

Commissioner, Indiana Department of Environmental Management,
Complainant,

v.

Bunker Farms, LLC,
IDEM Case No. 2009-18320-W,
Respondent
2010 OEA 133, (09-W-E-4327)

OFFICIAL SHORT CITATION NAME: When referring to 2011 OEA 133 cite this case as
Bunker Farms, LLC, 2011 OEA 133.

TOPICS:

hearing
enforcement
dismissal
effective date
Notice of Violation (NOV)
Commissioners Order (CO)

PRESIDING JUDGE:

Catherine Gibbs

PARTY REPRESENTATIVES:

IDEM: Sierra Alberts, Esq.
Respondent: David Brown, Esq.

ORDER ISSUED:

October 6, 2011

INDEX CATEGORY:

Water

FURTHER CASE ACTIVITY:

[none]

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**Bunker Farms, LLC,
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1. The Office of Environmental Adjudication (“OEA”) has jurisdiction over the decisions of the Commissioner of the Indiana Department of Environmental Management (“IDEM”) and the parties to this controversy pursuant to Ind. Code § 4-21.5-7, *et seq.* and I.C. § 13-30-3-5.
2. This is a Final Order issued pursuant to I.C. § 4-21.4-3-27. 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. Pursuant to 315 IAC 1-3-8(c), the Court concludes that the Defendant’s Motion to Withdraw Petition is in proper form and should be granted.
4. Further, the Court concludes that the Notice and Order of the Commissioner of the Indiana Department of Environmental Management issued on November 20, 2009 to Bunker Farms LLC shall take effect immediately upon the issuance of these Findings of Fact, Conclusions of Law and Final Order.

FINAL ORDER

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Request for Review is **DISMISSED**. All further proceedings are **VACATED**.

You are hereby 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 the 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 6th day of October, 2011 in Indianapolis, IN.

Hon. Catherine Gibbs
Environmental Law Judge