



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 C. Rockensuess
Commissioner

June 7, 2023

Via Certified Mail: # 7005 1160 0001 2629 0455

Via Certified Mail: # 7005 1160 0001 2629 0462

Alex Neuenschwander, President
Neu-Hope Dairy, Inc.
673 S 500 E
Bluffton, IN 46714

Shauna Neuenschwander, Registered Agent
Neu-Hope Dairy, Inc.
377 S 500 E
Bluffton, IN 46714

Dear Mr. Neuenschwander:

Re: Notice of Violation and Proposed Agreed Order
Neu-Hope Dairy, Inc.
Case No. 2023-29278-C
Farm ID No. 607
Bluffton, Wells County

Qualified offer of settlement: inadmissible per Rule 408 of the Ind. Rules of Evidence. IDEM asserts that any offer to compromise a claim or any acceptance of such offer does not bind or obligate the parties of this enforcement action in the absence of a final order of the agency.

IDEM conducted an investigation of the farm with ID# 607 and has made a preliminary determination that a violation of an environmental management rule exists. Per IC 13-30-3-3, enclosed please find a Notice of Violation that sets forth the alleged violation and a proposed Agreed Order which constitutes a qualified offer of settlement.

You may request a settlement conference to discuss the allegation and the action necessary to correct and resolve the violation, which may include injunctive relief and the establishment of a compliance schedule. Payment of a civil penalty will also be discussed. The civil penalty amount noted in the proposed Agreed Order contains a preliminary penalty figure for settlement discussion purposes only and is based on penalty calculations associated with the alleged violation set forth in the Notice of Violation. A portion of the civil penalty may be offset by performing an approved Supplemental Environmental Project (SEP). Typical SEPs have included pollution prevention, pollution control, and environmental restoration projects. A copy of IDEM's SEP policy may be obtained from this office or at IDEM's website at www.IN.gov/idem.

The individual signing the enclosed Agreed Order should be fully authorized to execute the document and legally bind the parties. The timely entry into an Agreed Order, which saves you and IDEM time and resources, may lead to a reduction in the civil penalty.

IDEM is not required to extend the offer of entry into an Agreed Order for more than 60 days. You may enter into an Agreed Order without admitting that the violation occurred. Additionally, to encourage a timely agreement, IDEM may offer a one time twenty percent reduction (20%) to the Civil Penalty for 60 days after receipt of this Notice of Violation.

If an Agreed Order is not entered into, IDEM may proceed to issue a unilateral notice and order requiring compliance with the environmental laws, rules, and/or permit, including payment of a civil penalty. Please contact me at (317) 238-3234 or via email at ephillip@idem.IN.gov if you have any questions or if you wish to request a settlement conference.

Sincerely,

A handwritten signature in blue ink, appearing to read "Elizabeth Phillips".

Elizabeth Phillips, Case Manager
Enforcement Section
Compliance Branch
Office of Land Quality

Enclosures

cc: Adams County Health Department
Chris Lowell, OLQ, CFO Compliance
Corey Webb, IDEM, Deputy Assistant Commissioner
Megan Espinda, OPS, Agricultural Liaison
IDEM Virtual File Cabinet



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NOTICE OF VIOLATION

Alex Neuenschwander, President
Neu-Hope Dairy, Inc.
673 S 500 E
Bluffton, IN 46714

Shauna Neuenschwander, Registered Agent
Neu-Hope Dairy, Inc.
377 S 500 E
Bluffton, IN 46714

Case No. 2023-29278-C

Pursuant to Indiana Code (“IC”) 13-30-3-3, the Indiana Department of Environmental Management (“IDEM”) issues this Notice of Violation. Based on an investigation including an inspection conducted on March 15, 2023 by an IDEM representative, IDEM has reason to believe Neu-Hope Dairy, Inc. (“Respondent”) violated an environmental rule. The violation is based on the following:

1. Respondent is Neu-Hope Dairy, Inc., which operates the facility with Farm ID No. 607, located at 673 S 500 E, in Bluffton, Wells County, Indiana (“Site”).
2. Pursuant to 327 Indiana Administrative Code (“IAC”) 19-8-3(b), the owner/operator must submit written notification to the department of any changes to the operation as approved.

Respondent did not notify IDEM prior to the construction of the new solid manure separator with a perimeter drain located at the Site between E7 and E18.

Pursuant to IC 13-30-3-3, the Commissioner herein provides notice that the violation may exist and offers an opportunity to enter into an Agreed Order providing for the action required to correct the violation and, as necessary and appropriate, for the payment of a civil penalty. The Commissioner is not required to extend this offer for more than sixty (60) days.

Pursuant to IC 13-30-3-3, an alleged violator may enter into an Agreed Order without admitting the violation occurred. IDEM encourages settlement by Agreed Order, thereby resulting in quicker correction of the environmental violation and avoidance of extensive litigation. Timely settlement by Agreed Order may result in a reduced civil penalty. Also, settlement discussions will allow Respondent the opportunity to present any mitigating factors that may be relevant to the violation.

If an Agreed Order is not entered into within sixty (60) days of receipt of this Notice of Violation, the Commissioner may issue a Notice and Order under IC 13-30-3-4 containing the actions that must be taken to correct the violations and requiring the payment of an appropriate civil penalty. Pursuant to IC 13-30-4-1, the Commissioner may assess penalties of up to \$25,000 per day for each violation.

Please contact Elizabeth Phillips at (317) 238-3234 or ephillip@idem.IN.gov within fifteen (15) days of receipt of this Notice to discuss resolution of this matter.

For the Commissioner:

Date: June 6, 2023

A handwritten signature in black ink that reads "Lori Freeman". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Lori Freeman, Branch Chief
Compliance Branch
Office of Land Quality

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Governor

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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. 2023-29278-C
)
NEU-HOPE DAIRY, INC.,)
)
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 Neu-Hope Dairy, Inc. (“Respondent”), which operates the facility with Farm ID No. 607, (“Permit”) located at 673 S 500 E, in Bluffton, Wells 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”) via Certified Mail to:

Alex Neuenschwander, President
Neu-Hope Dairy, Inc.

Shauna Neuenschwander, Registered Agent
Neu-Hope Dairy, Inc.



A State that Works

673 S 500 E
Bluffton, IN 46714

377 S 500 E
Bluffton, IN 46714

5. During an investigation including an inspection on March 15, 2023, conducted by a representative of IDEM, the following violation was found:
 - a. Pursuant to 327 Indiana Administrative Code (“IAC”) 19-8-3(b), the owner/operator must submit written notification to the department of any changes to the operation as approved.

Respondent did not notify IDEM prior to the construction of the new solid manure separator with a perimeter drain located at the Site between E7 and E18.

6. On May 9, 2023, IDEM received a Facility Change Notification for the separator with a perimeter drain between E7 and E18.
7. 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:

Elizabeth Phillips, 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 Five Hundred Dollars (\$1,500). 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 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. 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: 5/12/2023

RESPONDENT:

By: _____
Printed: _____
Title: _____

Date: _____

COUNSEL FOR RESPONDENT:

By: _____
Printed: _____
Date: _____

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

For the Commissioner:

Peggy Dorsey
Assistant Commissioner
Office of Land Quality

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

60-02L dbates (1833) 29278-C
ALEX NEUENSCHWANDER PRES
NEU-HOPE DAIRY INC
673 S 500 E
BLUFFTON IN 46714



9590 9402 2483 6306 8412 25

2. Article Number (Transfer from service label)

7005 1160 0001 2629 0455

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

160 Neuenschwander

C. Date of Delivery

6-9-23

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail | |
| <input type="checkbox"/> Mail Restricted Delivery | |

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

U.S. Postal Service™

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(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage \$

Certified Fee

Return Receipt Fee
(Endorsement Required)Restricted Delivery Fee
(Endorsement Required)Postmark
Here

To

60-02L dbates (1833) 29278-C

Sent

SHAUNA NEUENSCHWANDER REG AGENT

NEU-HOPE DAIRY INC

Street

377 S 500 E

or P.O.

City

BLUFFTON IN 46714

PS Form 3800, June 2002

See Reverse for Instructions

7005 1160 0001 2629 0455

USPS TRACKING #



9590 9402 2483 6306 8412 25

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

60 02L DBATES 1833
DEPT OF ENVIRONMENTAL MGMT
OFFICE OF LAND QUALITY ENFORCEMENT
100 N SENATE AVE RM N1101
INDIANAPOLIS IN 46204



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- A mailing receipt
- A unique identifier for your mailpiece
- A record of delivery kept by the Postal Service for two years

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- Certified Mail is *not* available for any class of international mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.
Internet access to delivery information is not available on mail addressed to APOs and FPOs.

First-Class Mail
Postage & Fees Paid
Permit No. G-10

PS Form 3800, June 2002 (Reverse)

SENDER: COMPLETE THIS SECTION

- ☒ Complete items 1, 2, and 3.
- ☒ Print your name and address on the reverse so that we can return the card to you.
- ☒ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

60-02L dbates (1833) 29278-C
 SHAUNA NEUENSCHWANDER REG AGENT
 NEU-HOPE DAIRY INC
 377 S 500 E
 BLUFFTON IN 46714



9590 9402 2483 6306 8412 18

2. Article Number (Transfer from service label)

7005 1160 0001 2629 0462

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Shauna Neuenschwander*
☐ Agent
☐ Addressee

B. Received by (Printed Name)

Shauna Neuenschwander

C. Date of Delivery

6-9-23

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail | |

all Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage \$

Certified Fee

Return Receipt Fee
(Endorsement Required)Restricted Delivery Fee
(Endorsement Required)

Tot

60-02L dbates (1833) 29278-C

ALEX NEUENSCHWANDER PRES

NEU-HOPE DAIRY INC

673 S 500 E

BLUFFTON IN 46714

Sent

Sire

or P

City,

PS Form 3800, June 2002

See Reverse for Instructions

7005 1160 0001 2629 0462

USPS TRACKING#



9590 9402 2483 6306 8412 18

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box*

60 02L DBATES 1833
DEPT OF ENVIRONMENTAL MGMT
OFFICE OF LAND QUALITY ENFORCEMENT
100 N SENATE AVE RM N1101
INDIANAPOLIS IN 46204

First-Class Mail
Postage & Fees Paid
PERMIT NO. G-10



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(S Form 3800, June 2002 (Reverse))

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