



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

100 N. Senate Avenue • Indianapolis, IN 46204
(800) 451-6027 • (317) 232-8603 • Fax (317) 233-6647 • www.idem.in.gov

Mike Braun
Governor

Clint Woods
Commissioner

February 5, 2025

Via Certified Mail:

9589 0710 5270 1592 6801 34

Jason Schmidt, President
The Bristol Indiana Corporation
51650 County Road 133
Bristol, IN 46507

Via Certified Mail:

9589 0710 5270 1592 6801 41

CT Corporation System, Registered Agent
The Bristol Indiana Corporation
334 North Senate Avenue
Indianapolis, IN 46204

Dear Mr. Schmidt:

Re: Agreed Order Notice of Deficiency
Indiana Department of
Environmental Management
v.
The Bristol Indiana Corporation
Case No. 2024-30250-H
Bristol, Elkhart County

An Agreed Order was signed by Mr. Jeff Long from The Bristol Indiana Corporation on November 11, 2024, and became effective on December 13, 2024. Based on a file review, Order paragraphs #3 and #5 have not been completed. A copy of the adopted Agreed Order is enclosed for your review.

The following violations were noted at the time of the inspection:

1. Pursuant to 40 CFR 262.42(a)(2) and 329 IAC 3.1-7-2, a large quantity generator must submit an Exception Report to the EPA Regional Administrator if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter.

As noted during the inspection, Respondent failed to submit an Exception Report for Hazardous Waste Manifest #007036033GBF received by the initial transporter on March 21, 2023, and signed by the destination facility on July 13, 2023.

Additionally, Respondent failed to submit an Exception Report for Hazardous Waste Manifest #007035936GBF received by the initial transporter on July 19, 2022, and signed by the destination facility on September 9, 2022. Respondent did not receive a copy of the manifest with the handwritten signature from the designated facility within 45 days of the date the waste was accepted by the initial transporter.



2. Pursuant to 40 CFR 262.42(b), a generator of greater than 100 kilograms but less than 1,000 kilograms of hazardous waste in a calendar month who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility with sixty (60) days of the date the waste was accepted by the initial transporter must submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the Environmental Protection Agency (EPA) Regional Administrator.

As noted during the inspection, Respondent failed to receive a copy of the signed manifests by the designated facility within the sixty (60) day period from shipment to acceptance from designated facility. The facility initiated the following shipments found below while operating as a Small Quantity Generator of hazardous waste to Heritage Environmental Services. The shipments noted were not received prior to sixty (60) days.

Manifest ID	Shipped Date	Received Date	Timeframe
006423493GBF	January 28, 2022	May 13, 2022	106 Days
007014026GBF	February 28, 2022	June 2, 2022	95 days
007025255GBF	March 29, 2022	June 29, 2022	93 Days
007033523GBF	March 29, 2022	June 29, 2022	93 Days
007008008GBF	April 29, 2022	July 28, 2022	91 Days
006423508GBF	December 20, 2022	March 31, 2023	102 Days
007001669GBF	January 24, 2023	April 15, 2023	82 Days
007036012GBF	February 14, 2023	May 10, 2023	86 Days
007036013GBF	April 18, 2023	August 24, 2023	129 Days
007036051GBF	May 15, 2023	September 6, 2023	116 Days
007036075GBF	June 29, 2023	September 26, 2023	70 Days
007036058GBF	July 27, 2023	October 27, 2023	93 Days
007036118GBF	August 18, 2023	November 19, 2023	93 Days
006423506GBF	September 25, 2023	December 8, 2023	75 Days


According to Order paragraph #3 of the effective Agreed Order, Respondent must submit to IDEM the following:

Within thirty (30) days of the Effective Date, Respondent shall comply with 40 CFR 262.42(a)(2) and 329 IAC 3.1-7-2. Specifically, Respondent shall submit exception reports for manifests #007036033GBF and #007035936GBF to IDEM and Environmental Protection Agency (EPA) Regional Administrator. The exception report shall include manifests and reason for being over the timeframe. Stipulated penalties as stated in Order Paragraph 7 will begin on the 31st day from the Effective Date and will continue until the documentation is submitted as required by this paragraph.

Additionally, according to Order paragraph #5 of the effective Agreed Order, Respondent must pay a civil penalty of \$2,200 per the attached Invoice No. 00384041.

A response detailing the status of compliance with Order paragraph #3 is required within fifteen (15) days of receipt of this letter. Additionally, the civil penalty must be paid immediately. Failure to respond to this letter or comply with the orders may result in additional penalties and/or referral to the Attorney General's Office for enforcement of the Agreed Order. If you have any questions, please contact me at 317-234-6951 or via email at sgonzale@idem.in.gov

Sincerely,



Shiela Gonzales
Enforcement Section
Office of Land Quality

Enclosure

cc: Elkhart County Health Department
Jim Weingart, NRO Director, JWEINGAR@idem.IN.gov
Cathy Csatari Hazardous Waste Inspector, CCSATARI@idem.in.gov
Jeff Long, Vice President, jeff.long@brincpamerica.com
IDEM Virtual Cabinet



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204
(800) 457-6027 • (317) 232-8603 • www.idem.in.gov

Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

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

COMMISSIONER OF THE DEPARTMENT)
OF ENVIRONMENTAL MANAGEMENT,)
)
) Complainant.)

v.)

Case No. 2024-30250-11

THE BRISTOL INDIANA CORPORATION,)
)
) 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 The Bristol Indiana Corporation, which operates the facility with EPA ID No. IND982650384, located at 51650 CR 133, in Bristol, Elkhart 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:

Jason Schmidt, President
The Bristol Indiana Corporation

CT Corporation System, Registered Agent
The Bristol Indiana Corporation



51650 County Road 133
Bristol, IN 46507

334 North Senate Avenue
Indianapolis, IN 46204

5. Respondent notified EPA of Small Quantity Generator activities on February 26, 2024.
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 April 2, 2024, conducted by a representative of IDHM, the following violations were found:
 - a. Pursuant to 40 CFR 262.42(a)(2) and 329 IAC 3.1-7-2, a large quantity generator must submit an Exception Report to the EPA Regional Administrator if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter.

As noted during the inspection, Respondent failed to submit an Exception Report for Hazardous Waste Manifest #007036033GBF received by the initial transporter on March 21, 2023, and signed by the destination facility on July 13, 2023. Additionally, Respondent failed to submit an Exception Report for Hazardous Waste Manifest #007035936GBF received by the initial transporter on July 19, 2022, and signed by the destination facility on September 9, 2022. Respondent did not receive a copy of the manifest with the handwritten signature from the designated facility within 45 days of the date the waste was accepted by the initial transporter.

- b. Pursuant to 40 CFR 262.42(b), a generator of greater than 100 kilograms but less than 1,000 kilograms of hazardous waste in a calendar month who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within sixty (60) days of the date the waste was accepted by the initial transporter must submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the Environmental Protection Agency (EPA) Regional Administrator.

As noted during the inspection, Respondent failed to receive a copy of the signed manifests by the designated facility within the sixty (60) day period from shipment to acceptance from designated facility. The facility initiated the following shipments found below while operating as a Small Quantity Generator of hazardous waste to Heritage Environmental Services. The shipments noted were not received prior to sixty (60) days.

Manifest ID	Shipped Date	Received Date	Timeframe
006423493GBF	January 28, 2022	May 13, 2022	106 Days
007014026GBF	February 28, 2022	June 2, 2022	95 days

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007036118GBF	August 18, 2023	November 19, 2023	93 Days
006423506GBF	September 25, 2023	December 8, 2023	75 Days

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 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 262.42(a)(2) and 329 IAC 3.1-7-2. Specifically, Respondent shall submit exception reports for manifests #007036033GBF and #007035936GBF to IDEM and Environmental Protection Agency (EPA) Regional Administrator. The exception report shall include manifests and reason for being over the timeframe. Stipulated penalties as stated in Order Paragraph 7 will begin on the 31st day from the Effective Date and will continue until the documentation is submitted as required by this paragraph.
4. Upon the Effective Date, Respondent shall comply with 40 CFR 262.42(b). Specifically, in the future if Respondent does not receive a copy of a hazardous waste manifest with the handwritten signature of the owner or operator of the designated facility within sixty of the date hazardous waste was accepted by the initial transporter, Respondent shall submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the Environmental Protection Agency (EPA) Regional Administrator and IDEM.
4. All submittals required by this Agreed Order, unless IDEM notifies the Respondent otherwise in writing, shall be sent to:

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

5. Pursuant to IC 13-30-4-1, Respondent is assessed and agrees to pay a civil penalty of Two Thousand Two Hundred Dollars (\$2,200). 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.

6. 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 43	\$100 per week

7. 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.
8. 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 "Indiana Department of Environmental Management" and shall be payable to IDEM in the manner specified in Paragraph 5, above.
 9. Signatories to this Agreed Order certify that they are fully authorized to execute this Agreed Order and legally bind the party they represent.
 10. 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.
 11. 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.
 12. Respondent shall ensure that all contractors, firms, and other persons performing work under this Agreed Order comply with the terms of this Agreed Order.
 13. 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.
 14. 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.
 15. 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.
 16. 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.

17. 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.
18. 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: 10/24/2024

RESPONDENT:

By: *Jeffery A. Long*
Printed: Jeffery A. Long
Title: V.P.

Date: 11/1/2024

COUNSEL FOR RESPONDENT:

By: _____
Printed: _____
Date: _____

APPROVED AND ADOPTED BY THE INDIANA DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT THIS 9th 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: 000384041
Invoice Date: 12/10/2024
Customer Number: CST100053328
Bill Type: 075
Payment Terms: NET 30
Due Date: 01/09/2025

Bill To:

THE BRISTOL INDIANA CORP
JASON SCHMIDT, PRESIDENT
51650 COUNTY ROAD 133
BRISTOL IN 46507

AMOUNT DUE: 2,200.00 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		2024-30250-H	AGREED ORDER	1.00	EA	2,200.00	2,200.00
<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 :						2,200.00	

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

SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

- 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.

A. Signature

X _____ Agent
 Address

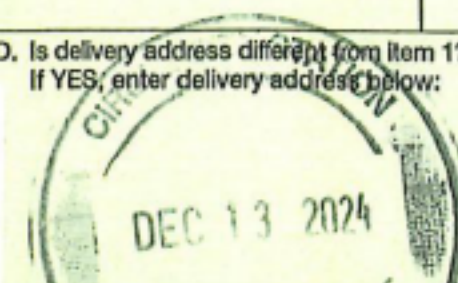
B. Received by (Printed Name)

C. Date of Delivery

1. Article Addressed to:

60-02L dbates 1833 30250-H
 CT CORPORATION SYSTEM REG AGENT
 THE BRISTOL INDIANA CORP.
 334 NORTH SENATE AVE
 INDPLS IN 46204

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



9590 9402 6131 0209 6487 74

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
- Return Receipt for Merchandise
- Signature Confirmation
- Signature Confirmation Restricted Delivery

2. Article Number (Transfer from service label)

7017 2400 0000 0747 4575

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SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

- 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.

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

1. Article Addressed to:

60-02L 1833 dbates 30250-H
 CT CORP SYSTEM REGISTERED AGENT
 THE BRISTOL INDIANA CORP.
 334 NORTH SENATE AVE
 INDIANA IN 46204

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



9590 9402 6131 0209 6482 24

2. Article Number (Transfer from service label)

9589 0710 5270 1592 6801 41

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
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

