



# 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

|                                |   |                                      |
|--------------------------------|---|--------------------------------------|
| STATE OF INDIANA               | ) | SS: BEFORE THE INDIANA DEPARTMENT OF |
|                                | ) |                                      |
| COUNTY OF MARION               | ) | ENVIRONMENTAL MANAGEMENT             |
| COMMISSIONER OF THE DEPARTMENT | ) |                                      |
| OF ENVIRONMENTAL MANAGEMENT,   | ) |                                      |
|                                | ) |                                      |
| Complainant,                   | ) |                                      |
|                                | ) |                                      |
| v.                             | ) | Case No. 2021-27672-A                |
|                                | ) |                                      |
| BLUFFTON MOTOR WORKS LLC DBA   | ) |                                      |
| WEG COMMERCIAL MOTORS,         | ) |                                      |
|                                | ) |                                      |
| Respondent.                    | ) |                                      |

## **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 Indiana Code ("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 IC 13-13-1-1.
2. Respondent is Bluffton Motor Works LLC dba WEG Commercial Motors ("Respondent"), which owns and operates the stationary electric motors production facility with Plant ID No. 179-00010, located at 410 East Spring Street in Bluffton, Wells 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 Electronic Mail to:

Bluffton Motor Works LLC  
dba WEG Commercial Motors  
Attn: Silvio Billo,  
Managing Director  
410 East Spring Street  
Bluffton, Indiana 46714  
silvio@weg.net

Corporate Creations Network Inc.,  
Registered Agent  
8520 Allison Pointe Boulevard  
#220  
Indianapolis, IN 46250  
govdocs@corpcreations.com

5. During an investigation including an inspection on January 28, 2021 conducted by a representative of IDEM, the following violations were found:

- a. Pursuant to Part 70 Permit No. 179-37548-00010 ("Permit") Conditions D.1.5(a) and D.1.6(b), Respondent shall perform weekly and monthly observations of the overspray from the surface coating booth stacks (E-3, E-4, E-5 through E-12, and E19) while one or more of the booths are in operation and maintain a log of those observations.

Respondent failed to perform or maintain a log of the weekly and monthly stack overspray observations for all the applicable stacks at various times from March 2020 to January 2021, in violation of Permit Conditions D.1.5(a) and D.1.6(b).

- b. Pursuant to Permit Conditions D.1.5(b) and C.14, Respondent shall take and record reasonable response steps when there is a noticeable change in overspray emissions, or when evidence of overspray emissions is observed.

Respondent failed to record reasonable response steps when overspray was present at stacks E10 and E11 during monthly overspray inspections during 2020, in violation of Permit Conditions D.1.5(b) and C.14.

6. 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 the Part 70 Permit No. 179-37548-00010 listed in the findings above at issue unless superseded by a renewal or modification.
3. Within Thirty (30) days of the Effective Date, Respondent shall submit the most recent two completed months of records it is required to keep pursuant to Permit 179-45379-00010, Condition D.1.6(b).

4. All submittals required by this Agreed Order, unless IDEM notifies the Respondent otherwise in writing, shall be sent to:

Lisa Ward, Enforcement Case Manager  
Office of Air Quality  
Indiana Department of Environmental Management  
100 North Senate Avenue  
Indianapolis, IN 46204-2251  
LHayhurs@idem.in.gov

5. Pursuant to IC 13-30-4-1, Respondent is assessed and agrees to pay a civil penalty of Six Thousand Dollars (\$6,000.00). Said penalty amount shall be due and payable to the Environmental Management Special Fund within thirty (30) days of the Effective Date; the thirtieth day being the "Due Date."
6. In the event the terms and conditions of the following paragraphs are violated, Complainant may assess and Respondent shall pay stipulated penalties in the following amounts:

| <b><u>Paragraph</u></b> | <b><u>Violation</u></b>                            | <b><u>Stipulated Penalty</u></b> |
|-------------------------|--|----------------------------------|
| 3                       | Failure to submit two completed months of records. | \$100.00 per week                |

7. Stipulated penalties shall be due and payable no later than the thirtieth day after Respondent receives written notice that Complainant has determined a stipulated penalty is due; the thirtieth day being the "Due Date." Complainant may notify Respondent at any time that a stipulated penalty is due. Failure to notify Respondent in writing in a timely manner of a stipulated penalty assessment shall not waive Complainant's right to collect such stipulated penalty or preclude Complainant from seeking additional relief against Respondent for violation of this Agreed Order. Neither assessment nor payment of stipulated penalties shall preclude Complainant from seeking additional relief against Respondent for a violation of this Agreed Order; such additional relief includes any remedies or sanctions available pursuant to Indiana law, including, but not limited to, civil penalties pursuant to IC 13-30-4.
8. Civil and Stipulated 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

9. 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 Environmental Management Special Fund, and shall be payable to IDEM in the manner specified in Paragraph 8, above.
10. Signatories to this Agreed Order certify that they are fully authorized to execute this Agreed Order and legally bind the party they represent.
11. 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.
12. 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.
13. Respondent shall ensure that all contractors, firms, and other persons performing work under this Agreed Order comply with the terms of this Agreed Order.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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.

19. 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: April 8, 2022

RESPONDENT:  
Bluffton Motor Works LLC dba WEG  
Commercial Motors

By: \_\_\_\_\_

Printed: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

COUNSEL FOR RESPONDENT:

By: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED AND ADOPTED BY THE INDIANA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT THIS \_\_\_\_\_ DAY OF  
\_\_\_\_\_, 20\_\_\_\_.

For the Commissioner:

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