



## 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](http://www.idem.IN.gov)

Eric J. Holcomb  
*Governor*

Brian C. Rockensuess  
*Commissioner*

July 17, 2024

VIA CERTIFIED MAIL#7002 0510 0002 7926 9138

Gilbert Spilman, President & Registered Agent  
Aluminum Recovery Technologies, Inc.  
2170 Production Rd  
Kendallville, IN, 46755

Re: Notice of Violation and Proposed Agreed Order  
for Violations Identified via Compliance Review  
Aluminum Recovery Technologies, Inc.  
Plant ID No. 113-00071  
Kendallville, Noble County  
Case No. 2024-30267-A

Dear Mr. Spilman:

A representative of the Indiana Department of Environmental Management ("IDEM"), Office of Air Quality, conducted a compliance review of reports concerning Aluminum Recovery Technologies, Inc. located at 2170 Production Road in Kendallville, Indiana. As a result of information obtained during that review, IDEM alleges that a violation of environmental permit conditions occurred. Specifically, the company failed to submit first quarter 2024 reports in a timely manner.

In accordance with IC 13-30-3-3, this letter includes a Notice of Violation that sets forth the alleged violation and an Agreed Order that provides Aluminum Recovery Technologies, Inc. the opportunity to settle this enforcement action. IDEM encourages settlement by Agreed Order when possible to quickly correct environmental violations and avoid litigation.

The alleged violation identified in the Notice of Violation is among those that IDEM has determined qualify for expedited enforcement. This means that the enclosed Agreed Order is non-negotiable, and it represents IDEM's best settlement offer in this matter. The civil penalty included in the Agreed Order is the penalty amount that IDEM will accept only for the settlement of the alleged violation identified therein under its expedited enforcement program.

If Aluminum Recovery Technologies, Inc. agrees to settle this enforcement action in accordance with the enclosed Agreed Order, its responsible official should sign and return the entire original Agreed Order within sixty (60) days of receipt to IDEM at the following address:

Eric Ross, Case Manager  
Compliance and Enforcement Branch – Mail Code 61-53  
Indiana Department of Environmental Management  
100 North Senate Avenue  
Indianapolis, IN 46204-2251  
EMRoss@idem.in.gov

The civil penalty should be sent to the address listed in the Agreed Order within fifteen (15) days of your receipt of a copy of the final adopted Agreed Order. The final adopted Agreed Order will be mailed to you after it is approved and signed by the Assistant Commissioner of IDEM's Office of Air Quality.

IDEM is not required to extend the offer of entry into the Agreed Order for more than sixty (60) days. Because Indiana law allows a source to enter into an Agreed Order without admitting that the violation occurred, the attached Agreed Order includes this non-admission language. (See line 3 of the first paragraph of the Agreed Order.) If the Agreed Order is not entered into, IDEM may proceed with additional enforcement action requiring compliance with permit conditions and may seek monetary penalties in accordance with IDEM's Civil Penalty Policy (ID No. Enforcement 99-0002-NPD), which likely will result in a greater penalty than the penalty amount offered in this Agreed Order.

Please contact Eric Ross, Case Manager, of my staff at 317-741-4123 or EMRoss@idem.in.gov if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Janusz Johnson', with a long horizontal line extending to the right.

Janusz Johnson, Branch Chief  
Compliance and Enforcement  
Office of Air Quality

cc: Farrell Norman, Fnroman@aluminumrt.com  
Noble County Health Department  
Eric Ross, Compliance and Enforcement Branch, Office of Air Quality  
John Alexander, Compliance and Enforcement Branch, Office of Air Quality  
Randy Hoffman, Compliance and Enforcement Branch, Office of Air Quality



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July 17, 2024

### NOTICE OF VIOLATION

Gilbert Spilman, President & Registered Agent  
Aluminum Recovery Technologies, Inc.  
2170 Production Rd  
Kendallville, IN, 46755

Case No. 2024-30267-A

Based on an investigation on June 10/2024, the Indiana Department of Environmental Management ("IDEM") has reason to believe that Aluminum Recovery Technologies, Inc. ("Respondent") has violated an environmental permit condition. The violation is based on the following:

1. Respondent owns and operates a stationary secondary aluminum production source with Plant ID No. 113-00071 located at 2170 Production Road in Kendallville, Noble County, Indiana (the "Site").
2. Pursuant to Federally Enforceable State Operating Permit No. 113-43456-00071 ("Permit"), Respondent shall submit the Quarterly Deviation and Compliance Monitoring Report or its equivalent not later than thirty (30) days after the end of the reporting period.

Respondent failed to submit the first quarter 2024 Quarterly Deviation and Compliance Monitoring Report in a timely manner, in violation of Permit Condition C.16.

In accordance with IC 13-30-3-3, the Commissioner herein provides notice that a violation may exist and offers an opportunity to enter into an Agreed Order providing for the actions required to correct the violation and for the payment of a civil penalty for the violation. The Commissioner is not required to extend this offer for more than sixty (60) days. An Agreed Order for your consideration is attached. As noted on the attached Agreed Order, it is a qualified offer of settlement of this matter and, therefore, is inadmissible pursuant to Indiana's Rules of Evidence.

As provided in IC 13-30-3-3, an alleged violator may enter into an Agreed Order without admitting that the violation occurred. IDEM encourages settlement by Agreed Order to quickly correct environmental violations and to avoid litigation.

If the Agreed Order is not entered into within sixty (60) days of receipt of this Notice of Violation, the Commissioner may proceed with additional enforcement action requiring compliance with permit conditions and may seek additional monetary penalties in accordance with IDEM's Civil Penalty Policy (ID No. Enforcement 99-0002-NPD). Pursuant to IC 13-30-4-1, the Commissioner may assess penalties of up to \$25,000 per day for each violation.

Please contact Eric Ross, Case Manager, of my staff at 317-741-4123 or EMRoss@idem.in.gov if you have any questions.

For the Commissioner:



Date: 7-17-24

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Janusz Johnson, Chief  
Compliance and Enforcement Branch  
Office of Air Quality

cc: Farrell Norman, Fnroman@aluminumrt.com  
Noble County Health Department  
Eric Ross, Compliance and Enforcement Branch, Office of Air Quality  
John Alexander, Compliance and Enforcement Branch, Office of Air Quality  
Randy Hoffman, Compliance and Enforcement Branch, Office of Air Quality



## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- 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:

60-02-A/gjr EXP NOV/PAO 2024-30267-A

GILBERT SPILMAN  
PRESIDENT & REGISTERED AGENT  
ALUMINUM RECOVERY TECHNOLOGIES INC  
2170 PRODUCTION RD  
KENDALLVILLE IN 46755



9590 9402 8243 3030 3312 33

2. Article Number (Transfer from service label)

7002 0510 0002 7926 9138

## COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Rachel R...

☐ Agent☒ Addressee

B. Received by (Printed Name)

C. Date of Delivery

7/22/24

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☐ Adult Signature☐ Adult Signature Restricted Delivery☒ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Signature Confirmation™☐ Signature Confirmation

Restricted Delivery

fail

fail Restricted Delivery

))

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt