



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

100 N. Senate Avenue • Indianapolis, IN 46204
(800) 451-6027 • (317) 232-8603 • Fax (317) 233-6647 • www.idem.IN.gov

Mike Braun
Governor

Clint Woods
Commissioner

June 16, 2025

Lakshmi Priya
6520 Lake Crest Circle
South Bend, IN 46628

I & M Deli Inc.
Attn: Mousa Musleh, Registered Agent
3509 Corby Blvd
South Bend, IN 46615

Re: Violation Letter

I & M Deli
702 Lincolnway E
South Bend, St. Joseph County
UST Facility ID # **2830**

Dear Owner and operator:

An inspector from the Indiana Department of Environmental Management (IDEM), Underground Storage Tank (UST) Section, conducted an inspection of the site referenced above on June 2, 2025.

The inspection was conducted pursuant to Indiana Code (IC) 13-14-2-2 to determine compliance with the provisions of IC 13-23 and 329 IAC 9. In accordance with IC 13-14-5, a summary of the inspection is provided below:

Type of Inspection: Initial

Results of Inspection: Violations were discovered and require a submittal.

Within thirty (30) days of receipt of this letter, documentation demonstrating compliance with each of the requirements listed in the attached Inspection Report and Description of Violations (DOV) must be submitted to IDEM. Failure to submit this documentation may lead to this facility being referred for enforcement.

An enforcement action may include civil penalties of up to \$10,000 per UST. Enforcement actions may also affect the owner's and/or operator's eligibility for reimbursement from the Excess Liability Trust Fund (ELTF). Additionally, IDEM may deem the USTs at this facility ineligible for delivery, deposit or acceptance of regulated substances pursuant to IC 13-23-1-4. Finally, federal and criminal penalties may apply for failure to provide required notification; or submitting false information pursuant to IC 13-23-14-2 and liable under IC 13-30-10.



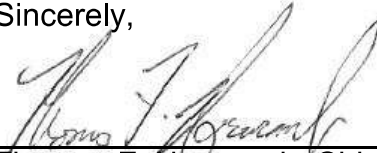
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **2830**.

Inspector: Adam James
Phone: (317) 408-7187

Direct any questions regarding the inspection to:

Compliance Manager: Loic Maniet
Phone: (317) 232-3592

Sincerely,



Thomas F. Newcomb, Chief
UST Compliance Section
Office of Land Quality

cc: Loic Maniet
Adam James
UST Facility ID File # 2830
I & M Deli
Attn: Mandeep Gothra krishna@expoempires.com
luckyghotra95@ymail.com
Attn: Sukhdev Singh, sukhdevsingh4b98@gmail.com

DESCRIPTION OF VIOLATIONS

This inspection or records review revealed that the owner and/or operator of this facility is in violation of Indiana UST Rule 329 IAC 9. 329 Indiana Administrative Code ("IAC") 9 incorporates certain federal underground storage tank requirements found in 40 Code of Federal Regulations ("CFR") Part 280, including those identified below. The Description of Violations (DOV) and corrective measures are as follows:

FACILITY NAME: **I & M Deli**

UST FACILITY ID: **2830**

ADDRESS: **702 Lincolnway E
South Bend, IN 46618
St Joseph County**

INSPECTION DATE: **06/02/2025**

VIOLATIONS NOTED IN THIS INSPECTION

IC 13-23-12-1 Failure to Pay UST Fees

Citation:

Pursuant to IC 13-23-12-1, each year, if an underground storage tank has not been closed before January 1 of the year under rules adopted under IC 13-23-1-2; or a requirement imposed by the commissioner before the adoption of rules under IC 13-23-1-2; the owner of the underground storage tank shall pay to the department an annual registration fee.

The annual registration fee required by this section is ninety dollars (\$90) for each underground petroleum storage tank or two hundred forty-five dollars (\$245) for each underground storage tank containing regulated substances other than petroleum.

If an underground storage tank consists of a single tank in which there are separate compartments, a separate fee shall be paid under subsection (b) for each compartment within the single tank. If an underground storage tank consists of a combination of tanks, a separate fee shall be paid under subsection (b) for each compartment within each tank in the combination of tanks.

For tanks that contain separate compartments and that were in use before July 1, 2014, the payment of a single annual fee of ninety dollars (\$90) for a tank containing separate compartments shall be deemed to satisfy the requirements of subsection (b).

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because tank fees for 2021, 2022, 2024, and 2025 are owed.

Corrective Action:

The owner and/or operator of the UST systems at this site shall pay the required fees to the Indiana Department of Environmental Management within fifteen (15) days of receipt of this notice.

329 IAC 9-2-2(b) – Failure to register/notify with complete information

Citation:

Pursuant to 329 IAC 9-2-2(b), an owner required to submit a form under this section shall provide all information required by this subsection, including but not limited to: facility name and location, UST owners and operators information, contractor information, and the physical attributes, contents, and status of the UST systems.

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because an updated notification form with the correct owner/operator information and the current status of USTs is required.

Corrective Action:

The owner and/or operator of the UST systems at this site shall fill out and submit to IDEM a correct and complete copy of the appropriate state form with required attachments, within fifteen (15) days of receipt of this notice.

§ 280.41(a)(1) – Failure to monitor tanks every 30 days if installed before 9/2/2009

Citation:

Pursuant to 40 CFR 280.41(a)(1), as incorporated, considering previous Indiana rule at 329 IAC 9-3-1.3 (repealed 2018), tanks installed on or before September 2, 2009 must be monitored for releases at least every 30 days using one of the methods listed in § 280.43(d) through (i).

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because monthly release detection records from 1/2025 - 6/2025 for the REG, PREM, DSL and MID USTs are incomplete and could not be retrieved. In addition, monthly release detection records for KERO UST were not provided.

Corrective Action:

The owner and/or operator of the UST systems at this site shall have any UST or line that contains a regulated amount of product and found to not have been monitored every thirty (30) days tightness tested within thirty (30) days of receipt of this notice and submit the results within forty five (45) days of receipt of this notice. The owner and/or operator shall continue to perform proper monthly release detection and submit the results monthly for a period of six (6) months after the receipt of this notice.

§ 280.35(a)(2) – Failure to perform periodic testing of overfill prevention equipment

Citation:

Pursuant to 40 CFR 280.35(a)(2), as incorporated, overfill prevention equipment must be inspected at least once every three years. At a minimum, the inspection must ensure that overfill prevention equipment is set to activate at the correct level specified in § 280.20(c) and will activate when regulated substance reaches that level. Inspections must be conducted in accordance with one of the criteria in paragraph (a)(1)(ii)(A) through (C) of this section.

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because overfill test cannot be validated. Documentation provided to IDEM appeared to indicate that ball floats could not be removed (REG, MID, DSL) but the test indicated that ball float were removed. Proper documentation of ball float removal will be needed. In addition, overfill test was not provided for the KER UST.

Corrective Action:

The owner and/or operator of the UST systems at this site shall, within thirty (30) days of receipt of this notice, contract with a certified contractor to inspect, repair and test all overfill prevention equipment. Documentation, to include photographs, inspection, repair, measurements and testing results, showing the overfill prevention equipment is fully functional and set at the correct level must be submitted within forty five (45) days of the receipt of this notice.

§ 280.40(a)(3)(i) – Failure to perform annual tests of ATG

Citation:

Pursuant to 40 CFR 280.40(a)(3)(i), as incorporated, owners and operators of UST systems must provide a method, or combination of methods, of release detection that beginning on June 28, 2021, is operated and maintained, and electronic and mechanical components are tested for proper operation, in accordance with one of the following: manufacturer's instructions; a code of practice developed by a nationally recognized association or independent testing laboratory; or requirements determined by the implementing agency to be no less protective of human health and the environment than the two options listed in paragraphs (a)(1) and (2) of this section. A test of the proper operation must be performed at least annually and, at a minimum, as applicable to the facility, cover the following components and criteria:

(i) Automatic tank gauge and other controllers: test alarm; verify system configuration; test battery backup.

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because an ATG certification was not provided for the KER UST.

Corrective Action:

The owner and/or operator of the UST systems at this site shall have all components of the automatic tank gauge or other controllers tested for proper operation within thirty (30) days of receipt of this notice and submit the results within forty five (45) days of receipt of this notice.

§ 280.40(a)(3)(ii) – Failure to perform annual tests of probes & sensors

Citation:

Pursuant to 40 CFR 280.40(a)(3)(ii), as incorporated, owners and operators of UST systems must provide a method, or combination of methods, of release detection that beginning on June 28, 2021, is operated and maintained, and electronic and mechanical components are tested for proper operation, in accordance with one of the following: manufacturer's instructions; a code of practice developed by a nationally recognized association or independent testing laboratory; or requirements determined by the implementing agency to be no less protective of human health and the environment than the two options listed in paragraphs (a)(1) and (2) of this section. A test of the proper operation must be performed at least annually and, at a minimum, as applicable to the facility, cover the following components and criteria:

(ii) Probes and sensors: inspect for residual buildup; ensure floats move freely; ensure shaft is not damaged; ensure cables are free of kinks and breaks; test alarm operability and communication with controller.

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because documentation of test results of the KERO probe was not provided.

Corrective Action:

The owner and/or operator of the UST systems at this site shall have all components of the automatic tank gauging probes tested for proper operation within thirty (30) days of receipt of this notice and submit the results within forty five (45) days of receipt of this notice.



UNDERGROUND STORAGE TANK INSPECTION REPORT

INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

UST FAC ID: 2830

Inspector's Name:	Adam James
Date:	June 2, 2025
Time In:	01:00
Time Out:	02:05
Inspection Type:	Initial

FACILITY NAME / LOCATION					
FACILITY NAME I & M Deli			FACILITY ADDRESS (number and street) 702 Lincolnway E		
ADDRESS (line 2)		CITY South Bend	STATE IN	ZIP CODE 46618	COUNTY St Joseph
UST OWNER					
UST Owner Name (If in Individual Capacity) Priya Laksmi				BUSINESS ID (From the Secretary of State)	
PREFIX	FIRST NAME	MI	LAST NAME		SUFFIX
TELEPHONE NUMBER		EMAIL ADDRESS			
UST OPERATOR					
UST Operator Name (If in Individual Capacity) I & M Delic Inc				BUSINESS ID (From the Secretary of State) 1998040516	
PREFIX	FIRST NAME	MI	LAST NAME		SUFFIX
	Mousa		Musleh		
TELEPHONE NUMBER		EMAIL ADDRESS			
PROPERTY OWNER					
UST Property Owner Name (If in Individual Capacity) Priya Laksmi				BUSINESS ID (From the Secretary of State)	
PREFIX	FIRST NAME	MI	LAST NAME		SUFFIX
TELEPHONE NUMBER		EMAIL ADDRESS			
COMPLIANCE ELEMENTS					
All USTs properly registered and up-to-date notification form on file			☐ YES	☒ NO	☐ UNK
UST tank fees 2021 to 2022 and 2024 to 2025. An updated notification form with the correct owner/operator information and the current status of USTs is required.					
O/O is in compliance with reporting & record keeping requirements			☒ YES	☐ NO	☐ UNK
O/O is in compliance with release reporting or investigation			☐ YES	☐ NO	☒ N/A
O/O is in compliance with all UST closure requirements			☐ YES	☐ NO	☐ N/A
KERO UST has 3 inches of fluids (not meeting Temp Closure requirements)			☒ YES	☐ NO	☐ UNK
O/O has met all financial responsibility requirements			☒ YES	☐ NO	☐ N/A
40 CFR 280, Subpart A installation requirements (partially excluded) met			☒ YES	☐ NO	☐ N/A
40 CFR 280, Subpart B installation and upgrade requirements met			☒ YES	☐ NO	☐ UNK
40 CFR 280, Subpart C spill/overfill control requirements met			☒ YES	☐ NO	☐ N/A
40 CFR 280, Subpart C compatibility requirements met			☒ YES	☐ NO	☐ N/A
40 CFR 280, Subpart C O&M and testing requirements met			☐ YES	☒ NO	☐ UNK
Overfill test prevention test (KERO), Overfill test cannot be validated (REG, MID, DSL, PREM)					
40 CFR 280, Subpart D release detection requirements met			☐ YES	☒ NO	☐ UNK
Monthly release detection records incomplete, ATG/probe tests (KERO)					
40 CFR 280, Subpart J operator training requirements met			☒ YES	☐ NO	☐ UNK

The information contained on this page is based upon a review of files related to this site and/or observations from an underground storage tank inspector. This page may contain information not specifically related to possible violations found during the review or inspection and is meant to give the owners and/or operator specific information to assist them.

Site Maintains:

- Five (5) Steel STIP3 USTs
- One (1) 10K REG GSL installed in January 1985
- One (1) 8K MID GSL installed in January 1985
- One (1) 2K KER installed in January 1985
- One (1) 2K PREM GSL installed in January 1985 (maybe 1988)
- One (1) 3K DSL installed in June 1990
- Piping is APT Flex DW and pressurized (REG, MID, PREM)
- Piping is FG SW DW and EU Suction (DSL) - Ameron from inspection
- Piping is FG SW and EU (KER)

RD UST = ATG

RD Piping = LLD, LTT

Overfill/Spill = Spill Buckets + Auto Shutoff (PREM, REG, MID) + Ball Float (KER, DSL)

ATG Certification = Y (4/14/2025) - missing KER

Overfill Protection Test = Y (5/12/2025) - missing KER - Auto 95%

Spill bucket Test = Y (10/12/2022, 5/12/2025)

Containment Sumps Test (not required) = N

Last known CP (galvanic) 10/12/2022

Priya Lakshmi purchased property July 2017 - no updated NF on file

Site History:

Site is an active service station. One (1) 3K removed in 1990 (Closure NF in VFC). Piping was upgraded in 2003 to APT Flex DW.

Contact Information

Mandeep Gothra krishna@expoempires.com, luckyghotra95@ymail.com

Sukhdev Singh, sukhdevsingh4b98@gmail.com

Documentation provided at the time of the file review:

- (NF 6/23/2015, Approval 2/18/2016 - need updated ownership information and correct UST status)
- Operator A, B, C
- RD USTs (REG, PREM, MID, DSL) 1/2024 to 1/2025
- Corrosion protection (REG, MID, PREM, DSL, KER) 10/12/2022
- Leak detector test (REG, PREM) 4/14/2025 - MID not tested (not hooked up per comment, KER is not in use)
- LTT (REG, PREM) 4/14/2025 - MID not in use
- ATG/Probes certification (REG, PREM, MID, DSL) 4/14/2025 - missing KER
- Spill bucket test (REG, MID, PREM, DSL, KER) 10/12/2022 - Fail MID
- Spill bucket test (MID) 5/12/2025
- Overfill test (REG, PREM, MID, DSL) 5/12/2025 - All Auto 95% (per note, BF removed)
- Work order/invoice 3/31/2025 (replacement MID Spill, overfill on REG, MID, DSL)
- Service report 3/20/2025 - PREM no BF, could not removed BF (REG, DSL, MID)
- Monthly walkthrough 5/2024 to 4/2025
- Annual inspection 4/14/2025

The information contained on this page is based upon a review of files related to this site and/or observations from an underground storage tank inspector. This page may contain information not specifically related to possible violations found during the review or inspection and is meant to give the owners and/or operator specific information to assist them.

Inspector Notes: Inventory and RD records could not be retrieved. ATG unit appears to be out of printer ink. KERO UST does not appear as an option on the ATG screen. RD records submitted post inspection appear to be a close up photo of the same records submitted during initial records request. No additional documentation collected on site or submitted post inspection.

- KERO UST contains excess about 3.23 inches of fluids. Fuel port is locked, however the latch on the cap is broken. MID UST contains about 15.25 inches of fluids.

- Piping could not be identified in the STP sumps and UDCs due to excessive fluids. A section of piping was visible in dispenser 7/5. Piping appears the reddish-brown Ameron Dualoy.

- Auto shut-off is confirmed to be installed in the drop tubes as an overfill prevention method. Drop tubes are also co-axle for vapor recovery along with having vapor recovery ports.

The following are AREAS OF CONCERN found during the inspection that will need to be addressed by the owner and/or operator:

1. DSL UST has an active high water alarm. Inventory could not be printed, however a picture of the screen appears to show 51 gals(?) of water present within the UST. Water paste was utilized to check for the presence of water within the DSL UST. Water appears to be present within the DSL UST measuring about 3.75 inches. Owner/operator should closely monitor DSL UST to ensure water volume does not increase. If water volume continues to increase could be a sign of a potential release.

2. KERO UST contains about 3.25 inches of fluids. Last tank tightness test was in 2022. Temp closure requires USTs to be less than 1 inch of fluids. If the fluid level are above 1 inch then the UST must be treated as active. IDEM requires proper documentation of temp closure status.

3. Fluids were observed in the spill buckets, sumps and UDCs. Fluids should removed from spill buckets, sumps and UDCs along with being periodically monitored.

The following are VIOLATIONS discovered and RECORDS that need to be submitted within 30 days of receipt of this inspection report to avoid further action and achieve compliance with the state underground storage tank program:

4. UST tank fees 2021 to 2022 and 2024 to 2025 have not been paid.

5. An updated notification form with the correct owner/operator information and the current status of USTs is required.

6. Monthly release detection records from 1/2025 - 6/2025 for the REG, PREM, DSL and MID USTs were not provided and could not be retrieved. In addition, monthly release detection records for KERO UST were not provided.

7. Overfill test cannot be validated. Report indicates that ball float cannot be removed. IDEM requires physical confirmation of ball float removal.

9. KERO overfill prevention test was not provided.

10. Documentation of test results of the KERO ATG/probe was not provided.



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

VIA ELECTRONIC MAIL

June 22, 2023

UST Owners,
Environmental Consultants, Contractors,
And Other Interested Parties

Re: ELTF Claim for 50% Cost Reimbursement for Decommissioning or Replacing
Qualified Underground Storage Tanks (UST)

To Whom It May Concern:

IDEM is excited to announce a new reimbursement opportunity available to Underground Storage Tank (UST) owners. On May 4, 2023, Governor Holcomb signed into law statutory revisions to Ind. Code 13-23 which authorize, among other things, reimbursement from the Excess Liability Trust Fund (ELTF) of 50% of eligible costs related to qualified UST decommissioning or replacement projects. Per new IC 13-23-9-1.7, IDEM must find that such decommissioning or replacement of an UST “is necessary ... to protect human health and the environment considering the age, obsolescence, and level of deterioration of the tank”.

While each UST will be considered by IDEM on a case-by-case basis, certain characteristics may make a UST more likely to qualify for this program. Those characteristics include but are not limited to:

1. Lined Steel USTs.
2. First Generation Fiberglass Reinforced Plastic (FRP) USTs.
3. USTs over 30 Years Old.
4. USTs which have caused or are likely to cause catastrophic release and which cannot be repaired or maintained to avoid such release.

IDEM will accept ELTF eligibility applications, via a new form (attached), with backup documentation outlining the project for agency review beginning July 1, 2023. Such backup documentation must include evidence of age, obsolescence, and/or level of deterioration such that IDEM may determine whether the UST qualifies for the program. In order for costs to be eligible for reimbursement, IDEM must confirm project eligibility **prior to** the work being initiated at the site, and applicable portions of 328 IAC 1 (the ELTF rules) will apply to such work. Costs related to tank installations will not be reimbursed unless costs related to the required corresponding tank removal are submitted simultaneously therewith or have been previously submitted for reimbursement.

Examples of Allowable Costs include:

- Removal & Proper Disposal of USTs
- Proper Disposal of Contaminated Water/Sludge
- Closure Report Costs (Report must be approved)
- Installation of Replacement UST Systems to below the Shear Valve
- In-Place Closure Work Plans
- “Tank-in-a-Tank” related closures and installations
- Concrete/Asphalt Replacement

Examples of Ineligible Costs include (but are not limited to):

- Fuel Dispenser and Nozzle
- Island / Canopy
- Buildings
- Concrete/Asphalt to Expand Parking Area
- Relining Regulated Tanks
- Loan interest or late payment fees

To the extent possible and to facilitate more efficient claim review, Owners should request separate invoicing and refrain from submitting ineligible costs to the ELTF program.

Applicants to this program must be aware that this 50% reimbursement program does not allow IDEM to encumber funds for each approved project. This is not a “grant” program. The statute outlines maximum reimbursement from the Fund per fiscal year (July 1 to June 30) based on type of UST owner. Reimbursements are capped at:

- Ten million dollars for UST owners with 12 or less tanks.
- Seven million five hundred thousand dollars for UST owners with more than 12 but not more than 100 tanks.
- Two million five hundred thousand dollars for UST owners with more than 100 tanks.

Eligible projects will be reimbursed under a first in first out (FIFO) review process, up to the maximum in each of the three categories based on claims approved for payment. Once the maximum has been reimbursed for a given fiscal year, all subsequent claims submitted in that fiscal year will have to be denied. Applicants can resubmit such claims on or after July 1 of the next fiscal year. The applicant is required to be the UST owner.

New releases discovered during decommissioning or replacement projects must be reported to the Petroleum Remediation Section (PRS). Eligible costs for over-excavation and disposal of contaminated soil should be submitted for reimbursement under an ELTF Eligible Leaking UST (LUST) Incident Number and should not be submitted as part of this 50% reimbursement program.

As part of the review process for the ELTF claim, IDEM staff may contact vendors and contractors directly to discuss submitted invoices and the work completed. It will be preferable to have one ELTF claim application for costs related to the entire project. If necessary to comply with claim submission requirements under 328 IAC 1, removal/closure costs can be submitted in one ELTF claim once the closure report is approved, and replacement/installation costs can be submitted in a second ELTF claim once the tanks are properly registered with IDEM.

IDEM is looking forward to the impact this program will have on protecting human health and the environment. We are still ironing out additional details, but if you have any additional questions, feel free to contact Bobbi Steiff at 317.234.0935 or Rsteiff@idem.in.gov.

Sincerely,



Timothy E. Veatch
Branch Chief
Petroleum Branch
Office of Land Quality
(317) 234-0980
Tveatch@idem.in.gov