



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 11, 2024

VIA ELECTRONIC MAIL:

Robert Nawrot, President
Central States Enterprises, LLC
PO Box 180655
Casselberry, FL 32718
Rnawrot@cse-fl.com

Re: Adoption of Agreed Order
Commissioner, Indiana Department of
Environmental Management
v.
Central States Enterprises, LLC
Plant ID No. 009-00021
Montpelier, Blackford County
Case No. 2021-27889-A

Dear Mr. Nawrot:

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.

If you have any questions concerning this action, please contact Jennifer Bailey at (317) 234-3996 or jbailey2@idem.in.gov.

Sincerely,

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

Enclosures:

cc: Jeff Hokanson, Ice Miller LLP, Jeff.Hokanson@icemiller.com
Matt Gilesie, Regional Operations Manager, ADM (Matt.gilesie@adm.com)
Lisa Roberts, Regional Environmental Manager, ADM (Lisa.roberts@adm.com)
Sabre Jones, Area Environmental Manager, ADM (Sabre.jones@adm.com)
Jennifer Bailey, Compliance and Enforcement Branch, OAQ
David Mulinaro, 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. 2021-27889-A
)
CENTRAL STATES ENTERPRISES, 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 Respondents 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 Central States Enterprises, LLC (“Respondent”), which owned and operated, at the time of the inspection, a stationary grain terminal elevator with Plant ID No. 009-00021, located at 6627 North 400 East, in Montpelier, Blackford 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”) in conjunction with this Agreed Order via Electronic and Certified Mail to:



Central States Enterprises, LLC
Attn: Robert Nawrot, President
PO Box 180655
Casselberry, FL 32718
Rnarwot@cse-fl.com

CT Corporation System,
Registered Agent
Central States Enterprises, LLC
334 North Senate Avenue
Indianapolis, IN 46204

5. During an investigation including an inspection on May 12, 2021, conducted by a representative of IDEM, the following violations were found:

a. Pursuant to 40 CFR 60.302(c)(1), no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere any fugitive emission from any individual truck unloading station, railcar unloading station, or railcar loading station, which exhibits greater than five percent (5%) opacity.

During the May 12, 2021 inspection, a seventy percent (70%) opacity average was observed at Rail Unloading (TD 2), in violation of 40 CFR 60.302(c)(1).

b. Pursuant to Federally Enforceable State Operating Permit ("FESOP") No. 009-37628-00021, Condition C.3(a), opacity shall not exceed an average of forty percent (40%) in any one (1) six (6) minute averaging period as determined in 326 IAC 5-1-4.

During the May 12, 2021 inspection, a seventy percent (70%) opacity average was observed at Rail Unloading (TD 2) and a fifty percent (50%) opacity average was observed at Silo 20, in violation of FESOP No. 009-37628-00021, Condition C.3(a).

6. On June 14, 2021, the Facility was sold to Archer Daniels Midland Company (ADM) which took immediate operational control. On June 28, 2021 FESOP Administrative Amendment 009-44198-00021 was issued officially changing the name to ADM Grain Company.

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

Jennifer Bailey, Senior Enforcement Case Manager
Office of Air Quality
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, IN 46204-2251
Jbailey2@idem.in.gov

3. Pursuant to IC 13-30-4-1, Respondent is assessed and agrees to pay a civil penalty of Three Thousand Four Hundred Dollars (\$3,400.00). 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."
4. 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
5. 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 4, above.
6. Signatories to this Agreed Order certify that they are fully authorized to execute this Agreed Order and legally bind the party they represent.
7. 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.
8. 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.
9. Respondent shall ensure that all contractors, firms, and other persons performing work under this Agreed Order comply with the terms of this Agreed Order.

10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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 30, 2024

RESPONDENT:
Central States Enterprises, LLC

By: [Signature]

Printed: ROBERT NAWROT

Title: PRESIDENT

Date: 5/2/24

COUNSEL FOR RESPONDENT:

By: _____

Date: June 10, 2024

APPROVED AND ADOPTED BY THE INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT THIS 11th DAY OF
June, 2024.

For the Commissioner:

[Signature]

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

From: [Robert Nawrot](#)
To: [ROBERTS, GOLDIE](#)
Subject: Read: Central States Enterprises, LLC (#27889-A) Adopted Agreed Order
Date: Thursday, June 13, 2024 9:52:56 AM

Your message

To: Robert Nawrot
Subject: Central States Enterprises, LLC (#27889-A) Adopted Agreed Order
Sent: Tuesday, June 11, 2024 9:58:00 AM (UTC-08:00) Pacific Time (US & Canada)
was read on Thursday, June 13, 2024 6:52:41 AM (UTC-08:00) Pacific Time (US & Canada).