annual report submittals please include results for the most recent soil sample for each field in the report. Up to date soil sample results are to be kept in the CNMP.

The violations identified in the Violation Notice are violations of Part 31 and Terrehaven Farms' Certificate of Coverage under NPDES General Permit No. MIG19000. Terrehaven Farms should take immediate action to achieve and maintain compliance with the terms and conditions of NPDES General Permit No. MIG19000.

In addition to the engineering reports due by December 1, 2013, please submit a response to this office by January 2, 2014. At a minimum, the response shall include:

1. A plan to contain all contaminated production area runoff.
2. A plan to divert clean stormwater.
3. Photographic documentation that the woody vegetation has been removed from the berms of the washwater lagoon.
4. New field application materials.
5. Updated soil sample results for all fields.

Thank you for your cooperation in these matters. Please respond to items 1-5 above by January 2, 2014. We anticipate and appreciate your cooperation in resolving these matters. 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. 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; kennedym@michigan.gov; or DEQ, WRD, Jackson District Office, 301 East Louis Glick Highway, Jackson, Michigan 49201-1556.

Sincerely,



Michael W. Kennedy
Environmental Quality Analyst
Water Resources Division

cc: Mr. James Bleecker – Terrehaven Farms (via email)
Ms. Meredith Bohdan, Enforcement Unit, WRD (via email)
Mr. Barry Selden, Enforcement Unit, WRD (via email)
Mr. Bruce Washburn, Kalamazoo District Office, WRD (via email)
File: Terrehaven Farm-CAFO, MIG010061, CAFO, Lenawee County