



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 14, 2024

VIA ELECTRONIC MAIL:

Brian Tucker, Facility Manager
Micropulse, Inc.
5865 E State Road 14
Columbia City, IN 46725
Btucker@micropulseinc.com

Re: Adoption of Agreed Order
Commissioner, Indiana Department of
Environmental Management
v.
Micropulse, Inc.
Plant ID No. 183-00059
Columbia City, Whitley County
Case No. 2023-29451-A

Dear Mr. Tucker:

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 check for the avoided annual FESOP fees has been received and will be deposited in the Title V Investments Fund. Thank you for your cooperation.

Please contact Jenifer Bailey at (317) 234-3996 or jbailey2@idem.in.gov if you have any questions.

Sincerely,

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

Enclosures:

cc: Bill Combs, SevenGen EHS (BCombs@SevenGenHSE.com)
Jason Morrison, SevenGen EHS (JMorrison@SevenGenHSE.com)
Jennifer Bailey, Compliance and Enforcement Branch, Office of Air Quality
Randall Hoffman, Compliance and Enforcement Branch, Office of Air Quality
<http://www.IN.gov/idem>

Brian Emerick, President
Micropulse, Inc.
5865 E State Road 14
Columbia City, IN 46725
Bemerick@micropulseinc.com

Chris Steffen, Registered Agent
Micropulse, Inc.
5865 E State Road 14
Columbia City, IN 46725
Csteffen@micropulseinc.com

5. During an investigation including a self-disclosure review conducted by a representative of IDEM, the following violations were found:
- a. Pursuant 326 IAC 2-5.1-3, prior to commencing construction of any emission unit which has potential emissions of twenty-five (25) tons or more per year of any of the regulated pollutants specified in clause (E) of this rule, the source shall apply for and obtain a construction permit.

Pursuant to 326 IAC 2-7-2, any major source is required to obtain a permit prior to the operation of equipment that produces regulated emissions.

Respondent failed to submit a permit application prior to the construction of multiple units capable of producing regulated emissions, in violation of 326 IAC 2-5.1-3 and 326 IAC 2-7-2.

6. Respondent submitted a permit application on August 24, 2021. Federally Enforceable State Operating Permit ("FESOP") No. 183-44443-00059 was issued December 29, 2021, which permitted all applicable emission units.
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. Respondent shall comply with FESOP 183-45639-00059 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:

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

4. In accordance with IDEM's Self-Disclosure and Environmental Audit Policy, the gravity portion of the civil penalty was not assessed for these violations. Respondent agrees to pay avoided annual permit fees for five years of Ten Thousand Eight Hundred Ninety-Three Dollars (\$10,893.00). Said fees shall be due and payable to the Title V Investments Fund within thirty (30) days of the Effective Date.

5. FESOP permit fees are payable by check to the Title V Investments Fund. A cover letter shall accompany the check specifying that the FESOP fees shall be deposited into the Title V Investments Fund. The check and cover letter 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 Title V Investments 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: May 29, 2024

RESPONDENT:
Micropulse, Inc.

By: Josit Monesmita

Printed: JOSIT MONESMITA

Title: PRESIDENT

Date: 6.11.24

COUNSEL FOR RESPONDENT:

By: _____

Date: _____

APPROVED AND ADOPTED BY THE INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT THIS 14th DAY OF
June, 20 24.

For the Commissioner:

Matthew Stuckey

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

From: [Microsoft Outlook](#)
To: [Brian Tucker](#)
Subject: Relayed: Micropulse, Inc. (#29451-A) Adopted Agreed Order
Date: Friday, June 14, 2024 1:32:01 PM
Attachments: [Micropulse Inc. \(#29451-A\) Adopted Agreed Order.msg](#)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:
Brian Tucker (btucker@micropulseinc.com) <mailto:btucker@micropulseinc.com>
Subject: Micropulse, Inc. (#29451-A) Adopted Agreed Order