



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

100 N. Senate Avenue • Indianapolis, IN 46204  
(800) 451-6027 • (317) 232-8603 • Fax (317) 233-6647 • [www.idem.IN.gov](http://www.idem.IN.gov)

Mike Braun  
Governor

Clint Woods  
Commissioner

August 19, 2025

**Via Certified Mail:**  
**7004 1160 0004 6518 1798**


Ms. Sonja Flanigan  
nGROUP IRC  
89 Forest Rd.  
Franklin, IN 46131

Dear Interested Parties:

Re: Adoption of Agreed Order  
Commissioner, Indiana Department of Environmental Management  
v.  
nGroup IRC  
Case No. 2025-30667-H

The Agreed Order pertaining to the case referenced above has been approved for adoption by the Indiana Department of Environmental Management. A copy of the finalized agreement is enclosed for your records.

Please note the terms of compliance contained in the Agreed Order. The time frames for compliance are effective upon receipt of this letter. The invoice for payment of the civil penalty is attached. Thank you for your cooperation in resolving this matter. If you have any questions, please contact Shiela Gonzales at (317) 234-6951 or via email at [sgonzale@idem.IN.gov](mailto:sgonzale@idem.IN.gov).

Sincerely,  
  
Jennifer Reno, Chief  
Land Enforcement Section  
Compliance Branch  
Office of Land Quality

Enclosure

cc: Johnson County Health Department  
Scott Draschil, OLQ HW Compliance  
Michael Chambers, [mchambers@boselaw.com](mailto:mchambers@boselaw.com)  
Sarah Sharpe, OLC, [SESharpe@idem.IN.gov](mailto:SESharpe@idem.IN.gov)  
IDEM Virtual Cabinet

Visit [on.IN.gov/survey](https://on.IN.gov/survey) or scan the QR code to provide feedback.

*We appreciate your input!*



LD 006-01 02/17/2024



89 Forest Rd  
Franklin, IN 46131

5. Respondent notified EPA of Small Quantity Generator activities on April 17, 2024.
6. Respondent processes retail returns. Respondent finds secondary markets/vendors to sell returned products or makes waste determinations and disposes of returned products.
7. 329 Indiana Administrative Code (“IAC”) 3.1 incorporates federal hazardous waste management requirements found in 40 Code of Federal Regulations (“CFR”) Parts 260 through 270 and Part 273, including those identified below.
8. During an investigation including an inspection on January 29, 2025, conducted by a representative of IDEM, the following violations were found:
  - a. Pursuant to 40 CFR 262.13, a generator must determine its generator category. A generator’s category is based on the amount of hazardous waste generated each month and may change from month to month.

As noted during the inspection, it was found that Respondent became a large quantity generator of hazardous waste in 2024 and failed to properly determine their generator category.

- b. Pursuant to 329 IAC 3.1-1-10, every hazardous waste generator, transporter, or owner or operator of a hazardous waste facility shall notify the commissioner of its activities subject to this article on forms provided by the commissioner unless the activity is exempt from the notification requirements for very small quantity generators under 329 IAC 3.1-6.

As noted during the inspection, it was found that Respondent became a large quantity generator of hazardous waste in 2024 and failed to properly notify.

9. Orders of the Commissioner are subject to administrative review by the Office of Administrative Law Proceedings 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 statutes and rules listed in the findings of fact above.
3. Upon the Effective Date, Respondent shall comply with 40 CFR 262.13. Specifically, Respondent shall properly determine its generator category on a monthly basis.

4. Within fifteen (15) days of the Effective Date, Respondent shall comply with 329 IAC 3.1-1-10. Specifically, Respondent shall submit an updated electronic notification of generator activities in the myRCRAid module of RCRAInfo. Instructions can be found here: <https://www.in.gov/idem/waste/waste-industries/waste-transportation/how-to-obtain-a-new-rcra-id-number/>.

5. All submittals required by this Agreed Order, unless IDEM notifies the Respondent otherwise in writing, shall be sent to:

Shiela Gonzales, Enforcement Case Manager  
Office of Land Quality  
Indiana Department of Environmental Management  
100 North Senate Avenue  
Indianapolis, IN 46204-2251

6. Pursuant to IC 13-30-4-1, Respondent is assessed and agrees to pay a civil penalty of Two Thousand Two Hundred Dollars (\$2,200.00). After this Agreed Order is adopted (signed by the Assistant Commissioner of the Office of Land Quality), Respondent shall pay by the due date printed on the Invoice that will be attached to the adopted Agreed Order.

Civil and stipulated penalties are payable to the "Indiana Department of Environmental Management" by:

Mail:

Civil penalties are payable by check to the "Indiana Department of Environmental Management." Checks shall include the Case Number of this action and shall be mailed to:

Indiana Department of Environmental Management  
Accounts Receivable  
P.O. Box 3295  
Indianapolis, IN 46206

Online:

Accounts Receivable is accepting payments online by e-Check, Master Card, Visa or Discover. Please visit [www.IN.gov/IDEM](http://www.IN.gov/IDEM). Under Online Services, click Online Payment options and follow the prompts. A processing fee of \$0.40 plus 2.06% will be charged for credit card payments. A processing fee of \$0.15 will be charged for eCheck payments. The Case Number is required to complete the process.

Phone:

You may also call us at 317-234-3099 and follow the instructions for Master Card, Visa or Discover payments. A processing fee of \$0.40 plus 2.06% will be charged for credit card payments. A processing fee of \$0.15 will be charged for eCheck payments. The Case Number is required to complete the process.

7. In the event the terms and conditions of the following paragraphs are violated, Complainant may assess, and Respondent shall pay a stipulated penalty in the following amount:

<u>Paragraph</u>	<u>Stipulated Penalty</u>
Order paragraph 4	\$100 per week

Stipulated penalties shall begin to be assessed on the date after the Effective Date and shall continue until the documentation is submitted as required by the associated paragraph.

8. Stipulated penalties shall be due and payable no later than the thirtieth day after Respondent receives written notice that Complainant has determined a stipulated penalty is due; at which time, a separate invoice will be issued. Complainant may notify Respondent at any time that a stipulated penalty is due. Failure to notify Respondent in writing in a timely manner of a stipulated penalty assessment shall not waive Complainant's right to collect such stipulated penalty or preclude Complainant from seeking additional relief against Respondent for violation of this Agreed Order. Neither assessment nor payment of stipulated penalties shall preclude Complainant from seeking additional relief against Respondent for a violation of this Agreed Order; such additional relief includes any remedies or sanctions available pursuant to Indiana law, including, but not limited to, civil penalties pursuant to IC 13-30-4.
9. 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 an additional penalty of 10 percent, payable to "Indiana Department of Environmental Management" and shall be payable to IDEM in the manner specified in Paragraph 6, above.
10. Signatories to this Agreed Order certify that they are fully authorized to execute this Agreed Order and legally bind the party they represent.
11. 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.
12. 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.
13. Respondent shall ensure that all contractors, firms, and other persons performing work under this Agreed Order comply with the terms of this Agreed Order.
14. 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.
15. 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.

16. 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.
17. 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 violations specified in the NOV.
18. 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.
19. This Agreed Order shall remain in effect until IDEM issues a Resolution of Case letter to Respondent.

**REMAINDER OF PAGE LEFT BLANK INTENTIONALLY**

**TECHNICAL RECOMMENDATION:**  
Department of Environmental Management

**RESPONDENT:**  
nGroup IRC

By: Jennifer Reno  
Jennifer Reno, Chief  
Land Enforcement Section  
Compliance Branch  
Office of Land Quality

By: Sonja Flanigan  
Printed: Sonja Flanigan  
Title: VP Risk Management

Date: 7/17/2025

Date: 7-17-25

**COUNSEL FOR RESPONDENT:**

By: Michael Chambers  
Printed: Michael Chambers  
Date: 7/17/25

APPROVED AND ADOPTED BY THE INDIANA DEPARTMENT OF ENVIRONMENTAL  
MANAGEMENT THIS 17 DAY OF July, 2025

For the Commissioner:

Brian Wolff  
Brian Wolff  
Assistant Commissioner  
Office of Land Quality

# INVOICE

**Please Remit To:**

INDIANA DEPT. OF ENVIRONMENTAL MANAGEMENT  
PO BOX 3295  
INDIANAPOLIS IN 46206-3295

Page: 1  
Invoice No: 000392067  
Invoice Date: 08/15/2025  
Customer Number: CST100059237  
Bill Type: 075  
Payment Terms: NET 30  
Due Date: 09/14/2025

**Bill To:**

NGROUP IRC  
ATTN: SONJA FLANIGAN  
89 FOREST RD  
FRANKLIN IN 46131

AMOUNT DUE: 2,200.00 USD

Amount Remitted

Note Address Changes Above

Email Address: \_\_\_\_\_

Write the invoice number on your check and return the upper portion of this invoice.

For billing questions, please email us at [BILLING@IDEM.IN.GOV](mailto:BILLING@IDEM.IN.GOV)

Line	Adj	Identifier	Description	Quantity	UOM	Unit Amt	Net Amount
1		2025-30667-H	AGREED ORDER	1.00	EA	2,200.00	2,200.00
<p>- Accounts Receivable is accepting payments online by e-Check, MasterCard, Visa, American Express or Discover. Please visit <a href="http://www.in.gov/idem">www.in.gov/idem</a>. Under Online Services, click Online Payment options and follow the prompts.</p> <p>-You may also call us at 317-234-3099 to pay by MasterCard, Visa, American Express or Discover.</p> <p>-A processing fee of \$0.40 plus 2.06% will be charged for credit card payments. A processing fee of \$0.15 will be charged for eCheck payments.</p> <p>- Pursuant to the Agreed Order for the Case Number noted above in the identifier field, please remit the civil penalty within thirty (30) days of the effective date of the Agreed Order.</p>							
<b>TOTAL AMOUNT DUE :</b>							<b>2,200.00</b>

Please write the invoice number on your check and return the upper portion of this invoice with remittance.

**From:** [Chambers, Michael](#)  
**To:** [BATES, DONNA](#)  
**Subject:** RE: Copy of Adoption of Agreed Order. nGroup IRC. Case No. 2025-30667-H.  
**Date:** Friday, August 22, 2025 3:18:13 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

**EXTERNAL EMAIL:** This email was sent from outside your organization. Exercise caution when clicking links, opening attachments or taking further action, before validating its authenticity.

Donna, I have received the AAO. Thank you, Michael

**Michael Chambers**

**Bose McKinney & Evans LLP**

111 Monument Circle | Suite 2700 | Indianapolis, Indiana 46204  
[mchambers@boselaw.com](mailto:mchambers@boselaw.com) | P 317-684-5160 | F 317-223-0160

*Assistant Contact | Brittany Dery | [bdery@boselaw.com](mailto:bdery@boselaw.com) | P 317-684-5165 | F 317-223-0165*

*Bose McKinney & Evans LLP is a member of [Mackrell International](#), a network of independent law firms from more than sixty countries and thirty states.*

**From:** BATES, DONNA <[DBATES@idem.IN.gov](mailto:DBATES@idem.IN.gov)>

**Sent:** Tuesday, August 19, 2025 9:43 AM

**To:** Chambers, Michael <[mchambers@boselaw.com](mailto:mchambers@boselaw.com)>

**Cc:** eswearingen <[eswearingen@co.johnson.in.us](mailto:eswearingen@co.johnson.in.us)>; Gonzales, Shiela <[SGONZALE@idem.IN.gov](mailto:SGONZALE@idem.IN.gov)>;  
Sharpe, Sarah E <[SESharpe@idem.IN.gov](mailto:SESharpe@idem.IN.gov)>; DRASCHIL, SCOTT <[SDRASCHI@idem.IN.gov](mailto:SDRASCHI@idem.IN.gov)>

**Subject:** Copy of Adoption of Agreed Order. nGroup IRC. Case No. 2025-30667-H.

Dear Mr. Chambers:

Please find the attached copy of Adoption of Agreed Order regarding nGroup IRC. **Once you have received this email would you please respond back to me (via e-mail) that you have received the document for our records.**

Thank you.



**Donna Bates**

*Administrative Assistant  
IDEM - Office of Land Quality  
Compliance & Enforcement Branch*

(317) 233-5529 • [dbates@idem.IN.gov](mailto:dbates@idem.IN.gov) | [www.idem.IN.gov](http://www.idem.IN.gov)



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Tracking Number:

## 70041160000465181798

Remove \*

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

### Latest Update

Your item was delivered to an individual at the address at 10:11 am on August 21, 2025 in FRANKLIN, IN 46131.

#### Get More Out of USPS Tracking:

**USPS Tracking Plus<sup>®</sup>**

Feedback

#### Delivered

**Delivered, Left with Individual**

FRANKLIN, IN 46131

August 21, 2025, 10:11 am

#### Arrived at USPS Regional Origin Facility

INDIANAPOLIS IN DISTRIBUTION CENTER

August 19, 2025, 7:50 pm

#### Departed Post Office

INDIANAPOLIS, IN 46206

August 19, 2025, 7:06 pm

#### USPS picked up item

INDIANAPOLIS, IN 46206

August 19, 2025, 4:29 pm

Hide Tracking History

[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

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**USPS Tracking Plus®**



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**FAQs**