

Objection to the Approval of NPDES Permit No. INA006313, Farm ID No. 6313
Approval No. 5690 for Concentrated Animal Feeding Operation
Union-Go Dairy, LLC
Winchester, Randolph County, Indiana
2016 OEA 1, (09-W-J-4262)

OFFICIAL SHORT CITATION NAME: When referring to 2016 OEA 1 cite this as
Union-Go Dairy, LLC, 2016 OEA 1.

TOPICS:

concentrated animal feeding operation (CAFO)
modification
renewal
clay liner
synthetic liner
Soil Conservation Practice Plan (SCPP)
anaerobic treatment
records
sand lanes
settling basin
pH
substantial endangerment to human health or the environment
credibility
Health and Safety Plan (HASP)
violation
I.C. § 13-18-10-2.1(e)(2)(A)

PRESIDING ENVIRONMENTAL LAW JUDGE:

Catherine Gibbs

PARTY REPRESENTATIVES:

IDEM: Sierra Alberts, Esq.
Respondent: Glenn Bowman, Esq.; Katz & Korin
Petitioner: Linda J. Clark, O.D.
Deborah Albright, Esq.; Monday, Jones & Albright

ORDER ISSUED:

April 19, 2016

INDEX WATER CATEGORY:

Water

FURTHER CASE ACTIVITY:

[None]

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STATE OF INDIANA)
)
COUNTY OF MARION)

BEFORE THE INDIANA OFFICE OF
ENVIRONMENTAL ADJUDICATION

IN THE MATTER OF:)
)
OBJECTION TO THE APPROVAL OF NPDES)
PERMIT NO. INA006313 / FARM ID NO. 6313)
APPROVAL NO. AW-5690 FOR CONCENTRATED)
ANIMAL FEEDING OPERATION)
UNION-GO DAIRY LLC)
WINCHESTER, RANDOLPH COUNTY, INDIANA)
) CAUSE NO. 09-W-J-4262

Allen and Judy Hutchinson, *et al.*,)
Petitioner,)
Union-Go Dairy, LLC,)
Permittee/Respondent,)
Indiana Department of Environmental Management,)
Respondent)

FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER

This matter came before the Office of Environmental Adjudication (the OEA) for the final evidentiary hearing, held on January 20th and 21st, 2016. All parties were present and represented by counsel. The Environmental Law Judge (the ELJ), having heard testimony, read the record and the documentary evidence, now enters the following findings of fact, conclusions of law, and final order.

Summary of Decision

The Petitioners presented evidence regarding the errors allegedly made by the Indiana Department of Environmental Management (the IDEM) in issuing the permit in question. The Petitioners failed to meet their burden of proof on any allegations of error. Judgment is entered in favor of the IDEM and Union-Go Dairy LLC.

FINDINGS OF FACT

1. On October 12, 2004, the Indiana Department of Environmental Management (the IDEM) issued individual NPDES¹ Permit No. INA006313 (the Permit) to Union Go Dairy LLC (Union-Go). The Permit authorized Union-Go to operate a concentrated animal feeding operation (CAFO).

¹ National Pollutant Discharge Elimination System.

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2. A shallow sand lens is located beneath Union-Go at the 1145-foot elevation (“1145 sand”). The 1145 sand is a localized zone of saturation, not a regional aquifer in connection with the water zone used by wells in the vicinity. None of the water wells in the region of Union-Go use the 1145 sand as an aquifer. All of these wells are significantly deeper than the 1145 sand. The lens is very thin and discontinuous. It is fairly localized to Union-Go site. It disappears off-site and is not connected with sand formations being used off-site for water. The 1145 sand lens cannot be used for drinking water as it is too shallow. (A drinking water well that complies with the regulations cannot be installed.) A layer of low permeable material is located above the 1145 sand, so this minimizes the seepage of contaminants into the lens. The 1145 sand is not interconnected with the deeper aquifer that produces water for the region’s wells, including Union-Go’s well.²
3. Due to the presence of the 1145 sand, the IDEM required a synthetic liner in addition to the clay liner. In accordance with the Permit, Union-Go installed a manure storage pond with 2 liners, one of recompacted clay and bentonite and one of 40-millimeters HDPE³ (the synthetic liner). Over time, solids that settled to the bottom of the storage pond would act to further decrease permeability.
4. Union-Go is not allowed to discharge non-contact cooling water, manure, or process wastewater pollutants. There are some exceptions. A discharge is permitted under the following conditions: (1) a 25-year, 24-hour rainfall event causes an overflow of its facilities, provided that these facilities have been constructed and operated in accordance with the Permit conditions designed to minimize the likelihood of such a discharge; (2) non-contact cooling water may be discharged to a field tile, so long as the water has been restored to a temperature consistent with water in other nearby field tiles; and (3) storm water may be discharged from specified areas of the facility if these areas are in compliance with Union-Go’s Storm Water Pollution Prevention Plan.
5. On the following dates, the following alleged violations were observed:
 - a. March 5, 2007: improper freeboard observed and noted by IDEM staff⁴;
 - b. March 6, 2007: spill on roadway observed by Randolph County Health Dept⁵.
 - c. March 14, 2007: improper freeboard observed and noted by IDEM staff⁶;
6. In addition to the alleged violations noted above, Union-Go reported a discharge to IDEM in the Annual Report submitted on February 15, 2008.⁷ Union-Go further reported non-compliance with management and reporting requirements in this Annual Report.

² Finding of Fact # 11, Findings of Fact, Conclusions of Law and Final Order, *Union Go Union-Go*, 2008 OEA 163 (December 17, 2008).

³ High density polyethylene

⁴ Plaintiff’s Exhibit 4

⁵ Plaintiff’s Exhibit 4

⁶ Plaintiff’s Exhibit 4

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7. On July 21, 2008, a private citizen reported a spill to IDEM relating to Union-Go. The spill occurred on July 18, 2008. IDEM staff conducted an investigation and determined that a spill occurred to a receiving water named "8 Mile Creek". The IDEM staff who responded to the spill report found no evidence that the spill had impacted 8 Mile Creek. The investigator spoke with representatives of Union-Go who reported that the spill had occurred as a result of the failure of a field tile during land application. Union-Go took action to mitigate the release at the time it occurred.⁸ Union-Go reported the release in the Annual Report submitted to IDEM on February 12, 2009.⁹
8. The IDEM inspected Union-Go on July 15, 2008 and found violations relating to the manure storage pond. The inspector observed bubbles that had formed in the pond. Gas built up between the synthetic liner and the recompacted liner and created bubbles which caused the liner to detach from the bottom.
9. IDEM issued NPDES Permit No. INA006313 (the Modification) to Union-Go on May 1, 2009. The Modification authorized Union-Go to construct one new confinement barn for 322 cows and for an additional manure storage system.
10. Between May 13 and May 15, 2009, Allen and Judy Hutchison, Curtis Ramer, Stephanie Pflasterer, Wendy Carpenter, and Richard and Barbara Pegg (the Petitioners) filed petitions for review of the Modification. This matter was assigned Cause No. 09-W-J-4262.
11. On July 1, 2009, the Petitioners¹⁰, by their counsel, Deborah Albright filed a Supplement/Amended Petition for Administrative Review.
12. The IDEM started an enforcement action against Union-Go for the release to 8 Mile Creek and the bubbles in the synthetic liner. IDEM and Union-Go entered into an Agreed Order on July 22, 2009 regarding the violations.
13. On February 26, 2010, Union-Go filed its Notice of Filing of Bankruptcy Petition.
14. Union-Go proposed anaerobic treatment as part of the manure storage system in the application for the Modification.¹¹ IDEM did not approve anaerobic treatment as part of the Modification.

⁷ Plaintiff's Exhibit #8.

⁸ Plaintiff's Exhibit #10.

⁹ Plaintiff's Exhibit 12.

¹⁰ In the Amended Petition, Scott Jester is named as a Petitioner. However, the ELJ finds no petition for review filed by or on behalf of Scott Jester in this cause. As it is not appropriate to add Petitioners by means of an amended petition, Mr. Jester is not a Petitioner in Cause No. 09-W-J-4262.

¹¹ In Plaintiffs' Exhibit #5, the October 9, 2007 cover letter from North Point Engineering states "The liquid and manure solids will continue on from the sand lane to the proposed manure solids settling basin and ultimately to the proposed anaerobic treatment and storage ponds which includes the existing manure storage pond." Further, the letters sent to the owners and occupants of adjacent properties state that the lagoon incorporates anaerobic

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15. On March 29, 2010, Union-Go submitted Manure Storage Pond Synthetic Liner Initial Remediation Health and Safety Plan & Air Monitoring Plan (HASP) to IDEM.¹² The HASP purported to address the bubbles in the manure storage pond synthetic liner. The HASP stated the measures to be taken to protect site workers and subcontractors while puncturing the synthetic liner bubbles, testing the gas in the bubbles, venting the trapped gases, inspecting the liner and removing sections of the liner as needed. Pages 12 through 16 of the HASP list the procedures for each of these activities. This work has been completed.
16. On August 10, 2010, the IDEM renewed Union-Go's individual NPDES Permit (the Renewal).
17. Allen and Judy Hutchison, Curtis Ramer, Stephanie Pflasterer, Wendy Carpenter, Richard and Barbara Pegg and Scott Jester objected to the issuance of the Renewal. They filed their Petition for Administrative Review on August 27, 2010. This was assigned Cause No. 10-W-J-4405.
18. On November 3, 2010, Cause No. 09-W-J-4262 and 10-W-J-4405 were consolidated under Cause No. 09-W-J-4262.
19. On January 10, 2012, Union-Go notified the OEA that, as of January 1, 2012, the plan of reorganization was effective and the bankruptcy stay had been lifted.
20. The final hearing was held on January 20 and 21, 2016. As of the date of the hearing, the work contemplated in the HASP has been completed, but the construction approved in the Modification and the Renewal has not been completed.
21. Kathy Martin was the expert witness for the Petitioners. The presiding ELJ found that Ms. Martin was qualified to testify as an expert regarding CAFO design, but not as a geologist/hydrogeologist. David Gerdeman qualified as Union-Go's expert witness. Both witnesses examined the same information, maps, data and other documents relating to Union-Go. The presiding ELJ finds both to be credible. However, the ELJ gives Mr. Gerdeman's testimony more weight regarding the efficacy of Union-Go's design given his extensive involvement with Union-Go over many years. As each witness could be expected to be influenced by his or her own personal perspective, the ELJ does not find that either witness was biased to the point of discrediting his or her testimony.
22. Ms. Martin testified as to her expert opinions regarding each of the following alleged errors made by the IDEM in the Modification.

treatment. In addition, the letter dated June 4, 2008, from North Point to IDEM, also mentions anaerobic treatment as a reason that a synthetic liner should not be required for the new manure storage structure.

¹² Plaintiff's Exhibit 37.

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- a. The Modification and Renewal should not have been granted because of Union-Go's compliance history.
 - b. The HASP is insufficient as a plan for the investigation or remediation of the existing manure storage pond. IDEM erred in approving the Modification before a study and remediation of the existing manure storage pond.
 - c. The proposal to use an 8 inch PVC pipe to transport waste from the sand settling area is not supported by data regarding the efficiency of sand removal. There are no access points at which sand can be cleared. Further, a breach in the pipe could result in a release to waters of the state.
 - d. The design for the sand settling lanes/basin is ineffective. The basin should be removed.
 - e. There is insufficient data to support a design using the new manure storage pond as anaerobic treatment.
 - f. The liner for the new pond will consist of compacted clay. The Renewal does not require a synthetic liner. Ms. Martin contends that this is an error and alleges that the design does not provide sufficient information to support the conclusion that a compacted clay liner will meet the minimum standards for seepage rates.
 - g. A perimeter drain should have been required because of the seasonal high water table.
 - h. IDEM should have required the use of corrosion-resistant concrete.
 - i. The groundwater sampling system is inadequate to ensure that releases from the new and existing ponds will be detected. An extremely high Ph reading taken in one quarterly sampling event was not addressed.
 - j. The land application agreements are inadequate as they have expired. Union-Go does not have a nutrient management plan. The land application maps are insufficient as there are no references to setbacks from residences, water wells or other features.
 - k. No soil conservation practice plan was included in the application.
 - l. Union-Go failed to adequately identify the amount of acreage that was available for land application.
23. Ms. Martin further testified as to her expert opinions regarding each of the following alleged errors made by the IDEM in the Renewal.
- a. The Modification and Renewal should not have been granted because of Union-Go's compliance history.
 - b. The HASP is insufficient as a plan for the investigation or remediation of the existing manure storage pond. IDEM erred in approving the Modification before a study and remediation of the existing manure storage pond.
 - c. The dates and deadlines for various actions that must be taken are inconsistent.
 - d. The requirement for an annual waste detention time assessment is not specific enough to provide useful information.

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- e. The Renewal does not specify how the existing manure storage pond can be used if Union-Go chooses not to expand.
- f. The details regarding the discharge of non-contact cooling water are insufficient.
- g. The Renewal was issued without consideration of the condition of the synthetic liner in the existing manure pond.
- h. In an October 2009 letter to IDEM, Union-Go proposes 2 options to remedy the issues with the synthetic liner. The Petitioners allege that the terms of the Renewal conflict with these proposals.
- i. Union-Go should not be allowed to construct the new barn before constructing the new manure storage pond.
- j. The Renewal should state that no discharge is allowed until the new waste pond is constructed.
- k. The Renewal requires pre-operational monitoring, which is impossible as the facility is already in operation.
- l. The requirement to preserve records for 5 years should be extended by the amount of time required for this administrative appeal.
- m. Monitoring requirements should include a requirement to monitor for pathogens.
- n. An assessment of the groundwater monitoring system should be conducted to determine if the system is adequate.
- o. The requirements for the Stiff and Piper diagrams are not specific enough.
- p. The requirement to calibrate the land application equipment is not specific enough.
- q. Union-Go should be required to report phosphorus levels in land application areas.
- r. The Renewal fails to provide sufficient detail regarding the minimum requirements for single pass injection land application.
- s. Union-Go should be required to verify that it has inspected field tiles in land application areas.
- t. Union-Go should be required to identify setbacks in land application areas.
- u. Union-Go should identify all chemicals kept at Union-Go, including medicines, pesticides, herbicides, rodenticides, acids and strong soaps/disinfectants.
- v. Union-Go should be required to keep records relating to employee training.
- w. Union-Go failed to submit a disclosure statement pursuant to I.C. § 13-18-10-1.4.

24. Mr. Gerdeman and IDEM's witnesses provided evidence on each of the points made by the Petitioners.

CONCLUSIONS OF LAW

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1. The Indiana Department of Environmental Management (“IDEM”) is authorized to implement and enforce specified Indiana environmental laws, and rules promulgated relevant to those laws, per Ind. Code § 13-13, *et seq.* The Office of Environmental Adjudication (“OEA”) has jurisdiction over the decisions of the Commissioner of the IDEM and the parties to the controversy pursuant to I.C. § 4-21.5-7-3.
2. Findings of fact that may be construed as conclusions of law and conclusions of law that may be construed as findings of fact are so deemed.
3. This office must apply a *de novo* standard of review to this proceeding when determining the facts at issue. *Indiana Dept. of Natural Resources v. United Refuse Co., Inc.*, 615 N.E.2d 100 (Ind. 1993). Findings of fact must be based exclusively on the evidence presented to the ELJ, and deference to the agency’s initial factual determination is not allowed. *Id.*; I.C. § 4-21.5-3-27(d). “*De novo* review” means that “all issues are to be determined anew, based solely upon the evidence adduced at that hearing and independent of any previous findings. *Grisell v. Consol. City of Indianapolis*, 425 N.E.2d 247 (Ind.Ct.App. 1981).
4. Neither IDEM nor the OEA may require an applicant to include information or to perform actions in excess of that required by law. *See In the Matter of: Objection to the Issuance of Approval No. AW-5499 Concentrated Animal Feeding Operation, Talara Lykins, Jackson County, Indiana*, Cause No. 05-W-J-3602, 2007 OEA 114, *aff’d.*, Marion County Superior Court Civil Division, Room F-12, Cause No. 49F12-0708-MI-32019 (April 4, 2008).
5. The Petitioners, as the persons requesting that IDEM revoke its approval of the Modification and Renewal, have the burden of persuasion and the burden of going forward with the evidence supporting their request. I.C. § 4-21.5-3-14(c).
6. As the Permit is an individual NPDES permit, the Permit, Modification and Renewal were issued under the authority contained in and pursuant to the conditions set out in I.C. § 13-18-10 *et seq.* and 327 IAC 5-4-3.
7. The Petitioners contend that IDEM erred in issuing the Modification and Renewal; however, the ELJ notes that the Petitioners did not identify the specific regulations or statutes with which IDEM allegedly failed to comply.
8. The Petitioners argue that the Modification and Renewal should not have been issued because of alleged violations. There is little to no doubt that Union-Go is not in compliance with the Permit because of the condition of the pond. I.C. § 13-18-10-2.1(e)(2)(A) gives IDEM’s commissioner the discretion to revoke or deny renewal if the applicant has been the subject of an enforcement action involving acts which “constitute a material violation of federal or state environmental law”¹³ and “present a substantial endangerment to human

¹³ I.C. § 13-18-10-1.4(c)(5)(A).

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health or the environment”¹⁴. There was no evidence that Union-Go failed to cooperate with IDEM or take action to mitigate or correct the violations; that the violations caused harm (such as a fish kill); or that IDEM considered the violations to be a “material” violation. Further, while the bubbles are a continuous violation, Union-Go, as evidenced by the HASP and Modification, continues to try and address the bubbles. Thus, the evidence is not sufficient to support a conclusion that the violations constitute a material violation and present a substantial endangerment to human health or the environment. IDEM’s commissioner did not abuse his discretion, pursuant to I.C. § 13-18-10-2.1(e)(2)(A), in granting the Modification and Renewal even though Union-Go was in violation of its Permit. In addition, both the Modification and Renewal contain terms intended to address Union-Go’s noncompliance.

9. The Petitioners argue that neither the Modification nor the Renewal should have been issued until the bubbles in the pond were addressed. The proposed manure storage pond would allow Union-Go to expand but also to address the bubbles in the existing manure storage pond. Once the new pond was built, appropriate actions could be taken to remediate the existing pond. Due to Union-Go’s bankruptcy, the actions authorized by the Modification and Renewal, including the expansion, have not occurred.
10. The HASP was also intended to address the bubbles. The actions described in the HASP have taken place. The Petitioners characterize the HASP as a “plan to have a plan”. However, an examination of the HASP clearly reveals a detailed plan for how the bubbles would be investigated and remediated. The Petitioners choose to place form over substance. The HASP was adequate to address the bubbles in the short term until the long term plan, as set out in the Modification and Renewal, could be carried out.
11. The Petitioners have presented no evidence that the bubbles present a *substantial* endangerment to human health or the environment. The Petitioners have not pointed to any instance in which the bubbles caused a release. The bubbles create an issue in that they take up space in the pond and could cause a freeboard violation. However, the IDEM can take enforcement action to address such violations. Further, Union-Go presented evidence that freeboard violations are easily addressed by removing material from the pond.
12. Further, the Petitioners have not presented sufficient evidence to prove that the clay liner is inadequate to prevent a release. The Petitioners contend that there is a sensitive area beneath the pond. The ELJ assumes that this refers to the 1145 sand. However, a release to the 1145 sand would not necessarily result in a release of contaminants to waters of the state because of the nature of the sand lens. *See* Finding of Fact #2 above.

¹⁴ I.C. § 13-18-10-1.4(c)(5)(B).

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13. For the above reasons, the Petitioners have not met their burden of proof to show that IDEM abused its discretion in issuing the Modification or Renewal because of Union-Go's noncompliance.
14. The Petitioners presented sufficient evidence regarding the sand lanes and settling basin to shift the burden to the Respondents. Ms. Martin opined that the sand lanes and settling basin, as designed, would not function properly. However, Mr. Gerdeman, in particular, and IDEM's witnesses rebutted these allegations. While all of the witnesses were credible, the evidence presented by Union-Go and IDEM favors IDEM and Union-Go on this issue.
15. The Petitioners allege that the design should incorporate a perimeter drain.¹⁵ However, an examination of Defendant's Exhibit A, page 3/10¹⁶ clearly shows a perimeter drain.
16. The issue of whether the concrete proposed for use was adequate was decided in the previous case¹⁷ and the Petitioners did not present evidence which would make the ELJ modify these conclusions.¹⁸
17. The Petitioners complain that Union-Go failed to provide sufficient data to support its request to include anaerobic treatment. Union-Go proposed using anaerobic treatment as part of the manure treatment process. Both IDEM and Union-Go testified that anaerobic activity takes place in manure storage structures regardless of whether it is planned or approved. A consequence of anaerobic treatment would be that less acreage would be needed for land application. IDEM did not approve the construction of a lagoon using anaerobic treatment. IDEM also did not decrease the amount of acreage needed for land application. Given that the Permit does not include any terms and conditions acknowledging that anaerobic treatment is part of the manure treatment, the Petitioners have failed to present sufficient evidence that IDEM erred in approving the Modification on this basis.
18. In one of the quarterly monitoring events, a field screening test showed a high Ph value. This would be of concern if Union-Go had not addressed it; however, Union-Go presented testimony that the field sample was noted and measures taken to determine if it was an anomaly or equipment failure. The field staff, which took the sample, concluded that it was an anomaly. The Petitioners did not rebut this evidence. Ms. Martin was of the opinion that the ground water monitoring scheme was inadequate and she would prefer a different plan, but she failed to prove that the ground water monitoring plan was did not comply with the IDEM regulations. The fact that Ms. Martin prefers a different ground water monitoring plan does not constitute sufficient evidence that the approved ground water monitoring plan is inadequate.

¹⁵ Supplement/Amended Petition for Administrative Review, filed July 1, 2009, paragraph C.5.

¹⁶ Defendant's Exhibit A is an enlargement of the corresponding pages in Plaintiffs' Exhibit 15.

¹⁷ *Union-Go Dairy LLC*, 2008 OEA 163, Finding of Fact #15 at 168; Conclusion of Law #23 at 174.

¹⁸ Supplement/Amended Petition for Administrative Review, filed July 1, 2009, paragraph C.6.

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19. In an abundance of caution, in the initial Permit, IDEM required the synthetic liner's installation in the manure storage pond. This liner has failed, as shown by the bubbles which formed under the synthetic liner. However, the fact that the synthetic liner failed does not mandate a conclusion that the clay liner is not protective and will not meet the minimum seepage rates. In order to find that IDEM erred in not requiring another synthetic liner for the new pond or a replacement for the existing pond, the Petitioners would have to present evidence not just that the synthetic liner failed but that the clay liner was not protective. The Petitioners offered speculation that the clay liner would leak, but did not present evidence that the clay liner did not meet the seepage requirements. Speculation, without evidence, is not sufficient to meet the burden of proof. Ms. Martin was not qualified to testify regarding geological/hydrogeological issues and did not testify regarding these allegations. The Petitioners did not present any other evidence. Therefore, there was no evidence that the subsurface investigation was inadequate.¹⁹
20. The Petitioners argue that Union-Go failed to submit the Soil Conservation Practice Plan (SCPP) to IDEM. However, Union-Go was not required to do so. In accordance with the terms of the Modification, Union-Go was required to have the SCPP on-site. Union-Go provided proof that the Plan was maintained on site in accordance with the terms of the Modification.²⁰
21. Regarding the remaining allegations, the Petitioners argue that the Modification's and Renewal's terms and conditions were insufficient in their opinion. However, to meet their burden, they must present more than their opinion that there is a better way to do something. They must prove that IDEM failed to comply with the applicable regulations or abused its discretion. While the Petitioners have presented evidence of management practices that may be as effective as those chosen by the IDEM, it has not presented sufficient evidence to support its contentions that the IDEM did not act in accordance with the regulations or exercise its discretion in a reasonable manner.
22. Specifically, the Petitioners failed to provide sufficient evidence to prove their allegations that IDEM erred in issuing the Modification and Renewal. Judgment should be entered in Union-Go's favor.

FINAL ORDER

The presiding Environmental Law Judge, being duly advised, hereby **ORDERS, ADJUDGES AND DECREES** that judgment is entered in favor of Union-Go Dairy LLC and the Indiana Department of Environmental Management.

¹⁹ Supplement/Amended Petition for Administrative Review, filed July 1, 2009, paragraph C.7.

²⁰ Plaintiffs' Exhibit 29, NPDES Permit Modification, page 19 of 43, paragraph G.2.

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You are further notified that pursuant to provisions of I.C. § 4-21.5-7-5, the Office of Environmental Adjudication serves as the ultimate authority in administrative review of decisions of the Commissioner of the Indiana Department of Environmental Management. This is a Final Order subject to Judicial Review consistent with applicable provisions of I.C. § 4-21.5. Pursuant to I.C. § 4-21.5-5-5, a Petition for Judicial Review of this Final Order is timely only if it is filed with a civil court of competent jurisdiction within thirty (30) days after the date this notice is served.

IT IS SO ORDERED this 19th day of April, 2016 in Indianapolis, IN.

Hon. Catherine Gibbs
Environmental Law Judge