



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

Mike Braun  
Governor

Clint Woods  
Commissioner

July 16, 2025

**VIA ELECTRONIC MAIL:**

Dave Boyd, CEO  
Eagle Battery, LLC  
3720 S Hoyt Avenue  
Muncie, IN 47302  
[dave.boyd@eaglebattery.com](mailto:dave.boyd@eaglebattery.com)

**VIA CERTIFIED MAIL#7002 0510 0002 5822 6084**

John F. Ackerman, Registered Agent  
Eagle Battery, LLC  
401 Pennsylvania Parkway, Suite 100  
Indianapolis, IN 46280

Re: Notice of Violation and Proposed Agreed Order  
for a Violation Identified via Inspection  
Eagle Battery, LLC  
Muncie, Delaware County  
Case No. 2025-30915-A

Dear Mr. Boyd:

On January 31, 2025, and March 11, 2025, representatives of the Indiana Department of Environmental Management ("IDEM"), conducted inspections of Eagle Battery, LLC located at 3720 S Hoyt Avenue in Muncie, Indiana. These inspections were conducted pursuant to IC 13-14-2-2, and summaries of the inspections, mailed on February 10, 2025, and June 19, 2025, were provided pursuant to IC 13-14-5.

As a result of information obtained during these inspections, IDEM alleges that a violation of an environmental rule occurred. Specifically, Eagle Battery, LLC operated an incinerator unit with inadequate emission controls.

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 Eagle Battery, LLC 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 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.

Visit [on.in.gov/survey](https://on.in.gov/survey) or scan the QR code to provide feedback.

*We appreciate your input!*



Letterhead: 06/27/20 012 001

If Eagle Battery, LLC 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:

Andrew Staffelbach, Case Manager  
Compliance and Enforcement Branch – Mail Code 61-53  
Indiana Department of Environmental Management  
Indiana Government Center North  
100 North Senate Avenue, Room 13W  
Indianapolis, IN 46204-2251  
[astaffel@idem.in.gov](mailto:astaffel@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 the environmental rule 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 Andrew Staffelbach, Case Manager, of my staff at 317-233-6901 or [astaffel@idem.in.gov](mailto:astaffel@idem.in.gov) if you have any questions.

Sincerely,



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

cc: Missy Hart, Office Manager, [missy.hart@eaglebattery.com](mailto:missy.hart@eaglebattery.com)  
Delaware County Health Department  
Andrew Staffelbach, Compliance and Enforcement Branch, Office of Air Quality  
Melanie Raplee, Compliance and Enforcement Branch, Office of Air Quality



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Mike Braun  
GOVERNOR

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Commissioner

July 16, 2025

## NOTICE OF VIOLATION

Dave Boyd, CEO  
Eagle Battery, LLC  
3720 S Hoyt Avenue  
Muncie, IN 47302  
[dave.boyd@eaglebattery.com](mailto:dave.boyd@eaglebattery.com)

John F. Ackerman, Registered Agent  
Eagle Battery, LLC  
401 Pennsylvania Parkway, Suite 100  
Indianapolis, IN 46280

Case No. 2025-30915-A

Based on inspections on January 31, 2025, and March 11, 2025, the Indiana Department of Environmental Management ("IDEM") has reason to believe that Eagle Battery, LLC ("Respondent") has violated an environmental rule. The violation is based on the following:

1. Respondent owns and operates a lead acid battery refurbishment and recycling facility located at 3720 S Hoyt Avenue in Muncie, Delaware County, Indiana (the "Site").
2. Pursuant to 326 IAC 4-2(1), all incinerators must consist of primary and secondary chambers or the equivalent.

On or about January 31, 2025, Respondent burned soiled microfiber cloths, used to clean lead acid batteries, in an incinerator consisting of a single chamber, in violation of 326 IAC 4-2(1).

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.

Visit [on.IN.gov/survey](https://on.IN.gov/survey) or scan the QR code to provide feedback.

*We appreciate your input!*



LD 00000001 08/01/2024

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 326 IAC 4-2(1) and 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 Andrew Staffelbach, Case Manager, of my staff at 317-233-6901 or [astaffel@idem.in.gov](mailto:astaffel@idem.in.gov) if you have any questions.

For the Commissioner:



Date: 7-16-25

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

cc: Missy Hart, Office Manager, [missy.hart@eaglebattery.com](mailto:missy.hart@eaglebattery.com)  
Delaware County Health Department  
Andrew Staffelbach, Compliance and Enforcement Branch, Office of Air Quality  
Melanie Raplee, Compliance and Enforcement Branch, Office of Air Quality

**From:** [Missy Hart](#)  
**To:** [ROBERTS, GOLDIE](#)  
**Subject:** Read: Eagle Battery, LLC (#30915-A) Notice of Violation & Proposed Agreed Order  
**Date:** Wednesday, July 16, 2025 2:40:26 PM

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Your message

To: Missy Hart

Subject: Eagle Battery, LLC (#30915-A) Notice of Violation & Proposed Agreed Order

Sent: Wednesday, July 16, 2025 1:50:07 PM (UTC-05:00) Eastern Time (US & Canada)

was read on Wednesday, July 16, 2025 2:57:07 PM (UTC-05:00) Eastern Time (US & Canada).

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY													
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature</p> <p><b>X</b> <i>Damia Kay</i> <span style="float: right;"><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</span></p>													
<p>1. Article Addressed to:</p> <p><b>60-02-A/gjr EXP NOV/FAD 2025-30915-A</b>  <b>JOHN FACKERMAN</b>  <b>REGISTERED AGENT</b>  <b>EAGLE BATTERY LLC</b>  <b>401 PENNSYLVANIA PKWY STE 100</b>  <b>INDIANAPOLIS IN 46280</b></p>  <p>9590 9402 8243 3030 3278 85</p>	<p>B. Received by (Printed Name)</p>	<p>C. Date of Delivery</p>												
<p>2. Article Number (Transfer from service label)</p> <p><b>7002 0510 0002 5822 6084</b></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If YES, enter delivery address below: <input type="checkbox"/> No</p>													
	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td></td> </tr> </table> <p>Mail          Mail Restricted Delivery (00)</p>		<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Collect on Delivery Restricted Delivery	
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<p>PS Form 3811, July 2020 PSN 7530-02-000-9053</p>		<p>Domestic Return Receipt</p>												