



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 19, 2024

VIA ELECTRONIC MAIL:

Kirk Sullivan, President and
Registered Agent
Aqua Environmental Container Corp.
2302 Lasso Lane
Lakeland, FL 33801
Kirk@sanjuanpools.com

Re: Notice of Violation and Proposed Agreed Order
Aqua Environmental Container Corp.
Plant ID No. 181-00044
Wolcott, White County
Case No. 2024-30015-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.

Dear Mr. Sullivan:

This is to advise that the Indiana Department of Environmental Management (“IDEM”) has conducted an investigation of Aqua Environmental Container Corp. located at 8883 W US 24 in Wolcott, 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.

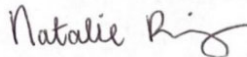
You may request a settlement conference to discuss the allegations and the actions necessary to correct and resolve the violations, which may include injunctive relief and the establishment of a compliance schedule. Payment of a civil penalty will also be discussed. The civil penalty amount noted in 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.



The individual signing the enclosed Agreed Order should be the President of the company or other authorized signatory. 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 violations 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 317-752-7860 or nsruiz@idem.in.gov if you have any questions or if you wish to request a settlement conference.

Sincerely,
Natalie Ruiz

A handwritten signature in black ink that reads "Natalie Ruiz". The signature is written in a cursive style with a large initial "N" and "R".

Case Manager
Enforcement Section
Office of Air Quality

Enclosures:

cc: Marvin Scott, Consultant, mScott@eec-tampabay
Natalie Ruiz, Compliance and Enforcement Branch, OAQ
Sarah Ling, 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

June 19, 2024

NOTICE OF VIOLATION

Via Electronic Mail:

To: Aqua Environmental Container Corp.
Attn: Kirk Sullivan, President and Registered Agent
2302 Lasso Lane
Lakeland, FL 33801
Kirk@sanjuanpools.com

Case No. 2024-30015-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 a record review conducted by an IDEM representative, IDEM has reason to believe Aqua Environmental Container Corp. (“Respondent”) violated an environmental permit condition. The violations are based on the following:

1. Respondent is Aqua Environmental Container Corp., which owns the stationary pool and spa manufacturing facility with Plant ID No. 181-00044, located at 8883 W US 24, in Wolcott, White County, Indiana (“Site”).
2. Pursuant to Part 70 Operating Permit No. 181-41993-00044 (“Permit”), Condition C.17, Respondent shall submit the Quarterly Deviation and Compliance Monitoring Report, or its equivalent, no later than thirty (30) days after the end of the reporting period.

Respondent failed to submit the 2023 second quarter, Quarterly Deviation and Compliance Monitoring Report no later than July 30, 2023, in violation of Permit Condition C.17.

Respondent also failed to submit the 2023 third quarter, Quarterly Deviation and Compliance Monitoring Report no later than October 30, 2023, in violation of Permit Condition C.17.

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 action required to correct the violations and, as necessary and appropriate, for the

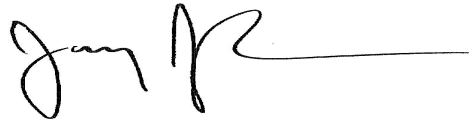
payment of a civil penalty. The Commissioner is not required to extend this offer for more than sixty (60) days.

Pursuant to IC 13-30-3-3, an alleged violator may enter into an Agreed Order without admitting the violation occurred. IDEM encourages settlement by Agreed Order, thereby resulting in quicker correction of the environmental violation 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 violation.

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 violation 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 Natalie Ruiz at 317-752-7860 or nsruiz@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

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

cc: Marvin Scott, Consultant, mscott@eec-tampabay
White County Health Department
Natalie Ruiz, Compliance and Enforcement Branch, Office of Air Quality
Sarah Ling, Compliance and Enforcement Branch, Office of Air Quality
Randy Hoffman, Compliance and Enforcement Branch, Office of Air Quality
IDEM Public File

From: [Microsoft Outlook](#)
To: [Kirk Sullivan](#)
Subject: Relayed: Aqua Environmental Container Corp. (#30015-A) Notice of Violation & Proposed Agreed Order
Date: Wednesday, June 19, 2024 10:36:23 AM
Attachments: [Aqua Environmental Container Corp. \(#30015-A\) Notice of Violation Proposed Agreed Order.msg](#)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:
Kirk Sullivan (kirk@sanjuanpools.com) <mailto:kirk@sanjuanpools.com>
Subject: Aqua Environmental Container Corp. (#30015-A) Notice of Violation & Proposed Agreed Order