



ARKANSAS
Department of Environmental Quality

June 2, 2009

Gary Ackerman
Ackerman Dairy, Inc.
Route 2, Box 475
Huntsville, AR 72740

Re: AFIN: 44-0061 State Permit No.: 4060-WR-2

Dear Mr. Ackerman:

On May 26, 2009, I performed a routine compliance inspection of your facility in accordance with the provisions of the Arkansas Water and Air Pollution Control Act and the regulations promulgated there under. This inspection revealed the following violations:

1. The banks and levees of the holding pond have not been mowed and maintained as required in your waste management plan. This is in violation of your Waste Management Plan Section D. No. 2 of Permit No. 4060-WR-2.
2. Soil and waste analysis for May 2008 were used for the 2007 annual report. This is in violation of Condition 28 and 29 of the permit.
3. Soils were not sampled and analyzed for nitrates at field 1 in May of 2008. This is a violation of Regulation 5, section 5.407C and Condition 29 of the permit.

The above items require your immediate attention. Please submit a written response to these findings to Cindy Garner, Water Division Enforcement Branch Manager. This response should be mailed to the address below. This response should contain documentation describing the course of action taken to correct each item noted. This corrective action should be completed as soon as possible, and the written response with the necessary documentation (i.e. photographs) is due by June 12, 2009.

If you have any questions concerning this matter, feel free to contact me at 479-267-0811 ext. 11.

Sincerely,

A handwritten signature in black ink that reads "Jay Alison West". The signature is written in a cursive, flowing style.

Alison West
Field Inspector
Water Division

cc: Water Division Enforcement Branch
Water Division Permit Branch

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY
Agricultural Permit Inspection Report

Inspection Date 5-26-2009	AFIN Number 44-0061	Permit Number 4060-WR-2	County Madison	Compliance Status OUT
Facility Name and Location Ackerman Dairy, Inc. 805 MC 2151 Huntsville, AR		Name of Responsible Official Gary Ackerman Phone Number 479-738-1567		Mailing Address Route 2, Box 475 Huntsville, AR 72740
Legal Description Sec. <u>31</u> Tns. <u>17N</u> Rng. <u>25W</u>		Name of Person Contacted Lola Ackerman		Title Owner
Grow or Produce for: NA		Design Animal Type and Capacity Designed for 140 cows		
Evaluate the Following Areas: S-Satisfactory M-Marginal U--Unsatisfactory N/A-Not Evaluated				
Part 1 - Operation and Maintenance				
(a) No discharge of wastewater from basins, lagoons, holding pond, and/or pits.				S
(b) No leaks or seeps in waste holding/disposal system.				N/A
(c) Adequate freeboard was found at basins, lagoons, holding ponds, and/or pits.				S
Estimate freeboard: 28"				S
(d) Banks and levees properly maintained and in good operating condition.				U
(e) Adequate holding capacity in waste holding system.				S
(f) Adequate waste disposal equipment available and operational. Type: (<u>Spray Irrigation</u>)				S
(g) All waste being properly applied according to permit and waste management plan.				S
(h) All land application sites are approved under waste management plan or site management plan.				S
(i) Waste holding pond/pit is properly fenced, posted, and staff gauge installed if required.				S
(j) Waste facility and confinement area constructed according to approved plans.				S
(k) Owner and managing operators have completed adequate training and/or education.				N/A
(l) All flush systems, drain chutes, and waste drag systems operational.				S
(m) Facility operating within design type and capacity limits.				S
Comments/Violations Noted in Operation and Maintenance Section				
(a) The banks and levees of the holding pond had not been mowed and maintained as required in the permit.				
Part 2 - Sampling				
(a) Waste/wastewater sampled and analyzed for parameters as required by the permit and/or Reg. 5.				U
(b) Soil at the land application sites sampled and analyzed as required by the permit and/or Reg 5.				U
(c) Sampling and analytical method meet the terms and conditions of the permit and/or Reg 5.				N/A
(a) Soil and waste analysis from May 2008 were used for the 2007 annual report.				
(b) Nitrates were not analyzed for Field 1 in May 2008.				

Part 3 - Records and Reports

- | | |
|--|---|
| (a) Adequate records are kept on all waste being land disposed as required by permit and/or Reg. 5. | S |
| (b) Records being maintained on all sampling and analysis of soil, waste as required by permit and/or Reg. 5. | S |
| (c) Annual reports and other record keeping requirements kept and/or submitted as required by permit and/or Reg. 5 | S |

Comments/Violations noted Records and Reports Section	
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Part 4 - General

- | | |
|---|---|
| (a) All waste streams at the facility are covered under permit. | S |
| (b) No waste placed in a location where it is likely to cause pollution to the waters of the State. | S |
| (c) No visible effects on nearby waters of the State due to permitted waste system. | S |
| (d) Dead animals properly disposed. | S |

☐ Composted ☒ On-site Burial ☐ Rendered ☐ Incinerator ☐ Other (Specify _____)

Comments/Violations noted in General Section	
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Part 5 - Recurring/Highlighted Violations

(List all Recurring and/or Highlighted Violations of Permit Conditions)	
<p>1. The permittee has not maintained the required 10-foot buffer zone along the water body edge, as specified in the permit conditions.</p> <p>2. The permittee has not installed the required erosion control measures, such as silt fences and sediment basins, to prevent sediment from entering the water body.</p> <p>3. The permittee has not implemented the required best management practices (BMPs) to control sediment and other pollutants from the construction site.</p> <p>4. The permittee has not provided adequate access to the water body for public use, as required by the permit conditions.</p> <p>5. The permittee has not maintained the required water quality monitoring program, including regular sampling and testing of the water body.</p>	

The following violations were documented during this inspection:

- | |
|--|
| 1. The banks and levees of the holding pond have not been mowed. |
| 2. Nitrates were not analyzed for Field 1 in May of 2008. |
| 3. Soil and waste analysis from May 2008 were used for the 2007 annual report. |

Photos Take During Inspection: Yes

Alison West

Inspector Name: John Fazio

Dr. D. J. J. J.

Signature of Reviewer: 

Samples Taken: No


June 2, 2009

Date of Report

Date of Review June 3, 2009

Arkansas Department of Environmental Quality (ADEQ)

Official Photograph Sheet

Location:	Ackerman Dairy, Inc.							
Photographer:		Alison West			Witness:		John Fazio	
Photo #	1	Of	1		Date:	5-26-2009	Time:	2:23 p.m.
Description:		IMGP. The banks and levees of the dairy lagoon have not been mowed.						
								
Photographer:					Witness:			
Photo #		Of			Date:		Time:	
Description:								





6-10-09

Mrs. Cindy Garner
Water Division Enforcement Branch Manager
A D E Q
5301 Northshore Drive
North Little Rock, AR 72118

Re: AFIN: 44-0061 State Permit No.
4060-WR-2

Dear Ms. Garner:

In response to the letter from Alison West, who performed a compliance inspection at Ackerman Dairy Inc. on May 26, 2009, we have taken the following corrective actions.

1. Enclosed are pictures of the waste water lagoon taken on June 9, 2009. Ackerman Dairy is truly sorry that the mowing had not been done in a timely matter.

Due to mower problems and back-ordered parts and a wetter than average spring, the grass grew up around the lagoon. In the future the grass will be mowed on a regular basis even if we need to hire the work done.

2. Enclosed are the soil and waste water analysis and a revised Annual Report for 2007. At a Regulation 5 meeting that I attended, the speaker said to always use the most recent soil and water analysis for the Annual Report. When Gary Ackerman was filling out the annual report, I gave him the most recent analysis samples. I realize now that the Annual Report was from 1-1-07 to 12-31-07 and that the samples we had just received in the mail were for 2008. Although these were the most recent, they were not the correct samples. This was a mistake on my part, and I apologize for it. It was a mistake and not intended to make a false report on purpose.

In the future, I will have someone at Ackerman Dairy check and double check my dates and work for accuracy.

3. The U of A lab has stopped sending the analysis for nitrates in the soil. We have taken the Regulation 5

handbook to our County Agent in Madison County for the last two years and showed him what the tests need to show. We have paid the required fees. Darwin Henderson, the County Agent requested the nitrate sample. We still did not receive a sample showing the nitrate. Mr. Henderson said there is nothing more he can do and perhaps the U of A lab knew more about the Regulation 5 requirements than we did.

As a result of not receiving any action, we have contacted our local NRCS office. Stephen Ford of NRCS stated there seems to be a problem with the lab results and not only ours. Mr. Ford and the NRCS office will come to Ackerman Dairy within the next couple of weeks to take samples of the soil and waste water for analysis. Mr. Ford said NRCS office will use to test results to set up a program for Ackerman Dairy that will meet the Regulation 5 requirements.

(Stephen Ford - NRCS office
479-738-6321 Ext. 107)

Again, we do apologize here
at Ackerman Dairy for these incidents.
We will do everything possible to see
that such accidents do not happen
again. We are extremely sorry
for any inconvenience our facility
has caused your office.

Sincerely,

Ackerman Dairy Inc.

Lola Ackerman
Lola Ackerman

encl.

2 pictures of lagoon

1 copy of 2007 annual report

& soil & wastewater analysis

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

ANNUAL REPORT FORM FOR PERMITTED CONFINED ANIMAL FACILITIES

REPORTING PERIOD: 1-1-07/12-31-07

PERMITTEE NAME: Gary Ackerman
Ackerman Dairy PERMIT NUMBER: 4060-WR-2(A)

FACILITY TYPE AND SIZE: 140 Cow Dairy
(ie., 200 Cow Dairy, 2,500 Swine Finishing, 80,000 Bird Layer Operation, etc.)

WASTE DISPOSAL SYSTEM CONSISTS OF: Lagoon
(ie., Holding Pond, Holding Pond & Settling Basin, Concrete Holding Tank, etc.)

WASTE APPLICATION METHOD: Irrigation System
(ie., Tank Spreader, Irrigation System, etc.)

NO. OF APPLICATION FIELDS: 1

TOTAL AVAILABLE ACREAGE: 145

WASTEWATER SAMPLE LOCATION: Lagoon during Pumping
(Lagoon During Pumping or Field During Application)

YOU MUST SUBMIT A COPY OF THE WASTEWATER ANALYSIS FOR EACH SAMPLE PROVIDED TO THE COOPERATIVE EXTENSION SERVICE OR A PRIVATE LAB. THE WASTEWATER ANALYSIS MUST INCLUDE: pH (su), TOTAL NITROGEN, AMMONIA NITROGEN, TOTAL POTASSIUM, TOTAL PHOSPHORUS, AND PERCENT SOLIDS.

IN ADDITION, YOU MUST SUBMIT A COPY OF THE SOIL ANALYSIS FOR EACH FIELD WITH THIS FORM. THE SOIL ANALYSIS MUST INCLUDE: pH (su), POTASSIUM (lbs/ac), PHOSPHORUS (lbs/ac), AND NITRATES (lbs/ac). AT LEAST ONE SOIL ANALYSIS SHOULD BE DONE FOR EACH 30 ACRE TRACT.

PLEASE COMPLETE THE TABLE ON THE BACK FOR THE LAND APPLICATION REPORT. YOU MUST SIGN AND DATE THIS REPORT AND SUBMIT IT TO THE DEPARTMENT PRIOR TO MAY 30th OF EACH YEAR. PLEASE KEEP A COPY OF THIS REPORT, THE SOIL ANALYSIS, AND THE WASTEWATER ANALYSIS FOR YOUR RECORD AT THE FACILITY.

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION.

Gary Ackerman
OWNER/OR OPERATOR (Please Print)

Gary Ackerman
SIGNATURE

5-7-07
DATE

Mail complete annual report form and annual application report to:
Arkansas Department of Environmental Quality
State Permits Branch, Water Division
P.O. Box 8913
Little Rock, AR 72219

ANNUAL ANIMAL WASTE LAND APPLICATION REPORT

PERMITTEE NAME: Ackerman Dairy PERMIT NUMBER: 4060-WR-2 (A)

Field Name or/and Number	Crop Type	Total* Area Applied (acres)	Total** Volume Applied (gallons)	Total*** Nitrogen (lbs/1000 gal.)	Calculated Nitrogen Applied (lbs/ac)
(1)	(2)	(3)	(4)	(5)	(6)
Field #1	Grass	40 ac.	120,000	2.7	6.07

* Total available area is the area where manure was applied during the reporting period (this data can be obtained from the management plan).

** Total volume applied is the total volume applied to the field during the whole reporting period (this data can be obtained from record sheet).

*** Total Nitrogen concentration (lbs/1000 gallons) can be obtained from the wastewater analysis sheet.

Column (6) = Nitrogen Applied (lbs/ac) = Column(4) X Column(5) • Column (3) • 1,334

NOTE: You may make additional copies of this table as needed.

Mail complete annual report form and annual application report to:
Arkansas Department of Environmental Quality
State Permits Branch, Water Division
P.O. Box 8913
Little Rock, AR 72219



UNIVERSITY OF ARKANSAS
DIVISION OF AGRICULTURE
Cooperative Extension Service

Agricultural Diagnostic Laboratory,
University of Arkansas
Information Sheet for Manure Analysis for
Fertilizer Value
Phone: (479) 575-3908 Fax (479) 575-3896

AGRI-429
9-1-2005

Name Gary Ackerman Sample # 479-738-1567 Lab # _____
Address 805 Madison 2151 County Madison
Address Huntsville, AR 72738 Date Received 03/26/2007

<input type="checkbox"/> Option 1: Routine Tests: Total N, P, K, Ca, pH, % Moisture; and electrical Conductivity (EC)... \$20.00	<input type="checkbox"/> NO ₃ -N ... \$5.00 <input type="checkbox"/> Sulfur... \$1.50 <input type="checkbox"/> Copper... \$1.50 <input type="checkbox"/> Iron... \$1.50 <input type="checkbox"/> NO ₃ -N, NH ₄ -N Package... \$10.00 <input type="checkbox"/> Fe, Zn, Mn, Cu Package... \$6.00	<input type="checkbox"/> NH ₄ -N ... \$5.00 <input type="checkbox"/> Magnesium... \$1.50 <input type="checkbox"/> Manganese... \$1.50 <input type="checkbox"/> Zinc... \$1.50
<input checked="" type="checkbox"/> Option 2: Liquid Manure Test (Reg 5): Total N, P, K, Ca, #pH, % Solids; EC; NH ₄ -N ... \$24.00		
<input type="checkbox"/> (Add NO ₃ -N test with option 2... \$28.00)		
<input type="checkbox"/> Add Water Soluble P... \$8.00 <input type="checkbox"/> Others requested		

OUT OF STATE SAMPLES ADD 20% TO FEES

Total Fee \$24.00 Enclosed \$24.00 Mailed Separately _____

Send check and samples to: **UA Agri Services Lab**
1366 West Altheimer Drive
Fayetteville, AR 72704-6804

Please make checks payable to:
University of Arkansas
Phone: (479) 575-3908

Animal Type	Bedding Type	Type of Manure
<input type="checkbox"/> Beef Lbs.	<input type="checkbox"/> None	<input type="checkbox"/> Lagoon sludge <input checked="" type="checkbox"/> Lagoon liquid
<input checked="" type="checkbox"/> Dairy Lbs.	<input type="checkbox"/> Rice hulls	<input type="checkbox"/> Dairy dry stack <input type="checkbox"/> Swine composter
<input type="checkbox"/> Swine Lbs.	<input type="checkbox"/> Wood shavings/Sawdust	<input type="checkbox"/> Holding pond/Settling basin sludge
<input type="checkbox"/> Broilers Age/lbs.	<input type="checkbox"/> Rice hulls/Wood shavings	<input type="checkbox"/> Holding pond/Settling basin liquid
<input type="checkbox"/> Hens Age/lbs.	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Dead bird composter
<input type="checkbox"/> Pullets Age/lbs.		<input type="checkbox"/> Poultry deep stack
<input type="checkbox"/> Turkeys Age/lbs.		<input type="checkbox"/> Poultry full house cleanout
<input type="checkbox"/> Others: Age/lbs.		<input type="checkbox"/> Poultry cake
		<input type="checkbox"/> Other _____

Date Sampled _____ Age of Manure _____

Additional Information _____

Sampling Instructions: Collect a composite sample of at least one pint representative of the materials to be tested (each house, pile, lagoon, or pit). Obtain subsamples from at least ten (10) different places and/or depths to make up the composite sample. In the case of poultry litter, sample to a depth of three inches or to the bottom of the litter. If possible, agitate liquids before collecting samples.

Mix the subsamples and place in the appropriate container to be sent to the laboratory for analysis. Liquid or fluid samples should be sent to the lab in unbreakable, plastic bottles securely closed. Containers should only be filled three-fourths full to allow for gas buildup. Moist or dry samples should be placed in a plastic bag and forwarded to the lab in a four-pound soil sample shipping carton.

Prices listed are current as of July 1, 2000. Prices subject to change without notice.

County agent keeps one copy. Send three (3) copies to lab. One copy will be returned with sample results for farmer's records.

University of Arkansas, United States Department of Agriculture and County Governments cooperating.
The Arkansas Cooperative Extension Service offers its programs to all eligible persons regardless of race, color, national origin, religion, gender, age, disability, marital or veteran status, or any other legally protected status, and is an Equal Opportunity Employer.

AGRICULTURAL DIAGNOSTIC LABORATORY
UNIVERSITY OF ARKANSAS- FAYETTEVILLE
LIQUID MANURE FOR FERTILIZER ANALYSIS (report for AGRI-429)

Name:	GARY ACKERMAN	Received:	3/27/2007
Address:	805 MADISON 2151	Mailed:	4/4/2007
City:	HUNTSVILLE	State, Zip:	AR 72738
County:	MADISON	Check #:	4955

Lab. No.	M70395				
Sample I.D.	479-738-1567				
Animal type	dairy				
-age/lbs	none given				
Bedding type	none given				
Manure type	lagoon liquid				
Sample date	3/25/2007				
Age of manure	none given				
pH	7.4				
EC(umhos/cm)	1568				
% Solids	0.34				

mg/l on "as-is"basis

Total N	321				
Total P	55				
Total K	190				
Total Ca	91				
Ammonia-N	20				
Nitrate-N					

lbs/1000 gal on "as-is" basis

Total N	2.7				
TOTAL P AS					
"P2O5"	1.1				
TOTAL K AS					
"K2O"	1.9				
Total Ca	0.8				
Ammonia-N	0.2				
Nitrate-N					

*lbs/1000gal P2O5 = mg/l Total P on "as-is" basis multiplied by 2.29*0.00833

*lbs/1000gal K2O = mg/l Total K on "as-is" basis multiplied by 1.2*0.00833

Cooperative Extension Service
Soil Analysis Report
Soil Testing And Research Laboratory
Marianna, AR 72360
<http://www.uark.edu/depts/soiltest>

The University of Arkansas is an equal opportunity/affirmative action institution

GARY ACKERMAN Client ID: 7381567
805 MADISON 2151
HUNTSVILLE AR 72740
Date Processed: 4/26/2007
Field ID: 1
Acres: 50
Lime Applied in the last 4 years: Yes
Leveled in past 4 years: No
Irrigation: Unknown
County: Madison
Lab Number: 57864
Sample Number: 563641

1. Nutrient Availability Index

Nutrient	Concentration		Soil Test Level (Mehlich 3)
	ppm	lb/acre	
P	67	134	High
K	83	166	Low
Ca	1494	2988	--
Mg	143	286	--
SO4-S	19	38	--
Zn	3.4	6.8	--
Fe	167	334	--
Mn	137	274	--
Cu	1.4	2.8	--
B	0.2	0.4	--
NO3-N			--

2. Soil Properties

Property	Value	Units
Soil pH (1:2 soil-water)	5.8	---
Soil EC (1:2 soil-water)		umhos/cm
Soil ECEC	13	cmolc/kg
Organic Matter (Loss on Ignition)		%
Estimated Soil Texture	Silt Loam - Silty Clay Loam	

Estimated Base Saturation (%)				
Total	Ca	Mg	K	Na
66.5	55.6	8.9	1.6	0.5

3. Recommendations (Notice: State and/or federal nutrient management regulations may supersede these agronomic recommendations.)

Crop		N	P2O5	K2O	SO4S	Zn	B	Lime
Last Crop	Hay (136)							
Crop 1	Hay - Summer Annuals (141)	100	0	250	0	0	0	0
Crop 2								
Crop 3								

4. Crop 1 Notes:

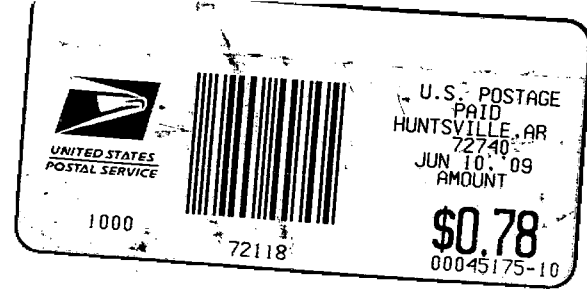
Apply one-half of the recommended N, P, and K rates at seeding and apply the remaining one-half after the first harvest (if second harvest is desired). Apply no more than 100 lb N/acre/yr - reduce or omit N rate for soils with history of manure application. Excessive N fertilization increases the risk of nitrate poisoning - have forage tested for nitrate before grazing or feeding.

5. Crop 2 Notes:


Darrin Henderson
County Extension Agent
Agriculture

6. Crop 3 Notes:

Ackerman Dairy Inc.
805 Madison 2151
Huntsville, AR 72740



Ms. Cindy Garner
Water Division Enforcement
ADEQ Branch Manager
5301 Northshore Drive
North Little Rock, AR 72118



ARKANSAS
Department of Environmental Quality

July 8, 2009

Gary Ackerman
Ackerman Dairy, Inc.
Rte 2, Box 475
Huntsville, AR 72740

RE: Ackerman Dairy, State Permit Number 4060-WR-2, AFIN 44-00061
Response to Inspection

Dear Mr. Ackerman:

The Department has received your response to the May 26, 2009 inspection of your facility by our District Field Inspector, Alison West. Your letter appears to adequately address the discrepancies identified during the visit. The Department assumes the corrective actions taken will be maintained to ensure consistent compliance with the requirements of the permit. Acceptance of this response by the Department does not preclude any future enforcement action deemed necessary at this site or any other site.

The Department will keep the inspection and response on file. If future violations occur that require enforcement action, the Department will consider the inspection and response as required by the Pollution Control and Ecology Commission Regulation No. 7, Civil Penalties. This regulation requires the Department to consider the past history of your company and how expeditiously the violations were addressed in determining any civil penalty that may be necessary for any future violations.

If we need further information concerning this matter, we will contact you. Thank you for your attention to this matter. Should you have any questions, feel free to contact me at 501-682-0667 or you may e-mail me at blaket@adeq.state.ar.us.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tracey Blake".

Tracey Blake
Enforcement Administrator
Water Division, Enforcement Branch

Certification of
Animal Waste Management System
Closure Plan

Gary Ackerman Dairy Farm

Madison County, Arkansas

CSN No: 44-0061

Permit No: 4060-WR-2

The earthen holding pond was pumped and cleaned free of wastes and wash water. This pond has been converted to a fresh water pond according to NRCS standards. The removed wastes were land applied according to the current animal waste management plan.

The components outlined in the Closure Plan for this site have been satisfactorily completed.

Certified by NRCS:

Steve Ford

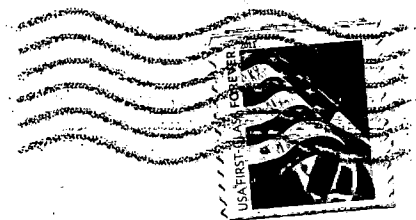
Steve Ford, District Conservationist

9-9-11

Date

STEPHEN FORD - NRCS
DISTRICT CONSERVATIONIST
PO BOX 799/HWYS. 23N & 412B
HUNTSVILLE, AR 72740

NORTHWEST AR PSDF
AR 72740
09 SEP 2011 PM



ADEQ
Rene Meints
Water Enforcement Branch
5301 Northshore Drive
North Little Rock, AR 72118-5317

72118+5317

