



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204

(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

October 4, 2022

VIA ELECTRONIC MAIL:

Andrew Tanner, President
Talbert Manufacturing, Inc.
1628 West State Road 114
Rensselaer, IN 47978
atanner@talbertmfg.com

Re: Commissioner of the Department of
Environmental Management

v.

Talbert Manufacturing, Inc.
Plant ID No. 073-00025
Rensselaer, Jasper County
Case Nos. 2021-27702-A & 2022-
28738-A

Qualified offer of settlement: inadmissible pursuant to Rule 408 of the Ind. Rules of Evidence. IDEM asserts that any offer to compromise a claim or any acceptance of such offer does not bind or obligate the parties of this enforcement action in the absence of a final order of the agency.

Dear Mr. Tanner:

Enclosed please find the proposed Agreed Order that provides for the actions required to correct the violations outlined in IDEM's Notice of Violation issued to you in the above referenced case dated August 31, 2022. The civil penalty noted in the proposed Agreed Order is for settlement purposes only. Entering into and timely compliance with the enclosed Agreed Order will constitute resolution of this case.

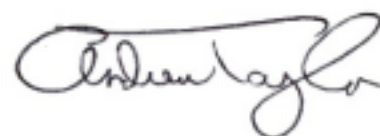
If you are willing to resolve this matter as provided for in the enclosed Agreed Order, sign and return it to me at the address specified in the Agreed Order within fifteen (15) days of your receipt of the Agreed Order. The individual signing the enclosed Agreed Order should be the President of the company or other authorized signatory. If you would like to schedule a meeting to discuss the Agreed Order in more detail, please contact me as soon as possible at (317) 233-2711 or AKTaylor@idem.IN.gov.

If this matter cannot be resolved through the enclosed Agreed Order or a mutually acceptable amended Agreed Order, a Commissioner's Order may be issued. It should be understood that the civil penalty for purposes of a Commissioner's Order

will be assessed pursuant to IDEM's Civil Penalty Policy adopted as a Nonrule Policy Document on April 5, 1999.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink that reads "Andrew Taylor". The signature is written in a cursive style with a large initial "A" and a long, sweeping underline.

Andrew Taylor
Case Manager
Enforcement Section
Office of Air Quality

Enclosure

cc: Stephanie Culp (sculp@talbertmfg.com)
Freedom Smith (freedom.smith@icemiller.com)
Andrew Taylor, Compliance and Enforcement, OAQ



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STATE OF INDIANA) SS: BEFORE THE INDIANA DEPARTMENT OF
)
COUNTY OF MARION) ENVIRONMENTAL MANAGEMENT

COMMISSIONER OF THE DEPARTMENT)
OF ENVIRONMENTAL MANAGEMENT,)
)
) Complainant,)
)
) v.)
) Case Nos. 2021-27702-A &
) 2022-28738-A
TALBERT MANUFACTURING, INC.,)
)
) Respondent.)

AGREED ORDER

Complainant and Respondent desire to settle and compromise this action without hearing or adjudication of any issue of fact or law, and consent to the entry of the following Findings of Fact and Order. Pursuant to Indiana Code ("IC") 13-30-3-3, entry into the terms of this Agreed Order does not constitute an admission of any violation contained herein. Respondent's entry into this Agreed Order shall not constitute a waiver of any defense, legal or equitable, which Respondent may have in any future administrative or judicial proceeding, except a proceeding to enforce this order.

I. FINDINGS OF FACT

1. Complainant is the Commissioner ("Complainant") of the Indiana Department of Environmental Management ("IDEM"), a department of the State of Indiana created by IC 13-13-1-1.
2. Respondent is Talbert Manufacturing, Inc. ("Respondent"), which owns and operates the stationary truck trailer manufacturing operation with Plant ID No. 073-00025, located at 1628 West State Road 114, in Rensselaer, Jasper County, Indiana ("Site").
3. IDEM has jurisdiction over the parties and the subject matter of this action.
4. Pursuant to IC 13-30-3-3, IDEM issued a Notice of Violation ("NOV") via electronic mail to:



Andrew Tanner, President
Talbert Manufacturing, Inc.
1628 West State Road 114
Rensselaer, IN 47978
atanner@talbertmfg.com

Emily Moyer, Registered Agent
Talbert Manufacturing, Inc.
1628 West State Road 114
Rensselaer, IN 47978
emoyer@talbertmfg.com

5. During an investigation conducted by a representative of IDEM, the following violations were found:

Based on the Enforcement Action Letter issued to Respondent on February 15, 2021, case number 2021-27702-A contains the following violations:

- a. Pursuant to Part 70 Permit 073-41491-00025 ("Permit"), condition D.1.3(b), in order to assure that the woodworking operations are exempt from the requirements of 326 IAC 6-3-2, the integral dust collector for particulate control shall be in operation and control emissions from the woodworking operations at all times the units are in operation.

On February 3, 2021, the integral dust collector for particulate control was not in operation and controlling emissions from the woodworking operations at all times the units were in operation, in violation of Permit condition D.1.3(b).

- b. Pursuant to 326 IAC 8-2-9 and Permit condition D.2.2, work practices to minimize VOC emissions shall include storing all VOC containing coatings, thinners, coating related waste, and cleaning materials in closed containers.

On February 3, 2021, Respondent failed to store VOC containing waste materials in closed containers, in violation of 326 IAC 8-2-9 and Permit condition D.2.2.

- c. Pursuant to Permit condition D.2.6, Respondent shall perform daily inspections to verify the placement, integrity, and particle loading of the filters controlling emissions from surface coating booth P11 and shall take a reasonable response if a condition exists which should result in a response.

Respondent failed to take a reasonable response regarding the improper placement of the filters controlling emissions from surface coating booth P11, in violation of Permit condition D.2.6.

- d. Pursuant to 40 CFR 63.11175 and Permit condition E.2.2, the owner or operator of an existing source of surface coating operations shall submit a notification of compliance status.

Respondent failed to submit a notification of compliance status, in violation of 40 CFR 63.11175 and Permit condition E.2.2.

Based on the Enforcement Action Letter issued to Respondent on June 22, 2022, case number 2022-28738-A contains the following violations:

- e. Pursuant to 326 IAC 2-7-10.5 and 326 IAC 2-7-12, an owner or operator of a Part 70 source proposing to construct new emission units, modify existing emission units, or otherwise modify a source shall submit a request for a modification approval and shall obtain a permit modification prior to operation of the new or modified emission units.

Respondent modified the operations of surface coating booths P7 and P10 to emit greater than or equal to twenty-five (25) tons per year of VOC and twenty-five (25) tons per year of any combination of hazardous air pollutants ("HAP") prior to submitting a request for a modification approval and obtaining a permit modification, in violation of 326 IAC 2-7-10.5 and 326 IAC 2-7-12.

- f. Pursuant to 326 IAC 2-7-10.5 and 326 IAC 2-7-12, an owner or operator of a Part 70 source proposing to construct new emission units, modify existing emission units, or otherwise modify a source shall submit a request for a modification approval and shall obtain a permit modification prior to operation of the new or modified emission units.

Respondent modified the operations of surface coating booth P11 to emit greater than or equal to twenty-five (25) tons per year of VOC prior to submitting a request for a modification approval and obtaining a permit modification, in violation of 326 IAC 2-7-10.5 and 326 IAC 2-7-12.

6. On October 18, 2021, Respondent was issued Part 70 Permit 073-44161-00025 with updated emissions calculations for surface coating booths P7, P10, and P11.
7. Orders of the Commissioner are subject to administrative review by the Office of Environmental Adjudication under IC 4-21.5; however, in recognition of the settlement reached, Respondent acknowledges notice of this right and waives any right to administrative and judicial review of this Agreed Order.

II. ORDER

1. This Agreed Order shall be effective ("Effective Date") when it is approved by Complainant or Complainant's delegate, and has been received by Respondent. This Agreed Order shall have no force or effect until the Effective Date.
2. Respondent shall comply with the Part 70 Permit 073-41491-00025 unless superseded by a permit revision or renewal.
3. All submittals required by this Agreed Order, unless IDEM notifies the Respondent otherwise in writing, shall be sent to:

Andrew Taylor, Enforcement Case Manager
Office of Air Quality
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, IN 46204-2251
AKTaylor@idem.IN.gov

4. Pursuant to IC 13-30-4-1, Respondent is assessed and agrees to pay a civil penalty of Twenty-Eight Thousand Six Hundred Dollars (\$28,600.00). Said penalty amount shall be due and payable to the Environmental Management Special Fund within thirty (30) days of the Effective Date; the thirtieth day being the "Due Date."
5. Civil penalties are payable by check to the "Environmental Management Special Fund." Checks shall include the Case Number of this action and shall be mailed to:

Indiana Department of Environmental Management
Accounts Receivable
IGCN, Room 1340
100 North Senate Avenue
Indianapolis, IN 46204
6. In the event that the monies due to IDEM pursuant to this Agreed Order are not paid on or before their Due Date, Respondent shall pay interest on the unpaid balance at the rate established by IC 24-4.6-1. The interest shall be computed as having accrued from the Due Date until the date that Respondent pays any unpaid balance. Such interest shall be payable to the Environmental Management Special Fund, and shall be payable to IDEM in the manner specified in Paragraph 5, above.
7. Signatories to this Agreed Order certify that they are fully authorized to execute this Agreed Order and legally bind the party they represent.
8. This Agreed Order shall apply to and be binding upon Respondent and all successors and assigns. Respondent shall provide a copy of this Agreed Order, if in force, to any subsequent owners, successors, or assigns before ownership rights are transferred.
9. No change in ownership, corporate, or partnership status of Respondent shall in any way alter the Respondent's status or responsibilities under this Agreed Order.
10. Respondent shall ensure that all contractors, firms, and other persons performing work under this Agreed Order comply with the terms of this Agreed Order.
11. In the event that any terms of this Agreed Order are found to be invalid, the remaining terms shall remain in full force and effect and shall be construed and enforced as if this Agreed Order did not contain the invalid terms.

12. This Agreed Order is not and shall not be interpreted to be a permit or a modification of an existing permit. This Agreed Order, and IDEM's review or approval of any submittal made by Respondent pursuant to this Agreed Order, shall not in any way relieve Respondent of the obligation to comply with the requirements of any applicable permits or any applicable Federal or State laws or regulations.
13. Complainant does not, by its approval of this Agreed Order, warrant or aver in any manner that Respondent's compliance with any aspect of this Agreed Order will result in compliance with the provisions of any permit, order, or any applicable Federal or State law or regulation. Additionally, IDEM or anyone acting on its behalf shall not be held liable for any costs or penalties Respondent may incur as a result of Respondent's efforts to comply with this Agreed Order.
14. Nothing in this Agreed Order shall prevent or limit IDEM's rights to obtain penalties or injunctive relief under any applicable Federal or State law or regulation, except that IDEM may not, and hereby waives its right to, seek additional civil penalties for the violations specified in the NOV.
15. Nothing in this Agreed Order shall prevent IDEM or anyone acting on its behalf from communicating with the U.S. Environmental Protection Agency ("U.S. EPA") or any other agency or entity about any matters relating to this enforcement action. IDEM or anyone acting on its behalf shall not be held liable for any costs or penalties Respondent may incur as a result of such communications with the U.S. EPA or any other agency or entity.
16. This Agreed Order shall remain in effect until Respondent has complied with all terms and conditions of this Agreed Order and IDEM has issued a Resolution of Case letter to Respondent.

REMAINDER OF PAGE LEFT BLANK INTENTIONALLY

TECHNICAL RECOMMENDATION:
Department of Environmental
Management

By: David P. McIver
David P. McIver
Section Chief
Enforcement Section
Office of Air Quality

Date: October 3, 2022

RESPONDENT:
Talbert Manufacturing, Inc.

By: _____

Printed: _____

Title: _____

Date: _____

COUNSEL FOR RESPONDENT:

By: _____

Date: _____

APPROVED AND ADOPTED BY THE INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT THIS _____ DAY OF
_____, 20____.

For the Commissioner:

Matthew Stuckey
Assistant Commissioner
Office of Air Quality
Indiana Department of Environmental
Management

From: [Andy Tanner](#)
To: [ROBERTS, GOLDIE](#)
Subject: Read: Talbert Manufacturing, Inc. (#27702-A & 28738-A) Revised Proposed Agreed Order
Date: Tuesday, October 04, 2022 8:39:10 AM

Your message

To: Andy Tanner

Subject: Talbert Manufacturing, Inc. (#27702-A & 28738-A) Revised Proposed Agreed Order

Sent: Tuesday, October 4, 2022 7:18:55 AM (UTC-06:00) Central Time (US & Canada)

was read on Tuesday, October 4, 2022 7:38:57 AM (UTC-06:00) Central Time (US & Canada).