



# 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)

Michael R. Pence  
Governor

Carol S. Comer  
Commissioner

February 22, 2016

VIA CERTIFIED MAIL

9171900005271000473240

Akram M. & Manal A. Yennes  
Property Owners  
7035 S State Rd 66  
Leavenworth, Indiana 47137-8309  
(XXX) XXX-XXXX

David Mohamed  
UST Owner  
7611 Moultrie Court  
Indianapolis, Indiana 46217

Steve Roberts  
Operator  
Mystik Market, dba Phillips 66  
3232 South Keystone Avenue  
Indianapolis, Indiana 46237

Dear Mr. Yennes, Mr. Mohamed, and Mr. Roberts:

Re: **Violation Letter**  
Mystik Market, dba Phillips 66  
3232 South Keystone Avenue  
Indianapolis, Marion Co., IN 46237  
FID #000016  
LUST #200212502

Staff of the Indiana Department of Environmental Management recently reviewed the following document in the file for your facility identified above:

- A Limited Phase II Environmental Site Assessment Report dated November 12, 2007. Lee & Ryan Environmental Consulting, Inc. prepared the report on behalf of Mr. Roberts. Although the report was apparently completed in 2007, a copy was submitted to IDEM on February 16, 2016.

The report documents the presence of contaminated soil and ground water remaining from the 2002 release from the underground storage tanks (USTs) at the facility. According to IC 13-23 and 327 IAC 9, owners and operators of USTs must investigate and remediate reported releases from the tanks. Even if you never owned or operated the tanks, but own the property, you are still liable for the investigation and remediation

pursuant to IC 13-24-1. Please see the attached copy of IDEM's previous letter dated December 6, 2010 that details the specific violations.

**To correct this violation, you must submit your Initial Site Characterization Report (ISC) on or before March 25, 2016.**

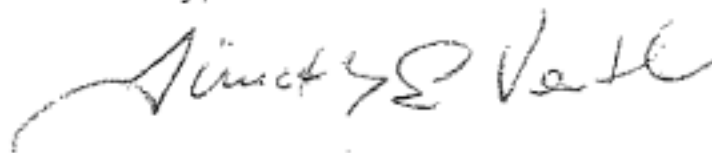
To obtain an electronic copy of the ISC form, call (317) 232-8900 or email [LeakingUST@idem.IN.gov](mailto:LeakingUST@idem.IN.gov). The requested information should be submitted following the OLQ Document Submittal Guidelines found at [www.in.gov/idem/landquality/2368.htm](http://www.in.gov/idem/landquality/2368.htm). For more information regarding document and data submittal guidelines, sampling and analysis requirements or technical information, visit the LUST Home Page at [www.in.gov/idem/landquality/2342.htm](http://www.in.gov/idem/landquality/2342.htm) or contact the site project manager. Please submit all items to the following address:

Indiana Department of Environmental Management  
Underground Storage Tank Branch  
Leaking Underground Storage Tank Section  
IGCN 1101  
100 North Senate Avenue  
Indianapolis, IN 46204-2251

Failure to correct these violations within the specified time frame will result in a referral to IDEM Enforcement. The significance of a formal enforcement action is the assessment of civil penalties not to exceed \$10,000 per violation per day. In addition, as long as you are not in compliance with these requirements, you are not eligible for reimbursement of claims from the Excess Liability Trust Fund (ELTF).

If you have any questions, please contact Rosy Hansell at (317) 234-0985, (317) 221-2287, or toll free from within Indiana at (800) 451-6027. She may also be reached at: [rhansell@idem.IN.gov](mailto:rhansell@idem.IN.gov).

Sincerely,



Timothy E. Veatch, Chief  
Leaking Underground Storage Tank Section  
Underground Storage Tank Branch  
Office of Land Quality  
(317) 234-0980  
[tveatch@idem.IN.gov](mailto:tveatch@idem.IN.gov)

Enclosure:  
IDEM letter dated December 6, 2010

E-copy:  
Nancy Johnston, IDEM Enforcement  
Marion County Health Department



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

*Mitchell E. Daniels, Jr.*  
Governor

*Thomas W. Easterly*  
Commissioner

100 North Senate Avenue  
Indianapolis, Indiana 46204  
(317) 232-8603  
Toll Free (800) 451-6027  
www.idem.IN.gov

December 6, 2010

VIA CERTIFIED MAIL

Akram M. Yennes  
President and Registered Agent  
Mazy, Inc. (Property Owner)  
7035 South State Road 66  
Leavenworth, Indiana 47137  
XXX-XXX-XXXX

David Mohamed (UST Owner)  
7611 Moultrie Court  
Indianapolis, Indiana 46217  
317/782-3310

Re: **Information Request**  
**Warning of Noncompliance**  
Little Champ Oil #14/Big Champ/Mystik  
3232 South Keystone Avenue  
Indianapolis, Marion County Indiana  
FID #000016  
LUST #200212502

Dear Mr. Yennes, Mr. Mohamed:

Staff of the Indiana Department of Environmental Management (IDEM) recently reviewed your file pertaining to a release of petroleum from an underground storage tank (UST) at your facility identified above. Owners and operators of USTs must comply with the requirements for investigating and cleaning up reported releases from USTs pursuant to Indiana Code (IC) 13-23 and 329 Indiana Administrative Code (IAC) 9. Even if you never owned or operated USTs, but own the property, you may still be liable for the cleanup pursuant to IC 13-24-1.

Among the documents we reviewed were:

- An Initial Incident Report dated December 3, 2002;
- An Initial Site Characterization Request Letter dated December 6, 2002;
- Violation Letters dated October 27, 2004; October 6, 2006; March 12, 2007; and April 6, 2009 (this one was for tank violations);
- Site Activity Update Request Letters dated April 23, 2004 and March 27, 2006.

As the owner/operator/property owner of the above facility you are responsible for submitting information to IDEM related to release reports, investigations, and corrective actions planned or taken pursuant to 329 IAC 9-3-1. In addition, you are required to conduct the following actions:

- 329 IAC 9-5-5.1 and 6 - The owner and/or operator must assemble information regarding the nature and extent of contamination. An Initial Site Characterization (ISC) Report must be submitted within 60 days of the release report. One or more Further Site Investigations (FSIs) may be required within the timeframe prescribed by IDEM, if the site characterization is incomplete.
- 329 IAC 9-5-7 - A Corrective Action Plan (CAP) must be developed that is designed to clean up the contamination. The CAP must be submitted within the timeframe prescribed by IDEM. Revisions to the CAP may be required, if it is inadequate.

In addition to environmental implications, having active release numbers attached to your property may decrease the value of your property and may create difficulties for you should you try to sell or further develop your property in the future. In accordance with IC 13-25-3-1, the Responsible Property Transfer Law, selling your property without disclosing known contamination is unlawful. Additionally, contaminated property that is passed on through a will or trust may unintentionally further the financial burden often associated with these facilities, to other parties.

We note that the current operator of the station has been cooperating with the UST inspector, John Gunter, in his efforts to bring the existing USTs into compliance with the UST Rule. However, this does not relieve responsible parties from investigating and remediating any soil or ground water contamination that resulted from the release reported in 2002, which is a separate compliance issue. To date, there is nothing in the file to indicate that responsible parties have addressed this problem. **This letter is a final attempt to obtain the necessary information before a formal enforcement process begins. To avoid that process, you must submit an Initial Site Characterization Report on or before February 11, 2011.**

Failure to comply with these requirements will result in a formal enforcement action. In addition, as long as you are not in compliance with these requirements, you are not eligible for reimbursement for claims from the Excess Liability Trust Fund (ELTF). If you anticipate seeking reimbursement for your remediation costs, please contact the ELTF Section at 317/234-0990.

For more information regarding document and data submittal guidelines, sampling and analysis requirements or technical information, visit the LUST Home Page at [www.in.gov/idem/4997.htm](http://www.in.gov/idem/4997.htm) or contact the site project manager. Please submit all items to the following address:

67-18  
Indiana Department of Environmental Management  
Office of Land Quality  
Leaking Underground Storage Tank Section  
100 N. Senate Ave., Room 1101  
Indianapolis, IN 46204-2251

Effective June 17, 2010, total petroleum hydrocarbon (TPH) analysis of ground water is not required for all refined petroleum releases including LUST sites. This policy change applies to all ground water investigation and monitoring activities for determining the nature and extent of contamination and closure. The only exceptions are instances where drinking water wells are sampled and circumstances where you are specifically directed by IDEM. The announcement, Frequently Asked Questions, and complete revisions to the Risk Integrated System of Closure Technical Resource Guidance Document, Total Petroleum Hydrocarbons, Chapter 8 and Appendix 8.1 are available on the RISC Webpage at [www.in.gov/idem/4153.htm](http://www.in.gov/idem/4153.htm).

If you have any questions, please contact Rosy Hansell at 317/234-0985, 317/221-2287, or toll free from within Indiana at 800/451-6027. She can also be reached via email at: [rhansell@idem.in.gov](mailto:rhansell@idem.in.gov).

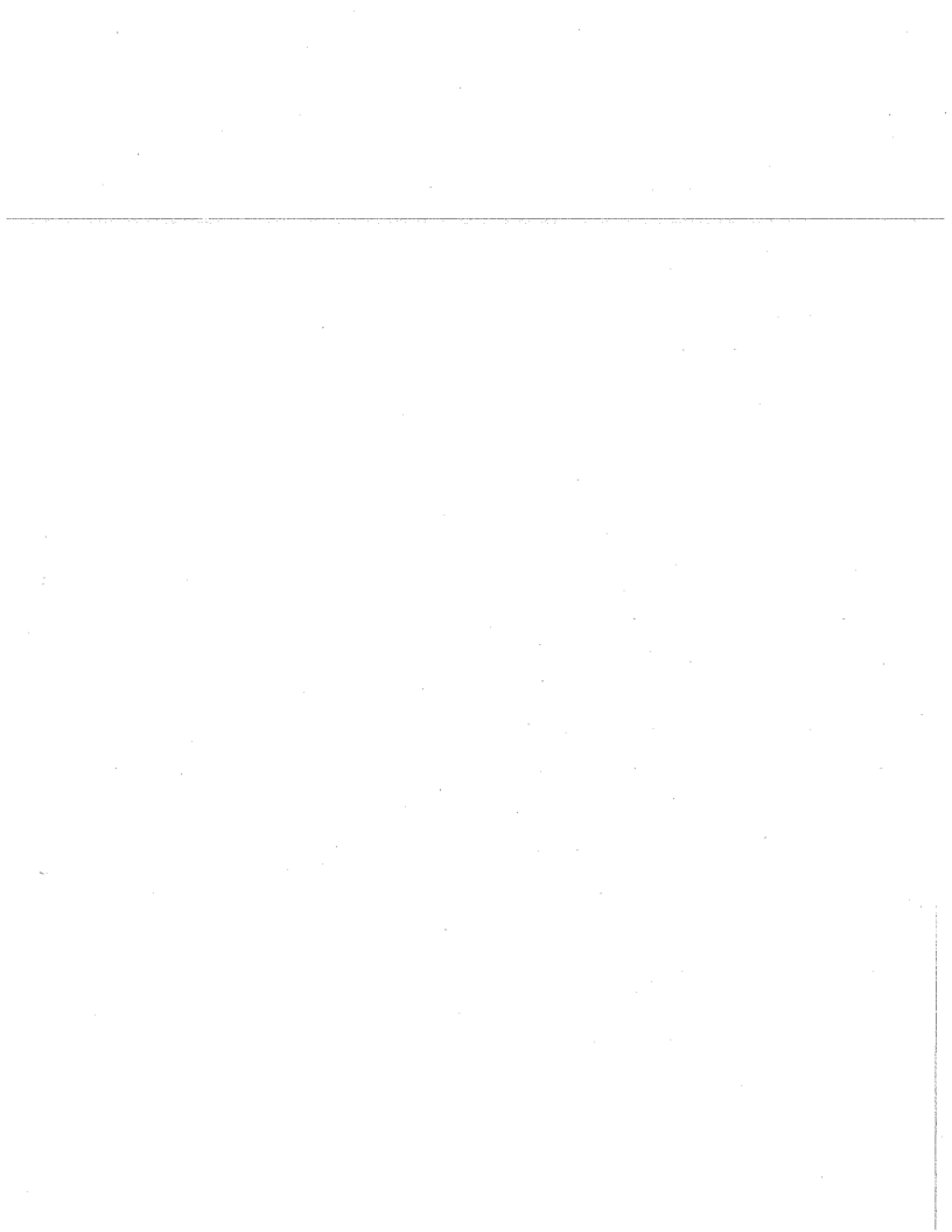
Sincerely,



Tim Veatch  
Leaking Underground Storage Tank Section  
Office of Land Quality

ecopy: IDEM File

If you would like to provide IDEM with feedback on our job performance, please go to [www.in.gov/idem/5681.htm](http://www.in.gov/idem/5681.htm) and complete our "Remediation Program Customer Satisfaction Survey". Your responses are anonymous and we appreciate the feedback on what we are doing well, and what we need to improve.



Date: March 14, 2016

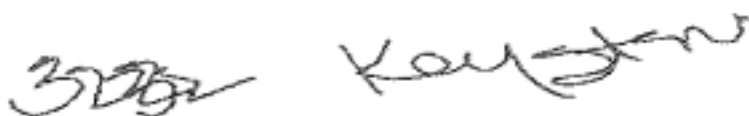
B Ellis:

The following is in response to your March 14, 2016 request for delivery information on your Certified Mail™ item number 9171900005271000473240. The delivery record shows that this item was delivered on February 27, 2016 at 12:32 pm in INDIANAPOLIS, IN 46237. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,  
United States Postal Service



IDEM  
Bobbi Ellis  
100 NORTH SENATE AVE.  
INDIANAPOLIS IN 46204



91 7190 0005 2710 0047 3240

Steve Roberts  
Mystik Market dba Phillips 66  
3232 South Keystone Ave  
Indianapolis IN 46237

