



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

February 9, 2022

Via Certified Mail:# 701724000000746 9076

Via Certified Mail:# 701724000000746 9083

Douglas R. Shore, Property Owner and
UST Owner

9145 West US Highway 36
Modoc, IN 47358
shoresoilcompany@comcast.net

To: Douglas R. Shore, President and
Registered Agent
Shore's Oil Company
245 North Elm Street
P.O. Box 174
Modoc, IN 47358
shoresoilcompany@comcast.net

Dear Mr. Shore:

Re: Notice of Violation and Proposed Agreed Order
Douglas R. Shore
Shore's Oil Company
Case No. 2021-28146-U
FID No. 3343
Hagerstown, Wayne 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# 3343 and has made a preliminary determination that violations of an environmental management law and rules exists. 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



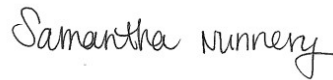
for settlement discussion purposes only and is based on penalty calculations associated with the alleged violations set forth in the Notice of Violation. A portion of the civil penalty may be offset by performing an approved Supplemental Environmental Project (SEP). Typical SEPs have included pollution 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 and rules, including payment of a civil penalty. Please contact me at (317) 234-7108 or via email at sunnery@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
Wayne County Health Department
Matt James, Office of Land Quality



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

NOTICE OF VIOLATION

To: Douglas Shore, Property Owner and
UST Owner

9145 West US Highway 36
Modoc, IN 47358
shoresoilcompany@comcast.net

To: Douglas Shore, President and
Registered Agent
Shore's Oil Company
245 North Elm Street
P.O. Box 174
Modoc, IN 47358
shoresoilcompany@comcast.net

Case No. 2021-28146-U

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 including an inspection conducted on July 22, 2021, the Indiana Department of Environmental Management ("IDEM") has reason to believe that Douglas R. Shore and Shore's Oil Company ("Respondents") have violated an environmental statute and rules. The violations are based on the following:

1. Respondent Douglas R. Shore owns the property and underground storage tank ("UST") systems located at 5066 Treaty Line Road, parcel # 89-05-26-200-205.000-020, in Hagerstown, Wayne County, Indiana (the "Site").
2. Respondent Shore's Oil Company operates Underground Storage Tank ("UST") systems, with UST Facility ID 3343, located at 5066 Treaty Line Road, parcel # 89-05-26-200-205.000-020, in Hagerstown, Wayne County, Indiana (the "Site").
3. Respondents own and/or operate seven (7) Steel USTs at the Site. One (1) six thousand (6,000) gallon premium gasoline tank, one (1) six thousand (6,000) gallon gasoline tank, one (1) five thousand (5,000) gallon gasoline tank, and two (2) five thousand (5,000) gallon diesel tanks were installed in April 1969. One (1) eight thousand (8,000) kerosine tank and one (1) twenty thousand (20,000) off road diesel were installed in April 1971.
4. 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, Respondents failed to pay the annual registration fee for the years of 2018, 2019, and 2020.

5. Pursuant to 329 IAC 9-2-2(c), an owner is required to submit a notification under this section shall provide:
 - (1) a notification for each UST owned;
 - (2) complete information required on the form for each UST owned; and
 - (3) if applicable, a separate notification form for each separate place of operation at which the USTs are located.

As noted during the inspection, Respondents failed to submit a complete and accurate notification form with required attachments.

6. Pursuant to 329 IAC 9-8-21(a), an owner or operator shall maintain evidence of all financial assurance mechanisms used to demonstrate financial responsibility under this rule for an underground storage tank until released from the requirements of this rule under section 23 of this rule. An owner or operator shall maintain such evidence at the underground storage tank site or the owner's or operator's place of work. Records maintained off site must be made available upon request of the Indiana department of environmental management, underground storage tank branch.

As noted during the inspection, Respondents failed to maintain a current Financial Responsibility mechanism.

7. Pursuant to 40 CFR 280.34, owners and operators of UST systems must cooperate fully with inspections, monitoring and testing conducted by the implementing agency, as well as requests for document submission, testing, and monitoring by the owner or operator pursuant to section 9005 of Subtitle I of the Solid Waste Disposal Act, as amended.

As noted during the inspection, Respondents failed to respond to IDEM's December 3, 2020 records request and/or submit the requested documentation as required.

8. Pursuant to 40 CFR 280.240, not later than October 13, 2018, all owners and operators of UST systems must ensure they have designated Class A, Class B, and Class C operators who meet the requirements of this subpart.

As noted during the inspection, Respondents failed to have designated Class A and Class B operators at the Site.

9. Pursuant to 40 CFR 280.31(a), all corrosion protection systems must be operated and maintained to continuously provide corrosion protection to the metal components of that portion of the tank and piping that routinely contain regulated substances and are in contact with the ground.

As noted during the inspection, Respondents failed to operate and maintain corrosion protection systems to continuously provide corrosion protection at the Site.

10. Pursuant to 40 CFR 280.31(b), all UST systems equipped with cathodic protection systems must be inspected for proper operation by a qualified cathodic protection tester in accordance with the following requirements:
- (1) Frequency. All cathodic protection systems must be tested within 6 months of installation and at least every 3 years thereafter or according to another reasonable time frame established by the implementing agency; and
 - (2) Inspection criteria. The criteria that are used to determine that cathodic protection is adequate as required by this section must be in accordance with a code of practice developed by a nationally recognized association.

As noted during the inspection, Respondents failed to have the cathodic protection systems tested by a qualified cathodic protection tester as required. The last cathodic testing was performed on April 18, 2014.

11. 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, Respondents failed to inspect the impressed current cathodic protection system as required.

12. Pursuant to 40 CFR 280.36(a)(1)(i), to properly operate and maintain UST systems, not later than June 28, 2021, owners and operators must conduct a walkthrough inspection every 30 days that, at a minimum, checks spill prevention equipment and release detection equipment (Exception: spill prevention equipment at UST systems receiving deliveries at intervals greater than every 30 days may be checked prior to each delivery).

As noted during the inspection, Respondents failed to conduct a walkthrough inspection every 30 days, at a minimum, to check spill prevention equipment and release detection equipment.

13. Pursuant to 40 CFR 280.35(a)(1), spill prevention equipment (such as a catchment basin, spill bucket, or other spill containment device) and containment sumps used for interstitial monitoring of piping must prevent releases to the environment by meeting one of the following:
- (i) The equipment is double walled and the integrity of both walls is periodically monitored at a frequency not less than the frequency of the walkthrough inspections described in §280.36. Owners and operators must begin meeting paragraph (a)(1)(ii) of this section and conduct a test within 30 days of discontinuing periodic monitoring of this equipment; or

- (ii) The spill prevention equipment and containment sumps used for interstitial monitoring of piping are tested at least once every three years to ensure the equipment is liquid tight by using vacuum, pressure, or liquid testing in accordance with one of the following criteria:
 - (A) Requirements developed by the manufacturer (Note: Owners and operators may use this option only if the manufacturer has developed requirements);
 - (B) Code of practice developed by a nationally recognized association or independent testing laboratory; or
 - (C) Requirements determined by the implementing agency to be no less protective of human health and the environment than the requirements listed in paragraphs (1)(1)(ii)(A) and (B) of this section.

As noted during the inspection, Respondents failed to ensure spill prevention equipment and containment sumps used for interstitial monitoring of piping were operating properly to prevent releases to the environment. Specifically, spill bucket testing records were unavailable.

14. Pursuant to 40 CFR 280.35(a)(2), overfill prevention equipment must be inspected at least once every three years. At a minimum, the inspection must ensure that overfill prevention equipment is set to activate at the correct level specified in § 280.20(c) and will activate when regulated substance reaches that level. Inspections must be conducted in accordance with one of the criteria in paragraph (a)(1)(ii)(A) through (C) of this section.

As noted during the inspection, Respondents failed to inspect overfill prevention equipment at least once every three years.

15. Pursuant to 40 CFR 280.41(a)(1), considering previous Indiana rule at 329 IAC 9-3-1.3 (repealed 2018), tanks installed on or before September 2, 2009 must be monitored for releases at least every 30 days using one of the methods listed in § 280.43(d) through (i).

As noted during the inspection, Respondents failed to monitor tanks for releases at least every 30 days.

16. Pursuant to 40 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, Respondents failed to maintain spill prevention equipment. Specifically, spill buckets were not present at the main fill ports of the USTs.

In accordance with IC 13-30-3-3, the Commissioner herein provides notice that the 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 sixty (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 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 violations.

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 violations 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 Samantha Nunnery at 317-234-7108 or snunnery@idem.in.gov within fifteen (15) days after receipt of this Notice to discuss resolution of this matter.

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

Date: 2/3/2022

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

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. 2021-28146-U
)
DOUGLAS R. SHORE AND SHORE’S OIL)
COMPANY,)
)
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 IC 13-13-1-1.
2. Respondent Douglas R. Shore owns the property and UST systems located at 5066 Treaty Line Road, parcel # 89-05-26-200-205.000-020, in Hagerstown, Wayne County, Indiana (the “Site”).
3. Respondent Shore’s Oil Company operates Underground Storage Tank (“UST”), with UST Facility ID No. 3343, located at 5066 Treaty Line Road, parcel # 89-05-26-200-205.000-020, in Hagerstown, Wayne County, Indiana (the “Site”).
4. Respondents own and/or operate seven (7) Steel UST at the Site. One (1) six thousand (6,000) gallon premium gasoline tank, one (1) six thousand (6,000) gallon gasoline tank,

one (1) five thousand (5,000) gallon gasoline tank, and two (2) five thousand (5,000) gallon diesel tanks were installed in April 1969. One (1) eight thousand (8,000) kerosine tank and one (1) twenty thousand (20,000) off road diesel were installed in April 1971.

5. IDEM has jurisdiction over the parties and the subject matter of this action.
6. Pursuant to IC 13-30-3-3, IDEM issued a Notice of Violation ("NOV") to:

Douglas Shore, Property Owner
and UST Owner

9145 West US Highway 36
Modoc, IN 47358
shoresoilcompany@comcast.net

Douglas Shore, President and Registered
Agent

Shore's Oil Company
245 North Elm Street
P.O. Box 174
Modoc, IN 47358
shoresoilcompany@comcast.net

7. During an investigation including an inspection on July 22, 2021 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, Respondents failed to pay the annual registration fee for the years of 2018, 2019, and 2020.

- b. Pursuant to 329 IAC 9-2-2(c), an owner required to submit a notification under this section shall provide:
 - (1) a notification for each UST owned;
 - (2) complete information required on the form for each UST owned; and
 - (3) if applicable, a separate notification form for each separate place of operation at which the USTs are located.

As noted during the inspection, Respondents failed to submit a complete and accurate notification form with required attachments.

- c. Pursuant to 329 IAC 9-8-21(a), an owner or operator shall maintain evidence of all financial assurance mechanisms used to demonstrate financial responsibility under this rule for an underground storage tank until released from the requirements of this rule under section 23 of this rule. An owner or operator shall maintain such evidence at the underground storage tank site or the owner's or operator's place of work. Records maintained off site must be made available upon request of the Indiana department of environmental management, underground storage tank branch.

As noted during the inspection, Respondents failed to maintain a current Financial Responsibility mechanism.

- d. Pursuant to 40 CFR 280.34, owners and operators of UST systems must cooperate fully with inspections, monitoring and testing conducted by the implementing agency, as well as requests for document submission, testing, and monitoring by the owner or operator pursuant to section 9005 of Subtitle I of the Solid Waste Disposal Act, as amended.

As noted during the inspection, Respondents failed to respond to IDEM's December 3, 2020 records request and/or submit the requested documentation as required.

- e. Pursuant to 40 CFR 280.240, not later than October 13, 2018, all owners and operators of UST systems must ensure they have designated Class A, Class B, and Class C operators who meet the requirements of this subpart.

As noted during the inspection, Respondents failed to have designated Class A and Class B operators at the Site.

- f. Pursuant to 40 CFR 280.31(a), all corrosion protection systems must be operated and maintained to continuously provide corrosion protection to the metal components of that portion of the tank and piping that routinely contain regulated substances and are in contact with the ground.

As noted during the inspection, Respondents failed to operate and maintain corrosion protection systems to continuously provide corrosion protection at the Site.

- g. Pursuant to 40 CFR 280.31(b), all UST systems equipped with cathodic protection systems must be inspected for proper operation by a qualified cathodic protection tester in accordance with the following requirements:
 - (1) Frequency. All cathodic protection systems must be tested within 6 months of installation and at least every 3 years thereafter or according to another reasonable time frame established by the implementing agency; and
 - (2) Inspection criteria. The criteria that are used to determine that cathodic protection is adequate as required by this section must be in accordance with a code of practice developed by a nationally recognized association.

As noted during the inspection on July 22, 2021, Respondents failed to have the cathodic protection systems tested by a qualified cathodic protection tester as required. The last cathodic testing was performed on April 18, 2014.

- h. 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, Respondents failed to inspect the impressed current cathodic protection system as required.

- i. Pursuant to 40 CFR 280.36(a)(1)(i), to properly operate and maintain UST systems, not later than June 28, 2021, owners and operators must conduct a walkthrough inspection every 30 days that, at a minimum, checks spill prevention equipment and release detection equipment (Exception: spill prevention equipment at UST systems receiving deliveries at intervals greater than every 30 days may be checked prior to each delivery).

As noted during the inspection, Respondents failed to conduct a walkthrough inspection every 30 days, at a minimum, to check spill prevention equipment and release detection equipment.

- j. Pursuant to 40 CFR 280.35(a)(1), spill prevention equipment (such as a catchment basin, spill bucket, or other spill containment device) and containment sumps used for interstitial monitoring of piping must prevent releases to the environment by meeting one of the following:
 - (i) The equipment is double walled and the integrity of both walls is periodically monitored at a frequency not less than the frequency of the walkthrough inspections described in §280.36. Owners and operators must begin meeting paragraph (a)(1)(ii) of this section and conduct a test within 30 days of discontinuing periodic monitoring of this equipment; or
 - (ii) The spill prevention equipment and containment sumps used for interstitial monitoring of piping are tested at least once every three years to ensure the equipment is liquid tight by using vacuum, pressure, or liquid testing in accordance with one of the following criteria:
 - (A) Requirements developed by the manufacturer (Note: Owners and operators may use this option only if the manufacturer has developed requirements);
 - (B) Code of practice developed by a nationally recognized association or independent testing laboratory; or
 - (C) Requirements determined by the implementing agency to be no less protective of human health and the environment than the requirements listed in paragraphs (1)(1)(ii)(A) and (B) of this section.

As noted during the inspection, Respondents failed to ensure spill prevention equipment and containment sumps used for interstitial monitoring of piping were operating properly to prevent releases to the environment. Specifically, spill bucket testing records were unavailable.

- k. Pursuant to 40 CFR 280.35(a)(2), overfill prevention equipment must be inspected at least once every three years. At a minimum, the inspection must ensure that overfill prevention equipment is set to activate at the correct level specified in § 280.20(c) and will activate when regulated substance reaches that level. Inspections must be conducted in accordance with one of the criteria in paragraph (a)(1)(ii)(A) through (C) of this section.

As noted during the inspection, Respondents failed to inspect overfill prevention equipment at least once every three years.

- l. Pursuant to 40 CFR 280.41(a)(1), considering previous Indiana rule at 329 IAC 9-3-1.3 (repealed 2018), tanks installed on or before September 2, 2009, must be monitored for releases at least every 30 days using one of the methods listed in § 280.43(d) through (i).

As noted during the inspection on, Respondents failed to monitor tanks for releases at least every 30 days.

- m. Pursuant to 40 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, Respondents failed to maintain spill prevention equipment. Specifically, spill buckets were not present at the main fill ports of the USTs.

8. 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. 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

4. Within thirty (30) days of the Effective Date, Respondent shall comply with 329 IAC 9-2-2(c). Specifically, Respondent shall download, complete, and submit "*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.
5. Within fifteen (15) days of notification from IDEM that the submitted Form 45223, required in Order Paragraph 4 is inadequate, Respondent shall submit a corrected form to be approved by IDEM. Stipulated penalties, as described in Order Paragraph 19 may be assessed for continued submittal of inadequate forms.
6. Within the thirty (30) days of the Effective Date, Respondents shall comply with 329 IAC 9-8-21(a). Specifically, Respondents submit documentation of financial responsibility to IDEM.
7. Immediately upon the effective date, Respondents shall comply with 40 CFR 280.34. Specifically, upon IDEM's request, Respondents shall respond and submit documentation of the monitoring or testing required by the rules.
8. Within thirty (30) days of the Effective Date, Respondents shall comply with 40 CFR 280.240. Specifically, Respondents shall submit a list of those employees designated to be Class A, Class B and Class C operators. Those so designated must be trained and certification of that training submitted.
9. Within thirty (30) days of the Effective Date, Respondents shall comply with 40 CFR 280.31(a), 40 CFR 280.31(b) and 40 CFR 280.31(c). Specifically, Respondents shall submit the required documents or have the UST systems fully inspected by a qualified cathodic protection tester and submit the documents and and/or or results.
10. Within thirty (30) days of the Effective Date, Respondents shall comply with 40 CFR 280.36(a)(l)(i). Specifically, Respondents shall perform the 30-day walkthrough inspection for all UST systems at the site in accordance with a standard of practice referenced in the rule.
11. Within forty-five (45) days of the Effective Date, Respondents shall submit documentation to show compliance with Order paragraph 10 immediately above. Specifically, Respondents shall submit documentation, to include photographs, inspection forms, repair documents, and waste disposal records, showing the walkthrough inspection required has been completed.
12. Within thirty (30) days of the Effective Date, Respondents shall comply with 40 CFR 280.35(a)(l). Specifically, Respondents shall contract with a certified contractor to inspect, repair, and test all spill prevention equipment and containment sumps.

13. Within forty-five (45) days of the Effective Date, Respondents shall submit documentation to show compliance with Order paragraph 12 immediately above. Specifically, Respondents shall submit documentation, to include photographs, inspection, repair and testing results, showing the spill prevention equipment and containment sumps are liquid tight.
14. Within thirty (30) days of the Effective Date, Respondents shall comply with 40 CFR 280.35(a)(2). Specifically, Respondents shall contract with a certified contractor to inspect, repair, and test all overfill prevention equipment.
15. Within forty-five (45) days of the Effective Date, Respondents shall submit documentation to show compliance with Order paragraph 14 immediately above. Specifically, Respondents shall submit documentation, to include photographs, inspection, repair, measurements and testing results, showing the overfill prevention equipment is fully functional and set at the correct level.
16. Within thirty (30) days of the Effective Date, Respondents shall comply with 40 CFR 280.41(a)(1). Specifically, Respondents shall have any UST or line that contains a regulated amount of product and found to not have been monitored every thirty (30) days tightness tested and shall submit the results to IDEM.
17. All submittals required by this Agreed Order, unless IDEM notifies the Respondents otherwise in writing, shall be sent to:

Samantha Nunnery, Enforcement Case Manager
Office of Land Quality
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, IN 46204-2251

18. Pursuant to IC 13-30-4-1, Respondents are assessed and agree to pay a civil penalty of Fifty-Two Thousand Five Hundred (\$52,500) Dollars. Respondents are jointly and severally liable for all civil penalty assessments, including stipulated penalties. Respondents shall pay by the due date printed on the Invoice, as attached.

Civil and stipulated penalties are payable to the "Underground Petroleum Storage Tank Trust Fund" by:

Mail:

Civil 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, IN 46204

Online:

Accounts Receivable is accepting payments online by e-Check, Master Card, 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 \$1.00 will be charged for eCheck payments. The Case Number is required to complete the process.

Phone:

You may also call us at 317-234-3099 and 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 \$1.00 will be charged for eCheck payments. The Case Number is required to complete the process.

19. In the event the terms and conditions of the following paragraphs are violated, Complainant may assess, and Respondents shall pay stipulated penalties in the following amounts:

<u>Paragraph</u>	<u>Stipulated Penalty</u>
Order paragraph # 3	\$ 100 per week
Order paragraph # 4	\$ 100 per week
Order paragraph # 5	\$ 100 per week
Order paragraph # 6	\$ 100 per week
Order paragraph # 7	\$ 100 per week
Order paragraph # 8	\$ 100 per week
Order paragraph # 9	\$ 100 per week
Order paragraph # 10	\$ 100 per week
Order paragraph # 11	\$ 100 per week
Order paragraph # 12	\$ 100 per week
Order paragraph # 13	\$ 100 per week
Order paragraph # 14	\$ 100 per week
Order paragraph # 15	\$ 100 per week
Order paragraph # 16	\$ 100 per week

20. Stipulated penalties shall be due and payable no later than the thirtieth day after Respondents receive written notice that Complainant has determined a stipulated penalty is due; the thirtieth 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 a 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. Respondents are jointly and severally liable for all stipulated penalty assessments.

21. 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 an additional penalty of 10 percent, payable to the "Underground Petroleum Storage Tank Trust Fund" and shall be payable to IDEM in the manner specified in Paragraph 18, above.
22. Signatories to this Agreed Order certify that they are fully authorized to execute this Agreed Order and legally bind the party they represent.
23. This Agreed Order shall 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.
24. No change in ownership, corporate, or partnership status of Respondents shall in any way alter the Respondents' status or responsibilities under this Agreed Order.
25. Respondents shall ensure that all contractors, firms, and other persons performing work under this Agreed Order comply with the terms of this Agreed Order.
26. 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.
27. 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.
28. 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.
29. 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.
30. 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.

31. This Agreed Order shall remain in effect until IDEM issues a Resolution of Case letter to Respondents.

REMAINDER OF PAGE LEFT BLANK INTENTIONALLY

TECHNICAL RECOMMENDATION:
Department of Environmental Management

RESPONDENT:

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

By: _____
Printed: _____
Title: _____

Date: 1/31/2022

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

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

650071 (1633) dbates 28146-U

DOUGLAS R SHORE PROPERTY OWNER

AND LIST OWNER

9141 WESTLUS HIGHWAY 36

MODOC IN 97558



9590 9402 3350 7227 2832 55

2. Article Number (Transfer from service label)

7017 2400 0000 0746 9076

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Doug Shore☐ Agent☒ Addressee

B. Received by (Printed Name)

DOUG SHORE

C. Date of Delivery

2-11-22

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☒ No

3. Service Type

☒ Adult Signature☐ Adult Signature Restricted Delivery☒ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Restricted Delivery☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Return Receipt for Merchandise☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

Track Another Package +

Tracking Number: 70172400000007469083

Remove X

Your package is moving within the USPS network and is on track to be delivered to its final destination. It is currently in transit to the next facility.

USPS Tracking Plus® Available ✓

In Transit to Next Facility

February 21, 2022

Get Updates ✓

Feedback

Text & Email Updates	▼
Tracking History	▲
<div>February 21, 2022</div> <div>In Transit to Next Facility</div> <div>Your package is moving within the USPS network and is on track to be delivered to its final destination. It is currently in transit to the next facility.</div>	
<div>February 17, 2022, 11:55 pm</div> <div>Arrived at USPS Regional Facility</div> <div>INDIANAPOLIS IN DISTRIBUTION CENTER</div>	

USPS Tracking Plus®



Product Information



See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs

Feedback