



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

November 9, 2022

Garha Property LLC
Attn: Sarwan Singh, Registered Agent
15482 Bryanton Ct
Granger, IN 46530

O & S Petroleum Inc
Attn: Sarwan Singh, Registered Agent
15482 Bryanton Ct
Granger, IN 46530

Re: Violation Letter
The Landing
8095 W State Road 20
Shipshewana, Lagrange County
UST Facility ID # **18719**

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 October 24, 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.

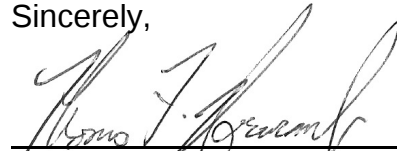
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **18719**.

Inspector: Matt Rozycki
Phone: (317) 296-1853

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 Rozycki
UST Facility ID File # 18719

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: The Landing	UST FACILITY ID: 18719
ADDRESS: 8095 W State Road 20, Shipshewana, Lagrange County	INSPECTION DATE: 10/24/2022

VIOLATIONS NOTED IN THIS INSPECTION

329 IAC 9-6-5(b)– Failure to properly secure UST systems during temporary closure

Citation:

Pursuant to 329 IAC 9-6-5(b), when a UST system is temporarily closed for three (3) months or longer, the owner and operator shall leave vent lines open and functioning, cap and secure all other lines, pumps, manways and ancillary equipment.

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because the second REG tank is still accessible despite not being in use.

Corrective Action:

The owner and/or operator of the UST systems at this site shall immediately correct any deficiencies in properly securing the effected UST systems and submit proof of the corrections within thirty (30) 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 no financial responsibility mechanism was 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.

§ 280.20(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 documentation of repaired or replaced spill buckets was not provided after failed testing on REG, REG 2, PREM and Diesel USTs

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:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because there is no documentation of functioning overfill prevention for REG 2, PREM, KER and Diesel USTs.

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 documentation of passing overfill testing was not provided for REG2, PREM, KER or Diesel USTs

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:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because an up to date ATG functionality test was 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:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because a current functionality test of the probes was 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 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.

§ 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 an up to date annual 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.

§ 280.41(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 for the secondary REG tank that does not meet TEMP closure requirements.

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.

§ 280.41(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 an up to date line tightness test is needed.

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.

§ 280.43(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 is not programmed to standard, tank volumes programmed to even numbers

Corrective Action:

The owner and/or operator of the UST systems at this site shall have any UST system found to have had automatic tank gauging not performed to the standard 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 of the UST systems at this site shall have a contractor certified by the Indiana Office of the State Fire Marshall inspect, reprogram, repair or otherwise correct the deficiencies of the automatic tank gauging system 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)(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 the annual walkthrough inspection provided was expired.

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 A, B, and C certificates are needed.

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: **18719**

Inspector's Name:	Matt Rozycki
Date:	October 24, 2022
Time In:	12:10
Time Out:	12:40
Inspection Type:	Initial

FACILITY NAME / LOCATION												
FACILITY NAME The Landing		FACILITY ADDRESS (number and street) 8095 W State Road 20										
ADDRESS (line 2)	CITY Shipshewana	STATE IN	ZIP CODE 46565	COUNTY Lagrange								
UST OWNER												
UST Owner Name (If in Individual Capacity) Garha Property LLC			BUSINESS ID (From the Secretary of State) 2014012400030									
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) O & S Petroleum Inc			BUSINESS ID (From the Secretary of State) 2013071800108									
PREFIX	FIRST NAME Sarwan	MI	LAST NAME Singh		SUFFIX							
TELEPHONE NUMBER (574) 532-7858		EMAIL ADDRESS paulsarwan@sbcglobal.net										
PROPERTY OWNER												
UST Property Owner Name (If in Individual Capacity) Garha Property LLC			BUSINESS ID (From the Secretary of State) 2014012400030									
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					
Updated notification form reflecting the appropriate overfill information (once overfill is installed)												
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
Failure to secure a tank during temporary closure												
O/O has met all financial responsibility requirements		☐	YES	☒	NO	☐	N/A	UNK				
No financial responsibility mechanism was provided												
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	
Metal components of piping continuous with backfill in 2 REGs & DSL, no overfill on site												
40 CFR 280, Subpart C spill/overfill control requirements met		☒	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	
Spill bucket repair retest, overfill update and retest, current annual walkthrough												
40 CFR 280, Subpart D release detection requirements met		☐	YES	☒	NO	☐	UNK					
Current ATG/probes test, current line tightness and leak detector test, ATG to standard												
40 CFR 280, Subpart J operator training requirements met		☐	YES	☒	NO	☐	UNK					
Operator A B & C certificates 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.

Site Maintains five (5) USTs

Four (4) USTs - FG - Installed 3/1/1989

One (1) 10K GSL

One (1) 6K GSL

One (1) 8K GSL

One (1) 4K KER

One (1) UST - FG - Installed 12/1/1990

One (1) 12K 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 32 and 33 years old, likely out of warranty and the owner should already be planning on removing or replacing them soon.

Piping - FG - Pressurized

RD UST - ATG

RD Piping - ATG - LTT - LD

Spill protection/Overfill - Spill bucket - Flapper

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 - Site has history of ball floats - Overfill testing states only 1 REG fill has flappers and ball floats could not be verified.

Documentation received -

Notification form - 11/7/2017 (Review not noted)

RD Piping LTT 9/8/2021 (Expired)

LD 9/8/2021 (Expired)

Annual ATG test 9/8/2021 (Expired)

Spill bucket test 9/8/2021 (Only KER Passed)

Overfill test 9/8/2021 (Only REG Passed)

Monthly walk through 6/2022 & 7/2022

Annual walk through 9/8/2021 (Expired)

***Auto shut off observed on REG1

***Did not stick the 2nd REG tank to confirm product level but product visible in tank

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

1. The PREM & KER STP sumps contained fluid and debris, they should be monitored and cleaned out as needed
2. While all of the piping in the UDCs appears to be isolated from backfill, it should be monitored and the backfill removed as needed
3. Several monthly walkthrough inspections were not provided. These should be performed monthly to ensure proper site performance

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:

4. The REG 2 tank is not properly sealed during temporary closure. The drop tube cap needs to be locked into place to avoid tampering with the UST
5. No financial responsibility mechanism was provided
6. Documentation of repaired or replaced spill buckets was not provided after failed testing on REG, REG 2, PREM and Diesel USTs
7. There is no documentation of functioning overfill prevention for REG 2, PREM, KER and Diesel USTs.
8. Documentation of passing overfill testing was not provided for REG2, PREM, KER or Diesel USTs
9. The ATG functionality testing was expired
10. The functionality testing of the probes was expired
11. The line tightness test provided was expired
12. The leak detector test provided was expired
13. 12 months of release detection records were not provided for the secondary REG tank that does not meet TEMP closure requirements.
14. The ATG is not programmed to standard, tank volumes programmed to even numbers
15. A current annual walkthrough was not provided
16. Operator A B & C certificates were not provided

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:

- Notification form
- REG 2 fill port sealed
- Financial responsibility mechanism
- Overfill installation
- Spill bucket repair and retest
- Overfill repair and retest
- Current line tightness test
- Current leak detector test
- Current ATG/probes test
- Release detection records for the secondary REG tank, or documentation showing the tank has under the 1" of allowable product
- Documentation showing ATG programmed to actual tank capacity and tank tightness testing
- Annual walkthrough
- A B & C certificates