



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

September 10, 2025

Via Certified Mail:

7004 1160 0004 6518 2207

Marc Ehrhardt, President
BASF Agricultural Solutions US LLC
100 Park Avenue
Florham Park, NJ 07932

Via Certified Mail:

7004 1160 0004 6518 2214

C T Corporation System, Registered Agent
BASF Agricultural Solutions US LLC
334 North Senate Avenue
Indianapolis, IN 46204

Dear Mr. Ehrhardt:

Re: Notice of Violation and Proposed Agreed Order
BASF Agricultural Solutions US LLC
Case No. 2025-30890-H
EPA ID No. INR000158733
Fowler, Benton County

Qualified offer of settlement: inadmissible per 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.

IDEM conducted an investigation of the property located at 1736 North 1200 East, Fowler, Benton County, Indiana and has made a preliminary determination that violations of environmental management laws and rules exist. Per IC 13-30-3-3, enclosed please find a Notice of Violation that sets forth the alleged violations and a proposed Agreed Order which constitutes a qualified offer of settlement.

You may request a settlement conference to discuss the allegations and the actions necessary to correct and resolve the violation, which may include injunctive relief and the establishment of a compliance schedule. Payment of a civil penalty will also be discussed. The civil penalty amount noted in the proposed Agreed Order contains a preliminary penalty figure for settlement discussion purposes only and is based on penalty calculations associated with the alleged violations set forth in the Notice of Violation.

The individual signing the enclosed Agreed Order should be fully authorized to execute the document and legally bind the parties. The timely entry into an Agreed Order, which saves you and IDEM time and resources, may lead to a reduction in the civil penalty.

IDEM is not required to extend the offer of entry into an Agreed Order for more than 60 days. You may enter into an Agreed Order without admitting that the violations occurred.

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

We appreciate your input!

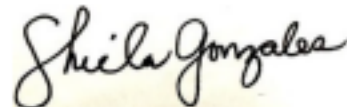


LD 00000001 0001 2024

Additionally, to encourage a timely agreement, IDEM may offer a one-time twenty percent reduction (20%) to the Civil Penalty for 60 days after receipt of this Notice of Violation.

If an Agreed Order is not entered into, IDEM may proceed to issue a unilateral notice and order requiring compliance with the environmental laws, rules, and/or permit, including payment of a civil penalty. Please contact me at (317) 234-6951 or via email at sgonzale@idem.IN.gov if you have any questions or if you wish to request a settlement conference.

Sincerely,



Shiela Gonzales, Case Manager
Land Enforcement Section
Compliance Branch
Office of Land Quality

Enclosures

cc: Benton County Health Department
Bablu Sharma, BASF Agricultural Solutions US LLC, bablu.sharma@basf.com
Cathy Csatari, IDEM, Hazardous Waste Inspector
IDEM Virtual File Cabinet



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(800) 451-8027 • (317) 232-8603 • Fax (317) 233-8647 • www.idem.IN.gov

Mike Braun
Governor

Clint Woods
Commissioner

NOTICE OF VIOLATION

Via Certified Mail:

7004 1160 0004 6518 2207

Marc Ehrhardt, President
BASF Agricultural Solutions US LLC
100 Park Avenue
Florham Park, NJ 07932

Via Certified Mail:

7004 1160 0004 6518 2214

CT Corporation System, Registered Agent
BASF Agricultural Solutions US LLC
334 North Senate Avenue
Indianapolis, IN 46204

Case No.: 2025-30890-H

Pursuant to Indiana Code (“IC”) 13-30-3-3, the Indiana Department of Environmental Management (“IDEM”) issues this Notice of Violation. Based on an investigation including an inspection conducted on June 4, 2025, by an IDEM representative, IDEM has reason to believe BASF Agricultural Solutions US LLC (“Respondent”) violated environmental statutes and rules. The violations are based on the following:

1. Respondent is BASF Agricultural Solutions US LLC, which owns/operates the facility, with EPA ID No. INR000158733, located at 1736 N 1200 E, in Fowler, Benton County, Indiana (“Site”).
2. 329 Indiana Administrative Code (“IAC”) 3.1 incorporates certain federal hazardous waste management requirements found in 40 Code of Federal Regulations (“CFR”) Parts 260 through 270 and Part 273, including those identified below.
3. Pursuant to 40 CFR 262.13, a generator must determine its generator category. A generator's category is based on the amount of hazardous waste generated each month and may change from month to month.

Pursuant to 329 IAC 3.1-1-10, every hazardous waste generator, transporter, or owner or operator of a hazardous waste facility shall notify the commissioner of its hazardous waste activity on the approved forms.

As noted during inspection, Respondent failed to determine its generator category on April 16, 2024 when the facility generated 1,650 gallons of hazardous waste. In addition, Respondent failed to notify the commissioner of its large quantity generator status for April 2024.

4. Pursuant to IC 13-22-4-3.1(c), a person that:
 - (1) in any one (1) or more calendar months of a calendar year generates:

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

We appreciate your input!

Letterhead 002176 012024



- (A) more than one thousand (1,000) kilograms of hazardous waste;
 - (B) at least one (1) kilogram of acute hazardous waste; or
 - (C) at least one hundred (100) kilograms of material from the cleanup spillage of acute hazardous waste;
- (2) accumulates at least six thousand (6,000) kilograms of hazardous waste or at least one (1) kilogram of acute hazardous waste; or
 - (3) is a treatment, storage, or disposal facility;

shall, before March 1 of each year, submit to the department either the biennial report required by the United States Environmental Protection Agency concerning the person's waste activities during the previous calendar year, or an annual report on forms provided by the department, containing no more than a compilation of information from the Uniform Hazardous Waste Manifest form described in section 1(a) of this chapter, that summarizes the person's hazardous waste shipments during the previous calendar year.

As noted during the inspection, Respondent was a large quantity generator in April 2024 and failed to submit an annual report by March 1, 2025.

- 5. Pursuant to 40 CFR 262.20, a generator who transports or offers for transportation hazardous waste for off-site treatment, storage, or disposal must prepare a manifest. A generator must designate on the manifest one facility which is permitted to handle the waste described on the manifest. A generator may designate an alternate facility to handle this waste in the event that an emergency prevents delivery of the waste to the primary designated facility.

Pursuant to IC 13-30-2-1(12), a person may not cause or allow the transportation of a hazardous waste without a manifest if a manifest is required by law.

Pursuant to 329 IAC 3.1-1-13, the commissioner shall require the use of identification numbers issued by the United States Environmental Protection Agency (U.S. EPA).

As noted during the inspection, Respondent shipped large quantity generator volumes of hazardous waste on hazardous waste manifests 019507258FLE, 019507335FLE, and 029507336FLE without entering a proper U.S. EPA ID number in box 1 of the manifests.

In accordance with IC 13-30-3-3, the Commissioner herein provides notice that violations may exist and offers an opportunity to enter into an Agreed Order providing for the actions required to correct the violations and, as necessary and appropriate, for the payment of a civil penalty. The Commissioner is not required to extend this offer for more than sixty (60) days.

As provided in IC 13-30-3-3, an alleged violator may enter into an Agreed Order without admitting the violations occurred. IDEM encourages settlement by Agreed Order, thereby resulting in quicker correction of the environmental violations and avoidance of extensive litigation. Timely settlement by Agreed Order may result in a reduced civil penalty. Also, settlement discussions will allow Respondent the opportunity to present any mitigating factors that may be relevant to the violations.

If an Agreed Order is not entered into within sixty (60) days of receipt of this Notice of Violation, the Commissioner may issue a Notice and Order under IC 13-30-3-4 containing the actions that must be taken to correct the violations and requiring the payment of an appropriate civil penalty. Pursuant to IC 13-30-4-1, the Commissioner may assess penalties of up to \$25,000 per day for each violation.

Please contact Shiela Gonzales at (317) 234-6951 or sgonzale@idem.IN.gov within fifteen (15) days of receipt of this Notice to discuss resolution of this matter.

For the Commissioner:



Lori Freeman, Chief
Compliance Branch
Office of Land Quality

Date: September 9, 2025



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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(800) 451-8027 • (317) 232-8603 • Fax (317) 233-8647 • www.idem.IN.gov

Mike Braun
Governor

Clint Woods
Commissioner

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. 2025-30890-H
)	
BASF AGRICULTURAL SOLUTIONS)	
US LLC,)	
)	
)	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 BASF Agricultural Solutions US LLC, which owns/operates the facility, with EPA ID No. INR000158733, located at 1736 N 1200 E, in Fowler, Benton 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:

Marc Ehrhardt, President

CT Corporation System, Registered Agent

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

We appreciate your input!



Letterhead 8/21/16 01.000

BASF Agricultural Solutions US LLC
100 Park Avenue
Florham Park, NJ 07932

BASF Agricultural Solutions US LLC
334 North Senate Avenue
Indianapolis, IN 46204

5. 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.

6. During an investigation including an inspection on June 4, 2025, conducted by a representative of IDEM, the following violations were found:

a. Pursuant to 40 CFR 262.13, a generator must determine its generator category. A generator's category is based on the amount of hazardous waste generated each month and may change from month to month.

Pursuant to 329 IAC 3.1-1-10, every hazardous waste generator, transporter, or owner or operator of a hazardous waste facility shall notify the commissioner of its hazardous waste activity on the approved forms.

As noted during inspection, Respondent failed to determine its generator category on April 16, 2024 when the facility generated 1,650 gallons of hazardous waste. In addition, Respondent failed to notify the commissioner of its large quantity generator status for April 2024.

On May 22, 2025, Respondent submitted a notification of its generator activities.

b. Pursuant to IC 13-22-4-3.1(c), a person that:

- (1) in any one (1) or more calendar months of a calendar year generates:
 - (A) more than one thousand (1,000) kilograms of hazardous waste;
 - (B) at least one (1) kilogram of acute hazardous waste; or
 - (C) at least one hundred (100) kilograms of material from the cleanup spillage of acute hazardous waste;
- (2) accumulates at least six thousand (6,000) kilograms of hazardous waste or at least one (1) kilogram of acute hazardous waste; or
- (3) is a treatment, storage, or disposal facility;

shall, before March 1 of each year, submit to the department either the biennial report required by the United States Environmental Protection Agency concerning the person's waste activities during the previous calendar year, or an annual report on forms provided by the department, containing no more than a compilation of information from the Uniform Hazardous Waste Manifest form described in section 1(a) of this chapter, that summarizes the person's hazardous waste shipments during the previous calendar year.

As noted during the inspection, Respondent was a large quantity generator in April 2024 and failed to submit an annual report by March 1, 2025.

On May 23, 2025, Respondent submitted the annual report for 2024.

- c. Pursuant to 40 CFR 262.20, a generator who transports or offers for transportation hazardous waste for off-site treatment, storage, or disposal must prepare a manifest. A generator must designate on the manifest one facility which is permitted to handle the waste described on the manifest. A generator may designate an alternate facility to handle this waste in the event that an emergency prevents delivery of the waste to the primary designated facility.

Pursuant to IC 13-30-2-1(12), a person may not cause or allow the transportation of a hazardous waste without a manifest if a manifest is required by law.

Pursuant to 329 IAC 3.1-1-13, the commissioner shall require the use of identification numbers issued by the United States Environmental Protection Agency (U.S. EPA).

As noted during the inspection, Respondent shipped large quantity generator volumes of hazardous waste on hazardous waste manifests 019507258FLE, 019507335FLE, and 029507336FLE without entering a proper U.S. EPA ID number in box 1 of the manifests.

7. 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 statutes and rules listed in the findings of fact above.
3. Upon the Effective Date, Respondent shall comply with 40 CFR 262.13 and 329 IAC 3.1-1-10. Specifically, Respondent shall determine its generator status on a monthly basis and properly notify of generator status in the future.
4. Within thirty (30) days of the Effective Date, Respondent shall comply with 40 CFR 262.20, IC 13-30-2-1(12), and 329 IAC 3.1-1-13. Specifically, Respondent shall correct the manifests 019507258FLE, 019507335FLE, and 029507336FLE in RCRAInfo by changing the ID number in box 1 from INCESQG to reflect the facility's ID number. Respondent shall submit documentation that correction has been made.
5. 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

- Pursuant to IC 13-30-4-1, Respondent is assessed and agrees to pay a civil penalty of Four Thousand Two Hundred and Fifty Dollars (\$4,250). 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, American Express, 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 e-Check payments. The Case Number is required to complete the process.

Phone:

You may also call us at 317-233-2394 and follow the instructions for Master Card, Visa, American Express, 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 e-Check payments. The Case Number is required to complete the process.

- 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 #4	\$150 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 "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: 8/21/2025

RESPONDENT:

By: _____

Printed: _____

Title: _____

Date: _____

COUNSEL FOR RESPONDENT:

By: _____

Printed: _____

Date: _____

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

For the Commissioner:

Brian Wolff
Assistant Commissioner
Office of Land Quality

From: [Bablu Sharma](#)
To: [BATES, DONNA](#)
Cc: [Kathy Sarault](#); [Gonzales, Shiela](#); [CSATARI, CATHY](#)
Subject: RE: [EXT] Copy of Notice of Violation and Proposed Agreed Order. BASF Agricultural Solutions US LLC. Case No. 2025-30890-H.
Date: Wednesday, September 10, 2025 2:54:50 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

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.

Hello Donna,

Yes, I have received the communication and it's being reviewed internally.

Thanks and Best Regards,
Bablu Sharma
Field Trial Manager

Mobile: +1 661 428-8298, Email: bablu.sharma@basf.com
Postal Address: BASF Corporation, 1736 N 1200 E, Indiana 47944 Fowler, IN, United States


We create chemistry

From: BATES, DONNA <DBATES@idem.IN.gov>
Sent: Wednesday, September 10, 2025 9:29 AM
To: Bablu Sharma <bablu.sharma@basf.com>
Cc: Kathy Sarault <ksarault@bentoncounty.in.gov>; Gonzales, Shiela <SGONZALE@idem.IN.gov>; CSATARI, CATHY <CCSATARI@idem.IN.gov>
Subject: [EXT] Copy of Notice of Violation and Proposed Agreed Order. BASF Agricultural Solutions US LLC. Case No. 2025-30890-H.

You don't often get email from dbates@idem.in.gov. [Learn why this is important](#)

Dear Bablu:

Please find attached copy of the Notice of Violation and proposed Agreed Order regarding BASF Agricultural Solutions US LLC. **Once you have received this email would you please respond back to me (via e-mail) that you have received the document for our records.**

Thank you.



Donna Bates

*Administrative Assistant
IDEM - Office of Land Quality
Compliance & Enforcement Branch*

(317) 233-5529 • dbates@idem.IN.gov | www.idem.IN.gov



Tracking Number:

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70041160000465182207

Copy

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Latest Update

Your item was picked up at the post office at 6:35 am on September 15, 2025 in FLORHAM PARK, NJ 07932.

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USPS Tracking Plus[®]

Delivered

Delivered, Individual Picked Up at Post Office

FLORHAM PARK, NJ 07932

September 15, 2025, 6:35 am

[See All Tracking History](#)

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[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

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Product Information



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FAQs

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[Copy](#)

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Feedback

Delivered

Delivered, Individual Picked Up at Post Office

INDIANAPOLIS, IN 46204

September 12, 2025, 12:34 pm

Available for Pickup

INDIANAPOLIS, IN 46204

September 12, 2025, 9:58 am

Arrived at Post Office

INDIANAPOLIS, IN 46204

September 12, 2025, 9:47 am

Arrived at USPS Regional Origin Facility

INDIANAPOLIS IN DISTRIBUTION CENTER

September 10, 2025, 8:01 pm

Departed Post Office

INDIANAPOLIS, IN 46206

September 10, 2025, 7:16 pm

USPS picked up item

INDIANAPOLIS, IN 46206
September 10, 2025, 4:24 pm

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[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

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*

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Product Information

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FAQs