



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

Certified Mail Number:

7003 1010 0002 4706 4445

Kiritkumar Naik, President and Registered Agent

Ambe Ashish, LLC d/b/a Carlisle Inn

1523 E. State Road 163

Clinton, IN 47842

Dear Mr. Naik:

Re: Notice of Final Settlement Offer  
Commissioner, Indiana Department of  
Environmental Management

v.

Ambe Ashish, LLC d/b/a Carlisle Inn  
Case No. 2023-29865-W  
Carlisle, Sullivan County

On February 19, 2024, the Indiana Department of Environmental Management (IDEM) issued a Notice of Violation and proposed Agreed Order to resolve the outstanding violations specified within the Notice of Violation to Ambe Ashish, LLC d/b/a Carlisle Inn. It was sent via certified mail to Kiritkumar Naik, President and Registered Agent, at the above address. The Notice of Violation was received by Rita Naik on March 18, 2024. A revised proposed Agreed Order was issued on May 3, 2024, and received by Rita Naik on May 23, 2024. To date, IDEM has not received an appropriate response to the proposed Agreed Order to settle this enforcement action.

Please review the enclosed proposed Agreed Order, arrange signature(s) in the appropriate block(s) on the signature page, and return the entire document, within 10 business days of receipt, 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

Otherwise, IDEM will proceed, pursuant to Ind. Code § 13-30-3-4, with the issuance of a Notice and Order of the Commissioner to Ambe Ashish, LLC d/b/a Carlisle Inn.

Notice of Final Settlement Offer Cover Letter:  
Case No. 2023-29865-W  
Ambe Ashish, LLC d/b/a Carlisle Inn  
Discharge without a Permit  
Carlisle, Sullivan County  
Page 2

The enclosed proposed Agreed Order is subject to the final approval of IDEM. No Agreed Order is binding on IDEM until the Agreed Order is 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 Clean Water Act.

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

If you have any questions regarding this notice, please contact Aletha Lenahan, Case Manager, Water Enforcement Section, at (317) 232-8407 or via email at [alenahan@idem.in.gov](mailto:alenahan@idem.in.gov). Thank you for your continued cooperation in this matter.

Sincerely,

A handwritten signature in black ink that reads "Jessica Irvine". The signature is written in a cursive, flowing style.

Jessica Irvine, Chief  
Water Enforcement Section  
Office of Water Quality

Enclosure

cc: <http://www.in.gov/idem>



**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*

STATE OF INDIANA        )  
                                  )  
                                  )  
COUNTY OF MARION    )

BEFORE THE INDIANA DEPARTMENT  
OF ENVIRONMENTAL MANAGEMENT  
SS:

COMMISSIONER OF THE DEPARTMENT    )  
OF ENVIRONMENTAL MANAGEMENT,    )

Complainant,

v.

Case No. 2023-29865-W

AMBE ASHISH, 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. Ambe Ashish, LLC d/b/a Carlisle Inn (Respondent), owns and/or operates the Carlisle Inn hotel, which has a private lift station that is connected to the Town of Carlisle's sanitary sewer system, and is located at 8435 S. Old US Highway 41, Carlisle, Sullivan County, Indiana (the Site).
3. Respondent does not hold a valid National Pollutant Discharge Elimination System (NPDES) permit and is not authorized to discharge its raw domestic wastewater (wastewater) directly to waters of the State, which includes, but is not limited to, the roadside ditch at the entrance of the Site.



4. IDEM has jurisdiction over the parties and the subject matter of this action pursuant to IC 13-30-3.
5. Pursuant to IC 13-30-3 *et seq.*, on February 19, 2024, IDEM issued a Notice of Violation via Certified Mail to:

Kiritkumar Naik, President and Registered Agent  
Ambe Ashish, LLC d/b/a Carlisle Inn  
1523 E. State Road 163  
Clinton, IN 47842

6. During an investigation conducted by a representative of IDEM, violations were found, as described below.
7. Pursuant to IC 13-18-4-5, a person may not: (1) throw, run, drain, or otherwise dispose; or (2) cause, permit, or suffer to be thrown, run, drained, allowed to seep, or otherwise disposed; into any of the streams or waters of Indiana any organic or inorganic matter that causes or contributes to a polluted condition of any of the streams or waters of Indiana.

Pursuant to IC 13-30-2-1(1), it is unlawful for any person to discharge, emit, cause or allow any contaminant or waste, including any noxious odor, either alone or in combination with contaminants from other sources in the environment in any form that causes or would cause pollution that violates or would violate rules, standards, or discharge or emission requirements adopted by the appropriate board under the environmental management laws.

During the inspection on November 14, 2023, IDEM staff observed and documented ponding of raw sewage around Respondent's private lift station.

During the inspection on November 28, 2023, IDEM staff observed and documented Respondent's private lift station had a bypass pump to allow wastewater from the lift station to be discharged directly into the roadside ditch at the entrance of the Site, instead of pumping the wastewater to the sewer force main. The overflow and discharge from Respondent's private lift station are in violation of IC 13-30-2-1(1) and IC 13-18-4-5.

On December 20, 2024, IDEM staff observed and documented that the broken sewer line had been repaired, the lift station pumps were in operation, and no sewage was observed coming to the surface, in accordance with IC 13-30-2-1(1) and IC 13-18-4-5.

8. Pursuant to 327 IAC 2-6.1-7(3), any person who operates, controls, or maintains any mode of transportation or facility from which a spill occurs shall, upon

discovery of a reportable spill to the soil or surface waters of the State, as soon as possible, but within two (2) hours of discovery, communicate a spill report to IDEM's, Office of Land Quality, Emergency Response Section.

During the inspections on November 14, 2023, and November 28, 2023, IDEM staff observed and documented spills from the Site to the roadside ditch, which were not reported to IDEM's Office of Land Quality, Emergency Response Section, in violation of 327 IAC 2-6.1-7(3).

9. On November 15, 2023, November 29, 2023, and December 21, 2023, IDEM issued Inspection Summary/Noncompliance Letters to Respondent, which outlined the violations at the Site.
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 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 and 8 of the Findings of Fact above, 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. Immediately upon the Effective Date, Respondent shall cease and desist any unlawful discharge from the Site. Respondent shall implement appropriate means to cease and/or prevent the unlawful discharge of its sanitary wastewater from the Site and properly manage the handling and disposal of its wastewater.

IDEM will seek civil enforcement of this Order for failure to immediately cease and desist the unlawful discharges from the Site.

3. Immediately upon the Effective Date, for any future spills, Respondent shall undertake an appropriate spill response and report the spill to IDEM, pursuant to the requirements of 327 IAC 2-6.1-7.

4. Immediately, upon the Effective Date, Respondent shall demonstrate twenty-four (24) consecutive months of compliance (Compliance Demonstration) in which discharges from the lift station do not occur.
5. In the event that violations occur during the Compliance Demonstration, within 30 days of the violation, Respondent shall develop and submit to IDEM, for its approval, an Additional Action Plan (AAP), which identifies the additional actions that Respondent will take to eliminate unlawful discharges from the lift station.
6. In the event an AAP is required, Respondent shall retain an engineer to prepare a Preliminary Engineering Report (PER), which evaluates options to determine an optimal solution for eliminating discharges and overflows from the lift station. The AAP, if required, shall include an implementation and completion schedule, including specific milestone dates.
7. The plan required by Order Paragraph 5 is subject to IDEM approval. In the event IDEM determines that any plan or any modified plan submitted by Respondent is deficient or otherwise unacceptable, Respondent shall revise and resubmit the plan to IDEM in accordance with IDEM's notice. After three (3) submissions of such plan by Respondent, IDEM may seek civil enforcement of this Order.
8. Respondent, upon receipt of written notification from IDEM, shall immediately implement the approved AAP and adhere to the milestone dates therein. The approved AAP shall be incorporated into the Agreed Order and shall be deemed an enforceable part thereof.
9. Following completion of the actions included in the AAP, the 24-month Compliance Demonstration, as specified in Order Paragraph 6 above, will re-start. Failure to achieve compliance at the conclusion of work under an AAP may subject Respondent to additional enforcement action.
10. Beginning with the first calendar quarter following the Effective Date, Respondent shall submit to IDEM a written progress report within 10 days of the end of each calendar quarter, which identifies the compliance actions implemented during each quarter ending on March 31st, June 30th, September 30th, and December 31st until completion of the AAP, if required.
11. Beginning on the Effective Date and continuing until the successful completion of the Compliance Demonstration, Respondent shall, at all times, operate its existing lift station as efficiently and effectively as possible.
12. 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 North Senate Avenue  
 Indianapolis, IN 46204-2251

13. 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:

<b>Paragraph:</b>	<b>Violation:</b>	<b>Stipulated Penalty:</b>
2	Failure to cease and desist any unpermitted discharge from the Site and provide adequate power, and functioning alarm system.	\$500 per violation
3	Failure to undertake an appropriate spill response and report the spill to IDEM.	\$250 per day late
4	For discharges from the lift station during the Compliance Demonstration.	\$2,012 per violation
5	Failure to submit the AAP, if required, within the given time period.	\$500 per week late, or part thereof.
7	Failure to modify the AAP, if required, within the given time period.	\$500 per week late, or part thereof.
8	Failure to meet and/or implement any milestone date set forth in the approved AAP.	\$500 per week late, or part thereof.
10	Failure to submit to IDEM a written progress report within 10 days of each calendar quarter.	\$500 per week late, or part thereof.
11	Failure to operate the lift station as efficiently and effectively as possible prior to Compliance Demonstration.	\$200 per violation.

14. Stipulated penalties shall be due and payable no later than the 30<sup>th</sup> day after Respondent receives written notice that IDEM has determined a stipulated penalty is due, the 30<sup>th</sup> 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.

15. 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 2023-29865-W of this action and shall be mailed to:

Indiana Department of Environmental Management  
Accounts Receivable  
IGCN, Room 1340  
100 N. 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](http://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 2023-29865-W 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 Mastercard, 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 2023-29865-W is required to complete the process.

16. 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.
17. 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.



18. 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.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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 PAGE INTENTIONALLY LEFT BLANK.*

**TECHNICAL RECOMMENDATION:**  
Department of Environmental Management

**RESPONDENT:**  
Ambe Ashish, LLC d/b/a Carlisle Inn

By:



---

Jessica Irvine, Chief  
Water Enforcement Section  
Office of Water Quality

By:

---

Printed:

Title:

---

---

---

---

Date: June 25, 2024

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