



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 18, 2025

Via Certified Mail:

9589 0710 5270 1592 6818 27

Shashi Kumar, Member and Registered Agent
New Venture LLC, UST Owner
933 W. Tipton Street
Seymour, Indiana 47274
Shashikumar735@gmail.com

Via Certified Mail:

9589 0710 5270 1592 6818 34

Shashi Kumar, Member and Registered Agent
Waheguru Sache Patshah LLC, UST Operator
933 W. Tipton Street
Seymour, Indiana 47274
Shashikumar735@gmail.com

Via Certified Mail:

9589 0710 5270 1592 6818 41

New Venture LLC, Property Owner
3921 Spylaw Road
Bargersville, Indiana 46106

Dear Ms. Kumar:

Re: Notice of Violation and Proposed Agreed Order
New Venture LLC and Waheguru Sache Patshah LLC
Case No. 2025-30682-U
FID No.11157
Seymour, Jackson County

Qualified offer of settlement: inadmissible per Rule 408 of the Ind. Rules of Evidence. IDEM asserts that any offer to compromise a claim or any acceptance of such offer does not bind or obligate the parties of this enforcement action in the absence of a final order of the agency.

IDEM conducted an investigation of the site with FID #11157 and has made a preliminary determination that violations of environmental management rules exist. Per IC 13-30-3-3, enclosed please find a Notice of Violation that sets forth the alleged violations and a proposed Agreed Order which constitutes a qualified offer of settlement.

Please note, per IC 13-23-1-4(b), the Commissioner may determine whether an underground storage tank ("UST") is eligible for delivery, deposit, or acceptance of a regulated substance, and may issue a temporary order to prohibit the use of the UST that is deemed ineligible and demand compliance if the facility is in violation of requirements described in IC 13-23-1-4(b)(2)(A), (B), and/or (C) that regulate USTs. You may have already received or may receive in the future a separate correspondence from IDEM regarding this delivery prohibition.



You may request a settlement conference to discuss the allegations and the actions necessary to correct and resolve the violations, which may include injunctive relief and the establishment of a compliance schedule. Payment of a civil penalty will also be discussed. The civil penalty amount noted in the proposed Agreed Order contains a preliminary penalty figure for settlement discussion purposes only and is based on penalty calculations associated with the alleged violations set forth in the Notice of Violation. A portion of the civil penalty may be offset by performing an approved Supplemental Environmental Project (SEP). Typical SEPs have included pollution prevention, pollution control, and environmental restoration projects. A copy of IDEM's SEP policy may be obtained from this office or at IDEM's website at www.IN.gov/idem.

The individual signing the enclosed Agreed Order should be fully authorized to execute the document and legally bind the parties. The timely entry into an Agreed Order, which saves you and IDEM time and resources, may lead to a reduction in the civil penalty.

IDEM is not required to extend the offer of entry into an Agreed Order for more than 60 days. You may enter into an Agreed Order without admitting that the violations occurred. Additionally, to encourage a timely agreement, IDEM may offer a one-time twenty percent reduction (20%) to the Civil Penalty for 60 days after receipt of this Notice of Violation.

If an Agreed Order is not entered into, IDEM may proceed to issue a unilateral notice and order requiring compliance with the environmental laws, rules, and/or permit, including payment of a civil penalty. Please contact me at 317-234-5208 or via email at jpisula@idem.IN.gov if you have any questions or if you wish to request a settlement conference.

Sincerely,



Jodi Pisula, Senior Environmental Manager
Land Enforcement Section
Compliance Branch
Office of Land Quality

Enclosures

cc: Jackson County Health Department
Loic Maniet, UST Compliance Technical Expert
Adam James, UST Compliance Inspector
Mark Amick, Director, SERO
IDEM Virtual File Cabinet



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NOTICE OF VIOLATION

Shashi Kumar, Member and
Registered Agent
New Venture LLC, UST Owner
933 W. Tipton Street
Seymour, Indiana 47274
Shashikumar735@gmail.com

Shashi Kumar, Member and
Registered Agent
Waheguru Sache Patshah LLC,
UST Operator
933 W. Tipton Street
Seymour, Indiana 47274
Shashikumar735@gmail.com

New Venture LLC, Property Owner
3921 Spylaw Road
Bargersville, Indiana 46106

Case No. 2025-30682-U

Pursuant to Indiana Code (“IC”) 13-30-3-3, the Indiana Department of Environmental Management (“IDEM”) issues this Notice of Violation. Based on an investigation including an inspection conducted on June 7, 2024, the Indiana Department of Environmental Management (“IDEM”) has reason to believe that New Venture LLC and Waheguru Sache Patshah LLC (“Respondents”) violated environmental rules. The violations are based on the following:

1. Respondent New Venture LLC owns and operates Underground Storage Tank (“UST”) systems, with UST Facility ID 11157, located at 933 W. Tipton Street, parcel #36-66-18-405-015.000-009, in Seymour, Jackson County, Indiana (the “Site”).
2. Respondent Waheguru Sache Patshah LLC operates the UST systems located at the Site.
3. Respondents own and operate one (1) 10,000-gallon regular unleaded (“RUL”) gasoline, one (1) 10,000-gallon premium unleaded (“PUL”) gasoline, one (1) 10,000-gallon diesel, and one (1) 6,000-gallon recreation (“REC90”) gasoline UST. All USTs are steel, STI-P3 installed in January 1986. The piping is fiberglass and pressurized.
4. Owner as defined in IC 13-11-2-150(a)(1)(A) means, for an UST that was in use on November 8, 1984 or brought into use after November 8, 1984 for the storage, use, or dispensing of regulated substances, a person who owns the UST or the real property that is the UST site, or both. According to the Jackson County Assessor’s Office, Respondent New Venture LLC is the owner of the property.
5. Pursuant to 40 Code of Federal Regulations (“CFR”) 280.41(b)(1)(i)(B) taking into consideration previous Indiana rules at 329 IAC 9-2-1(2)(D) and 329 IAC 9-3-1.3 (both repealed 2018), pressurized underground piping installed on or before September 2, 2009

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We appreciate your input!

Letterhead INDY R-01-2024



that routinely contains regulated substances must have an annual line tightness test conducted in accordance with § 280.44(b) or have monthly monitoring conducted in accordance with § 280.44(c).

As noted during the inspection, Respondents failed to have piping, containing a regulated amount of product, tightness tested and failed to provide monthly monitoring records for the piping. Specifically, 12-months of monthly monitoring records or line tightness testing ("LTT") for the RUL piping was not provided.

6. Pursuant to 40 CFR 280.40(a)(3)(iii) 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: automatic line leak detector: test operation to meet criteria in § 280.44(a) by simulating a leak.

As noted during the inspection, Respondents failed to perform an annual proper operation test (components and criteria) of the automatic line leak detector as specified.

7. Pursuant to 40 CFR 280.31(b), all UST systems equipped with cathodic protection systems must be inspected for proper operation by a qualified cathodic protection tester in accordance with the following requirements:
 - (1) Frequency. All cathodic protection systems must be tested within 6 months of installation and at least every 3 years thereafter or according to another reasonable time frame established by the implementing agency; and
 - (2) Inspection criteria. The criteria that are used to determine that cathodic protection is adequate as required by this section must be in accordance with a code of practice developed by a nationally recognized association.

As noted during the inspection, Respondents failed to have the cathodic protection systems tested by a qualified cathodic protection tester as required. Specifically, the last corrosion protection test date expired April 15, 2023, and no current testing documentation was provided.

8. Pursuant to 40 CFR 280.35(a)(1), spill prevention equipment (such as a catchment basin, spill bucket, or other spill containment device) and containment sumps used for interstitial monitoring of piping must prevent releases to the environment by meeting one of the following:
 - (i) The equipment is double walled and the integrity of both walls is periodically monitored at a frequency not less than the frequency of the walkthrough inspections described in §280.36. Owners and operators must begin meeting paragraph (a)(1)(ii) of this section and conduct a test within 30 days of discontinuing periodic monitoring of this equipment; or

- (ii) The spill prevention equipment and containment sumps used for interstitial monitoring of piping are tested at least once every three years to ensure the equipment is liquid tight by using vacuum, pressure, or liquid testing in accordance with one of the following criteria:
 - (A) Requirements developed by the manufacturer (Note: Owners and operators may use this option only if the manufacturer has developed requirements);
 - (B) Code of practice developed by a nationally recognized association or independent testing laboratory; or
 - (C) Requirements determined by the implementing agency to be no less protective of human health and the environment than the requirements listed in paragraphs (1)(1)(ii)(A) and (B) of this section.

As noted during the inspection, Respondents failed to ensure spill prevention equipment and/or containment sumps used for interstitial monitoring of piping were operating properly to prevent releases to the environment. Specifically, spill bucket testing documentation, dated April 12, 2024, was expired and no current testing documentation was provided.

- 9. Pursuant to 40 CFR 280.35(a)(2), 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.

As noted during the inspection, Respondents failed to inspect overfill prevention equipment at least once every three years.

- 10. 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: automatic tank gauge and other controllers: test alarm; verify system configuration; test battery backup.

As noted during the inspection, Respondents failed to perform an annual proper operation test (components and criteria) of the automatic tank gauge and other controllers as specified.

- 11. 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: 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.

As noted during the inspection, Respondents failed to perform an annual proper operation test (components and criteria) of the probes and/or sensors used for interstitial monitoring of piping as specified.

12. Pursuant to 40 CFR 280.36(a) as incorporated, to properly operate and maintain UST systems, not later than June 28, 2021, owners and operators must meet one of the following:
 - (1) Conduct a walkthrough inspection that, at a minimum, checks the following equipment as specified below:
 - (i) Every 30 days (Exception: spill prevention equipment at UST systems receiving deliveries at intervals greater than every 30 days may be checked prior to each delivery):
 - (A) Spill prevention equipment—visually check for damage; remove liquid or debris; check for and remove obstructions in the fill pipe; check the fill cap to make sure it is securely on the fill pipe; and, for double walled spill prevention equipment with interstitial monitoring, check for a leak in the interstitial area; and
 - (B) Release detection equipment— check to make sure the release detection equipment is operating with no alarms or other unusual operating conditions present; and ensure records of release detection testing are reviewed and current; and
 - (ii) Annually:
 - (A) Containment sumps—visually check for damage, leaks to the containment area, or releases to the environment; remove liquid (in contained sumps) or debris; and, for double walled sumps with interstitial monitoring, check for a leak in the interstitial area; and
 - (B) Hand held release detection equipment—check devices such as tank gauge sticks or groundwater bailers for operability and serviceability;
 - (2) Conduct operation and maintenance walkthrough inspections according to a standard code of practice developed by a nationally recognized association or independent testing laboratory that checks equipment comparable to paragraph (a)(1) of this section; or
 - (3) Conduct operation and maintenance walkthrough inspections developed by the implementing agency that checks equipment comparable to paragraph (a)(1) of this section.

As noted during the inspection, Respondents failed to properly conduct walkthrough inspections to check equipment as specified. Specifically, the last monthly walkthrough

inspection was dated August 2023, and the last annual walkthrough inspection was dated February 2024.

13. Pursuant to 40 CFR 280.245, owners and operators of underground storage tank systems must maintain a list of designated Class A, Class B, and Class C operators with specified information and maintain appropriate records including specified information verifying that training and retraining, as applicable, have been completed, in accordance with § 280.34.

As noted during the inspection, Respondents failed to maintain a list of designated Class A, Class B, and Class C operators with complete information and to maintain appropriate records verifying that training and retraining has been completed. Specifically, the Class C operator certificate expired February 2023.

14. Pursuant to 40 CFR 280.20(d), the UST system must be properly installed in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and in accordance with the manufacturer's instructions.

As noted during the inspection, Respondents failed to install the UST systems in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and in accordance with the manufacturer's instructions. Specifically, the flex connector at dispenser 5/6 was observed to be actively leaking.

15. Pursuant to 40 CFR 280.34(a)(3), owners and operators must submit the following information to the implementing agency: reports of all releases including suspected releases (§280.50), spills and overfills (§280.53), and confirmed releases (§280.61).

As noted during the inspection, Respondents failed to submit to IDEM required release reports detailing the active release from the flex connector at dispenser 5/6.

In accordance with IC 13-30-3-3, the Commissioner herein provides notice that the violations may exist and offers an opportunity to enter into an Agreed Order providing for the actions required to correct the violations and, as necessary and appropriate, for the payment of a civil penalty. The Commissioner is not required to extend this offer for more than sixty (60) days.

As provided in IC 13-30-3-3, an alleged violator may enter into an Agreed Order without admitting that the violations occurred. IDEM encourages settlement by Agreed Order, thereby resulting in quicker correction of the environmental violations and avoidance of extensive litigation. Timely settlement by Agreed Order may result in a reduced civil penalty. Also, settlement discussions will allow the opportunity to present any mitigating factors that may be relevant to the violations.

If an Agreed Order is not entered into within sixty (60) days of receipt of this Notice of Violation, the Commissioner may issue a Notice and Order under IC 13-30-3-4 containing the actions that must be taken to correct the violations and requiring the payment of an appropriate civil penalty. Pursuant to IC 13-23-14-3, the Commissioner may assess penalties of up to \$10,000 per day for each underground storage tank.

Please contact Jodi Pisula at 317-234-5208 or via email at jpisula@idem.IN.gov within fifteen (15) days after receipt of this Notice to discuss resolution of this matter.

Date: June 17, 2025

For the Commissioner:

A handwritten signature in black ink that reads "Lori Freeman". The signature is written in a cursive, flowing style.

Lori Freeman, Branch Chief
Compliance Branch
Office of Land Quality



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Mike Braun
Governor

Clint Woods
Commissioner

STATE OF INDIANA) SS: BEFORE THE INDIANA DEPARTMENT OF
)
COUNTY OF MARION) ENVIRONMENTAL MANAGEMENT

COMMISSIONER OF THE DEPARTMENT)
OF ENVIRONMENTAL MANAGEMENT,)
)
 Complainant,)
)
 v. Case No. 2025-30682-U
)
NEW VENTURE LLC AND WAHEGURU)
SACHE PATSHAH LLC,)
)
 Respondents.)

AGREED ORDER

Complainant and Respondents desire to settle and compromise this action without hearing or adjudication of any issue of fact or law, and consent to the entry of the following Findings of Fact and Order. Pursuant to Indiana Code (“IC”) 13-30-3-3, entry into the terms of this Agreed Order does not constitute an admission of any violation contained herein. Respondents’ entry into this Agreed Order shall not constitute a waiver of any defense, legal or equitable, which Respondents may have in any future administrative or judicial proceeding, except a proceeding to enforce this order.

I. FINDINGS OF FACT

1. Complainant is the Commissioner (“Complainant”) of the Indiana Department of Environmental Management (“IDEM”), a department of the State of Indiana created by Indiana Code (“IC”) 13-13-1-1.
2. Respondents are New Venture LLC and Waheguru Sache Patshah LLC. Respondent New Venture LLC owns the Facility ID No. 11157 and property located at 933 W. Tipton Street, parcel #36-66-18-405-015.000-009 in Seymour, Jackson County, Indiana (“Site”).
3. Respondent Waheguru Sache Patshah LLC operates the UST systems located at the Site.
4. IDEM has jurisdiction over the parties and the subject matter of this action.

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We appreciate your input!

Letterhead INDY P-01.2024



5. Pursuant to IC 13-30-3-3, IDEM issued a Notice of Violation (“NOV”) via certified mail to:

Shashi Kumar, Member and Registered
Agent for
New Venture LLC, UST Owner
933 W. Tipton Street
Seymour, Indiana 47274
Shashikumar735@gmail.com

New Venture LLC, Property Owner
3921 Spylaw Road
Bargersville, Indiana 46106

Shashi Kumar, Member and Registered
Agent for
Waheguru Sache Patshah LLC, UST
Operator
933 W. Tipton Street
Seymour, Indiana 47274
Shashikumar735@gmail.com

6. During an investigation including inspections on June 7, 2024, conducted by a representative of IDEM, the following violations were found:

- a. Pursuant to 40 Code of Federal Regulations (“CFR”) 280.41(b)(1)(i)(B) taking into consideration previous Indiana rules at 329 IAC 9-2-1(2)(D) and 329 IAC 9-3-1.3 (both repealed 2018), pressurized underground piping installed on or before September 2, 2009 that routinely contains regulated substances must have an annual line tightness test conducted in accordance with § 280.44(b) or have monthly monitoring conducted in accordance with § 280.44(c).

As noted during the inspection, Respondents failed to have piping containing a regulated amount of product tightness tested and failed to provide monthly monitoring records for the piping. Specifically, 12-months of monthly monitoring records or line tightness testing (“LTT”) for the RUL piping was not provided.

- b. Pursuant to 40 CFR 280.40(a)(3)(iii), 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: automatic line leak detector: test operation to meet criteria in § 280.44(a) by simulating a leak.

As noted during the inspection, Respondents failed to perform an annual proper operation test (components and criteria) of the automatic line leak detector as specified.

- c. Pursuant to 40 CFR 280.31(b), all UST systems equipped with cathodic protection systems must be inspected for proper operation by a qualified cathodic protection tester in accordance with the following requirements:
- (1) Frequency. All cathodic protection systems must be tested within 6 months of installation and at least every 3 years thereafter or according to another reasonable time frame established by the implementing agency; and
 - (2) Inspection criteria. The criteria that are used to determine that cathodic protection is adequate as required by this section must be in accordance with a code of practice developed by a nationally recognized association.

As noted during the inspection, Respondents failed to have the cathodic protection systems tested by a qualified cathodic protection tester as required. Specifically, the last corrosion protection test date expired April 15, 2023, and no current testing documentation was provided.

- d. Pursuant to 40 CFR 280.35(a)(1), spill prevention equipment (such as a catchment basin, spill bucket, or other spill containment device) and containment sumps used for interstitial monitoring of piping must prevent releases to the environment by meeting one of the following:
- (i) The equipment is double walled and the integrity of both walls is periodically monitored at a frequency not less than the frequency of the walkthrough inspections described in §280.36. Owners and operators must begin meeting paragraph (a)(1)(ii) of this section and conduct a test within 30 days of discontinuing periodic monitoring of this equipment; or
 - (ii) The spill prevention equipment and containment sumps used for interstitial monitoring of piping are tested at least once every three years to ensure the equipment is liquid tight by using vacuum, pressure, or liquid testing in accordance with one of the following criteria:
 - (A) Requirements developed by the manufacturer (Note: Owners and operators may use this option only if the manufacturer has developed requirements);
 - (B) Code of practice developed by a nationally recognized association or independent testing laboratory; or
 - (C) Requirements determined by the implementing agency to be no less protective of human health and the environment than the requirements listed in paragraphs (1)(1)(ii)(A) and (B) of this section.

As noted during the inspection, Respondents failed to ensure spill prevention equipment and/or containment sumps used for interstitial monitoring of piping were operating properly to prevent releases to the environment. Specifically, spill bucket testing documentation, dated April 12, 2024, was expired and no current testing documentation was provided.

- e. Pursuant to 40 CFR 280.35(a)(2), 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.

As noted during the inspection, Respondents failed to inspect overfill prevention equipment at least once every three years.

- f. 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: automatic tank gauge and other controllers: test alarm; verify system configuration; test battery backup.

As noted during the inspection, Respondents failed to perform an annual proper operation test (components and criteria) of the automatic tank gauge and other controllers as specified.

- g. 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: 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.

As noted during the inspection, Respondents failed to perform an annual proper operation test (components and criteria) of the probes and/or sensors used for interstitial monitoring of piping as specified.

- h. Pursuant to 40 CFR 280.36(a) as incorporated, to properly operate and maintain UST systems, not later than June 28, 2021, owners and operators must meet one of the following:
 - (1) Conduct a walkthrough inspection that, at a minimum, checks the following equipment as specified below:

(i) Every 30 days (Exception: spill prevention equipment at UST systems receiving deliveries at intervals greater than every 30 days may be checked prior to each delivery):

(A) Spill prevention equipment—visually check for damage; remove liquid or debris; check for and remove obstructions in the fill pipe; check the fill cap to make sure it is securely on the fill pipe; and, for double walled spill prevention equipment with interstitial monitoring, check for a leak in the interstitial area; and

(B) Release detection equipment— check to make sure the release detection equipment is operating with no alarms or other unusual operating conditions present; and ensure records of release detection testing are reviewed and current; and

(ii) Annually:

(A) Containment sumps—visually check for damage, leaks to the containment area, or releases to the environment; remove liquid (in contained sumps) or debris; and, for double walled sumps with interstitial monitoring, check for a leak in the interstitial area; and

(B) Hand held release detection equipment—check devices such as tank gauge sticks or groundwater bailers for operability and serviceability;

(2) Conduct operation and maintenance walkthrough inspections according to a standard code of practice developed by a nationally recognized association or independent testing laboratory that checks equipment comparable to paragraph (a)(1) of this section; or

(3) Conduct operation and maintenance walkthrough inspections developed by the implementing agency that checks equipment comparable to paragraph (a)(1) of this section.

As noted during the inspection, Respondents failed to properly conduct walkthrough inspections to check equipment as specified. Specifically, the last monthly walkthrough inspection was dated August 2023, and the last annual walkthrough inspection was dated February 2024.

- i. Pursuant to 40 CFR 280.245, owners and operators of underground storage tank systems must maintain a list of designated Class A, Class B, and Class C operators with specified information and maintain appropriate records including specified information verifying that training and retraining, as applicable, have been completed, in accordance with § 280.34.

As noted during the inspection, Respondents failed to maintain a list of designated Class A, Class B, and Class C operators with complete information and to maintain appropriate records verifying that training and retraining has been completed. Specifically, the Class C operator certificate expired February 2023.

- j. Pursuant to 40 CFR 280.20(d), the UST system must be properly installed in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and in accordance with the manufacturer's instructions.

As noted during the inspection, Respondents failed to install the UST systems in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and in accordance with the manufacturer's instructions. Specifically, the flex connector at dispenser 5/6 was observed to be actively leaking.

At the December 17, 2024 follow up complaint inspection regarding water in the fuel, it was observed that the flex connector at dispenser 5/6 had been repaired/replaced; however, repair documentation was not provided.

- k. Pursuant to 40 CFR 280.34(a)(3), owners and operators must submit the following information to the implementing agency: reports of all releases including suspected releases (§280.50), spills and overfills (§280.53), and confirmed releases (§280.61).

As noted during the inspection, Respondents failed to submit to IDEM required release reports detailing the active release from the flex connector at dispenser 5/6.

7. Orders of the Commissioner are subject to administrative review by the Office of Administrative Law Proceedings under IC 4-21.5; however, in recognition of the settlement reached, Respondents acknowledge notice of this right and waive any right to administrative and judicial review of this Agreed Order.

II. ORDER

1. This Agreed Order shall be effective ("Effective Date") when it is approved by Complainant or Complainant's delegate and has been received by Respondents. This Agreed Order shall have no force or effect until the Effective Date.
2. Respondents shall comply with the rules listed in the findings of fact above.
3. Within thirty (30) days of the Effective Date, Respondents shall comply with 40 CFR 280.41(b)(1)(i)(B). Specifically, Respondents shall have the RUL piping that conveys regulated substances and found to not have had appropriate monthly monitoring or an annual line tightness test within the 12 months prior to inspection tightness tested by a contractor with appropriate certification and submit documentation/test results to the IDEM case manager at the address specified below.
4. Within thirty (30) days of the Effective Date, Respondents shall comply with 40 CFR 280.40(a)(3)(iii). Specifically, Respondents shall have the automatic line leak detectors tested for proper operation to meet criteria in § 280.44(a) by simulating a leak, with such testing to be performed by a contractor with appropriate certification and submit documentation/test results to the IDEM case manager at the address specified below.
5. Within thirty (30) days of the Effective Date, Respondents shall comply with 40 CFR 280.31(b). Specifically, Respondents shall submit the required documents or have their

UST systems fully inspected by a qualified cathodic protection tester and submit the documents and/or results to the IDEM case manager at the address specified below.

6. Within thirty (30) days of the Effective Date, Respondents shall comply with 40 CFR 280.35(a)(1). Specifically, Respondents shall contract with an appropriately certified contractor to inspect, repair and test all spill prevention equipment and/or containment sumps used for interstitial monitoring of piping in accordance with a standard of practice referenced in the rule and submit documentation/test results to the IDEM case manager at the address specified below.
7. Within thirty (30) days of the Effective Date, Respondents shall comply with 40 CFR 280.35(a)(2). Specifically, Respondents shall contract with an appropriately certified contractor to inspect, repair and test all overfill prevention equipment in accordance with a standard of practice referenced in the rule and submit documentation/test results to the IDEM case manager at the address specified below.
8. Within thirty (30) days of the Effective Date, Respondents shall comply with 40 CFR 280.40(a)(3)(i). Specifically, Respondents shall have all components of the automatic tank gauge or other controllers tested for proper operation by a contractor with appropriate certification and submit documentation/test results to the IDEM case manager at the address specified below.
9. Within thirty (30) days of the Effective Date, Respondents shall comply with 40 CFR 280.40(a)(3)(ii). Specifically, Respondents shall have all components of the automatic tank gauging or other probes and/or sensors used for interstitial monitoring of piping tested for proper operation by a contractor with appropriate certification and submit documentation/test results to the IDEM case manager at the address specified below.
10. Within thirty (30) days of the Effective Date, Respondents shall comply with 40 CFR 280.36(a). Specifically, Respondents shall conduct a monthly and annual walkthrough inspection for all UST systems at the Site in accordance with 40 CFR 280.36(a)(1) and submit documentation/test results to the IDEM case manager at the address specified below.
11. Within thirty (30) days of the Effective Date, Respondents shall comply with 40 CFR 280.245. Specifically, Respondents shall submit to the IDEM case manager at the address specified below a list of those employees designated to be Class C operators and training/retraining records with all necessary information included.
12. Within thirty (30) days, of the Effective Date, Respondents shall comply with 40 CFR 280.20(d). Specifically, Respondents shall either submit documentation verifying the UST systems were installed in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and in accordance with the manufacturer's instructions, or shall notify IDEM of their intent to permanently close all affected UST systems in accordance with 329 IAC 9-6 and any resulting requirement under 40 CFR 280 Subpart F and submit documentation/test results to the IDEM case manager at the address specified below.

13. Within thirty (30) days of the Effective Date, Respondents shall comply with 40 CFR 280.34(a)(3). Specifically, Respondents shall submit all required release reports to the IDEM case manager at the address specified below.
14. All submittals required by this Agreed Order, unless Respondent is notified otherwise in writing by IDEM, shall be sent to:

Jodi Pisula, Enforcement Case Manager
Office of Land Quality
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, IN 46204-2251

15. Pursuant to IC 13-30-4-1, Respondents are assessed and agree to pay a civil penalty of Twenty Thousand Eight Hundred Dollars (\$20,800.00), for which Respondents are jointly and severally liable. After this Agreed Order is adopted (signed by the Assistant Commissioner of the Office of Land Quality), Respondents shall pay by the due date printed on the Invoice that will be attached to the adopted Agreed Order.

Civil and stipulated penalties are payable to the "Indiana Department of Environmental Management" by:

Mail:

Civil penalties are payable by check to the "Indiana Department of Environmental Management." Checks shall include the Case Number of this action and shall be mailed to:

Indiana Department of Environmental Management
Accounts Receivable
P.O. Box 3295
Indianapolis, IN 46206

Online:

Accounts Receivable is accepting payments online by e-Check, Master Card, Visa or Discover. Please visit www.IN.gov/IDEM. Under Online Services, click Online Payment options and follow the prompts. A processing fee of \$0.40 plus 2.06% will be charged for credit card payments. A processing fee of \$0.15 will be charged for eCheck payments. The Case Number is required to complete the process.

Phone:

You may also call us at 317-234-3099 and follow the instructions for Master Card, Visa or Discover payments. A processing fee of \$0.40 plus 2.06% will be charged for credit card payments. A processing fee of \$0.15 will be charged for eCheck payments. The Case Number is required to complete the process.

16. In the event the terms and conditions of the following paragraphs are violated, Complainant may assess, and Respondents shall pay a stipulated penalty in the following amount:

<u>Paragraph</u>	<u>Stipulated Penalty</u>
Order paragraph #3	\$100.00 per week
Order paragraph #4	\$100.00 per week
Order paragraph #5	\$100.00 per week
Order paragraph #6	\$100.00 per week
Order paragraph #7	\$100.00 per week
Order paragraph #8	\$100.00 per week
Order paragraph #9	\$100.00 per week
Order paragraph #10	\$100.00 per week
Order paragraph #11	\$100.00 per week
Order paragraph #12	\$100.00 per week
Order paragraph #13	\$250.00 per week

Stipulated penalties shall begin to be assessed on the date after the Effective Date and shall continue until the documentation is submitted as required by the associated paragraph.

17. Stipulated penalties shall be due and payable no later than the thirtieth day after Respondents receive written notice that Complainant has determined a stipulated penalty is due; at which time, a separate invoice will be issued. Complainant may notify Respondents at any time that the stipulated penalty is due. Failure to notify Respondents in writing in a timely manner of a stipulated penalty assessment shall not waive Complainant's right to collect such stipulated penalty or preclude Complainant from seeking additional relief against Respondents for violation of this Agreed Order. Neither assessment nor payment of stipulated penalties shall preclude Complainant from seeking additional relief against Respondents for a violation of this Agreed Order; such additional relief includes any remedies or sanctions available pursuant to Indiana law, including, but not limited to, civil penalties pursuant to IC 13-30-4. Respondents are jointly and severally liable for all stipulated penalty assessments.
18. In the event that the monies due to IDEM pursuant to this Agreed Order are not paid on or before their Due Date, Respondents shall pay an additional penalty of 10 percent, payable to "Indiana Department of Environmental Management," and shall be payable to IDEM in the manner specified in Paragraph 15, above.
19. Signatories to this Agreed Order certify that they are fully authorized to execute this Agreed Order and legally bind the party they represent.
20. This Agreed Order shall jointly and severally apply to and be binding upon Respondents and all successors and assigns. Respondents shall provide a copy of this Agreed Order, if in force, to any subsequent owners, successors, or assigns before ownership rights are transferred.
21. No change in ownership, corporate, or partnership status of Respondents shall in any way alter the Respondents' status or responsibilities under this Agreed Order.

22. Respondents shall ensure that all contractors, firms, and other persons performing work under this Agreed Order comply with the terms of this Agreed Order.
23. In the event that any terms of this Agreed Order are found to be invalid, the remaining terms shall remain in full force and effect and shall be construed and enforced as if this Agreed Order did not contain the invalid terms.
24. This Agreed Order is not and shall not be interpreted to be a permit or a modification of an existing permit. This Agreed Order, and IDEM's review, or approval of any submittal made by Respondents pursuant to this Agreed Order, shall not in any way relieve Respondents of the obligation to comply with the requirements of any applicable permits or any applicable Federal or State laws or regulations.
25. Complainant does not, by its approval of this Agreed Order, warrant or aver in any manner that Respondents' compliance with any aspect of this Agreed Order will result in compliance with the provisions of any permit, order, or any applicable Federal or State law or regulation. Additionally, IDEM or anyone acting on its behalf shall not be held liable for any costs or penalties Respondents may incur as a result of Respondents' efforts to comply with this Agreed Order.
26. Nothing in this Agreed Order shall prevent or limit IDEM's rights to obtain penalties or injunctive relief under any applicable Federal or State law or regulation, except that IDEM may not, and hereby waives its right to seek additional civil penalties for the violations specified in the NOV.
27. Nothing in this Agreed Order shall prevent IDEM or anyone acting on its behalf from communicating with the U.S. Environmental Protection Agency (U.S. EPA) or any other agency or entity about any matters relating to this enforcement action. IDEM or anyone acting on its behalf shall not be held liable for any costs or penalties Respondents may incur as a result of such communications with the U.S. EPA or any other agency or entity.
28. This Agreed Order shall remain in effect until IDEM issues a Resolution of Case letter to Respondents.

REMAINDER OF PAGE LEFT BLANK INTENTIONALLY

TECHNICAL RECOMMENDATION:
Department of Environmental Management

By: Jennifer Reno
Jennifer Reno, Chief
Land Enforcement Section
Compliance Branch
Office of Land Quality

Date: 5/2/2025

RESPONDENT:
New Venture LLC

By: _____
Printed: _____
Date: _____

COUNSEL FOR RESPONDENT:

By: _____
Printed: _____
Date: _____

RESPONDENT:
Waheguru Sache Patshah LLC

By: _____
Printed: _____
Date: _____

COUNSEL FOR RESPONDENT:

By: _____
Printed: _____
Date: _____

APPROVED AND ADOPTED BY THE INDIANA DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT THIS _____ DAY OF _____, 20____

For the Commissioner:

Brian Wolff
Assistant Commissioner
Office of Land Quality

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece.

1. Article Number (Transfer from service label)

60-02L (1833) DBATES 30682-U
NEW VENTURE LLC PROPERTY OWNER
3921 SPYLA RD
BARGERSVILLE IN 46106



9590 9402 8571 3244 6395 90

2. Article Number (Transfer from service label)

9589 0710 5270 1592 6818 41

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Shashi*☐ Agent☐ Addressee

B. Received by (Printed Name)

Shashi Kumar

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type

☒ Adult Signature☐ Adult Signature Restricted Delivery☒ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Restricted Delivery☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

60-02L (1833) DBATES 30682-U
SHASHI KUMAR MEMBER & REG AGENT
NEW VENTURE LLC UST OWNER
933 W TIPTON ST
SEYMOUR IN 47274



9590 9402 8571 3244 6396 06

2. Article Number (Transfer from service label)

9589 0710 5270 1592 6818 27

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Shashi*☐ Agent☐ Addressee

B. Received by (Printed Name)

Kumar

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Adult Signature☐ Adult Signature Restricted Delivery☒ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Insured Mail☐ Restricted Delivery☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

60-02L (1833) DBATES 30682-U
SHASHI KUMAR MEMBER & REG AGENT
WAHEGURU SACHE PATSHAH LLC
UST OPERATOR
933 W TIPTON ST
SEYMOUR IN 47274



9590 9402 8571 3244 6396 13

2. Article Number (Transfer from service label)

9589 0710 5270 1592 6818 34

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Sachil

- ☐ Agent
☐ Address

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- | | |
|--|---|
| ☒ Adult Signature | ☐ Priority Mail Express® |
| ☐ Adult Signature Restricted Delivery | ☐ Registered Mail™ |
| ☒ Certified Mail® | ☐ Registered Mail Restr: Delivery |
| ☐ Certified Mail Restricted Delivery | ☐ Signature Confirmation |
| ☐ Collect on Delivery | ☐ Signature Confirmation Restricted Delivery |
| ☐ Collect on Delivery Restricted Delivery | |
| ☐ all Restricted Delivery | |

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Recel

Tracking Number:

Remove X

9589071052701592681827

Copy Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was delivered to an individual at the address at 10:17 am on June 23, 2025 in SEYMOUR, IN 47274.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, Left with Individual

SEYMOUR, IN 47274
June 23, 2025, 10:17 am

See All Tracking History

What Do USPS Tracking Statuses Mean? (<https://faq.usps.com/s/article/Where-is-my-package>)

Feedback

Text & Email Updates



USPS Tracking Plus®



Product Information



See Less ^

Track Another Package

Enter tracking or barcode numbers

Tracking Number:

Remove X

9589071052701592681834

Copy Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was delivered to an individual at the address at 10:27 am on June 20, 2025 in SEYMOUR, IN 47274.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered
Delivered, Left with Individual
SEYMOUR, IN 47274
June 20, 2025, 10:27 am

[See All Tracking History](#)

[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

Feedback

Text & Email Updates



USPS Tracking Plus®



Product Information



See Less ^

Track Another Package

Enter tracking or barcode numbers

Tracking Number:

Remove X

9589071052701592681841

Copy Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was delivered to an individual at the address at 3:52 pm on June 20, 2025 in BARGERSVILLE, IN 46106.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, Left with Individual

BARGERSVILLE, IN 46106
June 20, 2025, 3:52 pm

See All Tracking History

What Do USPS Tracking Statuses Mean? (<https://faq.usps.com/s/article/Where-is-my-package>)

Feedback

Text & Email Updates



USPS Tracking Plus®



Product Information



See Less ^

Track Another Package

Enter tracking or barcode numbers