EXHIBIT E

Holloo Farms, Calhoun County

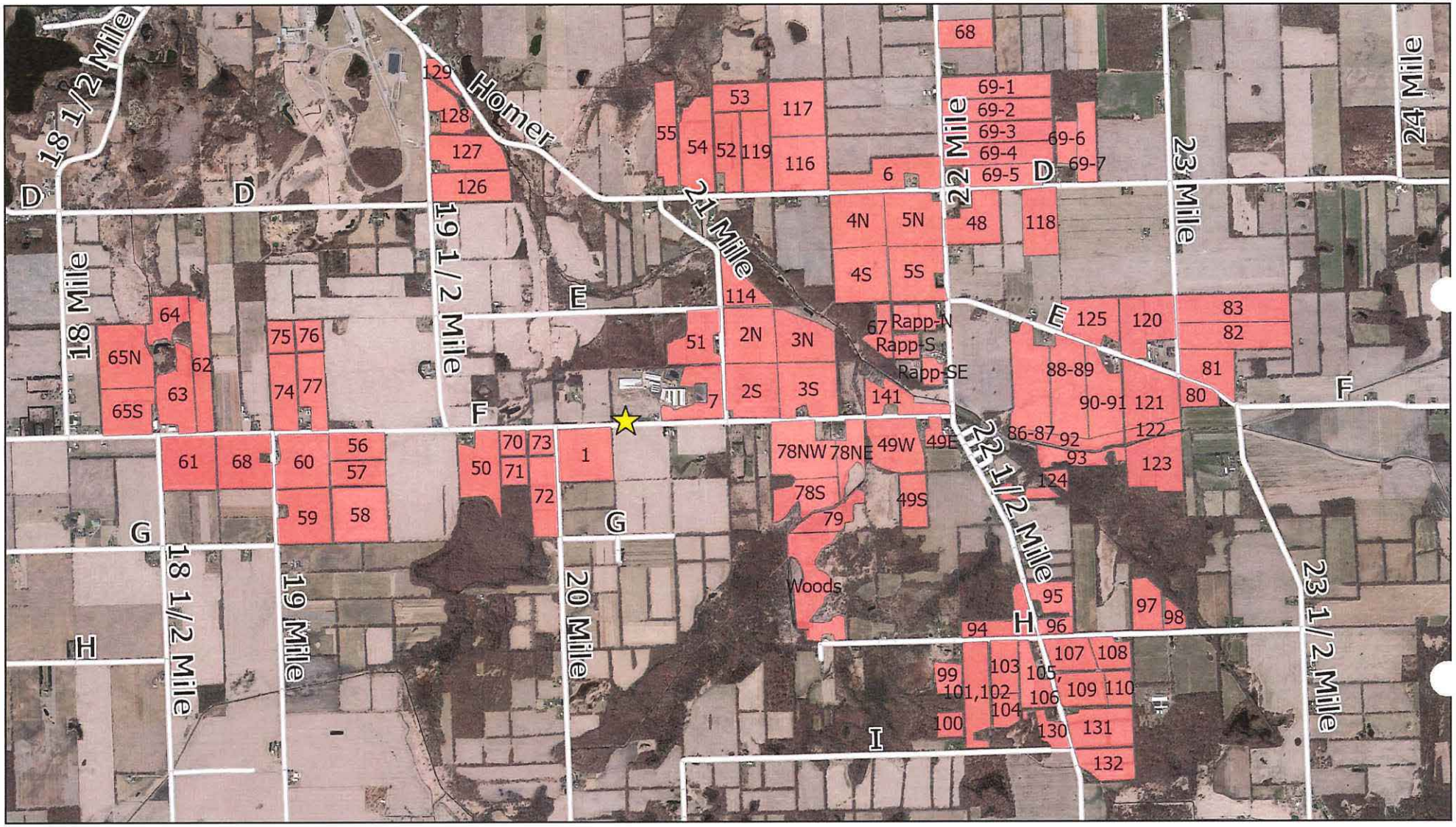


EXHIBIT M

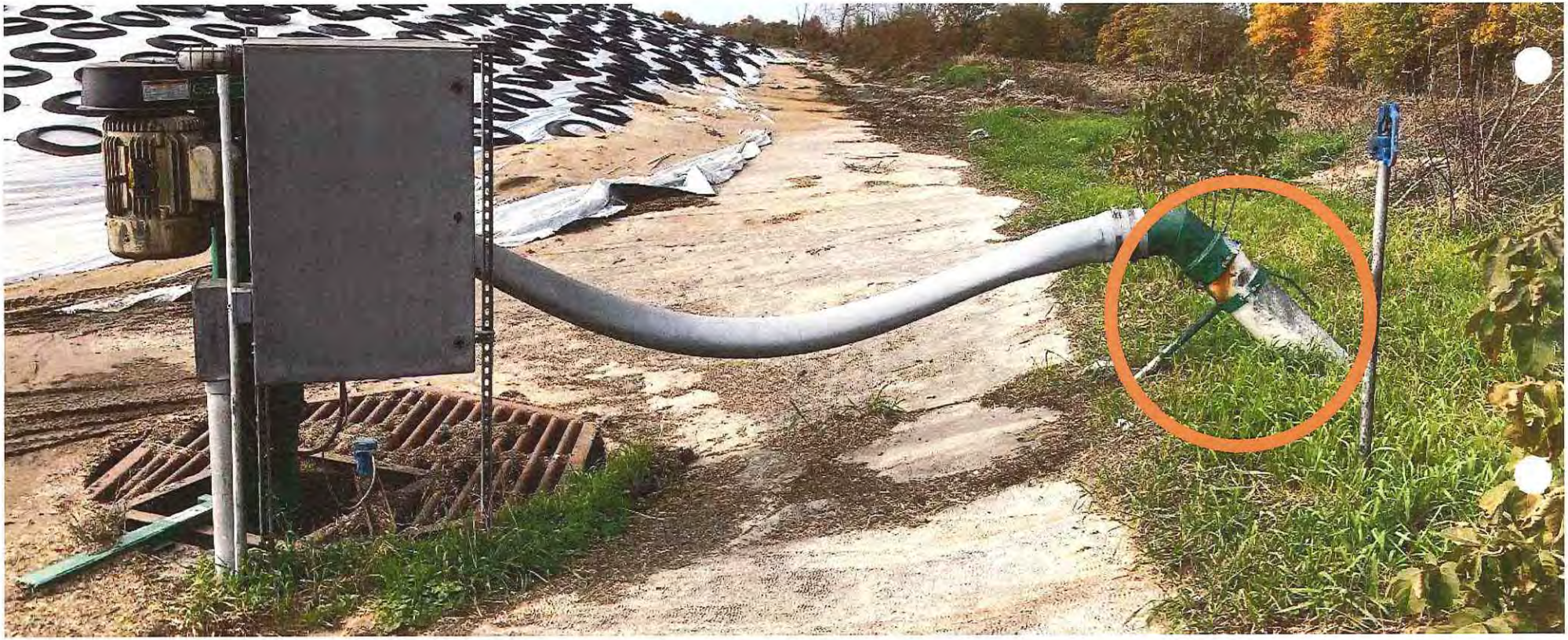
MICHIGAN DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY

Holloo Farms-CAFO
20849 F Drive S.
Marshall, Michigan 49068

Concentrated Animal Feeding Operation Full Facility Inspection

November 5, 2021

Silage collection basin, water ispumped to a WSS throught the circled pipe.



This is the clean water collection basin, note the circle is the same pipe from the previous photo..

Compost pit has evidence of going over concrete wall.

Height numbers painted on are not accurate representations of pit levels based off CNMP listings.

Vegitation is growing round settling pit and there are no visible measurements for freeboard and emergency volume.

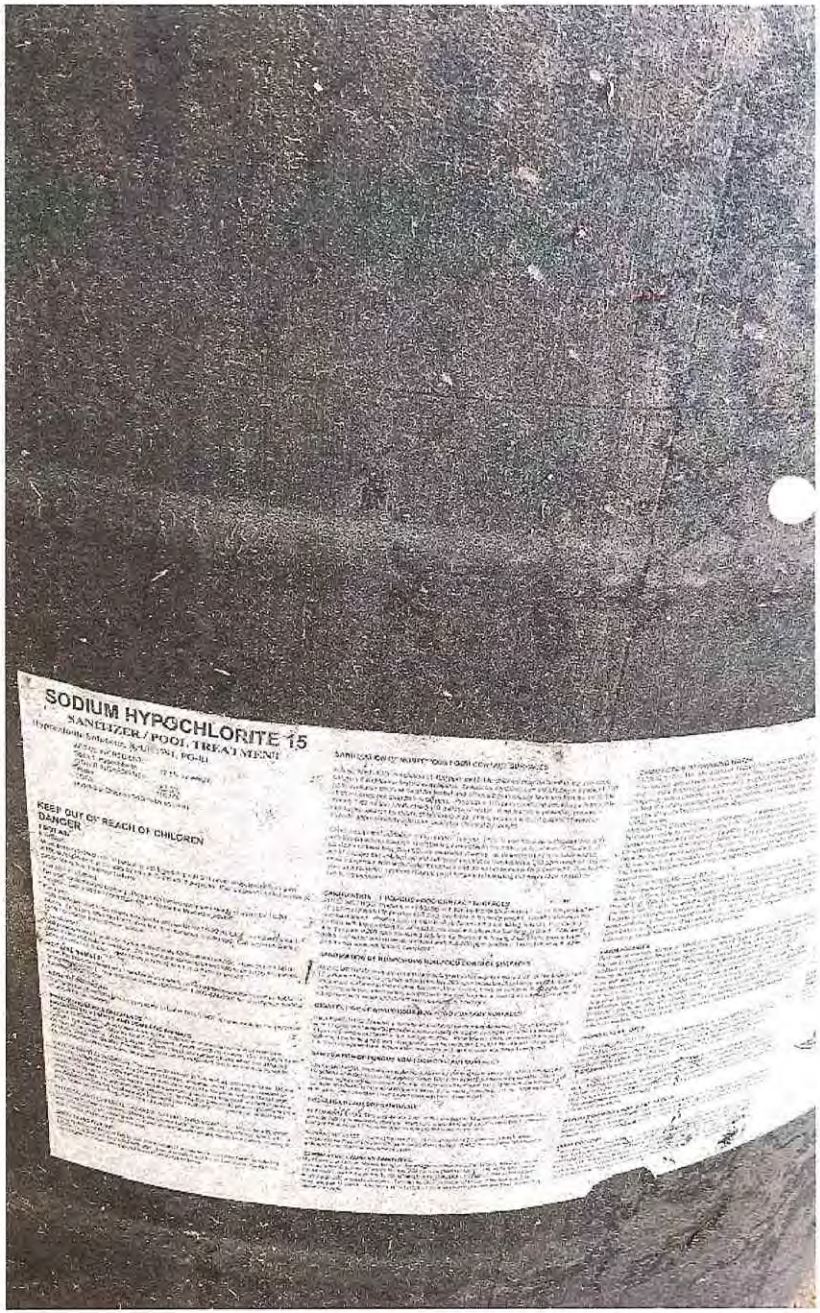
Height numbers sprayed on pits are not representative of levels listed on CNMP.

Parlor waste is leaking out of the door. All production area waste must be collected.

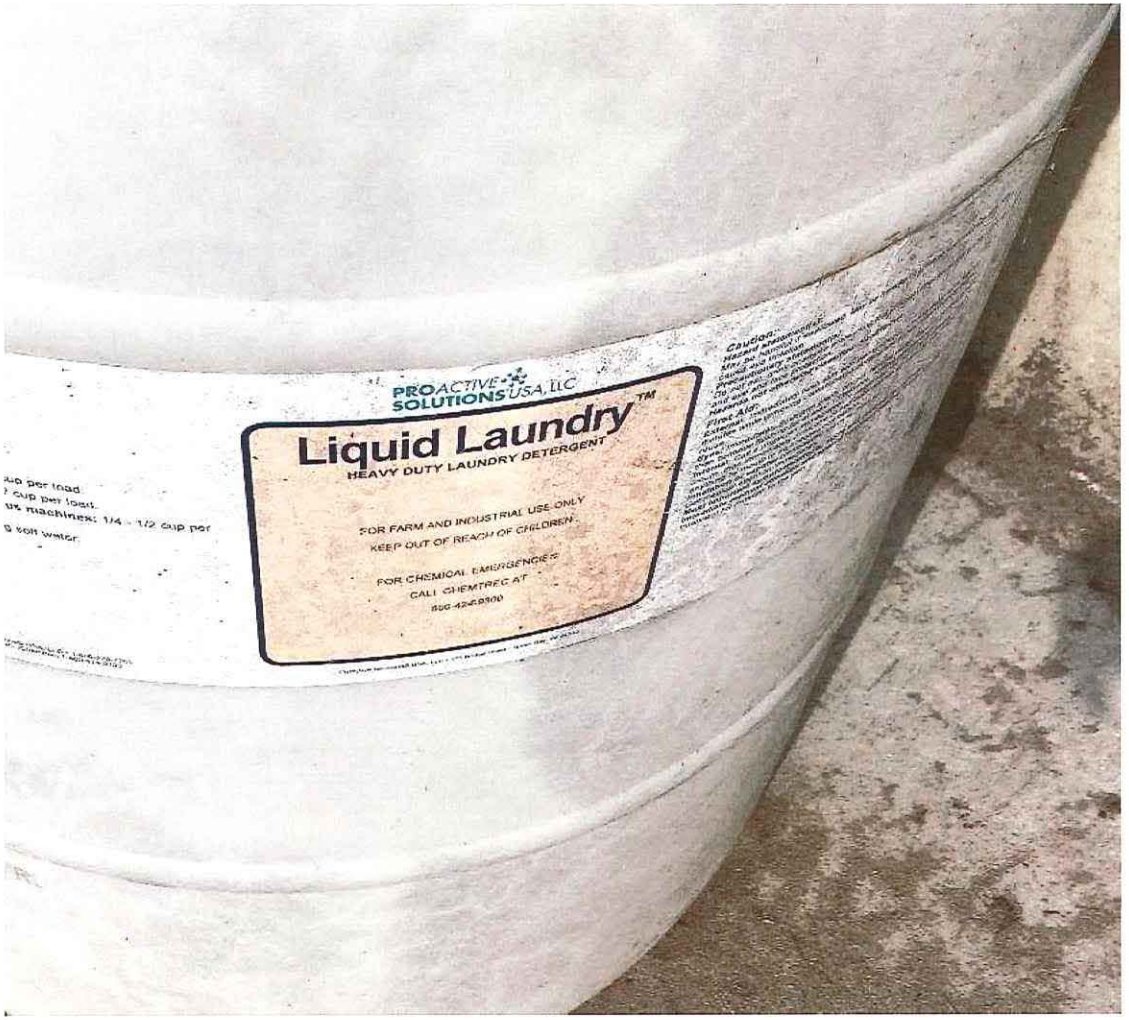
Maternity waste hanging over the side wall of the Fresh Cows barn into a clean water diversion area.

Chemicals are being stored outside exposed to storm water.

Chemicals stored near the green diesel tank.



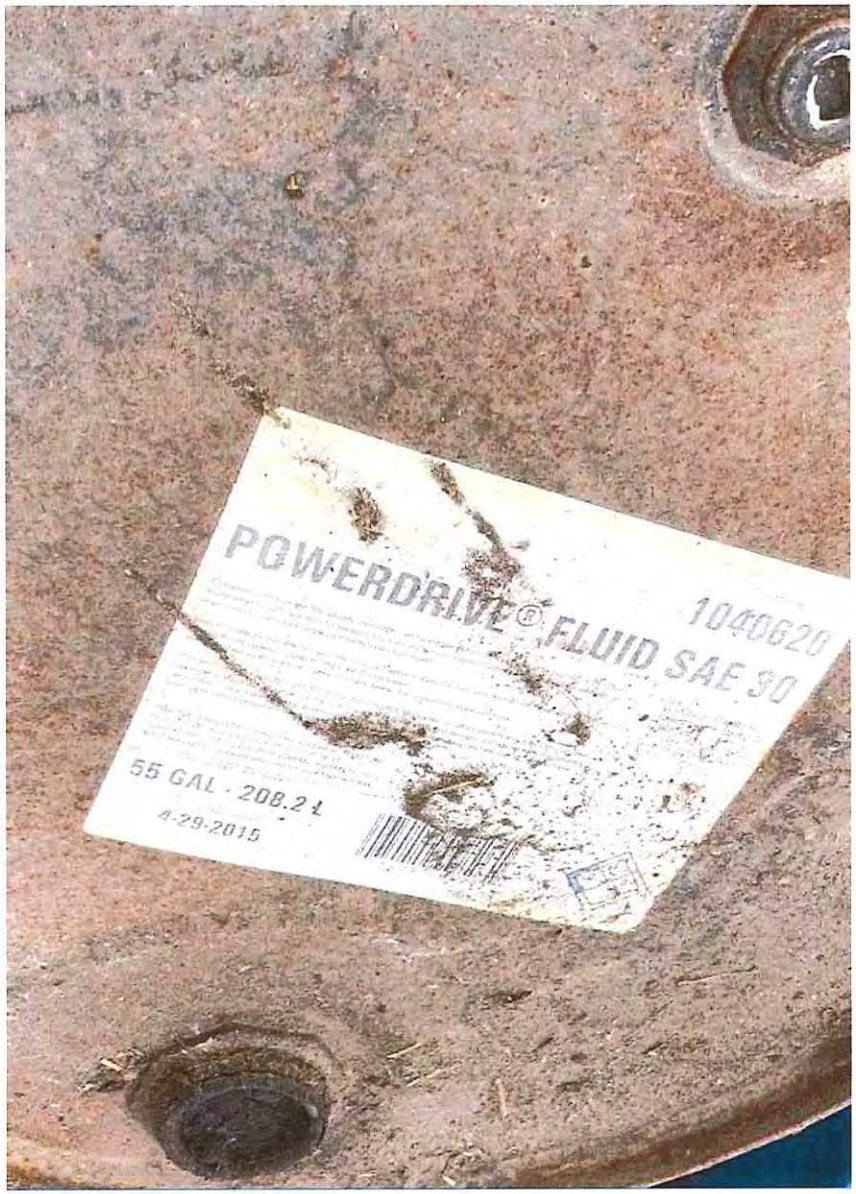
Barrels exposed to storm water continued; including an unlabeled barrel that is degraded.



Area of storm water exposure continued.

Overview of chemicals barrels exposed to storm water.

Drum of SAE 30 oil pierced,exposed to storm water.



EGLE MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY

Drum of oil exposed to storm water continued.

Chemicals exposed to storm water continued.

Vegetation along Group 3, 4 barn must be maintained for proper visual inspection.

Please see PowerPoint 2 and 3 for more photos of the November 5, 2021, inspection.

EXHIBIT N

Photo Album

by Washburn, Bruce (EGLE)

Holloo Farms Inspection

November 5, 2021

Southeast corner of silage pad looking west along south edge. Production area waste (silage and runoff) not being collected. Burnt vegetation, discoloration, lack of vegetation.

South side of silage pad looking west. Burnt vegetation, sediment, silage, and solids on bare soil.

South side of silage pad looking east. Burnt vegetation, feed, staining on bare ground. Flow is toward the camera to the west.

South side of silage pad, looking west-northwest. Silage is not properly contained, burnt vegetation, discoloration, and solids.

South side of silage pad, midway between east and west ends, looking north-northwest at the silage pile. Burnt vegetation, erosion from flow coming off of the silage area.

South side of silage pad, looking west. Burnt and killed vegetation, discoloration, standing water with discoloration.

South side of silage pad, looking east. Burnt vegetation, standing water. Water is discolored.

South side of silage pad, looking west. Burnt vegetation, standing discolored water.

South side of silage pad, looking southwest toward adjacent field. Flow path from silage pad to field with standing water in the field. Low spot in the field to the south had ponding water.

West side of the silage pad, looking toward the southwest corner of the pad. Burnt vegetation, standing water, sediment off of the silage pad. All silage appeared to be on the concrete in this location.

EXHIBIT O

Holloo Farms Site Inspection

November 5, 2021

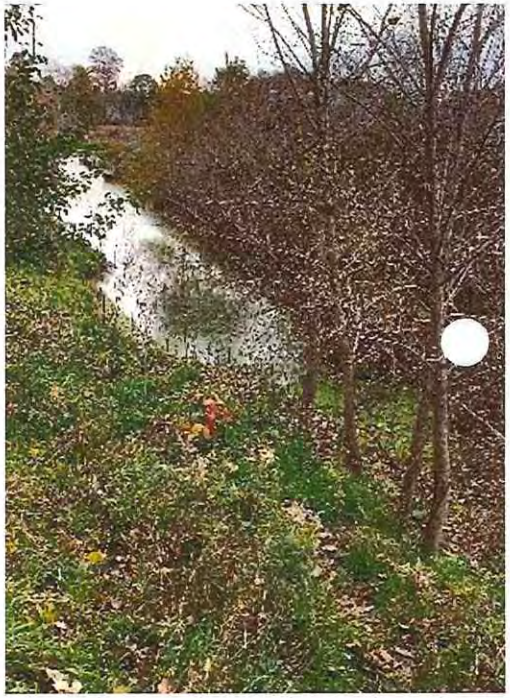
Attendees:

WRD: Jen Klang, Bruce Washburn, Casey Ludwig, Josh Epperly, Kailey Schoen

DAG: Elizabeth Morrisseau, Nadia Hamade

Holloo Farms: Aaron Phelps (attorney), Allison Brink (consultant)



Clean Stormwater discharge pipe and receiving surface water (algae visible)

Earthen Storage with new concrete liner

Storm run-off sewer covered with vegetation (closest to discharge point)

Second Storm sewer with possible overflow swale and vegetation cover (near freestall barns)

Production area clean stormwater collection with oily sheen

Recently applied field appears to be oversaturated

Tire tracks in over-saturated field

Tank access for laundry room waste

Heifer satellite barn and feed truck *en route* to satellite barn

EXHIBIT P

GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
KALAMAZOO DISTRICT OFFICE

LIESL EICHLER CLARK
DIRECTOR

January 18, 2022

VN No. VN-012570

VIA EMAIL & CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mr. Peter Loonen
Holloo Farms LLC
20849 F Drive South
Marshall, Michigan 49068

Dear Mr. Loonen:

SUBJECT: Violation Notice
Concentrated Animal Feeding Operation (CAFO)
National Pollution Discharge Elimination System (NPDES)
Certificate of Coverage (COC) No. MIG010167
Designated Name: Holloo Farms-CAFO

On November 5, 2021, staff of the Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division (WRD), Kalamazoo District Office (KDO) conducted an inspection at Holloo Farms-CAFO, located at 20849 F Drive South, Marshall, Michigan 49068 (Facility), to evaluate the Facility's compliance with 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 thereunder being 2006 AACS R 323.2101 *et seq.*, as amended; and the administrative rules for groundwater quality promulgated under Part 31 of the NREPA, Michigan Administrative Code, R 323.2201 *et seq.*, (Part 22 Rules). and NPDES COC No. MIG010167, which was issued and effective on November 14, 2016; and is extended based on a permit reapplication received on October 25, 2019 (Permit).

Inspection participants included: Mrs. Allison Brink, of Brink Consulting, and Mr. Aaron Phelps, of Varnum Law, representing the Facility, and Ms. Jen Klang, Mr. Bruce Washburn, Ms. Kailey Schoen, Mr. Josh Epperly and Mr. Casey Ludwig, of EGLE, and Ms. Elizabeth Morrisseau and Ms. Nadia Hamade, of the Department of Attorney General (DAG). The inspection included an evaluation of the entire production area and contributing storm water areas, review of all permit required documents, water sampling of the outfall and storm water catch basin, an inspection of recently land applied fields (Fields 97, Field 98, and Field 7W), and discussion of on-site findings and timelines for potential follow-up actions. This inspection was scheduled at the request of the DAG to assist the parties in attempting to voluntarily resolve the longstanding noncompliance at this Facility and fulfill the already planned site inspection.

The following items included in the attached inspection report and photo log were found and/or discussed during the inspection, file review, and analysis of water quality sampling results:

1. **Unpermitted Discharge from Silage Pad**: Evidence of a discharge of silage leachate to an adjacent field, Field 7W, including nutrient/chemical burned vegetation, was observed on the south side of the silage pad. All silage leachate must be properly collected as production area waste. The unpermitted discharge of silage leachate and failure to properly collect and contain all production area waste are violations of Rule 2205 of the Part 22 Groundwater Quality Rules, Michigan Administrative Code, R 323.2205 (Rule 2205) and Part I.A.3 and Part I.B.1.a of the Permit.

2. **Comprehensive Nutrient Management Plan (CNMP)**: Based on observations during the inspection, the most recent Comprehensive Nutrient Management Plan (CNMP) on file, received as of November 30, 2020, is not accurate.

    a. Historically and prior to waste storage structure upgrades, the Settling Pit and Earthen Storage Structure had an automatic overflow/equalization pipe hydraulically connecting the two structures. As such, no depth gauge was previously required on the Settling Pit because of the automatic overflow into the Earthen Storage Structure. Based on discussions with Mrs. Brink regarding upgrades to the Earthen Storage structure in 2020, and observations of both structures during the inspection, the automatic overflow/equalization pipe has been removed and material from the settling pit must now be mechanically pumped to the Earthen Storage Structure. Page 4 of the most recent CNMP describes the Settling Pit depth gauge information as "N/A – hydraulically connected to Earthen Storage." Because there is no longer an automatic overflow/equalization pipe between the two structures, there is the potential for the settling pit to overflow. As such, a depth gauge must be installed that properly delineates operational, freeboard and emergency volumes and the CNMP must be updated to show this information as well. Furthermore, the Settling Pit is listed as collecting waste only from the "Milk cow barns." Based on discussions and observation on-site, the Settling Pit is also collecting runoff from the Commodity Shed area and Compost Pad. The CNMP does not reflect this in the areas collected description, nor is this reflected in the required emergency volume.
    b. On Page 5 of the CNMP, the Earthen Storage structure is listed with a total depth of 21 feet. Based on observations during the inspection, the depth measurements on the North wall stopped at 20 feet and no emergency or freeboard volumes were delineated. The CNMP also states that the areas collected include the Settling Pit. Based on discussions and observation on site, the runoff from the Feed Bunker and Solid Stacking areas are directed into Earthen Storage pit. The CNMP does not reflect this in the areas collected description, nor is this reflected in the required emergency volume.
    c. On Page 6 of the CNMP, the Concrete Lagoon structure is listed with a total depth of 24.5 feet and the CNMP lists the type and location of the depth gauge as a staff gauge, located in the Southwest corner. Based on observations during the inspection, the depth measurements were indicated by spray-paint values instead of a staff gauge on the Southwest corner. The measurements stopped at 20 feet instead of the max depth stated in the CNMP of 24.5 feet, and no emergency or freeboard volumes were delineated.
    d. The CNMP does not contain information regarding the solid waste production or storage. This must be included in the CNMP. This includes production volumes and calculations to determine those volumes as well as storage structure as-builts and all information as required in the Permit under Part 1.B.1.

    It appears there is a discrepancy in accuracy in either the CNMP or the observed visual depth markings on both the Earthen Storage and Concrete Lagoon structures. If the markings observed during the inspection were not representative of the storage structure volumes, they must be corrected to properly delineate the operational, emergency, and freeboard volumes as required by the Permit. If the markings observed during the inspection are accurate, then based on EGLE staff calculations, the Facility may not have the minimum six (6) months storage as required by the Permit.

    Failure to ensure an accurate and up to date CNMP is a violation of Part I.B1.a.4 of the Permit. Failure to ensure depth gauges are properly marked to delineate the operational, emergency, and freeboard volumes is a violation of Part I.B.1.b.1 of the Permit.

3. **Production Area Sampling Results**: Based on the observations and subsequent water quality sample results in Table 1 below, the facility is not properly keeping production area waste separate from their clean water diversions. The clean water catch basin near the silage pad appeared to be directly in line with the feed loading area as feed and silage was observed in and around the clean water catch basin. Samples were collected for the following parameters: Biochemical Oxygen Demand (BOD) measured in milligrams per Liter (mg/L), *E. coli* measured in Colony Forming Units per 100 milliliters (CFU), Chloride measured in mg/L, Conductivity measured in micromhos per centimeter (umhos/cm), Ortho Phosphate-P measured in mg/L, pH measured in Standard Units (pH Units), Total Suspended Solids (TSS) measured in mg/L, Turbidity measured in Nephelometric Turbidity Units (NTU), Ammonia-N measured in mg/L, Kjeldahl Nitrogen-N measured in mg/L, Nitrate/Nitrite-N measured in mg/L, Total Organic Carbon measured in mg/L, Total Phosphorus-P measured in mg/L, Calcium measured in mg/L, Copper measured in micrograms per Liter (ug/L), Hardness Calculated measured in mg/L, Magnesium measured in mg/L, and Zinc measured in ug/L.

Table 1. Water Quality Sampling Results

Parameter	Outfall Result	Storm Water Catch Basin Result
BOD	Not Detected	60.3 mg/l
E. coli	1600 CFU	3500 CFU
Chloride	33 mg/L	8.5 mg/L
Conductivity	772 umhos/cm	508 umhos/cm
Ortho Phosphate-P	0.089 mg/L	3.5 mg/L
pH	8.3 pH Units	6.5 pH Units
TSS	Non-Detect	100 mg/L
Turbidity	7.2 NTU	58.7 NTU
Ammonia-N	0.1 mg/L	12 mg/L
Kjeldahl Nitrogen-N	0.4 mg/L	19 mg/L
Nitrate/Nitrite-N	0.68 mg/L	0.010 mg/L
Total Organic Carbon	1.5 mg/L	34 mg/L
Total Phosphorus	0.12 mg/L	4.8 mg/L
Calcium	120 mg/L	57 mg/L

Copper	1.4 ug/L	Non-Detect
Hardness Calculated	440 mg/L	180 mg/L
Magnesium	36 mg/L	8.6 mg/L
Zinc	Non-Detect	Non-Detect

Overall, the water quality sample results from the Outfall parameters listed in Table 1 are not consistent with clean storm water but rather wastewater. Because the Facility is failing to prevent contamination of storm water and is discharging this material to the ground through the Outfall without a Groundwater Discharge Permit, this would be considered an unpermitted discharge of wastewater to groundwater.

There was also waste from the Parlor and Fresh Cows barns observed to be exposed to storm water. At the Parlor, spilled milk waste was observed on the sidewalk outside the Southeast side entry door, not being properly collected by the drainage system currently in place. At the Fresh Cow barn, there was maternity/birthing materials hanging over the sidewalls of the barn and on the ground that were exposed to storm water.

Failure to divert clean storm water to prevent contact with contaminated portions of the production areas is a violation of Part I.B.2.b. of the Permit. Failure to properly collect and contain all production area waste is a violation of Part I.B.1.a of the Permit. Discharge of wastewater to groundwaters of the State without a permit is a violation of Part 31 of the NREPA and the Part 22 Rules.

It was unclear during the inspection how the clean water moves throughout the storm water system based on the large discrepancy of flows observed at two of the storm drains compared to the flow observed at the Outfall. Further follow-up information on this will be required for evaluation and compliance determination.

4. **Inspection, Proper Operation, and Maintenance**: Based on-site observations during the inspection, the Facility's Inspection, Operation and Maintenance Programs are not being followed and/or are not sufficient in keeping with the requirements of the Permit. During the inspection the following items were observed:

    a. The Group 3,4 Barn had vegetation overgrown along the East side of the barn. Failure to ensure all waste management devices and production areas are available for required visual inspections is a violation of Part I.B.2.f.3 of the Permit.
    b. The Concrete Lagoon was observed to have significant vegetative growth, including woody debris, inside of the structure, preventing inspection of the concrete structure walls for cracks and/or deficiencies. Failure to remove vegetation and woody debris from the waste storage structures is a violation of Part I.B.1.d.3 of the Permit.
    c. Spillage of Compost Pad material over the structure's sidewall onto the ground. This is a violation of Rule 2205 and Part I.A.3 and Part I.B.1.a of the Permit.
    d. Multiple barrels of various chemicals and petroleum products, including a side punctured barrel of SAE 30 oil, were observed exposed to storm water. The Permit requires the permittee to implement practices including preventative maintenance, good housekeeping, and periodic inspections to minimize and control pollutants in storm water discharges for non-production areas. Failure to ensure minimization and control of pollutants to storm water in these non-production areas is a violation of Part I.B.3.h of the Permit.

e. The Facility's inspection reports were reviewed during the inspection. While the Facility had all the required inspection reports, no deficiencies were noted on any of the inspection report reviewed. This is not consistent with what was observed on site and appears to be long term and ongoing issues as noted above including:
   i. Silage leachate runoff.
   ii. Production area materials collected in, and around clean storm water catch basins.
   iii. Spillage of compost materials onto the ground.
   iv. Overgrown vegetation around the clean storm water drains and structures.
   v. The exposure of production area waste and chemicals to clean storm water.

   Failure to properly identify, record and correct deficiencies is a violation of Part I.B.2.f.5 of the Permit.

5. **Land application**: During the inspection EGLE staff inspected recently land applied fields including fields 97, 98 and 7W. For all fields, ponding, tire rutting and blocky soil chucks were observed indicating the soils were over saturated and proper land application procedures were not followed. This is a violation of Part I.B.3.a.1 of the Permit.

Additional information pertaining to the areas evaluated during the review is detailed in the enclosed post inspection report and photo log.

The violations identified in this Violation Notice are violations of Part 31, the Part 22 Rules, and the Permit, and are continuing.

Holloo Farms-CAFO should take immediate action to achieve and maintain compliance with the terms and conditions of Part 31, the Part 22 Rules, and NPDES COC No. MIG010167. Please submit a response, via MiWaters, **by January 31, 2022**, showing what the Facility has done to achieve compliance with Part 31, the Part 22 Rules, and NPDES COC No. MIG010167. At a minimum, the response shall include:

1. An explanation as to why the Facility allowed the silage leachate to discharge, an immediate plan to stop it from continuing and a plan to prevent it from occurring in the future.

2. Storage Structure Response: Please provide a response for each of the following:

   a. An updated CNMP showing the corrections needed with the Waste Storage Structures as identified in items 2a. through 2d. under the section identified as 2. CNMP.
   b. An explanation for the discrepancy between the depths listed in the CNMP and the observed markings on the structures during the inspection.
   c. Please provide updated calculations of the Facility's current total waste storage capacity including the solid waste areas.

3. Photos showing the clean water catch basins cleared of vegetation and the plan as to how the Facility is going to prevent overgrown vegetation from occurring in the future.

4. Please submit a detailed and complete diagram of the Facility's storm water and production area runoff pipes and devices that flow throughout and off the site including a map delineating the drainage areas for each portion of the storm water system.

5. An explanation for the discrepancy observed in the flows at the Outfall and the storm water catch basins.

6. An explanation of how the Facility will improve the deficiencies in their housekeeping measures as identified in 4.d and how the Facility will ensure that chemicals used on-site will be prevented from contaminating storm water.

7. An explanation of why the Facility did not identify the deficiencies observed during the inspection on their weekly inspection reports and how the Facility plans to address this.

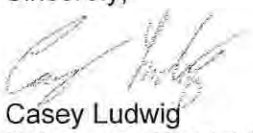
8. Photos showing the following:

    a. Areas around the Group 3,4 barn have been cleared of vegetation.
    b. The depth gauge for each of the following structures: Settling Pit, Earthen Storage and Concrete Lagoon, delineating clear, major divisions of operational, emergency and freeboard volumes.
    c. Vegetation has been cleaned out of the Concrete Lagoon.
    d. The areas with 55-gallon drums exposed to storm water cleared or covered to prevent storm water contamination.
    e. The composting material spillage removed from the North end and composting materials contained on the concrete Compost Pad.

9. An explanation for the ponding and rutting observed on the recent land applied fields, 97, 98 and 7W.

We look forward to your cooperation in voluntarily resolving this matter. Should you require further information regarding this Violation Notice, please contact me at LudwigC1@michigan.gov; 269-568-6634; or Department of Environment, Great Lakes, and Energy, WRD, 7953 Adobe Road, Kalamazoo, Michigan 49009-5025. Any contact from your attorney must be directed to Ms. Morrisseau and Ms. Hamade.

Sincerely,



Casey Ludwig
Kalamazoo District Office
Water Resources Division
269-568-6634

CL:JK:DMM

Enclosures
cc: Mrs. Allison Brink, Brink Consulting
Mr. Aaron Phelps, Varnum Law
Ms. Elizabeth Morrisseau, Department of the Attorney General
Ms. Nadia Hamade, Department of the Attorney General
Ms. Kailey Schoen, EGLE
Mr. Josh Epperly, EGLE
Mr. James Zellinger, EGLE
Ms. Jen Klang, EGLE
Mr. Bruce Washburn, EGLE