

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

In the matter of:

ACO-000192

Date Entered: 3-28-2014

High Lean Pork, Inc.
5333 Hoover Road
Barryton, Michigan 49305

ADMINISTRATIVE CONSENT ORDER

This document results from allegations by the Department of Environmental Quality (DEQ), Water Resources Division (WRD). The DEQ alleges that High Lean Pork, Inc. (High Lean Pork) located at 5333 Hoover Road, Barryton, Michigan, Mecosta County, violated Part 31, Water Resources Protection, MCL 324.3101 *et seq.*; and Part 303, Wetlands Protection, MCL 324.30301 *et seq.*, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), and the administrative rules promulgated under Part 31 and Part 303 of the NREPA. High Lean Pork is a person, as defined by Section 301 of the NREPA, MCL 324.301, and is registered with the Michigan Department of Licensing and Regulatory Affairs as able to conduct business in the State of Michigan under Identification No. 434258. High Lean Pork and the DEQ agree to resolve the violations set forth herein through entry of this Administrative Consent Order (Consent Order).

I. STIPULATIONS

High Lean Pork and the DEQ stipulate as follows:

- 1.1 The NREPA MCL 324.101 *et seq.*, is an act that controls pollution to protect the environment and natural resources in the state.

- 1.2 Pollution Control, Part 31, Water Resources Protection, of the NREPA (Part 31), MCL 324.3101 *et seq.*, and the rules promulgated pursuant thereto, provide for the protection, conservation, and the control of pollution of the water resources of the state. Part 303, Wetlands Protection, of the NREPA (Part 303), MCL 324.30301 *et seq.*, and the rules promulgated pursuant thereto, further provides for conservation and additional permitting involving wetlands that are also waters of the state.

- 1.3 The DEQ is authorized by Section 3112(4) of Part 31 and Section 30315(1) of Part 303, MCL 324.3112(4) and 324.30315(1), respectively, to enter orders requiring persons to abate pollution or otherwise cease or correct activities in violation of the specific part, and the director of the DEQ may delegate this authority to a designee under Section 301(b) of the NREPA, MCL 324.301(b).
- 1.4 High Lean Pork 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 Section 3112(4) of Part 31 and Section 30315(1) of Part 303. High Lean Pork 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, pursuant to Section 301(b) of the NREPA.
- 1.5 High Lean Pork and the DEQ agree that the signing of this Consent Order is for settlement purposes only and does not constitute an admission by High Lean Pork that the law has been violated.
- 1.6 The Signatory to this Consent Order on behalf of High Lean Pork agrees and attests that he is fully authorized to assure that High Lean Pork will comply with all requirements under this Consent Order.
- 1.7 High Lean Pork shall achieve compliance with the aforementioned regulations in accordance with the requirements contained in Section III, Compliance Program, of this Consent Order.

II. FINDINGS

- 2.1 The High Lean Pork facility, located at 5333 Hoover Road, Barryton, Michigan (Facility), is a hog breeding and farrowing facility with short-term underbarn storage and an earthen waste storage structure (WSS) for long-term agricultural waste storage. When constructed in 1997, the WSS was certified by Terry Baker of Kater Engineering (PE

Number 26484) as meeting the requirements of Natural Resource Conservation Service (NRCS) Practice Standard 313 on waste storage facilities. The NRCS updates practice standards from time to time and has done so for Practice Standard 313.

- 2.2 During the morning of April 10, 2013, High Lean Pork staff notified the DEQ that the Facility's 6.6 million gallon capacity waste storage structure had failed; the south side earthen wall had collapsed. DEQ staff on site estimated that at least 6,000,000 gallons of agricultural waste had flowed approximately a half-mile south, through a pine forest, and into a regulated wetland, which is estimated to be about 19.4 acres in size. Engineers for High Lean Pork estimate that a maximum of 5,700,000 gallons was released from the structure and that a significant amount of the release did not reach the wetland. The deposit of fill material is a violation of Section 30304 of the NREPA, MCL 324.30404, and the unauthorized discharge of agricultural waste to waters of the state is a violation of Section 3109 of the NREPA, MCL 324.3109. DEQ staff responded to the call on April 10, 2013, and April 11, 2013. Michigan Department of Agriculture and Rural Development (MDARD) staff also arrived on site on April 10, 2013.
- 2.3 On April 10, 2013, High Lean Pork staff constructed two earthen berms downstream of the agricultural waste flow that captured a significant amount of the agricultural waste solids. High Lean Pork staff, with the concurrence of DEQ staff, pumped out the majority of the liquid captured behind the two earthen berms and land-applied this material onto fields.
- 2.4 Engineering and Environmental Solutions, LLC, on High Lean Pork's behalf, submitted to the DEQ, a Work Plan for Storage Structure Evaluation and Repair dated April 16, 2013.
- 2.5 The DEQ issued a Violation Notice (VN), VN No. VN-05553, on April 22, 2013. In the VN, DEQ staff requested that High Lean Pork staff: submit its land-application records from August 1, 2012, through April 10, 2013; submit its Manure Storage Inspection Records from August 1, 2012, through January 7, 2013; and identify any emergency actions High Lean Pork staff had taken to reduce the level in the WSS prior to the structure's failure. In the VN, DEQ staff stated that the unauthorized discharge of agricultural waste material

into a wetland and the failure to remove the fill material is a violation of Part 31 and Part 303, respectively. DEQ staff further requested a written response from High Lean Pork by May 15, 2013.

- 2.6 High Lean Pork provided a response to the VN on May 15, 2013, in which it provided all the records and information requested, including emergency actions taken, and a proposal to remediate the affected area.
- 2.7 On June 18, 2013, DEQ staff visited the site to determine the extent of the contamination that resulted from the April 10, 2013, discharge. DEQ staff observed that the site remained inundated with agricultural waste material, along with recent snowmelt and recent precipitation, and estimated that the wetland rose two to three feet higher than normal water levels because of snowmelt, recent precipitation, and agricultural wastewater. DEQ staff also noted that, in their opinion, the submerged understory vegetation was not surviving under the observed conditions. Further, DEQ staff noted a strong agricultural waste odor on this date, as well as significant discoloration in the wetland area.
- 2.8 On August 21, 2013, DEQ staff, High Lean Pork staff, and the owner of the impacted wetland met on site to discuss the wetland cleanup. High Lean Pork staff reported that on August 16, 2013, they began pumping agricultural waste-contaminated water from the wetland in order to lower the water level. High Lean Pork staff reported that the agricultural waste-contaminated water pumped from the wetland was stored in the reconstructed WSS, which was certified by a professional engineer as meeting NRCS Practice Standard 313 of 2005 on October 29, 2013.
- 2.9 On August 23, 2013, at the DEQ's request, High Lean Pork ceased removing agricultural waste from the wetland. High Lean Pork also excavated remaining solids from the pine forest.

- 2.10 On August 30, 2013, High Lean Pork staff reported to the DEQ that High Lean Pork had completed land application of collected agricultural waste and planted wildlife food plots on the affected landowner's property.

III. COMPLIANCE PROGRAM

IT IS THEREFORE AGREED AND ORDERED THAT High Lean Pork shall take the following actions to prevent further violations of Part 31 and Part 303:

- 3.1 Not later than **30 days** after the effective date of this Consent Order, High Lean Pork, or an agent authorized to act on High Lean Pork's behalf, shall submit an administratively complete NPDES permit application seeking coverage under Michigan's NPDES permitting program, along with all necessary fees, for the Facility.
- 3.2 Not later than **30 days** after the effective date of this Consent Order, High Lean Pork shall submit copies of the assessments of the waste storage structures for the following facilities: High Lean Pork 10th—1; High Lean Pork 10th—2; High Lean Pork: Blanchard; and High Lean Pork: Costabella.
- 3.3 High Lean Pork has reconstructed the Barryton Facility's current WSS and in addition constructed a new, additional 2.1 million gallon capacity WSS. Both WSSs meet NRCS Standard 313 of 2005. Reconstruction was completed in accordance with the Engineering Plan submitted to the DEQ on June 18, 2013, to address the failed WSS and set forth a plan for restoration to meet NRCS Standard 313 of 2005. High Lean Pork shall provide the DEQ with final, as-built plans bearing the seal of a licensed professional engineer within 30 days of the effective date of this Consent Order.
- 3.4 By not later than **30 days** after the effective date of this Consent Order, High Lean Pork shall submit its plan for emergency agricultural waste management at the Barryton Facility to the DEQ for review and comment. Subsequent to High Lean Pork's receipt of comments from the DEQ, the emergency waste management plan shall be incorporated into the Facility's Comprehensive Nutrient Management Plan.

3.5 By not later than **June 1, 2014** High Lean Pork shall submit to the DEQ for review and approval a work plan for monitoring recovery of the affected wetland area (Wetland Work Plan). This plan shall include vegetation sampling including identification and control of non-native nuisance plants, documentation of hydrology, and documentation of wildlife use for a period of five years. Annual Monitoring Reports shall be submitted to the DEQ by December 31 of each monitoring year beginning in December 2014. Annual Monitoring Reports shall include the following activities and information collected consistent with the approved Wetland Work Plan during the preceding monitoring period:

- a. Install a staff gauge within the open water area of the affected wetland and monitor inundation and saturation monthly during the growing season.
- b. Delineate and map plant community types within the wetland complex impacted as a consequence of the April 10, 2013, discharge, and any extensive (greater than 0.01 acre in size) bare soil areas, areas dominated by invasive species, and areas without a predominance of wetland vegetation (open water), and provide their location on a plan view.
- c. Sample vegetation between July 15 and August 31 within each delineated wetland community type, and identify the predominant wetland plant species by percent cover and record the overall health and condition of wetland plants.
- d. Take photographs at a minimum of ten designated photo stations throughout the 20-acre wetland complex to provide photographic representation of the condition of the recovering wetland. A minimum of four stations shall be located within the southern scrub-shrub portion of the wetland to document recovery of stressed shrubs (predominately button bush). Photos shall be taken in the month of July at the peak of the growing season.
- e. Document sightings or evidence of wading birds, songbirds, waterfowl, amphibians, reptiles, and other animal use (lodges, nests, tracks, scat, etc.) within the wetland noted during monitoring. Document mortality or other notable signs of stressed wildlife. Note the number, type, date, and hour of the sightings and/or evidence.
- f. Provide a written summary of all the problem areas that have been identified and recommend corrective measures for implementation.

- 3.6 In the event that either High Lean Pork or the DEQ determines that additional corrective measures are necessary as a consequence of information included within the Annual Monitoring Reports required by Paragraph 3.5, above, then not later than 30 days subsequent High Lean Pork's receipt of a written demand for corrective measures from the DEQ, High Lean Pork shall submit a Work Plan for Corrective Measures to the DEQ for review and approval prior to implementation.
- 3.7 High Lean Pork shall submit all reports, work plans, specifications, schedules, or any other writing required by this section to the Grand Rapids District Supervisor, WRD, DEQ, 350 Ottawa Avenue NW, Unit 10, Grand Rapids, Michigan 49503-2341. The cover letter with each submittal shall identify the specific paragraph and requirement of this Consent Order that the submittal is intended to satisfy.

IV. DEQ APPROVAL OF SUBMITTALS

- 4.1 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 High Lean Pork, the following process and terms of approval shall apply.
- 4.2 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.
- 4.3 In the event the DEQ disapproves a work plan, proposal, or other document, it will notify High Lean Pork, in writing, specifying the reasons for such disapproval, including identification of all of the missing or deficient information required by the applicable statute, rule, or paragraphs of this Consent Order that was missing from the work plan, proposal, or other document. High Lean Pork shall submit, within 30 days after 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 High Lean Pork of this disapproval.

- 4.4 In the event the DEQ approves with specific modifications, a work plan, proposal, or other document, it will notify High Lean Pork, in writing, specifying the modifications required and identifying all of the missing or deficient information required by the applicable statute, rule, or paragraphs of this Consent Order to be included in such work plan, proposal, or other document prior to its implementation and the specific reasons for such modifications. The DEQ may require High Lean Pork to submit, prior to implementation and within 30 days after 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 High Lean Pork of this disapproval.
- 4.5 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.
- 4.6 Failure by High Lean Pork 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 High Lean Pork to the enforcement provisions of this Consent Order, including the stipulated penalty provisions specified in paragraph 9.3.
- 4.7 Any delays other than those caused by the DEQ that cause High Lean Pork's failure to submit an approvable work plan, proposal, or other document when due shall in no way affect or alter High Lean Pork's responsibility to comply with any other deadline(s) specified in this Consent Order.
- 4.8 No informal advice, guidance, suggestions, or comments by the DEQ regarding reports, work plans, plans, specifications, schedules or any other writing submitted by High Lean Pork will be construed as relieving High Lean Pork of its obligation to obtain written approval, if and when required by this Consent Order.

V. EXTENSIONS

- 5.1 High Lean Pork and the DEQ agree that the DEQ may grant High Lean Pork a reasonable extension of the specified deadlines set forth in this Consent Order. Any extension shall be preceded by a written request in duplicate to the DEQ, WRD, Enforcement Unit Chief, Constitution Hall, 525 West Allegan Street, Lansing, Michigan 48909-7773, and the Grand Rapids District Supervisor at the address in paragraph 3.7, 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 High Lean Pork from meeting the deadline(s).
 - c. A description of the measures High Lean Pork 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.

The district supervisor, in consultation with the Enforcement Unit Chief, shall respond in writing to such requests. No change or modification to this Consent Order shall be valid unless in writing from the DEQ, and if applicable, signed by both parties.

VI. REPORTING

- 6.1 High Lean Pork shall verbally report any violation(s) of the terms and conditions of this Consent Order to the Grand Rapids 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). High Lean Pork shall report any anticipated violation(s) of this Consent Order to the above-referenced individual in advance of the relevant deadlines whenever possible.

VII. RETENTION OF RECORDS

- 7.1 Upon request by an authorized representative of the DEQ, High Lean Pork shall make available to the DEQ all records, plans, logs, and other documents required to be maintained under this Consent Order or pursuant to Part 31 or its rules. All such documents shall be retained by High Lean Pork for at least a period of five years from the date of generation of the record unless a longer period of record retention is required by Part 31 or its rules.

VIII. RIGHT OF ENTRY

- 8.1 High Lean Pork 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 and following all High Lean Pork biosecurity protocols 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. High Lean Pork agrees to provide the DEQ with a copy of written bio-security protocols whenever such protocols are updated or otherwise revised and further commits to provide authorized representatives or contractors of the DEQ with any necessary protective equipment other than standard personal protection equipment (hard hats, safety glasses, steel-toed boots, personal floatation devices, and high-visibility vests).

IX. PENALTIES

- 9.1 High Lean Pork agrees to pay to the State of Michigan **5,875.22 DOLLARS** as partial compensation for the cost of investigations and enforcement activities arising from the violations specified in Section II of this Consent Order. Payment shall be made within 30 days of the effective date of this Consent Order in accordance with paragraph 9.6.
- 9.2 High Lean Pork agrees to pay a civil fine of **16,250.00 DOLLARS** for the violations specified in Section II of this Consent Order. Payment shall be made within 30 days after

the effective date of this Consent Order in accordance with paragraph 9.6.

- 9.3 For each failure to comply with a provision of Section III or Paragraph 4.6 of this Consent Order, High Lean Pork shall pay stipulated penalties of **\$200** per violation per day for 1 to 7 days of violation, **\$300** per violation per day for 8 to 14 days of violation, and **\$500** per violation per day for each day of violation thereafter.
- 9.4 For each failure to comply with a provision of Section VI, VII, or VIII of this Consent Order, or any other requirement of this Consent Order, High Lean Pork shall pay stipulated penalties of **\$200** per violation per day for each day of violation.
- 9.5 To ensure timely payment of the above civil fine, costs, and stipulated penalties, High Lean Pork shall pay an interest penalty to the General Fund of the State of Michigan each time it fails to make a complete or timely payment. This interest penalty shall be based on the rate set forth at MCL 600.6013(8), using the full increment of amount due as principal, and calculated from the due date for the payment until the delinquent payment is finally made in full.
- 9.6 High Lean Pork 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, MI 48909-8157; or hand delivered to the Accounting Services Division, Cashier's Office for DEQ, 425 West Ottawa Street, Lansing, Michigan 48933. To ensure proper credit, all payments made pursuant to this Consent Order must include the **Payment Identification No. WRD60009**.
- 9.7 High Lean Pork agrees not to contest the legality of the civil fine or costs paid pursuant to paragraphs 9.1, and 9.2, above. High Lean Pork further agrees not to contest the legality of any stipulated penalties or interest penalties assessed pursuant to paragraphs 9.3, 9.4, and 9.5, above, but reserves the right to dispute the factual basis upon which a demand by the DEQ for stipulated penalties or interest penalties is made.

X. FORCE MAJEURE

- 10.1 High Lean Pork shall perform the requirements of this Consent Order within the time limits established herein, unless performance is prevented or delayed by events that constitute a "Force Majeure." Any delay in the performance attributable to a "Force Majeure" shall not be deemed a violation of High Lean Pork's obligations under this Consent Order in accordance with this section.
- 10.2 For the purpose of this Consent Order, "Force Majeure" means an occurrence or nonoccurrence arising from causes not foreseeable, beyond the control of, and without the fault of High Lean Pork, such as: an Act of God, untimely review of permit applications or submissions by the DEQ or other applicable authority, and acts or omissions of third parties that could not have been avoided or overcome by High Lean Pork's diligence and that delay the performance of an obligation under this Consent Order. "Force Majeure" does not include, among other things, unanticipated or increased costs, changed financial circumstances, or failure to obtain a permit or license as a result of High Lean Pork's actions or omissions.
- 10.3 High Lean Pork shall notify the DEQ, by telephone, within 48 hours of discovering any event that causes a delay in its compliance with any provision of this Consent Order. Verbal notice shall be followed by written notice within ten calendar days and shall describe, in detail, the anticipated length of delay, the precise cause or causes of delay, the measures taken by High Lean Pork to prevent or minimize the delay, and the timetable by which those measures shall be implemented. High Lean Pork shall adopt all reasonable measures to avoid or minimize any such delay.
- 10.4 Failure of High Lean Pork to comply with the notice requirements and time provisions under paragraph 10.3 shall render this Section X void and of no force and effect as to the particular incident involved. The DEQ may, at its sole discretion and in appropriate circumstances, waive in writing the notice requirements of paragraph 10.3, above.

- 10.5 If the parties agree that the delay or anticipated delay was beyond the control of High Lean Pork, this may be so stipulated, and the parties to this Consent Order may agree upon an appropriate modification of this Consent Order. However, the DEQ is the final decision-maker on whether or not the matter at issue constitutes a force majeure. The parties to this Consent Order understand and agree that the final decision by the DEQ regarding a force majeure claim is not subject to judicial review. The burden of proving that any delay was beyond the reasonable control of High Lean Pork, and that all the requirements of this Section X have been met by High Lean Pork, rests with High Lean Pork.
- 10.6 An extension of one compliance date based upon a particular incident does not necessarily mean that High Lean Pork qualifies for an extension of a subsequent compliance date without providing proof regarding each incremental step or other requirement for which an extension is sought.

XI. GENERAL PROVISIONS

- 11.1 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 High Lean Pork to comply with the requirements of the NREPA and its rules.
- 11.2 The DEQ and High Lean Pork consent to enforcement of this Consent Order in the same manner and by the same procedures for all final orders entered pursuant to Part 31, MCL 324.3101 *et seq.*; and enforcement pursuant to Part 17, Michigan Environmental Protection Act, of the NREPA, MCL 324.1701 *et seq.*
- 11.3 The parties agree to diligently and in good faith pursue informal negotiations to resolve any disputes arising out of this order prior to resorting to judicial enforcement. Such negotiations shall proceed in a timely manner.

- 11.4 This Consent Order in no way affects High Lean Pork's responsibility to comply with any other applicable state, federal, or local laws or regulations.
- 11.5 The WRD reserves its right to pursue appropriate action, including injunctive relief to enforce the provisions of this Consent Order, and at its discretion, may also seek stipulated fines or statutory fines for any violation of this Consent Order. However, the WRD is precluded from seeking both a stipulated fine under this Consent Order and a statutory fine for the same violation.
- 11.6 Nothing in this Consent Order is or shall be considered to affect any liability High Lean Pork may have for natural resource damages caused by High Lean Pork's ownership and/or operation of the Facility. The State of Michigan does not waive any rights to bring an appropriate action to recover such damages to the natural resources.
- 11.7 In the event High Lean Pork 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, High Lean Pork shall also notify the WRD Grand Rapids 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 Grand Rapids District Supervisor within 30 days of assuming the obligations of this Consent Order.
- 11.8 The provisions of this Consent Order shall apply to and be binding upon the parties to this action, and their successors and assigns.
- 11.9 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.

XII. TERMINATION

12.1 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, High Lean Pork shall submit a request consisting of a written certification that High Lean Pork 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:

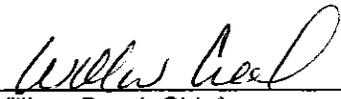
- a. The date of compliance with each provision of the compliance program in Section III, and the date any fines or penalties were paid.
- b. A statement that all required information has been reported to the district supervisor.
- c. Confirmation that all records required to be maintained pursuant to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

Signatories

The undersigned CERTIFY they are fully authorized by the party they represent to enter into this Consent Order to comply by consent and to EXECUTE and LEGALLY BIND that party to it.

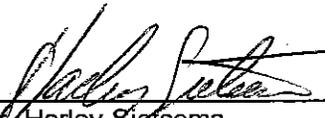
DEPARTMENT OF ENVIRONMENTAL QUALITY



William Creal, Chief
Water Resources Division

3-28-14
Date

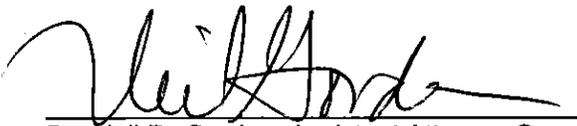
HIGH LEAN PORK, INC.



By: Harley Sietsema
PRESIDENT
Title: Owner

3-10-14
Date

APPROVED AS TO FORM:



By: Neil D. Gordon, Assistant Attorney General
For: S. Peter Manning, Chief
Environment, Natural Resources, and Agriculture Division
Michigan Department of Attorney General

3/25/14
Date