



# 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 #9589 0710 5270 0682 2480 01

Brian Smith, Manager  
Primary Products Ingredients  
Americas LLC  
5450 Prairie Stone Parkway  
Hoffman Estates, IL 60192

VIA CERTIFIED MAIL #9589 0710 5270 0682 2480 18

CT Corporation System, Registered Agent  
334 North Senate Avenue  
Indianapolis, IN 46204

Re: Notice of Violation and Proposed Agreed Order  
Primary Products Ingredients Americas LLC  
Plant ID No. 157-00033  
Lafayette, Tippecanoe County  
Case No. 2021-28102-A

**Qualified offer of settlement: inadmissible pursuant to 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.**

Brian Smith:

This is to advise that the Indiana Department of Environmental Management (“IDEM”) has conducted an investigation of Primary Products Ingredients Americas LLC (formerly Tate & Lyle Ingredients Americas LLC) located at 3300 US 52 South in Lafayette, Indiana. As a result of information obtained during that investigation, IDEM has made a preliminary determination that violations of an environmental permit condition exist. Pursuant to 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](http://www.IN.gov/idem).



A State that Works

The individual signing the enclosed Agreed Order should be a designated manager or, in the absence of a manager, a member of the limited liability corporation. 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 sixty days. You may enter into an Agreed Order without admitting that the violation occurred. If an Agreed Order is not entered into, IDEM may proceed to issue a unilateral notice and order requiring compliance with the environmental permit condition, including payment of a civil penalty. Please contact me at 317-232-8412 or LHayhurs@idem.in.gov if you have any questions or if you wish to request a settlement conference.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa Ward", written in a cursive style.

Lisa Ward  
Case Manager  
Enforcement Section  
Office of Air Quality

Enclosures:

cc: Rick Bossingham rick.bossingham@primient.com  
Jeff Cleland, Jeff.Cleland@primient.com  
Heidi Goetsch, Heidi.Goetsch@primient.com  
Travis Montoya, Travis.Montoya@primient.com  
Nathan Frank, US EPA Region 5  
Lisa Ward, Compliance and Enforcement Branch, OAQ  
Rebecca Hayes, Compliance and Enforcement Branch, OAQ  
Michael Singer, Compliance and Enforcement Branch, OAQ  
<http://www.IN.gov/idem>



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June 19, 2024

## **NOTICE OF VIOLATION**

Via Certified Mail#9589 0710 5270 0682 2480 01 Via Certified Mail#9589 0710 5270 0682 2480 18

To: Primary Products Ingredients  
Americas LLC  
Attn: Brian Smith, Manager  
5450 Prairie Stone Parkway  
Hoffman Estates, IL 60192

To: CT Corporation System  
Registered Agent  
334 North Senate Avenue  
Indianapolis, IN 46204

Case No. 2021-28102-A

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 inspections conducted on August 12 and 16, 2021 by an IDEM representative, IDEM has reason to believe Primary Products Ingredients Americas LLC (“Respondent”) violated environmental permit conditions. The violations are based on the following:

1. Respondent is Primary Products Ingredients Americas LLC, which owns and operates the stationary corn wet milling plant with Plant ID No. 157-00033, located at 3300 US 52 South in Lafayette, Tippecanoe County, Indiana (“Site”).
2. Pursuant to Part 70 Permit No. 157-40694-00033 (“Permit”) Condition D.2.5, Respondent shall monitor and record the scrubber recirculation rate of scrubber LAC-70 at least once per day when the associated process is in operation. If the rate is below the normal minimum as established in the permit or determined during the latest compliant stack test, reasonable response steps shall be taken.

Respondent operated scrubber LAC-70 below the recirculation rate established during the November 12, 2019 stack test without conducting or recording response steps on multiple occasions between the stack test date and August 12, 2021, in violation of Permit Condition D.2.5.

3. Pursuant to Permit Condition D.3.17, Respondent shall monitor and record the scrubber recirculation rate of the gaseous and particulate sections of scrubber LAC-71 at least once per hour when the associated process is in operation. If the rate is below the normal minimum as established in the permit or determined during the latest compliant stack test, reasonable response steps shall be taken.

Respondent operated the gaseous and particulate sections of scrubber LAC-71 below the recirculation rate established during the November 12, 2019 stack test without conducting or recording response steps on multiple occasions between the stack test date and August 12, 2021, in violation of Permit Condition D.3.17.

4. Pursuant to Permit Condition D.3.17, Respondent shall monitor and record the scrubber recirculation rate of the gaseous and particulate sections of scrubbers LAC-67 and LAC-69 at least once per hour when the associated process is in operation. If the rate is below the normal minimum as established in the permit or determined during the latest compliant stack test, reasonable response steps shall be taken.

Respondent operated the gaseous and particulate sections of scrubbers LAC-67 and LAC-69 below the recirculation rate established during the April 13, 2021 stack test without conducting or recording response steps on multiple occasions between the stack test date and August 12, 2021, in violation of Permit Condition D.3.17.

5. Pursuant to Permit Condition D.5.13, Respondent shall monitor and record the scrubber recirculation rate of scrubber LAC-28B at least once per day when the associated process is in operation. If the rate is below the normal minimum as established in the permit or determined during the latest compliant stack test, reasonable response steps shall be taken.

Respondent operated scrubber LAC-28B below the recirculation rate established during the November 14, 2019 stack test without conducting or recording response steps on multiple occasions between the stack test date and August 12, 2021, in violation of Permit Condition D.5.13.

6. Pursuant to Permit Condition D.3.20, Respondent shall operate the Regenerative Thermal Oxidizers (RTO's) RTO-600, RTO-601, and RTO 602 such that the 3-hour average temperature is at or above the 3-hour average determined in the latest valid stack test. If the 3-hour average temperature is below the temperature determined during the latest compliant stack test, reasonable response steps shall be taken.

Respondent operated RTO-600, RTO-601, and RTO 602, below the 3-hour average determined during the April 13, 2021 stack test without conducting or recording response steps on multiple occasions between the stack test date and August 12, 2021, in violation of Permit Condition D.3.20.

7. Pursuant to Permit Condition D.3.13, Respondent shall conduct stack testing on scrubbers LAC-67 and LAC-69 at least once every five (5) years from the date of the most recent valid stack test.

Respondent conducted the stack testing for scrubbers LAC-67 and LAC-69 on June 28, 2021, which was after the due date of April 20, 2021, in violation of Permit Condition D.3.13.

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 Lisa Ward at 317-232-8412 or LHayhurs@idem.in.gov within fifteen (15) days after receipt of this Notice to discuss resolution of this matter.

For the Commissioner:



Date: 6-19-24

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Janusz Johnson, Chief  
Compliance and Enforcement Branch  
Office of Air Quality

cc: Rick Bossingham rick.bossingham@primient.com  
Jeff Cleland, Jeff.Cleland@primient.com  
Heidi Goetsch, Heidi.Goetsch@primient.com  
Travis Montoya, Travis.Montoya@primient.com  
Nathan Frank, US EPA Region 5  
Tippecanoe County Health Department  
Lisa Ward, Compliance and Enforcement Branch, OAQ  
Rebecca Hayes, Compliance and Enforcement Branch, OAQ  
IDEM Public File

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HOFFMAN ESTATES, IL 60192

June 24, 2024, 3:25 pm

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1. Article Addressed to:  
**60-02-A/gjr NOV/PAO 2021-28102-A**  
 CT CORPORATION SYSTEM  
 REGISTERED-AGENT  
 334 N SENATE AVE  
 INDIANAPOLIS IN 46204




9590 9402 8243 3030 3290 01

2. Article Number (Transfer from service label)

**9589 0710 5270 0682 2480 18**

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
**X**   Agent  
 Addressee

B. Received by (Printed Name) C. Date of Delivery  
 D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

*JUN 24 2024*

3. Service Type  Priority Mail Express®  
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