



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 25, 2024

Via Certified Mail No.:

7003 1010 0002 4706 4421
Hiralkumar Patel, Member
Royal Inn South Bend, LLC
25419 State Road 2
South Bend, IN 46619

Via Certified Mail No.:

7003 1010 0002 4706 4438
Hiralkumar Patel, Registered Agent
Royal Inn South Bend, LLC
15455 Brookstone Court
Granger, IN 46530

Dear Mr. Patel:

Re: Revised Proposed Agreed Order
Indiana Department of
Environmental Management

v.

Royal Inn South Bend, LLC
PWSID No. IN2710158
Case No. 2022-28740-D
South Bend, St. Joseph County

Enclosed please find the revised proposed Agreed Order that provides for the actions required to correct the violations outlined in IDEM's Notice of Violation issued to you in the above referenced case dated August 30, 2022. The enclosed proposed Agreed Order remains subject to the final approval of IDEM. No Agreed Order is binding on IDEM until the Agreed Order has been approved and adopted by the appropriate IDEM official. IDEM retains the right to withdraw from the proposed Agreed Order if IDEM becomes aware of facts or considerations that indicate that the Agreed Order is unfair, inappropriate, or inconsistent with state law or the Safe Drinking Water Act.

The civil penalty noted in the proposed Agreed Order is for settlement purposes only. Entering into and timely compliance with the enclosed Agreed Order will constitute resolution of this case. To resolve this matter as provided for in the enclosed Agreed Order, sign and return the entire document to me at the following address within 15 days of your receipt:

IDEM Office of Water Quality
Compliance and Enforcement Branch
Water Enforcement Section, Mail Code 60-02W
100 N. Senate Ave.
Indianapolis, IN 46204-2251



Revised Proposed Agreed Order Cover Letter:
Case No. 2022-28740-D
Royal Inn South Bend, LLC
PWSID No. IN2710158
South Bend, St. Joseph County
Page 2

If this matter cannot be resolved through the enclosed Agreed Order or a mutually acceptable revised Agreed Order, a Commissioner's Order may be issued. It should be understood that the civil penalty for purposes of a Commissioner's Order will be assessed pursuant to IDEM's Civil Penalty Policy adopted as a Non-rule Policy Document on April 5, 1999.

If you would like to schedule a meeting to discuss this matter in more detail, please contact me as soon as possible at (317) 232-8407 or at alenahan@idem.in.gov. Thank you for your cooperation in this matter.

Sincerely,



Aletha Lenahan, Case Manager
Water Enforcement Section
Office of Water Quality

Enclosures

cc: St. Joseph County Health Department
<http://www.in.gov/idem>



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STATE OF INDIANA)
) BEFORE THE INDIANA DEPARTMENT
) SS: OF ENVIRONMENTAL MANAGEMENT
COUNTY OF MARION)
COMMISSIONER OF THE DEPARTMENT)
OF ENVIRONMENTAL MANAGEMENT,)
Complainant,)
v.) Case No. 2022-28740-D
ROYAL INN SOUTH BEND, LLC,)
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. Royal Inn South Bend, LLC (Respondent) owns and/or operates a transient, noncommunity public water system (PWS) at Royal Inn Motel, with PWSID No. IN2710158, serving 32 persons. The PWS is located at 25419 State Road 2 (aka Western Avenue), South Bend, St. Joseph County, Indiana, parcel number 71-07-12-251-004.000-029, (the Site).
3. IDEM has jurisdiction over the parties and the subject matter of this action pursuant to IC 13-30-3.

4. Pursuant to IC 13-30-3 *et seq.*, on August 30, 2023, IDEM issued a Notice of Violation via Certified Mail to:

Hiralkumar Patel, Member
Royal Inn South Bend, LLC
25419 State Road 2
South Bend, IN 46619

Hiralkumar Patel, Registered Agent
Royal Inn South Bend, LLC
15455 Brookstone Court
Granger, IN 46530

5. 327 Indiana Administrative Code (IAC) 8-2-2 states that each PWS shall comply with all provisions of this rule and 327 IAC 8-2.1.
6. Pursuant to the Revised Total Coliform Rule at 327 IAC 8-2.4-1, 40 Code of Federal Regulations (CFR) 141, Subpart Y is incorporated by reference.
7. Pursuant to 40 CFR 141.854(f), a system on quarterly or annual monitoring that experiences any of the events identified in paragraphs (f)(1) through (f)(4) of this section must begin monthly monitoring the month following the event. The system must continue monthly or quarterly monitoring until the requirements in paragraph (g) of this section for quarterly monitoring or paragraph (h) of this section for annual monitoring are met.

Pursuant to 40 CFR 141.860(c)(1), failure to take every required routine or additional routine sample in a compliance period is a monitoring violation.

Respondent was required to begin monthly monitoring for total coliform in April 2018. IDEM records indicate Respondent failed to monitor and report at least one total coliform sample from the PWS during the months of August and October 2021, January, February, March, May, July, and November 2022, May and November 2023, and February 2024, in violation of 40 CFR 141.854(f) and 40 CFR 141.860(c)(1).

8. Pursuant to 40 CFC 141.402(a)(2) and 327 IAC 8-2.3-4(a)(2), a ground water system must collect, within 24 hours of notification of the total coliform-positive sample, at least one ground water source sample from each ground water source in use at the time the total coliform-positive sample was collected.

IDEM records indicate that Respondent failed to take at least one ground water source sample after the total coliform-positive sample on November 23, 2021, in violation of 40 CFR 141.402(a)(2) and 327 IAC 8-2.3-4(a)(2).

9. Pursuant to 40 CFR 141.858(a)(1), if a sample taken under 40 CFR 141.854 through 141.857 is total coliform-positive, the system must collect a set of repeat samples within 24 hours of being notified of the positive result. The system must

collect no fewer than three repeat samples for each total coliform-positive sample found.

Pursuant to 40 CFR 141.859(b)(3), PWS must conduct a Level 1 Assessment consistent with State requirements if the system exceeds one of the treatment technique triggers in 40 CFR 141.859(a)(1).

IDEM records indicate Respondent failed to take every required repeat sample, a Level 1 treatment technique trigger, after the total coliform-positive samples on November 23, 2021, and July 11, 2023, in violation of 40 CFR 141.858(a)(1).

Respondent triggered a Level 1 Assessment pursuant to 40 CFR 141.859(b)(3).

10. Pursuant to 40 CFR 141.859(b)(3)(i), the system must submit the completed Level 1 Assessment form to the State within 30 days after the system learns that it has exceeded a technique trigger.

IDEM notified Respondent that it triggered a Level 1 Assessment on November 23, 2021, and July 11, 2023. IDEM records indicate that Respondent's Level 1 Assessments were due to be submitted to IDEM on January 14, 2022, and September 3, 2023, respectively. Respondent failed to complete and submit the Level 1 Assessment forms within 30 days after the system learned that it had exceeded a technique trigger, in violation of 40 CFR 141.859(b)(3)(i).

On April 17, 2024, on behalf of Respondent, IDEM staff conducted and submitted the Level 1 Assessment, in accordance with 40 CFR 141.859(b)(3)(i).

11. Pursuant to 40 CFR 141.861(a)(4), a system that has failed to comply with a coliform monitoring requirement must report the monitoring violation to the State within 10 days after the system discovers the violation, and notify the public in accordance with 40 CFR 141 subpart Q.

Pursuant to 327 IAC 8-2.1-7, the owner or operator of a PWS which fails to perform monitoring is required to notify persons served by the PWS. A copy of the public notice must also be sent to the Commissioner within 10 days after the completion of each public notice.

IDEM records indicate that Respondent:

- A. Failed to notify persons served by the PWS of the failure to monitor at least one total coliform sample from the PWS, required pursuant to 40 CFR 141.854(b) and 40 CFR 141.854(f), during months of August and October 2021, January, February, March, May, July, and November 2022, May 2023,

- and February 2024, each in violation of 40 CFR 141.861(a)(4) and 327 IAC 8-2.1-7;
- B. Failed to notify the public after the failure to collect at least one ground water source sample from each ground water source in use at the time of the total coliform-positive sample on November 23, 2021, in violation of 40 CFR 141.861(a)(4), and 327 IAC 8-2.1-7; and
 - C. Failed to notify the public after the failure to submit Level 1 Assessment forms within 30 days after the system learned that it had exceeded a treatment technique trigger pursuant to 40 CFR 141.859(b)(3)(i), in violation of 327 IAC 8-2.1-7.
12. 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 adopted by Complainant or Complainant's delegate (as evidenced by signature), and the adopted Agreed Order has been received by Respondent. This Agreed Order shall have no force or effect until the Effective Date. In addition to addressing the violations cited in Paragraphs 7 through 11 of the Findings of Fact, this Agreed Order also addresses any additional violations of these same rules that may have occurred subsequent to the issuance of the Notice of Violation and prior to the Effective Date.
2. Beginning immediately upon the Effective Date, Respondent shall, for the purposes of this Order, monitor and report at least one total coliform sample in the PWS per month for six (6) consecutive months of operation (Compliance Demonstration). During the Compliance Demonstration period, Respondent shall be subject to stipulated penalties.

It is the responsibility of Respondent to continue monitoring for total coliform monthly pursuant to 40 CFR 141.854(f).

3. If the results of any sample for total coliform required by Order Paragraph 2 indicate a positive result, the following actions shall be taken:
 - A. Further analyze the positive sample for *E. coli*, and
 - B. Contact Sandra Decastro, IDEM's Compliance Section, Drinking Water Branch, immediately at (317) 234-7444, for further instructions, and complete all requirements as instructed.

4. Respondent shall be subject to stipulated penalties for failure to complete any requirements in accordance with IDEM's notification(s), following a Maximum Contaminant Level exceedance.
5. Within 30 days of the Effective Date, Respondent shall provide public notice for the past total coliform, ground water source monitoring violations, and Level 1 Assessment listed in Paragraph 11 of the Findings of Facts above, by following these steps:
 - A. Complete attached public notice and Certification form for public notice;
 - B. Post public notice where the public has ready access for viewing, and for as long as the violation persists, but in no case less than seven days, even if the violation is resolved; and
 - C. Within 10 days of issuing the public notice, Respondent shall send to IDEM a signed Certification form for public notice and representative copy of the public notice issued. The forms that address the past total coliform monitoring violations accompany this Agreed Order.
6. Immediately upon the Effective Date, for future monitoring violations, Respondent shall provide public notice to the State within 10 days and notify the public pursuant to 40 CFR 141.861(a)(4) and 327 IAC 8-2.1-7.
7. Within 30 days of the Effective Date, Respondent shall update the enclosed "System Basic Information Summary" document by either marking corrections or stating that the information is accurate directly on the attached document. Once completed, the document shall be submitted to the address in Order Paragraph 10.
8. All submittals required by this Agreed Order, unless Respondent is notified otherwise in writing by IDEM, shall be sent to:

Aletha Lenahan, Enforcement Case Manager
Office of Water Quality – IGCN 1255
Indiana Department of Environmental Management
100 N. Senate Avenue
Indianapolis, IN 46204-2251
9. Respondent is assessed and agrees to pay a civil penalty of Nine Hundred Eighty Dollars (\$980). Respondent shall pay the civil penalty by the due date printed on the invoice, as attached.

Respondent shall pay the civil penalty by the due date printed on the invoice, as attached.

Civil and stipulated penalties are payable to the "Environmental Management Special Fund" by mail, phone, or online following the instructions below:

Mail:

Civil and stipulated penalties are payable by check to the "Environmental Management Special Fund." Checks shall include the Case Number 2024-30132-Q of this action and shall be mailed to:

Indiana Department of Environmental Management
Accounts Receivable
IGCN, Room 1340
100 North Senate Avenue
Indianapolis, IN 46204

Online:

Accounts Receivable is accepting payments online by e-Check, Mastercard, Visa, or Discover. Please visit www.IN.gov/IDEM. Under Online Services, click Online Payment options and follow the prompts. A processing fee of \$1 plus 1.99% will be charged for credit card payments. A processing fee of \$1 will be charged for e-Check payments. The Case Number 2024-30132-Q of this action is required to complete the process.

Phone:

Accounts Receivable also accepts payments by phone at 317-234-3099. Follow the instructions for Master Card, Visa, or Discover payments. A processing fee of \$1 plus 1.99% will be charged for credit card payments. A processing fee of \$1 will be charged for e-Check payments. The Case Number 2024-30132-Q is required to complete the process.

10. 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:

Paragraph:	Violation:	Stipulated Penalty:
2	Failure to monitor and report required samples.	\$250 per violation.
3	Failure to comply with any or all of the requirements of this paragraph.	\$300 per week for violation of any part of this requirement.
4	Failure to comply with any or all of the requirements of this paragraph.	\$250 per week late, or part thereof.
5	Failure to comply with any or all of the requirements of this paragraph.	\$300 per week, or part thereof, past the 30-day deadline.

Paragraph:	Violation:	Stipulated Penalty:
6	If applicable, failure to provide public notice.	\$250 per week, or part thereof.
7	Failure to submit the "System Basic Information Summary" document in the manner specified.	\$100 per week, or part thereof.

11. Stipulated penalties shall be due and payable no later than the 30th day after Respondent receives written notice that IDEM has determined a stipulated penalty is due, the 30th day being a "Due Date." IDEM 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 IDEM's right to collect such stipulated penalty or preclude IDEM from seeking additional relief against Respondent for violation of this Agreed Order. Neither assessment nor payment of stipulated penalties shall preclude IDEM 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.

12. Civil and stipulated penalties are payable by check to the "Environmental Management Special Fund." Checks shall include the Case Number 2022-28740-D of this action and shall be mailed to:

Indiana Department of Environmental Management
 Accounts Receivable
 IGCN, Room N1340
 100 N. Senate Avenue
 Indianapolis, IN 46204

13. This Agreed Order shall apply to and be binding upon Respondent, its successors, and assigns. Respondent's signatories to this Agreed Order certify that they are fully authorized to execute this Agreed Order and legally bind the party they represent. No change in ownership, corporate, or partnership status of Respondent shall in any way alter its status or responsibilities under this Agreed Order.

14. 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 interest on the unpaid balance and any accrued interest at the rate established by IC 24-4.6-1. The interest shall be computed as having accrued from the Due Date until the date that Respondent pays any unpaid balance. The interest shall continue to accrue on the first of each month until the civil penalty and any interest accrued are paid in full. Such interest shall be payable to the "Environmental Management Special Fund," and shall be payable to IDEM in the manner specified above.

15. 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.
16. Respondent shall provide a copy of this Agreed Order, if in force, to any subsequent owners or successors before ownership rights are transferred. Respondent shall ensure that all contractors, firms, and other persons performing work under this Agreed Order comply with the terms of this Agreed Order.
17. 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 its obligation to comply with the requirements of its applicable permits or any applicable Federal or State law or regulation.
18. Complainant does not, by his 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.
19. 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 same violations specified in the Notice of Violation.
20. Nothing in this Agreed Order shall prevent IDEM (or anyone acting on its behalf) from communicating with the United States Environmental Protection Agency (US 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 US EPA or any other agency or entity.
21. This Agreed Order shall remain in effect until Respondent has complied with the terms and conditions of this Agreed Order and IDEM issues a Resolution of Case (close out) letter to Respondent.

Remainder of this page intentionally left blank.

TECHNICAL RECOMMENDATION:
Department of Environmental Management

RESPONDENT:
Royal Inn South Bend, LLC

By:



Jessica Irvine, Chief
Water Enforcement Section
Office of Water Quality

Date: June 25, 2024

By:

Printed:
Title: _____

Date: _____

COUNSEL FOR RESPONDENT:

By: _____

Date: _____

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

For the Commissioner:

Martha Clark Mettler
Assistant Commissioner
Office of Water Quality

System Basic Information Summary

IN2710158 ROYAL INN

Activity	Activity Date	Source Type	System Type	Population	Total Population	Seasonal Dates	Service Area
A	7/7/2011	GW	NC	T 30	32	1 1 to 12 31	MOTEL/INN/HOTEL
Operator Class	Service Connections	Field Inspector		NT 2		Contact Type Key	HOTEL/MOTEL

Kali Young

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AC - Mailing Contact EC - Emergency Contact OW - Owner
 FC - Financial Contact OP - Operator SA - Reminders
 SC - SCADA Contact

Contact Information

TCR 1 RT MN

Type	Contact Name	Street	City	State	Zip	Phone	Ext	Fax
AC	Mr. PATEL, HENRY ABVITROY@yahoo.com	25419 State Road 2	SOUTH BEND	IN	46619	574-232-3040 636-887-1731		574-232-3065
EC	Mr. PATEL, HENRY ABVITROY@yahoo.com	25419 State Road 2	SOUTH BEND	IN	46619	574-232-3040 636-887-1731		574-232-3065
FC	Mr. PATEL, HENRY ABVITROY@yahoo.com	25419 State Road 2	SOUTH BEND	IN	46619	574-232-3040 636-887-1731		574-232-3065
OP	Mr. PATEL, HENRY ABVITROY@yahoo.com	25419 State Road 2	SOUTH BEND	IN	46619	574-232-3040 636-887-1731		574-232-3065
OW	Mr. PATEL, HENRY ABVITROY@yahoo.com	25419 State Road 2	SOUTH BEND	IN	46619	574-232-3040 636-887-1731		574-232-3065
PL	PHYSICAL ADDRESS, IN2710158	25419 State Road 2	SOUTH BEND	IN	46619	574-232-3040		

SA Mr. PATEL, HENRY

25419 State Road 2

SOUTH BEND

IN

46619

574-232-3040
636-887-1731

**IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER
REVISED TOTAL COLIFORM RULE
Monitoring and Reporting Requirements Not Met for:
ROYAL INN SOUTH BEND, LLC**

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what happened, what you should do, and what we are doing to correct this situation.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water standards meet EPA's health standards. **During the months of August and October 2021, January, February, March, May, July, and November 2022, May 2023, and February 2024, we did not complete all monitoring or testing for Total Coliform, we did not timely collect the ground water source samples after we collected total coliform-positive samples on November 23, 2021, and we failed to submit a Level 1 Assessment within 30 days after we learned we exceeded a technique trigger, and therefore cannot be sure of the quality of our drinking water at that time.**

What should I do? There is nothing you need to do at this time. You do not need to boil your water or take other corrective actions. You may continue to drink the water.

What does this mean? This is not an immediate risk. If it had been, you would have been notified immediately.

What Happened? What is being done? *Explain below.*

We anticipate resolving the problem within _____.

For more information, please contact the public water system:

Contact Name: _____ Phone Number: _____.

**Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.*

This notice is being sent to you by PWSID: IN2710158

PWS Name: Royal Inn South Bend, LLC

Date Distributed: _____

Certification of Public Notice

PWSID# IN2710158

PWS Name: Royal Inn South Bend, LLC

For Violations: RTCR Monitoring & Reporting (3A & 4B)

Occurring in: During the months of August and October 2021, January, February, March, May, July, and November 2022, May 2023, and February 2024, we did not complete all monitoring or testing for Total Coliform, we did not timely collect the ground water source samples after we collected total coliform-positive samples on November 23, 2021, and we failed to submit a Level 1 Assessment within 30 days after we learned we exceeded a technique trigger.

The public water system indicated above hereby affirms that the public notice has been provided to consumers in accordance with the delivery, content, and format requirements, and deadline in 327 IAC 8-2.1-7

Name & Signature of System Representative: _____

Date: _____

Tier 2
Public Notice Instructions

You are required to provide the enclosed public notice within the next thirty (30) days. You must use one or more of the following methods to deliver the notice to consumers:

Community systems must use one of the following methods:

- Hand or direct delivery
- Mail, as a separate notice or included with the bill
- Publishing in newspaper within the area served

Non-community systems must use one of the following methods:

- Posting in conspicuous locations
- Hand or direct delivery
- Mail, as a separate notice or include in the mail

You may need to use additional methods since notice must be provided in a manner reasonably calculated to reach all persons served. You may modify the enclosed public notice to tailor it to your specific situation, but you must still include all the required elements and language in italics must remain unchanged.

Community systems must also include the violation in the CCR that covers this time period.

After issuing the notice

Send a copy of each type of notice and certification form within ten (10) days from the time you issue the notice to the following address:

Indiana Department of Environmental Management (IDEM)
OWQ Drinking Water – Mail Code 66-34
100 N. Senate Avenue
Indianapolis, IN 46204-2251
E-mail: dwbmgr@idem.in.gov