

**STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
WATER RESOURCES DIVISION**

**ADMINISTRATIVE CONSENT ORDER**

In the matter of: **Beaver Creek Dairy, LLC**

**ACO-000279**

**Date Entered:** 3-29-2016

**SECTION I**

**FACILITY OWNER OR MUNICIPALITY**

FULL LEGAL NAME OF FACILITY OR MUNICIPALITY Beaver Creek Dairy, LLC		
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS IDENTIFICATION NUMBER, if applicable D3765F		
ADDRESS 18080 80 <sup>th</sup> Avenue		
CITY Coopersville	STATE MI	ZIP 49404
AUTHORIZED SIGNATORY		FACILITY OWNER PHONE # 616-570-2024

**FACILITY NAME AND LOCATION**

FACILITY NAME Beaver Creek Dairy, LLC		
FACILITY ADDRESS 18080 80 <sup>th</sup> Avenue		
CITY Coopersville	STATE Michigan	ZIP 49404
COUNTY Ottawa		
FACILITY CONTACT NAME William Henke		PHONE # 616-570-2024

This document results from allegations by the Department of Environmental Quality (DEQ), Water Resources Division (WRD). The DEQ alleges that the above-referenced Owner/Operator is in violation of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), the administrative rules promulgated under this statute, and applicable permits issued to the Owner/Operator, as identified below.

STATUTE	<input type="checkbox"/>	PERMIT(S)
Part 31, Water Resources Protection, MCL 324.3101 <i>et seq.</i>	<input checked="" type="checkbox"/>	Permit Number: MIG019000 COC No. MIG010199

Specific violations are referenced in DEQ letters attached to this Administrative Consent Order (Consent Order) as Exhibit A. The Owner/Operator and the DEQ agree to resolve the violations set forth herein through entry of this Consent Order. The Owner/Operator further agrees to resolve all compliance issues set forth in Exhibit A in accordance with the requirements contained in this Consent Order. This Consent Order, in its entirety, shall consist of Section I, the attached Sections II, III, and IV, Exhibit A, and any other referenced attachments, exhibits, or appendices. This Consent Order shall be considered null and void if it does not include, at a minimum, Sections I, II, III, and IV, and Exhibit A.

The Owner/Operator agrees to pay a civil fine of **\$9,250.00** for the violations specified in Exhibit A of this Consent Order. Payment of the civil fine shall be made in accordance with the invoice that will be mailed to the Owner/Operator after the execution of this Consent Order, but not later than 30 days after the execution of this Consent Order. Failure to make timely payment constitutes a violation of this Consent Order. The Owner/Operator agrees to pay all funds due pursuant to this agreement by check made payable to the State of Michigan and delivered to the Accounting Services Division, Cashier's Office for DEQ, P.O. Box 30657, Lansing, Michigan 48909-8157, or hand delivered to the Accounting Services Division, Cashier's Office for DEQ, 425 W. Ottawa St., Lansing, Michigan 48933. To ensure proper credit, all payments made pursuant to this Consent Order must include the **Payment Identification No. WRD 40119**. The Owner/Operator agrees not to contest the legality of the civil fine.

**Signatories**

**DEPARTMENT OF ENVIRONMENTAL QUALITY**



Pete Ostlund, Acting Chief  
Water Resources Division

3-29-2016  
Date

**Beaver Creek Dairy, LLC**

I undersigned CERTIFY that I am fully authorized by the party identified above to enter into this Consent Order to comply by consent and to EXECUTE and LEGALLY BIND that party to it. I further attest that all information provided herein is accurate and true.



By: William Henke  
Title: Owner

3-11-16  
Date

## **SECTION II - COMPLIANCE SCHEDULE**

IT IS THEREFORE AGREED AND ORDERED THAT Beaver Creek Dairy shall take the following actions to comply with and to prevent further violations of Part 31 of the NREPA.

- 2.1 Beaver Creek Dairy agrees to comply with Part 31, Water Resources Protection of the Natural Resources and Environmental Protection Act, 1994 PA 451 as amended (Part 31 of the NREPA) MCL 324.3101 and National Pollution Discharge Elimination System (NPDES) Permit No. MIG019000 Certificate Of Coverage No. MIG010199.
- 2.1 On December 22, 2015, Beaver Creek Dairy submitted a response to Violation Notice No. VN-006237, issued November 20, 2015. The response included a manure spill and discharge action guide. The Owner/Operator hereby agrees to take all actions necessary to prevent a future discharge. The Owner/Operator hereby agrees to follow the manure spill and discharge action guide if any future incidents that occur.

Sections III and IV of this Consent Order shall not be altered in any way, including adding or eliminating any language, striking terms or parts of terms, retyping in whole or in part, or using a different format. Any changes to this document without written approval from the DEQ renders the Consent Order null and void.

## **SECTION III – STIPULATIONS**

The Owner/Operator and the DEQ stipulate as follows:

1. The DEQ reserves all rights afforded to it under the law or laws under which this Consent Order is being entered. The DEQ is authorized to enter this Consent Order to comply with state law under Section 3112(4) of Part 31 of the NREPA.
2. The Owner/Operator consents to the issuance and entry of this Consent Order and stipulates that the entry of this Consent Order constitutes a final order of the DEQ and is enforceable as such under the appropriate provisions of state law identified in Section I this Consent Order. Owner/Operator agrees not to contest the issuance of this Consent Order, and that the resolution of this matter by the entry of this Consent Order is appropriate and acceptable. It is also agreed that this Consent Order shall become effective on the date it is signed by the chief of the WRD, delegate of the director.
3. The Owner/Operator and the DEQ agree that the signing of this Consent Order is for settlement purposes only and does not constitute an admission by the Owner/Operator that the law has been violated.
4. The Signatory to this Consent Order on behalf of the Owner/Operator agrees and attests that it is fully authorized to assure that the Owner/Operator will comply with all requirements under this Consent Order.
5. The Owner/Operator shall achieve compliance with the aforementioned regulations in accordance with the requirements contained in Section II of this Consent Order.

#### **SECTION IV - GENERAL PROVISIONS**

1. With respect to any violations not specifically addressed and resolved by this Consent Order, the DEQ reserves the right to pursue any other remedies to which it is entitled for any failure on the part of the Owner/Operator to comply with the requirements of the NREPA and its rules. Entry of this Consent Order does not relieve Owner/Operator from future liability for the potential need to conduct remedial actions if contaminants originating from the discharge are discovered at limits that exceed the criteria under applicable law. The DEQ further expressly reserves the right to pursue Owner/Operator for injunctive relief and costs associated with overseeing and conducting these remedial actions.
2. The DEQ and Owner/Operator consent to enforcement of this Consent Order in the same manner and by the same procedures for all final orders entered pursuant to the provisions of the NREPA, as amended.
3. This Consent Order in no way affects Owner/Operator's responsibility to comply with any other applicable state, federal, or local laws or regulations.
4. The WRD reserves its right to pursue appropriate action, including injunctive relief to enforce the provisions of this Consent Order, and applicable statutory fines for any violation of this Consent Order.
5. Nothing in this Consent Order is or shall be considered to affect any liability the Owner/Operator may have for natural resource damages caused by the Owner/Operator's acts or omissions. The State of Michigan does not waive any rights to bring an appropriate action to recover such damages to the natural resources.
6. In the event the Owner/Operator sells or transfers the facility, it shall advise any purchaser or transferee of the existence of this Consent Order in connection with such sale or transfer. Within 30 calendar days, the Owner/Operator shall also notify the WRD District Supervisor, in writing, of such sale or transfer, the identity and address of any purchaser or transferee, and confirm the fact that notice of this Consent Order has been given to the purchaser and/or transferee. The purchaser and/or transferee of this Consent Order must agree, in writing, to assume all of the obligations of this Consent Order. A copy of that agreement shall be forwarded to the WRD District Supervisor within 30 days of assuming the obligations of this Consent Order.
7. The provisions of this Consent Order shall apply to and be binding upon the parties to this action, and their successors and assigns.
8. This Consent Order constitutes a civil settlement and satisfaction as to the resolution of the violations specifically addressed herein; however, it does not resolve any criminal action that may result from these same violations.

9. REPORTING

The Owner/Operator shall verbally report any violation(s) of the terms and conditions of this Consent Order to the District Supervisor by no later than the close of the next business day following detection of such violation(s) and shall follow such notification with a written report within five business days following detection of such violation(s). The written report shall include a detailed description of the violation(s), as well as a description of any actions proposed or taken to correct the violation(s). The Owner/Operator shall report any anticipated violation(s) of this Consent Order to the above-referenced individual in advance of the relevant deadlines whenever possible.

10. RETENTION OF RECORDS

Upon request by an authorized representative of the DEQ, the Owner/Operator shall make available to the DEQ all records, plans, logs, and other documents required to be maintained under this Consent Order or pursuant to applicable laws or rules. All such documents shall be retained by Owner/Operator for at least a period of three years from the date of generation of the record unless a longer period of record retention is required by the applicable law or its rules.

11. RIGHT OF ENTRY

The Owner/Operator shall allow any authorized representative or contractor of the DEQ, upon presentation of proper credentials, to enter upon the premises of the facility at all reasonable times for the purpose of monitoring compliance with the provisions of this Consent Order. This paragraph in no way limits the authority of the DEQ to conduct tests and inspections pursuant to the NREPA and the rules promulgated thereunder, or any other applicable statutory provision.

12. DEQ APPROVAL OF SUBMITTALS

For any work plan, proposal, or other document, excluding applications for permits or licenses, that are required by this Consent Order to be submitted to the DEQ by the Owner/Operator, the following process and terms of approval shall apply:

- a. All work plans, proposals, and other documents required to be submitted by this Consent Order shall include all of the information required by the applicable statute and/or rule, and all of the information required by the applicable paragraph(s) of this Consent Order.
- b. In the event the DEQ disapproves a work plan, proposal, or other document, it will notify the Owner/Operator, in writing, specifying the reasons for such disapproval. The Owner/Operator shall submit, within 30 days of receipt of such disapproval, a revised work plan, proposal, or other document which adequately addresses the reasons for the DEQ's disapproval. If the revised work plan, proposal, or other document is still not acceptable to the DEQ, the DEQ will notify Owner/Operator of this disapproval.

- c. In the event the DEQ approves with specific modifications, a work plan, proposal, or other document, it will notify the Owner/Operator, in writing, specifying the modifications required to be made to such work plan, proposal, or other document prior to its implementation and the specific reasons for such modifications. The DEQ may require the Owner/Operator to submit, prior to implementation and within 30 days of receipt of such approval with specific modifications, a revised work plan, proposal, or other document which adequately addresses such modifications. If the revised work plan, proposal, or other document is still not acceptable to the DEQ, the DEQ will notify the Owner/Operator of this disapproval.
- d. Upon DEQ approval, or approval with modifications, of a work plan, proposal, or other document, such work plan, proposal, or other document shall be incorporated by reference into this Consent Order and shall be enforceable in accordance with the provisions of this Consent Order.
- e. Failure by the Owner/Operator to submit an approvable work plan, proposal, or other document, within the applicable time periods specified above, constitutes a violation of this Consent Order and shall subject Owner/Operator to the enforcement provisions of this Consent Order.
- f. Any delays caused by the Owner/Operator's failure to submit an approvable work plan, proposal, or other document when due shall in no way affect or alter the Owner/Operator's responsibility to comply with any other deadline(s) specified in this Consent Order.
- g. No informal advice, guidance, suggestions, or comments by the DEQ regarding reports, work plans, plans, specifications, schedules or any other writing submitted by the Owner/Operator will be construed as relieving the Owner/Operator of its obligation to obtain written approval, if and when required by this Consent Order.

### 13. EXTENSIONS

Owner/Operator and the DEQ agree that the DEQ may grant the Owner/Operator a reasonable extension of the specified deadlines set forth in this Consent Order. Any extension shall be preceded by a written request to the District Supervisor no later than ten business days prior to the pertinent deadline, and shall include:

- a. Identification of the specific deadline(s) of this Consent Order that will not be met.
- b. A detailed description of the circumstances that will prevent the Owner/Operator from meeting the deadline(s).
- c. A description of the measures the Owner/Operator has taken and/or intends to take to meet the required deadline.
- d. The length of the extension requested and the specific date on which the obligation will be met.

No change or modification to this Consent Order shall be valid unless in writing from the DEQ, and if applicable, signed by both parties.

14. TERMINATION

This Consent Order shall remain in full force and effect until terminated by a written Termination Notice (TN) issued by the DEQ. Prior to issuance of a written TN, the Owner/Operator shall submit a request consisting of a written certification that the Owner/Operator has fully complied with the requirements of this Consent Order and has made payment of any fines, including stipulated penalties, required in this Consent Order. Specifically, this certification shall include:

- a. The date of compliance with each provision of the compliance program in Section II, and the date any fines or penalties were paid.
- b. A statement that all required information has been reported to the district supervisor.
- c. Confirmation that all records required to be maintained pursuant to this Consent Order are being maintained at the facility.

The DEQ may also request additional relevant information. The DEQ shall not unreasonably withhold issuance of a TN.

Exhibit A  
Administrative Consent Order

<u>Enforcement Type</u>	<u>Enforcement Number</u>	<u>Issued Date</u>
VIOLATION NOTICE	VN-006163	October 9, 2015
VIOLATION NOTICE	VN-006237	November 20, 2015
ENFORCEMENT NOTICE		March 4, 2016



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
GRAND RAPIDS DISTRICT OFFICE



DAN WYANT  
DIRECTOR

October 8, 2015

**CERTIFIED MAIL**  
**RETURN RECEIPT**

Mr. Bill Henke  
18080 80<sup>th</sup> Avenue  
Coopersville, Michigan 49404

**VN No. VN-006163**

Dear Mr. Henke:

SUBJECT: Violation Notice  
National Pollutant Discharge Elimination System (NPDES)  
Certificate of Coverage (COC) No. MIG010199  
Designated Name: Beaver Creek Dairy – CAFO

Staff of the Department of Environmental Quality (DEQ) Water Resource Division (WRD) were notified by Beaver Creek Dairy staff on September 14, 2015, that an equipment malfunction on an irrigation pivot located behind the dairy had resulted in a manure spill. On September 16, 2015, Mr. Michael J. Worm, District Supervisor from the DEQ, met Mr. Jason Murray at the site of the equipment malfunction. At this time it was confirmed that manure laden water had left the field via tile lines and discharged into Bushman County Drain. Please be advised that a discharge of manure to a county drain is a violation of Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), MCL 324.3101 (Part 31).

In accordance with the terms of Part 31 of NREPA, Section 324.3109(1), which states in part: *"A person shall not directly or indirectly discharge into the waters of the state a substance that is or may become injurious to any of the following:*

- (a) To the public health, safety, or welfare.*
- (b) To domestic, commercial, industrial, agricultural, recreational, or other uses that are being made or may be made of such waters.*
- (c) To the value or utility of riparian lands.*
- (d) To livestock, wild animals, birds, fish, aquatic life, or plants or to their growth or propagation.*
- (e) To the value of fish and game."*

Further, in accordance with Part 1.A.3 of your NPDES Permit No. MIG019000 and COC No. MIG010199, the permittee is prohibited from having any dry weather discharge that violates water quality standards.

The discharge identified in this Violation Notice has ceased. A report of the discharge event was submitted by Beaver Creek Dairy to the DEQ in an email dated September 24, 2015.

In addition, on September 26, 2015, staff of the DEQ learned that Beaver Creek Dairy applied manure to fields located on the north west corner of the intersection of Judson Road and Rollenhagen Road in Ravenna Township, Muskegon County. These fields are not incorporated into the Comprehensive Nutrient Management Plan (CNMP) for Beaver Creek Dairy and the DEQ does not have records of soil tests for these fields. Therefore, Beaver Creek Dairy should not land apply manure to these fields.

Beaver Creek Dairy should take immediate action to achieve and maintain compliance with the terms and conditions of Part 31, Water Resources Protection, of the NREPA, MCL 324.3101 (Part 31) and COC No. MIG010199.

It is therefore directed that on or before **November 12, 2015**, you shall submit a response to this office. At a minimum, the response shall include:

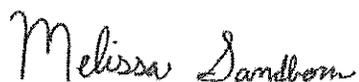
1. A written plan describing actions that Beaver Creek Dairy will take to prevent future discharges from similar equipment malfunctions. This plan will need to include details about staff training and potential improvements to the pivot irrigation system.

It is also directed that the land application to the fields specified above, and all other fields used for land application by Beaver Creek Dairy that are not in the CNMP and do not have soil tests, stop **immediately**. Application on these fields cannot continue until DEQ staff has confirmed that soil tests have been acquired for these fields and the fields have been added to the CNMP.

If you have any further factual information you would like us to consider regarding the violations identified in this Notice, please provide them with the 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 616-356-0210; sandbornm1@michigan.gov; or the DEQ, WRD, Grand Rapids District Office, 350 Ottawa Avenue NW, Unit 10, Grand Rapids, Michigan 49503-2341.

Sincerely,



Melissa Sandborn  
Environmental Quality Analyst

cc: Mr. Jason Murray, Beaver Creek Dairy (via email)  
Mr. Michael J. Worm, District Supervisor, WRD-DEQ (via email)



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
GRAND RAPIDS DISTRICT OFFICE



DAN WYANT  
DIRECTOR

November 20, 2015

**CERTIFIED MAIL**  
**RETURN RECEIPT**

Mr. Bill Henke  
18080 80<sup>th</sup> Avenue  
Coopersville, Michigan 49404

VN No. VN-006237

Dear Mr. Henke:

SUBJECT: Violation Notice  
Designated Name: Beaver Creek Dairy – CAFO  
Certificate of Coverage No. MIG010199

Staff of the Department of Environmental Quality (DEQ), Water Resources Division (WRD) was notified by Beaver Creek Dairy on the morning of November 9, 2015, that a break in a pipe at the facility had resulted in a manure discharge. At an unknown time, a cap on an underground flushing system pipe broke, resulting in manure-laden water saturating the ground and pooling on the surface of the ground. The manure-laden water flowed into the farm's clean stormwater system, which emptied into the road side ditch on 80<sup>th</sup> street and subsequently discharged into an unnamed stream that is a tributary to Crockery Creek. Staff of the DEQ visited the farm and several downstream locations of the tributary and confirmed that manure-laden water had entered the stream. Please be advised that a discharge of manure-laden water to waters of the state is a violation of Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), MCL 324.3101 (Part 31).

In accordance with the terms of Part 31 of NREPA, Section 324.3109(1), which states in part: *"A person shall not directly or indirectly discharge into the waters of the state a substance that is or may become injurious to any of the following:*

- (a) To the public health, safety, or welfare.*
- (b) To domestic, commercial, industrial, agricultural, recreational, or other uses that are being made or may be made of such waters.*
- (c) To the value or utility of riparian lands.*
- (d) To livestock, wild animals, birds, fish, aquatic life, or plants or to their growth or propagation.*
- (e) To the value of fish and game."*

Further, in accordance with Part 1.A.3 of your National Pollutant Discharge Elimination System (NPDES) Permit No. MIG019000 and Certificate of Coverage No. MIG010199, the permittee is prohibited from having any dry weather discharge that violates water quality standards.

Beaver Creek Dairy should take immediate action to achieve and maintain compliance with the terms and conditions of Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), MCL 324.3101 (Part 31) and Certificate of Coverage No. MIG010199.

The discharge identified in this Violation Notice has ceased. A report of the discharge event was submitted by Beaver Creek Dairy to the DEQ in an email dated November 16, 2015. The discharge report included information about immediate corrective actions taken in regards to the faulty cap in the flushing system.

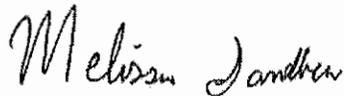
It is therefore directed that on or before **December 22, 2015**, Beaver Creek Dairy shall submit a written plan describing any further actions they have taken or will take to prevent future discharges from similar incidents.

It is also **strongly recommended** that Beaver Creek Dairy develop a manure spill and discharge action guide. It is recommended that this guide include information regarding initial response actions, potential containment strategies, and damage tracking procedures for different types of manure spill incidents.

If you have any further factual information you would like us to consider regarding the violations identified in this Notice, please provide them with the 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 616-356-0210; sandbornm1@michigan.gov; or the DEQ, WRD, Grand Rapids District Office, 350 Ottawa Avenue NW, Unit 10, Grand Rapids, Michigan 49503-2341.

Sincerely,



Melissa Sandborn  
Environmental Quality Analyst

ms/lr

cc: Mr. Jason Murray, Beaver Creek Dairy (via email)  
Mr. Mike Worm, WRD-DEQ (via email)  
File



STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
GRAND RAPIDS DISTRICT OFFICE



RICK SNYDER  
GOVERNOR

KEITH CREAGH  
DIRECTOR

March 4, 2016

**CERTIFIED MAIL**  
**RETURN RECEIPT**

Mr. Bill Henke  
Beaver Creek Dairy  
18080 80th Avenue  
Coopersville, Michigan 49404

**NOTICE No. ACO-000279**

Dear Mr. Henke:

**SUBJECT:** Enforcement Notice  
National Pollutant Discharge Elimination System (NPDES)  
Certification of Coverage (COC) No. MIG010199  
Designated Name: Beaver Creek Dairy

The Department of Environmental Quality (DEQ), Water Resources Division (WRD), Grand Rapids District Office, is pursuing escalated enforcement action for Beaver Creek Dairy, LLC's (Facility) violations of law as set forth herein.

The Facility is hereby notified that the violations identified in this Enforcement Notice are violations of NPDES Permit No. MIG019000 COC No. MIG010199 and Part 31, Water Resources Protection of the Natural Resources and Environmental Protection Act, 1994 PA 451 as amended (Part 31 of the NREPA) MCL 324.3101.

On October 9, 2015, Violation Notice VN-006163 was issued to the Facility. The Facility submitted a response to this Violation Notice on November 12, 2015. On November 20, 2015, Violation Notice VN-006237 was issued to the Facility. The Facility submitted a response to the November 20 Violation Notice on December 22, 2015. Both Violation Notices document violations of Part 31 of the NREPA and the NPDES Permit. The responses to the Violation Notices contained all of the information requested. Due to the seriousness of these violations, the DEQ has determined that escalated enforcement action is appropriate and is detailed below.

You are advised that the WRD has identified the following violations at the Facility: On September 13, 2015, the Facility had an unlawful discharge of dairy wastewater and manure into a county drain east of the Facility. The discharge resulted from a malfunction in an irrigator, which resulted in dairy wastewater and manure saturating the field, flowing through a tile line, and reaching a county drain.

On November 9, 2015, the Facility had an unlawful discharge of dairy wastewater and manure into an unnamed tributary of Crockery Creek. The discharge resulted from a broken cap in an underground flushing system. Manure laden water saturated the ground, entered the facility's clean storm water system, and entered the unnamed tributary.

The unlawful discharge of dairy wastewater and manure into an unnamed tributary of Crockery Creek, waters of the state, is in violation of Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), MCL 324.3101 et seq. specifically Section 324.3109 (1) which states:

*324.3109 (1) A person shall not directly or indirectly discharge into the waters of the state a substance that is or may become injurious to any of the following:*

- a. To the public health, safety, or welfare.*
- b. To domestic, commercial, industrial, agricultural, recreational, or other uses that are being made or may be made of such waters.*
- c. To the value or utility of riparian lands.*
- d. To livestock, wild animals, birds, fish, aquatic life, or plants or to their growth or propagation.*
- e. To the value of fish and game.*

Enclosed please find two (2) copies of a proposed ACO that specifies the requirements necessary to resolve violations of Part 31 of NREPA.

The violations identified herein, as well as, any additional violations discovered hereafter, are best resolved through the enclosed administrative consent order (ACO). Failure to resolve these matters by entry of an ACO within 90 days of receipt of this letter may result in further escalated enforcement action. **If this ACO is acceptable to the facility, please sign and return both (two) original documents to DEQ, WRD Grand Rapids District Supervisor, not later than ten (10) business days after receipt of this letter.** Upon receipt of the signed documents, the DEQ will secure the other signatures and return one fully executed original document to you for your records. The ACO becomes effective on the date that it is signed by the DEQ WRD Chief and the civil fine must be paid not later than 30 days after the execution of the ACO.

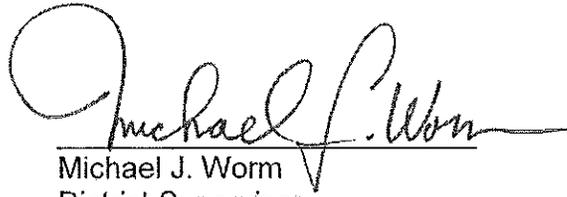
The DEQ reserves its right to take all necessary and appropriate enforcement actions for all violations of NPDES Permit No. MIG019000 COC No. MIG010199 and Part 31 of the NREPA that have occurred to date and any violations of NPDES Permit No. MIG019000 COC No. MIG010199 and Part 31 of the NREPA that may occur in the future. These actions may include, but are not limited to, seeking civil fines, injunctive relief, natural resource damages, and all costs associated with this enforcement action, including attorney costs and any other relief available to the DEQ.

The Facility's continuing failure to comply with the terms of the NPDES Permit No. MIG019000 COC No. MIG010199 and Part 31 of the NREPA or other requirements set forth in this Enforcement Notice may result in additional fines, penalties, or other actions.

Pursuant to Section 324.1511 of the NREPA, the Facility may request a preliminary meeting with the WRD's Grand Rapids District Office to discuss the issues detailed in this Enforcement Notice. If you would like to request such a meeting, please contact Ms. Melissa Sandborn, Environmental Quality Analyst, at 616-401-1396; sandbornm1@michigan.gov; or the DEQ, WRD, Grand Rapids District Office, 350 Ottawa Avenue NW, Unit 10, Grand Rapids, Michigan 49503-2341.

**STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
WATER RESOURCES DIVISION**

Date Issued: 3/4/16



Michael J. Worm  
District Supervisor  
Grand Rapids District Office  
Water Resources Division – DEQ

**ADDRESS FOR FURTHER CORRESPONDENCE:**

Michael J. Worm  
District Supervisor  
Grand Rapids District Office  
Water Resources Division – DEQ  
State Office Building, Fifth Floor  
Grand Rapids, Michigan 49503-2341

mjw/ms/lir

Enclosures

cc/enc: Mr. Michael Masterson, Field Operations Section, WRD – DEQ (via email)  
Mr. Jeremy Hoeh, ODWMA – DEQ (via email)  
Mr. Melissa Sandborn, WRD – DEQ (via email)