



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

March 3, 2022

Via Certified Mail:# 7017240000000746

Via Certified Mail:# 70172400000007465597

Miriam Mohamad, President and
Registered Agent
United Parkway LLC
202 Angling Road
Kendallville, Indiana 46721
Uk46773@gmail.com

Miriam Mohamad, President and
Registered Agent
United Parkway LLC
121 West South Street
Monroeville, Indiana 46773
Uk46773@gmail.com

Dear Mr. Mohamad:

Re: Adoption of Agreed Order
Commissioner, Indiana Department of
Environmental Management
v.
United Parkway LLC
Case No. 2021-27992-U

The Agreed Order pertaining to the case referenced above has been approved for adoption by the Indiana Department of Environmental Management. A copy of the finalized agreement is enclosed for your records.

Please note the terms of compliance contained in the Agreed Order. The time frames for compliance are effective upon receipt of this letter. The invoice for payment of the civil penalty is attached. Thank you for your cooperation in resolving this matter. If you have any questions, please contact Jodi Pisula at 317-234-5208 or via email at jpisula@idem.IN.gov.

Sincerely,

Bruce Kizer, Branch Chief
Compliance Branch
Office of Land Quality

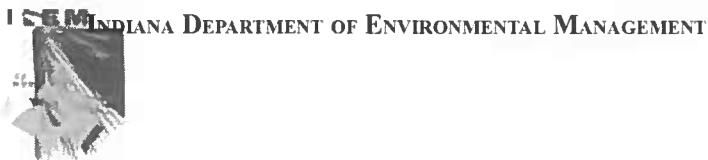
Enclosure

cc: Allen County Health Department
Loic Maniet, UST Compliance Manager
Tom Newcomb, UST Compliance Section Chief
John Morris, Petroleum Branch Chief
Tim Junk, Office of Legal Counsel



A State that Works

Alex Asaad, uk46773@gmail.com
IDEM Virtual File Cabinet



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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. 2021-27992-U
)
UNITED PARKWAY LLC,)
)
Respondent.)

AGREED ORDER

Complainant and Respondent desire to settle and compromise this action without hearing or adjudication of any issue of fact or law, and consent to the entry of the following Findings of Fact and Order. Pursuant to Indiana Code ("IC") 13-30-3-3, entry into the terms of this Agreed Order does not constitute an admission of any violation contained herein. Respondent's entry into this Agreed Order shall not constitute a waiver of any defense, legal or equitable, which Respondent may have in any future administrative or judicial proceeding, except a proceeding to enforce this order.

I. FINDINGS OF FACT

1. Complainant is the Commissioner ("Complainant") of the Indiana Department of Environmental Management ("IDEM"), a department of the State of Indiana created by Indiana Code ("IC") 13-13-1-1.
2. Respondent is United Parkway LLC ("Respondent"), which owns and operates the facility with Facility ID No. 9039, located at 121 W. South Street, in Monroeville, Allen County, Indiana ("Site").
3. Respondent owns and operates three steel USTs installed in 1974. The piping is fiberglass, single walled and pressurized.
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:
Miriam Mohamad, President and Registered Agent for
United Parkway LLC, UST Owner, Operator and Property Owner
121 W. South Street
Monroeville, Indiana 46773
Alesai13@yahoo.com
Uk46773@gmail.com

Miriam Mohamad, President and Registered Agent for
United Parkway LLC
202 Angling Road
Kendallville, Indiana 46721
Alesai13@yahoo.com
Uk46773@gmail.com

6. During an investigation including an inspection on January 15, 2020 conducted by a representative of IDEM, the following violations were found:

- a. Pursuant to 329 Indiana Administrative Code ("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, Respondent failed to submit a complete and accurate notification form with required attachments.

- b. Pursuant to 329 IAC 9-8-11(b), an owner or operator of:
- (1) twelve (12) or fewer USTs shall demonstrate the ability to pay the applicable deductible amount under IC 13-23-9-1.3; or
 - (2) more than twelve (12) USTs shall demonstrate the ability to pay two (2) times the applicable deductible amount under IC 13-23-9-1.3.

As noted during the inspection, Respondent failed to demonstrate a current Financial Responsibility mechanism.

- 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 regular UST spill bucket contained liquid and/or debris to such an extent that a spill may not be prevented if product were to enter the catchment basin.

Documentation provided that liquid and debris in the regular spill bucket removed on December 3, 2021.

- 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, auto shut off was observed; however, ball float valves were listed on previous notification forms and inspections. Coincident use of auto shut off and ball float valves may result in releases of fuel to the environment. See Fact Sheet available at:

https://www.in.gov/idem/files/factsheet_olq_ust_overfill-prevention.pdf.

Confirmation of removal of the ball floats or approved coincident use of overfill has not been provided.

- e. 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, the isolation boots attached to the metal pipe fittings under dispensers 1/2 and 3/4 were no longer completely isolating the metal pipe fittings from the contact with the ground. Due to the presence of water in all STP sump pits, metal pump and piping components inside the STP sump pits of each UST were not protected from corrosion.

Documentation of isolation boots installed under dispensers 1/2 and 3/4 submitted November 10, 2021.

- f. 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 could not be inspected for correct function and UST programming due to it not having a functional printer to provide documentation of the system operations.

Documentation of a functional printer installed on the ATG submitted November 10, 2021.

- 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, Respondent acknowledges notice of this right and waives any right to administrative and judicial review of this Agreed Order.

II. ORDER

1. This Agreed Order shall be effective ("Effective Date") when it is approved by Complainant or Complainant's delegate and has been received by Respondent. This Agreed Order shall have no force or effect until the Effective Date.
2. Respondent shall comply with the rules listed in the findings of fact above.
3. Within fifteen (15) days of the Effective Date, Respondent shall comply with 329 IAC 9-2-2(c). Specifically, Respondent shall download 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.
4. Within fifteen (15) days of the Effective Date, Respondent shall comply with 329 IAC 9-8-11(b). Specifically, Respondent shall submit documentation of financial responsibility to IDEM.
5. Within thirty (30) days of the Effective Date, Respondent shall comply with 40 CFR 280.20(c)(1)(ii). Specifically, Respondent shall contract with a certified contractor and provide documentation of removal of the ball float valves, or that the auto shut off has been adjusted according to the coincident.
6. Within thirty (30) days of the Effective Date, Respondent shall comply with 40 CFR 280.31(a). Specifically, Respondent shall contract with a qualified cathodic protection tester to inspect all metal UST pump and piping components inside all the STP sump pits and replace as necessary and submit documentation to IDEM.
7. All submittals required by this Agreed Order, unless Respondent is 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

8. Respondent is assessed and agrees to pay a civil penalty of Fifteen Thousand Two Hundred Thirteen Dollars (\$15,213.00). This penalty reflects a significant reduction from the original proposed civil penalty based upon evidence submitted to IDEM by Respondent which adequately demonstrated Respondent's inability to pay the original proposed civil penalty. Said penalty amount shall be due and payable to the Underground Petroleum Storage Tank Trust Fund in twelve (12) installments of One Thousand Two Hundred Sixty-Seven Dollars and Seventy-Five Cents (\$1,267.75). Respondent 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 check, eCheck, Master Card, Visa, or Discover. A processing fee of \$1.00 will be charged for e-check payments. A processing fee of \$1.00 plus 1.99% will be charged for credit card payments.

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

If paying by eCheck, Master Card, Visa, or Discover, visit www.IN.gov/IDEM. Under

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.

20. 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 Respondent may incur as a result of such communications with the U.S. EPA or any other agency or entity.

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

REMAINDER OF PAGE LEFT BLANK INTENTIONALLY

TECHNICAL RECOMMENDATION:
Department of Environmental Management

By:

Jennifer Reno

Jennifer Reno, Section Chief
Land Enforcement Section
Office of Land Quality

Date:

1/31/2022

RESPONDENT:
United Parkway LLC

By:

[Signature]

Printed:

Title:

*Yasser Ahmed
manager*

Date:

2-4-22

COUNSEL FOR RESPONDENT:

By:

Date:

APPROVED AND ADOPTED BY THE INDIANA DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT THIS 22nd DAY OF February, 2022

For the Commissioner:

[Signature]

Peggy Dorsey
Assistant Commissioner
Office of Land Quality

An Equal Opportunity Employer



Please Reduce, Reuse, Recycle

INVOICE

Please Remit To:

INDIANA DEPT. OF ENVIRONMENTAL MANAGEMENT
PO BOX 3295
INDIANAPOLIS IN 46206-3295

Page: 1
Invoice No: 000336939 1
Invoice Date: 02/22/2022
Customer Number: CST100047831
Bill Type: 076
Payment Terms: NET 30
Due Date: 03/24/2022

Bill To:

UNITED PARKWAY LLC
ACCOUNTS PAYABLE
528 WEST LIBERTY STREET
BUTLER IN 46721

AMOUNT DUE: 1,267.75 USD

Amount Remitted

☐ Note Address Changes Above

☐ Email Address: _____

Write the invoice number on your check and return the upper portion of this invoice.

For billing questions, please email us at BILLING@IDEM.IN.GOV

Line	Adj	Identifier	Description	Quantity	UOM	Unit Amt	Net Amount
1		2021-27992-U	AGREED ORDER	1.00	EA	15,213.00	1,267.75
<p>- 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.</p> <p>-You may also call us at 317-234-3099 and follow the instructions for Master Card, Visa or Discover payments.</p> <p>-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.</p> <p>- Pursuant to the Agreed Order for the Case Number noted above in the identifier field, please remit payment immediately.</p> <p>-Total civil penalty amount due is as invoiced. Respondents are jointly and severally liable for all civil penalty assessments.</p>							
Total Billed in Installments:							1,267.75
Installment Bill Reference Number: 000336939							
Installment 1 of 12 8.330 %							1,267.75
Service Charge:							0.00
TOTAL AMOUNT DUE :							1,267.75

Please write the invoice number on your check and return the upper portion of this invoice with remittance.