



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

July 28, 2023

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

Sun Midwest Petroleum, Inc
Attn: Sarwan Singh, Registered Agent
15482 Bryanton Ct.
Granger, IN 46530

Re: Violation Letter
Sum Midwest Petroleum
29026 CR 20
Elkhart, Elkhart County
UST Facility ID # **25595**

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 July 19, 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.

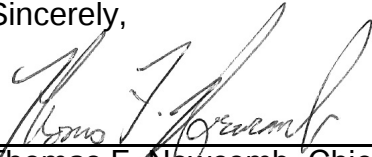
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **25595**.

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

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
Adam James
UST Facility ID File # 25595
New Punjab LLC
Attn: Sarwan Singh, sarwanp3@gmail.com

Sun Midwest Petroleum, Inc
Attn: Sarwan Singh, 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:				
<table><tr><td>FACILITY NAME: Sum Midwest Petroleum</td><td>UST FACILITY ID: 25595</td></tr><tr><td>ADDRESS: 29026 CR 20, Elkhart Elkhart County</td><td>INSPECTION DATE: 07/19/2023</td></tr></table>	FACILITY NAME: Sum Midwest Petroleum	UST FACILITY ID: 25595	ADDRESS: 29026 CR 20, Elkhart Elkhart County	INSPECTION DATE: 07/19/2023
FACILITY NAME: Sum Midwest Petroleum	UST FACILITY ID: 25595			
ADDRESS: 29026 CR 20, Elkhart Elkhart County	INSPECTION DATE: 07/19/2023			
VIOLATIONS NOTED IN THIS INSPECTION				

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:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because financial responsibility documentation needs to include wording that the \$15,000 is for ELTF deductible.</i>
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.

§ 280.40(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:
<i>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.</i>
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.

§ 280.43(g) – Failure to perform Interstitial Monitoring to standard

Citation:

Pursuant to 40 CFR 280.43(g), interstitial monitoring between the UST system and a secondary barrier immediately around or beneath it may be used, but only if the system is designed, constructed, and installed to detect a leak from any portion of the tank that routinely contains product and also meets one of the following requirements:

- (1) For double walled UST systems, the sampling or testing method can detect a leak through the inner wall in any portion of the tank that routinely contains product;
- (2) For UST systems with a secondary barrier within the excavation zone, the sampling or testing method used can detect a leak between the UST system and the secondary barrier.

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because STP test booting is tight and valve stems/caps are installed to prevent fluids from draining into the sump and trigger the sensor as designed. In addition, REG sump sensor is completely submerged by fluids. Further more, fluids within the PREM sump contain the presence of product with the sensor not located near the lowest point of the containment unit.

Corrective Action:

The owner and/or operator of the UST systems at this site shall have any UST or piping that contains a regulated amount of product and found to not have been monitored every thirty (30) days correctly while using 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, sump and UDC tests required for interstitial monitoring 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.

§ 280.35(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 prevention test 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 test results 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:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because documentation of test results of the sensors was not provided.</i>
Corrective Action:
The owner and/or operator of the UST systems at this site shall have all components of the automatic tank gauging 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.



UNDERGROUND STORAGE TANK INSPECTION REPORT

INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

UST FAC ID: **25595**

Inspector's Name:	Adam James
Date:	July 19, 2023
Time In:	11:20
Time Out:	12:30
Inspection Type:	Initial

FACILITY NAME / LOCATION												
FACILITY NAME Sum Midwest Petroleum					FACILITY ADDRESS (number and street) 29026 CR 20							
ADDRESS (line 2)			CITY Elkhart		STATE IN		ZIP CODE 46517		COUNTY Elkhart			
UST OWNER												
UST Owner Name (If in Individual Capacity) New Punjab LLC							BUSINESS ID (From the Secretary of State) 2015092100368					
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) Sum Midwest Petroleum, Inc							BUSINESS ID (From the Secretary of State) 201611091166204					
PREFIX Mr.	FIRST NAME Sarwan			MI	LAST NAME Singh			SUFFIX				
TELEPHONE NUMBER (574) 532-7858			EMAIL ADDRESS sarwanp3@gmail.com									
PROPERTY OWNER												
UST Property Owner Name (If in Individual Capacity) New Punjab LLC							BUSINESS ID (From the Secretary of State) 2015092100368					
PREFIX Mr.	FIRST NAME Sarwan			MI	LAST NAME Singh			SUFFIX				
TELEPHONE NUMBER (574) 532-7858			EMAIL ADDRESS sarwanp3@gmail.com									
COMPLIANCE ELEMENTS												
All USTs properly registered and up-to-date notification form on file						☒	YES	☐	NO	☐	UNK	
O/O is in compliance with reporting & record keeping requirements						☒	YES	☐	NO	☐	UNK	
O/O is in compliance with release reporting or investigation						☐	YES	☐	NO	☒	N/A	UNK
O/O is in compliance with all UST closure requirements						☐	YES	☐	NO	☒	N/A	UNK
O/O has met all financial responsibility requirements						☐	YES	☒	NO	☐	N/A	UNK
Documentation needs to include wording that the \$15,000 is for ELTF deductible.												
40 CFR 280, Subpart A installation requirements (partially excluded) met						☒	YES	☐	NO	☐	N/A	UNK
40 CFR 280, Subpart B installation and upgrade requirements met						☒	YES	☐	NO	☐	UNK	
40 CFR 280, Subpart C spill/overfill control requirements met						☒	YES	☐	NO	☐	N/A	UNK
40 CFR 280, Subpart C compatibility requirements met						☒	YES	☐	NO	☐	N/A	UNK
40 CFR 280, Subpart C O&M and testing requirements met						☐	YES	☒	NO	☐	UNK	
Spill bucket/sump/UDC test, Overfill prevention test												
40 CFR 280, Subpart D release detection requirements met						☐	YES	☒	NO	☐	UNK	
Line leak detector test, ATG/sensor test, Sump test booting is tight & valve stems/caps installed												
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) actual FG DW USTs installed in May 2017 (16K split 12K/4K and 10K split 6K/4K)
- One (1) 12K REG (T1 C1)
- One (1) 4K PREM (T1 C2)
- One (1) 6K DSL (T2 C1)
- One (1) 4K KER (T2 C2)
- Piping is FG DW and pressurized

RD UST = ATG, INT

RD Piping = ATG, INT, LLD

Overfill/Spill = Spill Buckets + Auto Shutoff (consistent)

ATG Certification = N

Overfill Protection Test = N

Spill bucket Test = N

Containment Sumps Test Required = N

Site History:

Site is an active service station. There is no prior UST history at this site. New Punjab LLC shows as admin dissolved on state of secretary website.

Contact Information

Sarwan Singh, sarwanp3@gmail.com

Documentation provided at the time of the file review:

- Certificate of Financial Responsibility 10/19/22 - 10/19/23 : Needs to include wording for the \$15,000 being for ELTF deductible
- Operator Certificates A, B, C
- Monthly Walkthroughs 7/22- 6/23 : missing 4/23
- Annual Walkthrough 6/7/23
- UST RD (ATG) 1/23 - 3/23, 6/23

Documentation not provided at the time of the file review:

- (NF 4/3/20, approved 5/1/20)
- UST RD (INT)
- Piping RD (INT)
- LLD
- ATG/Probe + Sensors
- Spill Bucket Test
- Overfill Test
- STP/UDC Test

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Inspector Notes: STP sump booting is tight with valve stems/capped installed. PREM sump sensor is hanging off the side of the STP and not located near the lowest point. REG sump is completely full of fluids. End lines are capped and tight. Jumpers are installed between the t-sections of the piping.

- IM release detection records (USTs and piping) collected documentation. No additional documentation was on site.

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

1. Minor fluids were observed in the UDCs. Fluids should be removed and UDCs periodically monitored.

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. Financial responsibility documentation needs to include wording that the \$15,000 is for ELTF deductible.

3. Line leak detector test was not provided.

4. STP test booting is tight and valve stems/caps are installed to prevent fluids from draining into the sump and trigger the sensor as designed. In addition, REG sump sensor is completely submerged by fluids. Further more, fluids within the PREM sump contain the presence of product with the sensor not located near the lowest point of the containment unit.

5. Spill bucket, sump and UDC tests required for interstitial monitoring was not provided.

6. Overfill prevention test was not provided.

7. Documentation of test results of the ATG unit and sensors 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:

- Certificate of Financial Responsibility 10/19/22 - 10/19/23 : Needs to include wording for the \$15,000 being for ELTF deductible

- LLD

- ATG/Probe + Sensors

- Spill Bucket Test

- Overfill Test

- STP/UDC Test

- Confirmation that sump test booting is loose and/or have valve stems/caps removed, removal of fluids from STP sumps PREM and PREM sump sensor is located near the lowest point of the containment unit.