



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

May 4, 2023

Via Certified Mail: # 7007 1490 0000 0839 0705

Sydney Laurenti, EHS Coordinator
Nucor Fastener
400 Northbrook Dr.
Shelbyville, IN, 46176
Sydney.laurenti@nucor.com

Dear Ms. Laurenti:

Re: Adoption of Agreed Order
Commissioner, Indiana Department of Environmental Management
v.
Nucor Fastener
Case No. 2022-29111-H

The Agreed Order pertaining to the case referenced above has been approved for adoption by the Indiana Department of Environmental Management. A copy of the finalized agreement is enclosed for your records.

Please note the terms of compliance contained in the Agreed Order. The time frames for compliance are effective upon receipt of this letter. The invoice for payment of the civil penalty is attached. Thank you for your cooperation in resolving this matter. If you have any questions, please contact Lucas Kroening at (317) 941-4551 or via email at LKroenin@idem.IN.gov.

Sincerely,

Jennifer Reno, Chief
Land Enforcement Section
Compliance Branch
Office of Land Quality

Enclosure

cc: Shelby County Health Department
Sydney Laurenti, Nucor, EHS Coordinator, Sydney.laurenti@nucor.com
Michael Kroeger, Nucor, Environmental Engineer, Michael.Kroeger@nucor.com
Charles Breitenfeldt, IDEM, OLQ Hazardous Waste Compliance
IDEM Virtual File Cabinet



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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100 N. Senate Avenue • Indianapolis, IN 46204

(800) 451-6827 • (317) 232-0803 • www.idem.in.gov

Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

STATE OF INDIANA)
COUNTY OF MARION)
COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT,)
Complainant,)
v.) Case No. 2022-29111-H
NUCOR FASTENER,)
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 Nucor Fastener ("Respondent"), which owns/operates the facility with United States Environmental Protection Agency ("EPA") ID No. INR000144949, located at 400 Northbrook Drive, in Shelbyville, Shelby 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 Certified Mail to:

Carrie L. Tillman, President

C T Corporation System, Registered Agent



Nucor Fastener Sales
Corporation
103 Foulk Road, Suite 259
Wilmington, DE 19803

Nucor Fastener Sales Corporation
334 North Senate Avenue
Indianapolis, IN 46204

5. Respondent notified EPA of Large Quantity Generator activities on April 6, 2022.
6. 329 Indiana Administrative Code (“IAC”) 3.1 incorporates federal hazardous waste management requirements found in 40 Code of Federal Regulations (“CFR”) Parts 260 through 270 and Part 273, including those identified below.
7. During an investigation including an inspection on September 28, 2022, conducted by a representative of IDEM, the following violations were found:
 - a. Pursuant to 40 CFR 262.17(a)(2), if the waste is placed in tanks, the large quantity generator must comply with the applicable requirements of subpart J except § 265.197(c) of Closure and post-closure care and § 265.200 - Waste analysis and trial tests, as well as the applicable requirements of AA, BB, and CC of 40 CFR part 265.
 - b. Pursuant to 40 CFR 265.192(a), owners or operators of new tank systems [began holding hazardous waste after July 14, 1986] or components must ensure that the foundation, structural support, seams, connections, and pressure controls (if applicable) are adequately designed and that the tank system has sufficient structural strength, compatibility with the waste(s) to be stored or treated, and corrosion protection so that it will not collapse, rupture, or fail. The owner or operator must obtain a written assessment reviewed and certified by a qualified Professional Engineer in accordance with § 270.11(d) of this chapter attesting that the system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste.

As noted during the inspection, prior to use of the two (2) 8,000-gallon hazardous waste tanks, Respondent did not have documentation of a written assessment from prior integrity assessments and failed to complete an integrity assessment,

- c. Pursuant to 40 CFR 265.195, the owner or operator must inspect, where present, at least once each operating day, data gathered from monitoring and leak detection equipment (e.g., pressure or temperature gauges, monitoring wells) to ensure that the tank system is being operated according to its design. Owners or operators of tank systems that either use leak detection equipment to alert facility personnel to leaks or implement established workplace practices to ensure leaks are promptly identified, must inspect tank systems weekly. Use of an alternate inspection schedule must be documented in the facility’s operating record.

As noted during the inspection, Respondent did not conduct the required inspection of the 8,000-gallon tank used to hold hazardous alkaline waste,

On November 3, 2022, Respondent submitted an amended daily inspection checklist to include the alkaline waste tank and commenced daily inspection of the tank.

- d. Pursuant to 40 CFR 262.17(a)(5)(ii)(C), the owner or operator must use inventory logs, monitoring equipment or other records to demonstrate that hazardous waste has been emptied within 90 days of first entering the tank if using a batch process, or in the case of a tank with a continuous flow process, demonstrate that estimated volumes of hazardous waste entering the tank daily exit the tank within 90 days of first entering

As noted during the inspection, the hazardous alkaline tank did not have monitoring to ensure that the waste inside the tank did not accumulate longer than 90 days.

On November 3, 2022, Respondent submitted 90-day alkaline tank inventory documentation identifying when hazardous waste is added and removed showing estimated daily volumes entering and the tank exit the tank within 90 days of first entering.

- e. Pursuant to 40 CFR 262.17(a)(5)(ii)(A), a large quantity generator may accumulate hazardous waste on-site for 90 days or less without a permit, provided that, while being accumulated on-site, each tank is labeled or marked clearly with the words "Hazardous Waste."

As noted during the inspection, an alkaline waste tank was missing a label with the marking "Hazardous Waste."

During the inspection, Respondent affixed a "Hazardous Waste" label to the alkaline tank.

- f. Pursuant to 40 CFR 262.17(a)(6) referencing 262.256(b), a large quantity generator must attempt to make arrangements with local emergency authorities to familiarize them with the facility.

As noted during the inspection, the facility lacked documentation proving that a contingency plan and quick reference guide had been sent to local authorities.

On November 3, 2022, Respondent submitted documentation showing the Shelbyville Fire Department, Shelbyville Police Department, and LEPC received Respondent's emergency response arrangements. On February 16, 2023 Respondent submitted documentation showing MHP Major Hospital received Respondent's emergency response arrangements.

- g. Pursuant to 40 CFR 262.17(a)(6) referencing 40 CFR 262.262(b), a large quantity generator that first becomes subject to these provisions after May 30, 2017 or a large quantity generator that is otherwise amending its contingency plan must at

that **time submit a quick reference guide of the contingency plan to the local emergency responders identified at paragraph (a) of this section or, as appropriate, the Local Emergency Planning Committee. The quick reference guide must include:**

- i. The types/names of hazardous wastes in layman's terms and the associated hazard associated with each hazardous waste present at any one time.**
- ii. The estimated maximum amount of each hazardous waste that may be present at any one time.**
- iii. The identification of any hazardous wastes where exposure would require unique or special treatment by medical or hospital staff.**
- iv. A map of the facility showing where hazardous wastes are generated, accumulated and treated and routes for accessing these wastes.**
- v. A street map of the facility in relation to surrounding businesses, schools, residential areas to understand how best to get to the facility and also evacuate citizens and workers.**
- vi. The locations of water supply.**
- vii. The identification of on-site notification systems; and**
- viii. The name of the emergency coordinator(s) and 7/24-hour emergency telephone number(s) or, in the case of a facility where an emergency coordinator is continuously on duty, the emergency telephone number for the emergency coordinator.**

As noted during the inspection, the Quick Reference Guide for the facility lacked the types/names of hazardous wastes in layman's terms and the associated hazard associated with each hazardous waste present at any one time, the estimated maximum amount of each hazardous waste that may be present at any one time, the identification of any hazardous wastes where exposure would require unique or special treatment by medical or hospital staff, a map of the facility showing where hazardous wastes are generated, accumulated and treated and routes for accessing these wastes, and a street map of the facility in relation to surrounding businesses, schools, residential areas to understand how best to get to the facility and also evacuate citizens and workers. As noted above the elements 1-5 are missing.

On November 3, 2022, Respondent submitted an updated QRG to IDEM and local authorities that includes all elements per 40 CFR 262.262(b)(1-8).

- h. Pursuant to 40 CFR 262.17(a)(7)(iv), certain hazardous waste training related documents and records including job title, job descriptions, a description of the type and amount of required training, and completion documents with respect to the hazardous waste management training must be maintained on-site.**

As noted during the inspection, several emergency coordinators listed in both the contingency plan and the quick reference guide were missing RCRA's hazardous waste training.

On November 3, 2022, Respondent submitted an amended Contingency Plan and QRG showing the facility's emergency coordinators and training documents showing facility personnel completed hazardous waste training.

- i. Pursuant to 40 CFR 262.15(a)(5)(ii), a generator must mark or label its satellite hazardous waste containers with an indication of the hazards of the contents.

As noted during the inspection, the satellite accumulation container located in the wastewater treatment area and the chemistry lab were missing an indication label.

On November 3, 2022, Respondent submitted a photo showing the satellite container in the wastewater treatment area and chemistry lab are marked with an indication of the hazards.

8. 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 rules listed in the findings of fact above.
3. Within 90 days of the Effective Date, Respondent shall comply with 40 CFR 262.17(a)(8)(iii). Specifically, Respondent shall close the two (2) 8,000-gallon tanks in compliance with closure performance standards for tank systems.
4. Within 30 days of closing tanks, Respondent shall place a notice in the operating records that identifies the location of the units within the facility.
5. All submittals required by this Agreed Order, unless IDEM notifies the Respondent otherwise in writing, shall be sent to:

Lucas Kroening, Enforcement Case Manager
Office of Land Quality
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, IN 46204-2251

6. Pursuant to IC 13-30-4-1, Respondent is assessed and agrees to pay a civil penalty of Nine Thousand Dollars (\$9,000). After this Agreed Order is adopted (signed by the Assistant Commissioner of the Office of Land Quality), Respondent shall pay by the due date printed on the invoice that will be attached to the adopted Agreed Order.

Civil penalties are payable to the "Environmental Management Special Fund" by:

Mail:

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

Online:

Accounts Receivable is accepting payments online by e-Check, Master Card, Visa or Discover. Please visit www.IN.gov/IDEM. Under Online Services, click Online Payment options and follow the prompts. A processing fee of \$1 plus 1.99% will be charged for credit card payments. A processing fee of \$1.00 will be charged for eCheck payments. The Case Number is required to complete the process.

Phone:

You may also call us at 317-234-3099 and follow the instructions for Master Card, Visa or Discover payments. A processing fee of \$1 plus 1.99% will be charged for credit card payments. A processing fee of \$1.00 will be charged for eCheck payments. The Case Number is required to complete the process.

7. 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 an additional penalty of 10 percent, payable to the "Environmental Management Special Fund." and shall be payable to IDEM in the manner specified in Paragraph 8, above.
8. Signatories to this Agreed Order certify that they are fully authorized to execute this Agreed Order and legally bind the party they represent.
9. 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.
10. 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.
11. Respondent shall ensure that all contractors, firms, and other persons performing work under this Agreed Order comply with the terms of this Agreed Order.
12. 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.

13. 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.
14. 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.
15. 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.
16. 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.
17. This Agreed Order shall remain in effect until IDEM issues a Resolution of Case letter to Respondent.

REMAINDER OF PAGE LEFT BLANK INTENTIONALLY

TECHNICAL RECOMMENDATION:
Department of Environmental Management

By: Jennifer Reno
Jennifer Reno, Chief
Land Enforcement Section
Compliance Branch
Office of Land Quality

Date: 4/12/2023

RESPONDENT:

By: Joseph Loosle
Printed: Joseph Loosle
Title: VP + GM

Date: 4/13/2023

COUNSEL FOR RESPONDENT:

By: Chris Varrs
Printed: Chris Varrs
Date: 4/13/2023

APPROVED AND ADOPTED BY THE INDIANA DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT THIS 3rd DAY OF May, 2023

For the Commissioner:

Peggy Dorsey
Peggy Dorsey
Assistant Commissioner
Office of Land Quality

INVOICE

Please Remit To:

INDIANA DEPT. OF ENVIRONMENTAL MANAGEMENT
PO BOX 3295
INDIANAPOLIS IN 46206-3295

Page: 1
Invoice No: 000355174
Invoice Date: 05/04/2023
Customer Number: CST100002262
Bill Type: 075
Payment Terms: NET 30
Due Date: 06/03/2023

Bill To:

NUCOR FASTENER ST JOE PLANT
CARRIE L TILLMAN
103 FOULK ROAD
SUITE 259
WILMINGTON DE 19803

AMOUNT DUE: 9,000.00 USD

Amount Remitted

Note Address Changes Above

Email Address: _____

Write the invoice number on your check and return the upper portion of this invoice.

For billing questions, please email us at BILLING@IDEM.IN.GOV

Line	Adj	Identifier	Description	Quantity	UOM	Unit Amt	Net Amount
1		2022-29111-H	AGREED ORDER	1.00	EA	9,000.00	9,000.00
<p>- Accounts Receivable is accepting payments online by e-Check, MasterCard, Visa, American Express or Discover. Please visit www.in.gov/idem. Under Online Services, click Online Payment options and follow the prompts.</p> <p>- You may also call us at 317-234-3099 to pay by MasterCard, Visa, American Express or Discover.</p> <p>- A processing fee of \$0.40 plus 2.06% will be charged for credit card payments. A processing fee of \$0.15 will be charged for eCheck payments.</p> <p>- Pursuant to the Agreed Order for the Case Number noted above in the identifier field, please remit payment immediately.</p>							
TOTAL AMOUNT DUE :						9,000.00	

Please write the invoice number on your check and return the upper portion of this invoice with remittance.

INVOICE

Please Remit To:

INDIANA DEPT. OF ENVIRONMENTAL MANAGEMENT
PO BOX 3295
INDIANAPOLIS IN 46206-3295

Page: 1
Invoice No: 000355174
Invoice Date: 05/04/2023
Customer Number: CST100002262
Bill Type: 075
Payment Terms: NET 30
Due Date: 06/03/2023

Courtesy Copy To:

NUCOR FASTENER ST JOE PLANT
COREY IVEY
400 NORTHBROOK DRIVE
SHELBYVILLE IN 46176

AMOUNT DUE: 9,000.00 USD

Amount Remitted

Note Address Changes Above

Email Address: _____

Write the invoice number on your check and return the upper portion of this invoice.

For billing questions, please email us at BILLING@IDEM.IN.GOV

Line	Adj	Identifier	Description	Quantity	UOM	Unit Amt	Net Amount
1		2022-29111-H	AGREED ORDER	1.00	EA	9,000.00	9,000.00
<p>- Accounts Receivable is accepting payments online by e-Check, MasterCard, Visa, American Express or Discover. Please visit www.in.gov/idem. Under Online Services, click Online Payment options and follow the prompts.</p> <p>- You may also call us at 317-234-3099 to pay by MasterCard, Visa, American Express or Discover.</p> <p>- A processing fee of \$0.40 plus 2.06% will be charged for credit card payments. A processing fee of \$0.15 will be charged for eCheck payments.</p> <p>- Pursuant to the Agreed Order for the Case Number noted above in the identifier field, please remit payment immediately.</p>							
TOTAL AMOUNT DUE :						9,000.00	

Please write the invoice number on your check and return the upper portion of this invoice with remittance.

Bill To Customer:

NUCOR FASTENER ST JOE PLANT
CARRIE L TILLMAN
103 FOULK ROAD
SUITE 259
WILMINGTON DE 19803
United States

BATES, DONNA

From: Laurenti, Sydney (NFIN) <sydney.laurenti@nucor.com>
Sent: Monday, May 8, 2023 9:47 AM
To: BATES, DONNA; Kroeger, Michael (CORP)
Cc: Breitenfeldt, Charles; Kroening, Lucas
Subject: RE: [EXT] Copy of Adoption of Agreed Order. Nucor Fastener. Case No. 2022-29111-H.

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

Hi Donna,

We have received the attached document.

Thank you,
Sydney Laurenti
EHS Coordinator

Nucor Fastener Division
400 Northbrook Drive. • Shelbyville, IN 46176
Phone: 317-395-7026
Cell: 801-648-4299
Sales: 800-955-6826
Sydney.Laurenti@nucor.com

NUCOR[®]

From: BATES, DONNA <DBATES@idem.IN.gov>
Sent: Thursday, May 4, 2023 1:46 PM
To: Laurenti, Sydney (NFIN) <sydney.laurenti@nucor.com>; Kroeger, Michael (CORP) <Michael.Kroeger@nucor.com>
Cc: Breitenfeldt, Charles <ChBreite@idem.IN.gov>; Kroening, Lucas <LKroenin@idem.IN.gov>
Subject: [EXT] Copy of Adoption of Agreed Order. Nucor Fastener. Case No. 2022-29111-H.

Some people who received this message don't often get email from dbates@idem.in.gov. [Learn why this is important](#)

This message came from outside of Nucor.

Dear Interested Parties::

Please find the attached copy of Adoption of Agreed Order regarding Nucor Fastener. Once you have received this email would you please respond back to me (via e-mail) that you have received the document for our records.

Thank you.



Donna Bates
*Administrative
Assistant*

(317) 233-5529 •
dbates@idem.IN.gov |
www.idem.IN.gov



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

60-02L dbates (1833) 29111-H
 SYDNEY LAURENTI EHS COORDINATOR
 NUCOR FASTENER
 400 NORTHBROOK DR
 SHELBYVILLE IN 46176

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X 

-
- Agent
-
-
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

5/18

 D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

-
- Certified Mail
-
- Express Mail
-
-
- Registered
-
- Return Receipt for Merchandise
-
-
- Insured Mail
-
- C.O.D.

4. Restricted Delivery? (Extra Fee) Yes
 2. A 7007 1490 0000 0839 0705
 0