



## 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 22, 2022

**VIA ELECTRONIC MAIL:**

Bill Bougher, Environmental Engineer  
Steel Dynamics, Inc.  
Flat Roll Group Butler Division  
4500 County Road 59  
Butler, IN 46721  
[bill.bougher@steeldynamics.com](mailto:bill.bougher@steeldynamics.com)

Re: Commissioner of the Department of  
Environmental Management  
v.  
Steel Dynamics, Inc.  
Flat Roll Group Butler Division  
Plant ID: 033-00043  
Case No. 2021-28121-A  
Butler, DeKalb County

**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. Bougher:

Enclosed please find the proposed Agreed Order that provides for the actions required to correct the violation outlined in Enforcement Action Letter issued to you in the above referenced case dated September 20, 2021. The civil penalty noted in the proposed Agreed Order is for settlement purposes only. Entering into and timely compliance with the enclosed Agreed Order will constitute resolution of this case.

If you are willing to resolve this matter as provided for in the enclosed Agreed Order, sign and return it to me at the address specified in the Agreed Order within fifteen (15) days of your receipt of the Agreed Order. The individual signing the enclosed Agreed Order should be the President of the company or other authorized signatory. If you would like to schedule a meeting to discuss the Agreed Order in more detail, please contact me as soon as possible at (317)232-8408 or [mchaifet@idem.IN.gov](mailto:mchaifet@idem.IN.gov).

If this matter cannot be resolved through the enclosed Agreed Order or a mutually acceptable amended Agreed Order, a Commissioner's Order may be issued. It should be understood that the civil penalty for purposes of a Commissioner's Order



will be assessed pursuant to IDEM's Civil Penalty Policy adopted as a Nonrule Policy Document on April 5, 1999.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Matthew Chaifetz", with a stylized flourish at the end.

Matthew Chaifetz  
Senior Enforcement Manager  
Compliance and Enforcement Branch  
Enforcement Section  
Office of Air Quality

Enclosure

cc: David Hatchett, Partner, Hatchett & Hauck, LLP david.hatchett@h2lawyers.com  
Matthew Chaifetz, Compliance and Enforcement, OAQ  
Kurt Graham, Compliance and Enforcement, OAQ  
Doug VanDemark, Compliance and Enforcement, OAQ  
Valerie Tachtiris, Office of Legal Counsel, IDEM



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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. 2021-28121-A
	)	
STEEL DYNAMICS, INC. FLAT ROLL	)	
GROUP BUTLER DIVISION,	)	
	)	
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 Steel Dynamics, Inc. Flat Roll Group Butler Division ("Respondent"), which owns and operates the stationary steel mini-mill with Plant ID No. 033-00043, located at 4500 County Road 59, in Butler, DeKalb County, Indiana ("Site").
3. IDEM has jurisdiction over the parties and the subject matter of this action.
4. By email dated October 4, 2021, Respondent waived issuance of a Notice of Violation ("NOV") and the settlement period of sixty (60) days, as provided for by IC 13-30-3-3, for the violation described in the Enforcement Action Letter issued to Respondent on September 20, 2021.

5. During an investigation conducted by a representative of IDEM, the following violation was found:
  - a. Pursuant to Part 70 Permit 033-42979-00043 ("Permit") condition D.4.2(c), PM<sub>2.5</sub> emissions from Pickling Line 2 shall not exceed 0.13 pounds per hour.

On June 4, 2021, Respondent conducted compliance stack testing of Pickling Line 2 demonstrating emissions of 0.26 pounds of PM<sub>2.5</sub> per hour, in violation of Permit condition D.4.2(c).
6. On October 29, 2021, Respondent applied for a Significant Permit Modification, 033-44671-00043, to change permit limits to demonstrate compliance. The PM<sub>2.5</sub> limit was increased to 1.02 pounds per hour. The permit was issued on March 29, 2022.
7. 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 permit condition listed in the findings of fact above.
3. All submittals required by this Agreed Order, unless IDEM notifies the Respondent otherwise in writing, shall be sent to:

Matthew Chaifetz, Senior Enforcement Case Manager  
Office of Air Quality  
Indiana Department of Environmental Management  
100 North Senate Avenue  
Indianapolis, IN 46204-2251  
mchaifet@idem.IN.gov

4. Pursuant to IC 13-30-4-1, Respondent is assessed and agrees to pay a civil penalty of Eight Thousand Seven Hundred Fifty Dollars (\$8,750.00). 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."

5. 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

6. 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 5, above.
7. Signatories to this Agreed Order certify that they are fully authorized to execute this Agreed Order and legally bind the party they represent.
8. 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.
9. 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.
10. Respondent shall ensure that all contractors, firms, and other persons performing work under this Agreed Order comply with the terms of this Agreed Order.
11. 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.
12. 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.
13. 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.

14. 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 violation specified in this Agreed Order.
15. 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.
16. 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 INTENTIONALLY LEFT BLANK**

TECHNICAL RECOMMENDATION:  
Department of Environmental  
Management

By: David P. McIver

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

Date: May 2, 2022

RESPONDENT:  
Steel Dynamics, Inc. Flat Roll Group  
Butler Division

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

**From:** [Bougher, Bill](#)  
**To:** [ROBERTS, GOLDIE](#)  
**Subject:** Read: Steel Dynamics, Inc. - Flat Roll Group - Butler Division (#28121-A) Proposed Agreed Order  
**Date:** Wednesday, June 22, 2022 9:57:35 AM

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Your message

To: Bougher, Bill  
Subject: Steel Dynamics, Inc. - Flat Roll Group - Butler Division (#28121-A) Proposed Agreed Order  
Sent: Wednesday, June 22, 2022 9:46:42 AM (UTC-05:00) Indiana (East)  
was read on Wednesday, June 22, 2022 9:57:19 AM (UTC-05:00) Indiana (East).