



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

July 13, 2023

SM Gas Inc.
Attn: Sarwan Singh, Registered Agent
15482 Bryanton Ct
Granger, IN 46530

SM Gas Inc
Attn: Sarwan Singh, Registered Agent
Via email: sarwanp3@gmail.com

Re: Violation Letter
Marathon
13060 Jefferson Blvd
Mishawaka, St. Joseph County
UST Facility ID # **16738**

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 June 9, 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.

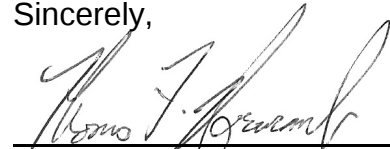
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **16738**.

Inspector: Matt James
Phone: (317) 750-2491

Direct any questions regarding the inspection to:

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

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas F. Newcomb", is written over a horizontal line.

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

cc: Carrie Maniet
Matt James
UST Facility ID File # 16738

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: Marathon	UST FACILITY ID: 16738
ADDRESS: 13060 Jefferson Blvd Mishawaka, In 46546	INSPECTION DATE: 6/9/2023

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 updated notification form with correct overfill protection information is needed.

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.

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

Citation:

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

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

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

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

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because UST fees are owed.

Corrective Action:

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

329 IAC 9-8-11(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 an FR mechanism was not provided.

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.

§ 280.31(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 corrosion protection testing results were not 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.

§ 280.40(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 line leak detector testing results were 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.

§ 280.41(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:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because line tightness testing results were not provided.

Corrective Action:

The owner and/or operator of the UST systems at this site shall have any piping that contains a regulated amount of product and found to not have had appropriate monthly monitoring or an annual line tightness test within the 12 months prior to inspection 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.

§ 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:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because spill bucket testing results 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 spill prevention equipment. Documentation, to include photographs, inspection, repair and testing results, showing the spill prevention equipment is 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 overfill protection testing results 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.

§ 280.20(c)(1)(ii) – Failure to have overfill prevention equipment installed or installed properly

Citation:

Pursuant to 40 CFR 280.20(c)(1)(ii), to prevent spilling and overfilling associated with product transfer to the UST system, owners and operators must use the following spill and overfill prevention equipment:

(ii) Overfill prevention equipment that will:

(A) Automatically shut off flow into the tank when the tank is no more than 95 percent full; or

(B) Alert the transfer operator when the tank is no more than 90 percent full by restricting the flow into the tank or triggering a high-level alarm; or

(C) Restrict flow 30 minutes prior to overfilling, alert the transfer operator with a high level alarm one minute before overfilling, or automatically shut off flow into the tank so that none of the fittings located on top of the tank are exposed to product due to overfilling.

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because documentation submitted to IDEM indicated the overfill protection devices installed were flapper valves and an a alarm. The gasoline UST systems have flapper valves installed and the diesel does not. No alarm was visible to UST inspector around the UST systems.

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 confirm the type of overfill protection device installed for the diesel UST system. An overfill protection device will need to be installed if none is present.

§ 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 ATG testing results were not provided.

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:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because ATG probe testing results were not provided.

Corrective Action:

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

§ 280.20(c)(1)(i) – Failure to have spill prevention equipment that will prevent release

Citation:

Pursuant to 40 CFR 280.20(c)(1)(i), to prevent spilling and overfilling associated with product transfer to the UST system, owners and operators must use the following spill and overfill prevention equipment:

(i) Spill prevention equipment that will prevent release of product to the environment when the transfer hose is detached from the fill pipe (for example, a spill catchment basin).

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because the diesel spill bucket is damaged and needs to be replaced.

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 install or replace the substandard spill prevention equipment that will prevent the release of product to the environment. The UST owner and/or operator must submit proof that the spill prevention equipment has been installed 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 complete 30 day walk through documentation is needed. 12/22 - 5/23 results obtained on-site.</i>
Corrective Action:
The owner and/or operator of the UST systems at this site shall, provide missing walk through documents within forty five (45) days of the receipt of this notice.

§ 280.240 – Failure to designate Class A, Class B or Class C operators that meet requirements
Citation:
Pursuant to 40 CFR 280.240, not later than October 13, 2018, all owners and operators of UST systems must ensure they have designated Class A, Class B, and Class C operators who meet the requirements of this subpart.
Violation Details:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because operator A, B and C training certificates were not provided.</i>
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, B and 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: **16738**

Inspector's Name:	Matt James
Date:	June 9, 2023
Time In:	10:50
Time Out:	11:40
Inspection Type:	Initial

FACILITY NAME / LOCATION					
FACILITY NAME Marathon		FACILITY ADDRESS (number and street) 13060 Jefferson Blvd			
ADDRESS (line 2)	CITY Mishawaka	STATE IN	ZIP CODE 46546	COUNTY St. Joseph	
UST OWNER					
UST Owner Name (If in Individual Capacity) SM Gas Inc.			BUSINESS ID (From the Secretary of State) 201712171228508		
PREFIX	FIRST NAME Sarwan	MI	LAST NAME Singh		SUFFIX
TELEPHONE NUMBER (574) 532-7858		EMAIL ADDRESS sarwanp3@gmail.com			
UST OPERATOR					
UST Operator Name (If in Individual Capacity) SM Gas Inc.			BUSINESS ID (From the Secretary of State) 201712171228508		
PREFIX	FIRST NAME Sarwan	MI	LAST NAME Singh		SUFFIX
TELEPHONE NUMBER (574) 532-7858		EMAIL ADDRESS sarwanp3@gmail.com			
PROPERTY OWNER					
UST Property Owner Name (If in Individual Capacity) SM Gas Inc.			BUSINESS ID (From the Secretary of State) 201712171228508		
PREFIX	FIRST NAME Sarwan	MI	LAST NAME Singh		SUFFIX
TELEPHONE NUMBER (574) 532-7858		EMAIL ADDRESS sarwanp3@gmail.com			
COMPLIANCE ELEMENTS					
All USTs properly registered and up-to-date notification form on file			☐ YES	☒ NO	☐ UNK
Fees are past due for 2021 & 2022. Total amount due \$720.00. Need updated notification form with overfill information.					
O/O is in compliance with reporting & record keeping requirements			☐ YES	☒ NO	☐ UNK
Need annual walk through documents.					
O/O is in compliance with release reporting or investigation			☐ YES	☐ NO	☒ N/A
O/O is in compliance with all UST closure requirements					
O/O has met all financial responsibility requirements			☐ YES	☒ NO	☐ N/A
Need FR mechanism.					
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
Need LLD, LTT, Spill Bucket, Overfill and ATG testing results. Need CP testing.					
40 CFR 280, Subpart D release detection requirements met			☒ YES	☐ NO	☐ UNK
40 CFR 280, Subpart J operator training requirements met			☐ YES	☒ NO	☐ UNK
Need operator training certificates.					

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) - STIP3 - USTs installed 3/1/1989

One (1) 12K GSL

One (1) 8K GSL

One (1) 6K GSL

One (1) 4K 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 34 years old, out of warranty and the owner should already be planning on removing or replacing them soon.

Piping - DW FG - Pressurized

RD UST - ATG

CP UST - Galvanic

RD Piping - ATG - LTT - LD

Spill protection/Overfill - Spill bucket - Flapper & Alarm

ATG Certification = N

Overfill Protection Test = N

Spill bucket Test = N

Containment Sumps Test Required N

Site is an active gas station

Any Site history or concerns - Last known CP test 4/21/2017

Documentation received -

Notification form - 12/29/2016 (Initial approval)

No additional documents received at time of review

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

1. The spill buckets contained fluids/debris and should be monitored and cleaned out when needed.

2. UST inspector was unable to open the sump compartment lid for the premium gasoline UST system. When testing is completed the sump needs to be inspected.

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:

3. The diesel spill bucket is cracked and needs to be replaced.

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:

4. An updated notification form needs to be provided to IDEM. The form needs to detail the correct type of overfill protection device installed on each UST system.

5. Fees are owed.

6. A financial responsibility mechanism was not provided.

7. Corrosion protection testing results were not provided for the UST systems.

8. Line leak detector testing results were not provided.

9. Line tightness testing results were not provided.

10. Spill bucket testing results were not provided.

11. Overfill protection testing results were not provided.

12. Documentation submitted to IDEM indicated the overfill protection devices installed were flapper valves and an alarm. The gasoline UST systems have flapper valves installed and the diesel does not. No alarm was visible to UST inspector around the UST systems. Please confirm the type of overfill protection device installed for the diesel UST system. An overfill protection device will need to be installed if none is present.

13. ATG and ATG probe testing results were not provided.

14. Complete 30 day walk through documentation is needed. Records obtained on-site from 12/22 - 5/23.

15. Operator A, B and C training certificates were not provided.