



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 29 2017

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL #70091680000076412704
RETURN RECEIPT REQUESTED

Mr. Suresh Patel
Dev Petroleum
1312 West Chicago Avenue
East Chicago, Indiana 46312

RUST-05-2017-0013

Re: Notice of Violation and Compliance Order/Settlement Agreement R5-UST-17-003-EP
for the Dev Petroleum, 1312 West Chicago Avenue, East Chicago, Indiana 46312

Dear Mr. Patel:

On July 19, 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 a storage tank violation at Dev Petroleum, 1312 West Chicago Avenue, East Chicago, Indiana.

We have received your signed copy of the Settlement Agreement on September 12, 2017, and the penalties were paid to the Treasury of the United States.

The Settlement Agreement states that it is effective upon EPA's final approval, we receive your supporting documents stating the UST violations were addressed, we will accept and process your check as part of the Settlement process. 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 black ink, reading "Gary J. Victorine", is written over the typed name and title.

Gary J. Victorine, Chief
RCRA Branch

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. R5-UST-17-003-EP

PART I: INSPECTION SUMMARY

On: 07/19/2017 Time: 12:00 PM

At: Dev Petroleum
Address: 1312 West Chicago Ave.
East Chicago, IN 46312

Suresh Patel
(Name of Site Representative if not the Owner or Operator)

Name and address of the UST Owner

Name: Suresh Patel
Address: 1312 West Chicago Ave.
East Chicago, IN 46312

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 provide any release detection for underground piping

Cite: State Reg. No. 329 IAC 9-7-5 (08/11/2006)
[40 CFR 280.44]

Proposed Penalty: \$490

2. Violation:

Cite: State Reg. No. ()
[40 CFR]

Proposed Penalty:

3. Violation:

Cite: State Reg. No. ()
[40 CFR]

Proposed Penalty:

4. Violation:

Cite: State Reg. No. ()
[40 CFR]

Proposed Penalty:

TOTAL PROPOSED PENALTY: \$490

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

Estelle Patterson 8-14-17
(Signature of EPA Inspector) (Date)

Part II: SETTLEMENT AGREEMENT/COMPLIANCE ORDER

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 \$490 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): Suresh Patel

Title (Print): Manager

Signature: [Signature] Date: 08/30/17

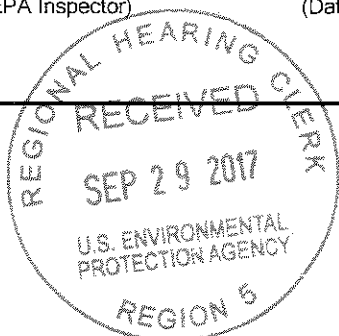
B. Compliance Order: This Compliance Order is issued under the authority of RCRA section 9006 to resolve the civil violations identified in Part I. The Owner or Operator is ordered to correct the violations, submit true and accurate documentation that the violations were corrected, and pay the total 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.

Name (Print): Gary J. Victorine

Title (Print): Chief, RCRA Branch

Signature: [Signature] Date: 9/29/17

Notes:



RUST-05-2017-0013