



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

March 2, 2023

G & N Property LLC
Attn: Gurmail Singh, Registered Agent
1402 Ashton Ct
Goshen, IN 46526

Simar Petroleum Inc
Attn: Gurmail Singh, Registered Agent
15482 Bryanton Ct
Granger, IN 46530

Re: Violation Letter
Simars Convenience 2
2068 E Market St
Nappanee, Elkhart County
UST Facility ID # **18406**

Dear Mr. Singh:

An inspector from the Indiana Department of Environmental Management (IDEM), Underground Storage Tank (UST) Section, conducted an inspection of the site referenced above on January 27, 2023.

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.

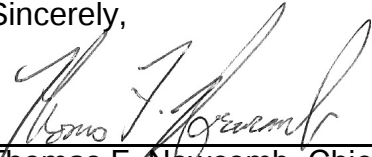
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **18406**.

Inspector: Tristan Voge
Phone: (317) 719-2574

Direct any questions regarding the inspection to:

Compliance Manager: Carrie Maniet
Phone: (317) 233-3533

Sincerely,



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

cc: Carrie Maniet
Tristan Voge
UST Facility ID File # 18406
Simars Convenience 2
Attn: Gurmail Singh
Via email: gslubana@yahoo.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: Simars Convenience 2	UST FACILITY ID: 18406
ADDRESS: 2068 E Market St, Nappanee, Elkhart County	INSPECTION DATE: 01/27/2023

VIOLATIONS NOTED IN THIS INSPECTION

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

Citation:

Pursuant to 329 IAC 9-2-2(c), an owner required to submit a notification under this section shall provide:

- (1) a notification for each UST owned;
- (2) complete information required on the form for each UST owned; and
- (3) if applicable, a separate notification form for each separate place of operation at which the USTs are located.

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because an up to date notification form is needed with the correct overfill prevention equipment information.

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.

§ 280.31(b) – Failure to inspect CP system, frequency and criteria

Citation:

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.

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because diesel UST failed testing on 3/11/2022 and no documentation of repairs or retest has been provided.

Corrective Action:

The owner and/or operator of the UST systems at this site shall submit to IDEM the required documents within fifteen (15) days of receipt of this notice or have their UST systems fully inspected by a qualified cathodic protection tester within fifteen (15) days and submit the results within thirty (30) days of receipt of this notice.

§ 280.36(a)(1)(i) – Failure to perform 30 day walkthrough inspections

Citation:

Pursuant to 40 CFR 280.36(a)(1)(i), to properly operate and maintain UST systems, not later than June 28, 2021, owners and operators must conduct a walkthrough inspection every 30 days that, at a minimum, checks spill prevention equipment and release detection equipment (Exception: spill prevention equipment at UST systems receiving deliveries at intervals greater than every 30 days may be checked prior to each delivery).

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because walkthrough inspections have not been provided.

Corrective Action:

The owner and/or operator of the UST systems at this site shall, within seven (7) days of receipt of this notice, perform the 30 day walkthrough inspection for all UST systems at the site in accordance with a standard of practice referenced in the rule. Documentation, to include photographs, inspection forms, repair documents, and waste disposal records, showing the walkthrough inspection has been completed must be submitted within forty five (45) days of the receipt of this notice.

§ 280.36(a)(1)(ii) – Failure to perform annual walkthrough inspections
Citation:
Pursuant to 40 CFR 280.36(a)(1)(ii), to properly operate and maintain UST systems, not later than June 28, 2021 owners and operators must conduct a walkthrough inspection annually that, at a minimum, checks containment sumps and hand held release detection equipment.
Violation Details:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because walkthrough inspection has not been provided.</i>
Corrective Action:
The owner and/or operator of the UST systems at this site shall, within seven (7) days of receipt of this notice, perform the annual walkthrough inspection for all UST systems at the site in accordance with a standard of practice referenced in the rule. Documentation, to include photographs, inspection forms, repair documents, and waste disposal records, showing the walkthrough inspection has been completed must be submitted within forty five (45) days of the receipt of this notice.



UNDERGROUND STORAGE TANK INSPECTION REPORT

INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

UST FAC ID: **18406**

Inspector's Name:	Tristan Voge
Date:	January 27, 2023
Time In:	12:20
Time Out:	12:55
Inspection Type:	Initial

FACILITY NAME / LOCATION					
FACILITY NAME Simars Convenience 2			FACILITY ADDRESS (number and street) 2068 E Market St		
ADDRESS (line 2)		CITY Nappanee	STATE IN	ZIP CODE 46550	COUNTY Elkhart
UST OWNER					
UST Owner Name (If in Individual Capacity) G & N Property LLC				BUSINESS ID (From the Secretary of State) 201809061277750	
PREFIX	FIRST NAME Gurmail	MI	LAST NAME Singh		SUFFIX
TELEPHONE NUMBER		EMAIL ADDRESS gslubana@yahoo.com			
UST OPERATOR					
UST Operator Name (If in Individual Capacity) Simar Petroleum Inc				BUSINESS ID (From the Secretary of State) 2010111800446	
PREFIX	FIRST NAME Gurmail	MI	LAST NAME Singh		SUFFIX
TELEPHONE NUMBER		EMAIL ADDRESS gslubana@yahoo.com			
PROPERTY OWNER					
UST Property Owner Name (If in Individual Capacity) G & N Property LLC				BUSINESS ID (From the Secretary of State) 201809061277750	
PREFIX	FIRST NAME Gurmail	MI	LAST NAME Singh		SUFFIX
TELEPHONE NUMBER		EMAIL ADDRESS gslubana@yahoo.com			
COMPLIANCE ELEMENTS					
All USTs properly registered and up-to-date notification form on file			☐ YES	☒ NO	☐ UNK
An up to date notification form is needed with the correct overfill prevention equipment information.					
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
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
According to the provided overfill test report, the ball float valves have been removed.					
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
01/2022-01/2023 monthly/annual walkthroughs not provided.					
40 CFR 280, Subpart D release detection requirements met			☐ YES	☒ NO	☐ UNK
Up to date ATG/probes/line tightness/leak detector test reports were not provided.					
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 four (4) USTs - Stip3 - Installed 6/30/1987

Two (2) 10K GSL

One (1) 10K DSL

One (1) 4K KER

Section Chief Note: The normal operational lifespan of a UST before failing is 25 to 30 years old. The USTs at this site are now 36 years old, likely out of warranty and the owner should already be planning on removing or replacing them soon.

Piping - FG - Pressurized (KER European)

RD UST - ATG

CP UST - Galvanic

RD Piping - LTT - LD

Spill protection/Overfill - Spill bucket - Ball float

ATG Certification = Y

Overfill Protection Test = y

Spill bucket Test = Y

Containment Sumps Test Required N

Last known CP 5/13/2016

Site is an active gas station

Any Site history or concerns - ATG print out submitted are not legible, KER UST spill bucket failed and no overfill could be accessed to test.

Documentation received -

Notification form - 5/17/2019 (Approval letter sent)

RD UST monthly results - Poor quality photo and not legible.

RD Piping LTT 12/27/2021

LD 12/27/2021 Pass

Annual ATG/Probe test 12/27/2021 Pass

Spill bucket test 12/27/2021 (KER Failed)

Overfill test required 11/29/2022 Pass

Overfill test 12/27/2021 (All failed)

Monthly walk through 10/2022

FR CD valid until 12/2/2023

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

- All STP containment sumps and UDCs 5/6 and 7 contained fluid that should be cleaned out and monitored as needed. The source of the fluid should be determined and remediated as needed.

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.

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

1. An up to date Notification Form is needed with the correct overfill prevention equipment information.
2. Diesel UST failed corrosion protection testing and no documentation of repairs or passing retest has been provided.
2. 01/2022-01/2023 monthly walkthroughs were not provided.
3. An annual walkthrough inspection was not provided.

The following are RECORDS to be submitted to USTCompliance@idem.IN.gov with FID in subject line within 30 days of receipt of this inspection report to avoid further action and achieve compliance with the state underground storage tank program:

- An up to date notification form
- Documentation of repairs and passing corrosion protection test results for diesel UST
- 01/2022-01/2023 monthly walkthroughs
- An annual walkthrough inspection