

Dairy Acquisition 1, LLC. Thereafter, an Application for Transfer was received on July 6, 2012 to transfer the permit from Dairy Acquisition 1, LLC to Respondent dba Range Line Dairy. Respondent assumed responsibilities for the NPDES on July 6, 2012, while Dairy Acquisition 1 LLC remained the owner of the Facility.

3. On August 29, 2012, an inspection report was sent to Respondent documenting an inspection that occurred on July 30, 2012. The letter noted that Respondent had not been maintaining any facility records since taking over the responsibility of the Facility under the CAFO NPDES permit as required. Ohio EPA also noted the lack of a Manure Management Plan ("MMP") for the Facility, as required by the NPDES permit, and requested Respondent to submit an MMP as soon as possible outlining anticipated manure distributions and applications. A table with requested items was included in the inspection report.
4. A Notice of Violation ("NOV") was sent to Respondent on November 20, 2012 as a follow up to the August 29, 2012 letter. The activities highlighted in the August 29, 2012 letter had not been completed and Ohio EPA again requested an update for said activities within 14 days of receipt of the letter.
5. On December 4, 2012, the U.S. Environmental Protection Agency conducted an inspection of the Facility. At the time of the inspection, an MMP and records associated with the MMP were not contained onsite, as required by the NPDES permit. U.S. EPA noted the violations of the NPDES permit in a January 23, 2013 letter to Respondent.
6. An additional NOV from Ohio EPA was sent to Respondent on July 12, 2013, indicating the failure to submit a 2013 Annual Report for the Facility as required under the NPDES permit.
7. Ohio EPA received a Verified Complaint on June 3, 2014 requesting that Ohio EPA initiate an investigation into the Facility. In response to the Verified Complaint, Ohio EPA commenced an investigation into the conditions of the facility and the recent history of noncompliance.
8. On January 24, 2014, Ohio EPA inspected the Facility in response to a complaint of land application of manure onto frozen and snow covered fields. It was determined that manure was land applied by Respondent onto frozen and snow covered ground from January 21 through January 25, 2014, because the settling basin that is normally used for initial manure storage was full and frozen. Ohio EPA requested records of acres applied to, amount of manure applied, depth of snow cover, surface residue cover, and reason for applying manure at that time. An NOV was issued to Respondent on January 29, 2014 setting forth the violations observed, including the failure to maintain appropriate manure storage capacity and the land application of manure onto frozen and snow covered ground in violation of the NPDES permit requirements.

9. Additionally, on March 20, 2014, a complaint was received which reported that manure from the Facility was discharging into the Range Line Road ditch. Ohio EPA responded to the reported complaint and found a tile discharging manure from the production area at the Facility into the roadside ditch. It was determined that the settling basin at the Facility was overflowing and there was liquid manure ponding throughout the Facility. The manure was reaching field tiles that drained to Range Line Ditch Road.
10. An NOV was issued to Respondent on March 26, 2014 for the tile discharges. The NOV requested that Respondent develop a plan detailing the steps that would be taken to prevent another discharge and restore the Facility to compliance.
11. The tiles associated with the March 20, 2014 discharge event were later plugged and a discharge prevention plan was received on April 8, 2014 from Respondent's consultant.
12. On April 28, 2014, another field tile was found seeping manure from the production area at the Facility. The tile associated with the April 28, 2014 discharge was eventually crushed and Respondent began hauling manure out of the settling basin.
13. On June 25, 2014, Respondent's consultant contacted Ohio EPA and reported that 720,000 gallons of liquid manure had been removed from the manure lagoon and hauled to the nearby Campbell's Biodigester.
14. The Facility was eventually sold at auction on July 22, 2014 and the Respondent no longer operates the Facility.
15. In a letter dated August 8, 2014, the Wood County Soil and Water Conservation District indicated that the situation at the Facility was no longer an imminent risk to waters of the state. The letter reported that all manure solids stored in the production area had been removed and the settling basin was completely empty.
16. ORC § 6111.04 prohibits any person from causing pollution or causing any sewage, industrial waste or other waste to be placed in any location where they cause pollution to waters of the state, except if such discharges occur in accordance with an NPDES permit issued by the Director.
17. ORC § 6111.07(A) prohibits any person from violating, or failing to perform, any duty imposed by ORC §§ 6111.01 to 6111.08, or violating any order, rule, or term or condition of a permit issued by the Director pursuant to those sections. Each day of violation represents a separate violation.

18. Respondents' actions described above caused pollution or caused sewage, industrial waste or other waste to be placed in a location where they cause pollution to waters of the state, and as such is a violation of ORC §§ 6111.04 and 6111.07.
19. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with these Orders and to evidence relating to conditions calculated to result from compliance with these Orders, and its relation to the benefits to the people of the State to be derived from such compliance in accomplishing the purpose of ORC Chapter 6111.

V. ORDERS

1. Respondent shall pay the amount of six thousand one hundred and twenty dollars (\$6,120.00) in settlement of Ohio EPA's claim for civil penalties, which may be assessed pursuant to ORC Chapter 6111. The amount shall be paid in four (4) equal installments of \$1,530.00, with the first installment due on December 1, 2015. Thereafter, the remaining three (3) installments shall be paid on March 1, 2016, June 1, 2016, and September 1, 2016, respectively. Payments to Ohio EPA shall be made by official checks made payable to "Treasurer, State of Ohio." The official checks shall be submitted to Carol Butler, or her successor, together with a letter identifying the Respondent at:

Ohio EPA
Office of Fiscal Administration
P.O. Box 1049
Columbus, Ohio 43216-1049

A copy of each check shall be sent to Mark Mann, Environmental Manager, Compliance and Enforcement Section, or his successor, at the following address:

Ohio EPA
Division of Surface Water
P.O. Box 1049
Columbus, OH 43216-1049

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrate to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and the Chief of Ohio EPA's Division of Surface Water acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent

shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by Respondent pursuant to OAC Rule 3745-33-03.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to activities occurring on or at the Facility.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XI of these Orders.

XI. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all

rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

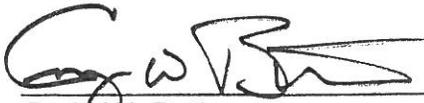
XII. EFFECTIVE DATE

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIII. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

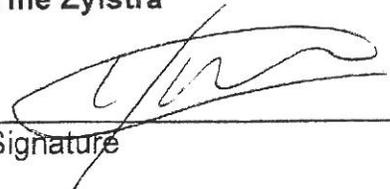
IT IS SO ORDERED AND AGREED:
Ohio Environmental Protection Agency



Craig W. Butler
Director

11/25/15
Date

Yme Zylstra



Signature

9-14-2015
Date

Yme Zylstra

Printed or Typed Name

member

Title