



5242 Curtis Road, Warsaw, NY 14569

(585)786-5831

Fax: (585)786-5289

www.wnycma.com

December 30, 2015

U. S. Environmental Protection Agency
Region 2
290 Broadway, 16th Floor
New York, New York 10007-1866
Attention: Christopher Saporita, Esq.

Re: Mark Jahnke and Hemlock Valley Farm, Assessing Class 1 Civil Penalty
SPDES No. NYA000553, DEC Authorization No. 4-36-00-044
Docket No. CWA-02-2016-3308.

This letter will serve as the response to the Complaint of Violation received by Mark Jahnke and Hemlock Valley Farm.

Mark Jahnke and Hemlock Valley Farm are a medium Concentrated Animal Feeding Operation (CAFO) located in Milford, NY. They are an environmentally friendly operation with a low animal to acre ratio which allows them to maintain a lower level of nutrients being applied per acre and sustain a more than acceptable nutrient management plan while being excellent stewards of the land. All forage and grain crops grown help the farm to be diversified in today's economy marketplace.

Hemlock Valley Farm is in the Clean Water Act (CWA) Permit and does realize that its Comprehensive Nutrient Management Plan (CNMP) was to be fully implemented and all practices fully operational by June 30, 2009. The farm and former planner were honest in filling out each year's Annual Report (Appendix D) by stating that there were projects left to complete, however, ***did not*** fully understand that there would be no extensions granted and that penalties could possibly ensue. In multiple years of their Appendix D reports they did include letters stating financial difficulties, and/or that they had attempted and were received into a funding program to complete the Silage Leachate Control Practices. As per the containment of the Silage leachate, it was addressed in the correspondence to the EPA in an Email dated 7/7/2014 from Mark Jahnke for the Bunk Silo Maintenance and Protocol for the temporary containment of the leachate until such time that the practice was completed.

The farm was inspected by the EPA on April 12, 2012 and was found to be at that time in violation of two practices. These practices were identified in the farms Best Management Practices (BMP's) as the Silage Leachate Control Practice, and Barnyard Management. On May 31st the EPA issued to Hemlock Valley Farm an Administrative Order (AO), which ordered the correction on the above violations and to come in to compliance with the Clean Water Act.

Crop Consulting * Scouting * Nutrient Management * CAFO Planner

U.S. Environmental Protection Agency
REGIONAL HEARING CLERK
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After the inspection and the AO was received, the animals at both the Dry Cow and Heifer Facilities were fenced out of the tributaries and this was reported as corrected to the EPA on June 29, 2012.

The Silage Leachate Control System was placed into a funding program through Otsego County Soil and Water District in the EQIP funding program in 2012. This program involved the hiring of a private engineering firm thru Otsego County to survey, locate, and engineer the complete system for Silage Leachate control. Designs were drawn, reviewed by a New York State Engineer and Otsego Soil and Water District. Requested changes to the designs were made by the New York State Engineer and Otsego County. The final designs were passed along to be bid on by three contractor firms. The hired construction firm began construction in spring/summer 2014 with a finalized engineers evaluation and inspection. Hemlock Valley Farm submitted to the EPA on October 19, 2014 that this practice was corrected and the farm now met all criteria for the Clean Water Act as fully implemented.

This process working through the Soil and Water District took a longer period of time than anticipated. In length it took several years from the acceptance into the funding program through completion and inspection. Hemlock Valley Farm was financially unable to complete this project without assistance, and was at the mercy and speed of the government agencies, private engineering firm, and contractors. Through this process they did meet the required quarterly updates to the EPA inspector and Mark Jahnke has copies of all correspondence.

We acknowledge being out of compliance with the CWA, but we are asking for you to consider a reduction in the penalty assessed to Hemlock Valley Farm due to reasons cited above. The farm is fully implemented and compliant and just received a Satisfactory rating from a New York State Department of Environmental Conservation Inspection of the facility held on 11/5/2015.

Sincerely,



Mark Jahnke
Hemlock Valley Farm



Chad Stoeckl
Certified AEM Planner

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The Silage Leachate Control System was placed into Soil and Water District in the EQIP funding program of a private engineering firm thru Otsego County to system for Silage Leachate control. Designs were done by Engineer and Otsego Soil and Water District. Requested by the New York State Engineer and Otsego County. Work done on by three contractor firms. The hired construction started in 2014 with a finalized engineers evaluation and inspection by the EPA on October 19, 2014 that this practice was approved for the Clean Water Act as fully implemented.

This process working through the Soil and Water District was anticipated. In length it took several years from the completion and inspection. Hemlock Valley Farm was done without assistance, and was at the mercy and speed of the engineering firm, and contractors. Through this process updates to the EPA inspector and Mark Jahnke has been provided.

We acknowledge being out of compliance with the reduction in the penalty assessed to Hemlock Valley Farm is fully implemented and compliant and just received approval from the State Department of Environmental Conservation.

Sincerely,

Mark Jahnke

Mark Jahnke
Hemlock Valley Farm

Hemlock Valley Farm
c/o 431 Chestnut St.
Oneonta, NY 13820

Karen Maples
Regional Hearing Clerk
US Environmental Protection Agency
290 Broadway, 16th Floor
New York, New York 10007

NO RECEIPT REQUESTED

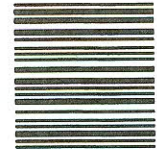
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