



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 21, 2022

VIA ELECTRONIC MAIL:

Garland Middendorf, President
Wolf Lake Terminals, Inc.
RFD 1
Rocheport, MO 65279
gmiddendorf@wolflakeinc.com

VIA ELECTRONIC MAIL:

Garland Middendorf, Registered Agent
Wolf Lake Terminals, Inc.
3200 Sheffield Ave, BLDG #3
Hammond, IN 46327
gmiddendorf@wolflakeinc.com

Re: Notice of Violation and Proposed Agreed Order
for Violations Identified via Compliance Review
Wolf Lake Terminals, Inc.
Plant ID No. 089-00230
Hammond, Lake County
Case No. 2022-28691-A

Dear Mr. Middendorf:

A representative of the Indiana Department of Environmental Management ("IDEM"), Office of Air Quality, conducted a compliance review of records concerning Wolf Lake Terminals, Inc. located at 3200 Sheffield Ave. in Hammond, Indiana. As a result of information obtained during that review, IDEM alleges that a violation of a permit condition occurred. Specifically, respondent failed to submit an annual compliance certification by the April 15, 2022, due date.

In accordance with IC 13-30-3-3, this letter includes a Notice of Violation that sets forth the alleged violation and an Agreed Order that provides Wolf Lake Terminals, Inc. the opportunity to settle this enforcement action. IDEM encourages settlement by Agreed Order when possible to quickly correct environmental violations and avoid litigation.

The alleged violation identified in the Notice of Violation are among those that IDEM has determined qualify for expedited enforcement. This means that the enclosed Agreed Order is non-negotiable, and it represents IDEM's best settlement offer in this matter. The civil penalty included in the Agreed Order is the penalty amount that IDEM will accept only for the settlement of the alleged violation identified therein under its expedited enforcement program.

If Wolf Lake Terminals, Inc. agrees to settle this enforcement action in accordance with the enclosed Agreed Order, its responsible official should sign and

return the entire original Agreed Order within sixty (60) days of receipt to IDEM at the following address:

James Swift, Case Manager
Compliance and Enforcement Branch – Mail Code 61-53
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, IN 46204-2251
JSwift@idem.IN.gov

The civil penalty should be sent to the address listed in the Agreed Order within fifteen (15) days of your receipt of a copy of the final adopted Agreed Order. The final adopted Agreed Order will be mailed to you after it is approved and signed by the Assistant Commissioner of IDEM's Office of Air Quality.

IDEM is not required to extend the offer of entry into the Agreed Order for more than sixty (60) days. Because Indiana law allows a source to enter into an Agreed Order without admitting that the violation occurred, the attached Agreed Order includes this non-admission language. (See line 3 of the first paragraph of the Agreed Order.) If the Agreed Order is not entered into, IDEM may proceed with additional enforcement action requiring compliance with environmental permit conditions and may seek monetary penalties in accordance with IDEM's Civil Penalty Policy (ID No. Enforcement 99-0002-NPD), which likely will result in a greater penalty than the penalty amount offered in this Agreed Order.

Please contact James Swift, Case Manager, of my staff at (317) 234-8102 or JSwift@idem.IN.gov if you have any questions.

Sincerely,



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

cc: Kip Middendorf, Managing director Wolf Lake Terminals, kip@wolflakeinc.com
Lake County Health Department
James Swift, Compliance and Enforcement Branch, Office of Air Quality
Kevin Davis, Compliance and Enforcement Branch, Office of Air Quality
Marty Yeates, Compliance and Enforcement Branch, Office of Air Quality



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June 21, 2022

NOTICE OF VIOLATION

Garland Middendorf, President
Wolf Lake Terminals, Inc.
RFD 1
Rocheport, MO 65279
gmiddendorf@wolflakeinc.com

Garland Middendorf, Registered Agent
Wolf Lake Terminals, Inc.
3200 Sheffield Ave, BLDG #3
Hammond, IN 46327
gmiddendorf@wolflakeinc.com

Case No. 2022-28691-A

Based on an investigation, the Indiana Department of Environmental Management ("IDEM") has reason to believe that Wolf Lake Terminals, Inc. ("Respondent") has violated environmental condition B.9 of Part 70 Operating Permit No. 089-41593-00230. The violation is based on the following:

1. Respondent owns and operates a stationary batch biodiesel production facility and storage tank facility with Plant ID No. 089-00230 located at 3200 Sheffield Ave. in Hammond, Lake County, Indiana (the "Site").
2. Pursuant to condition B.9 of Part 70 Operating Permit No. 089-41593-00230 ("Permit"), Respondent shall annually submit a compliance certification report covering the time period from January 1 to December 31 of the previous year, no later than April 15 of each year.

Respondent failed to submit an Annual Compliance Certification ("ACC") no later than April 15, 2022, in violation of Permit condition B.9. The ACC was submitted to IDEM, Office of Air Quality on April 28, 2022, thirteen (13) days after the due date.

In accordance with IC 13-30-3-3, the Commissioner herein provides notice that a violation may exist and offers an opportunity to enter into an Agreed Order providing for the actions required to correct the violation and for the payment of a civil penalty for the violation. The Commissioner is not required to extend this offer for more than sixty (60) days. An Agreed Order for your consideration is attached. As noted on the attached Agreed Order, it is a qualified offer of settlement of this matter and, therefore, is inadmissible pursuant to Indiana's Rules of Evidence.

As provided in IC 13-30-3-3, an alleged violator may enter into an Agreed Order without admitting that the violation occurred. IDEM encourages settlement by Agreed Order to quickly correct environmental violations and to avoid litigation.

If the Agreed Order is not entered into within sixty (60) days of receipt of this Notice of Violation, the Commissioner may proceed with additional enforcement action requiring compliance with Permit condition B.9. and may seek additional monetary penalties in accordance with IDEM's Civil Penalty Policy (ID No. Enforcement 99-0002-NPD). 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, Case Manager, of my staff at (317) 234-8102 or JSwift@idem.IN.gov if you have any questions.

For the Commissioner:

Date: June 17, 2022



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

cc: Kip Middendorf, Managing director Wolf Lake Terminals, kip@wolflakeinc.com
Lake County Health Department
James Swift, Compliance and Enforcement Branch, Office of Air Quality
Kevin Davis, Compliance and Enforcement Branch, Office of Air Quality
Marty Yeates, Compliance and Enforcement Branch, Office of Air Quality

From: [Garland Middendorf](#)
To: [ROBERTS, GOLDIE](#)
Subject: Read: Wolf Lake Terminals, Inc. (#28691-A) Notice of Violation & Proposed Agreed Order
Date: Tuesday, June 21, 2022 10:41:16 AM

Your message

To: Garland Middendorf
Subject: Wolf Lake Terminals, Inc. (#28691-A) Notice of Violation & Proposed Agreed Order
Sent: Tuesday, June 21, 2022 8:44:03 AM (UTC-06:00) Central Time (US & Canada)
was read on Tuesday, June 21, 2022 9:41:02 AM (UTC-06:00) Central Time (US & Canada).