



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 25, 2024

Via Certified Mail: # 7017 2400 0000 0747 0980 Via Certified Mail: # 7017 2400 0000 0747 0997

Metal Source, LLC
P.O. Box 238
Wabash, IN 46992

Marcus Olson, Registered Agent for
Metal Source, LLC
1733 S. Wabash St.
Wabash, IN 46992

Dear Interested Parties:

Re: Notice of Violation and Proposed Agreed Order
Metal Source, LLC
Case No. 2024-30075-H
EPA ID No. INR000149435
Wabash, Wabash 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 site with United States Environmental Protection Agency (“EPA”) ID No. INR000149435, and has made a preliminary determination that violations of an environmental management law and environmental 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 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 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. 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) 234-3238 or via email at ephillip@idem.IN.gov if you have any questions or if you wish to request a settlement conference.

Sincerely,

A handwritten signature in blue ink, appearing to read "Elizabeth", is positioned above the typed name.

Elizabeth, Case Manager
Land Enforcement Section
Compliance Branch
Office of Land Quality

Enclosures

cc: Wabash County Health Department
Theresa Pichtel, Hazardous Waste Compliance, tpichtel@idem.in.gov
Aaron Patton, QEHS Director, patton@gebhartholdings.com
IDEM Virtual File Cabinet



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NOTICE OF VIOLATION

Metal Source, LLC
P.O. Box 238
Wabash, IN 46992
Wabash, IN 46992

Marcus Olson, Registered Agent for
Metal Source, LLC
1733 S. Wabash St.
Wabash, IN 46992

Case No. 2024-30075-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 February 29, 2024, by an IDEM representative, IDEM has reason to believe Metal Source, LLC (“Respondent”) violated an environmental statute and environmental rules. The violations are based on the following:

1. Respondent is Metal Source, LLC (“Respondent”), which operates the facility with United States Environmental Protection Agency (“EPA”) ID No. INR000149435, located at 1733 S. Wabash St., in Wabash, Wabash 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.

As noted during the inspection, Respondent did not properly determine their generator category. While conducting hazardous waste activities as an SQG, Respondent shipped at a large quantity generator (“LQG”) level (19,268 pounds of D001, D018 hazardous waste) in March 2021 (Manifest #003321671GBF).

4. 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 activities subject to this article on forms provided by the commissioner unless the activity is exempt from the notification requirements for very small quantity generators under 329 IAC 3.1-6.

As noted during the inspection, Respondent did not properly notify the commissioner of their hazardous waste activities. Respondent shipped 19,268 pounds of hazardous waste in March 2021 (Manifest #003321671GBF) without notifying as an LQG.

5. 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 had not submitted the required biennial report in 2022 for waste generated in 2021.

6. Pursuant to 40 CFR 262.17(a)(6) referencing 40 CFR 262.260(a), a large quantity generator must have a contingency plan for the facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

As noted during the inspection, Respondent did not have a contingency plan. The facility has a generic emergency action plan (EAP) for the various Gebhardt Holdings facilities to comply with the Occupational Safety and Health Administration's (OSHA) Emergency Action Plan Standard, 29 CFR 1910.38. There are also addendums for specific Gebhardt Holdings facilities, identified as GHR01-07. However, all 7 documents are identical. The EAP nor the addendum includes information specific to hazardous wastes and their management, e.g., equipment lists and locations, evacuation maps, agreements with local authorities, etc.

7. Pursuant to 40 CFR 262.17(a)(6) referencing 40 CFR 262.262(b), a large quantity generator that first becomes subject to these provisions after the adoption of this rule or a large quantity generator that is otherwise amending its contingency plan must at that time submit a quick reference guide of the contingency plan to the local emergency responders identified at paragraph (a) of this section or, as appropriate, the Local Emergency Planning Committee. The quick reference guide must include the following elements:
- (1) The types/names of hazardous wastes in layman's terms and the associated hazard associated with each hazardous waste present at any one time (e.g., toxic paint wastes, spent ignitable solvent, corrosive acid);
 - (2) The estimated maximum amount of each hazardous waste that may be present at any one time;
 - (3) The identification of any hazardous wastes where exposure would require unique

- or special treatment by medical or hospital staff;
- (4) A map of the facility showing where hazardous wastes are generated, accumulated and treated and routes for accessing these wastes;
- (5) A street map of the facility in relation to surrounding businesses, schools and residential areas to understand how best to get to the facility and also evacuate citizens and workers;
- (6) The locations of water supply (e.g., fire hydrant and its flow rate);
- (7) The identification of on-site notification systems (e.g., a fire alarm that rings off site, smoke alarms); and
- (8) The name of the emergency coordinator(s) and 7/24-hour emergency telephone number(s) or, in the case of a facility where an emergency coordinator is continuously on duty, the emergency telephone number for the emergency coordinator.

As noted during the inspection, Respondent had not developed a Quick Reference Guide for the facility.

8. Pursuant to 40 CFR 262.17(a)(7)(i)(A), facility personnel must successfully complete a program of classroom instruction, online training (e.g. computer-based or electronic), or on-the-job training that teaches them to perform their duties in a way that ensures compliance with this part. The large quantity generator must ensure that this program includes all the elements described in the document required under paragraph (a)(7)(iv) of this section.

As noted during the inspection, Respondent did not have an employee training program related to the management of hazardous waste. The facility does conduct HAZCOM and Emergency Action Plan training, such as responses to spills and natural disasters.

9. Pursuant to 329 IAC 13-4-3(e), upon detection of a release of used oil to the environment, a generator must do the following: stop the release, contain the release, clean up the release, and report the spill if necessary.

As noted during the inspection, Respondent had allowed the release of used oil/coolant from scrap metal ("black clip" from Novac) coming from the oil scrap and swarf/turnings stored in a scrap bin on the southwest corner of the property and the release of used oil adjacent to the north side of the concrete "car pad" and under the rolloff in this area. Respondent had not cleaned up the releases.

10. Pursuant to 329 IAC 3.1-16-2 and 40 CFR 273.14, universal waste aerosol cans (i.e., each aerosol can), or a container in which the aerosol cans are contained, must be labeled or marked clearly with any of the following phrases: "Universal Waste—Aerosol Can(s)," "Waste Aerosol Can(s)," or "Used Aerosol Can(s)."

As noted during the inspection, Respondent had not properly labeled one (1) 55-gallon drum of universal waste aerosols.

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 Elizabeth Phillips at (317) 234-3238 or ephillip@idem.IN.gov within fifteen (15) days of receipt of this Notice to discuss resolution of this matter.

Date: June 24, 2024

For the Commissioner:



Lori Freeman, Chief
Compliance Branch
Office of Land Quality



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Eric J. Holcomb
Governor

Brian C. Rockensuess
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. 2024-30075-H
)
 METAL SOURCE, 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 Metal Source, LLC (“Respondent”), which operates the facility with United States Environmental Protection Agency (“EPA”) ID No. INR000149435, located at 1733 S. Wabash St., in Wabash, Wabash 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:

Metal Source, LLC
P.O. Box 238

Marcus Olson, Registered Agent for
Metal Source, LLC

Wabash, IN 46992

1733 S. Wabash St.
Wabash, IN 46992

5. Respondent notified EPA of Small Quantity Generator (“SQG”) activities on February 17, 2021.
6. Respondent is a scrap metal recycling facility.
7. 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.
8. During an investigation including an inspection on February 29, 2024, 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.

As noted during the inspection, Respondent did not properly determine their generator category. While conducting hazardous waste activities as an SQG, Respondent shipped at a large quantity generator (“LQG”) level (19,268 pounds of D001, D018 hazardous waste) in March 2021 (Manifest #003321671GBF).

- b. 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 activities subject to this article on forms provided by the commissioner unless the activity is exempt from the notification requirements for very small quantity generators under 329 IAC 3.1-6.

As noted during the inspection, Respondent did not properly notify the commissioner of their hazardous waste activities. Respondent shipped 19,268 pounds of hazardous waste in March 2021 (Manifest #003321671GBF) without notifying as an LQG.

- c. 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 had not submitted the required biennial report in 2022 for waste generated in 2021.

- d. Pursuant to 40 CFR 262.17(a)(6) referencing 40 CFR 262.260(a), a large quantity generator must have a contingency plan for the facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

As noted during the inspection, Respondent did not have a contingency plan. The facility has a generic emergency action plan (EAP) for the various Gebhardt Holdings facilities to comply with the Occupational Safety and Health Administration's (OSHA) Emergency Action Plan Standard, 29 CFR 1910.38. There are also addendums for specific Gebhardt Holdings facilities, identified as GHR01-07. However, all 7 documents are identical. The EAP nor the addendum includes information specific to hazardous wastes and their management, e.g., equipment lists and locations, evacuation maps, agreements with local authorities, etc.

- e. Pursuant to 40 CFR 262.17(a)(6) referencing 40 CFR 262.262(b), a large quantity generator that first becomes subject to these provisions after the adoption of this rule or a large quantity generator that is otherwise amending its contingency plan must at that time submit a quick reference guide of the contingency plan to the local emergency responders identified at paragraph (a) of this section or, as appropriate, the Local Emergency Planning Committee. The quick reference guide ("QRG") must include the following elements:

- (1) The types/names of hazardous wastes in layman's terms and the associated hazard associated with each hazardous waste present at any one time (e.g., toxic paint wastes, spent ignitable solvent, corrosive acid);
- (2) The estimated maximum amount of each hazardous waste that may be present at any one time;
- (3) The identification of any hazardous wastes where exposure would require unique or special treatment by medical or hospital staff;
- (4) A map of the facility showing where hazardous wastes are generated, accumulated and treated and routes for accessing these wastes;
- (5) A street map of the facility in relation to surrounding businesses, schools and residential areas to understand how best to get to the facility and also evacuate citizens and workers;
- (6) The locations of water supply (e.g., fire hydrant and its flow rate);
- (7) The identification of on-site notification systems (e.g., a fire alarm that rings off site, smoke alarms); and
- (8) The name of the emergency coordinator(s) and 7/24-hour emergency telephone number(s) or, in the case of a facility where an emergency coordinator is continuously on duty, the emergency telephone number for the

emergency coordinator.

As noted during the inspection, Respondent had not developed a QRG for the facility.

- f. Pursuant to 40 CFR 262.17(a)(7)(i)(A), facility personnel must successfully complete a program of classroom instruction, online training (e.g. computer-based or electronic), or on-the-job training that teaches them to perform their duties in a way that ensures compliance with this part. The large quantity generator must ensure that this program includes all the elements described in the document required under paragraph (a)(7)(iv) of this section.

As noted during the inspection, Respondent did not have an employee training program related to the management of hazardous waste. The facility does conduct HAZCOM and Emergency Action Plan training, such as responses to spills and natural disasters.

- g. Pursuant to 329 IAC 13-4-3(e), upon detection of a release of used oil to the environment, a generator must do the following: stop the release, contain the release, clean up the release, and report the spill if necessary.

As noted during the inspection, Respondent had allowed the release of used oil/coolant from scrap metal (“black clip” from Novac) coming from the oil scrap and swarf/turnings stored in a scrap bin on the southwest corner of the property and the release of used oil adjacent to the north side of the concrete “car pad” and under the roll off in this area. Respondent had not cleaned up the releases.

- h. Pursuant to 329 IAC 3.1-16-2 and 40 CFR 273.14, universal waste aerosol cans (i.e., each aerosol can), or a container in which the aerosol cans are contained, must be labeled or marked clearly with any of the following phrases: “Universal Waste—Aerosol Can(s),” “Waste Aerosol Can(s),” or “Used Aerosol Can(s).”

As noted during the inspection, Respondent had not properly labeled one (1) 55-gallon drum of universal waste aerosols.

9. 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 statutes and rules listed in the findings of fact above.

3. Upon the Effective Date, Respondent shall comply with 40 CFR 262.13. Specifically, Respondent shall properly determine their generator category on a monthly basis.
4. Within fifteen (15) days of the Effective Date, Respondent shall comply with 329 IAC 3.1-1-10. Specifically, Respondent shall submit an updated electronic notification of large quantity generator activities in 2021 in the myRCRAid module of RCRAInfo. Instructions can be found here: <https://www.in.gov/idem/waste/waste-industries/waste-transportation/how-to-obtain-a-new-rcra-id-number/>.
5. Within thirty (30) days of the Effective Date, Respondent shall comply with IC 13-22-4-3.1(c). Specifically, Respondent shall submit the biennial manifest report for 2021 hazardous waste activities. Obtain the forms from the contact listed below:

Miranda Johnson-Phillips
Indiana Department of Environmental Management
Data Management Section
100 North Senate Avenue
Indianapolis, IN 46204-2251
(317) 232-2747 | mphillip@idem.IN.gov

6. Within thirty (30) days of the Effective Date, Respondent shall comply with 329 IAC 13-4-3(e). Specifically, Respondent shall clean up releases of used oil/coolant on-site, as described in Findings of Fact No. 8.g., by excavating contaminated soil six inches below the visible level of contamination.
7. Within forty-five (45) days of the Effective Date, Respondent shall submit photographic documentation of release cleanup and disposal records to IDEM.
8. Within thirty (30) days of the Effective Date, Respondent shall comply with 329 IAC 3.1-16-2 and 40 CFR 273.14. Specifically, Respondent shall label or mark clearly each lamp or container or package in which such lamps are contained must be labeled or marked clearly with the phrase “Universal Waste-Lamp(s)” or “Waste Lamp(s)” or “Used Lamp(s)” or with other words that accurately identify the universal waste lamps.
9. Upon the Effective Date, Respondent shall comply with 40 CFR 262.17(a)(6) referencing 40 CFR 262.260(a). Specifically, Respondent shall develop and maintain a contingency plan for as long as Respondent remains a large quantity generator of hazardous waste and shall submit the contingency plan to IDEM for review. Respondent shall update this contingency plan, if necessary, when the contingency plan is amended.
10. Upon the Effective Date, Respondent shall comply with 40 CFR 262.17(a)(6) referencing 40 CFR 262.262(b). Specifically, Respondent shall develop a quick reference guide (“QRG”) that includes all of the required information and submit the QRG to the appropriate local emergency response agencies for as long as Respondent remains a large quantity generator of hazardous waste.
11. Upon the Effective Date, Respondent shall comply with 40 CFR 262.17(a)(7)(i)(A). Specifically, Respondent shall develop and implement a hazardous waste management

personnel training program for as long as Respondent remains a large quantity generator of hazardous waste and shall submit documentation showing personnel have been trained according to the program.

12. All submittals required by this Agreed Order, unless IDEM notifies the Respondent otherwise in writing, shall be sent to:

Elizabeth Phillips, Enforcement Case Manager
Office of Land Quality
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, IN 46204-2251

13. Pursuant to IC 13-30-4-1, Respondent is assessed and agrees to pay a civil penalty of Nine Thousand Seven Hundred Fifty Dollars (\$9,750). 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 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 eCheck payments. The Case Number is required to complete the process.

Phone:

You may also call us at 317-234-3099 and follow the instructions for Master Card, Visa 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 eCheck payments. The Case Number is required to complete the process.

5. 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	\$100 per week
Order paragraph 5	\$100 per week
Order paragraph 6	\$250 per week
Order paragraph 7	\$100 per week
Order paragraph 8	\$100 per week

6. 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.
7. 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 the "Indiana Department of Environmental Management," and shall be payable to IDEM in the manner specified in Paragraph 13, above.
8. Signatories to this Agreed Order certify that they are fully authorized to execute this Agreed Order and legally bind the party they represent.
9. 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.
10. 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.
11. Respondent shall ensure that all contractors, firms, and other persons performing work under this Agreed Order comply with the terms of this Agreed Order.
12. 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.
13. 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.

14. 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.
15. 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.
16. 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.
17. 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

RESPONDENT:

By: Jennifer Reno
Jennifer Reno, Chief
Land Enforcement Section
Compliance Branch
Office of Land Quality

By: _____
Printed: _____
Title: _____

Date: 6/11/2024

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

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> 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. 	A. Signature <i>Deb Walden</i> <input type="checkbox"/> Agent <input type="checkbox"/> Address	
1. Article Addressed to:	B. Received by (Printed Name)	C. Date of Delivery
60-02L (1833) dbates 30075-H METAL SOURCE LLC P.O. BOX 238 WABASH IN 46992	D. Is delivery address different from Item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
 9590 9402 8575 3244 8933 01	3. Service Type <input checked="" 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 <input type="checkbox"/> Restricted Delivery	
2. Article Number (Transfer from service label)	<input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery	
7017 2400 0000 0747 0980		
PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt		

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> 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. 	A. Signature <i>Deb Walden</i> <input type="checkbox"/> Agent <input type="checkbox"/> Address	
1. Article Addressed to:	B. Received by (Printed Name)	C. Date of Delivery
60-02L (1833) dbates 30075-H MARCUS OLSON REGISTERED AGENT METAL SOURCE LLC 1733 S WABASH ST WABASH IN 46992	D. Is delivery address different from Item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
 9590 9402 8575 3244 8933 18	3. Service Type <input checked="" 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 <input type="checkbox"/> Restricted Delivery	
2. Article Number (Transfer from service label)	<input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery	
7017 2400 0000 0747 0997		
PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt		

USPS TRACKING#

INDIANAPOLIS IN 460
27 JUN 2024 PM 3 L

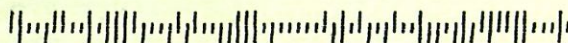
First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 8575 3244 8933 01

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

60-02L 1833 dbates
DEPT OF ENVIRONMENTAL MGMT
OFFICE OF LAND QUALITY ENFORCEMENT
100 N SENATE AVE RM N1101
INDIANAPOLIS IN 46204



USPS TRACKING#

INDIANAPOLIS IN 460
27 JUN 2024 PM 4 L

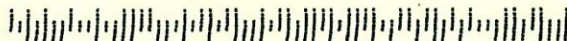
First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 8575 3244 8933 18

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

60-02L 1833 dbates
DEPT OF ENVIRONMENTAL MGMT
OFFICE OF LAND QUALITY ENFORCEMENT
100 N SENATE AVE RM N1101
INDIANAPOLIS IN 46204



Tracking Number:

Remove X

70172400000007470980

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was picked up at the post office at 9:23 am on June 27, 2024 in WABASH, IN 46992.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, Individual Picked Up at Post Office

WABASH, IN 46992

June 27, 2024, 9:23 am

[See All Tracking History](#)

[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)

Feedback

Text & Email Updates



USPS Tracking Plus®



Product Information



See Less ^

Track Another Package

Enter tracking or barcode numbers

USPS Tracking®

[FAQs >](#)

Tracking Number:

[Remove X](#)

70172400000007470997

[Copy](#)

[Add to Informed Delivery \(https://informedelivery.usps.com/\)](https://informedelivery.usps.com/)

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Text & Email Updates



USPS Tracking Plus®



Product Information



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Track Another Package

Enter tracking or barcode numbers