



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

January 4, 2023

C A Murphy Oil Company
Attn: Kelly Murphy
1100 N Clay St., PO Box 676
Sturgis, MI 49091

Bom Petroleum Inc
Attn: Mukhtiar Singh, Registered Agent
15482 Bryanton Ct
Granger, IN 46530

Re: Violation Letter
Snappy Food Mart
53031 SR 13
Middlebury, Elkhart County
UST Facility ID # **19871**

Dear owners and operators:

An inspector from the Indiana Department of Environmental Management (IDEM), Underground Storage Tank (UST) Section, conducted an inspection of the site referenced above on November 30, 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.

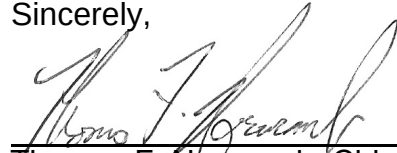
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **19871**.

Inspector: Adam James
Phone: (317) 408-7187

Direct any questions regarding the inspection to:

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

Sincerely,



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

cc: Caitlin Shaffer
Adam James
UST Facility ID File # 19871
Snappy Food Mart
Attn: Cherly Bowen, camoco@chertermi.net
Attn: Sarwan Singh, paulsarwan@sbcglobal.net
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: Snappy Food Mart**UST FACILITY ID: 19871****ADDRESS: 53031 SR 13, Middlebury, Elkhart County****INSPECTION DATE:
11/30/2022****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 and/or operator of the UST system(s) at this site are in violation of this rule because tank fees for 2022 are past due.

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.

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 an updated notification form with the correct overfill prevention method is required.

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 documentation of financial responsibility was not 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 excess liquids were observed in the KERO spill bucket preventing the equipment from performing as designed in the event of a spill during product delivery.

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.

§ 280.35(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 documentation of periodic test results for the spill buckets 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. Documentation, to include photographs, inspection, repair and testing results, showing the spill prevention equipment 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:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because documentation of periodic test results for the overfill prevention device 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.

§ 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 documentation of annual test result of the ATG unit 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:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because documentation of annual test result of the probes 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 gauging probes 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 documentation of annual line 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(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 documentation of annual line tightness test 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.

§ 280.36(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 documentation of an annual walkthrough inspection was 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 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 Certificates A, B and C 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: **19871**

Inspector's Name:	Adam James
Date:	November 30, 2022
Time In:	12:05
Time Out:	01:20
Inspection Type:	Initial

FACILITY NAME / LOCATION					
FACILITY NAME Snappy Food Mart			FACILITY ADDRESS (number and street) 53031 SR 13		
ADDRESS (line 2)		CITY	STATE	ZIP CODE	COUNTY
		Middlebury	IN	46540	Elkhart
UST OWNER					
UST Owner Name (Business Name as registered with the Secretary of State) C A Murphy Oil Company				BUSINESS ID (From the Secretary of State) 197810-150	
PREFIX	FIRST NAME	MI	LAST NAME		SUFFIX
	Cheryl		Bowen		
TELEPHONE NUMBER (269) 651-3744		EMAIL ADDRESS			
UST OPERATOR					
UST Operator Name (Business Name as registered with the Secretary of State) Bom Petroleum Inc				BUSINESS ID (From the Secretary of State) 2015062400663	
PREFIX	FIRST NAME	MI	LAST NAME		SUFFIX
	Mukhtiar		Singh		
TELEPHONE NUMBER (574) 532-7858		EMAIL ADDRESS paulsarwan@sbcglobal.net / sarwanp3@gmail.com			
PROPERTY OWNER					
UST Property Owner Name (Business Name as registered with the Secretary of State) C A Murphy Oil Company				BUSINESS ID (From the Secretary of State) 197810-150	
PREFIX	FIRST NAME	MI	LAST NAME		SUFFIX
	Cheryl		Bowen		
TELEPHONE NUMBER (269) 651-3744		EMAIL ADDRESS camoco@chertermi.net			
COMPLIANCE ELEMENTS					
All USTs properly registered and up-to-date notification form on file			☐ YES	☒ NO	☐ UNK
2022 tank fees, An updated notification form with the correct overfill prevention method is required.					
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
Financial responsibility documentation is needed					
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
KERO spill bucket is full of fluids and would not be able to perform as designed.					
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 test, Overfill prevention test, Annual walkthrough					
40 CFR 280, Subpart D release detection requirements met			☐ YES	☒ NO	☐ UNK
Line leak detector and line tightness tests, ATG/probe test					
40 CFR 280, Subpart J operator training requirements met			☐ YES	☒ NO	☐ UNK
Operator Certificates A, B and C					

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) DW fiberglass USTs installed 1/15/1996

- One (1) 20k Compartmented (12k GSL / 8k GSL)
- One (1) 2,500 KER
- 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 26 years old and the owner should already be planning on removing or replacing them soon.

Piping is DW flex and pressurized (APT) - KER is European Suction

RD UST = ATG

RD Piping = LLD, LTT

Overfill/Spill = Spill Buckets + Ball Float

ATG Certification = Yes 7/7/2022

Overfill Protection Test = No

Spill Bucket Test = No

Site History:

- Tanks originally registered with Ball Floats. Documents in file switch between Ball Floats and Auto Shutoff

Documentation provided at the time of the file review:

- Notification Form received 4/27/2018
- Monthly walkthrough inspections

Inspector Notes:

- Observation of the fill port drop tubes confirms that auto shut-off is not an overfill prevention method.
- There are (2) dispenser canopies. One for commercial vehicles and the other for DSL. The dispenser at the DSL canopy could not be inspected. The dispensers and associated satellites have a metal bar pinned to the side to prevent opening of the dispenser covers.
- Fluids observed in DSL STP sump and dispenser 3/4 were checked for the presence of product utilizing fuel indicating paste. DSL STP sump contained about 10 inches product mixed within the fluids. Dispenser 3/4 contained about half an inch of product.

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

1. Fluids and sludge were observed in spill buckets, STP sumps and UDCs. Fluids should be removed and all areas periodically monitored.

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:

2. Tank fees for 2022 are past due.
3. Updated notification form with the correct overfill prevention method is required.
4. Documentation of financial responsibility was not provided.
5. Excess liquids were observed in the KERO spill bucket preventing the equipment from performing as designed in the event of a spill during product delivery.
6. Documentation of periodic test results for the spill buckets was not provided.
7. Documentation of periodic test results for the overfill prevention equipment was not provided.
8. Documentation of annual test result of the ATG unit and probes was not provided.
9. Documentation of annual line leak detector and line tightness tests were not provided.
10. Annual walkthrough inspection documentation was not provided.
11. Operator Certificates A, B and C were not 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:

- 2022 tank fees
- Updated notification form with the correct overfill prevention method
- Financial responsibility documentation
- Line leak detector and line tightness tests
- Spill bucket test
- Overfill prevention test
- ATG/probe test
- Annual walkthrough inspection
- Operator Certificates A, B and C
- Confirmation the KERO spill bucket has been emptied of liquids