



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

JAN 22 2010

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

[REDACTED]

Dear [REDACTED]

Re: Clean Water Act Section 308 Information Request

The Environmental Protection Agency (EPA) seeks your assistance in providing information regarding your compliance with the federal Clean Water Act (CWA). The CWA prohibits the discharge of pollutants from a point source to a water of the United States unless the discharge is authorized by a National Pollutant Discharge Elimination System (NPDES) permit. The CWA specifically includes concentrated animal feeding operations (CAFO) within the definition of a point source. Pursuant to the CWA, EPA promulgated criteria that establish whether an animal feeding operation is a large CAFO. Your facility meets the definition of a CAFO under the CWA and any discharge from your facility's production area and any discharge from land application areas that is not subject to the CWA's agricultural storm water exemption are violations of the CWA. In order for pollutant discharges from land application areas to be allowed under the CWA's agricultural storm water exemption you must implement adequate nutrient management planning to ensure that manure and process waste water is applied at agronomic rates. Discharges of pollutants to waters of the United States that result from your failure to do this are violations of the CWA.

In order to evaluate the compliance status of your facility, EPA requests that you answer the questions and provide the information and/or documents requested in the enclosed Information Request. Section 308 of the CWA, 33 U.S.C. § 1318, authorizes EPA to request information from any person to determine compliance with the CWA. Pursuant to Section 308 of the CWA, EPA requests that you respond to this Information Request by February 22, 2010. Please send your response to:

Stephen Pollard
U.S. Environmental Protection Agency
Water, Wetlands and Pesticides Division
901 North 5th Street
Kansas City, Kansas 66101.




The information requested herein must be provided even though you may contend that it includes confidential business information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Section 308 of CWA and 40 C.F.R. § 2.203(b). A confidentiality claim requires certain steps on your part to justify such a claim. If EPA determines that submitted information is confidential business information, EPA will take steps to protect the confidential portions of the submitted information. Information covered by such claim will be disclosed by EPA only to the extent permitted by CWA Section 308. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

Although EPA seeks your cooperation, compliance with this Information Request is required by law. Failure to provide all the information required or the making of any false material statements or representation in response to this letter, constitute violations of Section 308 of the CWA, and may result in an enforcement action and the imposition of civil and/or criminal penalties pursuant to Section 309 of the CWA, 33 U.S.C. § 1319.

If you have any questions or need additional information, please contact Stephen Pollard at 913-551-7582.

Sincerely,


for William A. Spratlin
Director
Water, Wetlands, and Pesticides Division

Enclosure

cc: Ken Hessenius, IDNR

[REDACTED]

Information Request

1. Please provide a copy of the Manure Management Plan(s) for your confinement operation located at [REDACTED] (herein described as the Facility) and any attachments.
2. Please provide copies of all annual reports/updates you have submitted to the Iowa Department of Natural Resources (IDNR).
3. Please provide copies of all calculations, sample results, application rates, or other documentation you have generated in fulfilling the requirements of the Manure Management Plan(s) over the last two years.
4. Please provide a copy of all IDNR issued construction permits associated with your facility.
5. Please provide the designed manure storage capacity for the Facility. If there are multiple manure containment structures at the Facility, please provide the designed storage capacity for each structure.
6. Please provide the current volume of manure stored at the Facility. If there are multiple manure containment structures at the Facility, please provide the current volume of manure stored in each structure.
7. Please provide a monthly accounting of the type and number of animals confined at the Facility for the last two years.
8. Do you anticipate that you have adequate storage capacity available to prevent the need to land apply manure before April 15, 2010?
9. Have you land applied manure from your Facility since November 30, 2009? If you answered yes, provide the date(s), location, application method, ground condition, and quantity of manure applied.
10. Please provide a list of all companies or individuals that the facility contracted to land apply solid and/or liquid dairy/livestock wastes at anytime during the last two years. Please provide copies of all contracts and/or agreements relating to land application of solid and/or liquid dairy/livestock wastes generated at the facility during the last two years.