

From: [Halloran, Chris](#)
To: [BATES, DONNA](#)
Subject: FW: John M. Fuhrman dba Fuhrman Farms Case No. 2024-30009-C
Date: Friday, May 17, 2024 3:28:50 PM
Attachments: [FuhrmanFarms_PAO_2024.30009JR.pdf](#)

Hi Donna,

Please enter into VFC at your convenience.

Thank You
Chris

From: Halloran, Chris
Sent: Friday, May 17, 2024 3:28 PM
To: jlfuhrman@frontier.com
Subject: John M. Fuhrman dba Fuhrman Farms Case No. 2024-30009-C

Good Afternoon John,

Per our conversation today attached is the Modified Proposed Agreed Order. The only change is Order 3. The Civil Penalty has been reduced 20% for coming into a timely agreement. If you agree with the change, please sign and email back to me. I will then send it on for IDEM's signature. You will receive a complete Adopted Agreed Order with signatures and Adoption Letter.

Please respond to this email acknowledging that you have received it.

If you have any questions, please do not hesitate to call (3317 233-5546) or email me at challora@idem.IN.gov.

Thank You
Chris

22 E. State Road 56
Jasper, IN 47546
jlfuhrman@frontier.com

3939 West 675 North
Jasper, IN 47546
jlfuhrman@frontier.com

5. Respondents CFO Approval Renewal dated August 9, 2018, was for total capacity of 47,400 turkeys (15,800 turkey poults and 31,600 grow out turkeys). The CFO Approval Renewal became Effective on September 4, 2018 and Expired on September 4, 2023.
6. Respondent submitted a Self-Disclosure and Environmental Audit dated September 2, 2023. The self-disclosure was for changing a chicken barn from a brooder (small bird) to a grow out (larger bird) barn. The barn footprint was increased without a CFO construction approval. The same number of birds are housed in the barn as previously permitted.
7. IDEM sent Respondent a Self-Disclosure of Potential CFO Construction Permit Violation Letter dated October 3, 2023.
8. A CFO site visit was conducted on January 11, 2024. During this site visit, it was verified that an expansion was constructed on the north side of Barn 4. The expansion was identified as building P1/E8.
9. Respondent was issued a CFO Approval with Construction on January 12, 2024. The Approval Effective Date is February 12, 2024 and Expiration Date is February 12, 2029. The CFO Approval with Construction is for a total capacity of 47,400 "Tom" grow out turkeys and one West Site - Proposed Structure turkey grow out building identified as P2 which will be located on the north side of the existing E1 building.
10. Building P1/E8 is included in the CFO Approval with Construction as an existing building which was not previously approved.
11. During an investigation, including a record review and an inspection on January 11, 2024 conducted by a representative of IDEM, the following violations were found:
 - a. Pursuant to 327 IAC 19-4-1(b)(1), the owner/operator must comply with all terms and conditions of the CFO approval and this article, 327 IAC 19.

As noted during the inspection, Respondent constructed the building identified as P1/E8 in 2021/2022 onto the existing building identified as E4 without prior approval from the department as required by General Approval Condition 5 and 327 IAC 19-1-2(b).

Building P1/E8 is now included in the CFO Approval with Construction dated January 12, 2024, as an existing building which was not previously approved.

- b. Pursuant to General Approval Condition 5., you may not start construction of a CFO, or expansion of a CFO that increases animal capacity and/or manure containment capacity, without obtaining prior approval from IDEM as required by 327 IAC 19-1-2(b).

As noted during the inspection, Respondent constructed the building identified as P1/E8 in 2021/2022 onto the existing building identified as E4 without prior approval from IDEM.

Building identified as P1/E8 is now included in the CFO Approval with Construction dated January 12, 2024, as an existing building which was not previously approved.

- c. Pursuant to 327 IAC 19-1-2(b), under this article a person may not start: (1) construction of a CFO; or (2) expansion of a CFO that increases animal capacity or manure containment capacity, or both; without obtaining the prior approval of the department.

As noted during the inspection, Respondent constructed the building identified as P1/E8 in 2021/2022 onto the existing building identified as E4 without prior approval from the department.

Building identified as P1/E8 is now included in the CFO Approval with Construction dated January 12, 2024, as an existing building which was not previously approved.

- d. Pursuant IC 13-18-10-1, a person may not start construction of a confined feeding operation or expansion of a confined feeding operation that increases animal capacity or manure containment capacity or both without obtaining the prior approval of the department.

As noted during the inspection, Respondent constructed the building identified as P1/E8 in 2021/2022 onto the existing building identified as E4 without prior approval from the department.

Building identified as P1/E8 is now included in the CFO Approval with Construction dated January 12, 2024, as an existing building which was not previously approved.

12. Orders of the Commissioner are subject to administrative review by the Office of Environmental Adjudication under IC 4-21.5; however, in recognition of the settlement reached, Respondent acknowledges notice of this right and waives any right to administrative and judicial review of this Agreed Order.

II. ORDER

1. This Agreed Order shall be effective ("Effective Date") when it is approved by Complainant or Complainant's delegate and has been received by Respondent. This Agreed Order shall have no force or effect until the Effective Date.
2. Respondent shall comply with the statutes, rules and/or permit condition listed in the findings of fact above.

3. Pursuant to IC 13-30-4-1, Respondent is assessed and agrees to pay a civil penalty of Three Thousand Five Hundred Dollars (\$3,500). After this Agreed Order is adopted (signed by the Assistant Commissioner of the Office of Land Quality), Respondent shall pay by the due date printed on the Invoice that will be attached to the adopted Agreed Order.

Civil penalties are payable to the "Indiana Department of Environmental Management" by:

Mail:

Civil penalties are payable by check to the "Indiana Department of Environmental Management." Checks shall include the Case Number of this action and shall be mailed to:

Indiana Department of Environmental Management
Accounts Receivable
P.O. Box 3295
Indianapolis, IN 46206

Online:

Accounts Receivable is accepting payments online by e-Check, Master Card, Visa or Discover. Please visit www.IN.gov/IDEM. Under Online Services, click Online Payment options and follow the prompts. A processing fee of \$0.40 plus 2.06% will be charged for credit card payments. A processing fee of \$0.15 will be charged for eCheck payments. The Case Number is required to complete the process.

Phone:

You may also call us at 317-234-3099 and follow the instructions for Master Card, Visa or Discover payments. A processing fee of \$0.40 plus 2.06% will be charged for credit card payments. A processing fee of \$0.15 will be charged for eCheck payments. The Case Number is required to complete the process.

4. In the event that the monies due to IDEM pursuant to this Agreed Order are not paid on or before their Due Date, Respondent shall pay an additional penalty of 10 percent, payable to "Indiana Department of Environmental Management" and shall be payable to IDEM in the manner specified in Paragraph 3, above.
5. Signatories to this Agreed Order certify that they are fully authorized to execute this Agreed Order and legally bind the party they represent.
6. This Agreed Order shall apply to and be binding upon Respondent and all successors and assigns. Respondent shall provide a copy of this Agreed Order, if in force, to any subsequent owners, successors, or assigns before ownership rights are transferred.
7. No change in ownership, corporate, or partnership status of Respondent shall in any way alter the Respondent's status or responsibilities under this Agreed Order.

8. Respondent shall ensure that all contractors, firms, and other persons performing work under this Agreed Order comply with the terms of this Agreed Order.
9. In the event that any terms of this Agreed Order are found to be invalid, the remaining terms shall remain in full force and effect and shall be construed and enforced as if this Agreed Order did not contain the invalid terms.
10. This Agreed Order is not and shall not be interpreted to be a permit or a modification of an existing permit. This Agreed Order, and IDEM's review or approval of any submittal made by Respondent pursuant to this Agreed Order, shall not in any way relieve Respondent of the obligation to comply with the requirements of any applicable permits or any applicable Federal or State laws or regulations.
11. Complainant does not, by its approval of this Agreed Order, warrant or aver in any manner that Respondent's compliance with any aspect of this Agreed Order will result in compliance with the provisions of any permit, order, or any applicable Federal or State law or regulation. Additionally, IDEM or anyone acting on its behalf shall not be held liable for any costs or penalties Respondent may incur as a result of Respondent's efforts to comply with this Agreed Order.
12. Nothing in this Agreed Order shall prevent or limit IDEM's rights to obtain penalties or injunctive relief under any applicable Federal or State law or regulation, except that IDEM may not, and hereby waives its right to seek additional civil penalties for the violations specified in the NOV.
13. Nothing in this Agreed Order shall prevent IDEM or anyone acting on its behalf from communicating with the U.S. Environmental Protection Agency (U.S. EPA) or any other agency or entity about any matters relating to this enforcement action. IDEM or anyone acting on its behalf shall not be held liable for any costs or penalties Respondent may incur as a result of such communications with the U.S. EPA or any other agency or entity.
14. This Agreed Order shall remain in effect until IDEM issues a Resolution of Case letter to Respondent.

REMAINDER OF PAGE LEFT BLANK INTENTIONALLY

TECHNICAL RECOMMENDATION:
Department of Environmental Management

RESPONDENT:

By: *Jennifer Reno*
Jennifer Reno, Chief
Land Enforcement Section
Compliance Branch
Office of Land Quality

By: _____
Printed: _____
Title: _____

Date: 5/17/2024

Date: _____

COUNSEL FOR RESPONDENT:

By: _____
Printed: _____
Date: _____

APPROVED AND ADOPTED BY THE INDIANA DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT THIS _____ DAY OF _____, 20____

For the Commissioner:

Brian Wolff
Assistant Commissioner
Office of Land Quality