



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
JACKSON DISTRICT OFFICE



KEITH CREAGH
DIRECTOR

June 13, 2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Jan Vanderhoff
Hoffland Dairy
9510 Haley Road
Clayton, Michigan 49235

VN No. VN-006570

SUBJECT: Violation Notice

Dear Mr. Vanderhoff:

The Department of Environmental Quality (DEQ), Water Resources Division (WRD) staff inspected a field managed by Hoffland Dairy-CAFO, located near the intersection of Tomer Road and Whaley Highway on April 28, 2016, to determine compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), MCL 324.3101 et seq. and the Administrative Rules promulgated there under being 2006 AACRS R 323.2101 et seq., as amended and National Pollutant Discharge Elimination System (NPDES) Permit No. MI0058109 which was issued on January 14, 2010, effective January 14, 2010.

On April 28, 2016, WRD staff received a complaint stating that manure was present within the water flowing through the underground portion of Deline Drain located on Tomer Road just west of the intersection with Whaley Highway. At approximately 1:30 p.m. on April 28, 2016, WRD staff conducted a site inspection of the Deline Drain access point described above and observed the unlawful discharge of manure to the Deline Drain. As a result of this discharge, the receiving water contained unnatural turbidity, color, and odor, which is a violation of Part 31 and the farm's permit. Based on subsequent communications between WRD staff and the farm, it was determined that the most likely source of the manure was a recent field application completed by Hoffland Dairy. Copies of permit-required records and more in-depth information about both the field and the manure application were promptly provided to WRD staff when requested. Review of the provided information found that the manure application had been completed in compliance with permit requirements, however, the recent addition of new field drainage tile prior to the manure application likely allowed the manure to flow preferentially to the Deline Drain, through the tile; thereby causing the unpermitted discharge.

Based on communications between WRD staff and Mr. Luke Vanderhoff, the violation(s) identified in this Violation Notice are believed to have ceased on April 29, 2016.

The violations identified in the Violation Notice are violations of Part 31 of NREPA and NPDES Permit No. MI0058109.

Hoffland Dairy-CAFO should take immediate action to achieve and maintain compliance with the terms and conditions regarding the reporting of discharges within NPDES Permit No. MI0058109. The permit requirements for the Reporting of Overflows and Discharges from Large CAFO Waste Storage Structures and Land Application (as outlined in Part I, Section B,

Item 1 (page 13) of the permit) state that: "In the event of a discharge through tile lines, the permittee shall identify and document, for field(s) from which the discharge occurred, the location of tile and depth of tile. The permittee shall also document field conditions at the time of the discharge; determine why the discharge occurred and how to prevent future discharges." The farm has already submitted sufficient information to WRD staff documenting field conditions at the time of the discharge; however, additional information is required on how the farm intends to prevent future discharges similar to this one. Please submit a response to this office by July 18, 2016. At a minimum, the response shall include:

1. A statement from the farm identifying what most likely caused the discharge to occur.
2. An outline of how the farm intends to prevent future discharges. This outline should include information on how similar discharges will be prevented on the field identified in this complaint and a more general plan for preventing similar discharges from occurring on other fields.

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.

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 517-416-4073; KoledaR@michigan.gov; or DEQ, WRD, Jackson District Office, 301 East Louis Glick Highway, Jackson, Michigan 49201-1535

Sincerely,



Rachel Koleda
Environmental Quality Analyst
Water Resources Division

cc: Mr. Luke Vanderhoff, Hoffland Dairy (electronically)
Mr. Dana Kirk, Silvernail Consulting, Inc. (electronically)