



March 25, 2014

Jim Ditter, CEO
PPC Partners
5070 North 35th Street
Milwaukee, WI 53209

Casetrack ID# 2014-SCEE-001

Subject: **SECOND NOTICE OF VIOLATION / ENFORCEMENT CONFERENCE**

Dear Mr. Ditter:

The Department of Natural Resources has reason to believe that Clear Horizons Dane, LLC is in violation of Wisconsin Pollution Discharge Elimination System (WPDES) permit #WI-0064530-01-0, and state water pollution control laws under Chapter 283, Wis. Stats. at property located at 6307 Cuba Valley Road, Town of Vienna, Dane County. These violations were documented as the result of a March 2014 pipe rupture and spill, failure to meet phosphorus removal requirements, and late reporting. The Department alleges the following violations:

1. Section 283.31(1), Wis. Stats. which states that the discharge of any pollutant into any waters of the state or the disposal of sludge from a treatment work by any person is unlawful unless such discharge or disposal is done under a permit issued by the department under this section or s. 283.33.

In the early morning hours of March 12, 2014 the main incoming manure pipeline from Ripp Dairy broke. As a result of the broken pipe, approximately 35,000 gallons of manure was released. The manure was contained on Clear Horizons' property.

A March 14, 2014 Spill Report submitted to the Department indicates that the spill was caused by a high pressure break in the pipe. The report indicates the cause of this break and spill is different from the previous incidents in November 2013, and January 2014. Clear Horizons believes the previous incidents were the result of pipe shearing from ground settling or other vibration/movement.

2. WPDES Permit Section 2.2.5 requires the removal of 60% of total phosphorus from manure. Clear Horizons failed to remove 60 percent of incoming total phosphorus from the manure during the following time periods in 2013:

January 1-28, February 1-28, March 1-28, April 1-28, May 1-28, June 1-28, July 1-28, August 1-28, September 1-7, September 15-28, October 1-14, October 22-28, November 1-28, December 15-28.

We have scheduled the following Enforcement Conference to discuss this matter in more detail:

Conference Date: Thursday April 17, 2014
Conference Time: 10:00 AM
Location: Fitchburg Service Center
Gathering Waters Conference Room
3911 Fish Hatchery Road, Fitchburg

We request you attend the Enforcement Conference as it is an important opportunity to discuss the circumstances surrounding the alleged violations and to learn your perspective on this matter. Please note that in an effort to encourage a candid and productive conversation, attendance is limited to you, your legal counsel and others with the technical expertise necessary to understand, evaluate and correct the violation.

The Department's enforcement decision will be based upon available information if you do not attend the Enforcement Conference.

Please come to the enforcement conference prepared to discuss the following information:

- Provide results from pipe pressure testing that took place during construction of the facility and any other construction documentation demonstrating proper construction of the facility. If pressure testing was not done, then all piping should be pressure tested in accordance with NRCS Wisconsin Construction Specification 634 Waste Transfer Pipe or equivalent. Results should be provided to us.
- Provide a letter from the pipe/fitting manufacturer with an opinion on why the fittings failed and an opinion on if the materials used are suitable for their intended use.
- Provide a report from an independent qualified consultant investigating and determining the cause of the pipe failures and solutions for preventing future failures.
- Provide a description of any operational changes that have occurred since start up.
- Provide assurance that the facility will be staffed 24 hours a day, 7 days per week until the cause of failure can be determined.
- Provide a timeline for completing all tasks.

Also, come prepared to discuss the documents that Clear Horizons agreed to submit to the Department by April 11, 2014. These documents are outlined in the March 25, 2014 enforcement conference summary letter.

Please be advised that violations of Chapter 283, Wis. Stats., may be referred to the Department of Justice to obtain court ordered compliance and penalties up to \$10,000 per violation per day.

If you have questions or need to reschedule the conference, please contact me at 608-275-3306.

Sincerely,



Pamela Buss

Environmental Enforcement Specialist

cc: Leo Maney, Authorized Representative - Clear Horizons Dane, LLC, 5070 North 35th Street,
Milwaukee, WI 53209
Monte Lamer, Plant Manager- Clear Horizons Dane, LLC, 6321 Cuba Valley Road, Dane, WI
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Kevin Connors and Dave Merritt – Dane County
David Mosher- SCR
Mike Schmoller – SCR
Mark Cain – SCR
Andy Morton – SCR
Tim Ryan – SCR
Robin Nyffeler – LS/8