



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

DEC 27 2010

REPLY TO THE ATTENTION OF:  
LR-8J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Ali Aziz  
Amerigas (Shamson Food & Gas)  
1501 Broadway  
Gary, Indiana 46407

**Re: Notice of Violation and Compliance Order/Settlement Agreement for the  
Amerigas (Shamson Food & Gas), 1501 Broadway, Gary, Indiana**

**RUST-05-2011-0005**

Dear Mr. Aziz:

*BPF* 2751106M005

On July 6, 2010, the U.S. Environmental Protection Agency, Underground Storage Tanks Section issued a Notice of Violation and a Compliance Order/Settlement Agreement concerning UST violations (i.e., failure to maintain records of release detection monitoring and failure to maintain records at a readily available alternative site) at Shamson Food & Gas 1501 Broadway, Gary, Indiana. This letter is to inform you that we received your signed copy of the Settlement Agreement, on August 16, 2010. We also received your supporting documents stating that the UST violations were addressed. In addition, we received your check (#2047) for a total of \$100.00 in penalties.

The Settlement Agreement states that it is effective upon EPA's final approval. This is to inform you that I have enclosed a signed and dated copy of the approved Settlement Agreement. The original Settlement Agreement will remain in the U.S. EPA files. We also have accepted and processed your check as part of the Settlement process. If you have any further questions, please feel free to contact Estelle Patterson, of my staff, at (312) 886-3594.

Sincerely,

Gary J. Victorine  
Acting Chief, RCRA Branch  
Land and Chemicals Division

Enclosure  
cc: Skip Powers, IDEM

2047

**RUST-05-2011-0005 U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA), REGION 5**  
**77 West Jackson Boulevard (LR-8J), Chicago, Illinois 60604-3590**

**UNDERGROUND STORAGE TANK (UST) FIELD CITATION FORM FOR EXPEDITED SETTLEMENT NO. UI#R5-UST 10-009 ep**

**Part I: INSPECTION SUMMARY**

**Part II: SETTLEMENT AGREEMENT/COMPLIANCE ORDER**

On 07-06-2010 Time 1:00 p.m.  
(Date of Violation) (a.m. or p.m.)

Amerigas (Shamson Food Mart At & Gas) **2751106M005**  
(Name of Facility)

Address: 1501 Broadway  
Gary, IN 46407

*[Signature]*  
(Name of On site Representative if not the Owner or Operator)

Name and address of the UST Owner or Operator (circle which applies)

Name: Ali Aziz

Address: 1501 Broadway  
Gary, IN.

A duly designated officer, employee, or representative of the EPA or a duly designated officer or employee of the State or Tribe inspected this facility. EPA has reviewed the inspection report and other relevant materials and has identified the following violation(s) of the UST regulations promulgated or approved by EPA under Subtitle I of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. § 6991 et seq.).

1. Violation: Failure to maintain documentation of compliance with release detection requirements.

Cite: State Reg. No 329 IAC 9-3-1(15)(3)

[40 CFR 280.34(b)(4)] Proposed Penalty: \$ 50.00

2. Violation: Failure to maintain records at a readily available alternative site.

Cite: State Reg. No 329 IAC 9-3-1(d)(2)

[40 CFR 280.34(c)(2)] Proposed Penalty: \$ 50.00

3. Violation: \_\_\_\_\_

Cite: State Reg. No

[40 CFR 280.45] Proposed Penalty: \$ \_\_\_\_\_

4. Violation: \_\_\_\_\_

Cite: State Reg. No

[40 CFR ] Proposed Penalty: \$ \_\_\_\_\_

5. Violation: \_\_\_\_\_

Cite: State Reg. No

[40 CFR ] Proposed Penalty: \$ \_\_\_\_\_

**TOTAL PROPOSED PENALTY: \$ 100.00**

EPA finds the Owner or Operator in violation of the above referenced UST regulations.

**A. Settlement Agreement:** The Owner or Operator by signing this Settlement Agreement (or by having an authorized representative sign it) agrees to settle the violations identified in Part I, subject to the following terms and conditions:

The Owner or Operator certifies, subject to civil and criminal penalties for making a false submission to the U. S. Government, that he or she has corrected the violations, submitted true and accurate documentation of their correction, and submitted payment to the U.S. Treasury for the amount of **\$100.00** in payment of the full proposed penalty amount, as described in Part I of this Form.

The Owner or Operator agrees to comply with the terms of the Compliance Order in Part II.B. Without admitting liability for the violations cited in Part I, the Owner or Operator signing below waives any objections to EPA's jurisdiction with respect to the Compliance Order and this Settlement Agreement, and consents to EPA's final approval of this Settlement Agreement without further notice. The Owner or Operator waives the opportunity for a public hearing pursuant to RCRA section 9006.

Once EPA signs the Settlement Agreement, EPA will take no further enforcement action against the Owner or Operator for the civil violations described in Part I, provided the violations have been timely corrected and the penalty has been paid. EPA does not waive its right to enforce against the Owner or Operator for any other violations not described in Part I and violations of the UST requirements or other requirements listed in Part I that were not corrected in a timely manner.

This Settlement Agreement and Compliance Order will become effective once signed by EPA and is binding on EPA and the Owner or Operator upon signature by both parties. Final approval of the Settlement Agreement and Compliance Order is in the sole discretion of the Regional Administrator, Region 5, EPA, or his or her authorized delegate. Upon final approval, EPA shall mail a copy of this document to the Owner or Operator signing below.

**SIGNATURE BY OWNER, OPERATOR, OR AUTHORIZED REPRESENTATIVE:**

Name (Print): Ali Aziz

Title (Print): \_\_\_\_\_

Signature: *[Signature]* Date: 8-11-10

**B. Compliance Order:** This Compliance Order is issued under the authority of RCRA section 9006 to resolve the civil violations identified in Part I. The Owner or Operator is ordered to correct the violations, submit true and accurate documentation that the violations were corrected, and pay the total penalty amount listed in Part I of this Form. This Compliance Order shall become final and enforceable only upon signature by an EPA official with the authority to sign this document.

**SIGNATURE BY EPA APPROVING THE SETTLEMENT AGREEMENT AND COMPLIANCE ORDER:**

Name (Print): Gary J. Victorine

Title (Print): Acting Chief, RCRA Branch

Signature: *[Signature]* Date: 12/27/2010

Notes:

**RECEIVED**  
**DEC 27 2010**

**REGIONAL HEARING CLERK**  
**U.S. ENVIRONMENTAL**  
**PROTECTION AGENCY**

*[Signature]* Estelle Patterson 8/11/10