



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 13, 2024

VIA ELECTRONIC MAIL:

Robbie Nixon, Plant Manager
Fairfield Manufacturing Company, Inc.
US 52 South
PO Box 7940
Lafayette, IN 47902
Robbie.Nixon@dana.com

Re: Adoption of Agreed Order
Commissioner, Indiana Department of
Environmental Management
v.
Fairfield Manufacturing Company, Inc.
Plant ID No. 157-00007
Lafayette, Tippecanoe County
Case No. 2021-27932-A

Dear Mr. Nixon:

This is to inform you that the Agreed Order in the above-referenced case has been approved and adopted by the Indiana Department of Environmental Management. A copy of the Agreed Order is enclosed.

Please note the terms of compliance contained in the Agreed Order. The time frames for compliance are effective upon your receipt of this correspondence. Please note that the civil penalty is due within thirty (30) days after the effective date of the Agreed Order. Payment should be made payable to the Environmental Management Special Fund and sent to:

Indiana Department of Environmental Management
Accounts Receivable
IGCN, Room 1340
100 North Senate Avenue
Indianapolis, IN 46204

Please include the Case Number on the front of the check. If you have any questions, please contact Matthew Chaifetz at 317-232-8408 or mchaifet@idem.IN.gov.

Sincerely,



David P. McIver, Chief
Enforcement Section
Office of Air Quality

Enclosure

cc: Scot Duncan, Manager of EHS, Dana Inc. Scot.Duncan@dana.com
Paul Renberg, Dana, Inc. Paul.Renberg@dana.com
Tony Sullivan, Partner, Barnes & Thornburg LLC tony.sullivan@btlaw.com
Tippecanoe County Health Department
Matthew Chaifetz, Compliance and Enforcement Branch, OAQ
Valerie Tachtiris, Office of Legal Counsel, IDEM
John Pritchard, Office of Legal Counsel, IDEM
<http://www.IN.gov/idem>



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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. 2021-27932-A
)	
DANA INC. d/b/a FAIRFIELD)	
MANUFACTURING COMPANY, INC.,)	
)	
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 Dana Inc. doing business as Fairfield Manufacturing Company, Inc. (“Respondent”), which owns and operates the stationary gear manufacturing operation with Plant ID No. 157-00007, located at 2400 Sagamore Parkway, in Lafayette, Tippecanoe 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:

Doug Liedberg, Senior VP, General
Counsel, Chief Compliance &
Sustainability Officer
Dana, Inc.
3939 Technology Drive
Maumee, OH 43537

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

5. During an investigation including an inspection on June 9, 2021, conducted by a representative of IDEM, the following violations were found:

- a. Pursuant to Minor Source Operating Permit ("MSOP") 157-41716-00007 condition D.3.3, to document the compliance status with D.3.2, the Permittee shall maintain related parameters sufficient to demonstrate the presence of a pilot flame when operating the RX generators including records of the audible alarms and response steps taken.

Respondent failed to have sufficient alarms or other equivalent device to demonstrate the present of a pilot flame when operating the RX generators, in violation of MSOP condition D.3.3.

- b. Pursuant to MSOP condition D.5.1(a)(1), Permittee shall ensure that degreasers are equipped with a cover.

During the inspection conducted on June 9, 2021, cold-cleaner degreaser identified as 58 was observed to not have a cover, in violation of MSOP condition D.5.1(a)(1).

- c. Pursuant to MSOP condition E.1.2(5) and 40 CFR 63.6603(a), the owner or operator of an existing stationary RICE located at an area source of HAP emissions must comply with the requirements in Table 2d to this subpart.

Respondent failed to demonstrate that preventative maintenance requirements had been conducted on the emergency generators, in violation of MSOP condition E.1.2(5) and 40 CFR 63.6603(a) as noted in Table 2d.

- d. Pursuant to 40 CFR 63 Subpart T, the owner or operator of an existing solvent cleaning machine shall comply with applicable recordkeeping and reporting provisions of this subpart.

Respondent operated an Open Top Vapor Degreaser using perchloroethylene without complying with the applicable recordkeeping or reporting requirements of the rule through August 27, 2021, in violation of 40 CFR 63.647 and 40 CFR 63.648.

6. Respondent completed the installation of flame sensors/alarms by July 10, 2021.

7. Between August 20-31, 2021, Respondent conducted training for proper operation of degreasers and instituted daily and weekly inspections.
8. Respondent installed a temporary cover on degreaser 58 on June 14, 2021 and contracted to have permanent cover fabricated/installed by October 2021.
9. Respondent created a preventative maintenance plan to address required maintenance activities in Table 2d of Subpart ZZZZ.
10. Respondent ceased using perchloroethylene in the Open Top Vapor Degreaser on August 27, 2021 and returned to using N-Propyl Bromide on August 30, 2021. Perchloroethylene picked up for disposal on September 1, 2021.
11. Respondent submitted permit application on September 9, 2021.
12. Based on additional review, no additional enforcement action shall be taken for the violations of MSOP 157-41716-00007 conditions D.5.1(a)(2) and D.5.1(a)(3) as cited in the Enforcement Action Letter issued on June 23, 2021.
13. 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 rules and 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:

Matthew Chaifetz, Senior Enforcement Case Manager
Office of Air Quality
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, IN 46204-2251
mchaifet@idem.IN.gov
4. Pursuant to IC 13-30-4-1, Respondent is assessed and agrees to pay a civil penalty of Twelve Thousand Nine Hundred Twenty-Five Dollars (\$12,925.00). 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
IGCN, Room 1340
100 North Senate Avenue
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 INTENTIONALLY LEFT BLANK

TECHNICAL RECOMMENDATION:
Department of Environmental
Management

By: 

David P. McIver
Section Chief
Enforcement Section
Office of Air Quality

Date: May 24, 2024

RESPONDENT:
Dana Inc. d/b/a Fairfield Manufacturing
Company, Inc.

By: /ACS

Printed: Robbie Nixon/ACS

Title: Plant Manager

Date: June 12, 2024

COUNSEL FOR RESPONDENT:

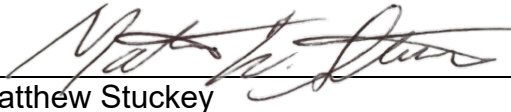
By: 

Anthony C. Sullivan

Date: June 12, 2024

APPROVED AND ADOPTED BY THE INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT THIS 13th DAY OF
June, 2024.

For the Commissioner:



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

From: [Nixon, Robbie](#)
To: [ROBERTS, GOLDIE](#)
Subject: Read: Fairfield Manufacturing Company, Inc. (#27932-A) Adopted Agreed Order
Date: Thursday, June 13, 2024 11:16:12 AM

Your message

To: Nixon, Robbie
Subject: Fairfield Manufacturing Company, Inc. (#27932-A) Adopted Agreed Order
Sent: Thursday, June 13, 2024 11:14:16 AM (UTC-05:00) Eastern Time (US & Canada)
was read on Thursday, June 13, 2024 11:15:28 AM (UTC-05:00) Eastern Time (US & Canada).