



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

June 19, 2024

VIA ELECTRONIC MAIL:

Marc Walraven, President
Eagle Washington Holding Co., LLC
1723 West Walnut Street
Washington, IN 47501
marcw@eaglesm.com

VIA CERTIFIED MAIL #9589 0710 5270 0682 2480 32

Dalton Demny, Registered Agent
Eagle Washington Holding Co., LLC
1723 West Walnut Street
Washington, IN 47501

Re: Notice of Violation and Proposed Agreed Order
Eagle Washington Holding Co., LLC
Plant ID No. 027-00006
Washington, Daviess County
Case No. 2021-28040-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. Walraven:

This is to advise that the Indiana Department of Environmental Management (“IDEM”) has conducted an investigation of Eagle Washington Holding Company, LLC located at 1723 West Walnut Street, Washington, Indiana. As a result of information obtained during that investigation, IDEM has made a preliminary determination that violations of environmental rules and permit conditions exist. Pursuant to 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.

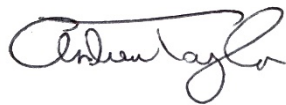
You may request a settlement conference to discuss the allegations and the actions necessary to correct and resolve the violations, which may include injunctive relief and the establishment of a compliance schedule. Payment of a civil penalty will also be discussed. The civil penalty amount noted in 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. A portion of the civil penalty may be offset by performing an approved Supplemental Environmental Project (SEP). Typical SEPs have included pollution prevention, pollution control, and environmental restoration projects. A copy of IDEM’s SEP policy may be obtained from this office or at IDEM’s website at www.IN.gov/idem.



The individual signing the enclosed Agreed Order should be the President of the company or other authorized signatory. 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 sixty days. You may enter into an Agreed Order without admitting that the violations occurred. If an Agreed Order is not entered into, IDEM may proceed to issue a unilateral notice and order requiring compliance with the environmental rules and permit conditions, including payment of a civil penalty. Please contact me at (317) 233-2711 or AKTaylor@idem.IN.gov if you have any questions or if you wish to request a settlement conference.

Sincerely,

A handwritten signature in black ink that reads "Andrew Taylor". The signature is fluid and cursive, with the first name "Andrew" and last name "Taylor" clearly distinguishable.

Andrew Taylor
Case Manager
Enforcement Section
Office of Air Quality

Enclosures:

cc: Peter Tilton (Peter.Tilton@eaglerailcar.com)
Andrew Taylor, Compliance and Enforcement Branch, OAQ
Daniel Roos, Compliance and Enforcement Branch, OAQ
Randy Hoffman, Compliance and Enforcement Branch, OAQ
<http://www.IN.gov/idem>



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June 19, 2024

NOTICE OF VIOLATION

Via Electronic Mail:

Via Certified Mail#9589 0710 5270 0682 2480 32

To: Eagle Washington Holding Co.,
LLC
Attn: Marc Walraven, President
1723 West Walnut Street
Washington, IN 47501
marcw@eaglesm.com

To: Dalton Demny, Registered Agent
1723 West Walnut Street
Washington, IN 47501

Case No. 2021-28040-A

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 inspections conducted on July 15 and August 18, 2021 by an IDEM representative, IDEM has reason to believe Eagle Washington Holding Company, LLC ("Respondent") violated environmental rules and permit conditions. The violations are based on the following:

1. Respondent is Eagle Washington Holding Company, LLC, which owns and operates the stationary railroad car cleaning and refurbishing operation with Plant ID No. 027-00006, located at 1723 West Walnut Street, in Washington, Daviess County, Indiana ("Site").

Based on the Enforcement Action Letter issued to Respondent on July 27, 2021, IDEM alleges the following violations:

2. Pursuant to Federally Enforceable State Operating Permit No. 027-37140-00006 ("Permit") condition D.1.8, Respondent shall perform Volatile Organic Compound ("VOC") testing of the flare (FL-1) used to control emissions from Flare Stations (FS-1 through FS-8) and the Steam Stations (WS-7 through WS-18) not later than ninety (90) days after issuance of the Permit.

Respondent failed to perform VOC testing of the flare (FL-1) used to control emissions from Flare Stations (FS-1 through FS-8) and the Steam Stations (WS-7 through WS-18) not later than ninety (90) days after issuance of the Permit, in violation of Permit condition D.1.8.

3. Pursuant to Permit conditions D.2.10 and D.2.13, Respondent shall perform visible emission notations of each of the abrasive blasting units (AB-1 through AB-4) dust collector stack exhausts (DC-1, DC-2, and DC-3) once per day during

normal daylight operations and shall maintain daily records of the visible emission notations of each abrasive blasting unit's dust collector stack exhausts.

From August 1, 2019 through May 28, 2021, Respondent failed to perform visible emission notations of each of the abrasive blasting units (AB-1 through AB-4) dust collector stack exhausts (DC-1, DC-2, and DC-3) once per day during normal daylight operations and Respondent failed to maintain daily records of the visible emission notations of each abrasive blasting unit's dust collector stack exhausts, in violation of Permit conditions D.2.10 and D.2.13.

4. Pursuant to Permit conditions D.2.11 and D.2.13, Respondent shall perform daily inspections to verify the placement, integrity, and particle loading of the filters associated with Paint Booths (P-1 and P-2) and the Rail Car Liner Installation Operations (RCLI) and shall maintain a log of the daily inspections.

From September 2, 2019 through February 24, 2021, Respondent failed to perform daily inspections to verify the placement, integrity, and particle loading of the filters associated with Paint Booths (P-1 and P-2) and the Rail Car Liner Installation Operations (RCLI) and failed to maintain a log of the daily inspections, in violation of Permit conditions D.2.11 and D.2.13.

Based on the Enforcement Action Letter issued to Respondent on September 1, 2021, IDEM alleges the following violation:

5. Pursuant to Permit conditions D.1.10 and D.1.11, Respondent shall continuously monitor the presence of the flare pilot flame using a thermocouple or any other equivalent device to detect the presence of a flame and shall maintain monthly records to demonstrate the thermocouple or equivalent device detects the presence of a flame no less than once per minute.

Respondent failed to continuously monitor the presence of the flare pilot flame using a thermocouple or any other equivalent device to detect the presence of a flame and failed to maintain monthly records to demonstrate the thermocouple or equivalent device detects the presence of a flame no less than once per minute, in violation of Permit conditions D.1.10 and D.1.11.

Pursuant to IC 13-30-3-3, the Commissioner herein provides notice that the 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.

Pursuant to 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 Andrew Taylor at (317) 233-2711 or AKTaylor@idem.IN.gov within fifteen (15) days after receipt of this Notice to discuss resolution of this matter.

For the Commissioner:



Date: 6-19-24

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

cc: Peter Tilton (Peter.Tilton@eaglerailcar.com)
Daviess County Health Department
Andrew Taylor, Compliance and Enforcement Branch, Office of Air Quality
Daniel Roos, Compliance and Enforcement Branch, Office of Air Quality
Randy Hoffman, Compliance and Enforcement Branch, Office of Air Quality
IDEM Public File

From: [Marc Walraven](#)
To: [ROBERTS, GOLDIE](#)
Subject: Read: [EXTERNAL] Eagle Washington Holding Co., Inc. LLC (#28040-A) Notice of Violation & Proposed Agreed Order
Date: Wednesday, June 19, 2024 11:46:31 AM
Importance: High

Your message

To: Marc Walraven
Subject: [EXTERNAL] Eagle Washington Holding Co., Inc. LLC (#28040-A) Notice of Violation & Proposed Agreed Order
Sent: Wednesday, June 19, 2024 6:34:20 AM (UTC-06:00) Central Time (US & Canada)
was read on Wednesday, June 19, 2024 10:46:20 AM (UTC-06:00) Central Time (US & Canada).

Remove X

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WASHINGTON, IN 47501

June 24, 2024, 3:53 pm

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