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

September 14, 2022

Via Certified Mail # 7017 2400 0000 0747 2984

Brent E. Martin, Manager
Green Cow Power, LLC
66569 County Road 13
Goshen, Indiana 46526

Via Certified Mail# 7017 2400 0000 0747 2991

Elisha David Yoder and Naomi Yoder
63133 County Road 13
Goshen, Indiana 46526

s/b 3004
Via Certified Mail # 7017 2400 0000 0747 ~~2984~~

Loren Sloat, Registered Agent for
Green Cow Power, LLC
102 Heritage Parkway
Napanee, Indiana 46526

Dear Interested Parties:

Re: Notice of Violation and Proposed Agreed Order
Green Cow Power, LLC
Elisha David and Naomi Yoder
Case Nos. 2022-28629-C & 2022-28630-C
Bremen, Marshall 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 property located on 6th Road [parcel # 50-43-24-000-018.000-005], in Bremen, Marshall County, Indiana and Green Cow Power, LLC, with Farm ID# 1018, and has made a preliminary determination that violations of environmental management rules and permit conditions exist. Per IC 13-30-3-3, enclosed please find a Notice of Violation that sets forth the alleged violations and a proposed Agreed Order which constitutes a qualified offer of settlement.

You may request a settlement conference to discuss the allegations and the actions necessary to correct and resolve the violations, 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 violations set forth in the Notice of Violation.

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 violations occurred. Additionally, to encourage a timely agreement, IDEM may offer a onetime 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) 233-5954 or via email at lmcclure@idem.IN.gov if you have any questions or if you wish to request a settlement conference.

Sincerely,

Senior Environmnetal Manager
Enforcement Section
Office of Land Quality

Enclosures
cc: Marshall County Health Department
Elkhart County Health Department
Corey Webb, IDEM OLQ, Deputy Assistant Commissioner
Matt Brown, IDEM, Agriculture Compliance
Brenda Stephanoff, IDEM Solid Waste Permits
Julie Arquette, IDEM, Solid Waste Compliance
IDEM Virtual File Cabinet

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

September 14, 2022

NOTICE OF VIOLATION

Via Certified Mail # 7017 2400 0000 0747 2984

Brent E. Martin, Manager
Green Cow Power, LLC
66569 County Road 13
Goshen, Indiana 46526

Via Certified Mail #7017 2400 0000 0747 2991

Elisha David Yoder and Naomi Yoder
63133 County Road 13
Goshen, Indiana 46526

Case Nos. 2022-28629-C and 2022-28630-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 25, 2022 and April 7, 2022, by an IDEM representative, IDEM has reason to believe Brent Martin, Green Cow Power, LLC, and Elisha David Yoder and Naomi Yoder ("Respondents") violated environmental rules and permit conditions. The violations are based on the following:

1. Respondent, Green Cow Power, LLC ("Respondent GCP"), owns and operates a Biomass Anaerobic Digester, located at 66569 County Road 13, in Goshen, Elkhart County, Indiana ("Site 1"). The Digester authorization is included in the Confined Feed Operation Approval issued to Brent Martin. [VFC#8305216].

2. Respondents, Elisha David and Naomi Yoder ("Respondents Yoder"), own the property located on 6th Road, Bremen, Marshall County, parcel # 50-43-24-000-018.000-005 ("Site 2").

3. Respondent GCP, was issued Hybrid Industrial Waste Product Land Application Permit, No. IN LA 000853, on October 1, 2021 with an expiration date of September 30, 2031 ("IN LA 000853"). [VFC # 83223464].

   Respondent GCP is the "Permittee" for IN LA 000853.

4. Pursuant to 327 Indiana Administrative Code ("IAC") 6.1-2-55(3), "Storage" means containment of biosolid, industrial waste product, or pollutant-bearing water for a period of two (2) years or less at:
   (1) a treatment plant;
   (2) a generating facility; or
   (3) an approved storage structure.

5. Pursuant to 327 IAC 6.1-1-3(a), this article applies to the following:
   (1) Any person who prepares biosolid, industrial waste product, or pollutant-bearing water for land application or marketing and distribution in Indiana.
   (2) Any person who applies biosolid, industrial waste product, or pollutant-bearing water

to the land in Indiana.
(3) Biosolid, industrial waste product, or pollutant-bearing water applied to the land in Indiana.
(4) Biosolid or industrial waste product that is marketed or distributed for use as soil or soil amendment.
(5) Land in Indiana where biosolid, industrial waste product, or pollutant-bearing water is land applied.
(6) Storage structures for any biosolid, industrial waste product, or pollutant-bearing water regulated under this article.

6. Pursuant to 327 IAC 6.1-8-1(c), lagoons must not be constructed for the storage of biosolid, industrial waste product, or pollutant-bearing water except in accordance with sections 2 and 6 of this rule.

Pursuant to IN LA 000853, Permit Condition C.4., any structures constructed for the sole purpose of storing industrial waste products prior to land application must be constructed and maintained as required in 327 IAC 6.1-8 unless otherwise approved under a confined feeding approval under 327 IAC 19, a solid waste processing facility permit issued under 329 IAC 11, or a solid waste land disposal facility permit issued under 329 IAC 10.

As noted during the inspections, Respondents Yoder, constructed an unpermitted 850,000-gallon clay lined earthen lagoon, at Site 2, and received and stored forty (40) semi tank trailers of industrial waste product from the biomass anaerobic digester owned/operated by Respondent GCP, from March 25, 2022 to May 14, 2022.

Respondents Yoder, did not construct the 850,000-gallon clay lined earthen lagoon in compliance with 327 IAC 6.1-8-1(c), as is required for the storage of industrial waste products.

Respondent GCP, transported industrial waste product from its biomass anaerobic digester, Site 1, to the unpermitted 850,000-gallon clay lined earthen lagoon at Site 2, which had not been constructed as required by 327 IAC 6.1-8-1(c) and IN LA 000853, Permit Condition C.4.

7. Pursuant to 327 IAC 6.1-8-2(a), requests for a permit for a lagoon must be submitted at least one hundred eighty (180) days prior to the intended date of construction.

As noted during the April 7, 2022 inspection, Respondents Yoder, constructed an 850,000-gallon clay lined earthen lagoon for the storage of industrial waste product without submitting a request for a permit at least 180 days prior to construction.

8. Pursuant to 327 IAC 6.1-8-3(b), lagoons must not be constructed or maintained:
(1) within one thousand (1,000) feet of any:
(A) residence;
(B) public building; and
(C) property line;
(2) within six hundred (600) feet of any surface waters or the surface conduit to a subsurface feature;
(3) within two hundred (200) feet of any well;

(4) in a flood plain; and
(5) in a manner that allows the biosolid, industrial waste product, or pollutant-bearing water to enter surface waters or ground water.

As noted during the April 7, 2022 inspection, Respondents Yoder, constructed the 850,000-gallon clay lined earthen lagoon within:
a. 26 feet of a residence's barn [lagoon berm to barn],
b. 139 feet of the residence [lagoon berm to residence], and
c. 149 feet of a residential well [lagoon inner bank to well].

9. Pursuant to 327 IAC 6.1-3-7(a), a person who prepares a biosolid, industrial waste product, or pollutant-bearing water is legally responsible under this article for:
(1) the handling, transporting, storage, marketing and distribution, and land application of the biosolid, industrial waste product, or pollutant-bearing water; and
(2) compliance with the land application permit issued under this article and all applicable provisions of this article.

Pursuant to IN LA 000853, Permit Condition A.5., Respondent GCP may select and use nonsite-specific land applications sites only in Elkhart County.

As noted during the inspections, Respondent GCP, prepared an industrial waste product and was legally responsible for the:
a. transportation of the industrial waste product to an unpermitted 850,000-gallon clay lined earthen lagoon, at Site 2, which had not been constructed in compliance with 327 IAC 6.1-8-1(c),
b. storage of the industrial waste product in an unpermitted 850,000-gallon clay lined earthen lagoon, at Site 2, which had not been constructed in compliance with 327 IAC 6.1-8-1(c), and
c. land application of the industrial waste product which occurred in Marshall County, a county not approved for land application per IN LA 000853. Respondents Yoder, land applied the industrial waste product on May 14, 2022.

10. Pursuant to 327 IAC 6.1-3-7(d), if the person who prepares a biosolid, industrial waste product, or pollutant-bearing water provides a biosolid, industrial waste product, or pollutant-bearing water to another person for final land application or for marketing and distribution and that receiving person does not alter the characteristics of the biosolid, industrial waste product, or pollutant-bearing water, then the person who applies or markets and distributes the biosolid, industrial waste product, or pollutant-bearing water is also responsible for complying with this article and IC 13-30-2.

Pursuant to 327 IAC 6.1-1-3(b), a land application permit is required for the disposal in Indiana of any biosolid, industrial waste product, or pollutant-bearing water by application upon or incorporation into soil.

As noted during the inspections, Respondents Yoder, received industrial waste product from Respondent GCP, to store in an unpermitted 850,000-gallon clay lined earthen lagoon, at Site 2. Respondents Yoder did not alter the characteristics of the industrial waste product. Respondents Yoder, land applied the industrial waste product on May 14, 2022, without a land application permit.

11. Pursuant to 327 IAC 6.1-5-2, for an industrial waste product to be eligible for a marketing and distribution permit, the following criteria must be met:
    (1) The pollutant concentrations are less than the concentrations in Table 3 in 327 IAC 6.1-4-9(c).
    (2) The industrial waste product must be dewatered.
    (3) The industrial waste product must not contain a concentration of polychlorinated biphenyls (PCBs) of two (2) milligrams per kilogram or greater on a dry weight basis.

    As noted during the April 7, 2022 inspection, Respondent GCP, without a market and distribution permit, transported industrial waste product from Site 1 to Site 2. The industrial waste product transported did not meet the criteria for a marketing and distribution permit because it had not been dewatered.

Pursuant to IC 13-30-3-3, the Commissioner herein the violations may exist and offers an opportunity to enter into an Agreed Order providing for the actions required to correct the violations 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 violations occurred. IDEM encourages settlement by Agreed Order, thereby resulting in quicker correction of the environmental violations and avoidance of extensive litigation. Timely settlement by Agreed Order may result in a reduced civil penalty. Also, settlement discussions will allow Respondents the opportunity to present any mitigating factors that may be relevant to the violations.

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 Linda McClure at (317) 233-5954 or lmcclure@idem.IN.gov within fifteen (15) days of receipt of this Notice to discuss resolution of this matter.

For the Commissioner:

Date: _September 14, 2022____

Lori Freeman

Lori Freeman, Branch Chief
Compliance Branch
Office of Land Quality

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*

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. 2022-28629-C
	)	Case No. 2022-28630-C
GREEN COW POWER, LLC AND ELISHA DAVID YODER AND NAOMI YODER,	)	
Respondents.	)	

AGREED ORDER

Complainant and Respondents 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 Respondents may have in any future administrative or judicial proceeding, except a proceeding to enforce this order.

I. FINDINGS OF FACT

5. 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, Green Cow Power, LLC ("Respondent GCP"), owns and operates a Biomass Anaerobic Digester, located at 66569 County Road 13, in Goshen, Elkhart County, Indiana ("Site 1"). The Digester authorization was issued on October 1, 2020 with an expiration date of October 1, 2025. The Digester authorization is included in the Confined Feed Operation Approval issued to Brent Martin. [VFC#8305216].

3. Respondents, Elisha David and Naomi Yoder ("Respondents Yoder"), own the property located on 6th Road, Bremen, Marshall County, parcel # 50-43-24-000-018.000-005

("Site 2").

4. Respondent GCP was issued Hybrid Industrial Waste Product Land Application Permit, No. IN LA 000853, on October 1, 2021 with an expiration date of September 30, 2031 ("IN LA 000853"). [VFC # 83223464].

   Respondent GCP is the "Permittee" for IN LA 000853.

6. IDEM has jurisdiction over the parties and the subject matter of this action.

7. Pursuant to IC 13-30-3-3, IDEM issued a Notice of Violation ("NOV") via Certified Mail to:

   Brent E. Martin, Manager
   Green Cow Power, LLC
   66569 County Road 13
   Goshen, Indiana 46526

   Elisha David Yoder and Naomi Yoder
   63133 County Road 13
   Goshen, Indiana 46526

   Loren Sloat, Registered Agent for
   Green Cow Power, LLC
   102 Heritage Parkway
   Napanee, Indiana 46526

7. Pursuant to 327 Indiana Administrative Code ("IAC") 6.1-2-55(3), "Storage" means containment of biosolid, industrial waste product, or pollutant-bearing water for a period of two (2) years or less at:
   (1) a treatment plant;
   (2) a generating facility; or
   (3) an approved storage structure.

8. Pursuant to 327 IAC 6.1-1-3(a), this article applies to the following:
   (1) Any person who prepares biosolid, industrial waste product, or pollutant-bearing water for land application or marketing and distribution in Indiana.
   (2) Any person who applies biosolid, industrial waste product, or pollutant-bearing water to the land in Indiana.
   (3) Biosolid, industrial waste product, or pollutant-bearing water applied to the land in Indiana.
   (4) Biosolid or industrial waste product that is marketed or distributed for use as soil or soil amendment.
   (5) Land in Indiana where biosolid, industrial waste product, or pollutant-bearing water is land applied.
   (6) Storage structures for any biosolid, industrial waste product, or pollutant-bearing water regulated under this article.

9. During an investigation including an inspection on March 25, 2022 and April 7, 2022, conducted by a representative of IDEM, the following violations were found:

a. Pursuant to 327 IAC 6.1-8-1(c), lagoons must not be constructed for the storage of biosolid, industrial waste product, or pollutant-bearing water except in accordance with sections 2 and 6 of this rule.

Pursuant to IN LA 000853, Permit Condition C.4., any structures constructed for the sole purpose of storing industrial waste products prior to land application must be constructed and maintained as required in 327 IAC 6.1-8 unless otherwise approved under a confined feeding approval under 327 IAC 19, a solid waste processing facility permit issued under 329 IAC 11, or a solid waste land disposal facility permit issued under 329 IAC 10.

As noted during the inspections, Respondents Yoder constructed an unpermitted 850,000-gallon clay lined earthen lagoon, at Site 2, and received and stored forty (40) semi tank trailers of industrial waste product from the biomass anaerobic digester owned/operated by Respondent GCP, from March 25, 2022 to May 14, 2022.

Respondents Yoder did not construct the 850,000-gallon clay lined earthen lagoon in compliance with 327 IAC 6.1-8-1(c), as is required for the storage of industrial waste products.

Respondent GCP transported industrial waste product from its biomass anaerobic digester, Site 1, to the unpermitted 850,000-gallon clay lined earthen lagoon at Site 2, which had not been constructed as required by 327 IAC 6.1-8-1(c) and IN LA 000853, Permit Condition C.4.

b. Pursuant to 327 IAC 6.1-8-2(a), requests for a permit for a lagoon must be submitted at least one hundred eighty (180) days prior to the intended date of construction.

As noted during the April 7, 2022 inspection, Respondents Yoder constructed an 850,000-gallon clay lined earthen lagoon for the storage of industrial waste product without submitting a request for a permit at least 180 days prior to construction.

c. Pursuant to 327 IAC 6.1-8-3(b), lagoons must not be constructed or maintained:
   (1) within one thousand (1,000) feet of any:
      (A) residence;
      (B) public building; and
      (C) property line;
   (2) within six hundred (600) feet of any surface waters or the surface conduit to a subsurface feature;
   (3) within two hundred (200) feet of any well;
   (4) in a flood plain; and
   (5) in a manner that allows the biosolid, industrial waste product, or pollutant-bearing water to enter surface waters or ground water.

As noted during the April 7, 2022 inspection, Respondents Yoder constructed the 850,000-gallon clay lined earthen lagoon within:

a. 26 feet of a residence's barn [lagoon berm to barn],
b. 139 feet of the residence [lagoon berm to residence], and
c. 149 feet of a residential well [lagoon inner bank to well].

d. Pursuant to 327 IAC 6.1-3-7(a), a person who prepares a biosolid, industrial waste product, or pollutant-bearing water is legally responsible under this article for:

(1) the handling, transporting, storage, marketing and distribution, and land application of the biosolid, industrial waste product, or pollutant-bearing water; and
(2) compliance with the land application permit issued under this article and all applicable provisions of this article.

Pursuant to IN LA 000853, Permit Condition A.5., Respondent GCP may select and use nonsite-specific land applications sites only in Elkhart County.

As noted during the inspections, Respondent GCP prepared an industrial waste product and was legally responsible for the:

a. transportation of the industrial waste product to an unpermitted 850,000-gallon clay lined earthen lagoon, at Site 2, which had not been constructed in compliance with 327 IAC 6.1-8-1(c),
b. storage of the industrial waste product in an unpermitted 850,000-gallon clay lined earthen lagoon, at Site 2, which had not been constructed in compliance with 327 IAC 6.1-8-1(c), and
c. land application of the industrial waste product which occurred in Marshall County, a county not approved for land application per IN LA 000853. Respondents Yoder land applied the industrial waste product on May 14, 2022.

e. Pursuant to 327 IAC 6.1-3-7(d), if the person who prepares a biosolid, industrial waste product, or pollutant-bearing water provides a biosolid, industrial waste product, or pollutant-bearing water to another person for final land application or for marketing and distribution and that receiving person does not alter the characteristics of the biosolid, industrial waste product, or pollutant-bearing water, then the person who applies or markets and distributes the biosolid, industrial waste product, or pollutant-bearing water is also responsible for complying with this article and IC 13-30-2.

Pursuant to 327 IAC 6.1-1-3(b), a land application permit is required for the disposal in Indiana of any biosolid, industrial waste product, or pollutant-bearing water by application upon or incorporation into soil.

As noted during the inspections, Respondents Yoder received industrial waste product from Respondent GCP to store in an unpermitted 850,000-gallon clay lined earthen lagoon, at Site 2. Respondents Yoder did not alter the characteristics

of the industrial waste product. Respondents Yoder land applied the industrial waste product on May 14, 2022, without a land application permit.

f. Pursuant to 327 IAC 6.1-5-2, for an industrial waste product to be eligible for a marketing and distribution permit, the following criteria must be met:
   (1) The pollutant concentrations are less than the concentrations in Table 3 in 327 IAC 6.1-4-9(c).
   (2) The industrial waste product must be dewatered.
   (3) The industrial waste product must not contain a concentration of polychlorinated biphenyls (PCBs) of two (2) milligrams per kilogram or greater on a dry weight basis.

   As noted during the April 7, 2022 inspection, Respondent GCP without a market and distribution permit, transported industrial waste product from Site 1 to Site 2. The industrial waste product transported did not meet the criteria for a marketing and distribution permit because it had not been dewatered.

10. On May 14, 2022, Respondents Yoder land applied the industrial waste product in Marshall County, Indiana.

11. 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, Respondents acknowledge notice of this right and waive 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 Respondents. This Agreed Order shall have no force or effect until the Effective Date.

2. Respondent GCP and Respondents Yoder (collectively, "Respondents") shall comply with the rules and permit conditions listed in the findings of fact above.

3. Immediately upon the Effective Date, Respondents shall cease storing industrial waste product in the unpermitted 850,000-gallon clay lined earthen lagoon, at Site 2.

4. Within sixty (60) days of the Effective Date, Respondents shall properly close the lagoon in accordance with the standards for closure of a surface impoundment under 329 IAC 10-3-1(9). In addition, to assess any groundwater impacts associated with the improper use of the lagoon, Respondents shall submit a lagoon closure plan, for approval, which shall include:
   a. Milestone dates;
   b. A groundwater assessment plan for determining releases from the impoundment;
   c. A groundwater impact sampling program to include the following constituents:
      - Field pH,
      - Field specific conductance,

- Chloride,
- Fecal coliform bacteria,
- Nitrate,
- Nitrite,
- Sulfate,
- Total dissolved solids, and
- Total ecoli,

d. If applicable after backfill of the lagoon, submit a site reclamation plan, for approval.

5. Within fifteen (15) days of receiving notice from IDEM of approval of the Closure Plan and/or Reclamation Plan, Respondents shall implement as approved and in accordance with the time frames contained therein.

6. Within fifteen (15) days of obtaining the analytical results, Respondent shall submit said results, including chain-of-custody information and QA/QC records.

7. In the event IDEM determines that the Closure Plan and/or Reclamation Plan submitted by Respondents is deficient or otherwise unacceptable, Respondent shall revise and resubmit the plan to IDEM in accordance with IDEM's notice. After three (3) submissions of such plan by Respondents, IDEM may modify and approve any such plan and Respondents must implement the plan as modified by IDEM. The approved plan shall be incorporated into this Agreed Order and shall be deemed an enforceable part thereof.

8. Field verification of proper closure will be required and completed by IDEM before a Resolution of Case letter is issued.

9. All submittals required by this Agreed Order, unless IDEM notifies the Respondents 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

10. Pursuant to IC 13-30-4-1, Respondents are assessed and agree to pay a civil penalty of Twenty-Two Thousand Five Hundred Dollars ($22,500), for which Respondents are jointly and severally liable. Respondents 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:

    <u>Mail:</u>

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.

11. In the event the terms and conditions of the following paragraphs are violated, Complainant may assess and Respondents shall pay stipulated penalties in the following amounts:

Paragraph	**Stipulated Penalty**
Order paragraph #4	$500 per week
Order paragraph #5	$400 per week

12. Stipulated penalties shall be due and payable no later than the thirtieth day after Respondents receive written notice that Complainant has determined a stipulated penalty is due; the thirtieth day being the "Due Date." Complainant may notify Respondents at any time that a stipulated penalty is due. Failure to notify Respondents 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 Respondents for violation of this Agreed Order. Neither assessment nor payment of stipulated penalties shall preclude Complainant from seeking additional relief against Respondents 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. Respondents are jointly and severally liable for all stipulated penalty assessments.

13. In the event that the monies due to IDEM pursuant to this Agreed Order are not paid on or before their Due Date, Respondents 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 10, above.

14. Signatories to this Agreed Order certify that they are fully authorized to execute this Agreed Order and legally bind the party they represent.

15. This Agreed Order shall jointly and severally apply to and be binding upon Respondents and all successors and assigns. Respondents shall provide a copy of this Agreed Order, if in force, to any subsequent owners, successors, or assigns before ownership rights are transferred.

16. No change in ownership, corporate, or partnership status of Respondents shall in any way alter the Respondents' status or responsibilities under this Agreed Order.

17. Respondents shall ensure that all contractors, firms, and other persons performing work under this Agreed Order comply with the terms of this Agreed Order.

18. 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.

19. 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 Respondents pursuant to this Agreed Order, shall not in any way relieve Respondents of the obligation to comply with the requirements of any applicable permits or any applicable Federal or State laws or regulations.

20. 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 Respondents may incur as a result of Respondents' efforts to comply with this Agreed Order.

21. 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.

22. 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 Respondents may incur as a result of such communications with the U.S. EPA or any other agency or entity.

23. This Agreed Order shall remain in effect until IDEM issues a Resolution of Case letter to Respondent**s**.

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: 9/14/2022

RESPONDENT:

By: _____
Printed: _____
Date: _____

COUNSEL FOR RESPONDENT:

By: _____
Printed: _____
Date: _____

RESPONDENT:

By: _____
Printed: _____
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. Also complete item 4 if Restricted Delivery is desired.
- 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 (1833) 28629-C
BRENT E MARTIN MGR
GREEN COW POWER LLC
66569 CNTY RD 13
GOSHEN IN 46526

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Glenda Martin ☐ Agent ☐ Address

B. Received by *(Printed Name)* G Martin
C. Date of Delive 9-16-22

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

3. Service Type
☐ Certified Mail ☐ Express Mail
☒ Registered ☐ Return Receipt for Merchandi
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Arti 7017 2400 0000 0747 2984
(Tra

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- 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 (1833) 28629-C
ELISHA DAVID YODER & NAOMI YODER
63133 CNTY RD 13
GOSHEN IN 46526

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Naomi F. Yoder
☐ Agent
☒ Addressee

B. Received by *(Printed Name)*
Naomi F. Yoder

C. Date of Delivery
9-16-0

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

3. Service Type
☐ Certified Mail ☐ Express Mail
☒ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 7017 2400 0000 0747 2991

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-15

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- 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 (1833) 28629-C
LOREN SLOAT REG AGENT
GREEN COW POWER LLC
102 HERITAGE PKWY
NAPANEE IN 46526

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Kara Brinkerhoff ☐ Agent ☐ Addressee

B. Received by (*Printed Name*) Kara Brinkerhoff
C. Date of Delivery 9/19/22

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

3. Service Type
☐ Certified Mail ☐ Express Mail
☒ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (*Extra Fee*) ☐ Yes

2. Article Number (Transfer from service label)
7017 2400 0000 0747 3004

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540