



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

July 12, 2023

Harpreet Randhawa
13834 Heartwood Ct
Granger, IN 46530

HN Food Plus, Inc.
Attn: Harpreet Randhawa, Registered Agent
13834 Heartwood Ct
Granger, IN 46530

Re: Violation Letter
Portage 76
1356 Portage Ave
South Bend, St. Joseph County
UST Facility ID # **1634**

Dear Mr. Randhawa:

An inspector from the Indiana Department of Environmental Management (IDEM), Underground Storage Tank (UST) Section, conducted an inspection of the site referenced above on June 26, 2023.

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.

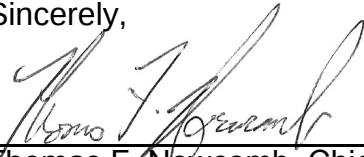
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # 1634.

Inspector: Todd Settles
Phone: (219) 314-1653

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
Todd Settles
UST Facility ID File # 1634
HN Food Plus, Inc.
Attn: Harpreet Randhawa, Registered Agent
Via email: harpreetrandhawa02@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: Portage 76	UST FACILITY ID: 1634
ADDRESS: 1356 Portage Ave South Bend, IN 46616 St Joseph County	INSPECTION DATE: 6/26/2023

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 current notification form needs correct configuration of tanks, correct UST construction, correct piping construction, updated UST and piping release detection, correct product in each UST and overfill protection.

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 a financial responsibility mechanism that was provided did not state that the \$15,000 was to only cover the excess liability trust fund deductible.

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.

§ 280.41(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 line tightness testing or 12 months of monthly monitoring records 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 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.

§ 280.40(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 line leak detector testing 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.

§ 280.31(c) – Failure to inspect ICCP system every 60 days

Citation:

Pursuant to 40 CFR 280.31(c), UST systems with impressed current cathodic protection systems must also be inspected every 60 days to ensure the equipment is running properly.

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because 60 day rectifier logs were not provided.

Corrective Action:

The owner and/or operator of the UST systems at this site shall submit to IDEM the required documents within fifteen (15) days of receipt of this notice or have their UST systems fully inspected by a qualified cathodic protection tester within fifteen (15) days and submit the results within thirty (30) days of receipt of this notice.

§ 280.31(b) – Failure to inspect CP system, frequency and criteria

Citation:

Pursuant to 40 CFR 280.31(b), all UST systems equipped with cathodic protection systems must be inspected for proper operation by a qualified cathodic protection tester in accordance with the following requirements:

- (1) Frequency. All cathodic protection systems must be tested within 6 months of installation and at least every 3 years thereafter or according to another reasonable time frame established by the implementing agency; and
- (2) Inspection criteria. The criteria that are used to determine that cathodic protection is adequate as required by this section must be in accordance with a code of practice developed by a nationally recognized association.

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because corrosion protection system testing was not provided for 4/2019 or 4/2022. In addition, the STP metal piping components are in contact with soil in the STP sumps.

Corrective Action:

The owner and/or operator of the UST systems at this site shall submit to IDEM the required documents within fifteen (15) days of receipt of this notice or have their UST systems fully inspected by a qualified cathodic protection tester within fifteen (15) days and submit the results within thirty (30) days of receipt of this notice.

Documentation of corrosion protection test results and proper isolation of the metal piping components in the STP sumps is required.

§ 280.21(b)(1)(ii) – Failure to inspect tank liner or close tank
Citation:
Pursuant to 40 CFR 280.21(b)(1)(ii), within 10 years after lining, and every 5 years thereafter, the lined tank is internally inspected and found to be structurally sound with the lining still performing in accordance with original design specifications. If the internal lining is no longer performing in accordance with original design specifications and cannot be repaired in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory, then the lined tank must be permanently closed in accordance with 329 IAC 9-6.
Violation Details:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because tank liner inspections were not provided.</i>
Corrective Action:
The owner and/or operator of the UST systems at this site shall, within thirty (30) days of receipt of this notice, contract with a certified contractor to assess the liners and tanks to ensure the liner is still performing in accordance with original design specifications. The results of the assessment must be submitted to IDEM within 45 days of receipt of this notice. If the tanks and/or liners fail the assessment and the liners cannot be repaired in accordance with a recommended practice allowed under the rule, the owner and/or operator will permanently close the affected UST systems within sixty (60) days of receipt of this notice.

§ 280.40(a)(3)(i) – Failure to perform annual tests of ATG
Citation:
Pursuant to 40 CFR 280.40(a)(3)(i), owners and operators of UST systems must provide a method, or combination of methods, of release detection that beginning on October 13, 2018, is operated and maintained, and electronic and mechanical components are tested for proper operation, in accordance with one of the following: manufacturer's instructions; a code of practice developed by a nationally recognized association or independent testing laboratory; or requirements determined by the implementing agency to be no less protective of human health and the environment than the two options listed in paragraphs (a)(1) and (2) of this section. A test of the proper operation must be performed at least annually and, at a minimum, as applicable to the facility, cover the following components and criteria: (i) Automatic tank gauge and other controllers: test alarm; verify system configuration; test battery backup.
Violation Details:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because ATG passing test results was not provided for REG and DSL.</i>

Corrective Action:

The owner and/or operator of the UST systems at this site shall have all components of the automatic tank gauge or other controllers tested for proper operation within thirty (30) days of receipt of this notice and submit the results within forty five (45) days of receipt of this notice.

§ 280.40(a)(3)(ii) – Failure to perform annual tests of probes & sensors

Citation:

Pursuant to 40 CFR 280.40(a)(3)(ii), owners and operators of UST systems must provide a method, or combination of methods, of release detection that beginning on October 13, 2018, is operated and maintained, and electronic and mechanical components are tested for proper operation, in accordance with one of the following: manufacturer's instructions; a code of practice developed by a nationally recognized association or independent testing laboratory; or requirements determined by the implementing agency to be no less protective of human health and the environment than the two options listed in paragraphs (a)(1) and (2) of this section. A test of the proper operation must be performed at least annually and, at a minimum, as applicable to the facility, cover the following components and criteria:

(ii) Probes and sensors: inspect for residual buildup; ensure floats move freely; ensure shaft is not damaged; ensure cables are free of kinks and breaks; test alarm operability and communication with controller.

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because ATG probes passing test results were not provided for the REG and DSL.

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.

§ 280.20(c)(1)(ii) – Failure to have overfill prevention equipment installed or installed properly
Citation:
Pursuant to 40 CFR 280.20(c)(1)(ii), to prevent spilling and overfilling associated with product transfer to the UST system, owners and operators must use the following spill and overfill prevention equipment: (ii) Overfill prevention equipment that will: (A) Automatically shut off flow into the tank when the tank is no more than 95 percent full; or (B) Alert the transfer operator when the tank is no more than 90 percent full by restricting the flow into the tank or triggering a high-level alarm; or (C) Restrict flow 30 minutes prior to overfilling, alert the transfer operator with a high level alarm one minute before overfilling, or automatically shut off flow into the tank so that none of the fittings located on top of the tank are exposed to product due to overfilling.
Violation Details:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because the documentation submitted resulted in a fail for the REG and PREM.</i>
Corrective Action:
The owner and/or operator of the UST systems at this site shall, within thirty (30) days of receipt of this notice, contract with a certified contractor to install or replace absent or substandard overfill prevention equipment that will operate as required. The UST owner and/or operator must submit proof that the overfill prevention equipment has been installed properly to the 90% or 95% fill level as required by the type of equipment within forty five (45) days of receipt of this notice. In the case where an owner has changed the overfill prevention equipment from a flow restrictor (ball float) to an auto-shutoff device, the owner must document the entire flow restrictor has been removed or that the automatic shut off device is installed at 90% or lower.

§ 280.30(a) – Failure to ensure a release does not occur and/or transfer operation is monitored constantly
Citation:
Pursuant to 40 CFR 280.30(a), owners and operators must ensure that releases due to spilling or overfilling do not occur. The owner and operator must ensure that the volume available in the tank is greater than the volume of product to be transferred to the tank before the transfer is made and that the transfer operation is monitored constantly to prevent overfilling and spilling.
Violation Details:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because during inspection, it was observed that there was an obstruction in the REG drop tube, to the extent, that the auto shutoff device will not perform as designed.</i>

Corrective Action:

The owner and/or operator of the UST systems at this site shall, within thirty (30) days of receipt of this notice, contract with a certified contractor to physically remove and inspect the automatic shut-off devices in the fill pipes of the tanks to ensure they were not damaged by a foreign object. The UST owner and/or operator must submit proof that the overfill prevention equipment is fully functional and has been installed at the correct level within forty five (45) days of 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 certifications C was 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 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: **1634**

Inspector's Name:	Todd Settles
Date:	June 26, 2023
Time In:	10:00
Time Out:	11:00
Inspection Type:	Initial

FACILITY NAME / LOCATION					
FACILITY NAME Portage 76			FACILITY ADDRESS (number and street) 1356 Portage Ave		
ADDRESS (line 2)	CITY	STATE	ZIP CODE	COUNTY	
	South Bend	IN	46616	St. Joseph	
UST OWNER					
UST Owner Name (If in Individual Capacity) HN Food Plus, Inc				BUSINESS ID (From the Secretary of State) 2010101800769	
PREFIX Mr.	FIRST NAME Harpreet	MI S	LAST NAME Randhawa		SUFFIX
TELEPHONE NUMBER (574) 387-4569		EMAIL ADDRESS harpreetrandhawa02@gmail.com			
UST OPERATOR					
UST Operator Name (If in Individual Capacity) HN Food Plus, Inc				BUSINESS ID (From the Secretary of State) 2010101800769	
PREFIX Mr.	FIRST NAME Harpreet	MI S	LAST NAME Randhawa		SUFFIX
TELEPHONE NUMBER (574) 387-4569		EMAIL ADDRESS harpreetrandhawa02@gmail.com			
PROPERTY OWNER					
UST Property Owner Name (If in Individual Capacity)				BUSINESS ID (From the Secretary of State)	
PREFIX Mr.	FIRST NAME Harpreet	MI	LAST NAME Randhawa		SUFFIX
TELEPHONE NUMBER (574) 387-4569		EMAIL ADDRESS harpreetrandhawa02@gmail.com			
COMPLIANCE ELEMENTS					
All USTs properly registered and up-to-date notification form on file			☐ YES	☒ NO	☐ UNK
Updated notification form 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
Financial responsibility mechanism with correct wording 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
40 CFR 280, Subpart C spill/overfill control requirements met			☐ YES	☒ NO	☐ N/A
Obstruction in the REG overfill equipment					
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
Overfill passing re-test, corrosion protection testing					
40 CFR 280, Subpart D release detection requirements met			☐ YES	☒ NO	☐ UNK
ATG/probes passing re-test, line tightness, line leak detector testing was not provided.					
40 CFR 280, Subpart J operator training requirements met			☐ YES	☒ NO	☐ UNK
Operator training certificate C was 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:

- Three (3) Steel SW USTs installed in January 1973
- One (1) 10K REG
- One (1) 10K PREM
- One (1) 10K 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 50 years old, out of warranty and the owner should already be planning on removing or replacing them immediately.

- Piping is Steel SW and pressurized

RD UST = SIR

RD Piping = SIR, LLD

Overfill/Spill = Spill Buckets + Overfill has not been indicated on any NF * See Site History + Auto per overfill test conducted 6/7/22

ATG Certification = Y (6/7/22)

Overfill Protection Test = Y (6/7/22)

Spill bucket Test = Y (6/7/22)

Containment Sumps Test Not Required

Last known CP (Impressed (4/8/16))

Last known Liner inspection (1/28/16)

Site History:

Site is an active service station. Per 2016 inspection, former station was demolished and they were constructing a new station. While on site, there were only construction contractors. The inspector was only able to inspect two (2) fill ports and two (2) STP sumps due to the third fill port and STP sump being covered by a snow cover. There was no observable ATG or impressed current rectifier panel. The old CP impressed current system was dismantled/removed. The bare steel piping in the STP sumps inspected was in contact with soil and partially buried. Dispenser cabinets were ceased and the inspector was unable to access. At the time the owner was contracting Newton Oil to install new ATG and spill prevention / overfill equipment. On 1/6/16 the owner provided 2014 cathode inspection for impressed current system. 1/26/16 owner provided documentation USTs being CP integrity inspected. (VFC Doc#80444725). Per the 1999 inspection, it was stated that the tanks were lined 8/1991 and that the last impressed current test for the piping was 5/1999. Liner inspections must be maintained for the USTs and the impressed current CP must be maintained for the piping. (A 1998 affidavit was not found in VFC).

Contact Information:

Harpreet Randhawa, harpreetrandhawa02@gmail.com

Documentation not provided at the time of the file review:

- Updated NF (NF 8/6/15, rejected 6/8/16 - correct configurations of the tanks - states that they are all compartmented - correct UST corrosion protection, should be lined with the install of when the tanks were lined, correct product in each UST - should be REG, PREM, DSL - updated overfill prevention as it was not indicated on any previous notification forms)
- Operator Certificates C
- UST RD (SIR)
- Piping RD (SIR)
- LLD
- Corrosion Protection test (4/2019 and 4/2022)
- Liner inspection (should have been done 1/2021)
- 60 Day Rectifier Log
- Annual Walkthrough

Documentation provided at the time of the file review:

- Certificate of Financial Responsibility - Documentation submitted does not meet requirements. The FR mechanism needs to state that \$15,000 is specifically for the ELTF
- Operator A, B
- TTT 6/7/22 - PREM Failed - Test pressure could not be reached. All visible isolation points were sealed.
- ATG/Probe 6/7/22 - DSL and REG Failed - ATG is not reading DSL probe. REG and DSL water float are broken
- Overfill Test 6/7/22 (All Auto) - REG and PREM Failed - Drop tubes could not be removed. There was no vapor recovery riser to inspect for ball float devices.
- Spill Bucket Test 6/7/22
- Monthly Walkthrough 5/22, 7/22 - 1/23, 3/23 : Missing 4/22, 6/22, 2/23
- Site Inspection 6/7/22

The information contained on this page is based upon a review of files related to this site and/or observations from an underground storage tank inspector. This page may contain information not specifically related to possible violations found during the review or inspection and is meant to give the owners and/or operator specific information to assist them.

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

- The wiring for the PREM ATG probes is spliced with wire nuts and exposed. Repair.

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 (needs correct configuration of tanks, correct UST construction, correct piping construction, updated UST and piping release detection, correct product in each UST - should be REG, PREM, DSL - overfill protection not indicated on previous NF)
- 2) Financial responsibility mechanism was not provided
- 3) Line tightness test was not provided
- 4) Line leak detector test was not provided
- 5) Failure to inspect ICCP system every 60 days
- 6) Corrosion protection system testing was not provided for 4/2019 or 4/2022
- 7) Tank liner inspection for 1/2021 was not provided
- 8) ATG passing re-test was not provided (failed test performed on 6/7/2022)
- 9) ATG probes passing re-test was not provided (REG and DSL probes failed the test performed on 6/7/2022)
- 10) Overfill passing re-test (REG and PREM failed testing performed on 6/7/2022)
- 11) During inspection, it was observed that there was an obstruction in the REG drop tube, to the extent, that the auto shutoff device will not perform as designed.
- 12) Operator training certificate C was 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:

- Updated NF (NF 8/6/15, rejected 6/8/16 - correct configurations of the tanks - states that they are all compartmented - correct UST corrosion protection, should be lined with the install of when the tanks were lined, correct product in each UST - should be REG, PREM, DSL - updated overfill prevention as it was not indicated on any previous notification forms)
- Certificate of Financial Responsibility : Documentation submitted does not meet requirements. The FR needs to state that \$15,000 is specifically for the ELTF
- Operator Certificates C
- UST RD (SIR)
- Piping RD (SIR)
- LLD
- Corrosion Protection test (4/2019 and 4/2022)
- Liner inspection (should have been done 1/2021)
- 60 Day Rectifier Log
- ATG/Probe for DSL and REG
- Overfill Test for REG and PREM