



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:

7007 1490 0000 0839 2532
Rajni Multani, President
PR Quickmart Inc., UST Operator
2215 Topsfield Road
South Bend, Indiana 46516

Via Certified Mail:

7007 1490 0000 0839 2556
c/o Rajni Multani, Member and
Registered Agent
LPR Properties LLC, UST Operator
2215 Topsfield Road
South Bend, Indiana 46516

Via E-Mail:

Mohammad Rashid, President and
Registered Agent
Al-Medina, Inc., Property Owner
1375 Stillwater Parkway
Crown Point, Indiana 46307
Ms999@yahoo.com

Via Certified Mail:

7007 1490 0000 0839 2549
Paramjit Kaur, Registered Agent
PR Quickmart Inc.
1616 Locust Street, Apr. 104
Elkhart, Indiana 46516

Via E-Mail:

Harwinderpal Singh, President and
Registered Agent
D&T Petroleum Inc., UST Operator
14822 Clover Ridge Drive
Granger, Indiana 46530
Jadwindersingh0@gmail.com

Via E-Mail:

Mandeep Singh, UST Owner
1402 E. 12th Street
Mishawaka, Indiana 46544
Luckyghotra95@ymail.com

Dear Messrs. Multani, Rashid, Harwinderpal Singh, and Mandeep Singh:

Re: Notice of Violation and Proposed Agreed Order
PR Quickmart Inc., LPR Properties LLC, AL-Medina,
Inc., D&T Petroleum Inc., and Mandeep Singh
Case No. 2021-28161-U
FID No. 18450
Mishawaka, St. Joseph County

Qualified offer of settlement: inadmissible per Rule 408 of the Ind. Rules of Evidence. IDEM asserts that any offer to compromise a claim or any acceptance of such offer does not bind or obligate the parties of this enforcement action in the absence of a final order of the agency.

IDEM conducted an investigation of the site with FID #18450 and has made a preliminary determination that violations of environmental management laws and rules exist. Per IC 13-30-3-3, enclosed please find a Notice of Violation that sets forth the alleged violations and a proposed Agreed Order which constitutes a qualified offer of settlement.



Please note, per IC 13-23-1-4(b), the Commissioner may determine whether an underground storage tank ("UST") is eligible for delivery, deposit, or acceptance of a regulated substance, and may issue a temporary order to prohibit the use of the UST that is deemed ineligible and demand compliance if the facility is in violation of requirements described in IC 13-23-1-4(b)(2)(A), (B), and/or (C) that regulate USTs. You may have already received or may receive in the future a separate correspondence from IDEM regarding this delivery prohibition.

You may request a settlement conference to discuss the allegations and the actions necessary to correct and resolve the violations, which may include injunctive relief and the establishment of a compliance schedule. Payment of a civil penalty will also be discussed. The civil penalty amount noted in the proposed Agreed Order contains a preliminary penalty figure for settlement discussion purposes only and is based on penalty calculations associated with the alleged violations set forth in the Notice of Violation. A portion of the civil penalty may be offset by performing an approved Supplemental Environmental Project (SEP). Typical SEPs have included pollution prevention, pollution control, and environmental restoration projects. A copy of IDEM's SEP policy may be obtained from this office or at IDEM's website at www.IN.gov/idem.

The individual signing the enclosed Agreed Order should be fully authorized to execute the document and legally bind the parties. The timely entry into an Agreed Order, which saves you and IDEM time and resources, may lead to a reduction in the civil penalty.

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. Additionally, to encourage a timely agreement, IDEM may offer a one-time twenty percent reduction (20%) to the Civil Penalty for 60 days after receipt of this Notice of Violation.

If an Agreed Order is not entered into, IDEM may proceed to issue a unilateral notice and order requiring compliance with the environmental laws, rules, and/or permit, including payment of a civil penalty. Please contact me at 317-234-5208 or via email at jpisula@idem.IN.gov if you have any questions or if you wish to request a settlement conference.

Sincerely,



Case Manager
Enforcement Section
Office of Land Quality

Enclosures

cc: IDEM Virtual Cabinet
St. Joseph County Health Department
Caitlin Shaffer, UST Compliance Manager
Tom Newcomb, UST Compliance Section Chief
John Morris, Petroleum Branch Chief



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NOTICE OF VIOLATION

To: Rajni Multani, President
PR Quickmart Inc., UST Operator
2215 Topsfield Road
South Bend, Indiana 46516

To: Paramjit Kaur, Registered Agent
PR Quickmart Inc.
1616 Locust Street, Apt. 104
Elkhart, Indiana 46516

To: c/o Rajni Multani, Member and
Registered Agent
LPR Properties LLC, UST Operator
2215 Topsfield Road
South Bend, Indiana 46516

To: Harwinderpal Singh, President and
Registered Agent
D&T Petroleum Inc., UST Operator
14822 Clover Ridge Drive
Granger, Indiana 46530
Jadwindersingh0@gmail.com

To: Mohammad Rashid, President and
Registered Agent
Al-Medina, Inc., Property Owner
1375 Stillwater Parkway
Crown Point, Indiana 46307
Ms999@yahoo.com

To: Mandeep Singh, UST Owner
1402 E. 12th Street
Mishawaka, Indiana 46544
Luckyghotra95@ymail.com

Case No. 2021-28161-U

Based on an investigation including an inspection conducted on November 19, 2020, the Indiana Department of Environmental Management (“IDEM”) has reason to believe that PR Quickmart Inc., LPR Properties LLC, Al-Medina, Inc., D&T Petroleum Inc, and Mandeep Singh (“Respondents”) have violated environmental statutes, and rules. The violations are based on the following:

1. Respondent Mandeep Singh owns Underground Storage Tank (“UST”) systems, with UST Facility ID 18450, located at 1402 E. 12th Street, parcel #71-09-14-351-009.000-023, in Mishawaka, St. Joseph County, Indiana (the “Site”).
2. Respondent Al-Medina, Inc. owns parcel #71-09-14-351-009.000-023 located at 1402 E. 12th Street, in Mishawaka, St. Joseph County, Indiana (the “Site”). The UST systems are installed at the Site.
3. Respondents PR Quickmart Inc., LPR Properties LLC, and D&T Petroleum Inc. operate or operated the UST systems located 1402 E. 12th Street, parcel #71-09-14-351-009.000-023 in Mishawaka, St. Joseph County, Indiana (the “Site”).



4. Respondents PR Quickmart, Inc., LPR Properties LLC, D&T Petroleum Inc., and Mandeep Singh own and operate, or owned and operated, one 10,000-gallon gasoline UST, two 8,000-gallon manifolded gasoline USTs, one 4,000-gallon diesel UST, and one 2,000-gallon Kerosene UST. All the USTs were installed May 1, 1991. The tank construction material is currently unknown. Previous notification forms indicate steel, STI-P3 while others indicate fiberglass. The piping construction material is also currently unknown.
5. Owner as defined in IC 13-11-2-150(a)(1)(A) means, for an UST that was in use on November 8, 1984 or brought into use after November 8, 1984 for the storage, use, or dispensing of regulated substances, a person who owns the UST or the real property that is the UST site, or both. According to the St. Joseph County Assessor's Office, Respondent Al-Medina, Inc. is the deeded owner of the Site.
6. Pursuant to Indiana Code ("IC") 13-23-12-1, each year the owner of an underground storage tank that has not been closed before January 1 of any year under rules adopted under IC 13-23-1-2; or a requirement imposed by the commissioner before the adoption of rules under IC 13-23-1-2; shall pay to the department of state revenue an annual registration fee. The annual registration fee required by this section is ninety dollars (\$90) for each underground petroleum storage tank; or two hundred forty-five dollars (\$245) for each underground storage tank containing regulated substances other than petroleum. If an underground storage tank consists of a single tank in which there are separate compartments, a separate fee shall be paid under subsection (b) for each compartment within the single tank. If an underground storage tank consists of a combination of tanks, a separate fee shall be paid under subsection (b) for each compartment within each tank in the combination of tanks.
As noted during the inspection, Respondent has not paid the UST registration fees for years 2018, 2020, and 2021.
7. Pursuant to 329 Indiana Administrative Code ("IAC") 9-2-2(b), the owner of a UST system, UST, or tank shall submit a notification form to register the UST system, UST, or tank to the department within thirty (30) days of becoming the owner of, or bringing into use, the UST system, UST, or tank. Bringing a tank or UST system "into use" means the tank or UST system contains or has contained a regulated substance and has not been closed under 329 IAC 9-6.

As noted during the inspection, the last notification form submitted on June 23, 2017 was rejected for deficiencies and an updated one has not been submitted.
8. Pursuant to 40 Code of Federal Regulations ("CFR") 280.20(c)(1)(i), to prevent spilling and overfilling associated with product transfer to the UST system, owners and operators must use the following spill and overfill prevention equipment:

- (i) Spill prevention equipment that will prevent release of product to the environment when the transfer hose is detached from the fill pipe (for example, a spill catchment basin).

As noted during the inspection, the catchment basin at the fill pipe of the kerosene UST contained liquid to such an extent that a spill may not be prevented if product entered it.

- 9. Pursuant to 40 CFR 280.20(c)(1)(ii), to prevent spilling and overfilling associated with product transfer to the UST system, owners and operators must use the following spill and overfill prevention equipment:
 - (ii) Overfill prevention equipment that will:
 - (A) Automatically shut off flow into the tank when the tank is no more than 95 percent full; or
 - (B) Alert the transfer operator when the tank is no more than 90 percent full by restricting the flow into the tank or triggering a high-level alarm; or
 - (C) Restrict flow 30 minutes prior to overfilling, alert the transfer operator with a high-level alarm one minute before overfilling, or automatically shut off flow into the tank so that none of the fittings located on top of the tank are exposed to product due to overfilling.

As noted during the inspection, previous notification forms indicated each UST equipped with an overfill alarm. At the time of the November 19, 2020 inspection, an auto shutoff device was observed inside the fill pipe of the diesel UST. No overfill alarms were present or audible at the UST fill locations at the site.

- 10. Pursuant to 40 CFR 280.20(f), each UST system must be equipped with under-dispenser containment (UDC) for any new dispenser system installed after April 11, 2016 (previously cited as September 2, 2009 under 329 IAC 9-2-1(4)).

As noted during the inspection, the diesel fuel dispenser appeared to be installed sometime after July 31, 2018; however, no UDC sump is installed underneath it.

- 11. Pursuant to 40 CFR 280.31(c), UST systems with impressed current cathodic protection systems must be inspected every 60 days to ensure the equipment is running properly.

As noted during the inspection, the required periodic (every 60 days) inspection of the impressed current cathodic protection system (ICCP) was not provided. Also, the rectifier volt/amp readings were observed to be significantly lower during the inspection than those noted on the most recent test results for the ICCP.

- 12. Pursuant to 40 CFR 280.41(b)(1)(i)(A), considering previous Indiana rules at 329 IAC 9-2-1(2)(D) and 329 IAC 9-3-1.3 (both repealed 2018), pressurized underground piping installed on or before September 2, 2009 that routinely contains regulated substances must be equipped with an automatic line leak detector conducted in accordance with § 280.44(a), which requires an annual test of the automatic line leak detector.

As noted during the inspection, annual leak detection test results were not provided.

13. Pursuant to 40 CFR 280.41(b)(1)(i)(B), considering previous Indiana rules at 329 IAC 9-2-1(2)(D) and 329 IAC 9-3-1.3 (both repealed 2018), pressurized underground piping installed on or before September 2, 2009 that routinely contains regulated substances must have an annual line tightness test conducted in accordance with § 280.44(b) or have monthly monitoring conducted in accordance with § 280.44(c).

As noted during the inspection, neither the annual line tightness test result nor any monthly monitoring results were provided.

14. Pursuant to 40 CFR 280.43(d), equipment for automatic tank gauging that tests for the loss of product and conducts inventory control must meet the following requirements:
- (1) The automatic product level monitor test can detect a 0.2 gallon per hour leak rate from any portion of the tank that routinely contains product;
 - (2) The automatic tank gauging equipment must meet the inventory control (or other test of equivalent performance) requirements of § 280.43(a); and
 - (3) The test must be performed with the system operating in one of the following modes:
 - (i) In-tank static testing conducted at least once every 30 days; or
 - (ii) Continuous in-tank leak detection operating on an uninterrupted basis or operating within a process that allows the system to gather incremental measurements to determine the leak status of the tank at least once every 30 days.

As noted during the inspection, the ATG was indicating current and previous alarms for invalid fuel level and high water as well as not providing valid leak test results. The ATG also appeared to be programmed with incorrect capacities for the two regular unleaded USTs which are manifolded, the premium unleaded UST, the diesel UST, and the kerosene UST.

15. Pursuant to 40 CFR 280.45(b), the results of any sampling, testing, or monitoring must be maintained for at least one year, or for another reasonable period of time determined by the implementing agency.

As noted during the inspection, one year of monthly leak detection monitoring results were not provided for any of the USTs.

16. Pursuant to 40 CFR 280.34(a)(3), owners and operators must submit the following information to the implementing agency: reports of all releases including suspected releases (§ 280.50), spills and overfills (§ 280.53), and confirmed releases (§ 280.61).

As noted during the inspection, a suspected release report regarding the spilled diesel fuel as well as product seepage from pipe fittings inside the diesel dispenser and stained soil in the submersible turbine pump (STP) access pits has not been submitted.

In accordance with IC 13-30-3-3, the Commissioner herein provides notice that a violation may exist and offers an opportunity to enter into an Agreed Order providing for the actions required to correct the violation and, as necessary and appropriate, for the payment of a civil penalty. The Commissioner is not required to extend this offer for more than sixty (60) days.

As provided in IC 13-30-3-3, an alleged violator may enter into an Agreed Order without admitting that the violation occurred. IDEM encourages settlement by Agreed Order, thereby resulting in quicker correction of the environmental violation 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 violation.

If an Agreed Order is not entered into within sixty (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 violation and requiring the payment of an appropriate civil penalty. Pursuant to IC 13-23-14-3, the Commissioner may assess penalties of up to \$10,000 per day for each underground storage tank.

Please contact Jodi Pisula at 317-234-5208 or jpisula@idem.in.gov within fifteen (15) days after receipt of this Notice to discuss resolution of this matter.

Date: 1/3/2022

For the Commissioner:

A handwritten signature in blue ink, appearing to read "Bruce Kizer", is written over a horizontal line.

Bruce Kizer, Branch Chief
Compliance Branch
Office of Land Quality



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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. 2021-28161-U

PR QUICKMART INC., LPR PROPERTIES)
LLC, AL-MEDINA, INC., D&T PETROLEUM)
INC., AND MANDEEP SINGH,)

Respondents.)

AGREED ORDER

Complainant and Respondents 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. Respondents’ entry into this Agreed Order shall not constitute a waiver of any defense, legal or equitable, which Respondents 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 Indiana Code (“IC”) 13-13-1-1.
2. Respondents are PR Quickmart Inc, LPR Properties LLC, Al-Medina, Inc., D&T Petroleum Inc., and Mandeep Singh (“Respondents”), who own and/or operate, or owned and operated, the facility with Facility ID No. 18450, located at 1402 E. 12th Street, in Mishawaka, St. Joseph County, Indiana (“Site”).
3. Respondents own and operate one 10,000-gallon gasoline UST, two 8,000-gallon manifolded gasoline USTs, one 4,000-gallon diesel UST, and one 2,000-gallon Kerosene UST. All the USTs were installed May 1, 1991. The tank construction material is

currently unknown. Previous notification forms indicate steel, STI-P3 while others indicate fiberglass. The piping construction material is also currently unknown.

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:

Rajni Multani, President
PR Quickmart Inc., UST Operator
2215 Topsfield Road
South Bend, Indiana 46516

Paramjit Kaur, Registered Agent
PR Quickmart Inc.
1616 Locust Street, Apt. 104
Elkhart, Indiana 46516

c/o Rajni Multani, Member and
Registered Agent
LPR Properties LLC, UST Operator
2215 Topsfield Road
South Bend, Indiana 46516

Mohammad Rashid, President and
Registered Agent
Al-Medina, Inc., Property Owner
1375 Stillwater Parkway
Crown Point, Indiana 46307
Ms999@yahoo.com

Harwinderpal Singh, President and
Registered Agent
D&T Petroleum Inc., UST Operator
14822 Clover Ridge Drive
Granger, Indiana 46530
Jadwindersingh0@gmail.com

Mandeep Singh, UST Owner
1402 E. 12th Street
Mishawaka, Indiana 46544
Luckyghotra95@ymail.com

6. During an investigation including an inspection on November 19, 2020 conducted by a representative of IDEM, the following violations were found:

- a. Pursuant to IC 13-23-12-1, each year the owner of an underground storage tank that has not been closed before January 1 of any year under rules adopted under IC 13-23-1-2; or a requirement imposed by the commissioner before the adoption of rules under IC 13-23-1-2; shall pay to the department of state revenue an annual registration fee. The annual registration fee required by this section is ninety dollars (\$90) for each underground petroleum storage tank; or two hundred forty-five dollars (\$245) for each underground storage tank containing regulated substances other than petroleum. If an underground storage tank consists of a single tank in which there are separate compartments, a separate fee shall be paid under subsection (b) for each compartment within the single tank. If an underground storage tank consists of a combination of tanks, a separate fee shall be paid under subsection (b) for each compartment within each tank in the combination of tanks.

As noted during the inspection, Respondent has not paid the UST registration fees for years 2018, 2020, and 2021.

- b. Pursuant to 329 Indiana Administrative Code (“IAC”) 9-2-2(b), the owner of a UST system, UST, or tank shall submit a notification form to register the UST system, UST, or tank to the department within thirty (30) days of becoming the owner of, or bringing into use, the UST system, UST, or tank. Bringing a tank or UST system “into use” means the tank or UST system contains or has contained a regulated substance and has not been closed under 329 IAC 9-6.

As noted during the inspection, the last notification form submitted on June 23, 2017 was rejected for deficiencies and an updated one has not been submitted.

- c. Pursuant to 40 Code of Federal Regulations (“CFR”) 280.20(c)(1)(i), to prevent spilling and overfilling associated with product transfer to the UST system, owners and operators must use the following spill and overfill prevention equipment:

- (i) Spill prevention equipment that will prevent release of product to the environment when the transfer hose is detached from the fill pipe (for example, a spill catchment basin).

As noted during the inspection, the catchment basin at the fill pipe of the kerosene UST contained liquid to such an extent that a spill may not be prevented if product entered it.

- d. Pursuant to 40 CFR 280.20(c)(1)(ii), to prevent spilling and overfilling associated with product transfer to the UST system, owners and operators must use the following spill and overfill prevention equipment:

- (ii) Overfill prevention equipment that will:
 - (A) Automatically shut off flow into the tank when the tank is no more than 95 percent full; or

- (B) Alert the transfer operator when the tank is no more than 90 percent full by restricting the flow into the tank or triggering a high-level alarm; or
- (C) Restrict flow 30 minutes prior to overfilling, alert the transfer operator with a high-level alarm one minute before overfilling, or automatically shut off flow into the tank so that none of the fittings located on top of the tank are exposed to product due to overfilling.

As noted during the inspection, previous notification forms indicated each UST equipped with an overfill alarm. At the time of the November 19, 2020 inspection, an auto shutoff device was observed inside the fill pipe of the diesel UST. No overfill alarms were present or audible at the UST fill locations at the site.

- e. Pursuant to 40 CFR 280.20(f), each UST system must be equipped with under-dispenser containment (UDC) for any new dispenser system installed after April 11, 2016 (previously cited as September 2, 2009 under 329 IAC 9-2-1(4)).

As noted during the inspection, the diesel fuel dispenser appeared to be installed sometime after July 31, 2018; however, no UDC sump is installed underneath it.

- f. Pursuant to 40 CFR 280.31(c), UST systems with impressed current cathodic protection systems must also be inspected every 60 days to ensure the equipment is running properly.

As noted during the inspection, the required periodic (every 60 days) inspection of the impressed current cathodic protection system (ICCP) was not provided. Also, the rectifier volt/amp readings were observed to be significantly lower during the inspection than those noted on the most recent test results for the ICCP.

Cathodic protection testing results dated April 18, 2019 were submitted; however, during the inspection the volt/amp readings were significantly lower than the recent test results.

- g. Pursuant to 40 CFR 280.41(b)(1)(i)(A), considering previous Indiana rules at 329 IAC 9-2-1(2)(D) and 329 IAC 9-3-1.3 (both repealed 2018), pressurized underground piping installed on or before September 2, 2009 that routinely contains regulated substances must be equipped with an automatic line leak detector conducted in accordance with § 280.44(a), which requires an annual test of the automatic line leak detector.

As noted during the inspection, the annual leak detection test result was not provided.

- h. Pursuant to 40 CFR 280.41(b)(1)(i)(B), considering previous Indiana rules at 329 IAC 9-2-1(2)(D) and 329 IAC 9-3-1.3 (both repealed 2018), pressurized underground piping installed on or before September 2, 2009 that routinely contains regulated substances must have an annual line tightness test conducted in

accordance with § 280.44(b) or have monthly monitoring conducted in accordance with § 280.44(c).

As noted during the inspection, neither the annual line tightness test result nor any monthly monitoring results were provided.

- i. Pursuant to 40 CFR 280.43(d), equipment for automatic tank gauging that tests for the loss of product and conducts inventory control must meet the following requirements:
 - (1) The automatic product level monitor test can detect a 0.2 gallon per hour leak rate from any portion of the tank that routinely contains product;
 - (2) The automatic tank gauging equipment must meet the inventory control (or other test of equivalent performance) requirements of § 280.43(a); and
 - (3) The test must be performed with the system operating in one of the following modes:
 - (i) In-tank static testing conducted at least once every 30 days; or
 - (ii) Continuous in-tank leak detection operating on an uninterrupted basis or operating within a process that allows the system to gather incremental measurements to determine the leak status of the tank at least once every 30 days.

As noted during the inspection, the ATG was indicating current and previous alarms for invalid fuel level and high water as well as not providing valid leak test results. The ATG also appeared to be programmed with incorrect capacities for the two regular unleaded USTs which are manifolded, the premium unleaded UST, the diesel UST, and the kerosene UST.

Tank tightness testing dated April 18, 2019 was submitted; however, the alarms for invalid fuel level and high water as well as the incorrectly programmed capacities remain unresolved. The presence of water in the tanks also has not been explained.

- j. Pursuant to 40 CFR 280.45(b), the results of any sampling, testing, or monitoring must be maintained for at least one year, or for another reasonable period of time determined by the implementing agency.

As noted during the inspection, one year of monthly leak detection monitoring results were not provided for any of the USTs.

- k. Pursuant to 40 CFR 280.34(a)(3), owners and operators must submit the following information to the implementing agency: reports of all releases including suspected releases (§ 280.50), spills and overfills (§ 280.53), and confirmed releases (§ 280.61).

As noted during the inspection, a suspected release report regarding the spilled diesel fuel as well as product seepage from pipe fittings inside the diesel dispenser

and stained soil in the submersible turbine pump (STP) access pits has not been submitted.

7. 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, Respondents acknowledge notice of this right and waive 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 Respondents. This Agreed Order shall have no force or effect until the Effective Date.
2. Respondents shall comply with the statutes and rules listed in the findings of fact above.
3. Effective immediately, Respondents shall comply with 40 CFR 280.34(a)(3). Specifically, with respect to the suspected release identified in Finding of Fact paragraph 6.1. above, Respondents shall download, complete, and submit the “*Leaking Underground Storage Tank (UST) Initial Incident Report*” State Form 54487 from IDEM webpage: <https://www.in.gov/idem/5157.htm> under “Leaking Underground Storage Tank (LUST) Program.” Once downloaded form may be completed on-line or by hand and emailed to leakingUST@idem.in.gov.
4. Within fifteen (15) days of the Effective Date, Respondents shall comply with IC 13-23-12-1. Specifically, Respondents shall pay the required fees and send payment to:

Indiana Dept of Environmental Management
PO Box 3295
Indianapolis IN 46206-3295
5. Within fifteen (15) days of the Effective Date, Respondents shall comply with 329 IAC 9-2-2(b). Specifically, Respondents shall download, complete, and submit the “*Notification Form for Underground Storage Tanks*,” State Form 45223 from IDEM webpage: <https://www.in.gov/idem/5157.htm>, under “Underground Storage Tank (UST) Program.” Once downloaded the form may be completed on-line or by hand and emailed to USTRegistration@idem.in.gov. The completed form will not be accepted by mail.
6. Within thirty (30) days of the Effective Date, Respondents shall comply with 40 CFR 280.20(c)(1)(i). Specifically, Respondents shall contract a certified contractor to have the kerosene spill bucket emptied and submit documentation of this activity including photographs to IDEM.
7. Within thirty (30) days of the Effective Date, Respondents shall comply with 40 CFR 280.20(c)(1)(ii). Specifically, Respondents shall contract a certified contractor to verify the overfill protection equipment installed at each UST and if necessary, install or replace

absent or substandard overfill prevention equipment. Respondent shall submit documentation of this activity to IDEM.

8. Within thirty (30) days of the Effective Date, Respondents shall comply with 40 CFR 280.20(f). Specifically, Respondents shall contract a certified contractor to install under-dispenser containment sumps under all affected dispensers and submit documentation of this activity to IDEM.
9. Within thirty (30) days of the Effective Date, Respondents shall comply with 40 CFR 280.31(c). Specifically, Respondents shall contract with a qualified cathodic protection tester to have a full functionality test of the rectifier performed and repair/replace if necessary. Respondent shall submit documentation of this activity to IDEM.
10. Within thirty (30) days of the Effective Date, Respondents shall comply with 40 CFR 280.41(b)(1)(i)(A). Specifically, Respondents shall contract with a certified contractor to perform automatic line leak detection testing and submit the results to IDEM.
11. Within thirty (30) days of the Effective Date, Respondents shall comply with 40 CFR 280.41(b)(1)(i)(B). Specifically, Respondents shall contract with a certified contractor to perform line tightness testing and submit the results to IDEM.
12. Within thirty (30) days of the Effective Date, Respondents shall comply with 40 CFR 280.43(d) and 40 CFR 280.45(b). Specifically, Respondents shall have a contractor certified by the Indiana Office of the State Fire Marshall inspect, reprogram, repair, or otherwise correct the deficiencies of the automatic tank gauging system and submit documentation including a current tank tightness test to IDEM.
13. All submittals required by this Agreed Order, unless Respondents are notified otherwise in writing by IDEM, shall be sent to:

Jodi Pisula, Enforcement Case Manager
Office of Land Quality
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, IN 46204-2251
14. Respondents are assessed and agrees to pay a civil penalty of Twenty-One Thousand Five Hundred Dollars (\$21,500.00). Respondents are jointly and severally liable for all civil penalty assessments, including stipulated penalties. Said penalty amount shall be due and payable to the "Underground Petroleum Storage Tank Trust Fund" within thirty (30) days of the Effective Date; the 30th day being the "Due Date."
15. 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:

<u>Paragraph</u>	<u>Penalty</u>
Order paragraph #3	\$100.00 per week late
Order paragraph #4	\$100.00 per week late
Order paragraph #5	\$100.00 per week late
Order paragraph #6	\$100.00 per week late
Order paragraph #7	\$100.00 per week late
Order paragraph #8	\$100.00 per week late
Order paragraph #9	\$100.00 per week late
Order paragraph #10	\$100.00 per week late
Order paragraph #11	\$100.00 per week late
Order paragraph #12	\$100.00 per week late

16. Stipulated penalties shall be due and payable no later than the 30th day after Respondents receive written notice that Complainant has determined a stipulated penalty is due; the 30th day being the “Due Date.” Complainant may notify Respondents at any time that a stipulated penalty is due. Failure to notify Respondents in writing in a timely manner of stipulated penalty assessment shall not waive Complainant’s right to collect such stipulated penalty or preclude Complainant from seeking additional relief against Respondents for violation of this Agreed Order. Neither assessment nor payment of stipulated penalties shall preclude Complainant from seeking additional relief against Respondents 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.
17. Civil and stipulated penalties are payable by check to the “Underground Petroleum Storage Tank Trust Fund.” Checks shall include the Case Number of this action and shall be mailed to:

Indiana Department of Environmental Management
Accounts Receivable
IGCN, Room 1340
100 North Senate Avenue
Indianapolis, Indiana 46204
18. In the event that the monies due to IDEM pursuant to this Agreed Order are not paid on or before their Due Date, Respondents shall pay interest on the unpaid balance 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 Respondents pay any unpaid balance. Such interest shall be payable to the Underground Petroleum Storage Tank Trust Fund and shall be payable to IDEM in the manner specified in Paragraph 17 above.
19. Signatories to this Agreed Order certify that they are fully authorized to execute this Agreed Order and legally bind the party they represent.
20. This Agreed Order shall jointly and severally apply to and be binding upon Respondents and all successors and assigns. Respondents shall provide a copy of this Agreed Order, if

in force, to any subsequent owners, successors, or assigns before ownership rights are transferred.

21. No change in ownership, corporate, or partnership status of Respondents shall in any way alter the Respondents' status or responsibilities under this Agreed Order.
22. Respondents shall ensure that all contractors, firms, and other persons performing work under this Agreed Order comply with the terms of this Agreed Order.
23. 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.
24. 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 Respondents pursuant to this Agreed Order, shall not in any way relieve Respondents of the obligation to comply with the requirements of any applicable permits or any applicable Federal or State laws or regulations.
25. Complainant does not, by its approval of this Agreed Order, warrant or aver in any manner that Respondents' 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 Respondents may incur as a result of Respondents' efforts to comply with this Agreed Order.
26. 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.
27. 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 Respondents may incur as a result of such communications with the U.S. EPA or any other agency or entity.
28. This Agreed Order shall remain in effect until IDEM issues a Resolution of Case letter to Respondents.

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TECHNICAL RECOMMENDATION:
Department of Environmental Management

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

Date: 11/10/2021

RESPONDENT:
PR Quickmart Inc.

By: _____
Printed: _____
Title: _____

Date: _____

COUNSEL FOR RESPONDENT:

By: _____
Printed: _____
Date: _____

RESPONDENT:
LPR Properties LLC

By: _____
Printed: _____
Title: _____
Date: _____

COUNSEL FOR RESPONDENT:

By: _____
Printed: _____
Date: _____

RESPONDENT:
Al-Medina, Inc.

By: _____
Printed: _____
Title: _____
Date: _____

COUNSEL FOR RESPONDENT:

By: _____

Printed: _____

Date _____

RESPONDENT:

D&T Petroleum Inc.

By: _____

Printed: _____

Title: _____

Date: _____

COUNSEL FOR RESPONDENT:

By: _____

Printed: _____

Date _____

RESPONDENT:

Mandeep Singh

By: _____

Printed: _____

Title: _____

Date: _____

COUNSEL FOR RESPONDENT:

By: _____

Printed: _____

Date _____

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

For the Commissioner:

Peggy Dorsey
Assistant Commissioner
Office of Land Quality

Track Another Package +

Tracking Number: 70071490000008392532

Remove X

Your item was delivered to an individual at the address at 3:47 pm on January 7, 2022 in SOUTH BEND, IN 46614.

USPS Tracking Plus® Available ▾

 **Delivered, Left with Individual**

January 7, 2022 at 3:47 pm
SOUTH BEND, IN 46614

Feedback

Get Updates ▾

Text & Email Updates		▾
Tracking History		▴
<div>January 7, 2022, 3:47 pm</div> <div>Delivered, Left with Individual</div> <div>SOUTH BEND, IN 46614</div> <div>Your item was delivered to an individual at the address at 3:47 pm on January 7, 2022 in SOUTH BEND, IN 46614.</div>		
<div>January 7, 2022, 9:50 am</div> <div>Out for Delivery</div> <div>SOUTH BEND, IN 46614</div>		

January 7, 2022, 9:39 am
Arrived at Post Office
SOUTH BEND, IN 46614

January 6, 2022, 11:47 pm
Departed USPS Regional Origin Facility
SOUTH BEND IN PROCESSING CENTER

January 6, 2022
In Transit to Next Facility

January 5, 2022, 11:43 pm
Arrived at USPS Regional Origin Facility
SOUTH BEND IN PROCESSING CENTER

January 5, 2022, 8:31 pm
Departed USPS Regional Facility
FORT WAYNE IN DISTRIBUTION CENTER

January 5, 2022, 1:42 pm
Arrived at USPS Regional Origin Facility
FORT WAYNE IN DISTRIBUTION CENTER

January 5, 2022, 12:07 am
USPS picked up item
INDIANAPOLIS, IN 46206

Feedback

USPS Tracking Plus®



Product Information



See Less ^

Track Another Package +

Tracking Number: 70071490000008392556

Remove X

Your item was delivered to an individual at the address at 3:47 pm on January 7, 2022 in SOUTH BEND, IN 46614.

USPS Tracking Plus® Available ▾

✓ Delivered, Left with Individual

January 7, 2022 at 3:47 pm
SOUTH BEND, IN 46614

Feedback

Get Updates ▾

Text & Email Updates	▾
Tracking History	▴
<div>January 7, 2022, 3:47 pm</div> <div>Delivered, Left with Individual</div> <div>SOUTH BEND, IN 46614</div> <div>Your item was delivered to an individual at the address at 3:47 pm on January 7, 2022 in SOUTH BEND, IN 46614.</div>	
<div>January 7, 2022, 9:50 am</div> <div>Out for Delivery</div> <div>SOUTH BEND, IN 46614</div>	

Track Another Package +

Tracking Number: 70071490000008392549

Remove X

Your item has been delivered to the original sender at 12:31 pm on February 11, 2022 in INDIANAPOLIS, IN 46204.

USPS Tracking Plus® Available ▾

✓ Delivered, To Original Sender

February 11, 2022 at 12:31 pm
INDIANAPOLIS, IN 46204

Feedback

Get Updates ▾

Text & Email Updates	▾
Tracking History	▾
USPS Tracking Plus®	▾
Product Information	▾

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FAQs

Feedback

Feedback

January 7, 2022, 9:39 am

Arrived at Post Office
SOUTH BEND, IN 46614

January 6, 2022, 11:47 pm

Departed USPS Regional Origin Facility
SOUTH BEND IN PROCESSING CENTER

January 6, 2022

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USPS picked up item
INDIANAPOLIS, IN 46206

USPS Tracking Plus®



Product Information



See Less ^