



# 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*

**Brian C. Rockensuess**  
*Commissioner*

June 19, 2024

VIA ELECTRONIC MAIL:

David Stewart, Owner  
and Registered Agent  
ABCS Contractors Inc  
2400 Sloan Ave.  
Indianapolis, IN 46203  
[nezzylou@yahoo.com](mailto:nezzylou@yahoo.com)

Re: Notice of Violation and Proposed Agreed Order  
ABCS Contractors Inc  
Indianapolis, Marion County  
Case No. 2024-29944-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. Stewart:

This is to advise that the Indiana Department of Environmental Management (“IDEM”) has conducted an investigation of ABCS Contractors Inc with the mailing address of P.O. Box 1221 in Indianapolis, Marion County. As a result of information obtained during that investigation, IDEM has made a preliminary determination that a violation of an environmental rule exists. 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.

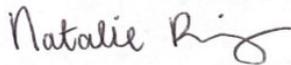
You may request a settlement conference to discuss the allegations and the actions necessary to correct and resolve the violations, which may include injunctive relief and the establishment of a compliance schedule. Payment of a civil penalty will also be discussed. The civil penalty amount noted in 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/idem](http://www.IN.gov/idem).



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 violation occurred. If an Agreed Order is not entered into, IDEM may proceed to issue a unilateral notice and order requiring compliance with the environmental rule, including payment of a civil penalty. Please contact me at 317-752-7860 or [nsruiz@idem.in.gov](mailto:nsruiz@idem.in.gov) if you have any questions or if you wish to request a settlement conference.

Sincerely,

A handwritten signature in cursive script that reads "Natalie Ruiz". The signature is written in black ink on a light-colored background.

Natalie Ruiz  
Case Manager  
Enforcement Section  
Office of Air Quality

Enclosures:

cc: Natalie Ruiz, Compliance and Enforcement Branch, OAQ  
Christopher Cissell, Compliance and Enforcement Branch, OAQ  
<http://www.IN.gov/idem>



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Commissioner

June 19, 2024

## **NOTICE OF VIOLATION**

Via Electronic Mail:

To: ABCS Contractors Inc  
Attn: David Stewart, Owner and  
Registered Agent  
2400 Sloan Ave.  
Indianapolis, IN 46203  
[nezzylou@yahoo.com](mailto:nezzylou@yahoo.com)

Case No. 2024-29944-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 an inspection conducted on January 25, 2024 by an IDEM representative, IDEM has reason to believe ABCS Contractors Inc ("Respondent") violated an environmental rule. The violation is based on the following:

1. Respondent is ABCS Contractors Inc, which owns and operates the site preparation contracting company with the mailing address of P.O. Box 1221 in Indianapolis, Marion County, and was contracted to perform a demolition project located at 3802 E. 10th Street, in Indianapolis, Marion County, Indiana ("Site").
2. Pursuant to 326 IAC 14-10-3, when the demolition described in section 1(a) of this rule, including the demolition of facilities with no asbestos, will begin on a date later than the date specified in the original or the most recent revised notification, written notice of the new demolition start date must be provided to the department at least two (2) working days before the start date of demolition specified in the notification that is being revised.

Respondent failed to submit the revised notification with the new demolition start date for the demolition project located at 3802 E. 10th Street in Indianapolis, Marion County, no later than January 5, 2024, in violation of 326 IAC 14-10-3.

Pursuant to IC 13-30-3-3, the Commissioner herein provides notice that the violation may exist and offers an opportunity to enter into an Agreed Order providing for the action required to correct the violation 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 violation occurred. IDEM encourages settlement by Agreed Order, thereby resulting in quicker correction of the environmental violation 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 violation.

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 violation 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 Natalie Ruiz at 317-752-7860 or nsruiz@idem.in.gov within fifteen (15) days after receipt of this Notice to discuss resolution of this matter.

For the Commissioner:



Date: 6-19-24

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

cc: Marion County Health Department  
Natalie Ruiz, Compliance and Enforcement Branch, Office of Air Quality  
Christopher Cissell, Compliance and Enforcement Branch, Office of Air Quality  
IDEM Public File

**From:** [Microsoft Outlook](#)  
**To:** [nezzylou@yahoo.com](mailto:nezzylou@yahoo.com)  
**Subject:** Relayed: ABCS Contractors, Inc. (#29944-A) Notice of Violation & Proposed Agreed Order  
**Date:** Wednesday, June 19, 2024 10:53:57 AM  
**Attachments:** [ABCS Contractors Inc. \(#29944-A\) Notice of Violation Proposed Agreed Order.msg](#)

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Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:  
[nezzylou@yahoo.com](mailto:nezzylou@yahoo.com) ([nezzylou@yahoo.com](mailto:nezzylou@yahoo.com)) <<mailto:nezzylou@yahoo.com>>  
Subject: ABCS Contractors, Inc. (#29944-A) Notice of Violation & Proposed Agreed Order