



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

May 28, 2024

VIA CERTIFIED MAIL #9589 0710 5270 0682 2476 84
Levi Yitzchak Cunin, Registered Agent
Seymour MFG LLC
703 East 7th Street
Bloomington, IN 47408

Re: Adoption of Agreed Order
Commissioner, Indiana Department of
Environmental Management
v.
Seymour MFG LLC
Plant ID No. 071-00036
Seymour, Jackson
Case No. 2024-29489-A

Dear Levi Yitzchak Cunin:

This is to advise you that the Indiana Department of Environmental Management took the following action.

The Findings of Fact and Order in the above referenced case, which were signed on behalf of the Respondent, were considered. The Findings of Fact and Order have been approved by the Department and the Agreed Order has been executed.

A copy of the approved Order is enclosed. Please note that the civil penalty has been received and will be deposited in the Environmental Management Special Fund. Thank you for your cooperation.

Sincerely,

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

Enclosures:

cc: Thomas Day, thomas.day@seymour-mfg.com
Janice Engel, janice.engel@seymour-mfg.com
Jeffrey Acton, jeffery.acton@seymour-mfg.com
Natalie Ruiz, Compliance and Enforcement Branch, OAQ
Amy Rotert, Compliance and Enforcement Branch, OAQ
Randy Hoffman, Compliance and Enforcement Branch, OAQ
<http://www.IN.gov/idem>



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

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. 2023-29489-A
)	
SEYMOUR MFG, LLC DBA SEYMOUR)	
HOME PRODUCTS,)	
)	
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 Seymour MFG, LLC dba Seymour Home Products (“Respondent”), which owns and operates the stationary ironing board manufacturing plant with Plant ID No. 071-00036, located at 201 Jackson Park Drive and 110 West 9th Street, in Seymour, Jackson 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:



Seymour MFG LLC
Attn: Levi Yitzchak Cunin, Registered Agent
703 East 7th Street
Bloomington, Indiana 47408

5. During an investigation including an inspection on June 14, 2023, conducted by a representative of IDEM, the following violations were found:

- a. Pursuant to Part 70 Operating Permit No. 071-39699-00036 ("Permit"), Condition B.9, the Permittee shall annually submit a compliance certification report which addresses the status of the source's compliance with the terms and conditions contained in the permit, including emission limitations, standards, or work practices. All certifications shall cover the time period from January 1 to December 31 of the previous year, and shall be submitted by no later than July 1 of each year.

Respondent failed to submit the annual compliance certification report for the calendar year of 2021 in a timely manner, in violation of Permit Condition B.9.

- b. Pursuant to Permit Conditions D.1.6(a) and D.1.7(c) and corresponding conditions in subsequent permits, daily inspections shall be performed and records maintained to verify the placement, integrity, and particle loading of the filters controlling particulate emissions from surface coating booths EPB1, EPB2, WPB1, WPB2, WPB3, and WPB4.

Respondent failed to perform and maintain adequate records of the daily inspections of the filters for surface coating booths EPB1, EPB2, WPB1, WPB2, WPB3, and WPB4 from February 17, 2021, through June 14, 2023, in violation of Permit Conditions D.1.6(a) and D.1.7(c) and corresponding conditions in subsequent permits.

- c. Pursuant to Permit Conditions D.1.6(a) & D.1.7(c) and corresponding conditions in subsequent permits, to monitor the performance of the dry filters, weekly observations shall be made and records maintained of the overspray from stacks S-2, S-3, S-12, S-14, S-19A, and S-19B.

Respondent failed to perform and maintain adequate records of the weekly observations of the overspray from stacks S-2, S-3, S-12, S-14, S-19A, and S-19B from February 17, 2021, through January 3, 2023, in violation of Permit Conditions D.1.6(a) and D.1.7(c) and corresponding conditions in subsequent permits.

- d. Pursuant to Permit Conditions D.1.6(b) and D.1.7(c), monthly inspections shall be performed of the exhausts from stacks S-2, S-3, S-12, S-14, S-19A, and S-19B, for the presence of overspray on the rooftops and the nearby ground, to document compliance with D.1.6, a log of the monthly inspections shall be maintained.

Respondent failed to perform and maintain adequate records of the monthly inspections of the exhausts from stacks S-2, S-3, S-12, S-14, S-19A, and S-19B, for the presence of overspray on the rooftops and nearby ground from February 17, 2021 through October 6, 2022, in violation of Permit Conditions D.1.6(b) and D.1.7(c).

- e. Pursuant to Permit Condition D.1.7(a) and corresponding conditions in subsequent permits, to document compliance with D.1.1, the Permittee shall maintain records of the throughput to powder coating booths EPEC1, EPEC2, and EPEC3 in tons per month.

Respondent failed to maintain adequate records of the throughput to powder coating booths EPEC1, EPEC2, and EPEC3 in tons per month from February 17, 2021, through December of 2022, in violation of Permit Condition D.1.7(a) and corresponding conditions in subsequent permits.

- f. Pursuant to Permit Condition D.1.8 and corresponding conditions in subsequent permits, a quarterly summary of the information to document compliance status with D.1.1 and D.1.2 shall be submitted not later than thirty (30) days after the end of the quarter being reported.

Respondent failed to submit a quarterly summary of the information to document compliance status with D.1.1 and D.1.2 for the 2022 calendar year, in violation of Permit Condition D.1.8 and corresponding conditions in subsequent permits.

- g. Pursuant to Permit Condition C.18 and corresponding conditions in subsequent permits, the Quarterly Deviation and Compliance Monitoring Report or its equivalent shall be submitted by no later than thirty (30) days after the end of the reporting period.

Respondent failed to submit the Quarterly Deviation and Compliance Monitoring Report or its equivalent for the 2022 calendar year, in violation of Permit Condition C.18 and corresponding conditions in subsequent permits.

- 6. 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 with the permit conditions listed in the findings of fact above unless superseded by a permit modification or renewal.
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
100 North Senate Avenue
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 Five Thousand Four Hundred Dollars (\$5,400.00). 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 LEFT BLANK INTENTIONALLY

TECHNICAL RECOMMENDATION:

Department of Environmental
Management

By: David P. McIver

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

Date: April 19, 2024

RESPONDENT:

Seymour MFG, LLC dba Seymour Home
Products

By: Thomas Day

Printed: THOMAS DAY

Title: CEO

Date: 5/20/2024

COUNSEL FOR RESPONDENT:

By: _____

Date: _____

APPROVED AND ADOPTED BY THE INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT THIS 28th DAY OF
May, 2024.

For the Commissioner:

Matthew Stuckey

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

From: [Thomas Day](#)
To: [ROBERTS, GOLDIE](#)
Subject: Read: Seymour Mfg., LLC d/b/a Seymour Home Products (#29489-A) Resolution of Agreed Order
Date: Wednesday, June 19, 2024 7:39:13 AM

Your message

To: Thomas Day
Subject: Seymour Mfg., LLC d/b/a Seymour Home Products (#29489-A) Resolution of Agreed Order
Sent: Wednesday, June 19, 2024 7:10:47 AM (UTC-05:00) Eastern Time (US & Canada)
was read on Wednesday, June 19, 2024 7:38:23 AM (UTC-05:00) Eastern Time (US & Canada).

CERTIFIED MAIL

STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MA
100 N SENATE AVE RM N045
INDIANAPOLIS, IN 46204-2251



INDIANAPOLIS IN 460

29 MAY 2024 PM 2 L

quadrant

FIRST-CLASS MAIL

05/28/2024

US POSTAGE \$008.69



ZIP 46204
041M12254406

9589 0710 5270 0682 2476 84

60-02-A/gjr AAO 2023-29489-A
LEVITIZCHAK CUNIN REGISTERED AGENT
SEYMOUR MFG LLC
703 E 7TH ST
BLOOMINGTON IN 47408

LN
C-21
5/31
6-5
R6-15

NIXIE 462 DE 1 0006/22/24
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD
BC: 46204227399 *1812-01365-29-42

47408-4600
46204-2273