



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Bruno L. Pigott
Commissioner

November 29, 2021

New Punjab LLC
Attn: Sarwan Singh, Registered Agent
15482 Bryanton Ct
Granger, IN 46530

New Simonton Lake Inc.
Attn: Sarwan Singh, Registered Agent
15482 Bryanton Ct
Granger, IN 46530

Re: Violation Letter
Red D Mart
51451 SR 19 N
Elkhart, Elkhart County
UST Facility ID # **9063**

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 September 29, 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.



A State that Works

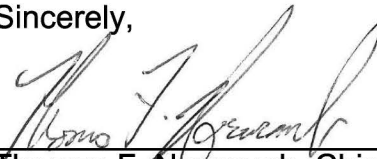
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **9063**.

Inspector: Steven Baumann
Phone: (317) 219-4849

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
Steven Baumann
UST Facility ID File # 9063

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: Red D-Mart	UST FACILITY ID: 9063
ADDRESS: 51451 SR 19 N, Elkhart IN 46514 Elkhart County	INSPECTION DATE: 9/29/2021

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 notification forms do not contain the correct overfill information and do not list USTs as being manifolded.

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:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because mechanism showing financial responsibility was not submitted.

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(a) – Failure to install, design, construct or protect a tank from corrosion

Citation:

Pursuant to 40 CFR 280.20(a), each tank must be properly designed and constructed, and any portion underground that routinely contains product must be 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 corrosion protection test for the 8k gallon UST was not provided.

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 [insert work that needs to be done] and have that work completed within forty five (45) days of receipt of this notice. If the UST system is determined to be substandard, the UST owner and/or operator shall immediately notify IDEM of their intent to permanently close the affected UST systems.

§ 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 the metal components of piping and STPs in all containment sumps are in contact with soil.

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.

§ 280.35(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 tests 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.

§ 280.35(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 tests on the spill buckets 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 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.

§ 280.36(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:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because monthly walkthrough inspections were 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 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.

§ 280.40(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 no annual ATG test was submitted.

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 no test of the ATG probes was 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 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.

§ 280.41(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 was not provided.

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 12 months of release detection or line tightness tests was 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.

§ 280.41(b)(1)(i)(A) – Failure to equip piping with or test automatic leak detectors

Citation:

Pursuant to 40 CFR 280.41(b)(1)(i)(A), 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 be equipped with an automatic line leak detector conducted in accordance with § 280.44(a).

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because leak detector tests 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 its automatic leak detector tested 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 UST volumes must be programmed in accordance with the tank charts.

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.

§ 280.240 – 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:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because A, B, and C certificates 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: **9063**

Inspector's Name:	Steven Baumann
Date:	September 29, 2021
Time In:	10:44 am
Time Out:	11:29 am
Inspection Type:	Initial

FACILITY NAME / LOCATION					
FACILITY NAME Red D Mart		FACILITY ADDRESS (number and street) 51451 SR 19 N			
ADDRESS (line 2)	CITY Elkhart	STATE IN	ZIP CODE 46514	COUNTY Elkhart	
UST OWNER					
UST Owner Name (Business Name as registered with the Secretary of State) New Simonton Lake Inc.				BUSINESS ID (From the Secretary of State) 2015092100017	
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) New Simonton Lake Inc.				BUSINESS ID (From the Secretary of State) 2015092100017	
PREFIX	FIRST NAME Muhammad	MI	LAST NAME Akram		SUFFIX
TELEPHONE NUMBER (574) 266-0808		EMAIL ADDRESS akram@att.net			
PROPERTY OWNER					
UST Property Owner Name (Business Name as registered with the Secretary of State) New Punjab LLC				BUSINESS ID (From the Secretary of State) 2015092100368	
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, on file and fees paid		YES	☒	NO	UNK
Current. A new NF is needed to reflect the correct UST configuration					
O/O is in compliance with reporting & record keeping requirements		YES	☒	NO	UNK
Failure to maintain the majority of RD records and equipment tests					
O/O is in compliance with release reporting or investigation		YES		NO	UNK
O/O is in compliance with all UST closure requirements		☒	YES	NO	UNK
O/O has met all financial responsibility requirements		YES	☒	NO	UNK
No documentation of financial responsibility					
40 CFR 280, Subpart A installation requirements (partially excluded) met		YES		NO	UNK
40 CFR 280, Subpart B installation and upgrade requirements met		YES	☒	NO	UNK
Soil in contact with metal components in the STP sumps, expired CP test					
40 CFR 280, Subpart C spill/overflow control requirements met		☒	YES	NO	UNK
40 CFR 280, Subpart C compatibility requirements met		YES		NO	UNK
Need verification that liners are compatible with stored product					
40 CFR 280, Subpart C O&M and testing requirements met		YES	☒	NO	UNK
No overfill or spill bucket test, no monthly walkthrough,					
40 CFR 280, Subpart D release detection requirements met		YES	☒	NO	UNK
No RD records, no annual ATG or probe/sensor test, no LLD, no LTT					
40 CFR 280, Subpart J operator training requirements met		YES	☒	NO	UNK
No A, B, or C operator 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 three (3) USTs

One (1) 4K GSL - Steel - Installed 1/1/1966

One (1) 4K GSL - Steel - Installed 1/1/1968

One (1) 8K GSL - Steel - Installed 1/1/1991

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 30, 51, and 53 years old and the owner should start planning on removing or replacing them now.

Piping - Flex - Pressurized (Installed 1991)

RD UST - ATG

CP UST - 4Ks Liner installed 12/1989 - 8K Galvanic

RD Piping - ATG - LD

Spill protection/Overfill - Spill bucket - Flapper

ATG Certification = N

Overfill Protection Test = N

Spill bucket Test = N

Containment Sumps Test Required N

Last known CP Galvanic 1/17/2018 with results -1053 to -1197

Last known Liner inspection 2/15/2018 passed

Site is an active gas station

Any Site history or concerns - Historic notification forms change forms of CP and installation of CP. File review supports liners on 4K were installed 12/1989. File review shows 4K USTs are the same age but there are discrepancies on if they were installed in 1966 or 1968.

Two USTs closed in place 6/1/1983

One UST closed 6/3/1998 (Closure report on file)

Documentation received -

Notification form - 2/26/2021 (Approved)

No additional documents received at time of review

Liner inspection - 2/15/2018 (From file)

CP Test 1/17/2018 (From file)

Documentation needed -

RD UST monthly results -

RD Piping

LD

Annual ATG test

Annual test of probes and sensors

Overfill test required every 3 years

Spill bucket test required every 3 years

Monthly walk through July-Current month

Operator certificate - A-B-C

FR

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.

Inspection notes:

- The two REG USTs are manifolded.
- There is an unmentioned alarm located at the vents.
- Overfill alarm is present at the vents and behind the building.

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

- There is measurable water in the PREM spill bucket, spill buckets must be kept clear of fluids.
- There are filters resting at the bottom of dispenser 5/6, dispensers should be kept clear of foreign material.

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.

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 .

- A notification form is need to reflect the correct overfill protection and system configuration.
- No documentation of financial responsibility was submitted.
- No CP test for the 8k gallon UST was provided.
- Soil was observed in contact with metal components of piping and STPs.
- No monthly walkthrough inspections were submitted.
- No overfill protection test was provided.
- No spill bucket test was provided.
- No monthly release detection was provided for USTs.
- No annual ATG test was provided.
- No annual test on probes/sensors was provided.
- No monthly release detection or LTT was provided for piping.
- ATG is programmed incorrectly, UST volumes must be programmed in accordance with the tank chart.
- No A, B, or C certificates were provided.