



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

AUG 28 2019

CERTIFIED MAIL #70091680000076423502
RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF:

Mann Brothers Holdings, LLC
Jefferson Square Marathon
1103 Teal Road
Lafayette, Indiana 479905

Re: Notice of Violation and Compliance Order/Settlement Agreement R5-UST-17-EP for the
Jefferson Square Marathon, 1103 Teal Road, Indiana 47905 **RUST-05-2019-0016**

Dear Mann Brother Holdings, LLC:

On August 16, 2017, the U.S. Environmental Protection Agency, Underground Storage Tanks (UST) Section issued a notice of Violation and a Compliance Order/Settlement Agreement concerning underground storage tank violation, at Jefferson Square Marathon, 1103 Teal Road, Lafayette, Indiana.

We have received your signed copy of the Settlement Agreement on November 29, 2017 and penalties paid to the Treasury of the United States. We have received your supporting documents stating the UST violations were addressed. We apologize for the delay in processing this settlement agreement.

If you have any further question, please feel free to contact Estelle Patterson, of my staff, at 312/886-3594.

Sincerely,

A handwritten signature in cursive script that reads "Mardi Klevs".

Mardi Klevs
Chief, Land and Chemical Enforcement and Compliance Assurance Branch

Enclosure

cc: Thomas Newcomb, IDEM

U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) REGION 5 77 West Jackson Boulevard (E-RJ), Chicago, Illinois 60604-3590	
UNDERGROUND STORAGE TANK (UST) FIELD CITATION FORM FOR EXPEDITED SETTLEMENT NO. RS-UST-17-002-EP	
PART I: INSPECTION SUMMARY	PART II: SETTLEMENT AGREEMENT/COMPLIANCE ORDER
<p>On: <u>07/18/2017</u> Time: <u>03:30 PM</u></p> <p>At: <u>Jefferson Square Marathon</u> Address: <u>1103 Teal Road</u> <u>Lafayette, IN 47905</u></p> <p><u>Kam Patel</u> (Name of Site Representative if not the Owner or Operator)</p> <p>Name and address of the UST</p> <p>Name: <u>Jefferson Square Marathon</u> Address: <u>1103 Teal Road</u> <u>Lafayette, IN 47905</u></p> <p>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.).</p> <p>1. Violation: <u>Failure to operate and maintain corrosion protection system conspicuously</u> Cite: <u>State Reg. No. 329 IAC 9-3.1-2(1) (09/11/2005)</u> <u>140 CFR 260.31(a)</u> Proposed Penalty: <u>\$250</u></p> <p>2. Violation: <u>Failure to monitor tanks at least at specified intervals</u> Cite: <u>State Reg. No. 329 IAC 9-3.2(A)(1)</u> <u>140 CFR 260.41(a)</u></p> <p>3. Violation: _____ Cite: <u>State Reg. No. 0</u> <u>140 CFR</u></p> <p>4. Violation: _____ Cite: <u>State Reg. No. 0</u> <u>140 CFR</u> Proposed Penalty: _____</p> <p style="text-align: center;">TOTAL PROPOSED PENALTY: \$750</p> <p>EPA finds the Owner or Operator in violation of the above-referenced UST regulations.</p> <p><u>Eselle Patterson</u> 8-14-17 (Signature of EPA Inspector) (Date)</p>	<p>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:</p> <p>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 \$750 in payment of the full proposed penalty amount, as described in Part I of this Form.</p> <p>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 9005.</p> <p>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.</p> <p>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.</p> <p>SIGNATURE BY OWNER, OPERATOR, OR AUTHORIZED REPRESENTATIVE:</p> <p>Name (Print): <u>KARIM JESSE MANN</u> Title (Print): <u>PRESIDENT</u> Signature: <u>[Signature]</u> Date: <u>11-20-17</u></p> <p>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.</p> <p>Name (Print): <u>Mardi Hevls</u> Title (Print): <u>Chief LCECAB</u> Signature: <u>[Signature]</u> 8/28/19</p> <p>Notes: At the time of the inspection facility did not have Corrosion Protection or Release Detection</p>

RUST-05-2019-0016

