



11/22/2024

Sweet-Lan Farms, LLC  
Attn: Louis Schwieterman  
4168 Harrison Road  
Celina, OH 45822

RE: DFFO  
NPDES  
Mercer County  
8CU00734

Mr. Schwieterman:

Transmitted herewith is one copy of the Director's Final Findings & Orders in the referenced matter.

Sincerely,

Tyler Liston, Manager  
Permits Processing  
Division of Surface Water

TL/jj

Enclosure

**CERTIFIED MAIL**

ec: L. Reeder, DSW  
R. Demuth, DSW  
J. Hamilton, DSW  
D. Turner, DSW  
T. Poffenbarger, NWDO, DSW  
B. Fischbein, Legal  
Journal Room  
File

**BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**In the Matter Of:**

<b>Sweet-Lan Farms, LLC</b>	:	
<b>4168 Harrison Road,</b>	:	<b><u>Director's Final</u></b>
<b>Celina, Ohio 45822</b>	:	<b><u>Findings and Orders</u></b>
<b>Respondent</b>	:	
	:	

**PREAMBLE**

It is agreed by the parties hereto as follows:

**I. JURISDICTION**

These Director's Final Findings and Orders ("Orders") are issued to Sweet-Lan Farms, LLC ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Chapters 6111 and 3745.

**II. PARTIES BOUND**

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law.

**III. DEFINITIONS**

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 6111 and the rules promulgated thereunder.

**IV. FINDINGS**

The Director of Ohio EPA has determined the following findings:

1. Respondent owns Sweet-Lan Farms, located at 4168 Harrison Road, Celina, Ohio 45822 (the "Site").
2. On June 7, 2024, Ohio EPA Office of Emergency Response ("OER") was notified of a fish kill in Prairie Creek. Mercer County Soil and Water ("MCSW") reported to the Site and informed the Ohio EPA On-Scene Coordinator ("OSC") that manure impacted water had discharged from a 36-inch tile into Prairie Creek due to a malfunction in one of the pumps in the flush system. Respondent shut down the system when the release was discovered but estimated that it ran for at least two hours before being shut down, releasing an estimated 300,000 gallons of manure.
3. Prairie Creek is a "water of the state" as defined by ORC Section 6111.01.

## Director's Final Findings and Orders

Sweet-Lan Farms, LLC

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4. A contractor hired by Respondent brought four trucks on site to remove manure impacted water from the waterways as it discharged. The OSC tested the ammonia levels in the Prairie Creek and found elevated readings.
5. On June 8, 2024, the OSC discussed the elevated ammonia levels with Respondent, recommending that Respondent continue to pump and aerate until the creek is at acceptable ammonia levels. The ODNR Wildlife Officer contacted the OSC later that evening and provided current ammonia levels. It was determined that the tile plug could be removed but they should continue to aerate at the downstream locations.
6. On June 17, 2024, the ODNR Wildlife Officer contacted the OSC, and it was decided that due to decreased ammonia readings taken in the catch basin north of the farm, the water would be slowly allowed to flow to prevent a slug load in the waterway. Respondent had started to land apply from the lagoon to the hay fields.
7. On August 22, 2024, Ohio EPA OER issued a Notice of Violation ("NOV") letter to Respondent.
8. Respondent was invoiced for \$2,445.12 by Ohio EPA OER for its investigation costs. The full cost recovery payment is due November 12, 2024.
9. ODNR determined that 179 fish and 305 other aquatic animals were killed as a result of the discharge of manure into Prairie Creek, with a total cost of \$1,096.76.
10. ORC 6111.04(A)(1) "Acts of Pollution prohibited [...]" states: "No person shall cause pollution or place or cause to be placed any sewage, sludge, sludge material, industrial waste, or other wastes in a location where they cause pollution of any waters of the state."
11. OAC 3745-1-04 (A) through (D) "Criteria applicable to all waters" states: The following general water quality criteria shall apply to all surface waters of the state including mixing zones. To every extent practical and possible as determined by the director, these waters shall be as follows: (A) Free from suspended solids or other substances that enter the waters as a result of human activity and that will settle to form putrescent or otherwise objectionable sludge deposits, or that will adversely affect aquatic life. (B) Free from floating debris, oil, scum and other floating materials entering the waters as a result of human activity in amounts sufficient to be unsightly or cause degradation. (C) Free from materials entering the waters as a result of human activity producing color, odor or other conditions in such a degree as to create a nuisance. (D) Free from substances entering the waters as a result of human activity in

concentrations that are toxic or harmful to human, animal or aquatic life or are rapidly lethal in the mixing zone.

12. Respondent's discharge to waters of the state was in violation of ORC Section 6111.04(A)(1) and OAC 3745-1-04(C) and (D).
13. The Director has given consideration to, and based her determination on, evidence relating to the technical feasibility and economic reasonableness of complying with these Orders and to evidence relating to conditions calculated to result from compliance with these Orders, and its relation to the benefits to the people of the state to be derived from such compliance in accomplishing the purposes of ORC Chapter 6111.

#### **V. ORDERS**

1. Respondent shall pay to the Ohio EPA the amount of six thousand four hundred fifty-eight dollars and twelve cents (\$6,458.12) in settlement of the Ohio EPA's claim for civil penalties, which may be assessed pursuant to Chapter 6111 of the Ohio Revised Code. Within thirty (30) days after the effective date of these Orders, payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio". The official check shall be submitted to Carol Butler, or her successor, together with a letter identifying the Respondent, to:

Ohio Environmental Protection Agency  
Office of Fiscal Administration  
P.O. Box 1049  
Columbus, Ohio 43216-1049

A copy of the check shall be sent to Larry Reeder, Environmental Manager, Enforcement Section, or his successor, at the following address:

Ohio Environmental Protection Agency  
Division of Surface Water  
P.O. Box 1049  
Columbus, Ohio 43216-1049

#### **VI. TERMINATION**

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and the Chief of Ohio EPA's Division of Surface Water acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations

that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. For purposes of these Orders, a responsible official is as defined in OAC Rule 3745-33-03(F).

#### **VII. OTHER CLAIMS**

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to activities occurring on or at the site.

#### **VIII. OTHER APPLICABLE LAWS**

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state, and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

#### **IX. MODIFICATIONS**

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

#### **X. RESERVATION OF RIGHTS**

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XI of these Orders.

#### **XI. WAIVER**

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

**XII. EFFECTIVE DATE**

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

**XIII. SIGNATORY AUTHORITY**

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

**IT IS SO ORDERED AND AGREED:**

**Ohio Environmental Protection Agency**

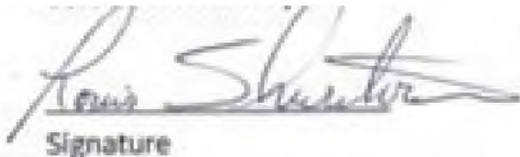


Anne M. Vogel  
Director

11/22/2024  
Date

**IT IS SO AGREED:**

**Sweet-Lan Farms, LLC**



Signature

11-22-24  
Date

Louis Schuster  
Printed or Typed Name

Member  
Title