



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 6, 2024

Via Electronic Mail: # 7017 2400 0000 0747 0713 **Via Electronic Mail: # 7017 2400 0000 0747 0720**

James Hannah, General Manager
FedEx Supply Chain, Inc.
700 Commerce Parkway Drive West
Greenwood, IN 46214
James.hannah@fedex.com

CT Corporation System, Registered Agent
FedEx Supply Chain, Inc.
334 N. Senate Avenue
Indianapolis, IN 46204

Dear Mr. Hannah:

Re: Notice of Violation and Proposed Agreed Order
FedEx Supply Chain, Inc.
Case No. 2024-29902-H
EPA ID No. INR 000 130 088
Indianapolis, Marion County

Qualified offer of settlement: inadmissible per 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.

IDEM conducted an investigation of the property located at 225 Transfer Drive, Indianapolis, IN with EPA ID# INR 000 130 088 and has made a preliminary determination that violations of environmental management rules exist. Per 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.

The individual signing the enclosed Agreed Order should be fully authorized to execute the document and legally bind the parties. 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 60 days. You may enter into an Agreed Order without admitting that the violations occurred. Additionally, to encourage a timely agreement, IDEM may offer a one time twenty percent reduction (20%) to the Civil Penalty for 60 days after receipt of this Notice of Violation.

If an Agreed Order is not entered into, IDEM may proceed to issue a unilateral notice and order requiring compliance with the environmental laws, rules, and/or permit, including payment of a civil penalty. Please contact me at (317) 233-5546 or via email at challora@idem.IN.gov if you have any questions or if you wish to request a settlement conference.

Sincerely,



Christina Halloran, Senior Environmental Manager
Land Enforcement Section
Compliance Branch
Office of Land Quality

Enclosures

cc: Marion County Health Department
Kari Clevenger, IDEM, OLQ, Hazardous Waste Compliance Section
Paige Pemberton Williams, FedEx Corporate, Attorney, paige.williams@fedex.com
IDEM Virtual File Cabinet



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NOTICE OF VIOLATION

Mr. James Hannah, General Manager
FedEx Supply Chain, Inc.
700 Commerce Parkway Drive West
Greenwood, IN 46214

CT Corporation System, Registered Agent
FedEx Supply Chain, Inc.
334 N. Senate Avenue
Indianapolis, IN 46204

Case No. 2024-29902-H

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 December 14, 2023 by an IDEM representative, IDEM has reason to believe FedEx Supply Chain, Inc. (“Respondent”) violated environmental rules. The violations are based on the following:

1. Respondent is FedEx Supply Chain, Inc, which operated the facility, with United States Environmental Protection Agency (“EPA”) ID No. INR 000 130 088, located at 225 Transfer Drive, in Indianapolis, Marion County, Indiana (“Site”).
2. Respondent notified EPA of Large Quantity Generator activities.
3. In a letter via email dated December 2, 2022, Respondent notified the Indiana Department of Workforce Development, and the Office of the Mayor that Respondent will be discontinuing its management and operations at this location.
4. Respondent closed this location on June 30, 2023. Respondent formerly processed returns from a large retail. The returns were mostly damaged products that were determined to be hazardous waste.
5. 329 Indiana Administrative Code (“IAC”) 3.1 incorporates certain federal hazardous waste management requirements found in 40 Code of Federal Regulations (“CFR”) Parts 260 through 270 and Part 273, including those identified below.
6. Pursuant to 40 CFR 262.17(a)(8)(ii)(A), a large quantity generator must notify IDEM using form 8700-12 no later than 30 days prior to closing the facility.

As noted during the inspection, Respondent ceased operations at the facility on June 30, 2023, and failed to notify IDEM 30 days prior to closing the facility.

7. Pursuant to 40 CFR 262.17(a)(8)(ii)(B), a large quantity generator must notify IDEM using form 8700-12 within 90 days after closing the facility that it has complied with the closure performance standards of paragraph (a)(8)(iii) or (iv) of this section.

As noted during the inspection, Respondent ceased operations at the facility on June 30, 2023, and failed to notify IDEM within 90 days after closing that it had complied with the closure requirements.

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 Christina Halloran at (317) 233-5546 or challora@idem.IN.gov within fifteen (15) days of receipt of this Notice to discuss resolution of this matter.

Date: May 30, 2024

For the Commissioner:



Lori Freeman, Chief
Compliance Branch
Office of Land Quality

James Hannah, General Manager
FedEx Supply Chain, Inc.
700 Commerce Parkway Drive West
Greenwood, IN 46214

CT Corporation System, Registered Agent
FedEx Supply Chain, Inc.
334 N. Senate Avenue
Indianapolis, IN 46204

5. Respondent notified EPA of Large Quantity Generator activities.
6. In a letter via email dated December 2, 2022, Respondent notified the Indiana Department of Workforce Development, and the Office of the Mayor that Respondent will be discontinuing its management and operations at this location.
7. Respondent closed this location on June 30, 2023. Respondent formerly processed returns from a large retail. The returns were mostly damaged products that were determined to be hazardous waste.
8. 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.
9. During an investigation including an inspection on December 14, 2023 conducted by a representative of IDEM, the following violations were found:
 - a. Pursuant to 40 CFR 262.17(a)(8)(ii)(A), a large quantity generator must notify IDEM using form 8700-12 no later than 30 days prior to closing the facility.

As noted during the inspection, Respondent ceased operations at the facility on June 30, 2023, and failed to notify IDEM 30 days prior to closing the facility.
 - b. Pursuant to 40 CFR 262.17(a)(8)(ii)(B), a large quantity generator must notify IDEM using form 8700-12 within 90 days after closing the facility that it has complied with the closure performance standards of paragraph (a)(8)(iii) or (iv) of this section.

As noted during the inspection, Respondent ceased operations at the facility on June 30, 2023, and failed to notify IDEM within 90 days after closing that it had complied with the closure requirements.
10. Orders of the Commissioner are subject to administrative review by the Office of Environmental Adjudication 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 rules listed in the findings above or any incorporated federal equivalent thereof, as applicable.
3. Within thirty (30) days of the Effective Date, Respondent shall comply with 40 CFR 262.17(a)(8)(ii)(B). Specifically, Respondent shall submit to IDEM records documenting compliance with the closure performance standards of 40 CFR 262.17(a)(8)(iii).
4. All submittals required by this Agreed Order, unless IDEM notifies the Respondent otherwise in writing, shall be sent to:

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

5. Pursuant to IC 13-30-4-1, Respondent is assessed and agrees to pay a civil penalty of One Thousand Five Hundred Dollars (\$1,500). 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. 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.

6. 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 #3	\$100 per week

7. 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.
8. 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 5, above.
9. Signatories to this Agreed Order certify that they are fully authorized to execute this Agreed Order and legally bind the party they represent.
10. 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.
11. 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.
12. Respondent shall ensure that all contractors, firms, and other persons performing work under this Agreed Order comply with the terms of this Agreed Order.
13. 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.
14. 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.

15. 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.
16. 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.
17. 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.
18. 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:

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

By: _____
Printed: _____
Title: _____

Date: 4/26/2024

Date: _____

COUNSEL FOR RESPONDENT:

By: _____
Printed: _____
Date: _____

APPROVED AND ADOPTED BY THE INDIANA DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT THIS _____ DAY OF _____, 20____

For the Commissioner:

Brian Wolff
Assistant Commissioner
Office of Land Quality

From: [James Hannah](#)
To: [BATES, DONNA](#); [Paige Williams](#)
Cc: [wqhmm@marionhealth.org](#); [Clevenger, Kari](#); [Halloran, Chris](#)
Subject: RE: Copy of Notice of Violation and Proposed Agreed Order. FedEx Supply Chain, Inc. Case No. 2024-29902-H.
Date: Thursday, June 6, 2024 11:07:28 AM
Attachments: [image006.png](#)
[image007.png](#)
[image008.png](#)
[image010.png](#)
[image011.png](#)
[image001.png](#)

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

Good morning,

Document received.

Respectfully,



James Hannah | General Manager | Retail Operations; FedEx Supply Chain | mobile: 317.225.8301 | fedex.com

From: BATES, DONNA <DBATES@idem.IN.gov>
Sent: Thursday, June 6, 2024 10:48 AM
To: James Hannah <James.Hannah@fedex.com>; Paige Williams <paige.williams@fedex.com>
Cc: wqhmm@marionhealth.org; Clevenger, Kari <KCleveng@idem.IN.gov>; Halloran, Chris <CHALLORA@idem.IN.gov>
Subject: [EXTERNAL] Copy of Notice of Violation and Proposed Agreed Order. FedEx Supply Chain, Inc. Case No. 2024-29902-H.

Caution! This email originated outside of FedEx. Please do not open attachments or click links from an unknown or suspicious origin.

Dear Interested Parties:

Please find attached copy of Notice of Violation and proposed Agreed Order regarding FedEx Supply Chain, Inc. **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

(317) 233-5529 •
dbates@idem.IN.gov |



www.idem.IN.gov

