



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

August 18, 2025

VIA CERTIFIED MAIL#7002 0510 0002 5822 6015

Neal Rifkin, President
MetalX, LLC
9910 Dupont Circle Dr E, Ste 200
Fort Wayne, IN 46825

Re: Commissioner of the Department of
Environmental Management

v.

MetalX, LLC dba MetalX Auburn
Plant ID No. 033-00110
Auburn, DeKalb County
Case No. 2024-30496-A

Qualified offer of settlement: inadmissible pursuant to Rule 408 of the Ind. Rules of Evidence. IDEM asserts that any offer to compromise a claim or any acceptance of such offer does not bind or obligate the parties of this enforcement action in the absence of a final order of the agency.

Dear Mr. Neal Rifkin:

Enclosed please find the proposed Agreed Order that provides for the actions required to correct the violations outlined in IDEM's Notice of Violation issued to you in the above referenced case dated April 21, 2025. The civil penalty noted in the proposed Agreed Order is for settlement purposes only. Entering into and timely compliance with the enclosed Agreed Order will constitute resolution of this case.

If you are willing to resolve this matter as provided for in the enclosed Agreed Order, sign and return it to me at the address specified in the Agreed Order within fifteen (15) days of your receipt of the Agreed Order. The individual signing the enclosed Agreed Order should be the President of the company or other authorized signatory. If you would like to schedule a meeting to discuss the Agreed Order in more detail, please contact me as soon as possible at 317-752-7860 or nsruiz@idem.in.gov.

If this matter cannot be resolved through the enclosed Agreed Order or a mutually acceptable amended Agreed Order, a Commissioner's Order may be issued. It should be understood that the civil penalty for purposes of a Commissioner's Order

Visit on.IN.gov/survey or scan the QR code to provide feedback.

We appreciate your input!

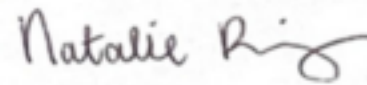


L 4686 and 0027Y P10 1/2024

will be assessed pursuant to IDEM's Civil Penalty Policy adopted as a Nonrule Policy Document on April 5, 1999.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink that reads "Natalie Ruiz". The signature is written in a cursive style and is centered horizontally.

Natalie Ruiz
Case Manager
Enforcement Section
Office of Air Quality

Enclosure

cc: Doug Forbes, VP Operations, dforbes@metalx.net
James Huser, Quality Manager, jhuser@metalx.net
Aaron Lash, Production Manager, alash@metalx.net
Paul Brink, Consultant, Paul.brink1979@gmail.com
Natalie Ruiz, Compliance and Enforcement Branch, OAQ
John Alexander, Compliance and Enforcement Branch, OAQ
Randy Hoffman, Compliance and Enforcement Branch, OAQ



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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. 2024-30496-A
METALX, LLC DBA METALX AUBURN,
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 MetalX, LLC dba MetalX Auburn ("Respondent"), which owns and operates the stationary aluminum shredder and scrap metal processing plant with Plant ID No. 033-00110, located at 1101 Oren Dr, in Auburn, DeKalb 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:

Visit on.IN.gov/survey or scan the QR code to provide feedback.

We appreciate your input!



MetalX, LLC
Attn: Daniel M. Rifkin, CEO and
Registered Agent
9910 Dupont Circle Dr E, Ste 200
Fort Wayne, IN 46825

5. During an investigation including an inspection on October 24, 2024 conducted by a representative of IDEM, the following violations were found:

- a. Pursuant to Federally Enforceable State Operating Permit No. 033-40263-00110 ("Permit 40263"), Conditions D.1.7 and D.1.8, and corresponding conditions in subsequent permits, Respondent shall perform and maintain records of daily visible emission notations of baghouse stack exhausts.

Respondent failed to perform and maintain records of daily visible emission notations on multiple dates from September 6, 2020 to December 2, 2023, in violation of Permit 40263 Conditions D.1.7 and D.1.8, and corresponding conditions in subsequent permits.

- b. Pursuant to Permit 40263, Condition D.1.4, and corresponding conditions in subsequent permits, a Preventative Maintenance Plan is required for these facilities and any control devices.

Respondent failed to maintain a complete and current Preventative Maintenance Plan from 2019 to October 24, 2024, in violation of Permit 40263 Condition D.1.4, and corresponding conditions in subsequent permits.

- c. Pursuant to Federally Enforceable State Operating Permit No. 033-46286-00110 ("Permit 46286"), Condition C.16, and corresponding conditions in subsequent permits, 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 timely submit the 2023 second and fourth quarter, Quarterly Deviation and Compliance Monitoring Reports, in violation of Permit 46286 Condition C.16, and corresponding conditions in subsequent permits.

- d. Pursuant to Federally Enforceable State Operating Permit No. 033-47657-00110 ("Permit 47657"), Condition D.1.5, in order to comply with Conditions D.1.1, D.1.2, and D.1.3, the existing common baghouse for the particulate control shall be in operation and control emissions from the Shredder No. 1 and the Shredder No. 2 at all times the Shredder No. 1 and/or Shredder No. 2 are in operation.

Respondent failed control emissions from Shredder No. 1 and Shredder No. 2 on October 24, 2024, in violation of Permit 47657 Condition D.1.5.

- e. Pursuant to Permit 47657, Condition E.1.2(6), Respondent shall cover all open gasoline storage tank fill-pipes with a gasketed seal when not in use.

Respondent failed to have a gasketed seal in place for the gasoline storage tank fill-pipe on October 24, 2024, in violation of Permit 47657, Condition E.1.2(6).

6. Respondent submitted the 2023 second and fourth quarter, Quarterly Deviation and Compliance Monitoring Report to IDEM on November 4, 2024.
7. Respondent submitted the completed Standard Operating Procedure for performing and maintaining records of visible emission notations, the updated Preventative Maintenance Plan, installed a gasketed seal on the gasoline storage tank fill-pipe, and installed an interlocking lid on the baghouse waste container on December 20, 2024.
8. Orders of the Commissioner are subject to administrative review by the Office of Administrative Law Proceedings 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 environmental permit conditions listed in the findings of fact above.
3. All submittals required by this Agreed Order, unless IDEM notifies the Respondent otherwise in writing, shall be sent to:

Natalie Ruiz, Enforcement Case Manager
Office of Air Quality
Indiana Department of Environmental Management
Indiana Government Center North
100 North Senate Avenue, Room 13W
Indianapolis, IN 46204-2251
Nsruiz@idem.in.gov
4. Pursuant to IC 13-30-4-1, Respondent is assessed and agrees to pay a civil penalty of Four Thousand Eight Hundred Dollars (\$4,800.00). Said penalty amount shall be due and payable to the Environmental Management Special

Fund within thirty (30) days of the Effective Date; the thirtieth day being the "Due Date."

5. 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
Indiana Government Center North
100 North Senate Avenue, Room 13E
Indianapolis, IN 46204

6. 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 interest on the unpaid balance at the rate established by IC 24-4.6-1. The interest shall be computed as having accrued from the Due Date until the date that Respondent pays any unpaid balance. Such interest shall be payable to the Environmental Management Special Fund, and shall be payable to IDEM in the manner specified in Paragraph 5, above.
7. Signatories to this Agreed Order certify that they are fully authorized to execute this Agreed Order and legally bind the party they represent.
8. 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.
9. 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.
10. Respondent shall ensure that all contractors, firms, and other persons performing work under this Agreed Order comply with the terms of this Agreed Order.
11. 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.
12. 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.

13. 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.
14. 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.
15. 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.
16. This Agreed Order shall remain in effect until Respondent has complied with all terms and conditions of this Agreed Order and IDEM has issued a Resolution of Case letter to Respondent.

REMAINDER OF PAGE LEFT BLANK INTENTIONALLY

TECHNICAL RECOMMENDATION:
Department of Environmental
Management



By: _____
Jennifer Bailey
Senior Environmental Manager
Enforcement Section
Office of Air Quality

Date: June 11, 2025 _____

RESPONDENT:
MetalX, LLC dba MetalX Auburn

By: _____

Printed: _____

Title: _____

Date: _____

COUNSEL FOR RESPONDENT:

By: _____

Date: _____

APPROVED AND ADOPTED BY THE INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT THIS _____ DAY OF
_____, 20____.

For the Commissioner:

Matthew Stuckey
Assistant Commissioner
Office of Air Quality
Indiana Department of Environmental
Management

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 RPAO 2024-30496-A
NEAL RIFKIN PRESIDENT
METAX LLC
9910 DUPONT CIR DR E STE 200
FT WAYNE IN 46825



9590 9402 8243 3030 3278 16

2. Article Number (Transfer from service label)

7002 0510 0002 5822 6015

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Michelle Makon

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

Restricted Delivery