



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 23, 2022

VIA CERTIFIED MAIL#7002 0510 0002 7926 6113

Freeman D Schlabach, President and Registered Agent
Rock Run Industries, LLC
11665 W. 600 S.
Millersburg, IN 46534

Re: Notice of Violation and Proposed Agreed Order
Rock Run Industries, LLC
Plant ID No. 087-00072
Millersburg, LaGrange County
Case No. 2022-28576-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. Schlabach:

This is to advise that the Indiana Department of Environmental Management ("IDEM") has conducted an investigation of Rock Run Industries, LLC located at 11665 W. 600 S. Millersburg, Indiana. As a result of information obtained during that investigation, IDEM has made a preliminary determination that violations of environmental rules. 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/ideem.



A State that Works

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, including payment of a civil penalty. Please contact me at (317) 234-8102 or JSwift@idem.IN.gov if you have any questions or if you wish to request a settlement conference.

Sincerely,

A handwritten signature in black ink, appearing to read "James Swift". The signature is fluid and cursive, with the first name "James" and the last name "Swift" clearly distinguishable.

James Swift
Case Manager
Enforcement Section
Office of Air Quality

Enclosures:

cc: Fritz Schlabach, plant contact, Rockrun.fritz@gmail.com
Polly Mishler, consultant, PollyMishler@dbesi.com
James Swift, Compliance and Enforcement Branch, OAQ
Ling Tapp, Compliance and Enforcement Branch, OAQ
Marty Yeates, Compliance and Enforcement Branch, OAQ
<http://www.IN.gov/idem>



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NOTICE OF VIOLATION

Via Certified Mail# 7002 0510 0002 7926 6113

To: Rock Run Industries, LLC
Attn: Freeman D Schlabach, President and Registered Agent
11665 W. 600 S.
Millersburg, IN 46534

Case No. 2022-28576-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 a report review conducted by an IDEM representative, IDEM has reason to believe Rock Run Industries, LLC ("Respondent") violated environmental rules. The violations are based on the following:

1. Respondent is Rock Run Industries, LLC, which owns and operates the stationary metal machinery and metal coating facility with Plant ID No. 087-00072, located at 11665 W. 600 S., in Millersburg, LaGrange County, Indiana ("Site").
2. Pursuant to 326 IAC 2-8-11.1, any person proposing to add additional emission units, modify existing emission units, or otherwise modify a Federally Enforceable State Operating Permit ("FESOP") source as described in this section shall submit a permit revision request in accordance with this section.

Respondent failed to obtain a permit revision prior to the addition of natural gas-fired generator NGGen4, which produces regulated emissions, in violation of 326 IAC 2-8-11.1.

3. Pursuant to 326 IAC 2-7-2, any major source is required to obtain a permit prior to the operation of equipment that produces regulated emissions.

Respondent operated natural gas-fired generator NGGen4, which produces regulated emissions, without obtaining a major source permit revision, in violation of 326 IAC 2-7-2.


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 Respondent 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 James Swift at (317) 234-8102 or JSwift@idem.IN.gov within fifteen (15) days after receipt of this Notice to discuss resolution of this matter.

For the Commissioner:



Date: 6/23/2022

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

cc: Fritz Schlabach, plant contact, Rockrun.fritz@gmail.com
Polly Mishler, consultant, PollyMishler@dbesi.com
Lagrange County Health Department
James Swift, Compliance and Enforcement Branch, Office of Air Quality
Ling Tapp, Compliance and Enforcement Branch, Office of Air Quality
Marty Yeates, Compliance and Enforcement Branch, Office of Air Quality
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