



**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

*We Protect Hoosiers and Our Environment.*

100 N. Senate Avenue • Indianapolis, IN 46204

(800) 451-6027 • (317) 232-8603 • [www.idem.IN.gov](http://www.idem.IN.gov)

Eric J. Holcomb  
Governor

Brian C. Rockensuess  
Commissioner

August 1, 2024

**Via Electronic Mail: # 7017 2400 0000 0747 1857**

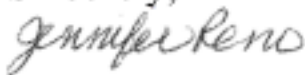
Gerrit den Dulk, Owner/Manager  
Oak Basin Dairy LLC  
6180 W. 1100 N.  
De Motte, IN 46310  
[gerrit@ddfarkin.com](mailto:gerrit@ddfarkin.com)

Dear Mr. den Dulk:

Re: Adoption of Agreed Order  
Commissioner, Indiana Department of Environmental Management  
v.  
Oak Basin Dairy LLC  
Case No. 2024-29957-C

The Agreed Order pertaining to the case referenced above has been approved for adoption by the Indiana Department of Environmental Management. A copy of the finalized agreement is enclosed for your records.

Please note the terms of compliance contained in the Agreed Order. The time frames for compliance are effective upon receipt of this letter. The invoice for payment of the civil penalty is attached. Thank you for your cooperation in resolving this matter. If you have any questions, please contact Christina Halloran at (317) 233-5546 or via email at [challora@idem.IN.gov](mailto:challora@idem.IN.gov).

Sincerely,  
  
Jennifer Reno, Chief  
Land Enforcement Section  
Compliance Branch  
Office of Land Quality

Enclosure

cc: Jasper County Health Department  
Megan Espinda, OPS, Agricultural Liaison  
Mike Hall, IDEM, OLQ, CFO Compliance Section  
Kraig Whitman, IDEM, OLQ, Confined Feeding Permits Section  
Kari Simpkins, Ag Environmental Systems, LLC [ksimpkins@agenvironmental.net](mailto:ksimpkins@agenvironmental.net)  
IDEM Virtual File Cabinet



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*Commissioner*

STATE OF INDIANA	)	SS:	BEFORE THE INDIANA DEPARTMENT OF
	)		
COUNTY OF MARION	)		ENVIRONMENTAL MANAGEMENT
	)		
COMMISSIONER OF THE DEPARTMENT	)		
OF ENVIRONMENTAL MANAGEMENT,	)		
	)		
	)	Complainant,	
	)		
	)	v.	Case No. 2024-29957-C
	)		
OAK BASIN DAIRY LLC,	)		
	)		
	)	Respondent.	

**AGREED ORDER**

Complainant and Respondent desire to settle and compromise this action without hearing or adjudication of any issue of fact or law, and consent to the entry of the following Findings of Fact and Order. Pursuant to Indiana Code (“IC”) 13-30-3-3, entry into the terms of this Agreed Order does not constitute an admission of any violation contained herein. Respondents entry into this Agreed Order shall not constitute a waiver of any defense, legal or equitable, which Respondent may have in any future administrative or judicial proceeding, except a proceeding to enforce this order.

**I. FINDINGS OF FACT**

1. Complainant is the Commissioner (“Complainant”) of the Indiana Department of Environmental Management (“IDEM”), a department of the State of Indiana created by IC 13-13-1-1.
2. Respondent is Oak Basin Dairy LLC (“Respondent”), which owns and operates the Confined Feeding Operation (“CFO”) with Farm ID No. 6083 located at 4618 N. 200 W., in Rensselaer, Jasper County, Indiana (“Site”).
3. IDEM has jurisdiction over the parties and the subject matter of this action.
4. Pursuant to IC 13-30-3-3, IDEM issued a Notice of Violation (“NOV”) to:

Gilbert den Dulk, Member and  
Registered Agent

Oak Basin Dairy LLC & GD Land, LLC  
6180 W. 1100 N.  
De Motte, IN 46310  
[gerrit@ddfarming.com](mailto:gerrit@ddfarming.com)

5. Respondents CFO meets the definition of a Concentrated Animal Feeding Operation ("CAFO") per 40 CFR 122.23(b)(2).
6. Respondents CFO Approval is for total capacity of 3,000 dairy cows and 30 dairy calves. The CFO Approval Effective Date is August 4, 2023, and the Expiration Date is December 20, 2027.
7. Respondent submitted a CFO Permit Application which included the unapproved structures P2 (concrete transfer pit) and P3 (concrete solid manure storage) which was received by IDEM on November 10, 2023. As Agreed, Respondent via email on March 28, 2024, requested to withdraw the CFO Permit Application. IDEM sent a Withdrawal of Confined Feeding Operation Construction Permit Application letter to Respondent dated April 1, 2024.
8. During an investigation including an inspection on January 30, 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 manure management structures P2 and P3 without obtaining prior approval from the department as required by 327 IAC 19-1-2(b).

According to the Respondents consultant the construction start date was July 15, 2022. On July 1, 2023, construction was completed, and operations began in these structures.

- 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 manure management structures P2 and without obtaining prior approval from the department as required by 327 IAC 19-1-2(b).

According to the Respondents consultant, the construction start date was July 15, 2022. On July 1, 2023, construction was completed, and operations began in these structures.

- 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 manure management structures P2 and P3 without obtaining prior approval from the department as required by 327 IAC 19-1-2(b).

According to the Respondents consultant, the construction start date was July 15, 2022. On July 1, 2023, construction was completed, and operations began in these structures.

- d. Pursuant IC 13-18-10-1(a), 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 manure management structures P2 and P3 without obtaining prior approval from the department as required by IC 13-18-10-1(a).

According to the Respondents' consultant, the construction start date was July 15, 2022. On July 1, 2023, construction was completed, and operations began in these structures.

9. 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 conditions listed in the findings of fact above.
3. Within thirty (30) days of the Effective Date, Respondent shall submit a complete CFO Approval Application as required per 327 IAC 19. The CFO Approval Application shall seek approval for all unpermitted buildings and waste storage structures at the Site. A CFO Approval Application Packet is included in Attachment A.
4. To avoid stipulated penalties, as described in Order Paragraph 8, Respondent is advised to follow the CFO Approval Application checklist in Attachment A to ensure a complete CFO Approval Application is submitted.

5. Respondent shall respond to any Notice of Deficiency (“NOD”) issued by the Confined Feeding Permitting Section within the stated timeframes in the NOD. If such timeframes are not met, IDEM may assess stipulated penalties as described in Order Paragraph (8).
6. All submittals required by this Agreed Order, unless IDEM notifies the Respondent otherwise in writing, shall be sent to:

Christina Halloran, Enforcement Case Manager  
Office of Land Quality  
Indiana Department of Environmental Management  
100 North Senate Avenue  
Indianapolis, IN 46204-2251

7. Pursuant to IC 13-30-4-1, Respondent is assessed and agrees to pay a civil penalty of Seven Thousand Dollars (\$7,000). 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 and stipulated 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](http://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.

8. In the event the terms and conditions of the following paragraphs are violated, Complainant may assess, and Respondent shall pay a stipulated penalty in the following amount:

<u>Paragraph</u>	<u>Stipulated Penalty</u>
Order paragraph #3	\$200 per week
Order Paragraph #5	\$100 per week

9. Stipulated penalties shall be due and payable no later than the thirtieth day after Respondent receives written notice that Complainant has determined a stipulated penalty is due; at which time, a separate invoice will be issued. Complainant may notify Respondent at any time that a stipulated penalty is due. Failure to notify Respondent in writing in a timely manner of a stipulated penalty assessment shall not waive Complainant's right to collect such stipulated penalty or preclude Complainant from seeking additional relief against Respondent for violation of this Agreed Order. Neither assessment nor payment of stipulated penalties shall preclude Complainant from seeking additional relief against Respondent for a violation of this Agreed Order; such additional relief includes any remedies or sanctions available pursuant to Indiana law, including, but not limited to, civil penalties pursuant to IC 13-30-4.
10. 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 7, above.
11. Signatories to this Agreed Order certify that they are fully authorized to execute this Agreed Order and legally bind the party they represent.
12. 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.
13. No change in ownership, corporate, or partnership status of Respondent shall in any way alter the Respondents status or responsibilities under this Agreed Order.
14. Respondent shall ensure that all contractors, firms, and other persons performing work under this Agreed Order comply with the terms of this Agreed Order.
15. 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.
16. 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.
17. Complainant does not, by its approval of this Agreed Order, warrant or aver in any manner that Respondents 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 Respondents efforts to comply with this Agreed Order.

18. 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.
19. 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.
20. 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

Date: 5/2/2024

By: *Gerrit den Dulk*  
Gerrit den Dulk (July 16, 2024 10:13 CDT)

Printed: Gerrit den Dulk  
Title: Owner/Manager

Date: 07/16/24

COUNSEL FOR RESPONDENT:

By: \_\_\_\_\_

Printed: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED AND ADOPTED BY THE INDIANA DEPARTMENT OF ENVIRONMENTAL  
MANAGEMENT THIS 31st DAY OF July, 2021

For the Commissioner:

*Brian Wolff*  
Brian Wolff  
Assistant Commissioner  
Office of Land Quality

## ATTACHMENT A

# IDEM letterhead

Final Audit Report

2024-07-16

Created:	2024-07-16
By:	Kari Simpkins (ksimpkins@agenvironmental.net)
Status:	Signed
Transaction ID:	CBJCIIBC4ABAAZjpzJS88Kglkk9f1GFqP2fqLXU-m7w3-

## "IDEM letterhead" History

-  Document created by Kari Simpkins (ksimpkins@agenvironmental.net)  
2024-07-16 - 9:10:04 PM GMT
-  Document emailed to gerrit@ddfarming.com for signature  
2024-07-16 - 9:11:10 PM GMT
-  Email viewed by gerrit@ddfarming.com  
2024-07-16 - 9:12:28 PM GMT
-  Signer gerrit@ddfarming.com entered name at signing as Gerrit den Dulk  
2024-07-16 - 9:13:19 PM GMT
-  Document e-signed by Gerrit den Dulk (gerrit@ddfarming.com)  
Signature Date: 2024-07-16 - 9:13:21 PM GMT - Time Source: server
-  Agreement completed.  
2024-07-16 - 9:13:21 PM GMT

# INVOICE

**Please Remit To:**

INDIANA DEPT. OF ENVIRONMENTAL MANAGEMENT  
PO BOX 3295  
INDIANAPOLIS IN 46206-3295

Page: 1  
Invoice No: 000375047  
Invoice Date: 07/23/2024  
Customer Number: CST100056810  
Bill Type: 075  
Payment Terms: NET 30  
Due Date: 08/22/2024

**Bill To:**

OAK BASIN DAIRY LLC  
GERRITT DEN DULK  
6180 W 1100 N  
DE MOTTE IN 46310

AMOUNT DUE: 7,000.00 USD

Amount Remitted

Note Address Changes Above

Email Address: \_\_\_\_\_

Write the invoice number on your check and return the upper portion of this invoice.

For billing questions, please email us at [BILLING@IDEM.IN.GOV](mailto:BILLING@IDEM.IN.GOV)

Line	Adj	Identifier	Description	Quantity	UOM	Unit Amt	Net Amount
1		2024-29957-C	AGREED ORDER	1.00	EA	7,000.00	7,000.00
<p>- Accounts Receivable is accepting payments online by e-Check, MasterCard, Visa, American Express or Discover. Please visit <a href="http://www.in.gov/idem">www.in.gov/idem</a>. Under Online Services, click Online Payment options and follow the prompts.</p> <p>- You may also call us at 317-234-3099 to pay by MasterCard, Visa, American Express or Discover.</p> <p>- 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.</p> <p>- Pursuant to the Agreed Order for the Case Number noted above in the identifier field, please remit the civil penalty within thirty (30) days of the effective date of the Agreed Order.</p>							
TOTAL AMOUNT DUE :						7,000.00	

Please write the invoice number on your check and return the upper portion of this invoice with remittance.

ALERT: TROPICAL CYCLONE HELENE, FLOODING, AND SEVERE WEATHER IN THE SOUTHEA...

# USPS Tracking®

FAQs >

Tracking Number:

Remove X

## 7017240000007471857

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

### Latest Update

Your item was delivered to an individual at the address at 1:58 pm on August 3, 2024 in DEMOTTE, IN 46310.

Get More Out of USPS Tracking:

USPS Tracking Plus®

### Delivered

Delivered, Left with Individual

DEMOTTE, IN 46310

August 3, 2024, 1:58 pm

See All Tracking History

What Do USPS Tracking Statuses Mean? (<https://faq.usps.com/s/article/Where-is-my-package>)

Text & Email Updates



USPS Tracking Plus®



Product Information



See Less ^

Track Another Package



Feedback

Enter tracking or barcode numbers

## Need More Help?

Contact USPS Tracking support for further assistance.

[FAQs](#)