



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 22, 2022

VIA ELECTRONIC MAIL:

Daniel Jones, NA Environmental Manager
Avery Dennison
270 Westmeadow Place
Lowell, IN 46356
daniel.jones@averydennison.com

Re: Commissioner of the Department of
Environmental Management
v.
Avery Dennison Corporation
Plant ID No. 089-00407
Lowell, Lake County
Case No. 2020-27355-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. Jones:

Enclosed please find the proposed Agreed Order that provides for the actions required to correct the violations outlined in IDEM's Notice of Violation issued to you in the above referenced case dated June 1, 2022. 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.

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.



A State that Works

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 Case Manager
Enforcement Section
Office of Air Quality

Enclosure

cc: Michael Mitcham, Avery Dennison, michael.mitcham@averydennison.com
Matthew Chaifetz, Compliance and Enforcement, OAQ

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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. 2020-27355-A
)
AVERY DENNISON CORPORATION,)
)
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 Avery Dennison Corporation (“Respondent”), which owns and operates the stationary vinyl coating operation with Plant ID No. 089-00407, located at 270 Westmeadow Place, in Lowell, Lake 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:

Avery Dennison Corporation
Attn: Mitchell R. Butier, President
207 Goode Avenue, 5th Floor
Glendale, California 91203
Kevin.Dyer@averydennison.com

C T Corporation System,
Registered Agent
334 North Senate Avenue
Indianapolis, Indiana 46204
wkuslawdept@wolterskluwer.com

5. During an investigation including a records review conducted by a representative of IDEM, the following violation was found:

- a. Pursuant to 326 IAC 8-1-2(a) and Part 70 Operating Permit No. 089-41364-00407 (“Permit”) Condition D.1.5, natural gas-fired thermal oxidizer C-1 for volatile organic compounds (“VOCs”) control shall be in operation at all times when casting/roll coating line L-1, casting/roll coating line L-2, or casting and adhesive roll coating line L-3 are operating in order to demonstrate compliance with Permit Conditions D.1.1, D.1.2, and D.1.3, except when using 326 IAC 8-2-5 compliant coatings.

While using coatings that do not comply with 326 IAC 8-2-5, Respondent failed to operate natural gas-fired thermal oxidizer C-1 for VOC control when casting/roll coating line L-2 was operating for one (1) hour forty-four (44) minutes and forty-five (45) seconds on June 2, 2020, in violation of 326 IAC 8-1-2(a) and Permit Condition D.1.5.

6. Respondent enabled the interlock system on all coating lines, which prevents the coating lines from operating when the thermal oxidizer damper is closed.
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 environmental rule and 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 Nine Thousand Dollars (\$9,000.00). 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."
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 the NOV.
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: June 20, 2022

RESPONDENT:
Avery Dennison Corporation

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: [Daniel Jones](#)
To: [ROBERTS, GOLDIE](#)
Subject: Read: Avery Dennison Corporation (#27355-A) Revised Proposed Agreed Order
Date: Wednesday, June 22, 2022 11:38:48 AM
Attachments: [ATT00001](#)

Your message

To: Daniel Jones
Subject: Avery Dennison Corporation (#27355-A) Revised Proposed Agreed Order
Sent: 6/22/22, 9:47:24 AM EDT

was read on 6/22/22, 11:38:39 AM EDT