



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

July 5, 2023

S & R Lucky Mart, Inc.
Attn: Sukhjinder Singh, Registered Agent
203 N Main St
North Liberty, IN 46554

Re: Violation Letter
North Liberty Citgo
203 N Main St
North Liberty, St. Joseph County
UST Facility ID # **15672**

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 May 31, 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.

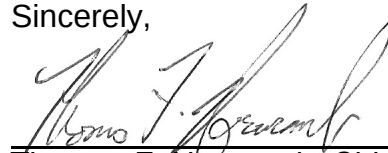
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **15672**.

Inspector: Tristan Voge
Phone: (317) 719-2574

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
Tristan Voge
UST Facility ID File # 15672

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: North Liberty Citgo	UST FACILITY ID: 15672
ADDRESS: 203 N Main St, North Liberty, St. Joseph County	INSPECTION DATE: 05/31/2023

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 a notification form is needed with accurate site details.

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 mechanism 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.

§ 280.41(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 twelve (12) months of release detection records for the USTs 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.

§ 280.20(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 metal components of the piping at the STPs and UDCs were observed to be in contact with soil without a clear form of corrosion protection present.

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.

§ 280.20(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 the unleaded and kerosene spill buckets appeared to be corroded, the REG 2 spill bucket lost 6 inches of water during testing and the unleaded and diesel spill buckets were over half filled with fluid and would not function as designed in a spill or overfill event.

Corrective Action:

The owner and/or operator of the UST systems at this site shall, within thirty (30) days of receipt of this notice, submit documentation of clean spill buckets and 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.

§ 280.21(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:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because an interior tank liner inspection test report for the eight thousand (8,000) gallon UST 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 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.

§ 280.36(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 06/2022-11/2022 and 01/2023-06/2023 monthly walkthroughs 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.

§ 280.36(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:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because an annual walkthrough inspection was not provided.</i>
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.



UNDERGROUND STORAGE TANK INSPECTION REPORT

INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

UST FAC ID: **15672**

Inspector's Name:	Tristan Voge
Date:	May 31, 2023
Time In:	11:20
Time Out:	11:55
Inspection Type:	Initial

FACILITY NAME / LOCATION					
FACILITY NAME North Liberty Citgo			FACILITY ADDRESS (number and street) 203 N Main St		
ADDRESS (line 2)		CITY North Liberty	STATE IN	ZIP CODE 46554	COUNTY St Joseph
UST OWNER					
UST Owner Name (If in Individual Capacity) S & R Lucky Mart, Inc.				BUSINESS ID (From the Secretary of State) 2012041000379	
PREFIX	FIRST NAME Sukhjinder	MI	LAST NAME Singh		SUFFIX
TELEPHONE NUMBER		EMAIL ADDRESS			
UST OPERATOR					
UST Operator Name (If in Individual Capacity) S & R Lucky Mart, Inc.				BUSINESS ID (From the Secretary of State) 2012041000379	
PREFIX	FIRST NAME Sukhjinder	MI	LAST NAME Singh		SUFFIX
TELEPHONE NUMBER		EMAIL ADDRESS			
PROPERTY OWNER					
UST Property Owner Name (If in Individual Capacity) S & R Lucky Mart, Inc.				BUSINESS ID (From the Secretary of State) 2012041000379	
PREFIX	FIRST NAME Sukhjinder	MI	LAST NAME Singh		SUFFIX
TELEPHONE NUMBER		EMAIL ADDRESS			
COMPLIANCE ELEMENTS					
All USTs properly registered and up-to-date notification form on file			☐ YES	☒ NO	☐ UNK
An updated notification form is needed with the correct overfill equipment indicated.					
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
A mechanism of financial responsibility was not provided.					
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
Metal components of the piping in contact with soil. No form of overfill was observed on site.					
40 CFR 280, Subpart C spill/overfill control requirements met			☐ YES	☒ NO	☐ N/A
UNL/K-1/DSL spill buckets would not function as designed in a spill/overfill event.					
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 alarm test report, monthly/annual walkthroughs, 8K liner inspection reports not provided.					
40 CFR 280, Subpart D release detection requirements met			☐ YES	☒ NO	☐ UNK
Twelve (12) months of release detection records for the USTs was not provided.					
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 six (6) USTs

Site Maintains two (2) - Steel- USTs installed 1/1/1984

Two (2) 8K GSL (Manifolded)

Site Maintains four (4) - STIP3 - USTs installed 1/1/1991

One (1) 2K KER

One (1) 6K GSL

One (1) 6K DSL

One (1) 4K GSL

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 39 and 32 years old, out of warranty and the owner should already be planning on removing or replacing them soon.

Piping - FG - Pressurized (KER European)

RD UST - ATG

CP UST Liner installed on 1984 UST on 8/28/1997 - Galvanic for 1991 USTs

RD Piping - LTT

Spill protection/Overfill - Spill bucket - Flapper

ATG Certification = Y

Overfill Protection Test = Y

Spill bucket Test = Y

Containment Sumps Test Required N

Last known liner 9/30/2012 - CP test 11/2020

Site is an active gas station

Any Site history or concerns - ATG test and Overfill testing report notes support site has an active audible alarm for overfill.

Two (2) 3K 1969 steel USTs were included on 1989 NF and intent to close received 11/21/1990

Documentation received -

Notification form - No post 2014 NF on file

CP test 11/14/2020 Pass

RD Piping 11/9/2022 Pass

LD 11/9/2022 Pass

Annual ATG/probes test 11/9/2022 Pass

Overfill test (Alarm) 7/21/2021 Pass

Spill bucket test 7/21/2021 Pass

Monthly walk through 12/2022

Operator certificate - A-B-C

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

- The DSL spill bucket appeared to be warped and bending and should be inspected by a certified contractor to ensure function and integrity.

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:

1. A notification form is needed with accurate site details.
2. A mechanism of financial responsibility was not provided.
3. Twelve (12) months of release detection records for the USTs was not provided.
4. Metal components of the piping at the STPs and UDCs were observed to be in contact with soil without a clear form of corrosion protection present.
5. The unleaded and kerosene spill buckets appeared to be corroded, the REG 2 spill bucket lost 6 inches of water during testing and the unleaded and diesel spill buckets were over half filled with fluid and would not function as designed in a spill or overfill event.
6. An interior tank liner inspection test report for the eight thousand (8,000) gallon USTs.
7. An overfill equipment test report was not provided.
8. 06/2022-11/2022 and 01/2023-06/2023 monthly walkthroughs were not provided.
9. An annual walkthrough inspection was not provided.

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:

- An updated notification form
- A mechanism of financial responsibility
- Twelve (12) months of release detection records for the USTs
- Documentation of proper corrosion protection installation for the metal components of the piping
- Documentation of clean spill buckets
- Documentation of proper spill bucket installation
- An interior tank liner inspection test report for the 8K USTs
- 06/2022-11/2022 and 01/2023-06/2023 monthly walkthroughs
- An annual walkthrough inspection