



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



DAN WYANT
DIRECTOR

September 29, 2015

CERTIFIED MAIL 7011 2970 0004 5029 4485

Mr. John Olney, Vice President of Finance and Operations
HoneyTree, Incorporated
8570 Monroe Road
Onsted, Michigan 49265

Dear Mr. Olney:

SUBJECT: HoneyTree, Incorporated
Administrative Consent Order (ACO) No. ACO-000268

Enclosed please find an original signed copy of ACO No. ACO-000268 entered between HoneyTree, Incorporated and the Department of Environmental Quality (DEQ). The ACO became effective on September 21, 2015.

Payment of the civil fine shall be made not later than October 21, 2015. All funds due pursuant to the enclosed agreement and Invoice Number 934567 shall be made 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 West Ottawa Street, Lansing, Michigan 48933. To ensure proper credit, all payments made pursuant to this Consent Order must include the Payment Identification No. WRD40106.

If you have any further questions regarding this matter, please contact Rachel Koleda, Jackson District Office, Water Resources Division, at 517-780-7917; Koledar@michigan.gov; or 301 E. Louis Glick Highway, Jackson, Michigan 49201-1556.

Sincerely,

Katelyn Wysocki, Enforcement Specialist
Water Enforcement Unit
Field Operations Section – Lakes Erie and Huron
Water Resources Division
517-284-5496

Enclosure

cc: Ms. Tiffany Myers, DEQ
Ms. Rachel Koleda, DEQ

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

ADMINISTRATIVE CONSENT ORDER

In the matter of:

ACO- 000268

Date Entered: 9-21-2015

SECTION I

FACILITY OWNER OR MUNICIPALITY

FULL LEGAL NAME OF FACILITY OR MUNICIPALITY HoneyTree, Incorporated		
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS IDENTIFICATION NUMBER, if applicable 450623		
ADDRESS 8570 Monroe Road		
CITY Onsted	STATE MI	ZIP 49265
AUTHORIZED SIGNATORY John Olney/Vice President of Finance and Operations		FACILITY OWNER PHONE # 517-467-2482 Ext. 108

FACILITY NAME AND LOCATION

FACILITY NAME HoneyTree, Incorporated		
FACILITY ADDRESS 8570 Monroe Road		
CITY Onsted	STATE MI	ZIP 49265
COUNTY Lenawee		
FACILITY CONTACT NAME John Olney		PHONE # 517-467-2482 Ext. 108

This document results from allegations by the Department of Environmental Quality (DEQ), Water Resources Division (WRD). The DEQ alleges that the above-referenced Facility Owner (Owner) 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.

STATUTE		PERMIT(S)
Part 31, Water Resources Protection, MCL 324.3101 <i>et seq.</i>	<input checked="" type="checkbox"/>	Permit Number: GW1010002

Specific violations are referenced in DEQ letters attached to this Administrative Consent Order (Consent Order) as Exhibit A. The Owner and the DEQ agree to resolve the violations set forth herein through entry of this Consent Order. The Owner 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 agrees to pay a civil fine of **\$5,700.00** for the violations specified in Exhibit A of this Consent Order. Payment of the civil fine shall be made within 30 days of the effective date of this Consent Order. Failure to make timely payment constitutes a violation of this Consent Order. The Owner 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. WRD40106**. The Owner agrees not to contest the legality of the civil fine.

Signatories

DEPARTMENT OF ENVIRONMENTAL QUALITY



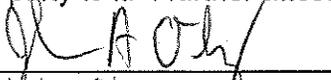
William Creal, Chief
Water Resources Division

9-21-15

Date

HONEYTREE, INCORPORATED

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: John Olney
Title: Vice President of Finance & Operations

8/20/2015

Date

SECTION II - COMPLIANCE SCHEDULE

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

- 2.1 The Owner agrees to comply with Part 31 and GW1010002.
- 2.2 On or before 30 days after the effective date of this Consent Order, the Owner/Operator shall submit a report to the DEQ documenting that the pipe exiting the pump tank and leading to the catch basin has been made permanently inoperable, or was permanently removed.
- 2.3 On or before 60 days after the effective date of this Consent Order, the Owner/Operator shall submit a report documenting that a secondary float alarm has been installed within the pump tank to provide an auditory or visual alarm when the water level within the tank exceeds its normal operating level.
- 2.4 On or before 60 days after the effective date of this Consent Order, the Owner/Operator shall submit a report documenting that an effluent meter has been installed on the wastewater lines, which exit the pump tank and lead to the irrigation zones.
- 2.5 On or before 60 days after the effective date of this Consent Order, the Owner/Operator shall submit a written plan that specifically describes how the facility will monitor the volume of influent entering and effluent exiting the treatment system, including procedures for how inconsistencies will be identified and resolved and records maintained.
- 2.6 The Owner/Operator shall submit all reports, work plans, specifications, schedules, or any other writing required by this section to the Jackson District Supervisor, WRD, DEQ, 301 East Louis Glick Hwy., Jackson, MI 49201. The cover letter with each submittal shall identify the specific paragraph and requirement of this Consent Order that the submittal is intended to satisfy.

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 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 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. The Owner 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 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 that the law has been violated.
4. The Signatory to this Consent Order on behalf of the Owner agrees and attests that it is fully authorized to assure that the Owner will comply with all requirements under this Consent Order.
5. The Owner 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 to comply with the requirements of the NREPA and its rules. Entry of this Consent Order does not relieve the Owner 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 the Owner for injunctive relief and costs associated with overseeing and conducting these remedial actions.
2. The DEQ and the Owner 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 the Owner'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 may have for natural resource damages caused by the Owner'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 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 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 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 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 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 the Owner 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 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, 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, in writing, specifying the reasons for such disapproval. The Owner 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 the Owner 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, 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 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 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 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 the Owner to the enforcement provisions of this Consent Order.
- f. Any delays caused by the Owner's failure to submit an approvable work plan, proposal, or other document when due shall in no way affect or alter the Owner'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 will be construed as relieving the Owner of its obligation to obtain written approval, if and when required by this Consent Order.

13. EXTENSIONS

The Owner and the DEQ agree that the DEQ may grant the Owner 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 from meeting the deadline(s).
- c. A description of the measures the Owner 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 shall submit a request consisting of a written certification that the Owner 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>
ENFORCEMENT NOTICE	EN-006084	July 15, 2015



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
JACKSON DISTRICT OFFICE



DAN WYANT
DIRECTOR

July 15, 2015

CERTIFIED MAIL

Mr. John Olney, Director of Finance and Operations
Honeytree, Incorporated
8570 Monroe Road
Onsted, Michigan 49265

VN No. VN-006084
NOTICE No. EN-006084

Dear Mr. Olney:

SUBJECT: Violation Notice and Enforcement Notice

The Department of Environmental Quality (DEQ), Water Resources Division (WRD), has determined that Honeytree, Incorporated (Honeytree) 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.* and the Administrative Rules promulgated there under being 2006 AACS R 323.2101 *et seq.*, as amended and State Groundwater Discharge Permit No. GW1010002, GWE-0350, which was issued on April 14, 2014; effective May 1, 2014.

The DEQ, WRD, Jackson District Office is pursuing an escalated enforcement action for violations of law by Honeytree as set forth herein.

On June 12, 2015, in response to a complaint made to the local Health Department, WRD staff conducted an inspection of the property owned by the Honeytree, Incorporated, located at 8570 Monroe Road, Onsted, and observed the unlawful discharge of partially treated honey processing wastewater to the surface water of the State, named Wolf Creek. Wastewater entering the pump tank was bypassing final treatment and instead flowing through a pipe to a small catch basin and discharging through a tile line onto undeveloped private property to the west of the facility. From the tile discharge location the wastewater moved via overland flow to a road-side ditch draining to Jessup Tile and ultimately to Wolf Creek. As a result of this discharge, Wolf Creek and neighboring private properties that the discharge ran through exhibited signs of dead vegetation and offensive odors.

The violations identified are violations of Part 31 and State Groundwater Discharge Permit No. GW1010002, GWE-0350. Honeytree is requested to immediately undertake all actions necessary to achieve and maintain compliance with the terms and conditions of State Groundwater Discharge Permit No. GW1010002, GWE-0350.

The unauthorized discharge of wastewater to the waters of the state is a violation of Section 324.3109 of the NREPA, which states, in part:

- 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.*

Honeytree is requested to immediately undertake all actions necessary to resolve all violations identified in this Notice. Honeytree is hereby requested on or before August 3, 2015 and in accordance with the following to provide:

1. Documentation that the pipe exiting the pump tank and leading to the catch basin has been permanently bulkhead and made permanently inoperable.
2. Documentation that a secondary float alarm has been installed within the pump tank to provide an auditory or visual alarm when the water level within the tank exceeds its normal operating level.
3. Documentation that an effluent meter has been installed on the wastewater lines exiting the pump tank and leading to the irrigation zones.
4. A written plan for how the facility will monitor the volume of influent entering and effluent exiting the treatment system and how inconsistencies will be identified and records maintained.

The DEQ reserves its right to take all necessary and appropriate enforcement actions for all violations of Part 31 and State Groundwater Discharge Permit No. GW1010002, GWE-0350 that have occurred to date, and any violations of Part 31 and State Groundwater Discharge Permit No. GW1010002, GWE-0350 that may occur in the future. These actions may include, but are not limited to, seeking civil fines, injunctive relief, natural resources damages, all costs associated with this enforcement action, including attorney costs and any other relief available to the DEQ.

The violations identified herein, as well as any additional violations discovered hereafter must be formally resolved through entry of an administrative consent order (ACO). The ACO will include an agreed-upon compliance program to resolve the WRD's allegations, any additional requirements, and a civil fine. Negotiations to resolve this matter through an ACO shall not exceed 90 days.

DEQ, WRD proposes to resolve the above identified violations through an ACO. In light of the nature of the violations, DEQ has determined that entry of an ACO is an appropriate and expeditious means of resolving this issue. The ACO will be sent to you under separate cover in the near future.

Mr. John Olney
Honeytree, Incorporated

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July 15, 2015

The DEQ reserves its right to take all necessary and appropriate enforcement actions for all violations of Part 31 that have occurred to date and any violations of Part 31 that may occur in the future. These actions may include, but are not limited to, seeking civil fines, injunctive relief, natural resources damages, 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 Part 31 and State Groundwater Discharge Permit No. GW1010002, GWE-0350, any other requirements set forth in this Notice, or failure to resolve these violations through entry of an ACO within the 90 day time frame may result in additional fines, penalties or other actions.

Pursuant to Section 1511 of the NREPA, Honeytree may request a preliminary meeting with DEQ, WRD district staff to discuss the issues detailed in this Notice and their potential resolution. If you would like to participate in such a meeting, please contact Ms. Rachel Koleda, Jackson District Office, at 517-780-7917, NOT LATER than ten (10) days from your receipt of this Notice.

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

Date Issued:

7/15/2015



Jon E. Russell, District Supervisor
Jackson District Office
Water Resources Division

ADDRESS FOR FURTHER CORRESPONDENCE:

Jackson District Office
Water Resources Division
301 East Louis Glick Highway
Jackson, Michigan 49201-1556

cc: Mr. Peter Ostlund, DEQ, WRD
File: HoneyTree, Inc., Groundwater, Lenawee County, GW1010002, Correspondence



Michigan Dept of Environmental Quality
Water Resources Division
Enforcement

INVOICE

Issued under the authority of Public Act 451 of 1994
Failure to submit payment by the date due will
result in penalties as prescribed by law.

C0154015 Ref No:

John Olney, Vice President of Finance and Operations
HoneyTree, Incorporated
8570 Monroe Road
Onsted, Mi 49265

Invoice Number:	934567
Invoice Date:	September 25, 2015
Payment Due:	October 21, 2015

John Olney, Vice President of Finance and Operations
HoneyTree, Incorporated
8570 Monroe Road
Onsted, Mi 49265

Please be sure to reference the settlement ID#
on the check when you remit payment.

Invoice Item	Quantity	Unit Cost	Total Cost
WRD ACO SETTLEMENT WRD40106	1	\$5,700.00	\$5,700.00

Payment Due: October 21, 2015

Total:	\$5,700.00
Tax:	\$0.00
Total Invoice:	\$5,700.00

MAKE CHECK OR MONEY ORDER PAYABLE TO: **STATE OF MICHIGAN**
TO ENSURE PROPER CREDIT, SEND THIS PORTION WITH PAYMENT TO:
Michigan Dept of Environmental Quality
Cashiers Office-ACO
PO Box 30657
LANSING, MI 48909-8157

C0154015 Ref No:

INVOICE NO:	
934567	
WRD	ACO

(Please note or make any mailing corrections below)

John Olney, Vice President of Finance and Operations
HoneyTree, Incorporated
8570 Monroe Road
Onsted, Mi 49265

For Cashier's Use Only: