



July 30, 2020

Anthony Lapinski
Properties/Construction Project Manager
Meljer
2350 Three Mile Rd. NW
Grand Rapids, MI 49544
Via email to: anthony.lapinski@meljer.com

Victor Perez
Maintenance Manager/812 Dairy
Meljer
4212 S. County Rd. 25A
Tipp City, OH 45371
Via email to: victor.perez@meljer.com

Re: Ongoing Violations of "Industrial User Wastewater Discharge Permit No. TI-005" and terms of "Consent Order" dated November 19, 2018, as to Permit No. TI-005

Mr. Lapinski and Mr. Perez:

Meijer operates the Meijer Dairy Purple Cow Creamery ("Meijer Dairy" or "Dairy") under the terms of an Industrial User Wastewater Discharge Permit, specifically Permit No. TI-005, and a November 19, 2018, Consent Order, entered into between Meijer Dairy, Tipp City, and the Tri-Cities North Regional Wastewater Authority ("Tri-Cities"). This arrangement has been beneficial to Meijer and the City, but with the Dairy's increase in output, there are ongoing compliance issues with wastewater discharge under the terms of the permit. These issues need to be addressed.

This is not the first instance of issues with wastewater discharge, which is why the Consent Order was agreed to back in November of 2018. In that Consent Order, Meijer acknowledged that it had consistently violated the daily loading pollutant limit for Biological Oxygen Demand materials (BOD) under its permit. In order to address the matter, a timeline was created to address the violations and bring Meijer Dairy into compliance with its permit, on or before December 31, 2019. The deadlines for this end goal, and several benchmarks along the way, were not met, and Meijer Dairy continues to be in violation of its permit, with no end point in site to bring about permit compliance. Further, Meijer Dairy continues to operate in violation of their discharge permit due to the use of a large diesel pump. This pump was not included in the Permit To Install (PTI) approved by Tipp City, TCA, and Ohio EPA and needs to be removed from the site immediately.

For first quarter of this year, the Dairy was not in compliance for the majority of the days it was tested. For January there were 13 days where flow was sampled and 8 days where permitted BOD loads were exceeded. For February there were 13 days where flow was sampled and

9 days where permitted BOD loads were exceeded. For March there were 14 days where flow was sampled and 12 days where permitted BOD loads were exceeded. Ongoing violations have carried over into the second quarter of this year as well. In addition, the Regional Air Pollution Control Agency (RAPCA) has received odor complaints from residents of nearby area developments. Tipp City and TCA staff observed these strong odors at the Meijer Dairy pretreatment facility during the recent annual inspection.

As discussed in your recent meeting with representatives from the City and Tri-Cities, these violations have reached a point where the Ohio EPA requires publication of a notice of "Significant Non Compliance." Further, there may be more direct participation in the monitoring process by the Ohio EPA, and an increase in testing from 3 days per week to 5 days per week. Although Meijer has paid fees/penalties for noncompliance, there does not appear to be a plan in place outlining steps taken, or to be taken, to rectify the problem.

While the express terms of Permit TI-005 have expired, Meijer Dairy is currently operating under an extension of that permit which is in effect while a new permit application is being reviewed under the renewal process. We would like to address the present concerns of the City, residents, the Ohio EPA, and RAPCA promptly, and without pursuing any other rights or remedies allowed under the permit, which include, but are not limited to: 1) modification under XI. "SECTION 11 – COMPLIANCE SCHEDULES" at "F." to address "chronic or excessive violations of any ... effluent limitations"; or 2) enforcement of penalties under XV. "Part 15 – ADDITIONAL REPORTING REQUIREMENTS" at "F. Civil and Criminal Liability," referencing O.R.C. 6111.99. Without any direction as to how Meijer intends to address these issues, the length of any permit issued on the renewal application and the nature of ongoing access to the wastewater discharge system may need to be considered.

Please contact us upon receipt to discuss what steps are being taken to bring the Meijer Dairy into compliance with Permit No. TI-005, and to ensure operation of the Dairy consistent with the best interest of all parties. Thank you for your time and attention to this matter.

Respectfully,



Timothy J. Eggleston, ICMA-CM
City Manager



Jonathan B. Freeman
Law Director



Eric Mack
Director of Municipal Services and Eng.



Tipp City



November 19, 2018

**City of Tipp City and Tri-Cities North Regional Wastewater Authority
Consent Order**

**IN THE MATTER OF:
Meijer Dairy Purple Cow Creamery
Permit No. 11-005
4200 S. County Rd 25A
Tipp City, Ohio 45371**

* **Kevin Price, City of Tipp City Water & Sewer**
* **David J. Heckler, TCA General Manager**
* **Jeremy Bowser, Veolia North America**
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CONSENT ORDER

WHEREAS, the City of Tipp City Division of Water and Sewer and the Tri-Cities North Regional Wastewater Authority (hereinafter, TCA) pursuant to the powers, duties and responsibilities vested in and imposed upon the Superintendent by provisions of the City's Sewer Use Ordinance have conducted an ongoing investigation of Meijer Dairy Purple Cow Creamery (hereinafter, Meijer Dairy) and have determined that:

- 1. The City of Tipp City has an Industrial Sewer Use Ordinance which prohibits the discharge to a public sewer any wastewater containing pollutants of such character or quantity that will cause the POTW treatment plant to violate its NPDES permit or applicable receiving water standards (§ 54.13 (F)(3)).**
- 2. Further, the City of Tipp City Industrial Sewer Use Ordinance indicates if any waters or wastes are discharged to the POTW which contain the substances or possess characteristics which have a deleterious effect upon the POTW, the city may require pretreatment to an acceptable condition for discharge to the POTW (§ 54.13 (E)(1)(b)).**
- 3. Meijer Dairy discharges wastewater into a sanitary sewer owned by the City of Tipp City.**
- 4. The City of Tipp City discharges wastewater collected from the Tipp City into an interceptor owned and operated by TCA which eventually discharges to a wastewater treatment plant owned and operated by TCA.**

5. This said wastewater treatment plant is adversely impacted by discharges from Meijer Dairy and has implemented a pretreatment program to control such discharges.
6. Meijer Dairy has consistently violated the daily loading pollutant limit of Biological Oxygen Demand (hereinafter, BOD) in its wastewater discharge permit as set forth in Exhibit 1, attached hereto.
7. Therefore, to ensure Meijer Dairy is brought into compliance with its permit limits at the earliest possible date. IT IS HEREBY AGREED AND ORDERED, BETWEEN Meijer Dairy, THE TCA GENERAL MANAGER AND THE CITY OF TIPP CITY WATER AND SEWER SUPERINTENDENT, THAT Meijer Dairy SHALL:
 - a. As of July 1, 2018 Meijer Dairy's current daily BOD loading limit of 1,500 pounds will be temporarily suspended. All sampling and reporting requirements in its wastewater discharge permit as set forth in Exhibit 1, attached, will continue.
 - b. By October 1, 2018, obtain engineering services for design of an MBR system and a pretreatment product recapture and recover system internal to the plant, which will bring Meijer Dairy into compliance with its wastewater discharge permit.
 - c. By December 17, 2018, complete construction of and place online an additional 300,000 gallon equalization and aeration tank.
 - d. By February 4, 2019, submit plans and specifications for the proposed pretreatment system to TCA for review.
 - e. By December 31, 2019, achieve compliance with the limits set forth in Exhibit 1.
 - f. Meijer Dairy shall pay \$1000 per day for each and every day it fails to comply with the schedule set out in items b-e above. The \$1,000 per day penalty shall be paid to City of Tipp City within 5 days of being demanded by City of Tipp City.
8. In the event Meijer Dairy fails to comply with any of the deadlines set forth, Meijer Dairy shall, within one (1) working day after expiration of the deadline, notify City of Tipp City and TCA in writing. This notice shall describe the reasons for Meijer Dairy's failure to comply, the additional amount of time needed to complete the remaining work, and the steps to be taken to avoid future delays. This notification in no way excuses Meijer Dairy from its responsibility to meet any later milestones required by this Consent Order.

9. Compliance with the terms and conditions of this Consent Order shall not be construed to relieve Meijer Dairy of its obligations to comply with its wastewater discharge permit which remains in full force and effect. The City reserves the right to seek any and all remedies available to it under Section (§ 52.99) of the City of Tipp City's Sewer Use Ordinance for any violation cited by this order.
10. Violation of this Consent Order shall constitute a further violation of the City's Sewer Use Ordinance and subjects Meijer Dairy to all penalties described in Section (§ 52.99) of the Sewer Use Ordinance.
11. Nothing in this Consent Order shall be construed to limit any authority of the City or issue any other orders or take any other action which it deems necessary to protect the wastewater treatment plant, the environment or public health and safety.

SIGNATORIES

MEIJER DISTRIBUTION, INC. d/b/a
Meijer Dairy Purple Cow Creamery


Name _____

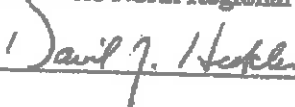
11-28-18
Date _____

FOR City of Tipp City


Name _____

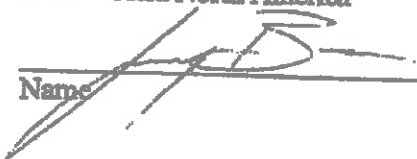
11/26/18
Date _____

FOR Tri-Cities North Regional Wastewater Authority


Name _____

11/20/18
Date _____

FOR Veolia North America


Name _____

11/20/18
Date _____

Meiler Daily Monitoring Report

DATE: January 2020

PARAMETERS	UNITS	1/7/2020	1/8/2020	1/9/2020	1/10/2020	1/14/2020	1/15/2020	1/16/2020	1/21/2020	1/22/2020	1/23/2020	1/28/2020	1/29/2020	1/30/2020
Total Flow	GPD	258087	187341	184715	268859	285221	294618	172818	194124	199174	218541	192353	189129	201967
BOD	mg/L	950	970	1200	626	660	900	650	1200	930	970	860	850	690
BOD in Pounds	LBS.	2044.8	1515.6	1848.6	1403.7	1570.0	2211.4	936.8	1942.8	1544.8	1768.0	1379.6	1340.7	1162.2
Above 1500 LBS.		Yes	Yes	Yes	No	Yes	Yes	No	Yes	Yes	Yes	No	No	No
BILLABLE AMOUNT		\$1000	\$1000	\$1000	\$0	\$1000	\$1000	\$0	\$1000	\$1000	\$1000	\$0	\$0	\$0

Total Billable Amount for Month \$8,000.00

Mellier Dairy Monitoring Report

DATE: February 2020

PARAMETERS	UNITS	2/4/2020	2/5/2020	2/6/2020	2/11/2020	2/12/2020	2/13/2020	2/18/2020	2/19/2020	2/20/2020	2/21/2020	2/25/2020	2/26/2020	2/27/2020
Total Flow	GPD	287139	258595	Meter Error	197211	205694	215112	303527	312667	304039	292649	316121	282125	304713
BOD	mg/L	380	540	590	710	1200	1100	740	870	680	722	700	960	730
BOD In Pounds	LBS.	910.0	1164.6	0.0	1167.8	2058.6	1973.4	1873.2	2268.6	1724.3	1762.2	1845.5	2258.8	1855.2
Above 1500 LBS.		No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
BILLABLE AMOUNT		\$0	\$0	\$0	\$0	\$1000	\$1000	\$1000	\$1000	\$1000	\$1000	\$1000	\$1000	\$1000

Total Billable Amount for Month \$9,000.00

Meijer Dairy Monitoring Report

DATE: March 2020

PARAMETERS	UNITS	3/3/2020	3/4/2020	3/5/2020	3/6/2020	3/10/2020	3/11/2020	3/12/2020	3/17/2020	3/18/2020	3/19/2020	3/24/2020	3/25/2020	3/26/2020	3/31/2020
Total Flow	GPD	314473	200031	278239	311821	165130	260706	235865	330242	401684	207249	306018	381435	380107	368474
BOD	mg/L	520	1000	1100	680	460	1100	940	840	970	1100	680	480	1200	550
BOD in Pounds	LBS.	1363.8	1668.3	2552.6	1794.4	633.5	2391.7	1849.1	2313.5	3249.5	1901.3	1761.0	1527.0	3804.1	1781.9
Above 1500 LBS.		No	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
BILLABLE AMOUNT		\$0	\$1000	\$1000	\$1000	\$0	\$1000	\$1000	\$1000	\$1000	\$1000	\$1000	\$1000	\$1000	\$1000

Total Billable Amount for Month \$12,000.00

Mieller Dairy Monitoring Report

DATE: April 2020

PARAMETERS	UNITS	4/1/2020	4/7/2020	4/8/2020	4/9/2020	4/10/2020	4/14/2020	4/15/2020	4/16/2020	4/21/2020	4/22/2020	4/23/2020	4/28/2020	4/29/2020
Total Flow	GPD	404985	360307	189237	208561	302267	322565	274463	222108	276246	215965	344568	332623	278793
BOD	mg/L	470	900	460	920	1360	1000	1000	1100	800	930	830	970	950
BOD In Pounds	LBS.	1587.5	2704.5	726.0	1600.2	3428.4	2690.2	2289.0	2037.6	1843.1	1675.1	2385.2	2690.9	2208.9
Above 1500 LBS.		Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
BILLABLE AMOUNT		\$1000	\$1000	\$0	\$1000	\$1000	\$1000	\$1000	\$1000	\$1000	\$1000	\$1000	\$1000	\$1000

Total Billable Amount for Month

\$14,000.00

Meiler Daily Monitoring Report

DATE: May 2020

PARAMETERS	UNITS	5/5/2020	5/6/2020	5/7/2020	5/12/2020	5/13/2020	5/14/2020	5/15/2020 City	5/19/2020	5/20/2020	5/21/2020	5/26/2020	5/27/2020	5/28/2020
Total Flow	GPD	365092	256647	290807	275315	269606	347580	335122	310286	223915	375221	357119	261545	393111
BOD	mg/L	570	1100	540	480	1000	700	583	510	570	750	440	400	730
BOD in Pounds	LBS.	1735.6	2354.5	1309.7	1102.1	2248.5	2029.2	1629.4	1319.8	1064.4	2347.0	1310.5	872.5	2393.3
Above 1500 LBS.		Yes	Yes	No	No	Yes	Yes	Yes	No	No	Yes	No	No	Yes
BILLABLE AMOUNT		\$1000	\$1000	\$0	\$0	\$1000	\$1000	\$1000	\$0	\$0	\$1000	\$0	\$0	\$1000

Total Billable Amount for Month \$7,000.00

Meller Daily Monitoring Report

DATE: June 2020

PARAMETERS	UNITS	6/2/2020	6/3/2020	6/4/2020	6/9/2020	6/10/2020	6/11/2020	6/12/2020	6/16/2020	6/17/2020	6/18/2020	6/23/2020	6/24/2020	6/25/2020	6/30/2020
Total Flow	GPD	310208	404065	399621	268010	362289	245744	264580	326696	376990	251952	256124	376122	259128	409719
BOD	mg/L	1500	260	630	610	990	650	1380	770	450	910	850	380	640	320
BOD in Pounds	LBS.	3880.7	876.2	2089.7	1363.5	2991.3	1332.2	3045.1	2098.0	1414.8	1912.2	1815.7	1192.0	1383.1	1099.5
Above 1500 LBS.		Yes	No	Yes	No	Yes	No	Yes	Yes	No	Yes	Yes	No	No	No
BILLABLE AMOUNT		\$1000	\$0	\$1000	\$0	\$1000	\$0	\$1000	\$1000	\$0	\$1000	\$1000	\$0	\$0	\$0

Total Billable Amount for Month \$7,000.00

Meijer Dairy Monitoring Report

DATE: July 2020

PARAMETERS	UNITS	7/1/2020	7/2/2020	7/7/2020	7/8/2020	7/9/2020	7/14/2020	7/15/2020	7/16/2020	7/17/2020	7/21/2020	7/22/2020	7/23/2020	7/28/2020	7/29/2020
Total Flow	GPD	151122	346704	138046	256134	210496	203044	286482	251097	252507	296113	391541	427911	292178	396873
BOD	mg/L	370	300	650	420	630	300	200	590	1340	480	360	926	400	600
BOD in Pounds	LBS.	466.3	867.5	748.3	897.2	1106.0	508.0	477.9	1235.5	2821.9	1193.4	1175.6	3304.7	974.7	1986.0
Above 1500 LBS.		No	No	No	No	No	No	No	No	Yes	No	No	Yes	No	Yes
BILLABLE AMOUNT		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1000	\$0	\$0	\$1000	\$0	\$1000

Total Billable Amount for Month \$4,000.00

Meiler Daily Monitoring Report

DATE: August 2020

PARAMETERS	UNITS																			
Total Flow	GPD																			
BOD	mg/L																			
BOD in Pounds	LBS.	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Above 1500 LBS.		No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No
BILLABLE AMOUNT		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Total Billable Amount for Month \$0.00

Meiler Dairy Monitoring Report

DATE: September 2020

PARAMETERS	UNITS																			
Total Flow	GPD																			
BOD	mg/L																			
BOD In Pounds	LBS.	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Above 1500 LBS.		No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No
BILLABLE AMOUNT		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Total Billable Amount for Month

\$0.00

4/30/2020
310411
890
2304.1
Yes
\$1000



Brent Sherman
Plant Manager
Meijer Dairy
4212 CR 25A
Tipp City, Ohio 45371

December 9, 2019

RE: Notice of Violation (NOV) – Permit # TI-005

Meijer Dairy violated “*Part IX (Part 9) Slug Discharge Control Plan Requirements*” of its Wastewater Discharge Permit TI-005 by failing to follow the procedures outlined in their facilities approved Slug Discharge Control Plan (SDCP). On November 20, 2019 and continuing into November 21, 2019 a significant product dump occurred in Meijer’s production facility. The dump resulted in very high TSS and BOD discharges from the plant effluent and continued downstream 13.5 miles to the POTW, causing discoloration and lower than normal pH readings at the head of the treatment plant. Upon reading Meijer’s follow up letter dated December 3, 2019 describing the November incident, it is clear that Meijer did not follow the steps described in their SDCP and had this plan been followed, the resulting discharge would have been significantly less noxious to the collection system and treatment plant.

Since Meijer currently has a permit approved SDCP in place, we are requesting Meijer review this SDCP with all relevant staff at their facilities and provide written documentation that the review was completed by December 27, 2019. In Meijer’s upcoming permit renewal, the current SDCP will also be reviewed by the Permit and Control Authorities and additional modifications may be requested.

Should you have any questions about this correspondence or the pretreatment program, please contact Kevin Price at 937-313- 9361 or Jeremy Bowser at 937-603-4641

Kevin Price
Pretreatment Program Coordinator
City of Tipp City

David J. Heckley
TCA General Manager

Jeremy Bowser
Control Authority Agent
Veolia NA

**Cc: Anthony Lapinski, Meijer
Victor Perez, Meijer
Eric Mack, Tipp City**



Brent Sherman
Plant Manager
Meijer Dairy
4212 CR 25A
Tipp City, Ohio 45371

January 14, 2020

RE: Notice of Violation (NOV) – Permit # TI-005

Meijer Dairy violated "*Part VIII (A) Reporting Requirements*" of its Wastewater Discharge Permit TI-005 by failing to submit a signed fourth quarter industrial user monitoring report by the required date of January 7, 2020.

Meijer has since provided the required monitoring report via email on January 13, 2020 and a hard copy was delivered to the Tipp City Govt Center on the 13th as well.

Should you have any questions about this correspondence or the pretreatment program, please contact Kevin Price at 937-313- 9361 or Jeremy Bowser at 937-603-4641

Kevin Price
Pretreatment Program Coordinator
City of Tipp City

David J. Heckler
TCA General Manager

Jeremy Bowser
Control Authority Agent
Veolia NA

Cc: Anthony Lapinski, Meijer
Victor Perez, Meijer
Eric Mack, Tipp City



Brent Sherman
Plant Manager
Meijer Dairy
4212 CR 25A
Tipp City, Ohio 45371

May 22, 2020

RE: Notice of Violation (NOV) – Permit # TI-005

Meijer Dairy violated its *Wastewater Discharge Permit TI-005* for BOD5 daily loading during the second quarter monitoring period of April 2020. Meijer Dairy reported fourteen (14) BOD5 daily loading exceedances as a result of their in-house weekly sampling. Exceedances are as follows:

<i>Date</i>	<i>Parameter</i>	<i>Result</i>	<i>Limit</i>
04/01/2020	BOD5 Daily Loading	1,587 lbs/day	1,500 lbs/day
04/02/2020	BOD5 Daily Loading	3,569 lbs/day	1,500 lbs/day
04/07/2020	BOD5 Daily Loading	2,704 lbs/day	1,500 lbs/day
04/09/2020	BOD5 Daily Loading	1,600 lbs/day	1,500 lbs/day
04/10/2020	BOD5 Daily Loading	3,428 lbs/day	1,500 lbs/day
04/14/2020	BOD5 Daily Loading	2,690 lbs/day	1,500 lbs/day
04/15/2020	BOD5 Daily Loading	2,289 lbs/day	1,500 lbs/day
04/16/2020	BOD5 Daily Loading	2,037 lbs/day	1,500 lbs/day
04/21/2020	BOD5 Daily Loading	1,843 lbs/day	1,500 lbs/day
04/22/2020	BOD5 Daily Loading	1,675 lbs/day	1,500 lbs/day
04/23/2020	BOD5 Daily Loading	2,385 lbs/day	1,500 lbs/day
04/28/2020	BOD5 Daily Loading	2,690 lbs/day	1,500 lbs/day
04/29/2020	BOD5 Daily Loading	2,208 lbs/day	1,500 lbs/day
04/30/2020	BOD5 Daily Loading	2,304 lbs/day	1,500 lbs/day

These daily BOD5 loading exceedances are a summary of Meijer Dairy's inability to meet their discharge limit of 1,500 lbs. on a consistent basis. Meijer was under Administrative Orders through December 31, 2019. The orders provided directive for Meijer to reach milestones towards ultimately meeting their permit limit for daily BOD5 loading of 1,500 pounds. Per the Administrative Orders, fines are now being levied by Tipp City against Meijer for each day of non-compliant effluent BOD loadings.

A facility inspection and discussion to evaluate possible steps that can be taken to alleviate Meijer's non-compliant standing will be scheduled as soon as COVID-19 restrictions are lifted

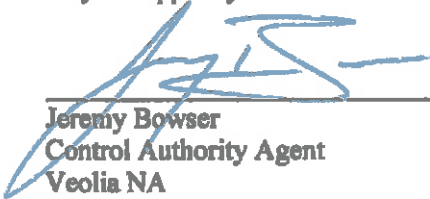
Should you have any questions about this letter or the pretreatment program, please contact Kevin Price at 937-313- 9361 or Jeremy Bowser at 937-603-4641



Kevin Price
Pretreatment Program Coordinator
City of Tipp City



David J. Heckler
TCA General Manager



Jeremy Bowser
Control Authority Agent
Veolia NA

Cc: Victor Perez, Meijer
Jimmy Long, Meijer
Eric Mack, Tipp City



Brent Sherman
Plant Manager
Meijer Dairy
4212 CR 25A
Tipp City, Ohio 45371


December 9, 2019

RE: Notice of Violation (NOV) – Permit # TI-005

Meijer Dairy violated "*Part XV (D) Additional Reporting Requirements*" of its Wastewater Discharge Permit TI-005 by failing to report a large product dump in its production facility, which began on November 20, 2019 and continued into November 21, 2019. The dump resulted in very high TSS and BOD discharges from the plant effluent and continued downstream 13.5 miles to the POTW, causing discoloration and lower than normal pH readings at the head of the treatment plant. As described in Meijer's permit, notification of any upset in operation or temporary noncompliance must be reported immediately to the Permit Authority and Control Authority. Concerning the incident on November 20 and 21, Meijer made no attempt to notify either party and only acknowledged the incident after being contacted by the Permit Authority.

Meijer has since provided the required follow-up letter dated December 3, 2019, which describes the occurrence and Meijer's plans to prevent incidents of this type in the future.

Should you have any questions about this correspondence or the pretreatment program, please contact Kevin Price at 937-313- 9361 or Jeremy Bowser at 937-603-4641



Kevin Price
Pretreatment Program Coordinator
City of Tipp City



David J. Heckler
TCA General Manager



Jeremy Bowser
Control Authority Agent
Veolia NA

Cc: Anthony Lapinski, Meijer
Victor Perez, Meijer
Eric Mack, Tipp City



Brent Sherman
 Plant Manager
 Meijer Dairy
 4212 CR 25A
 Tipp City, Ohio 45371

June 22, 2020

RE: Notice of Violation (NOV) – Permit # TI-005

Meijer Dairy violated its *Wastewater Discharge Permit TI-005* for BOD5 daily loading during the second quarter monitoring period of May 2020. Meijer Dairy reported Six (6) BOD5 daily loading exceedances as a result of their in-house weekly sampling and Tipp City reported one (1) during their monthly sampling. Exceedances are as follows:

<i>Date</i>	<i>Parameter</i>	<i>Result</i>	<i>Limit</i>
05/05/2020	BOD5 Daily Loading	1,735 lbs/day	1,500 lbs/day
05/06/2020	BOD5 Daily Loading	2,354 lbs/day	1,500 lbs/day
05/13/2020	BOD5 Daily Loading	2,248 lbs/day	1,500 lbs/day
05/14/2020	BOD5 Daily Loading	2,029 lbs/day	1,500 lbs/day
05/15/2020	BOD5 Daily Loading	1,629 lbs/day	1,500 lbs/day
05/21/2020	BOD5 Daily Loading	2,347 lbs/day	1,500 lbs/day
05/28/2020	BOD5 Daily Loading	2,393 lbs/day	1,500 lbs/day

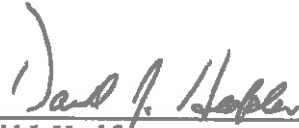
These daily BOD5 loading exceedances are a summary of Meijer Dairy's inability to meet their discharge limit of 1,500 lbs. on a consistent basis. Meijer was under Administrative Orders through December 31, 2019. The orders provided directive for Meijer to reach milestones towards ultimately meeting their permit limit for daily BOD5 loading of 1,500 pounds. Per the Administrative Orders, fines are now being levied by Tipp City against Meijer for each day of non-compliant effluent BOD loadings.

A facility inspection and discussion to evaluate possible steps that can be taken to alleviate Meijer's non-compliant standing has been scheduled for July 9, 2020

Should you have any questions about this letter or the pretreatment program, please contact Kevin Price at 937-313- 9361 or Jeremy Bowser at 937-603-4641



Kevin Price
Pretreatment Program Coordinator
City of Tipp City



David J. Heckler
TCA General Manager



Jeremy Bowser
Control Authority Agent
Veolia NA

Cc: Victor Perez, Meijer
Jimmy Long, Meijer
Eric Mack, Tipp City



Brent Sherman
 Plant Manager
 Meijer Dairy
 4212 CR 25A
 Tipp City, Ohio 45371

December 31, 2019

RE: Notice of Violation (NOV) – Permit # TI-005

Meijer Dairy violated its *Wastewater Discharge Permit TI-005* for effluent pH during the fourth quarter monitoring period of 2019. Meijer Dairy reported an effluent pH of 11 S.U. on December 23rd as a result of Meijer's continuous monitoring equipment. The result and explanation of the exceedance is as follows:

<i>Date</i>	<i>Parameter</i>	<i>Result</i>	<i>Limit</i>
12/23/2019	Eff pH	11 S.U.	6-9 S.U.

Your follow up letter dated January 13, 2020 addresses the pH violation and potential root cause, as well as mitigation to prevent future exceedances. Summary of this letter is as follows:

Root Cause

At 6:00 am, 12/23/2019 operator David Fee contacted me to report high PH flowing into the Treatment Plant from the Dairy at 11ph. I investigated and found the cause to be a hand valve in the C.I.P room at the Dairy had been left open, allowing Caustic to overflow a catch basin and run to a nearby drain. Dairy operators were attempting to clean systems but were unable to achieve the proper conductivity levels so the caustic pump was running continuously through this hand valve to drain. I immediately closed hand valve to stop the flow and alerted affected employees.

During this time WWTP operator Dave Fee continued to treat water, attempting to bring the PH level down, with little success.

At 7:45 am the decision was made to shut down the WWTP, stopping flow to the city, and go into recirculating mode to get a handle on the situation.

At 8:00 am, operator Dave Fee notified you by phone of an elevated PH level in the discharge to the city.

Throughout the day we operated in recirculation mode, thoroughly mixing waste water in both our tanks, treating accordingly with acid to bring down the PH level. By 4:00 pm we were achieving a PH of 7 and TSS of 15, continuing recirculation mode until 5:00 pm at which point we resumed normal discharge to the city.


Mitigation

To remedy this issue, the following procedures have been put into place:

Manual hand valves for filling of Day Jugs have been locked, requiring a key and Supervisors approval for access.

Production Operators have been coached to investigate C.I.P. issues when systems are not operating normally and to get the Maintenance Team involved.

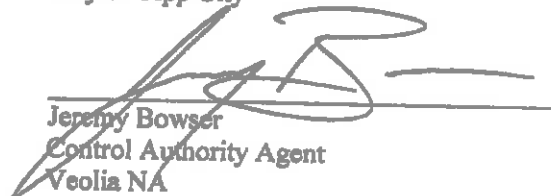
Should you have any questions about this correspondence or the pretreatment program, please contact Kevin Price at 937-313- 9361 or Jeremy Bowser at 937-603-4641



Kevin Price
Pretreatment Program Coordinator
City of Tipp City



David J. Heckler
TCA General Manager



Jeremy Bowser
Control Authority Agent
Veolia NA

Cc: Anthony Lapinski, Meijer
Victor Perez, Meijer
Eric Mack, Tipp City

Storm Water Facility Screening Form

Facility Number: KD-19

Type of Facility: Outfall Basin Detention Basin Other

Location Description: [ie Street Name, distance, N, S, E, W from major intersection, ect.]

12" concrete pipe on pedestal along ditch North of Evanston Rd.

Inspector Name: Alex Smith

Date of Inspection: 5/20/15

Time since last rainfall: 24 hours

Quantity of last rain: drizzle inches

<u>Water Level</u>	<u>Water Flow</u>	<u>Turbidity</u>	<u>Hydraulic Fluctuation</u>	<u>Water Color</u>	<u>Odor</u>
<input checked="" type="checkbox"/> Dry	<input checked="" type="checkbox"/> Dry	<input checked="" type="checkbox"/> Clear	<input checked="" type="checkbox"/> None	<input checked="" type="checkbox"/> None	<input checked="" type="checkbox"/> None
<input type="checkbox"/> Low	<input type="checkbox"/> Trickle	<input type="checkbox"/> Slight	<input type="checkbox"/> Normal	<input type="checkbox"/> Brown	<input type="checkbox"/> Fuel/Oil
<input type="checkbox"/> Normal	<input type="checkbox"/> 1 GPM	<input type="checkbox"/> Moderate	<input type="checkbox"/> Excessive	<input type="checkbox"/> Green	<input type="checkbox"/> Fishy
<input type="checkbox"/> High	<input type="checkbox"/> 5 GPM	<input type="checkbox"/> Very	<input type="checkbox"/> Indeterminent	<input type="checkbox"/> Gray	<input type="checkbox"/> Musty
<input type="checkbox"/> N/A	<input type="checkbox"/> 20 GP	<input type="checkbox"/> Susp Solids	Other: <u> </u>	<input type="checkbox"/> Dark	<input type="checkbox"/> Sewage
	<input type="checkbox"/> More	Other: <u> </u>		<input type="checkbox"/> Tannin	<input type="checkbox"/> Sulfur
				<input type="checkbox"/> White	<input type="checkbox"/> Sour Milk
				Other: <u> </u>	Other: <u> </u>

Other Problems/Notes: [ie grown over, living fish, trash ect.]

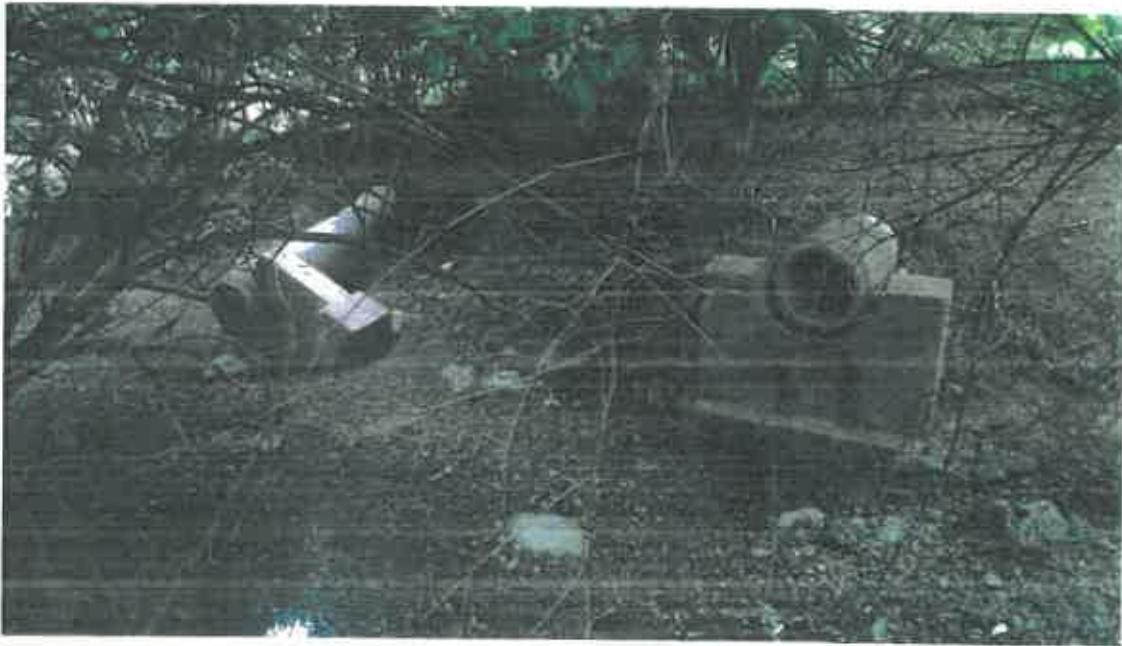
PEDASTAL IS STILL KNOCKED OVER!

Further Attention Recommended Yes No

Fix pedastal asap

Tipp City Dry Weather Screening Photos

Outfall KD 19 & KD 20



Map Reference Sheet: 11/11

Rough Location: Behind Hickory Hill Dr, along Evanston Rd.

Coordinates: 39°56'43" N 84°10'49" W



Brent Sherman
Plant Manager
Meijer Dairy
4212 CR 25A
Tipp City, Ohio 45371

February 15, 2020

RE: Notice of Violation (NOV) – Permit # TI-005

Meijer Dairy violated its *Wastewater Discharge Permit TI-005* for BOD5 daily loading during the first quarter monitoring period of January 2019. Meijer Dairy reported eight BOD5 daily loading exceedances as a result of their in-house weekly sampling. Exceedances are as follows:

<i>Date</i>	<i>Parameter</i>	<i>Result</i>	<i>Limit</i>
01/07/2020	BOD5 Daily Loading	2,044 lbs/day	1,500 lbs/day
01/08/2020	BOD5 Daily Loading	1,515 lbs/day	1,500 lbs/day
01/09/2020	BOD5 Daily Loading	1,848 lbs/day	1,500 lbs/day
01/14/2020	BOD5 Daily Loading	1,570 lbs/day	1,500 lbs/day
01/15/2020	BOD5 Daily Loading	2,211 lbs/day	1,500 lbs/day
01/21/2020	BOD5 Daily Loading	1,942 lbs/day	1,500 lbs/day
01/22/2020	BOD5 Daily Loading	1,544 lbs/day	1,500 lbs/day
01/23/2020	BOD5 Daily Loading	1,768 lbs/day	1,500 lbs/day

These daily BOD5 loading exceedances are a summary of Meijer Dairy's inability to meet their discharge limit of 1,500 lbs. on a consistent basis. Meijer was under Administrative Orders through December 31, 2019. The orders provided directive for Meijer to reach milestones towards ultimately meeting their permit limit for daily BOD5 loading of 1,500 pounds. Per the Administrative Orders, fines are now being levied by Tipp City against Meijer for each day of non-compliant effluent BOD loadings.

A meeting and facility audit is being scheduled for early March to evaluate possible steps that can be taken to alleviate Meijer's non-compliant standing.

Should you have any questions about this letter or the pretreatment program, please contact Kevin Price at 937-313- 9361 or Jeremy Bowser at 937-603-4641



Kevin Price
Pretreatment Program Coordinator
City of Tipp City



David J. Heckler
TCA General Manager



Jeremy Bowser
Control Authority Agent
Veolia NA

Cc: Victor Perez, Meijer
Jimmy Long, Meijer
Eric Mack, Tipp City



Brent Sherman
 Plant Manager
 Meijer Dairy
 4212 CR 25A
 Tipp City, Ohio 45371

July 09, 2020

RE: Notice of Violation (NOV) – Permit # TI-005

Meijer Dairy violated its *Wastewater Discharge Permit TI-005* for BOD5 daily loading during the second quarter monitoring period of June 2020. Meijer Dairy reported Six (6) BOD5 daily loading exceedances as a result of their in-house weekly sampling and Tipp City reported one (1) during their monthly sampling. Exceedances are as follows:

<i>Date</i>	<i>Parameter</i>	<i>Result</i>	<i>Limit</i>
06/02/2020	BOD5 Daily Loading	3,880 lbs/day	1,500 lbs/day
06/04/2020	BOD5 Daily Loading	2,099 lbs/day	1,500 lbs/day
06/10/2020	BOD5 Daily Loading	2,991 lbs/day	1,500 lbs/day
06/12/2020	BOD5 Daily Loading	3,056 lbs/day	1,500 lbs/day
06/16/2020	BOD5 Daily Loading	2,097 lbs/day	1,500 lbs/day
06/18/2020	BOD5 Daily Loading	1,912 lbs/day	1,500 lbs/day
06/23/2020	BOD5 Daily Loading	1,815 lbs/day	1,500 lbs/day

These daily BOD5 loading exceedances are a summary of Meijer Dairy's inability to meet their discharge limit of 1,500 lbs. on a consistent basis. Meijer was under Administrative Orders through December 31, 2019. The orders provided directive for Meijer to reach milestones towards ultimately meeting their permit limit for daily BOD5 loading of 1,500 pounds. Per the Administrative Orders, fines are now being levied by Tipp City against Meijer for each day of non-compliant effluent BOD loadings.

Between January 1, 2020 and June 30, 2020, Meijer Dairy and Tipp City has sampled 80 times for BOD5, with 68.8% of the samples being over Meijer's permit limit of 1,500 pounds per day, this meets the criteria for Significant Noncompliance.

A facility inspection and discussion to evaluate possible steps that can be taken to alleviate Meijer's Significant Noncompliant standing has been scheduled for July 9, 2020

Should you have any questions about this letter or the pretreatment program, please contact Kevin Price at 937-313- 9361 or Jeremy Bowser at 937-603-4641



Kevin Price
Pretreatment Program Coordinator
City of Tipp City



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Jimmy Long, Meijer
Eric Mack, Tipp City



Brent Sherman
 Plant Manager
 Meijer Dairy
 4212 CR 25A
 Tipp City, Ohio 45371

April 23, 2020

RE: Notice of Violation (NOV) – Permit # TI-005

Meijer Dairy violated its *Wastewater Discharge Permit TI-005* for BOD5 daily loading during the first quarter monitoring period of March 2020. Meijer Dairy reported eleven (11) BOD5 daily loading exceedances as a result of their in-house weekly sampling and one (1) exceedance from the city's sampling. Exceedances are as follows:

<i>Date</i>	<i>Parameter</i>	<i>Result</i>	<i>Limit</i>
03/04/2020	BOD5 Daily Loading	1,668 lbs/day	1,500 lbs/day
03/05/2020	BOD5 Daily Loading	2,553 lbs/day	1,500 lbs/day
03/06/2020	BOD5 Daily Loading	1,794 lbs/day	1,500 lbs/day
03/11/2020	BOD5 Daily Loading	2,392 lbs/day	1,500 lbs/day
03/12/2020	BOD5 Daily Loading	1,849 lbs/day	1,500 lbs/day
03/17/2020	BOD5 Daily Loading	2,314 lbs/day	1,500 lbs/day
03/18/2020	BOD5 Daily Loading	3,250 lbs/day	1,500 lbs/day
03/19/2020	BOD5 Daily Loading	1,901 lbs/day	1,500 lbs/day
03/24/2020	BOD5 Daily Loading	1,761 lbs/day	1,500 lbs/day
03/25/2020	BOD5 Daily Loading	1,526 lbs/day	1,500 lbs/day
03/26/2020	BOD5 Daily Loading	3,804 lbs/day	1,500 lbs/day
03/31/2020	BOD5 Daily Loading	1,782 lbs/day	1,500 lbs/day


These daily BOD5 loading exceedances are a summary of Meijer Dairy's inability to meet their discharge limit of 1,500 lbs. on a consistent basis. Meijer was under Administrative Orders through December 31, 2019. The orders provided directive for Meijer to reach milestones towards ultimately meeting their permit limit for daily BOD5 loading of 1,500 pounds. Per the Administrative Orders, fines are now being levied by Tipp City against Meijer for each day of non-compliant effluent BOD loadings.

A facility inspection and discussion to evaluate possible steps that can be taken to alleviate Meijer's non-compliant standing will be scheduled as soon as COVID-19 restrictions are lifted

Should you have any questions about this letter or the pretreatment program, please contact Kevin Price at 937-313- 9361 or Jeremy Bowser at 937-603-4641



Kevin Price
Pretreatment Program Coordinator
City of Tipp City



David J. Heckler
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