



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 5, 2024

**Via Certified Mail: # 7017 2400 0000 0747 0348**

James Parker, President  
and Registered Agent  
NuGenesis, Inc.  
1611 Hancel Parkway  
Mooresville, Indiana 46158  
[jparker@enugenesi.com](mailto:jparker@enugenesi.com)

Dear Mr. Parker:

Re: Adoption of Agreed Order  
Commissioner, Indiana Department of Environmental Management  
v.  
NuGenesis, Inc.  
Case No.: 2024-30019-S  
SW Program ID 55-04  
Mooresville, Morgan County

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 Linda McClure at (317) 233-5954 or via email at [lmclure@idem.IN.gov](mailto:lmclure@idem.IN.gov).

Sincerely,

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

Enclosure

cc: Morgan County Health Department  
Hunter Pace, IDEM, OLQ, Industrial Waste Compliance  
IDEM Virtual File Cabinet





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STATE OF INDIANA	)	SS:	BEFORE THE INDIANA DEPARTMENT OF
	)		
COUNTY OF MARION	)		ENVIRONMENTAL MANAGEMENT
COMMISSIONER OF THE DEPARTMENT	)		
OF ENVIRONMENTAL MANAGEMENT,	)		
	)		
	)	Complainant,	
	)		
	)	v.	Case No. 2024-30019-S
	)		
NUGENESIS, INC.,	)		
	)		
	)	Respondent.	

**AGREED ORDER**

Complainant and Respondent desire to settle and compromise this action without hearing or adjudication of any issue of fact or law, and consent to the entry of the following Findings of Fact and Order. Pursuant to Indiana Code (“IC”) 13-30-3-3, entry into the terms of this Agreed Order does not constitute an admission of any violation contained herein. Respondent’s entry into this Agreed Order shall not constitute a waiver of any defense, legal or equitable, which Respondent may have in any future administrative or judicial proceeding, except a proceeding to enforce this order.

**I. FINDINGS OF FACT**

1. Complainant is the Commissioner (“Complainant”) of the Indiana Department of Environmental Management (“IDEM”), a department of the State of Indiana created by IC 13-13-1-1.
2. Respondent is NuGenesis, Inc. (“Respondent”), owns and operates the solid waste processing facility, located at 1611 Hancel Parkway, in Mooresville, Morgan County, Indiana (“Site”). J Par Holdings, Inc owns the property at 1611 Hancel Parkway, in Mooresville, Morgan County, Indiana, parcel # 55-05-13-100-001.001-005
3. Respondent holds a Solid Waste Processing Facility Permit # SW 55-04 (“Permit”) issued on April 11, 2019 (VFC #82749393) which authorizes Respondent, as the permittee, to receive non-hazardous liquid and solid waste for bulking and/or solidification. A Minor Modification was approved on September 3, 2021 (VFC #83210672). The Permit expiration date is March 26, 2024.



4. IDEM has jurisdiction over the parties and the subject matter of this action.
5. Pursuant to IC 13-30-3-3, IDEM issued a Notice of Violation (“NOV”) via Certified Mail to:  
James Parker, President and Registered Agent  
NuGenesis, Inc.  
1611 Hancel Parkway  
Mooresville, Indiana 46158  
[jparker@enugenesis.com](mailto:jparker@enugenesis.com)
6. 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.
7. During an investigation including an inspection on January 25, 2024 and a record review on March 12, 2024, conducted by a representative of IDEM, the following violations were found:
  - a. Pursuant to 40 CFR 273.11(b), a small quantity handler of universal waste is prohibited from diluting or treating universal waste, except by responding to releases as provided in 40 CFR 273.17; or by managing specific wastes as provided in 40 CFR 273.13.  
  
Pursuant to 329 IAC 3.1-16-2(A)(1), exceptions and additions to 40 CFR 273 include the following: In addition to the waste management requirements in 40 CFR 273.13(d), add the following: A small quantity handler of universal waste shall not intentionally break or crush universal waste lamps.  
  
As noted during the inspection, Respondent crushed universal waste lamps received on August 1, 2023. The intentional breaking and crushing of universal waste lamps is considered treatment of universal waste and is a prohibited activity under the universal waste rules.
  - b. Pursuant to 329 IAC 11-3-1(5)(A), the following solid waste management activities are not subject to the provisions of this article:
    - (5) Processing of waste when the waste, other than tires, has been segregated from the general MSW stream prior to arrival at a processing facility. To qualify for exclusion from this article, the facility must do the following:
      - (A) In the regular course of business, receive distinct and recognizable solid waste items that do not require substantial further processing. Substantial further processing includes any thermal or chemical treatment of the waste, as well as physical processing such as shredding, breaking, compacting, or mixing with other materials or waste beyond the processing needed to render the waste more amenable for transport.

As noted during the inspection, Respondent failed to meet the exclusion from article 11 when household hazardous waste lamps and universal waste lamps required breaking to render the waste (lamps) more amenable to transportation.

- c. Pursuant to Permit Condition A2, the permittee must construct, operate, and maintain the solid waste processing facility (facility) as described in the approved plans and specifications. The permittee must request approval before modifying the facility or facility operating procedures.

As noted during the inspection, Respondent began crushing household hazardous waste lamps and universal waste lamps without obtaining prior approval.

- d. Pursuant to 40 CFR 262.11(a), a person who generates a solid waste, as defined in 40 CFR 261.2, must make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations. A hazardous waste determination is made using the following steps:
  - (a) The hazardous waste determination for each solid waste must be made at the point of waste generation, before any dilution, mixing, or other alteration of the waste occurs, and at any time in the course of its management that it has, or may have, changed its properties as a result of exposure to the environment or other factors that may change the properties of the waste such that the RCRA classification of the waste may change.

Pursuant to 329 IAC 10-7.2-1(a), a person who generates a solid waste shall carry out the hazardous waste determination required by 40 CFR 262.11, incorporated by reference in 329 IAC 3.1-7.

As noted during the inspection, Respondent failed to make an accurate determination on the filter belonging to the drum top crusher used to crush universal waste and/or household waste lamps.

- e. Pursuant to 329 IAC-11-13.5-9(a), the following must be furnished upon request and made available during normal operating hours for inspection by any officer, employee, or representative of the commissioner:
  - 1) All solid waste processing facility records and reports required by this rule, 329 IAC 11-14, and 329 IAC 15.
  - 2) All test results from testing of residues generated by the facility.

Pursuant to Permit Condition D20(f), the permittee must maintain records and reports as required by 329 IAC 11-13.5-9: All analytical test results of waste shipped by the facility.

As noted during the inspection, Respondent failed to maintain waste determination records for the drum top crusher filter and to maintain paint filter analysis records.

- f. Pursuant to Permit Condition D1(a), perform daily housekeeping and maintenance of the storage and processing areas, keeping the processing facility and adjacent areas clean and litter free when not in use, following the cleanup procedures described in Section H, Daily Clean up Procedures of the Operating Plan submitted with the permit application dated December 28, 2016 (VFC #80414008, p. 24 of 95). The permittee must document routine cleanup in the facility operating record.

At the time of the inspection, Respondent failed to keep the bulk liquid storage and solidification area clean and litter free when not in use. Specifically, free liquids and litter were observed on the floor of the room used for bulk liquid storage and the facility's solidification process.

8. On February 20, 2024, Respondent notified IDEM that household hazardous waste bulbs and universal waste bulbs will no longer be crushed at the Site.
9. 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 and permit conditions listed in the findings of fact above.
3. Within fifteen (15) days of the Effective Date, Respondent shall comply with Permit Condition D1(a). Specifically, Respondent shall clean and remove any litter and spills from the bulk liquid storage and solidification area using the standards outlined in the facility's operation plan [VFC # 840414008].
4. Within thirty (30) Days of the Effective Date, Respondent shall comply with 40 CFR 262.11(a) and 329 IAC 10-7.2-1(a). Specifically, Respondent shall conduct a waste determination on the drum top crusher filter and submit documentation of completion to IDEM.
5. All submittals required by this Agreed Order, unless IDEM notifies the Respondent otherwise in writing, shall be sent to:

Linda McClure, 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 Four Thousand Two Hundred and Fifty Dollars (\$4,250). After this Agreed Order is adopted, Respondent shall pay by the due date printed on the Invoice, as attached.

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 stipulated penalties in the following amounts:

<u>Paragraph</u>	<u>Stipulated Penalty</u>
Order paragraph #3	\$150 per week
Order paragraph #4	\$150 per week

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; the thirtieth day being the “Due Date.” 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

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

Date: 3/25/2024

**RESPONDENT:**

By: [Signature]  
Printed: JAMES PARKER  
Title: PRESIDENT

Date: Apr 11, 2024

**COUNSEL FOR RESPONDENT:**

By: \_\_\_\_\_  
Printed: \_\_\_\_\_  
Date: \_\_\_\_\_

APPROVED AND ADOPTED BY THE INDIANA DEPARTMENT OF ENVIRONMENTAL  
MANAGEMENT THIS 15th DAY OF May, 2024

For the Commissioner:

[Signature]  
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: 000372132  
Invoice Date: 05/30/2024  
Customer Number: CST100046946  
Bill Type: 075  
Payment Terms: NET 30  
Due Date: 06/29/2024

**Bill To:**

NUGENESIS INC  
JAMES PARKER  
1611 HANCEL PARKWAY  
MOORESVILLE IN 46158

AMOUNT DUE: 4,250.00 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		2024-30019-H	AGREED ORDER	1.00	EA	4,250.00	4,250.00
<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>4,250.00</b>	

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

**From:** [jparker@enugenesis.com](mailto:jparker@enugenesis.com)  
**To:** [BATES, DONNA](#)  
**Cc:** [ehs@morgancounty.in.gov](mailto:ehs@morgancounty.in.gov); [Pace, Hunter](#); [McClure, Linda \(IDEM\)](#)  
**Subject:** RE: Copy of Adoption of Agreed Order. NuGenesis, Inc. Case No.: 2024-30019-S  
**Date:** Wednesday, June 5, 2024 2:22:25 PM  
**Attachments:** [image003.png](#)  
[image007.png](#)  
[image008.png](#)  
[image010.png](#)  
[image011.png](#)  
[image001.png](#)

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

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I am in receipt of the Adoption of Agreed Order.

Have a great rest of the week.

**Jim Parker**

*President*

[jparker@enugenesis.com](mailto:jparker@enugenesis.com)

**NuGenesis**

1611 Hancel Parkway

Mooresville, IN, 46158

800-487-1010 | 317-834-8200

[www.enugenesis.com](http://www.enugenesis.com)

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

**Sent:** Wednesday, June 5, 2024 11:20 AM

**To:** [jparker@enugenesis.com](mailto:jparker@enugenesis.com)

**Cc:** [ehs@morgancounty.in.gov](mailto:ehs@morgancounty.in.gov); [Pace, Hunter <HPace@idem.IN.gov>](mailto:HPace@idem.IN.gov); [McClure, Linda \(IDEM\) <lmclure@idem.IN.gov>](mailto:McClure, Linda (IDEM) <lmclure@idem.IN.gov>)

**Subject:** Copy of Adoption of Agreed Order. NuGenesis, Inc. Case No.: 2024-30019-S

Dear Mr. Parker:

Please find the attached copy of Adoption of Agreed Order regarding NuGenesis, 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](mailto:dbates@idem.IN.gov) |  
[www.idem.IN.gov](http://www.idem.IN.gov)



**SENDER: COMPLETE THIS SECTION**

- Complete Items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

60-02-L (1833) dbates 30019-S  
 JAMES PARKER PRES. & REG AGENT  
 NUGENESIS INC  
 1611 HANCEL PKWY  
 MOORESVILLE IN 46158



9590 9402 8575 3244 8938 20

2. Article Number (Transfer from service label)

7017 2400 0000 0747 0348

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *Marilyn Parks*

- Agent
- Addressee

B. Received by (Printed Name)

*Marilyn Parks*

C. Date of Delivery

*6-11-21*

D. Is delivery address different from Item 1?

- Yes
- No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Registered Mail Restricted Delivery

- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation
- Signature Confirmation Restricted Delivery

USPS TRACKING #

INDIANAPOLIS IN 460  
28 JUN 2024 PM 4 L

First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

9590 9402 8575 3244 8938 20

United States  
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

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DEPT OF ENVIRONMENTAL MGMT  
OFFICE OF LAND QUALITY ENFORCEMENT  
100 N SENATE AVE RM N1101  
INDIANAPOLIS IN 46204

