



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

Eric J. Holcomb
Governor

Brian Rockensuess
Commissioner

June 21, 2024

Via Email to: mbouchard@prairiefarms.com

Mr. Mike Bouchard, General Manager
Holland Dairies, Inc.
300 Main St.
Holland, Indiana 47541

Dear Mr. Bouchard:

Re: Inspection Summary/ Noncompliance Letter
Holland Dairies, Inc.
NPDES Permit No. IN0058513
Holland, Dubois County

An inspection of the above-referenced facility or location was conducted by a representative of the Indiana Department of Environmental Management, Southwest Regional Office, pursuant to IC 13-18-3-9. A summary of the inspection is provided below:

Date(s) of Inspection: June 19, 2024
Type of Inspection: Reconnaissance Inspection
Inspection Results: Violations were observed.

The following concerns were noted:

1. The Enforcement evaluation generated an unsatisfactory rating due to violating the Agreed Order requirements and various other issues:
 - A. Order #3 Respondent shall cease and desist any release of discharge not specifically authorized by the Permit from the Site to the waters of the State. Order
 - B. Order #4 Respondent shall report overflows or a release of wastewater to waters of the State, not specifically authorized by the Permit.

Pursuant to 327 Indiana Administrative Code (IAC) 5-2-2, any discharge of pollutants into waters of the State as a point source discharge, except for exclusions made in 327 IAC 5- 2-4, is prohibited unless in conformity with a valid National Discharge Pollution Elimination System (NPDES) Permit obtained prior to discharge.

Pursuant to IC 13-30-2-1(1), a person may not discharge, emit, cause, allow or threaten to discharge, emit, cause, or allow any contaminant or waste, including any noxious odor, either alone or in combination with

contaminants from other sources, into the environment.

Pursuant to IC 13-18-4-5, it is unlawful for any person to throw, run, drain or otherwise dispose into any of the streams or waters of Indiana; or cause, permit, or suffer to be thrown, run, drained, allowed to seep, or otherwise disposed into any waters; any organic or inorganic matter that contributes to a polluted condition of any waters, as determined by a rule of the board adopted under sections 1 and 3 of this chapter.

Pursuant to 327 IAC 2-1-6(a)(1) all surface waters at all times and at all places, including the mixing zone, shall meet the minimum conditions of being free from substances, materials, floating debris, oil or scum attributable to municipal, industrial, agricultural, and other land use practices or other discharges that do any of the following:

- A. will settle to form putrescent or otherwise objectionable deposits;
 - B. are in amounts sufficient to be unsightly or deleterious; produce color, visible oil sheen, odor, or other conditions in such degrees as to create a nuisance;
 - C. are in concentrations or combinations that will cause or contribute to the growth of aquatic plants or algae to such a degree as to create a nuisance;
 - D. be unsightly, or otherwise impair the designates uses; and are in amounts sufficient to be acutely toxic to, or to otherwise severely injure or kill aquatic life, other animals, plants, or humans.
2. The facility had various illicit discharges entering into the North Little Pigeon Creek from the Town's storm drains. The appearance of this (receiving stream) creek is unsatisfactory. Upon inspection, creek was black (see photo) and had a very putrescent scent like rotten milk within it.

Pursuant to IC 13-30-2-1(1), a person may not discharge, emit, cause, allow or threaten to discharge, emit, cause, or allow any contaminant or waste, including any noxious odor, either alone or in combination with contaminants from other sources, into the environment.

3. The Operation evaluation generated an unsatisfactory rating. Part II. B. 1. of the permit requires that all facilities and systems (and related appurtenances) for collection and treatment that are installed or used by the permittee and necessary for achieving compliance with the terms and conditions of the permit in accordance with 327 IAC 5-2-8(9) must be maintained in good working order and efficiently operated at all times.

It was noted that the onsite lift station (#1) can fill up and cause backpressure that redirects flow from the lift station back into underground piping underneath the facility. From here, it was stated that flow finds its way into unknown piping that may be broken or were originally directed to a Town storm drain that discharges out to North Fork Little Pigeon Creek. It was stated that the permittee will continue to investigate the plumbing and eliminate the discovered illegal connections.

4. The Records / Reports generated an unsatisfactory rating. Part II. B. 2 and As required by 327 IAC 5-2-8(11)(C), the permittee shall orally report an unanticipated bypass that exceeds any effluent limitations in the permit within twenty-four (24) hours from the time the permittee becomes aware of such noncompliance. A written submission shall also be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; and if the cause of noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. If a complete report is submitted by e-mail within 24 hours of the noncompliance, then that e-mail report will satisfy both the oral and written reporting requirement. E-mails should be sent to wwreports@idem.in.gov.

The permittee failed to notify IDEM of known releases from their facility for an extended period of time. A path was noticeable on the ground from the facility to the release area made by the passing of personnel to the known bypass point located at the culvert of 1st Ave. & Kentucky. Onsite personnel also stated it was known these events were occurring (See photo).

Personnel stated that they failed to document these site visits and the IDEM Inspector informed personnel that they must provide proper documentation of these events. Regular monitoring and documentation of these checks of North Fork Little Pigeon Creek is required until all discharges cease.

5. The Indiana Department of Environmental Management (IDEM) received a complaint (RM #112981) regarding North Fork Little Pigeon Creek being completely black with a horrible smell. This was discovered near a culvert beneath S.R. 161. The complaint came in on June 17, 2024. The IDEM Emergency Response (ER), Charles (Andy) Stinchfield went investigated the complaint and discovered that the incident discovered was accurate (see photos) and processed water was traced back through the storm drains to the permittee (Holland Dairy) listed in this report. **Holland Dairy personnel were instructed to stop all discharges that were reaching the creek and find and eliminate all sources of discharge being directed into the Town's storm drains.**

On June 19, 2024, IDEM Wastewater Inspector, Jeremy Ferguson, went to North Fork Little Pigeon Creek to check to see if ALL discharges had stopped flowing to the creek. During the inspection, it was discovered that there was still flow being received via the culvert located near 1st Ave. and Kentucky. A storm drain manhole was opened to better see the flow at the time of the inspection and a video was taken. The discharge was slightly turbid at the time of the inspection and personnel were unaware as to whether or not flow was process water or wash water.

The IDEM Wastewater inspector observed that the North Fork Little Pigeon Creek was black in color and the stream had a putrescent smell similar to that of rotten milk. The inspector followed the creek from 1st Ave &

Kentucky culvert East past Highway 161 all the way to a bridge located off of County Road 600 West. The industrial discharge impacted approximately 8,840 feet (1.67 miles) of the stream (see photos).

Part II. A. 1. of your permit requires you to comply with its terms and conditions. Any noncompliance with the terms of your permit may subject you to an enforcement action which can include the imposition of penalties. You are required to immediately take all necessary measures to comply with the terms and conditions of your NPDES Permit, specifically those violations identified above.

This information is being forwarded to the OWQ Enforcement Section for consideration in conjunction with your Agreed Order, Case No. 2019-26754-W. Please direct any response to this letter and any questions to Jeremy Ferguson at 812-582-0696 or by email to jferguso@idem.IN.gov. A copy of the NPDES Industrial Facility Inspection Report is enclosed for your records.

Sincerely,

A handwritten signature in cursive script that reads "Nicholas Carr".

Nicholas Carr, Director
Southwest Regional Office

Enclosure

Cc: Jessica Irvine, Water Enforcement

2-8(9) must be maintained in good working order and efficiently operated at all times.

It was noted that the onsite lift station (#1) can fill up and cause backpressure that redirects flow from the lift station back into underground piping underneath the facility. From here, it was stated that flow finds its way into unknown piping that may be broken or were originally directed to a Town storm drain that discharges out to North Fork Little Pigeon Creek. It was stated that the permittee will continue to investigate the plumbing and eliminate the discovered illegal connections.

Sludge:

Comments:

The facility had contracted out a third party company to dredge out their lagoon. The sludge being removed from the bottom of the lagoon is being directed to two large geotextile bags. These bags are contained within makeshift berms that have plastic lining. A diesel pump is located onsite and directs water escaping the bags back into the lagoon (See photos).

Records/Reports:

The following records/reports were reviewed:

Comments:

The Records / Reports generated an unsatisfactory rating. Part II. B. 2 and As required by 327 IAC 5-2-8(11)(C), the permittee shall orally report an unanticipated bypass that exceeds any effluent limitations in the permit within twenty-four (24) hours from the time the permittee becomes aware of such noncompliance. A written submission shall also be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; and if the cause of noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. If a complete report is submitted by e-mail within 24 hours of the noncompliance, then that e-mail report will satisfy both the oral and written reporting requirement. E-mails should be sent to wwreports@idem.in.gov.

The permittee failed to notify IDEM of known releases not from their permitted outfall which bypassed all treatment from their facility for an extended period of time. A path was noticeable on the ground from the facility to the release area made by the passing of personnel to the known bypass point located at the culvert of 1st Ave. & Kentucky. Onsite personnel also stated it was known these events were occurring (See photo). **Personnel stated that they failed to document these site visits and the IDEM Inspector informed personnel that they must provide proper documentation of these events. Regular monitoring and documentation of these checks of North Fork Little Pigeon Creek is required until all discharges cease.**

Enforcement:

2019-26754-W

Sam Clements, SClement@IDEM.in.gov, 317-232-8767

Comments:

The Enforcement evaluation generated an unsatisfactory rating due to violating the Agreed Order requirements and various other issues:

- A. Order #3 Respondent shall cease and desist any release of discharge not specifically authorized by the Permit from the Site to the waters of the State.
- B. Order #4 Respondent shall report overflows or a release of wastewater to waters of the State, not specifically authorized by the Permit.

Pursuant to 327 Indiana Administrative Code (IAC) 5-2-2, any discharge of pollutants into waters of the State as a point source discharge, except for exclusions made in 327 IAC 5- 2-4, is prohibited unless in conformity with a valid National Discharge Pollution Elimination System (NPDES) Permit obtained prior to discharge.

Pursuant to IC 13-30-2-1(1), a person may not discharge, emit, cause, allow or threaten to discharge, emit, cause, or allow any contaminant or waste, including any noxious odor, either alone or in combination with contaminants from other sources, into the environment.

Pursuant to IC 13-18-4-5, it is unlawful for any person to throw, run, drain or otherwise dispose into any of the streams or waters of Indiana; or cause, permit, or suffer to be thrown, run, drained, allowed to seep, or otherwise disposed into any waters; any organic or inorganic matter that contributes to a polluted condition of any waters, as determined by a rule of the board adopted under sections 1 and 3 of this chapter.

Pursuant to 327 IAC 2-1-6(a)(1) all surface waters at all times and at all places, including the mixing zone, shall meet the minimum conditions of being free from substances, materials, floating debris, oil or scum attributable to municipal, industrial, agricultural, and other land use practices or other discharges that do any of the following:

- A. will settle to form putrescent or otherwise objectionable deposits;
- B. are in amounts sufficient to be unsightly or deleterious;
- C. produce color, visible oil sheen, odor, or other conditions in such degrees as to create a nuisance;
- D. are in concentrations or combinations that will cause or contribute to the growth of aquatic plants or algae to such a degree as to create a nuisance, be unsightly, or otherwise impair the designates uses; and are in amounts sufficient to be acutely toxic to, or to otherwise severely injure or kill aquatic life, other animals, plants, or humans.

Effluent Limits Compliance:

No 1. Were DMRs reviewed as part of the inspection?

Comments:

Other:

Complaint Investigation

Comments:

The Indiana Department of Environmental Management (IDEM) received a complaint (RM #112981) regarding North Fork Little Pigeon Creek being completely black with a horrible smell. This was discovered near a culvert beneath S.R. 161. The complaint came in on June 17, 2024. The IDEM Emergency Response (ER), Charles (Andy) Stinchfield investigated the complaint and discovered that the incident reported was accurate (see photos) and processed water was traced back through the storm drains to the permittee (Holland Dairy) listed in this report. **Holland Dairy personnel were instructed to stop all discharges that were reaching the creek and find and eliminate all sources of discharge being directed into the Town's storm drains.**

On June 19, 2024, IDEM Wastewater Inspector, Jeremy Ferguson, went to North Fork Little Pigeon Creek to check to see if ALL discharges had stopped flowing to the creek. During the inspection, it was discovered that there was still flow being discharged via the culvert located near 1st Ave. and Kentucky. A storm drain manhole was opened to better see the flow at the time of the inspection and a video was taken. The discharge was slightly turbid at the time of the inspection and personnel were unaware as to whether or not flow was process water or wash water.

The IDEM Wastewater inspector observed that the North Fork Little Pigeon Creek was black in color and the stream had a putrescent smell similar to that of rotten milk. The inspector followed the creek from 1st Ave & Kentucky culvert East past Highway 161 all the way to a bridge located off of County Road 600 West. The industrial discharge impacted approximately 8,840 feet (1.67 miles) of the stream (see photos).

IDEM REPRESENTATIVE

Inspector Name:	Email:	Phone Number:
Jeremy Ferguson	jferguso@idem.IN.gov	812-582-0696
Other staff participating in the inspection:		
Name(s)	Phone Number(s)	
Andy Stinchfield	812-483-1314	

IDEM MANAGER REVIEW

IDEM Manager:	Date:
Nicholas Carr	6/19/2024

Inspection Photographs



Facility: Holland Dairies, Inc.		Location/Description: A milky discharge was noted in the North Fork Little Pigeon Creek. (Photo from Charles [Andy] Stinchfield)
Photographer: Jeremy Ferguson		
Date: 06/18/2024	Time:	
Others Present:		



Facility: Holland Dairies, Inc.		Location/Description: Near complaint location east of highway 161. Discharge from the plant had become septic and turned the creek black. (Photo from Charles [Andy] Stinchfield)
Photographer: Jeremy Ferguson		
Date: 06/18/2024	Time:	
Others Present:		



Facility: Holland Dairies, Inc.		Location/Description: A worn path to culvert at 1st Ave. & Kentucky to North Fork Little Pigeon Creek.
Photographer: Jeremy Ferguson		
Date: 06/19/2024	Time:	
Others Present:		



Facility: Holland Dairies, Inc.		Location/Description: Milky colored water in the North Fork Pigeon Creek
Photographer: Jeremy Ferguson		
Date: 06/19/2024	Time:	
Others Present:		



Facility: Holland Dairies, Inc.		Location/Description: Flow inside opened storm drain manhole leading to North Fork Little Pigeon Creek.
Photographer: Jeremy Ferguson		
Date: 06/19/2024	Time:	
Others Present:		



Facility: Holland Dairies, Inc.		Location/Description: North Fork Little Pigeon Creek East of culvert.
Photographer: Jeremy Ferguson		
Date: 06/19/2024	Time:	
Others Present:		



Facility: Holland Dairies, Inc.		Location/Description: Bridge at County Road 600 W. - See black water starting to be diluted.
Photographer: Jeremy Ferguson		
Date: 06/19/2024	Time:	
Others Present:		



Facility: Holland Dairies, Inc.		Location/Description: Dredging unit within the lagoon
Photographer: Jeremy Ferguson		
Date: 06/19/2024	Time:	
Others Present:		



Facility: Holland Dairies, Inc.		Location/Description: Geotextile bags the dredged sludge being sent to.
Photographer: Jeremy Ferguson		
Date: 06/19/2024	Time:	
Others Present:		



Facility: Holland Dairies, Inc.		Location/Description: Diesel Engine that is taking water from the geotextile bags and directing it back to the lagoon.
Photographer: Jeremy Ferguson		
Date: 06/19/2024	Time:	
Others Present:		