

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
JACKSON DISTRICT OFFICE



RICK SNYDER  
GOVERNOR

VN No. VN-007868

CERTIFIED MAIL

Mr. Jan Vanderhoff, Owner  
Hoffland Dairy, LLC  
9510 Haley Road  
Clayton, Michigan 49235

**VIOLATION NOTICE & ENFORCEMENT NOTICE**

Dear Mr. Vanderhoff:

SUBJECT: Violation Notice and Enforcement Notice  
Hoffland Dairy-CAFO

THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY (MDEQ), WATER RESOURCES DIVISION (WRD), Jackson District Office, is pursuing an escalated enforcement action for violations of law by Hoffland Dairy, LLC (hereinafter "facility") as set forth herein.

PLEASE BE ADVISED that the facility has failed to comply with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), MCL 324.3101 *et seq.*, and the administrative rules promulgated thereunder being 2006 AACS R 323.2101 *et seq.*, as amended; and National Pollutant Discharge Elimination System (NPDES) Permit No. MI0058109, which was issued and effective on January 14, 2010 and expired on October 1, 2014 (NPDES Permit). The facility was previously notified of these allegations in e-mail and phone conversations (with both the facility's Comprehensive Nutrient Management Plan (CNMP) provider and the permittee) in August 2015, February, March, June, August, and November 2016 and in a Compliance Communication dated July 5, 2017.

The facility failed to submit a timely reissuance application prior to the permit expiration on October 1, 2014. On November 7, 2014, a permit application was submitted on behalf of the facility to the WRD. The permit reissuance application did not include an updated CNMP. A supplemental letter to the permit application indicated that the CNMP was being revised and would be submitted by the end of December 2014. To date, a revised CNMP has not been submitted to the WRD which constitutes an incomplete application.

YOU ARE FURTHER ADVISED THAT the WRD has identified the following violations at the facility: The facility has operated and discharged wastewater to the waters of the state without first applying for and then being issued the required NPDES permit since the previous permit expired on October 1, 2014.

The facility should take immediate action to achieve and maintain compliance with the terms and conditions of Part 31 and its Rules and the NPDES Permit. To return to compliance, the facility must complete the following steps:

1. Submit a revised CNMP to the WRD.
2. Enter into a formal agreement with the WRD to resolve the violations identified herein, as well as any additional violations discovered hereafter. At this time the WRD is offering a District Administrative Consent Order.

Please submit the revised CNMP to the Jackson District Office by December 4, 2017. If the CNMP cannot be submitted by that date, contact the WRD staff listed below by November 27, 2017 and the WRD will provide another date in the future by which to submit the CNMP.

The WRD reserves its right to take all necessary and appropriate enforcement actions for all violations of Part 31 and its Rules and the NPDES Permit, that have occurred to date and any violations that may occur in the future. These actions may include, but are not limited to, seeking civil fines, injunctive relief, natural resources damages, and all costs associated with this enforcement action, including attorney costs and any other relief available to the WRD.

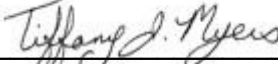
The facility's continuing failure to comply with the terms of Part 31 and its Rules and the NPDES Permit, or other requirements set forth in this Violation Notice and Enforcement Notice may result in additional fines, penalties, or other actions.

If you have any factual information you would like us to consider regarding the violations identified in this Violation Notice and Enforcement Notice, please provide them with your written response.

Pursuant to Section 324.1511 of the NREPA, the facility may request a preliminary meeting with WRD staff to discuss the issues detailed in this Violation Notice and Enforcement Notice. If you would like to request such a meeting, please contact Ms. Rachel Burns, Jackson District Office, WRD, at 517-416-4073; burns6@michigan.gov; or MDEQ, WRD, Jackson District Office, 301 East Louis Glick Highway, Jackson, Michigan 49201 within **ten days from your receipt of this Notice**. Please submit a written response to this Notice and aforementioned subject violations NOT LATER than 14 days from your receipt of this Notice. Otherwise, a draft formal settlement document will be sent to you that details authority, allegations, remedy sought, including penalties, and additional requirements.

**STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
WATER RESOURCES DIVISION**

Date Issued: November 15, 2017

  
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Tiffany J. Myers, Supervisor  
Jackson District Office  
Water Resources Division

**ADDRESS FOR FURTHER CORRESPONDENCE:**

Ms. Rachel Burns, Environmental Quality Analyst

Mr. Jan Vanderhoff  
Hoffland Dairy, LLC

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November 15, 2017

Jackson District Office  
Water Resources Division  
301 East Louis Glick Highway  
Jackson, Michigan 49201

cc: Mr. Jon Russell, MDEQ  
Ms. Rachel Burns, MDEQ