



# 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](http://www.idem.IN.gov)

**Eric J. Holcomb**  
Governor

**Brian C. Rockensuess**  
Commissioner

June 19, 2024

**Via Certified Mail: # 7017 2400 0000 0747 0805**

Josh Higgins, Maintenance and EHS Manager  
Multi-Color Corporation  
2281 South Highway 31  
Scottsburg, IN 47170  
[Joshua.higgins@mcclabel.com](mailto:Joshua.higgins@mcclabel.com)

Dear Mr. Higgins:

Re: Adoption of Agreed Order  
Commissioner, Indiana Department of Environmental Management  
v.  
Multi-Color Corporation  
Case No. 2024-30022-H

The Agreed Order pertaining to the case referenced above has been approved for adoption by the Indiana Department of Environmental Management. A copy of the finalized agreement is enclosed for your records.

Please note the terms of compliance contained in the Agreed Order. The time frames for compliance are effective upon receipt of this letter. Thank you for your cooperation in resolving this matter. If you have any questions, please contact Debbie Chesterson at (317) 234-8205 or via email at [djcheste@idem.IN.gov](mailto:djcheste@idem.IN.gov).

Sincerely,

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

Enclosure

cc: Scott County Health Department  
Mark Amick, IDEM SERO Director  
IDEM Virtual Cabinet



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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. 2024-30022-H
	)		
MULTI-COLOR CORPORATION,	)		
	)		
	)	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 Multi-Color Corporation (“Respondent”), which owns/operates the facility with United States Environmental Protection Agency (“EPA”) ID No. IND984877563, located at 2281 South Highway 31, in Scottsburg, Scott 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”) to:

Kevin Kwilinski, CEO  
Multi-Color Corporation  
6111 North River Road, 8<sup>th</sup> Floor

United Agent Group Inc., Registered  
Agent for Multi-Color Corporation  
8520 Allison Pointe Boulevard, #220



Rosemont, IL 60018

Indianapolis, IN 46250

5. Respondent notified EPA of Large Quantity Generator activities.
6. 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.
7. As disclosed on the “Self-Disclosure and Environmental Audit Form” dated January 19, 2024, the following violations were identified:
  - a. Pursuant to 40 CFR 262.17(a), a large quantity generator that accumulates hazardous waste on site for more than 90 days is an operator of a storage facility and is subject to the requirements of 40 CFR Part 264 and the permit requirements of 40 CFR Part 270 unless he has been granted an extension to the 90-day period.

Respondent stored hazardous waste on-site for greater than 90 days without complying with 40 CFR Part 264 and 40 CFR Part 270. Specifically, Respondent stored one (1) container of D002 waste corrosive liquid beyond the 90-day period.

On February 26, 2024, Respondent provided manifest 018850725 FLE documenting the removal of the D002 waste.
  - b. Pursuant to IC 13-30-2-1(10), a person may not commence or engage in the operation of a hazardous waste facility without having first obtained a permit from the department.

Respondent operated a hazardous waste facility without having first obtained a permit from the department. Specifically, Respondent stored one (1) container of D002 waste corrosive liquid without obtaining a permit.

On February 26, 2024, Respondent provided manifest 018850725 FLE documenting the removal of the D002 waste.
  - c. Pursuant to 40 CFR 270.1(c), a permit is required for the treatment, storage, and disposal of any hazardous waste as identified or listed in 40 CFR Part 261.

Respondent stored hazardous waste identified or listed in 40 CFR Part 261 without a permit. Specifically, Respondent stored one (1) container of D002 waste corrosive liquid without a permit.

On February 26, 2024, Respondent provided manifest 018850725 FLE documenting the removal of the D002 waste.
8. 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 statute and rules listed in the findings of fact above.
3. Upon the Effective Date of the Agreed Order, Respondent shall comply with 40 CFR 262.17(a), IC 13-30-2-1(10), and 40 CFR 270.1(c). Specifically, Respondent shall not accumulate hazardous waste for more than 90 days unless an extension has been granted to the timeframe for as long as it remains a large quantity generator of hazardous waste.
4. All submittals required by this Agreed Order, unless IDEM notifies the Respondent otherwise in writing, shall be sent to:  
  
Debbie Chesterson, Enforcement Case Manager  
Office of Land Quality  
Indiana Department of Environmental Management  
100 North Senate Avenue  
Indianapolis, IN 46204-2251
5. Signatories to this Agreed Order certify that they are fully authorized to execute this Agreed Order and legally bind the party they represent.
6. 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.
7. 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.
8. Respondent shall ensure that all contractors, firms, and other persons performing work under this Agreed Order comply with the terms of this Agreed Order.
9. 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.
10. 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.
11. 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.

12. 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.
13. 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.
14. 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

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

Date: 4/30/2024

**RESPONDENT:**

By: [Signature]  
Printed: Josh Higgins  
Title: Maintenance & EHS manager

Date: 5-16-24

**COUNSEL FOR RESPONDENT:**

By: \_\_\_\_\_  
Printed: \_\_\_\_\_  
Date: \_\_\_\_\_

APPROVED AND ADOPTED BY THE INDIANA DEPARTMENT OF ENVIRONMENTAL  
MANAGEMENT THIS 19th DAY OF June, 2024

For the Commissioner:

[Signature]  
Brian Wolff  
Assistant Commissioner  
Office of Land Quality

**From:** [Joshua Higgins](#)  
**To:** [BATES, DONNA](#)  
**Cc:** [Tim Brunner](#); [CHESTERSON, DEBBIE](#); [Amick, Mark](#)  
**Subject:** RE: Copy of Adoption of Agreed Order. Multi-Color Corporation. Case No. 2024-30022-H.  
**Date:** Thursday, June 20, 2024 4:11:03 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image007.png](#)  
[image008.png](#)  
[image003.png](#)

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Received

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**From:** BATES, DONNA <DBATES@idem.IN.gov>  
**Sent:** Wednesday, June 19, 2024 11:19 AM  
**To:** Joshua Higgins <joshua.higgins@mcclabel.com>  
**Cc:** Tim Brunner <tim.brunner@scottcounty.in.gov>; CHESTERSON, DEBBIE <DJCHESTE@idem.IN.gov>; Amick, Mark <MAMICK@idem.IN.gov>  
**Subject:** Copy of Adoption of Agreed Order. Multi-Color Corporation. Case No. 2024-30022-H.

Dear Mr. Higgins:

Please find the attached copy of Adoption of Agreed Order regarding Multi-Color Corporation. **Once you have received this email would you please respond back to me (via e-mail) that you have received the document for our records.**

Thank you.



**Donna Bates**  
**Administrative Assistant**

(317) 233-5529 •  
[dbates@idem.IN.gov](mailto:dbates@idem.IN.gov) |  
[www.idem.IN.gov](http://www.idem.IN.gov)



SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

- 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  
*Shari Bauman*  Agent  Address

B. Received by (Printed Name)  
 SHARI BAUMAN

C. Date of Delivery

1. Article Addressed to:

60-02L (1833) dbates 30022-H  
 JOSH HIGGINS MAINTENANCE & EHS MGR  
 MULTI-COLOR CORP.  
 2281 SOUTH HIGHWAY 31  
 SCOTTSBURG IN 47170



9590 9402 8575 3244 8934 62

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

**RECEIVED**  
 JUN 26 2024

2. Article Number (Transfer from service label)

7017 2400 0000 0747 0805

3. Service Type

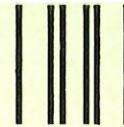
- Adult Signature
- Adult Signature Restricted Delivery
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- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Registered Mail®
- Registered Mail Restricted Delivery
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- Signature Confirmation Restricted Delivery

DEPARTMENT OF ENVIRONMENTAL & PUBLIC SAFETY  
 OFFICE OF THE ATTORNEY GENERAL



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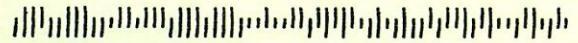
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Postage & Fees Paid  
USPS  
Permit No. G-10

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SCOTTSBURG, IN 47170

June 24, 2024, 11:14 am

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