



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

August 8, 2022

P&L Ghotra Properties LLC
Attn: Priya Lakshmi, Registered Agent
6520 Lake Crest Cir
South Bend, IN 46628

Western Citgo
Attn: Priya Lakshmi, Registered Agent
6520 Lake Crest Cir
South Bend, IN 46628

Re: Violation Letter
PL Expo Food & Beer
4005 Western Ave
South Bend, St. Joseph County
UST Facility ID # **15454**

Dear Ms. Lakshmi:

An inspector from the Indiana Department of Environmental Management (IDEM), Underground Storage Tank (UST) Section, conducted an inspection of the site referenced above on July 18, 2022.

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.

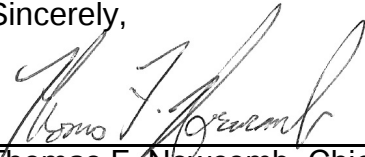
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **15454**.

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 # 15454
PL Expo Food & Beer
Attn: Priya Lakshmi
Via email: priya9818@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: PL Expo Food Beer	UST FACILITY ID: 15454
ADDRESS: 4005 W Western Ave, South Bend, St Joseph County	INSPECTION DATE: 07/18/2022
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:
<i>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 ownership, overfill prevention method, missing/incorrect RD method piping and information of UST configuration.</i>
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.

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:
<i>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.</i>

Corrective Action:

The owner and/or operator of the UST systems at this site shall submit a copy of the instrument proving they have the coverage required by this rule within thirty (30) days of receipt of this notice.

§ 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:

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.

Corrective Action:

The owner and/or operator of the UST systems at this site shall have the automatic line leak detectors tested for proper operation by simulating a leak within thirty (30) days of receipt of this notice and submit the results within forty five (45) days of receipt of this notice.

§ 280.43(g) – Failure to perform Interstitial Monitoring to standard
Citation:
Pursuant to 40 CFR 280.43(g), interstitial monitoring between the UST system and a secondary barrier immediately around or beneath it may be used, but only if the system is designed, constructed, and installed to detect a leak from any portion of the tank that routinely contains product and also meets one of the following requirements: (1) For double walled UST systems, the sampling or testing method can detect a leak through the inner wall in any portion of the tank that routinely contains product; (2) For UST systems with a secondary barrier within the excavation zone, the sampling or testing method used can detect a leak between the UST system and the secondary barrier.
Violation Details:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because dispensers do not have jumpers installed at the t-sections of piping. In addition, the testing boot below dispensers was in an open position but no sensor was found.</i>
Corrective Action:
The owner and/or operator of the UST systems at this site shall have any UST or piping that contains a regulated amount of product and found to not have been monitored every thirty (30) days correctly while using interstitial monitoring 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)(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, sumps and UDCs were not provided.</i>

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 spill prevention equipment and containment sumps. Documentation, to include photographs, inspection, repair and testing results, showing the spill prevention equipment and containment sumps are liquid tight must be submitted within forty five (45) days of 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), 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 were not provided.

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), 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:
<i>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 were not provided.</i>
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), 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:
<i>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 sensors were not provided.</i>
Corrective Action:
The owner and/or operator of the UST systems at this site shall have all components of the automatic tank gauging sensors 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.

§ 280.36(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:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because monthly walkthroughs July 2021- July 2022 were not 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 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:

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 was not 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 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.

§ 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:

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.

Corrective Action:

The owner or operator of the UST systems at this site shall submit a list of those employees designated to be Class A, Class B and Class C operators. Those so designated must be trained and certification of that training submitted within thirty (30) days of receipt of this notice.



UNDERGROUND STORAGE TANK INSPECTION REPORT

INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

UST FAC ID: **15454**

Inspector's Name:	Adam James
Date:	July 18, 2022
Time In:	11:00
Time Out:	11:40
Inspection Type:	Initial

FACILITY NAME / LOCATION					
FACILITY NAME PL Expo Food Beer Incorporated			FACILITY ADDRESS (number and street) 4005 W Western Ave		
ADDRESS (line 2)		CITY South Bend	STATE IN	ZIP CODE 46619	COUNTY St. Joseph
UST OWNER					
UST Owner Name (If in Individual Capacity) P&L Gothra Properties LLC				BUSINESS ID (From the Secretary of State) 201606131145601	
PREFIX Mr	FIRST NAME Priya	MI	LAST NAME Lakshmi		SUFFIX
TELEPHONE NUMBER		EMAIL ADDRESS priya9818@gmail.com			
UST OPERATOR					
UST Operator Name (If in Individual Capacity) Western Citgo				BUSINESS ID (From the Secretary of State) 201703151186044	
PREFIX Mr	FIRST NAME Priya	MI	LAST NAME Lakshmi		SUFFIX
TELEPHONE NUMBER (574) 404-6643		EMAIL ADDRESS priya9818@gmail.com			
PROPERTY OWNER					
UST Property Owner Name (If in Individual Capacity) P&L Gothra Properties LLC				BUSINESS ID (From the Secretary of State) 201606131145601	
PREFIX Mr	FIRST NAME Priya	MI	LAST NAME Lakshmi		SUFFIX
TELEPHONE NUMBER		EMAIL ADDRESS priya9818@gmail.com			
COMPLIANCE ELEMENTS					
All USTs properly registered and up-to-date notification form on file			☐ YES	☒ NO	☐ UNK
An updated notification form with the correct ownership, missing/incorrect RD method piping and information of UST configuration.					
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
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
Spill bucket/sump/UDC test, Overfill prevention test, Monthly and annual walkthrough inspections					
40 CFR 280, Subpart D release detection requirements met			☐ YES	☒ NO	☐ UNK
Line leak detector test, Interstitial monitoring not to standard, ATG/sensor test					
40 CFR 280, Subpart J operator training requirements met			☐ YES	☒ NO	☐ UNK
Operator Certificates 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:

- One (1) Actual FG DW USTs, installed in November 2016 (15K Split 12/3)
- One (1) 12K REG GSL (T1 C1)
- One (1) 3K PREM GSL (T1 C2)
- Product piping is APT Flex DW and pressurized

RD UST = ATG, INT

RD Piping = LLD, LTT, ATG, INT (missing)

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

ATG Certification = N

Overfill Protection Test = N

Spill bucket Test = N

Containment Sumps Test (Required) = N

P&L Gothra Properties LLC purchased facility on 11/22/2021 - no updated NF for owner (only updated deed in VFC 5/3/2022)

Based on RD records, UST is compartmentalized - need updated NF

Site History:

Site is an active service station recently transferred to Good Oil Company. The site had USTs, which were removed in 1986. There are two (2) Notification Forms (NF) in the file, one from 1989, showing that five (5) USTs, were removed in 1986, (no information on size, etc.) and a NF from 1986, showing three (3) USTs, made of steel being installed in 1979, which were permanently out of use according to the NF. Investigation, soil sampling, GW sampling, and remediation has been completed at this site as part of a phase II (property transfer) in 1997. LUST Incident 199707523, was issued and a No Further Action (NFA) status was determined in November 2004. Based on the extent of the investigation, if any USTs remained at the site, they would have been found. Two (2) new USTs were installed in 2016.

Contact Information

Priya Lakshmi priya9818@gmail.com

Documentation not provided at the time of the file review:

- Updated NF (NF 8/18/2017, Approval 5/2/2018 - incorrect ownership, missing RD method piping)
- Certificate of Financial Responsibility
- Operator Certificates
- Leak Detector test
- ATG/Sensors certification
- Spill bucket / UDC / STP test
- Overfill test
- Monthly walkthrough inspections
- Annual inspection

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Inspector Notes: Observation of the drop tubes confirms that Auto shut-off (flapper) is not part of the UST overfill prevention. Additionally, it could not be confirm overfill Alarm is on site and located near the tank pit. At the moment it seems that there is no overfill prevention method that is installed. Overfill test is required to be performed and will help determining if ball float is installed and functioning as intended or if the UST has no overfill protection equipment.

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

1. Minor fluids were observed in spill buckets. Fluids should be removed and spill buckets periodically monitored.

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:

2. An updated notification form with the correct ownership, overfill prevention method, missing/incorrect RD method piping and information of UST configuration.

3. Documentation of financial responsibility was not provided.

4. Documentation of annual line leak detector test was not provided.

5. Dispensers do not have jumpers installed at the t-sections of piping. In addition, the testing boot below dispensers was in an open position but no sensor was found.

6. Documentation of periodic test results for the spill buckets, sumps and UDCs were not provided.

7. Documentation of periodic test results for the overfill prevention device were not provided.

8. Documentation of annual test result of the ATG unit and sensors were not provided.

9. Monthly walkthroughs July 2021- July 2022 were not provided.

10. Annual walkthrough inspection for 2022 was not provided.

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

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 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 (update accordingly):

- Updated NF (NF 8/18/2017, Approval 5/2/2018 - incorrect ownership, missing/incorrect RD method piping) + NF needs to have correct UST system configuration. Need confirmation of overfill prevention method.
- Certificate of Financial Responsibility
- Operator Certificates
- Leak Detector test
- ATG/Sensors certification
- Spill bucket / UDC / STP test
- Overfill test
- Monthly walkthrough inspections
- Annual inspection
- Confirmation of installation of jumpers and test booting is in the closed position at the t-sections of piping or the installation of a sensor to monitor the UDCs in the event of a release
- If ball float are not present, the owner will be required to install an overfill mechanism. All new overfill protection would also require testing.