



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

March 13, 2024

Barbara & Lester Bassett Trust
22168 East Irish Drive
Aurora, Colorado 80016

Akal Purakh Incorporated
Attn: Sarwan Singh, Registered Agent
15482 Bryanton Ct
Granger, IN 46530

Re: Violation Letter
University Marathon South
111 E Ireland Road
South Bend, St. Joseph County
UST Facility ID # **16564**

Dear Messrs. Bassett, Singh, and Ms. Bassett:

An inspector from the Indiana Department of Environmental Management (IDEM), Underground Storage Tank (UST) Section, conducted an inspection of the site referenced above on February 21, 2024.

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.

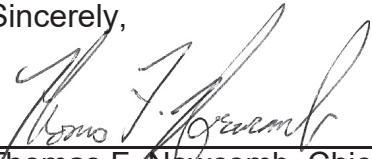
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **16564**.

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

Direct any questions regarding the inspection to:

Compliance Manager: Jordan Ware
Phone: (317) 232-2045

Sincerely,



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

cc: Jordan Ware
Danny Rice
UST Facility ID File # 16564
Barbara & Lester Bassett Trust
Attn: Barbara and Lester Bassett
Via Email: dblb1@hotmail.com

Akal Purakh Incorporated
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: University Marathon South	UST FACILITY ID: 16564
ADDRESS: 111 E Ireland Road South Bend IN 46614 St, Joseph county	INSPECTION DATE: 02/21/2024

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 updated notification form is needed with interstitial monitoring selected as primary release detection and line leak detector selected as secondary release detection for the piping in section 'U'.

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.

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

Citation:

Pursuant to 40 CFR 280.41(a)(2), and previously 329 IAC 9-3-1.3 (repealed 2018), tanks installed after September 2, 2009 must be monitored for releases at least every 30 days using the method listed in § 280.43(g).

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because interstitial monitoring release detection records that were provided are incomplete for the USTs.

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 by not having records of interstitial monitoring 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)(2) – Failure to perform monthly monitoring on piping installed after 9/2/2009, except proper European
Citation:
Pursuant to 40 CFR 280.41(b)(2), piping installed or replaced after April 11, 2016 (previously cited as September 2, 2009 under 329 IAC 9-2-1(2)(D)) must meet one of the following: (i) Pressurized piping must be monitored for releases at least every 30 days in accordance with § 280.43(g) and be equipped with an automatic line leak detector in accordance with § 280.44(a) (ii) Suction piping must be monitored for releases at least every 30 days in accordance with § 280.43(g).
Violation Details:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because interstitial monitoring release detection records that were provided are incomplete for the piping.</i>
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 by not having records of interstitial monitoring 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.

§ 280.35(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, STP, and UDC 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 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 documentation provided were incomplete.

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.



UNDERGROUND STORAGE TANK INSPECTION REPORT

INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

UST FAC ID: **16564**

Inspector's Name:	Danny Rice
Date:	February 21, 2024
Time In:	11:00
Time Out:	12:00
Inspection Type:	Initial

FACILITY NAME / LOCATION					
FACILITY NAME University Marathon South			FACILITY ADDRESS (number and street) 111 E Ireland Road		
ADDRESS (line 2)		CITY South Bend	STATE IN	ZIP CODE 46614	COUNTY St. Joseph
UST OWNER					
UST Owner Name (If in Individual Capacity) Akai Purakh Incorporated				BUSINESS ID (From the Secretary of State) 2002112200310	
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) Akai Purakh Incorporated				BUSINESS ID (From the Secretary of State) 2002112200310	
PREFIX Mr.	FIRST NAME Sarwan	MI	LAST NAME Singh		SUFFIX
TELEPHONE NUMBER (574) 532-7858		EMAIL ADDRESS dblb1@hotmail.com			
PROPERTY OWNER					
UST Property Owner Name (If in Individual Capacity) Barbara & Lester Bassett Trust				BUSINESS ID (From the Secretary of State)	
PREFIX	FIRST NAME	MI	LAST NAME		SUFFIX
TELEPHONE NUMBER (720) 289-0537		EMAIL ADDRESS			
COMPLIANCE ELEMENTS					
All USTs properly registered and up-to-date notification form on file			☐ YES	☒ NO	☐ UNK
Updated notification form with interstitial monitoring selected as primary release detection with LLD as secondary selected is needed.					
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
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			☒ 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
Spill bucket, UDC, STP testing was not provided and monthly walkthroughs are incomplete.					
40 CFR 280, Subpart D release detection requirements met			☐ YES	☒ NO	☐ UNK
UST and piping release detection records are incomplete.					
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) CLAD DW USTs installed in January 2022 (8K split 4K/4K)
- One (1) 15K REG
- One (1) 4K PREM (T2 C1)
- One (1) 4K DSL (T2 C2)
- Piping is FG DW and pressurized

RD UST = ATG, INT

RD Piping = INT, LLD

Overfill/Spill = Spill Buckets + Auto Shutoff + UDC

ATG Certification = Y (8/28/23)

Overfill Protection Test = Y (8/28/23)

Spill bucket Test = N

Containment Sumps Test Required = N

Last known CP (Impressed/Galvanic) - N/A

Last known Liner inspection - N/A

Site History:

Site is an active service station. One (1) UST was removed in 1989 (VFC Doc# 25321504). One (1) UST was removed in 2017 (VFC Doc# 83113039). Four (4) USTs were removed in 2022 (VFC Doc# 83356318). The USTs that were installed in 2022 have not be put into ULCERs or EPIC. Per Caitlin Shaffer and Jessica Payton, the task for reviewing the notification form that was submitted 11/15/22 has been reactivated in EPIC.

Contact Information

Sarwan Singh, sarwanp3@gmail.com

Documentation provided at the time of the file review:

- Operator Certificates A, B, C
- UST RD (INT) 1/24, 6/23 : Missing 10 months
- Piping RD (INT) 1/24, 6/23 : Missing 10 months
- LLD 8/28/23
- ATG/Probe + Sensors 8/28/23
- Overfill Test 8/28/23 (All Auto)
- Overfill Test 8/28/23 (All Alarms)
- Monthly Walkthroughs 6/23, 8/23 - 11/23, 1/24 : Missing 6 months
- Annual Walkthrough 8/28/23

Documentation not provided at the time of the file review:

- Updated NF (NF 11/15/22, no initial approval - needs INT to be primary for UST RD and LLD needs to be secondary piping RD)
- Spill Bucket Test
- STP/UDC

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.

Inspector Notes:

- An external overflow alarm was not found during inspection.
- Photo of DSL drop tube is dark. ASD was observed.

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

- Small amounts of liquid found in PREM spill bucket. Monitor and clean as needed.

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) Updated notification form with interstitial monitoring selected as primary release detection and line leak detector selected as secondary release detection
- 2) 12 months of UST interstitial release detection records were not provided.
- 3) 12 months of piping interstitial release detection records was not provided.
- 4) Sill bucket, STP, UDC testing was not provided.
- 5) Monthly walkthroughs that were submitted are incomplete. Only 6 months were provided.

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:

- Updated NF (NF 11/15/22, no initial approval - needs INT to be primary for UST RD and LLD needs to be secondary piping RD)
- UST RD (INT) 1/24, 6/23 : Missing 10 months
- Piping RD (INT) 1/24, 6/23 : Missing 10 months
- Spill Bucket Test
- STP/UDC
- Monthly Walkthroughs 6/23, 8/23 - 11/23, 1/24 : Missing 6 months