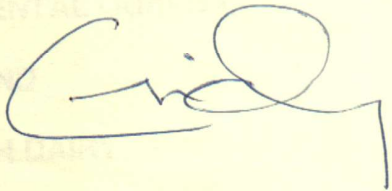


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BACKGROUND

On January 30, 2001, staff of the Department of Environmental Quality (DEQ), Water Division (WD), conducted an inspection of Bleich Dairy. During this inspection, staff confirmed a discharge of contaminated storm water from the feed storage area, barnyard, and grazing area to an unnamed tributary of Saint Joseph Creek. These discharges are a violation of Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). In response to these discharges, Notice Letter NL-02-02-01-004J directed you to submit a report identifying when and what actions will be taken to stop further discharges of contaminated runoff from the feed storage, barnyard, and grazing areas.

To date, acceptable long-term actions have yet to be implemented and contaminated storm water continues to drain through the grazing area, discharging into waters of the state.

The DEQ, WD, National Pollutant Discharge Elimination System General CAFO Permit (CAFO Permit), which Bleich Dairy has applied for coverage under, requires containment of runoff from the production area and feed storage areas up to the 25-year, 24-hour storm. The CAFO Permit also requires the development of a certified Comprehensive Nutrient Management Plan (CNMP), which would also satisfy the CNMP requirements of Notice Letter NL-02-02-01-004J.

Prior to the DEQ, WD's issuance of a Certificate of Coverage under the CAFO Permit and to satisfy the directives of Notice Letter NL-02-02-01-004J, Bleich Dairy agrees to undertake the following actions:

COMPLIANCE REQUIREMENTS

CNMP

A certified and complete CNMP shall be submitted to the DEQ, WD, Jackson District Office by **October 31, 2004**. The CAFO Permit requires submission of an executive summary. As a result of past enforcement action, Bleich Dairy is required to submit the certified CNMP to the DEQ, WD in its entirety.

IMPLEMENTATION

In accordance with the requirements of the CAFO Permit, Bleich Dairy shall implement long-term corrections to address contaminated storm water runoff from barnyard and feed lots by **October 31, 2004**.

Also in accordance with the requirements of the CAFO Permit, Bleich Dairy shall implement long-term corrections to address silage/feed storage area runoff by **May 31, 2005**.

PENALTIES

Bleich Dairy is required to provide notification to the DEQ, WD, Jackson District Supervisor upon completion of each of the dates specified above. If Bleich Dairy fails to meet any of the dates set forth above, they shall notify the DEQ, WD, Jackson District Supervisor in writing within 14 days of the missed date. The notification shall include the deadline missed, the expected date of compliance, and the reason for noncompliance with the deadline.

Failure to comply with this District Compliance Agreement (DCA) and to meet the provision of the dates contained herein may result in the DEQ, WD, Jackson District Office taking appropriate steps to immediately escalate enforcement and/or seek penalties as prescribed by law.

MODIFICATIONS

This agreement may be modified or revoked by the DEQ, WD, Jackson District Supervisor as deemed necessary.

It is understood and agreed that compliance with this agreement does not constitute a release or waiver of liability for past or continuing violations of Part 31 of the NREPA and all other applicable regulations.

This agreement shall become effective when signed by the DEQ, WD, Jackson District Supervisor and expire upon the DEQ, WD, Jackson District Office's receipt of certification that all agreed upon activities have been completed.

SIGNATORIES

Department of Environmental Quality
Water Division

Bleich Dairy

Jon E Russell Date: 10/8/04
Jon E. Russell, Jackson District Supervisor

Randy Bleich Date: 9-29-04
Randy Bleich

cc: Mr. Arnie Leder, EPA
Mr. Peter Ostlund, Field Operations, WD, DEQ-Lansing Office
Ms. Ronda Wuycheck, Field Operations, WD, DEQ-Lansing Office
Mr. Barry Selden, Field Operations-Enforcement, WD, DEQ-Lansing Office
Ms. Nicole Zacharda, Field Operations-Enforcement, WD, DEQ-Lansing Office
File: Bleich Dairy, CAFO, Hillsdale County General