



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

Bruno L. Pigott
Commissioner

January 3, 2022

Via Certified Mail No.:
7017 0190 0000 9497 1010

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7017 0190 0000 9497 1010

Trent T. Moser, President
National Oil & Gas, INC.
2829 E. State Road 124
Bluffton, IN 46714

Josh Collins, Registered Agent
National Oil & Gas, INC.
2829 E. State Road 124
Bluffton, IN 46714

Dear Mr. Moser:

Re: Notice of Violation and
Proposed Agreed Order
Indiana Department of
Environmental Management
v.
National Oil & Gas, INC d/b/a Rome City
Marathon
PWSID No. IN2570058
Case No. 2021-28150-D
Rome City, Noble County

This is to advise that the Indiana Department of Environmental Management (IDEM) has conducted an investigation of National Oil & Gas, Inc. d/b/a Rome City Marathon. As a result of that investigation, IDEM has made a preliminary determination that violations exist. Pursuant to Indiana Code 13-30-3-3, enclosed please find a Notice of Violation and a proposed Agreed Order, setting forth IDEM's specific findings of violation and the actions necessary to resolve them.

You may request a settlement conference to discuss the allegations and the necessary corrective actions, which may include a compliance schedule. Payment of a civil penalty will also be discussed. The civil penalty amount noted in the proposed Agreed Order is a preliminary figure for settlement discussion purposes only and is based on the alleged violations set forth in the Notice of Violation.

To resolve this matter as provided for in the enclosed Agreed Order, sign and return the entire document to me at the following address:

Office of Water Quality – IGCN 1255
Indiana Department Environmental Management
100 North Senate Avenue
Indianapolis, IN 46204-2251



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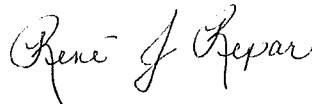
The enclosed proposed Agreed Order is subject to the final approval of IDEM. No Agreed Order is binding on IDEM until the Agreed Order has been approved and adopted by the appropriate IDEM official. IDEM retains the right to withdraw from the proposed Agreed Order if IDEM becomes aware of facts or considerations that indicate that the Agreed Order is unfair, inappropriate, or inconsistent with state law or the Safe Drinking Water Act.

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. If an Agreed Order is not entered into, IDEM may proceed to issue a unilateral Notice and Order of the Commissioner requiring compliance with the environmental laws, rules, and/or permits, including payment of a civil penalty.

Please be advised the local health department has been notified of these violations.

Please contact me at 317-234-7428 or rrepar@idem.in.gov within 15 days. At that time we can discuss any questions or set up a settlement conference.

Sincerely,

A handwritten signature in cursive script that reads "René J. Repar".

René J. Repar, Case Manager
Water Enforcement Section
Office of Water Quality

Enclosures

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



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NOTICE OF VIOLATION

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National Oil & Gas, INC.
2829 E. State Road 124
Bluffton, IN 46714

Josh Collins, Registered Agent
National Oil & Gas, INC.
2829 E. State Road 124
Bluffton, IN 46714

Case No. 2021-28150-D

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, IDEM has reason to believe that National Oil & Gas, INC d/b/a Rome City Marathon (Respondent), has violated environmental rules. The violations are based on the following:

1. Respondent owns and/or operates a transient non-community public water system (PWS) with PWSID No. IN2570058, serving 209 persons. The PWS is located at 395 Kelly Street, Rome City, Noble County, Indiana (the Site).
2. 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.
3. 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.
4. 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.

IDEM records indicate Respondent failed to monitor at least one total coliform sample from the PWS during the first and second quarters of 2020, in violation of 40 CFR 141.854(b) and 40 CFR 141.860(c)(1).

5. 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.



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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 had two subpart Y monitoring violations in a rolling 12-month period. Respondent was required to begin monthly monitoring for total coliform in January 2021. IDEM records indicate Respondent failed to monitor at least one total coliform sample from the PWS during the months of January, February, March, April, June, September, October and November 2021, in violation of 40 CFR 141.854(f) and 40 CFR 141.860(c)(1).

6. Pursuant to 327 IAC 8-2-4.1(f), all PWSs shall monitor nitrate to determine compliance with the maximum contaminant level (MCL) for nitrate.

IDEM records indicate that Respondent failed to monitor for nitrate during the years of 2019 and 2020, in violation of 327 IAC 8-2-4.1(f).

7. 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, during the months of January, February, March, April, June, September and October of 2021, each in violation of 40 CFR 141.861(a)(4) and 327 IAC 8-2.1-7.
- b. failed to notify persons served by the PWS of the failure to monitor nitrate from the PWS in 2019 and 2021, in violation of 327 IAC 8-2.1-7;

In accordance with IC 13-30-3-3, the Commissioner herein provides notice that 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 60 days.

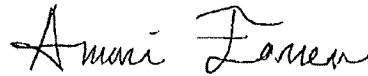
As provided in IC 13-30-3-3, an alleged violator may enter into an Agreed Order without admitting that the violations occurred. IDEM encourages settlement by Agreed Order, thereby resulting in quicker correction of the environmental violations and avoidance of extensive litigation. Timely settlement by Agreed Order may result in a

reduced civil penalty. Also, settlement discussions will allow the opportunity to present any mitigating factors that may be relevant to the violations.

If an Agreed Order is not entered into within 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 René J. Repar, Case Manager, at (317) 234-7428 or rrepar@idem.in.gov, within 15 days after receipt of this Notice to discuss resolution of this matter.

For the Commissioner:



Date: **January 3, 2022**

Amari Farren, Chief
Enforcement Section
Office of Water Quality

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