



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

December 30, 2024

Via Certified Mail: # 7016 2140 0000 9306 0104 **Via Certified Mail: # 7016 2140 0000 9306 0258**

Marrissa Taylor, HSSE Manager
Wolf Lake Terminals, Inc.
3200 Sheffield Ave
Hammond, IN 46320
mtaylor@wolflakeinc.com

Garland Middendorf, Registered Agent
for Wolf Lake Terminals, Inc.
3200 Sheffield Ave
Hammond, IN 46320

Dear Interested Parties:

Re: Adoption of Agreed Order
Commissioner, Indiana Department of Environmental Management
v.
Wolf Lake Terminals, Inc.
Case No. 2024-30359-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 Elizabeth Phillips at (317) 234-3238 or via email at ephillip@idem.IN.gov.

Sincerely,

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

Enclosure

cc: Lake County Health Department
Matt Peterschmidt, OLQ HW Compliance
Charles Brietenfeldt, Deputy Director, NWRO
IDEM Virtual File Cabinet



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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 No. 2024-30359-H
)		
WOLF LAKE TERMINALS 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 Wolf Lake Terminals Inc (“Respondent”), which operates the facility with United States Environmental Protection Agency (“EPA”) ID No. IND054101415, located at 3200 Sheffield Ave., in Hammond, Lake 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:

Marrissa Taylor, HSSE Manager
Wolf Lake Terminals Inc

Garland Middendorf, Registered Agent
for Wolf Lake Terminals Inc



3200 Sheffield Ave.
Hammond, IN 46320
mtaylor@wolflakeinc.com

3200 Sheffield Ave.
Hammond, IN 46320

5. Respondent notified EPA of Large Quantity Generator activities on February 6, 2024.
6. Respondent is a liquid storage facility.
7. 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.
8. During an investigation including an inspection on July 11, 2024, conducted by a representative of IDEM, the following violations were found:
 - a. Pursuant to 40 CFR 262.17, a large quantity generator may accumulate hazardous waste on site without a permit or interim status, and without complying with the requirements of parts 124, 264 through 267, and 270 of this chapter, or the notification requirements of section 3010 of RCRA for treatment, storage, and disposal facilities, provided that all of the following conditions for exemption are met:
 - (a) A large quantity generator accumulates hazardous waste on site for no more than 90 days, unless in compliance with the accumulation time limit extension or F006 accumulation conditions for exemption in paragraphs (b) through (e) of this section.

At the time of the inspection, Respondent had stored 10 containers of a self-reactive flammable solid (D001, D003) since declaring this material waste on August 17, 2023.
 - b. Pursuant to IC 13-30-2-1(10), a person may not commence or engage in the operation of a hazardous waste facility without having first obtained a permit from the department.

Pursuant to 40 CFR 270.1(c), RCRA requires a permit for the treatment, storage, and disposal of any hazardous waste as identified or listed in 40 CFR Part 261.

Respondent operated a hazardous waste facility without having first obtained a permit from the department. Specifically, Respondent stored hazardous waste on-site for greater than 90 days.
 - c. Pursuant to 40 CFR 262.17(a)(6) referencing 40 CFR 262.256(b), the large quantity generator shall maintain records documenting the arrangements with the local fire department as well as any other organization necessary to respond to an emergency. This documentation must include documentation in the operating record that either confirms such arrangements actively exist or, in cases where no arrangements exist, confirms that attempts to make such arrangements were made.

At the time of the inspection, Respondent did not provide documentation of arrangements with local authorities.

Subsequent to the inspection, on July 11, 2024, Respondent emailed an updated contingency plan to the local fire department.

9. 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 statutes and rules listed in the findings of fact above.
3. Within thirty (30) days of the Effective Date, Respondent shall comply with 40 CFR 262.17, IC 13-30-2-1(10), and 40 CFR 270.1(c). Specifically, Respondent shall properly dispose of stored waste and submit manifest to IDEM for review.
4. Upon the Effective Date, Respondent shall comply with 40 CFR 262.17, IC 13-30-2-1(10), and 40 CFR 270.1(c). Specifically, Respondent shall not accumulate hazardous waste for more than 90 days.
5. All submittals required by this Agreed Order, unless IDEM notifies the Respondent otherwise in writing, shall be sent to:

Elizabeth Phillips, 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 Eight Thousand Two Hundred Dollars (\$8,200). 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 and stipulated penalties are payable to the "Indiana Department of Environmental Management" by:

Mail:

Civil penalties are payable by check to the "Indiana Department of Environmental Management." Checks shall include the Case Number of this action and shall be mailed to:

Indiana Department of Environmental Management
Accounts Receivable
P.O. Box 3295
Indianapolis, IN 46206

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 \$0.40 plus 2.06% will be charged for credit card payments. A processing fee of \$0.15 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 \$0.40 plus 2.06% will be charged for credit card payments. A processing fee of \$0.15 will be charged for eCheck payments. The Case Number is required to complete the process.

7. In the event the terms and conditions of the following paragraphs are violated, Complainant may assess, and Respondent shall pay a stipulated penalty in the following amount:

<u>Paragraph</u>	<u>Stipulated Penalty</u>
Order paragraph #3	\$100 per week

Stipulated penalties shall begin to be assessed on the date after the Effective Date and shall continue until the documentation is submitted as required by the associated paragraph.

8. Stipulated penalties shall be due and payable no later than the thirtieth day after Respondent receives written notice that Complainant has determined a stipulated penalty is due; at which time, a separate invoice will be issued. Complainant may notify Respondent at any time that a stipulated penalty is due. Failure to notify Respondent in writing in a timely manner of a stipulated penalty assessment shall not waive Complainant's right to collect such stipulated penalty or preclude Complainant from seeking additional relief against Respondent for violation of this Agreed Order. Neither assessment nor payment of stipulated penalties shall preclude Complainant from seeking additional relief against Respondent for a violation of this Agreed Order; such additional relief includes any remedies or sanctions available pursuant to Indiana law, including, but not limited to, civil penalties pursuant to IC 13-30-4.
9. 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 "Indiana Department of Environmental Management," and shall be payable to IDEM in the manner specified in Paragraph 6, above.

10. Signatories to this Agreed Order certify that they are fully authorized to execute this Agreed Order and legally bind the party they represent.
 11. 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.
 12. 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.
 13. Respondent shall ensure that all contractors, firms, and other persons performing work under this Agreed Order comply with the terms of this Agreed Order.
 14. 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.
 15. 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.
 16. 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.
 17. 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.
 18. 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.
 19. 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: 12/11/2024

RESPONDENT:

By: Kip Middensort
Printed: Kip Middensort
Title: VP MANAGING DIRECTOR

Date: 12/11/24

COUNSEL FOR RESPONDENT:

By: Matthew D. Neumann
Printed: Matthew D. Neumann
Date: 12/12/2024

APPROVED AND ADOPTED BY THE INDIANA DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT THIS 20th DAY OF December, 2024

For the Commissioner:

Brian Wolff

Brian Wolff
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: 000384911
Invoice Date: 01/01/2025
Customer Number: CST100002726
Bill Type: 075
Payment Terms: NET 30
Due Date: 01/31/2025

Bill To:

WOLF LAKE TERMINALS INC
MARRISSA TAYLOE, HSSE MANAGER
3200 SHEFFIELD AVENUE
HAMMOND IN 46327

AMOUNT DUE: 8,200.00 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		2024-30359-H	AGREED ORDER	1.00	EA	8,200.00	8,200.00
<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 the civil penalty within thirty (30) days of the effective date of the Agreed Order.</p>							
TOTAL AMOUNT DUE :						8,200.00	

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

From: [Van De Bossche, Nira](#)
To: [BATES, DONNA](#)
Cc: [RENO, JENNIFER](#)
Subject: FW: Copy of Agreed Order - Wolf Lake Terminals, Inc - Case No. 2024-30359-H
Date: Tuesday, December 31, 2024 8:37:57 AM
Attachments: [image001.png](#)
[image002.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)
[image003.png](#)

Please see below response from Worf Lake Terminals. Inc.



Nira van de Bossche
Administrative Assistant | Compliance Branch
Office of Land Quality
Indiana Department of Environmental Management

(317) 232 5683 | nvandebo@idem.in.gov



From: Marrissa Taylor <mtaylor@wolflakeinc.com>
Sent: Monday, December 30, 2024 4:06 PM
To: Van De Bossche, Nira <NVandebo@idem.IN.gov>
Subject: RE: Copy of Agreed Order - Wolf Lake Terminals, Inc - Case No. 2024-30359-H

EXTERNAL EMAIL: This email was sent from outside your organization. Exercise caution when clicking links, opening attachments or taking further action, before validating its authenticity.

Good afternoon,

Wolf Lake Terminals, Inc. has received the Agreed Order and will return the civil penalty payment and evidence of hazardous waste disposal within thirty (30) days of the effective date, December 20, 2024.

Regards,
Marrissa Taylor
HSSE Manager
Wolf Lake Terminals, Inc.
317 288-3111 (office)
219-628-1851 (cell)

From: Van De Bossche, Nira <NVandebo@idem.IN.gov>
Sent: Monday, December 30, 2024 2:33 PM
To: Marrissa Taylor <mtaylor@wolflakeinc.com>

Cc: BATES, DONNA <DBATES@idem.IN.gov>; Nick Doffin <doffinx@lakecountyin.org>; Peterschmidt, Matthew R <MPetersc@idem.IN.gov>; Breitenfeldt, Charles <ChBreite@idem.IN.gov>

Subject: Copy of Agreed Order - Wolf Lake Terminals, Inc - Case No. 2024-30359-H

Good afternoon,

Please find the attached copy of the Agreed Order and invoice regarding Wolf Lake Terminals, Inc. Kindly respond to this email to confirm your receipt of this document.

Thank you,



Nira van de Bossche
Administrative Assistant | Compliance Branch
Office of Land Quality
Indiana Department of Environmental Management

(317) 232 5683 | nvandebo@dem.in.gov



