
NEWS RELEASE

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State, Ohio Fresh Eggs Settle Violations and Contempt Charges

COLUMBUS – Ohio Attorney General Mike DeWine, the Ohio Department of Agriculture (ODA) and Ohio Environmental Protection Agency (Ohio EPA) announced today that the State of Ohio has entered into a proposed consent order with Ohio Fresh Eggs, LLC (OFE) of 11212 Croton Road in Croton, Ohio.

The consent order was lodged on April 6, 2011, with the Licking County Common Pleas Court that resolves 71 allegations of violations of ODA and Ohio EPA laws, regulations and permits for OFE's facilities in Licking, Hardin and Wyandot counties issued by each Agency.

The charges in contempt include failure to comply with required barn renovation schedules and were based on the 2001 Buckeye Egg Farm consent order in Licking County, which was applicable to OFE as the entity that bought the former Buckeye Egg Farm in 2003.

The new proposed consent order will replace the Buckeye Egg Farm consent order and resolves both the complaint and charges in contempt. Many of the charges in contempt date back to 2003. Several improvements have been initiated at the farm as a result of the 2001 consent order. The proposed consent order imposes on OFE more stringent insect and rodent control measures and limits the number of birds that can be stocked at the various OFE facilities.

Additionally, the proposed consent order imposes a civil penalty of \$625,000 payable in installments over the next year. The civil penalty is divided between Ohio EPA and ODA for their respective violations (\$580,000 to ODA and \$45,000 to Ohio EPA). The proposed consent order also requires OFE to complete supplemental environmental projects valued at \$300,000 within two years of the effective date of the consent order, and the payment of \$10,000 in enforcement costs to the Ohio Attorney General's office.

The proposed consent order is not immediately final. The final approval and entry of the proposed consent order will occur after the end of a 30-day public comment period required by Ohio EPA regulations for resolution of surface water discharge violations. A public notice will be published regarding the consent order. Comments on the proposed consent order can be sent until May 13, 2011, to Ohio EPA, Attn: Cathy Alexander, P.O. Box 1049, Columbus, Ohio 43216-1049. The State of Ohio reserves the right to withdraw or alter the proposed consent order based on comments received.