



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

January 25, 2024

Tri Star Holdings, Inc
Attn: Tejinder Toor, Registered Agent
13280 Talbot Drive
Zionsville, IN 46077

Tri Star Holdings, Inc
Attn: Tejinder Toor
Via email: tejindertoor@live.com

Re: Violation Letter
Muncie Southside Shell, Inc.
1401 East 29th Street
Muncie, Delaware County
UST Facility ID # **2255**

Dear Mr. Toor:

An inspector from the Indiana Department of Environmental Management (IDEM), Underground Storage Tank (UST) Section, conducted an inspection of the site referenced above on January 12, 2024.

The inspection was conducted pursuant to Indiana Code (IC) 13-14-2-2 to determine compliance with the provisions of IC 13-23 and 329 IAC 9. In accordance with IC 13-14-5, a summary of the inspection is provided below:

Type of Inspection: Initial

Results of Inspection: Violations were discovered and require a submittal.

Within thirty (30) days of receipt of this letter, documentation demonstrating compliance with each of the requirements listed in the attached Inspection Report and Description of Violations (DOV) must be submitted to IDEM. Failure to submit this documentation may lead to this facility being referred for enforcement.

An enforcement action may include civil penalties of up to \$10,000 per UST. Enforcement actions may also affect the owner's and/or operator's eligibility for reimbursement from the Excess Liability Trust Fund (ELTF). Additionally, IDEM may deem the USTs at this facility ineligible for delivery, deposit or acceptance of regulated substances pursuant to IC 13-23-1-4. Finally, federal and criminal penalties may apply for failure to provide required notification; or submitting false information pursuant to IC 13-23-14-2 and liable under IC 13-30-10.

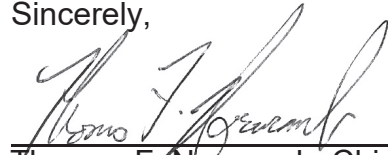
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **2255**.

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

Direct any questions regarding the inspection to:

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

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: Jordan Ware
Tristan Voge
UST Facility ID File # 2255
Muncie Southside Shell, Inc.
Attn: Tejinder Toor
Via email: tejindertoor@live.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: Muncie Southside Shell	UST FACILITY ID: 2255
ADDRESS: 1401 E 29th Street, Muncie, Delaware County	INSPECTION DATE: 01/12/2024

VIOLATIONS NOTED IN THIS INSPECTION

§ 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 an annual line tightness test report 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.

§ 280.21(c) – Failure to have CP for metal piping in contact with the ground and designed by corrosion expert

Citation:

Pursuant to 40 CFR 280.21(c), metal piping that routinely contains regulated substances and is in contact with the ground must be cathodically protected in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and must meet the requirements of § 280.20(b)(2)(ii), (iii), and (iv).

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because during the inspection dated 01/12/2024 metal components of the piping at dispensers 7/8 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 and corrosion expert to determine if the piping or metal components are substandard and if the field-installed cathodic protection system was designed correctly. 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 permanently close the affected piping or components.

§ 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 a corrosion protection test report for the 1991 steel USTs 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.

§ 280.20(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 both DSL spill buckets appeared to not be installed properly and would not function as designed in the event of a spill or overfill.

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)(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 a periodic overfill prevention equipment test report 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 an annual ATG functionality test report 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 an annual probes functionality test report 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 probes and 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.

§ 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 an annual leak detector test report 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.

§ 280.36(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:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because 10/2023-01/2024 monthly walkthrough inspections were 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 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:

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.

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: **2255**

Inspector's Name:	Tristan Voge
Date:	January 12, 2024
Time In:	10:20
Time Out:	11:15
Inspection Type:	Initial

FACILITY NAME / LOCATION

FACILITY NAME Muncie Southside Shell		FACILITY ADDRESS (number and street) 1401 E 29th Street		
ADDRESS (line 2)	CITY Muncie	STATE IN	ZIP CODE 47302	COUNTY Delaware

UST OWNER

UST Owner Name (If in Individual Capacity) Tri Star Holdings, Inc				BUSINESS ID (From the Secretary of State) 201910231353082
PREFIX Mr.	FIRST NAME Tejinder	MI	LAST NAME Toor	SUFFIX
TELEPHONE NUMBER (408) 707-6676		EMAIL ADDRESS tejindertoor@live.com		

UST OPERATOR

UST Operator Name (If in Individual Capacity) Muncie Southside Shell, Inc.				BUSINESS ID (From the Secretary of State) 201905201323508
PREFIX Mr.	FIRST NAME Tejinder	MI	LAST NAME Toor	SUFFIX
TELEPHONE NUMBER (408) 707-6676		EMAIL ADDRESS tejindertoor@live.com		

PROPERTY OWNER

UST Property Owner Name (If in Individual Capacity) Tri Star Holdings, Inc				BUSINESS ID (From the Secretary of State) 201910231353082
PREFIX Mr.	FIRST NAME Tejinder	MI	LAST NAME Toor	SUFFIX
TELEPHONE NUMBER (408) 707-6676		EMAIL ADDRESS tejindertoor@live.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
O/O is in compliance with all UST closure requirements	☐	YES	☐	NO	☒	N/A
O/O has met all financial responsibility requirements	☒	YES	☐	NO	☐	N/A
40 CFR 280, Subpart A installation requirements (partially excluded) met	☐	YES	☐	NO	☒	N/A
40 CFR 280, Subpart B installation and upgrade requirements met	☐	YES	☒	NO	☐	UNK
Metal components of the piping at the dispensers appear to be in contact with soil without CP.						
40 CFR 280, Subpart C spill/overfill control requirements met	☐	YES	☒	NO	☐	N/A
North DSL spill bucket does not appear to be installed properly and would not function in a spill.						
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
Corrosion/overfill test reports and 10/2023-01/2024 monthly/annual walkthrough not provided.						
40 CFR 280, Subpart D release detection requirements met	☐	YES	☒	NO	☐	UNK
Annual ATG/probes/line tightness/leak detector test reports were 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:

- One (1) 12K DSL Steel SW UST installed in January 1976 - Glass Armor epoxy lined in 1991
- One (1) 6K REG 1 STiP3 SW UST installed in December 1991 (manifolded)
- One (1) 6K REG 2 STiP3 SW UST installed in December 1991 (manifolded)
- One (1) 6K PREM STiP3 SW UST installed in December 1991
- One (1) 5K Auto DSL STiP3 SW UST installed in December 1991
- Piping is FG SW and pressurized

RD UST = ATG

RD Piping = LLD, LTT

Overfill/Spill = Spill Buckets + Alarm

ATG Certification = N

Overfill Protection Test = Y (11/14/22) : Already in VFC (Doc# 83395095)

Spill bucket Test = Y (9/3/21)

Containment Sumps Test Not Required

Last known CP (Galvanic (11/17/20)) - STiP3

Last known Liner inspection (7/23/21) - 1976 UST

Site History:

Site is an active service station. Five (5) USTs were removed in 1992 (VFC Doc# 23010968). One (1) UST was closed in place in 2021 (VFC Doc# 83228282). An intent to close notification form was received in 2001 for the request to close the 12K DSL UST, however the UST is still in use at the site (VFC Doc# 23010958). An overfill alarm for the primary method for overfill prevention was installed 11/14/22. An updated notification form was submitted. Documentation of both is in the 2022 compliance packet (VFC Doc# 83395095).

Contact Information

Tejinder Toor, tejindertoor@live.com

Documentation not provided at the time of the file review:

- Updated NF (NF 7/27/21, initial approval 1/31/22)
- UST RD (ATG)
- LTT
- LLD
- Corrosion Protection test (should have been done 7/2023)
- ATG/Probe
- Monthly Walkthroughs
- Annual Walkthrough

Documentation provided at the time of the file review:

- Operator Certificates A, B, C
- Spill Bucket Test 9/3/21

Inspection Notes

- During the inspection dated 01/12/2024, 01/2023-0/2023 monthly walkthroughs/twelve (12) months UST RD records collected on site. No other documentation was available on site.

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:

- All spill buckets contained fluid/debris that should be cleaned out and monitored as needed.
- All STP containment sumps contained fluid/debris that should be cleaned out and monitored as needed. The source of the fluid should be determined and remediated as needed.
- Soil/concrete staining was observed at each dispenser.

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. An annual line tightness test report was not provided.
2. During the inspection dated 01/12/2024 metal components of the piping at dispensers 7/8 were observed to be in contact with soil without a clear form of corrosion protection present.
3. An up to date corrosion protection test report for the steel USTs were not provided.
4. Both of the DSL spill buckets appeared to not be installed properly and would not function as designed in the event of a spill or overfill. It was observed that the sides of the spill buckets are peeling away.
5. A periodic overfill prevention equipment test report was not provided.
6. An annual ATG functionality test report was not provided.
7. An annual probes functionality test report was not provided.
8. An annual leak detector test report was not provided.
9. 10/2023-01/2024 monthly walkthrough inspections were not provided.
10. An annual walkthrough inspection 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:

- Annual line tightness test report
- Up to date corrosion protection test report
- Documentation of proper corrosion protection installation
- Periodic overfill prevention equipment test report
- Annual ATG functionality test report
- Annual probes functionality test report
- Annual leak detector test report
- 10/2023-01/2024 monthly walkthrough inspections
- Annual walkthrough inspection