



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

May 22, 2024

VIA CERTIFIED MAIL #7003 1010 0002 4705 9762

Eric Cowling, President
Helena Agri-Enterprises, LLC
225 Schilling Blvd., Ste 300
Collierville, TN 38017

Re: Adoption and Resolution of Agreed
Order
Commissioner of the Department of
Environmental Management
v.
Helena Agri-Enterprises, LLC
Plant ID No. 027-00066
Montgomery, Daviess County
Case No. 2024-30120-A

Dear Mr. Cowling:

This is to inform you that the Agreed Order in the above-referenced case has been approved and adopted by the Indiana Department of Environmental Management. A copy of the Agreed 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.

The terms and conditions of the Agreed Order in the above-referenced case have been met and this case is considered closed by IDEM's Office of Air Quality, Compliance and Enforcement Branch. Additional enforcement action may be initiated if compliance with the applicable rules and permits is not maintained.

IDEM strongly encourages the use of pollution prevention techniques to reduce pollution emitted to the environment and to conserve resources such as water and energy. Implementation of such techniques can decrease manufacturing costs/overhead, increase worker safety, and perhaps lessen the impact of environmental regulations upon your operation. For more information on pollution prevention or to schedule a free, confidential pollution prevention opportunity assessment, call the Programs and Compliance Branch at IDEM's Office of Program Support at (800) 988-7901 or visit <http://www.in.gov/idem/prevention/>.

If you have any questions concerning this action, please contact Natalie Ruiz at 317-752-7860 or nsruiz@idem.in.gov.



Sincerely,



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

Enclosure

cc: Shawna Miller, Plant Contact, MillerSR@helenaagri.com
Daviess County Health Department
Natalie Ruiz, Compliance and Enforcement Branch, Office of Air Quality
Daniel Roos, Compliance and Enforcement Branch, Office of Air Quality
Randy Hoffman, Compliance and Enforcement Branch, Office of Air Quality
<http://www.IN.gov/idep>



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Respondent Name: Helena Agri-Enterprises, LLC

Case Number: 2024-30120-A

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 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 Indiana Code ("IC") 13-13-1-1.
2. Respondent is Helena Agri-Enterprises, LLC ("Respondent"), which owns and operates the stationary seed treatment and distribution plant with Plant ID No. 027-00066, located at 248 W Railroad St in Montgomery, Daviess 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") via certified mail to:

Eric Cowling, President Helena Agri-Enterprises, LLC 225 Schilling Blvd., Ste 300 Collierville, TN 38017	C T Corporation System, Registered Agent 334 North Senate Avenue Indianapolis, IN 46204
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5. Based on IDEM's review, the following violation was in existence or identified by a representative of IDEM's Office of Air Quality ("OAQ").
 - a. Pursuant to Federally Enforceable State Operating Permit No. 027-45649-00066 ("Permit"), Condition C.18, 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 timely submit the 2023 first quarter, Quarterly Deviation and Compliance Monitoring Report, no later than April 30, 2023, in violation of Permit Condition C.18.

6. In recognition of the settlement reached, Respondent 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 adopted via signature by Complainant or Complainant's delegate, and the adopted Agreed Order has been received by Respondent. This Agreed Order shall have no force or effect until the Effective Date. This offer to settle the allegations contained in this Agreed Order does not bind or obligate the parties of this enforcement action if the Agreed Order is not adopted.
2. Respondent is assessed a civil penalty of Five Hundred Dollars (\$500.00). Respondent shall pay said penalty amount no later than fifteen (15) days after the Effective Date ("Due Date"). In the event that the civil penalty is not paid by the Due Date, Respondent shall pay interest on the unpaid balance at the rate established by IC 24-4.6-1-101.
3. In the event the terms and conditions of this Agreed Order are violated, Complainant may seek additional relief.
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. This Agreed Order shall apply to and be binding upon Respondent and its successors and assigns. Respondent's signatories to this Agreed Order certify that they are fully authorized to execute this Agreed Order and legally bind the party they represent. No change in ownership, corporate, or partnership status of Respondent shall in any way alter its status or responsibilities under this Agreed Order.
6. 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.
7. 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 its obligation to comply with the requirements of its applicable permit or any applicable Federal or State law or regulation.
8. 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.
 9. 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 same violations specified in the NOV.
 10. Nothing in this Agreed Order shall prevent IDEM or anyone acting on its behalf from communicating with the United States Environmental Protection Agency ("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 EPA or any other agency or entity.
 11. The parties were free to consult with their respective counsel regarding entry into this Agreed Order to the extent each deemed necessary.

REMAINDER OF PAGE LEFT BLANK INTENTIONALLY

TECHNICAL RECOMMENDATION:
Department of Environmental
Management



By: _____
Jennifer Bailey,
Senior Environmental Manager
Enforcement Section
Office of Air Quality

Date: April 22, 2024

RESPONDENT:*
Helena Agri-Enterprises, LLC

By:  _____

Printed: Joan T. Murphy

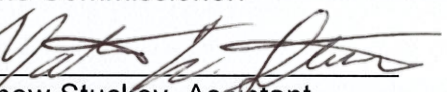
Title: General Counsel and Assistant Secretary

Date: April 29, 2024

APPROVED AND ADOPTED BY THE INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT THIS

22nd DAY OF May, 2024

For the Commissioner:

By:  _____
Matthew Stuckey, Assistant
Commissioner
Office of Air Quality
Indiana Department of Environmental
Management

* In the event that Respondent does not accept the settlement offer contained in this Agreed Order, IDEM notes that this document is a qualified offer of settlement, and therefore Rule 408 of Indiana Rules of Evidence applies to this document, rendering it inadmissible.

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