



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

Bruno L. Pigott
Commissioner

January 4, 2022

VIA ELECTRONIC MAIL:

Hugh Harlan, President
Harlan Bakeries-Avon LLC
7597 East US Highway 36
Avon, IN 46123
hharlan@harlanbakeries.com

VIA ELECTRONIC MAIL:

Robert E. Inveiss,
Registered Agent
111 Monument Circle, Suite 2700
Indianapolis, IN 46204
rinveiss@boselaw.com

Re: Notice of Violation and Proposed Agreed Order
Harlan Bakeries-Avon LLC
Plant ID No. 063-00059
Avon, Hendricks County
Case No. 2019-26214-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. Harlan:

This is to advise that the Indiana Department of Environmental Management ("IDEM") has conducted an investigation of Harlan Bakeries-Avon LLC located at 7597 East US Highway 136 in Avon, Indiana. As a result of information obtained during that investigation, IDEM has made a preliminary determination that violations of environmental rules and permit conditions 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 rules and permit conditions, including payment of a civil penalty. Please contact me at (317) 234-3996 or jbailey2@idem.in.gov if you have any questions or if you wish to request a settlement conference.

Sincerely,



Jennifer Bailey
Senior Case Manager
Enforcement Section
Office of Air Quality

Enclosures:

cc: Darla Carlisle, Corporate Compliance Manager, Harlan Bakeries, LLC
(dcarlisle@harlanbakeries.com)
Mark Messersmith, US EPA Region 5
Hendricks County Health Department
Jennifer Bailey, Compliance and Enforcement Branch, Office of Air Quality
Grant McKercher, Compliance and Enforcement Branch, Office of Air Quality



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NOTICE OF VIOLATION

Via Electronic Mail:

To: Hugh Harlan, President
Harlan Bakeries-Avon LLC
7597 East US Highway 36
Avon, IN 46123
hharlan@harlanbakeries.com

Via Electronic Mail:

To: Robert E. Inveiss,
Registered Agent
111 Monument Circle, Suite 2700
Indianapolis, IN 46204
rinveiss@boselaw.com

Case No. 2019-26214-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 report reviews conducted by an IDEM representative, IDEM has reason to believe Harlan Bakeries, LLC ("Respondent") violated environmental rules and permit conditions. The violations are based on the following:

1. Respondent is Harlan Bakeries-Avon LLC, which owns and operates a stationary intermediate and finished baked goods operation with Plant ID No. 063-00059 located at 7597 East US Highway 36 in Avon, Hendricks County, Indiana ("Site").
2. Pursuant to Federally Enforceable State Operating Permit No. 063-33421-00059 ("Permit"), Condition D.1.2 and 326 IAC 2-8-4, the Volatile Organic Compounds (VOC) emissions from the catalytic oxidizer (OXIDIZER-0001) stack exhaust (S-1) shall not exceed 0.36 pounds per hour.

Respondent failed to operate the catalytic oxidizer (OXIDIZER-0001) from April 22, 2019 at 7:50am to April 23, 2019 at 11:30am resulting in VOC emissions of 4.4 pounds per hour during the time frame, in violation of Permit Condition D.1.2 and 326 IAC 2-8-4.

3. Pursuant to Permit Condition D.1.4, in order to comply with Condition D.1.1, the catalytic oxidizer shall be in operation and control emissions from OVEN-0002 at all times that OVEN-0002 is in operation.

Respondent failed to operate the catalytic oxidizer (OXIDIZER-0001) from April 22, 2019 at 7:50m to April 23, 2019 at 11:30am, in violation of Permit Condition D.1.4.

4. Pursuant to Permit Condition D.1.2 and 326 IAC 2-8-4, the Volatile Organic Compounds (VOC) emissions from the catalytic oxidizer (OXIDIZER-0001) stack exhaust (S-1) shall not exceed 0.36 pounds per hour.

Respondent demonstrated emissions of 1.12 pounds per hour during compliance testing which occurred on March 19, 2019, in violation of Permit Condition D.1.2 and 326 IAC 2-8-4.

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 Respondents 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 Jennifer Bailey at (317)234-3996 or jbailey2@idem.in.gov within fifteen (15) days after receipt of this Notice to discuss resolution of this matter.

For the Commissioner:



Date: 1/4/2022

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

cc: Darla Carlisle, Corporate Compliance Manager, Harlan Bakeries, LLC
(dcarlisle@harlanbakeries.com)
Mark Messersmith, US EPA Region 5
Hendricks County Health Department
Jennifer Bailey, Compliance and Enforcement Branch, Office of Air Quality
Grant McKercher, Compliance and Enforcement Branch, Office of Air Quality

From: postmaster@harlancompanies.com
To: hharlan@harlanbakeries.com
Subject: Delivered: Harlan Bakeries-Avon LLC (#26214-A) Notice of Violation & Proposed Agreed Order
Date: Tuesday, January 04, 2022 1:51:53 PM
Attachments: [Harlan Bakeries-Avon LLC \(#26214-A\) Notice of Violation Proposed Agreed Order.msg](#)

Your message has been delivered to the following recipients:
hharlan@harlanbakeries.com (hharlan@harlanbakeries.com) <<mailto:hharlan@harlanbakeries.com>>
Subject: Harlan Bakeries-Avon LLC (#26214-A) Notice of Violation & Proposed Agreed Order

From: [Darla M. Carlisle](#)
To: [ROBERTS, GOLDIE](#)
Subject: Read: Harlan Bakeries-Avon LLC (#26214-A) Notice of Violation & Proposed Agreed Order
Date: Tuesday, January 04, 2022 2:26:24 PM
Attachments: [HarlanBakeriesTRANS_0936e898-690f-4a27-9795-6a7c6a08ba40.png](#)
[ATT00001](#)
Importance: High

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

Your message

To: Darla M. Carlisle
Subject: Harlan Bakeries-Avon LLC (#26214-A) Notice of Violation & Proposed Agreed Order
Sent: Tuesday, January 4, 2022 1:51:13 PM (UTC-05:00) Indiana (East)

was read on Tuesday, January 4, 2022 2:26:05 PM (UTC-05:00) Indiana (East).

Darla M. Carlisle
Corporate Compliance Manager
Harlan Bakeries, LLC



7597 E. US Highway 36
Avon, IN 46123

T: (317) 272-1650
M: (317) 727-4018
DCarlisle@harlanbakeries.com
www.harlanbakeries.com

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