



# 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

November 30, 2022

**Via Certified Mail: # 7007 1490 0000 0839 0033**

Mark Deardorff  
Mark Lee Deardorff Farms  
10729 North State Road 19  
Macy, Indiana 46951  
[Deardorff.farms@gmail.com](mailto:Deardorff.farms@gmail.com)

Dear Mr. Deardorff:

Re: Adoption of Agreed Order  
Commissioner, Indiana Department of  
Environmental Management  
v.  
Mark Deardorff d.b.a. Mark Lee Deardorff Farms  
Farm ID#: 6024  
Case Number: 2022-28858-C  
Macy, Miami County

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 Linda McClure at (317) 233-5954 or via email at [lmccclure@idem.IN.gov](mailto:lmccclure@idem.IN.gov).

Sincerely,

Jennifer Reno, Chief  
Land Enforcement Section  
Office of Land Quality

Enclosure

cc: Miami County Health Department  
Mike Veenhuizen, Livestock Engineering Solutions, Inc.,  
[mveenhuizen@livestockeng.com](mailto:mveenhuizen@livestockeng.com)  
Corey Webb, IDEM OLQ, Deputy Assistant Commissioner  
Kraig Whitman, CFO Permitting



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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. 2022-28858-C  
 )  
MARK DEARDORFF D.B.A. )  
MARK LEE DEARDORFF FARMS, )  
 )  
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. Respondent's 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 Mark Deardorff d.b.a. Mark Lee Deardorff Farms, who owns and operates the Confined Feeding Operation (“CFO”), with Farm ID No.: 6024, located at 10729 North State Road 19, in Macy, Miami County, Indiana (“Site”).
3. Respondent was issued a CFO Approval Renewal, Farm ID# 6024 on June 6, 2017, with an Expiration Date of June 29, 2022. Respondent submitted a CFO Approval Renewal Application on June 1, 2022.
4. IDEM has jurisdiction over the parties and the subject matter of this action.

5. Pursuant to IC 13-30-3-3, On November 9, 2022, IDEM issued a Notice of Violation ("NOV") on via Certified Mail to:

Mark Deardorff  
Mark Lee Deardorff Farms  
10729 North State Road 19  
Macy, Indiana 46951  
[Deardorff.farms@gmail.com](mailto:Deardorff.farms@gmail.com)

6. During an investigation including a record review on June 8, 2022, conducted by a representative of IDEM, the following violation was found:

- a. Pursuant to 327 IAC 19-8-3(b), the owner/operator must submit written notification to the department of any changes to the operation as approved. The department will review the changes and decide if amendments are necessary. At any time the department may decide an amendment is necessary, and the owner/operator must comply with the amended approval.

As noted during the record review, Respondent replaced/updated the liquid/solid separator building (Building E6) without submitting written notification of the change to the operation as approved.

7. On June 28, 2022, Respondent submitted a Facility Change Notification for the reconfiguration of Building E6.
8. 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 rule listed in the findings of fact above.
3. Respondent shall respond timely and adequately to request(s) made by IDEM's Confined Feeding Operation Permitting Section.
4. All submittals required by this Agreed Order, unless IDEM notifies the Respondent otherwise in writing, shall be sent to:



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

5. Pursuant to IC 13-30-4-1, Respondent is assessed and agrees to pay a civil penalty of One Thousand Two Hundred Dollars (\$1,200). Respondent shall pay by the due date printed on the Invoice, as attached.

Civil and stipulated penalties are payable to the "Environmental Management Special Fund" by:

Mail:

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

Indiana Department of Environmental Management  
Accounts Receivable  
IGCN, Room 1340  
100 North Senate Avenue  
Indianapolis, IN 46204

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 \$1 plus 1.99% will be charged for credit card payments. A processing fee of \$1.00 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 \$1 plus 1.99% will be charged for credit card payments. A processing fee of \$1.00 will be charged for eCheck payments. The Case Number is required to complete the process.

6. 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 the "Environmental Management Special Fund" and shall be payable to IDEM in the manner specified in Paragraph 5, above.
7. Signatories to this Agreed Order certify that they are fully authorized to execute this Agreed Order and legally bind the party they represent.
8. 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.

9. 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.
10. Respondent shall ensure that all contractors, firms, and other persons performing work under this Agreed Order comply with the terms of this Agreed Order.
11. 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.
12. 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.
13. 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.
14. 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 violation specified in the NOV.
15. 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.
16. 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

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

Date: 11/20/2022

**RESPONDENT:**

By: Mark Lee Deardorff  
Printed: Mark Lee Deardorff  
Title: Owner

Date: 11/23/2022

**COUNSEL FOR RESPONDENT:**

By: \_\_\_\_\_  
Printed: \_\_\_\_\_  
Date: \_\_\_\_\_

APPROVED AND ADOPTED BY THE INDIANA DEPARTMENT OF ENVIRONMENTAL  
MANAGEMENT THIS 30th DAY OF November, 2022

For the Commissioner:

Peggy Dorsey  
Peggy Dorsey  
Assistant Commissioner  
Office of Land Quality

# INVOICE

**Please Remit To:**

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

Page: 1  
Invoice No: 000342741  
Invoice Date: 11/30/2022  
Customer Number: CST100032783  
Bill Type: 075  
Payment Terms: NET 30  
Due Date: 12/30/2022

**Bill To:**

MARK LEE DEARDORFF FARMS  
MARK DEARDORFF  
10729 NORTH STATE ROAD 19  
MACY IN 46591

AMOUNT DUE: 1,200.00 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		2022-28858-C	AGREED ORDER	1.00	EA	1,200.00	1,200.00
<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 payment immediately.</p>							
TOTAL AMOUNT DUE :							1,200.00

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

Tracking Number:

Remove X

70071490000008390033

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

Latest Update

Your item was delivered to an individual at the address at 11:54 am on December 28, 2022 in INDIANAPOLIS, IN 46204.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Feedback

Delivered

Delivered, Left with Individual

INDIANAPOLIS, IN 46204  
December 28, 2022, 11:54 am

Out for Delivery

INDIANAPOLIS, IN 46204  
December 28, 2022, 9:01 am

Arrived at Post Office

INDIANAPOLIS, IN 46204  
December 28, 2022, 8:50 am

In Transit to Next Facility

December 27, 2022

Departed USPS Regional Facility

INDIANAPOLIS IN DISTRIBUTION CENTER  
December 25, 2022, 6:46 pm

Unclaimed/Being Returned to Sender



MACY, IN 46951  
December 20, 2022, 8:11 am

Available for Pickup

MACY, IN 46951  
December 5, 2022, 9:33 am

Notice Left (No Authorized Recipient Available)

MACY, IN 46951  
December 3, 2022, 1:28 pm

Arrived at USPS Regional Facility

INDIANAPOLIS IN DISTRIBUTION CENTER  
November 30, 2022, 11:19 pm

Hide Tracking History

Text & Email Updates



USPS Tracking Plus®



Product Information



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Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

FAQs