



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

March 24, 2023

S & J Partnership Inc
Attn: Santosh Kaur, Registered Agent
1950 Bramble Trace
Chesterton, IN 46304

S & J Partnership Inc
Attn: Santosh Kaur
Via email: handyspotcleveland@gmail.com

Re: Violation Letter
Handy Spot
509 E US Hwy 20
Michigan City, La Porte County
UST Facility ID # **16409**

Dear Ms. Kaur:

An inspector from the Indiana Department of Environmental Management (IDEM), Underground Storage Tank (UST) Section, conducted an inspection of the site referenced above on February 8, 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 will be referred to Enforcement.

Details of the inspection may be found in the enclosed inspection report. An enforcement case manager will be assigned and IDEM will issue an appropriate enforcement response. Please direct any questions regarding the inspection to:

Compliance Manager: Jordan Ware
Phone: (317) 232-2045

Sincerely,

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

cc: Jordan Ware

UST Facility ID File # 16409

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: Handy Spot

UST FACILITY ID: 16409

ADDRESS: 509 E US Hwy 20
Michigan City
La Porte County

INSPECTION DATE:
02/08/2023

VIOLATIONS NOTED IN THIS INSPECTION

§ 280.34 – Reporting and recordkeeping (general provisions)

Citation:

Pursuant to 40 CFR 280.34, owners and operators of UST systems must cooperate fully with inspections, monitoring and testing conducted by the implementing agency, as well as requests for document submission, testing, and monitoring by the owner or operator pursuant to section 9005 of Subtitle I of the Solid Waste Disposal Act, as amended.

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because records were not submitted at initial request 12/05/2022 and required records were not provided during the inspection 02/08/2023.

329 IAC 9-8-11(b) – Failure to demonstrate the ability to pay the deductible amount

Citation:

Pursuant to 329 IAC 9-8-11(b), an owner or operator of:

- (1) twelve (12) or fewer USTs shall demonstrate the ability to pay the applicable deductible amount under IC 13-23-9-1.3; or
- (2) more than twelve (12) USTs shall demonstrate the ability to pay two (2) times the applicable deductible amount under IC 13-23-9-1.3.

Violation Details:

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

§ 280.30(a) – Failure to ensure a release does not occur and/or transfer operation is monitored constantly

Citation:

Pursuant to 40 CFR 280.30(a), owners and operators must ensure that releases due to spilling or overfilling do not occur. The owner and operator must ensure that the volume available in the tank is greater than the volume of product to be transferred to the tank before the transfer is made and that the transfer operation is monitored constantly to prevent overfilling and spilling.

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because REG South drop tube has an obstruction to prevent auto shut-off from performing as designed.

§ 280.43(d) – Failure to perform Automatic Tank Gauging to standard

Citation:

Pursuant to 40 CFR 280.43(d), equipment for automatic tank gauging that tests for the loss of product and conducts inventory control must meet the following requirements:

- (1) The automatic product level monitor test can detect a 0.2 gallon per hour leak rate from any portion of the tank that routinely contains product;
- (2) The automatic tank gauging equipment must meet the inventory control (or other test of equivalent performance) requirements of § 280.43(a); and
- (3) The test must be performed with the system operating in one of the following modes:
 - (i) In-tank static testing conducted at least once every 30 days; or
 - (ii) Continuous in-tank leak detection operating on an uninterrupted basis or operating within a process that allows the system to gather incremental measurements to determine the leak status of the tank at least once every 30 days.

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because the ATG does not appear to be programmed to the standard volumes as it has the tanks programmed to a higher volume than what is expected for fiberglass tanks.

§ 280.40(a)(3)(iii) – Failure to perform annual tests of ALLD
Citation:
Pursuant to 40 CFR 280.40(a)(3)(iii), owners and operators of UST systems must provide a method, or combination of methods, of release detection that beginning on October 13, 2018, 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: (iii) Automatic line leak detector: test operation to meet criteria in § 280.44(a) by simulating a leak.
Violation Details:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because documentation of annual line leak detector test was not provided.</i>

§ 280.41(b)(1)(i)(B) – Failure to perform annual piping LTT or monthly monitoring
Citation:
Pursuant to 40 CFR 280.41(b)(1)(i)(B), pressurized underground piping installed on or before April 11, 2016 (previously cited as September 2, 2009 under 329 IAC 9-2-1(2)(D)) 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).
Violation Details:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because documentation of annual line tightness test was not provided.</i>

§ 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:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because documentation of periodic test results for the corrosion protection system for the DSL piping was not provided.</i>

§ 280.35(a)(1) – Failure to perform periodic testing of spill prevention equipment and containment sumps used for IM
Citation:
Pursuant to 40 CFR 280.35(a)(1), owners and operators of UST systems with spill and overfill prevention equipment and containment sumps used for interstitial monitoring of piping must meet these requirements to ensure the equipment is operating properly and will prevent releases to the environment: (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.
Violation Details:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because documentation of periodic test results for the spill buckets was not provided.</i>

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

Citation:

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.

Violation Details:

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

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

Citation:

Pursuant to 40 CFR 280.40(a)(3)(i), owners and operators of UST systems must provide a method, or combination of methods, of release detection that beginning on October 13, 2018, 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 documentation of annual test result of the ATG unit was not provided.

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

Citation:

Pursuant to 40 CFR 280.40(a)(3)(ii), owners and operators of UST systems must provide a method, or combination of methods, of release detection that beginning on October 13, 2018, 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 annual test result of the probes was not provided.

§ 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 monthly walkthroughs February 2022 - February 2023 were not provided.

§ 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 annual walkthrough inspection for 2022 - 2023 was not provided.</i>

§ 280.245 – Failure to maintain list of designated operators and/or training records
Citation:
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 and maintain records verifying that training and retraining, as applicable, have been completed, in accordance with § 280.34.
Violation Details:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because Operator Certificates A, B and C were not provided.</i>



UNDERGROUND STORAGE TANK INSPECTION REPORT

INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

UST FAC ID: **16409**

Inspector's Name:	Adam James
Date:	February 8, 2023
Time In:	10:15
Time Out:	11:20
Inspection Type:	Initial

FACILITY NAME / LOCATION					
FACILITY NAME Handy Spot		FACILITY ADDRESS (number and street) 509 E US Hwy 20			
ADDRESS (line 2)	CITY Michigan City	STATE IN	ZIP CODE 46360	COUNTY La Porte	
UST OWNER					
UST Owner Name (If in Individual Capacity) S&J Partnership Inc			BUSINESS ID (From the Secretary of State) 201609091157765		
PREFIX Ms.	FIRST NAME Santosh	MI	LAST NAME Kaur		SUFFIX
TELEPHONE NUMBER (317) 373-4227		EMAIL ADDRESS handyspotcleveland@gmail.com			
UST OPERATOR					
UST Operator Name (If in Individual Capacity) S&J Partnership Inc			BUSINESS ID (From the Secretary of State) 201609091157765		
PREFIX Ms.	FIRST NAME Santosh	MI	LAST NAME Kaur		SUFFIX
TELEPHONE NUMBER (317) 373-4227		EMAIL ADDRESS handyspotcleveland@gmail.com			
PROPERTY OWNER					
UST Property Owner Name (If in Individual Capacity) S&J Partnership Inc			BUSINESS ID (From the Secretary of State) 201609091157765		
PREFIX Ms.	FIRST NAME Santosh	MI	LAST NAME Kaur		SUFFIX
TELEPHONE NUMBER (317) 373-4227		EMAIL ADDRESS handyspotcleveland@gmail.com			
COMPLIANCE ELEMENTS					
All USTs properly registered and up-to-date notification form on file			☒	YES	☐ NO ☐ UNK
O/O is in compliance with reporting & record keeping requirements			☐	YES ☒ NO	☐ UNK
No records submitted on initial request 12/05/2023 and insufficient records collected on site.					
O/O is in compliance with release reporting or investigation			☐	YES ☐ NO ☒ N/A	☐ UNK
O/O is in compliance with all UST closure requirements			☐	YES ☐ NO ☒ N/A	☐ UNK
O/O has met all financial responsibility requirements			☐	YES ☒ NO ☐ N/A	☐ UNK
Financial responsibility documentation					
40 CFR 280, Subpart A installation requirements (partially excluded) met			☒	YES ☐ NO ☐ N/A	☐ UNK
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	☐ UNK
REG South drop tube has an obstruction to prevent auto shut-off from performing as design.					
40 CFR 280, Subpart C compatibility requirements met			☒	YES ☐ NO ☐ N/A	☐ UNK
40 CFR 280, Subpart C O&M and testing requirements met			☐	YES ☒ NO ☐ UNK	
Corrosion prevention test, Spill bucket test, Overfill test, Monthly & annual walkthroughs					
40 CFR 280, Subpart D release detection requirements met			☐	YES ☒ NO ☐ UNK	
Line leak detector and line tightness tests, ATG/probe test					
40 CFR 280, Subpart J operator training requirements met			☐	YES ☒ NO ☐ UNK	
Operator Certificate A, B and C					

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) FG SW USTs installed in August 1987
- One (1) 10K PREM
- One (1) 10K REG (manifolded)
- One (1) 10K REG (manifolded)
- One (1) 10K DSL

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 is Geoflex DW and pressurized

RD UST = ATG

RD Piping = LLD, LTT

Overfill/Spill = Spill Buckets + Auto Shutoff (consistent) + UDC

ATG Certification = N

Overfill Protection Test = N

Spill bucket Test = N

Containment Sumps Test Not Required

Site History:

Site is an active service station. 10K DSL temporary closure NF was submitted in 2011 (VFC Doc# 61897883). NF submitted through 1/7/21 indicated that the UST was still in temporary closure. Most current NF submitted 9/2/20 indicates that the UST is currently in use. A violation letter was sent 5/4/20 citing 6 violations that has not returned to compliance (VFC Doc# 82963294). Tank fees are in arrears for 2021 and 2022.

Contact Information

Santosh Kaur, handyspotcleveland@gmail.com

Documentation not provided at the time of the file review:

- (NF 9/2/20, approved 1/7/21)
- Certificate of Financial Responsibility
- Operator Certificates A, B, C
- UST RD (ATG)
- LTT
- LLD
- ATG/Probe Certification
- Overfill Test
- Spill Bucket Test
- Monthly Walkthroughs
- Annual Walkthrough

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: The DSL STP sump was full of fluids with the surrounding concrete removed. The attendant informed the inspector that pump was shut down due to the freezing water in the sump. The sump was checked for the presence of product to see if the lines had ruptured utilizing fuel paste. The presence of fuel could not be confirmed.

- It appears that DSL piping in the dispensers is set up for corrosion protection, however were not tested.

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

1. REG North UST does not have vapor recovery installed. The vapor recovery port with the spring seal was removed with some sort of covering in it's place. The cover has two holes that would allow vapors to escape. A functioning vapor recovery port should be installed. In addition, REG South vapor recovery cap is missing the rubber seal. Vapor recovery cap should be replaced.

2. ATG port for the REG North and REG South USTs appears to be exposed wires with no isolation material. Exposed wires should be isolated to prevent a spark or accidental electrocution.

3. Fluids were observed in REG North and PREM spill buckets, sump and UDCs. Dispenser 1/2 and 5/6 were checked for the presence of product utilizing fuel paste. Both UDCs contained about 5 to 6 inches of product. Fluids should be removed from spill buckets, sump and UDCs along with being periodically monitored.

4. Used fuel filters were observed at the base of dispenser UDCs. Used fuel filters should be removed.

5. REG South and DSL spill bucket covers are cracked on the outer edge. Spill bucket covers should be replaced.

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:

6. Records were not submitted at initial request 12/05/2022 and required records were not provided during the inspection 02/08/2023.

7. Documentation of financial responsibility was not provided.

8. REG South drop tube has an obstruction to prevent auto shut-off from performing as designed.

9. ATG to standard. The ATG does not appear to be programmed to the standard volumes as it has the tanks programmed to a higher volume than what is expected for fiberglass tanks. A tank chart is needed to determine the exact values.

10. Documentation of annual line leak detector and line tightness tests were not provided.

11. Documentation of periodic test results for the corrosion protection system for the DSL piping was not provided.

12. Documentation of periodic test results for the spill buckets was not provided.

13. Documentation of periodic test results for the overfill prevention device was not provided.

14. Documentation of annual test result of the ATG unit and probes was not provided.

15. Monthly walkthroughs February 2022 - February 2023 were not provided.

16. Annual walkthrough inspection for 2022 - 2023 was not provided.

17. Operator Certificates A, B and C were not provided.

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

- Certificate of Financial Responsibility
- Corrosion protection test (DSL piping)
- Operator Certificates A, B, C
- Line leak detector and line tightness tests
- ATG/Probe Certification
- Overfill Test
- Spill Bucket Test
- Monthly and Annual walkthrough inspections
- Confirmation that the obstruction in the REG South drop tube has been removed
- Tank charts