



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

July 27, 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
BP
26499 US Hwy 20 W
South Bend, St. Joseph County
UST Facility ID # **15670**

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 July 17, 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.

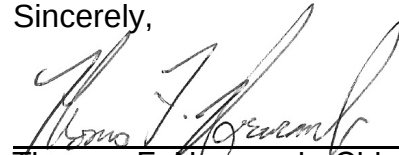
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **15670**.

Inspector: Danny Rice
Phone: (317) 646-5160

Direct any questions regarding the inspection to:

Compliance Manager: Caitlin Shaffer
Phone: (317) 234-4112

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: Caitlin Shaffer
Danny Rice
UST Facility ID File # 15670

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: BP	UST FACILITY ID: 15670
ADDRESS: 26499 US Hwy 20 W	INSPECTION DATE: 07/17/2023

VIOLATIONS NOTED IN THIS INSPECTION

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 of the UST systems at this site is in violation of this rule because tank fees for 2021 and 2022 are in arrears.

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.

§ 280.20(b) – Failure to install, design, construct or protect piping from corrosion

Citation:

Pursuant to 40 CFR 280.20(b), the piping that routinely contains regulated substances and is in contact with the ground must be properly designed, constructed, and protected from corrosion in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory.

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because metal piping components in the diesel and unleaded STP risers appear to be in contact with soil with no form of corrosion protection.

Corrective Action:

The owner and/or operator of the UST systems at this site shall, within fifteen (15) days of receipt of this notice, contract with a certified contractor to determine if the piping or metal components in contact with the ground are substandard and what steps will be taken to provide corrosion protection. The UST owner and/or operator must inform IDEM of the proposed work within thirty (30) days of receipt of this notice and receive approval before completing the work. The work must be completed within forty five (45) days of receipt of this notice. If the piping or metal components are determined to be substandard, the UST owner and/or operator shall immediately notify IDEM of their intent to remove or replace the affected components.

§ 280.41(a)(1) – Failure to monitor tanks every 30 days if installed before 9/2/2009

Citation:

Pursuant to 40 CFR 280.41(a)(1), considering previous Indiana rule at 329 IAC 9-3-1.3 (repealed 2018), tanks installed on or before September 2, 2009 must be monitored for releases at least every 30 days using one of the methods listed in § 280.43(d) through (i).

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because 12 months of release detection records were not provided or available for the 4k diesel tank.

Corrective Action:

The owner and/or operator of the UST systems at this site shall have any UST or line that contains a regulated amount of product and found to not have been monitored every thirty (30) days 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.

§ 280.20(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 ball float overfill was historically noted for all tanks, but auto shutoff devices have been installed.

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 absent or substandard overfill prevention equipment that will operate as required. The UST owner and/or operator must submit proof that the overfill prevention equipment has been installed properly to the 90% or 95% fill level as required by the type of equipment within forty five (45) days of receipt of this notice. In the case where an owner has changed the overfill prevention equipment from a flow restrictor (ball float) to an auto-shutoff device, the owner must document the entire flow restrictor has been removed or that the automatic shut off device is installed at 90% or lower.

§ 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 periodic overfill testing was 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.



UNDERGROUND STORAGE TANK INSPECTION REPORT

INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

UST FAC ID: **15670**

Inspector's Name:	Danny Rice
Date:	July 17, 2023
Time In:	10:00
Time Out:	11:00
Inspection Type:	Initial

FACILITY NAME / LOCATION					
FACILITY NAME BP		FACILITY ADDRESS (number and street) 26499 US Hwy 20 W			
ADDRESS (line 2)	CITY South Bend	STATE IN	ZIP CODE 46628	COUNTY St Joseph	
UST OWNER					
UST Owner Name (Business Name as registered with the Secretary of State) 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 (Business Name as registered with the Secretary of State) SM Gas Inc			BUSINESS ID (From the Secretary of State) 201712171228508		
PREFIX	FIRST NAME	MI	LAST NAME		SUFFIX
TELEPHONE NUMBER (574) 532-7858		EMAIL ADDRESS			
PROPERTY OWNER					
UST Property Owner Name (Business Name as registered with the Secretary of State) SM Gas Inc			BUSINESS ID (From the Secretary of State) 201712171228508		
PREFIX	FIRST NAME	MI	LAST NAME		SUFFIX
TELEPHONE NUMBER (574) 532-7858		EMAIL ADDRESS			
COMPLIANCE ELEMENTS					
All USTs properly registered and up-to-date notification form on file			☐ YES	☒ NO	☐ UNK
Tank fees in arrears for 2021 & 2022. Fees for 2023 due in November					
O/O is in compliance with reporting & record keeping requirements			☒ YES	☐ NO	☐ UNK
O/O is in compliance with release reporting or investigation					
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 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					
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
Ball float vs auto shutoff coincidence observed. Metal piping components in contact with soil.					
40 CFR 280, Subpart C spill/overflow 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
Overfill testing was not provided.					
40 CFR 280, Subpart D release detection requirements met			☐ YES	☒ NO	☐ UNK
Missing release detection records for DSL Tank 4.					
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) Stip3 USTs installed in September 1988

- One (1) 6k GSL
- One (1) 12k GSL
- One (1) 8k 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 35 years old, out of warranty and the owner should already be planning on removing or replacing them soon.

Piping is DW fiberglass and pressurized - 4k DSL is European Suction

RD UST = ATG

RD Piping = LLD, LTT

Overfill/Spill = Spill Buckets + Auto Shutoff + Ball Float

CP = galvanic, last known test completed 6/6/2023

ATG Certification = Yes 6/6/2023

Overfill Protection Test = No

Spill Bucket Test = Yes 6/11/2023

Site History:

- Overfill: 1998 affidavit lists ball float and alarm, 2001 notification lists ASD and alarm, 2007 inspection only lists alarm
- Most documentation lists (3) GSL tanks and (1) DSL. Testing completed in 2023 lists (2) GSL and (2) DSL. Only (3) tanks appear to be programmed into the ATG based on records provided prior to inspection

Documentation provided at the time of the file review:

- Notification Form approved 12/29/2016
- FR - CD valid until 10/19/2023
- 16 months RD for REG tank only
- ATG Functionality/Probes, LTT, LLD, CP testing completed 6/6/2023 - all pass
- Spill Bucket testing completed 6/11/2023 - all pass
- Monthly walkthrough inspections Sept 2022-May 2023 (includes annual requirements)
- Operator Training A, B, C

Inspector Notes:

- Confirmed (2) GSL tanks and (2) DSL tanks. One of the DSL is off-road
- All tanks are programmed in the ATG at the time of inspection
- Auto shutoff observed on all tanks, no alarm observed on-site
- Construction barrel is covering a busted riser lid

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

- Liquid found in REG spill bucket. Monitor and clean as needed.
- The sides of the REG STP riser are rusted and collapsing. This should be monitored to ensure the pieces do not break off and interfere with the STP or leak detector

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) Tank fees in arrears for 2021-2022.
- 2) Metal components of the piping appear to be in contact with soil in the diesel and regular unleaded STP risers with no apparent form of corrosion protection.
- 3) Prior documentation indicates ball floats are installed, but auto shutoff devices were observed on each tank.
- 4) Overfill testing was not provided.
- 5) 4k diesel release detection records were not provided and could not be obtained on-site.

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:

- Payment of tank fees from 2021-2022
- Documentation confirming diesel and unleaded metal piping components have been isolated from contact with soil, or another method of corrosion protection has been installed and tested
- Documentation confirming ball float removal or auto shutoff devices adjusted to 90% or lower
- Overfill testing for all four (4) USTs
- 12 months of release detection records for 4k diesel tank