



# 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*

June 21, 2024

## VIA E-MAIL

Steven Hein  
EJ Dairies, Inc.  
2009 East 121st Street  
Crown Point, IN 46307

Re: **Summary Letter/Referral to Enforcement**  
EJ Dairies, Inc.  
FID 6176  
Francesville, Pulaski

Dear Mr. Hein:

On June 6, 2024, a representative of the Indiana Department of Environmental Management, Office of Land Quality, conducted an inspection of EJ Dairies, Inc., located at Francesville, Indiana. This inspection was conducted pursuant to IC 13-14-2-2. For your information, and in accordance with IC 13-14-5, a summary of the inspection is provided below:

Type of Inspection:	Routine
Results of Inspection:	Violations were observed and will be referred to the Land Enforcement Section (see attached inspection report).

This matter has been referred to IDEM's Land Enforcement Section for appropriate action. If formal action is initiated, you will be issued a notice of violation informing you of how to proceed in resolving this matter.

Please direct any response to this letter and any questions to Michael Hall, (317)296-0602 or [mhall@idem.in.gov](mailto:mhall@idem.in.gov). Thank you for your attention to this matter.

Sincerely,

Charles P. Grady, Section Chief  
Confined Feeding Operation Compliance  
Office of Land Quality

Enclosure

cc: Pulaski County Health Department



**CFO**  
**INSPECTION REPORT**  
 INDIANA DEPARTMENT OF  
 ENVIRONMENTAL MANAGEMENT

Inspector's Name:	Mike Hall	
Others Present	Steven Hein	Owner/Operator
	Matt Brown	IDEM
Date:	6/6/2024	
Time In:	10:00 AM	
Time Out:	12:30 PM	

**General Information**

**Inspection Type**

Inspection Type	CFO Routine
-----------------	-------------

**Facility Information**

Facility Name:	Facility Name: E J Dairies Incorporated
----------------	---

Facility Location:	Street Address: 11827 W CR 400 S City: Francesville State: IN Zip Code: 47946 County: Pulaski
--------------------	---

Facility Mailing Information:	Mailing Address: 2009 East 121st Street Mailing City: Crown Point Mailing State: IN Mailing Zip Code: 46307
-------------------------------	--

Facility Contact Information:	Contact Person: Steve Hein Contacts Phone Number: 219-746-7092 Contact E-mail Address: sehein@ymail.com
-------------------------------	---

Owner Contact Information	Owner Name: EJ Dairies, Inc. Owner Phone Number: 219-746-7092
---------------------------	--

**Facility ID**

Log Number	6176
------------	------

**Animal Types**

Animals Present	Dairy Cattle
-----------------	--------------

**Manure Management Systems**

Type of Manure Management System	Below Ground Liquid Storage Tank Concrete Pad Lined Storage Impoundment
----------------------------------	---

**Approved Structures**

Number of Permitted Structures	9
--------------------------------	---

Number of Observed Structures	9
-------------------------------	---

**Outstanding Issues**

Last Inspection Date:	4/27/2022
-----------------------	-----------

Previous Violation(s):	<input type="radio"/> Yes <input checked="" type="radio"/> No
------------------------	---

**Checklist**

<b>Discharge and Spill Requirements</b> <input checked="" type="checkbox"/> Unpermitted Discharge <input type="checkbox"/> Spill Not Reported <input type="checkbox"/> Spills Not Managed	<b>Approval and Performance Standards</b> <input type="checkbox"/> No Valid Approval <input checked="" type="checkbox"/> Approval Condition <input type="checkbox"/> Access Denied
<b>Operational Standards</b> <input type="checkbox"/> Maintenance and Operation <input type="checkbox"/> Improper Freeboard <input type="checkbox"/> Markers Not Maintained	<b>Manure Application Activities</b> <input type="checkbox"/> Staging <input type="checkbox"/> Run-Off <input type="checkbox"/> Ponding

<input type="checkbox"/> Unapproved Manure Storage <input type="checkbox"/> Self Monitoring <input type="checkbox"/> Earthen Berm Not Maintained <input type="checkbox"/> Removal of Accumulated Solids <input type="checkbox"/> Vegetation Management System <input type="checkbox"/> Feedlot Run-Off <input type="checkbox"/> Transport & Handling <input type="checkbox"/> Mortality Management	<input type="checkbox"/> Spray Irrigation Operation <input type="checkbox"/> Transport and Handling <input type="checkbox"/> Emergency Application, Snow and Frozen Ground <input type="checkbox"/> Manure Applied from Roadway <input type="checkbox"/> Manure Applied to Erodible Soils <input type="checkbox"/> Manure Applied to Saturated Soils
<b>Operating Record</b> <input checked="" type="checkbox"/> Requirements <input type="checkbox"/> Farmstead Plan <input type="checkbox"/> Manure Management Plan <input type="checkbox"/> Ground Water Monitoring <input type="checkbox"/> Storm Water Pollution Prevention Plan Certification <input type="checkbox"/> Certification by a Registered Professional Engineer <input type="checkbox"/> Construction Requirements <input type="checkbox"/> Self Monitoring Records <input type="checkbox"/> Emergency Response Plan <input type="checkbox"/> Land Use Agreements <input type="checkbox"/> Justification of Nitrogen Losses <input type="checkbox"/> Land Application Records for 5 Years <input type="checkbox"/> Emergency Land Application of Manure <input type="checkbox"/> Spill Documentation <input type="checkbox"/> Spray Irrigation Plan <input type="checkbox"/> Land Application Monitoring Activities <input type="checkbox"/> Marketing and Distribution Records for 5 Years <input type="checkbox"/> Maintenance Activities on Liquid Manure Storage Facilities <input type="checkbox"/> Setback Waivers <input type="checkbox"/> Approvals	<b>Land Application Records</b> <input type="checkbox"/> Required Acreage for Manure Application <input type="checkbox"/> Manure and Soil Testing <input type="checkbox"/> Apply at Agronomic Rate <input type="checkbox"/> Land Application Records <input type="checkbox"/> Marketing & Distribution <input type="checkbox"/> Information Sheets
<b>Storm Water Management</b> <input type="checkbox"/> Applicability <input checked="" type="checkbox"/> Storm Water Management	<b>Exiting Program</b> <input type="checkbox"/> Decommissioning Storage Facility <input type="checkbox"/> Exiting the Program Requirements <input type="checkbox"/> Closing the Operation

### General Comments

This was a routine inspection.

EJ Dairies, Inc. is a CAFO-sized facility permitted for a total capacity of 750 dairy cows in one production building.

IDEM CFO inspectors first met on-site with the owner, Steven Hein, for a visual inspection of the facility. Vegetation was established and well maintained where required. The production building was in good condition, and was being properly managed.

During the visual inspection it was noted that the concrete stacking pad P2 was currently in the construction phase, but was not completed at the time of the inspection. As stated during the previous construction inspection on 1/19/2023 and 6/13/2023, the pump pit for sand lane P3 was constructed and required a facility change to be submitted for the design and location changes of these structures (**VFC# 83421136 and 83490951**). A completed construction affidavit had not been submitted to IDEM for P3 at the time of inspection.

While observing P3 it was noted there was some manure outside of the structure, and visible signs that the pit had been at max capacity. Mr. Hein informed inspectors that there was air in the system, and that it purged while the pit was full. This allowed some manure to splash outside of the structure. The facility was in the process of scraping and cleaning the surrounding area during the inspection. **(See attached photo)**

A visual inspection of the lined storage impoundment P1 was found that there was adequate freeboard, and a visible freeboard marker. Vegetation around the impoundment was established and well maintained where required. The perimeter tile for P1 does not have an observation point as shown in the facility's permit. Sampling could only occur at a tile inlet junction, that is located Northwest of P1 into the facility's on-site stormwater drainage. The tile inlet junction was unable to be sampled due to lack of water, however, another tile that was believed to be connected to the junction was located West of the drainage berm. This tile was sampled for ammonia/nitrogen, and the test result was 8ppm. **(See attached photo)**

The stormwater drainage area between production building E1 and the lined storage impoundment P1 had rutting due to equipment passing through to access the field. Ponded stormwater was sampled and found to be 8+ppm ammonia/nitrogen.

The facility was instructed to clean and scrape the contents for the stormwater ditch, and remove the manure appropriately. It is undetermined if this area was the cause of the elevated sample collected from the tile outfall.

The facility was instructed to block off the tile and pump any contents from the tile back into P1 until the facility could determine the source of the contaminants. The facility was also instructed to ensure that the perimeter tile for P1 was constructed per the facility's permit, with no other tiles connected to the perimeter tile, or the outfall. Any changes to the approved plans for the permitted structures will require a facility change to be submitted to IDEM's CFO Permitting section.

After the visual inspection, a review of the operating records was conducted. The facility had weekly inspections for 2024, and an emergency response plan on-site. All other required documentation was not present, and was located at an off-site office at the time of the inspection.

The facility was instructed to immediately cap the impacted tiles, and begin monthly perimeter tile monitoring as required in the special conditions of the permit.

After IDEM inspectors left the facility, Mr. Hein sent this inspector photos showing the plugged tiles (**See attached photos**). **It should be noted that the methods used for plugging the tiles are only temporary, and that the facility must use a permanent method for plugging the tiles.**

After further review, it was found that the facility's original construction approval dated 9/21/2020 (**VFC# 83046911**) stated that P2 and P3 did not require a PE Certification to be submitted. However, with the current facility changes that have been made without approval, a PE Certification **WILL** be required to be submitted for these structures with the current CFO Construction Completion Affidavit (**State Form 51255 (R4 / 1-16)**).

The facility originally submitted a construction start notification and a completion affidavit for the lined storage impoundment P1 on 11/11/2020 and 4/1/2022 (**VFC# 83070326 and 83302706**). However, during construction of P2, a portion of the East berm of P1 was excavated and P2 was built into the East side of P1. This construction activity took place without prior approval and requires further investigation to determine the structural integrity of the lined storage impoundment.

The perimeter tiles for P1 and P3 were originally designed to be connect before gravity flowing to a daylight sump pit observation Northwest of P1 and were not to be connected to another tile, as indicated on the facility change submitted on 4/1/2022 (**VFC# 83298821**). As stated above, the perimeter tiles need to be constructed according to the approval. Currently the tiles do not daylight, and are connected to a field tile that goes off-site before it outlets. If the facility wishes to keep their current modifications, a facility change must be submitted, and the appropriate safe-guards must be installed to prevent the possibility of future discharges.

For future inspections, the facility must have 5 years of operating records available for review on-site.

Immediately following the inspection to submit the required facility changes, correct the perimeter tile and any unapproved connections.

This inspection report will be referred to IDEM OLQ Enforcement section for further review.

## Description of Violations and Further Actions

The findings noted in this report do not include a compliance evaluation for the submittal of required construction notifications, construction affidavits, facility change notifications, as-built plans, waste storage structure closures, and special compliance monitoring reports or data.

## Storm Water Management

### Storm Water Management

**327 IAC 19-11-2(a):** When evaluating storm water management, CFOs must consider the following: (1) All activities and significant materials that may reasonably be expected to add significant amounts of pollutants to storm water draining from the facility (2) The potential pollutant sources for the following: (A) Immediate access roads and rail lines at the CFO used or traveled by carriers of raw materials, waste material, or byproducts used or created by the facility. (B) refuse sites. (C) Sites used for the storage and maintenance of material handling equipment. (D) Shipping and receiving areas. (E) Paved, dirt, or gravel parking areas for storage of vehicles to be maintained. (F) Materials that are treated, stored, or disposed of in a manner to allow exposure to storm water where that exposure may release contaminants into the storm water. (G) The method and location of on-site storage or disposal of significant materials. (3) The location of existing structural and non-

structural control measures to reduce pollutants in the storm water run-off. (4) Materials management practices employed to minimize contact of materials with storm water run-off.

**Violation Detail(s):** The drainage area between the production building and the field South of the facility contained manure impacted stormwater from equipment passing through the drainage area.

**Required Action:** In the future equipment should utilize the designated roads on-site to reduce the potential of an unpermitted discharge. All necessary actions must be taken to prevent any unpermitted discharge from a CFO, which is considered a violation anytime manure (represented by ammonia) is detected in storm water run-off from the production site where manure is managed and threatens to enter, or has already entered, waters of the state.

## Operating Record

### Requirements

**327 IAC 19-9-1(b):** The operating record must also contain all records from the following, **if applicable:**

- (1) 327 IAC 19-7-1(c) and 327 IAC 19-7-1(d), all requirements within the current version of the complete application.
- (2) 327 IAC 19-7-3, the farmstead plan.
- (3) 327 IAC 19-7-5, the manure management plan.
- (4) 327 IAC 19-10, a ground water monitoring plan.
- (5) 327 IAC 19-11-2(c), the storm water management certification.
- (6) 327 IAC 19-12-4(d), certification by a registered professional engineer.
- (7) 327 IAC 19-12-4(r) and 327 IAC 19-12-4(s), regarding construction requirements.
- (8) 327 IAC 19-13-1(f), regarding completed self-monitoring records for five (5) years.
- (9) 327 IAC 19-13-4, the current emergency response plan, and documentation of any spill response implemented by CFO personnel within the past five (5) years.
- (10) Updated calculation of minimum acreage required to meet land application requirements under 327 IAC 19-14-2(a), and copies of all land use agreements described in 327 IAC 19-14-2(b).
- (11) 327 IAC 19-14-3(b), justification of nitrogen losses.
- (12) 327 IAC 19-14-3(f), regarding land application records for five (5) years.
- (13) 327 IAC 19-14-4(h), regarding emergency land application of manure.
- (14) 327 IAC 19-14-5, a spray irrigation plan.
- (15) 327 IAC 19-14-6(d), regarding land application monitoring activities.
- (16) 327 IAC 19-14-7(c), regarding marketing and distribution records for five (5) years.
- (17) Documentation of maintenance activities on liquid manure storage facilities.
- (18) Copies of any written waivers related to reduction of the setback distances.
- (19) All required permits issued by the department.

**Violation Detail(s):** The facility only had weekly inspections, and an emergency response plan present at the time of inspection. All other operating records were off-site and unavailable at the time of inspection.

**Required Action:** The operational record must be updated to include all valid approvals, amendments, renewals and notifications as relevant to the approval as well as all other required information, in compliance with 327 IAC 19-9-1.

## Approval and Performance Standards

### Approval Condition

#### 327 IAC 19-4-1

(a) CFOs must:

- (1) have a valid approval to operate; or
- (2) close in accordance with 327 IAC 19-16.

(b) The following conditions apply to all confined feeding approvals:

- (1) The owner/operator must comply with all terms and conditions of the approval and this article.
- (2) The owner/operator shall take all reasonable steps to prevent, minimize, or correct any adverse impact on the environment resulting from non-compliance with the approval of this article.
- (3) The filing by the owner/operator of a request for an approval amendment, revocation and reissuance, or revocation does not stay or suspend any approval term or condition. The approval may be amended, revoked and reissued, or revoked for causing or threatening to cause harm to the environment.

(4) The approval does not convey any property rights of any sort of any exclusive privilege.

(5) The owner/operator shall allow the Commissioner, or an authorized representative (including an authorized contractor acting as a representative of the Commissioner), upon the presentation of credentials and in compliance with biosecurity procedures developed by the department in consultation with the Indiana State Board of Animal Health or individual owners/operators as defined in 327 IAC 19-2-32 to:

- (A) enter upon the CFO premises or where any records must be kept under the terms and conditions of the approval of this article;
- (B) have access for review to any records that must be kept under the terms and conditions of the approval;
- (C) inspect, at reasonable times; (i) any monitoring equipment or method; (ii) any waste management systems; or (iii) practices required or otherwise regulated under the approval; and
- (D) sample or monitor, at reasonable times, for the purpose of evaluating compliance with the approval or state and federal laws and regulations.

(6) The provisions of this approval are severable and, if any provisions of the approval or the application of any provision of the approval to any circumstances is held invalid, the application of such provision to other circumstances and the remainder of this approval shall not be affected thereby.

(c) If determined to be necessary to protect human health or the environment, the commissioner may require additional protective measures such as:

- (1) alternate design standards;
- (2) alternate operational requirements; or
- (3) use of a registered professional engineer.

**Violation Detail(s):** Monthly monitoring of the perimeter tile for P1 was not being conducted. The tile outfall was difficult to find, and appeared to have multiple connections to the perimeter tile.

**Required Action:** Immediately begin monthly monitoring of the perimeter tile for P1 as stated in the special conditions of the permit. The facility must immediately correct the perimeter tile outfall as described in the permit, or submit a facility change if the design is different from the permit.

### **Storage Capacity and Design Requirements**

#### **327 IAC 19-12-4:**

(d) All liquid manure storage facilities must be constructed according to the Indiana NRCS Conservation Practice Standard Code 313: Waste Storage Facility, October 2016\*\*. Construction of all liquid manure storage facilities approved after the effective date of this article must be certified upon completion by a registered professional engineer on a form provided by the department. The engineer's certification must be kept in the operating record and submitted with the affidavit required by subsection (s).

(r) The owner/operator shall notify the commissioner in writing two (2) days prior to scheduled construction of a waste management system. If an owner/operator completes construction of an approved waste management system and wishes to utilize that portion prior to finishing construction of the entire facility, multiple notices must be submitted.

(s) The applicant shall execute and send to the commissioner an affidavit, under penalty of perjury, that a waste management system was constructed and shall be operated in accordance with the requirements of the approval and this article as follows:

(1) The owner/operator shall submit to IDEM, on a form provided by the department, the affidavit within thirty (30) days after the date construction of an approved waste management structure is completed, and prior to the introduction of any animals or manure.

(2) The affidavit must be completed, notarized, and returned to IDEM assuring that the waste management system was constructed and shall be operated in accordance with the requirements of the approval.

(3) The affidavit must include identification of the parts of the waste management system that were completed at the time of submittal.

(4) If an owner/operator performs partial construction of an approved facility and wishes to utilize that portion prior to completing construction of the entire facility, multiple affidavits must be submitted.

(5) No portion of a waste management system, including animal feed and similar feedstock storage areas, shall be utilized unless that portion, or a combination of the waste management system for that portion, is completely

constructed prior to the introduction of animals and provides a minimum of one hundred eighty (180) days storage for manure, wastewater, and leachate.

**Violation Detail(s):** Multiple changes to structure P1, P2, and P3 have occurred without the appropriate facility changes being submitted since the original approval. The excavation of the P1 East berm for the construction of P2 required additional plans and notice to be submitted prior to construction.

**Required Action:** The facility must immediately contact IDEM's CFO Permitting section and submit the appropriate documentation regarding the changes made to P1, P2, and P3.

#### Inspection Documentation

Photograph's Taken	<input checked="" type="radio"/> Yes <input type="radio"/> No
Map(s)	<input type="radio"/> Yes <input checked="" type="radio"/> No
GPS Location Collected	<input type="radio"/> Yes <input checked="" type="radio"/> No
Field Screening Conducted	<input checked="" type="radio"/> Yes <input type="radio"/> No

Parameter	Result	Description of Location	Location
Ammonia/Nitrogen	8ppm	Tile outfall West of the stormwater berm	SW of E3
Ammonia/Nitrogen	8+ ppm	Ponded water in the stormwater drainage area	South of E1

Lab Sample  Yes  No

#### Inspection Results/Actions

Bio-Security | IDEM Bio-Security Policy Level 2 observed during time of inspection.

#### Finalize Inspection

Written Summary of Inspection | Violations were discovered and may be subject to an appropriate enforcement response.  
The facility must immediately address all violations cited above.

Inspector Information	Inspector:	Mike Hall
	Phone Number:	(317) 296-0602
	Email Address:	mchall@idem.in.gov



**Facility Name**

EJ Dairies, Inc.

**Photographer**

Michael Hall

**Date/Time**

6/6/2024

**Others Present**

Steven Hein

Matt Brown

**Description**

This photo shows the P2 stacking pad that was constructed into the East berm of P1, and the completed P3 reception pit.



**Facility Name**

EJ Dairies, Inc.

**Photographer**

Michael Hall

**Date/Time**

6/6/2024

**Others Present**

Steven Hein

Matt Brown

**Description**

This photo shows the completed and operational P3 reception pit, as well as the manure that splashed outside of the pit.





**Facility Name**

EJ Dairies, Inc.

**Photographer**

Michael Hall

**Date/Time**

6/6/2024

**Others Present**

Steven Hein

Matt Brown

**Description**

This photo shows the ammonia/nitrogen test result of 8ppm, that was taken from the storm water tile outfall.



**Facility Name**

EJ Dairies, Inc.

**Photographer**

Michael Hall

**Date/Time**

6/6/2024

**Others Present**

Steven Hein

Matt Brown

**Description**

This photo shows the sample taken from the ponded water in the stormwater drainage area, prior to adding the reagents.



**Facility Name**

EJ Dairies, Inc.

**Photographer**

Michael Hall

**Date/Time**

6/6/2024

**Others Present**

Steven Hein

Matt Brown

**Description**

This photo shows the ammonia/nitrogen result of 8+ ppm taken from the ponded water in the stormwater drainage area



**Facility Name**

EJ Dairies, Inc.

**Photographer**

Michael Hall

**Date/Time**

6/6/2024

**Others Present**

Steven Hein

Matt Brown

**Description**

This photo shows the ammonia/nitrogen test result of non-detect taken from the NW stormwater pond.



**Facility Name**

EJ Dairies, Inc.

**Photographer**

Michael Hall

**Date/Time**

6/6/2024

**Others Present**

Steven Hein  
Matt Brown

**Description**

This photo shows the ammonia/nitrogen test result of non-detect taken from the NE stormwater pond.



**Facility Name**

EJ Dairies, Inc.

**Photographer**

Steven Hein

**Date/Time**

6/6/2024

**Others Present**

N/A

**Description**

This photo shows the blocked off stormwater drainage tile outfall SW of E3



**Facility Name**

EJ Dairies, Inc.

**Photographer**

**Date/Time**

6/6/2024

**Others Present**

N/A

**Description**

This photo shows the capped stormwater drainage tile inlet and P1 perimeter tile outfall locate SW of E3.



**Facility Name**

EJ Dairies, Inc.

**Photographer**

**Date/Time**

6/6/2024

**Others Present**

N/A

**Description**

This photo shows the capped stormwater drainage tile inlet and P1 perimeter tile outfall locate SW of E3.