



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

January 13, 2022

Shingar Inc.
Attn: Sarwan Singh, Registered Agent
3901 S Main St
Elkhart, IN 46517

Dunlap Petroleum Inc.
Attn: Ramesh Kaur, Registered Agent
15482 Bryanton Ct
Granger, IN 46530

Re: Violation Letter
Brother Express Mart V
3901 S Main St
Elkhart, Elkhart County
UST Facility ID # **18662**

Dear Mr. Singh and 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 December 15, 2021.

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 UST's 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.

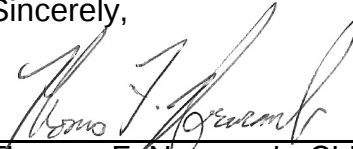
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **18662**.

Inspector: John Metz
Phone: (317) 296-0383

Direct any questions regarding the inspection to:

Compliance Manager: Loic Maniet
Phone: (317) 232-3592

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: Loic Maniet
John Metz
UST Facility ID File # 18662
Shingar Inc
Attn: Sarwan Singh
Via email: sarwanp3@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: Brothers Express Mart V	UST FACILITY ID: 18662
ADDRESS: 3901 S Main St, Elkhart, Elkhart County	INSPECTION DATE: 12/15/2021

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 their Notification Form has incorrect tank configuration.

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.

§ 280.20(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 Regular Gas and Premium Gas spill buckets had holes and/or cracks.

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 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.
§ 280.20(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:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because overfill alarm did not go off when the button was activated, and there is no other overfill prevention equipment on the tanks.</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 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)(1) – Failure to perform periodic testing of spill prevention equipment
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 they did not provide documentation of spill bucket testing.</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:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because they did not provide results of overfill prevention equipment testing.</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 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 they did not provide results of annual ATG testing.</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 they did not complete the annual tests of probes and/or sensors.</i>

Corrective Action:

The owner and/or operator of the UST systems at this site shall have all components of the automatic tank gauging probes and 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.



UNDERGROUND STORAGE TANK INSPECTION REPORT

INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

UST FAC ID: **18662**

Inspector's Name:	John Metz
Date:	December 15, 2021
Time In:	11:10
Time Out:	12:15
Inspection Type:	Initial

FACILITY NAME / LOCATION													
FACILITY NAME Brothers Express Mart V		FACILITY ADDRESS (number and street) 3901 S Main St											
ADDRESS (line 2)	CITY Elkhart	STATE IN	ZIP CODE 46516	COUNTY Elkhart									
UST OWNER													
UST Owner Name (If in Individual Capacity) Shingar Inc			BUSINESS ID (From the Secretary of State) 2006021500438										
PREFIX Mr	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) Dunlap Petroleum Inc			BUSINESS ID (From the Secretary of State) 2010012800554										
PREFIX Ms	FIRST NAME Ramesh	MI	LAST NAME Kaur		SUFFIX								
TELEPHONE NUMBER (574) 532-7858		EMAIL ADDRESS											
PROPERTY OWNER													
UST Property Owner Name (If in Individual Capacity) Shingar Inc			BUSINESS ID (From the Secretary of State) 2006021500438										
PREFIX Mr	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						
Notification Form has incorrect tank 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	☐	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
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
Regular Gas and Premium Gas spill buckets had cracks/holes in them							YES	☒	NO	☐	N/A	☐	UNK
40 CFR 280, Subpart C spill/overfill control requirements met						☐	YES	☒	NO	☐	N/A	☐	UNK
Overfill alarm did not function when test button was activated							YES	☒	NO	☐	N/A	☐	UNK
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
Need spill bucket test, overfill equipment test, and ATG functionality/probes test							YES	☒	NO	☐		☐	UNK
40 CFR 280, Subpart D release detection requirements met						☒	YES	☐	NO	☐		☐	UNK
Regular Gas and Diesel missing 2 months of normal sensor status - sumps full of water							YES	☒	NO	☐		☐	UNK
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:

- Two (2) actual FG DW USTs installed in July 2008 (one 15K split 7/8)
- One (1) 15K REG GSL
- One (1) 8K PREM GSL (T2 C1)
- One (1) 7K DSL (T2 C2)
- Piping is APT Flex DW and pressurized

RD UST = ATG, INT

RD Piping = LLD, LTT, ATG, INT (15K and 7K)

Overfill/Spill = Spill Buckets + Overfill Alarm (consistent)

ATG Certification = N

Overfill Protection Test = N

Spill bucket Test = N

Containment Sumps Test Required (not required unless INT is main) = Y 9/8/2021 (STP only)

Site History:

Site is an active service station. Six (6) USTs were removed in 2007 (Closure Report and NF in VFC).

Contact Information

Sarwan Singh sarwanp3@gmail.com

Documentation provided at the time of the file review:

- (NF 9/13/2018, Approval 6/3/2019 - incorrect UST configuration)
- Certificate of Financial Responsibility (letter of credit 11/2021 to 11/2022)
- Operator Certificates A, B, C
- Release Detection Records INT (REG, PREM/DSL) 10/2020 to 10/2021
- Release Detection Records STP sensors (REG, PREM, DSL) 10/2020 to 10/2021
- Line and leak detector test 9/8/2021 (REG, PREM, DSL)
- STP test (REG, PREM, DSL) 9/8/2021
- Monthly Walkthrough 6/2021 to 11/2021

CM notes: Interstitial records for piping would be considered invalid due to the excessive amount of liquid in the STP sumps which would have interfered with the sensors. However, owner provided LLT testing and, although interstitial monitoring was selected on the NF, it is not the main form of release detection for the piping. The Notification Form also had LTT checked.

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:

1. The Premium Gas and Diesel spill buckets contained fluid.
2. The Premium Gas spill bucket lid was cracked.
3. The Premium Gas vapor recovery cap was broken.
4. All three (3) STP sumps contained water and sludge
5. UDC #1/2 contained sludge and debris.
6. UDC #3/4 contained sludge and debris, and had seepage on piping.
7. UDC #5/6 contained fuel and debris, and had seepage on piping.
8. If interstitial monitoring is going to be the primary release detection method for piping, the dispensers will need to have either jumper lines added, or a sensor added to each UDC and cores removed from test boot valves. The STPs had excessive liquid which would interfere with the proper operation of the sensors within the STPs and, at this time, would render all interstitial records for the piping invalid. In addition, if interstitial monitoring is a main form of release detection for the piping, all UDCs would have to be tested.
9. Regular Gas and Diesel missing 2 months of normal sensor status - sumps full of water

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:

10. The Regular Gas and Premium Gas spill buckets had holes and/or cracks.
11. The overfill alarm did not go off when the button was activated, and there is no other overfill prevention equipment on the tanks.

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:

12. Updated Notification Form with corrected tank configuration and release detection method
13. Spill bucket test
14. Overfill prevention equipment test
15. ATG functionality/probe test