



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

DEC 05 2012

REPLY TO THE ATTENTION OF:

LR-8J

CERTIFIED MAIL#7001 0320 0006 1558 4734
RETURN RECEIPT REQUESTED

Mr. Sam Shakir
Marathon #2167
7901 North Michigan
Indianapolis, Indiana 46268

Re: Notice of Violation and Compliance Order/Settlement Agreement for the Marathon
7901 North Michigan, Indianapolis, Indiana **RUST-05-2013-0001**

Dear Mr. Shakir:

On August 16, 2012, the U.S. Environmental Protection Agency, RCRA Program Section issued a Notice of Violation and a Compliance Order/Settlement Agreement concerning an underground storage tank (UST) violation (i.e., failure to conduct annual tank tightness testing and failure to have annual line tightness test on pressurized piping) at Marathon #2167, 7901 North Michigan, Indianapolis, Indiana. This letter is to inform you that we received your signed copy of the Settlement Agreement which we received October 2, 2012. We also received your supporting documents stating that the UST violation was addressed. In addition, we received your check #1570 for a total of \$840.00 in penalties.

The Settlement Agreement states that it is effective upon U.S. 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 question, please feel free to contact Estelle Patterson, of my staff, at 312/886-3594.

Sincerely,

A handwritten signature in blue ink that reads "Gary Victorine".

Gary Victorine, Chief
RCRA Branch

Enclosure

cc: Timothy Veatch, IDEM (tveatch@idem.in.gov)

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-12-004-EP

PART I: INSPECTION SUMMARY

On: 08/16/2012 Time: 04:27 PM

At: Marathon #2167
Address: 7901 N Michigan
Indianapolis, IN

Vandana Patel, Manager
(Name of Site Representative if not the Owner or Operator)

Name and address of the UST

Name: Marathon #2167
Address: 7901 N. Michigan
Indianapolis, 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 conduct annual tank tightness testing, if appropriate
Cite: State Reg. No. 329 IAC 9-7-2(B)(ii) (08/11/2006)
[40 CFR 280.41(a)(2)]
Proposed Penalty: \$420

2. Violation: Failure to have annual line tightness test or perform monthly monitoring on pressurized piping
Cite: State Reg. No. 329 IAC 9-7-2(2)(A)(ii) (08/11/2006)
[40 CFR 280.41(b)(1)(ii)]
Proposed Penalty: \$420

3. Violation:
Cite: State Reg. No. ()
[40 CFR]
Proposed Penalty:

4. Violation:
Cite: State Reg. No. ()
[40 CFR]
Proposed Penalty:

TOTAL PROPOSED PENALTY: \$840

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

Estelle Patterson 8-16-12
(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 **\$840** 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): VINI
Title (Print): MANAGER
Signature: [Signature] Date: _____

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, LCD
Signature: [Signature] Date: 12/5/12

Notes:



DEC 05 2012

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

CERTIFICATE OF SERVICE

I hereby certify that copies of the attached Field Citation and Settlement Agreement enclosure, dated December 5, 2012, have been accepted this day in the U.S. Mail, First Class and certified-return receipt requested, at Chicago, Illinois, in envelopes addressed to the following parties:

RUST-05-2013-0001

Marathon #2167
7901 North Michigan
Indianapolis, Indiana 46268
Attn: Mr. Sam Shakir

These are said persons' last known addresses to the subscriber.
Certified Mail Return Receipt Requested #70010320000615584734

Dated this 5th day of December, 2012.

for Estelle B. Cioy

Estelle Patterson, Enforcement Officer
U.S. EPA Region 5 (L-8J)
Underground Storage Tank Program
RCRA Programs Section
77 West Jackson Boulevard
Chicago, Illinois 60604

RECEIVED

DEC 05 2012

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