



**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

**NOV 08 2018**

Bruno L. Pigott  
Commissioner

VIA CERTIFIED MAIL: 7002 0510 0002 5821 8560 VIA CERTIFIED MAIL: 7002 0510 0002 5821 8577

Alexander Gross, Managing Member  
Whiting Metals, LLC  
65 E. Monroe, #4802  
Chicago, IL 60603

George S. Bellas, Registered Agent  
15 N. Northwest Hwy  
Park Ridge, IL 60068

Re: Notice of Violation  
Whiting Metals, LLC  
089-00262  
Hammond, Lake County  
Case No. 2018-25728-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.**

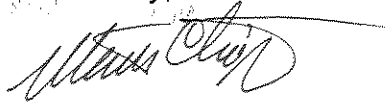
Dear Mr. Gross:

This is to advise that the Indiana Department of Environmental Management (IDEM) has conducted an investigation of Whiting Metals, LLC located at 2230 Indianapolis Boulevard in Hammond, Indiana. As a result of information obtained during that investigation, IDEM has made a preliminary determination that violations its environmental air rules exists. Pursuant to IC 13-30-3-3, enclosed please find a Notice of Violation that sets forth the alleged violations.

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 air permit, including payment of a civil penalty. Please contact me at (317)232-8408 or e-mail [mchaifet@idem.IN.gov](mailto:mchaifet@idem.IN.gov), if you have any questions or if you wish to request a settlement conference.



Sincerely,



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

Enclosures

cc: Alexander Gross, Managing Member, Whiting Metals, 2230 Indianapolis Blvd,  
Hammond, IN 46394  
Nathan Frank, US EPA Region 5  
Rochelle Marceillars, US EPA Region 5  
Lake County Health Department  
Matthew Chaifetz, Compliance and Enforcement Branch, OAQ  
Kevin Davis, Compliance and Enforcement Branch, OAQ  
<http://www.IN.gov/idem>



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## NOTICE OF VIOLATION

Via Certified Mail No. 7002 0510 0002 5821 8560

Via Certified Mail No.: 7002 0510 0002 5821 8577

To: Alexander Gross, Managing Member  
Whiting Metals, LLC  
65 E. Monroe, #4802  
Chicago, IL 60603

To: George S. Bellas, Registered Agent  
15 N. Northwest Hwy  
Park Ridge, IL 60068

Case No. 2018-25728-A

Based on an investigation, the Indiana Department of Environmental Management ("IDEM") has reason to believe that Whiting Metals, LLC ("Respondent") has violated environmental air rules. The violations are based on the following:

1. Respondent owns and operates a stationary secondary nonferrous metal operation with Plant I.D. No. 089-00262 located at 2230 Indianapolis Boulevard in Hammond, Lake County, Indiana (the "Site").
2. Pursuant to IC 13-30-2-1, a person may not discharge, emit, cause, allow, or threaten to discharge, emit, cause or allow any contaminant or waste into the environment in any form that causes or would cause pollution that violates or would violate rules, standards, or discharge or emission requirements adopted by the board under the environmental management laws.
3. 326 IAC 1-3-4 establishes the maximum permissible ambient air quality level for lead to be 0.15 micrograms lead per cubic meter of air, based on an arithmetic mean concentration over a three (3) month period.

Respondent emitted lead from the Site in in a manner that caused ambient air quality to exceed 0.15 microgram per cubic meter of air averaged from August 3, 2018 through November 4, 2018, in violation of IC 13-30-2-1 and 326 IAC 1-3-4.

In accordance with IC 13-30-3-3, the Commissioner herein provides notice that 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.




As provided in IC 13-30-3-3, an alleged violator may enter into an Agreed Order without admitting that 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 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 Matthew Chaifetz at (317) 232-8408 or [mchaifet@idem.IN.gov](mailto:mchaifet@idem.IN.gov) within fifteen (15) days after receipt of this Notice to discuss resolution of this matter.

For the Commissioner:

Date: 11/8/18

  
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Phil Perry, Chief  
Compliance and Enforcement Branch  
Office of Air Quality

cc: Alexander Gross, Managing Member, Whiting Metals, 2230 Indianapolis Blvd,  
Hammond, IN 46394  
Nathan Frank, US EPA Region 5  
Rochelle Marceillars, US EPA Region 5  
Lake County Health Department  
Matthew Chaifetz, Compliance and Enforcement Branch, OAQ  
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