



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

September 25, 2024

R & A Olive Property LLC
Attn: Rajinder Singh, Registered Agent
51324 Colleen St
Granger, IN 46530

Olive Food Mart, Inc.
Attn: Gurjeet Kaur, Registered Agent
421 N Olive St
South Bend, IN 46628

Re: Violation Letter
Olive One Stop Shop Incorporated
421 N Olive St / 2410 Bertrand St
South Bend, St. Joseph County
UST Facility ID # **14296**

Dear Owner and Operator:

An inspector from the Indiana Department of Environmental Management (IDEM), Underground Storage Tank (UST) Section, conducted an inspection of the site referenced above on September 25, 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.



A State that Works

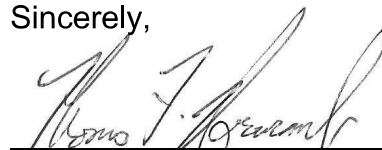
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # 14296.

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

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
Todd Settles
UST Facility ID File # 14296
Olive One Stop Shop
Attn: Rajinder Singh, rajindersingh6@aol.com
Attn: Sujinder Singh, singhrj1@aol.com
sunnysingh0817@yahoo.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: **Olive One Stop Shop**

UST FACILITY ID: **14296**

ADDRESS: **421 N Olive St
South Bend, IN 46628
St Joseph County**

INSPECTION DATE: **9/25/2024**

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 (b).

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because tank fees are in arrears for 2016, 2019 and 2024.

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 is needed with the current owner/operator information and correct tank volumes and overfill equipment.

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 45223 with required attachments, within fifteen (15) 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), as incorporated, 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 there was excessive fluid in both spill buckets to the extent they may not function as intended.

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.

§ 280.43(d) – Failure to perform Automatic Tank Gauging to standard

Citation:

Pursuant to 40 CFR 280.43(d), as incorporated, equipment for automatic tank gauging that tests for the loss of product and conducts inventory control must meet the following requirements:

- (1) The automatic product level monitor test can detect a 0.2 gallon per hour leak rate from any portion of the tank that routinely contains product;
- (2) The automatic tank gauging equipment must meet the inventory control (or other test of equivalent performance) requirements of § 280.43(a); and
- (3) The test must be performed with the system operating in one of the following modes:
 - (i) In-tank static testing conducted at least once every 30 days; or
 - (ii) Continuous in-tank leak detection operating on an uninterrupted basis or operating within a process that allows the system to gather incremental measurements to determine the leak status of the tank at least once every 30 days.

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because (1) the ATG was showing an active leak alarm for tank 1, and (2) the release detection history is missing numerous months and may not be functioning properly.

Corrective Action:

The owner and/or operator of the UST systems at this site shall have any UST system found to have had automatic tank gauging not performed to the standard 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 of the UST systems at this site shall have a certified contractor inspect, reprogram, repair or otherwise correct the deficiencies of the automatic tank gauging system 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(a)(1) – Failure to monitor tanks every 30 days if installed before 9/2/2009

Citation:

Pursuant to 40 CFR 280.41(a)(1), as incorporated, 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 UST release detection records were 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.

§ 280.35(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), as incorporated, 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 testing 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), as incorporated, 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 testing 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), as incorporated, 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 ATG functionality testing 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), as incorporated, 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 probes functionality testing 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), as incorporated, 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 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.

§ 280.41(b)(1)(i)(B) – Failure to perform annual piping LTT or monthly monitoring

Citation:

Pursuant to 40 CFR 280.41(b)(1)(i)(B), as incorporated, 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 annual line tightness testing 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)(i) – Failure to perform 30 day walkthrough inspections

Citation:

Pursuant to 40 CFR 280.36(a)(1)(i), as incorporated, 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 twelve (12) months of 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), as incorporated, 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: 14296

Inspector's Name:	Todd Settles
Date:	September 25, 2024
Time In:	10:10
Time Out:	11:00
Inspection Type:	Initial

FACILITY NAME / LOCATION					
FACILITY NAME Olive One Stop Shop			FACILITY ADDRESS (number and street) 421 N Olive St		
ADDRESS (line 2)		CITY South Bend	STATE IN	ZIP CODE 46628	COUNTY St. Joseph
UST OWNER					
UST Owner Name (Business Name as registered with the Secretary of State) R & A Olive Property LLC				BUSINESS ID (From the Secretary of State) 202308211718076	
PREFIX	FIRST NAME Rajinder	MI	LAST NAME Singh		SUFFIX
TELEPHONE NUMBER		EMAIL ADDRESS rajindersingh6@aol.com			
UST OPERATOR					
UST Operator Name (Business Name as registered with the Secretary of State) Olive Express Mart Corp				BUSINESS ID (From the Secretary of State) 202405281795234	
PREFIX	FIRST NAME Sukjinder	MI	LAST NAME Singh		SUFFIX
TELEPHONE NUMBER		EMAIL ADDRESS singhrj1@aol.com / sunnysingh0817@yahoo.com			
PROPERTY OWNER					
UST Property Owner Name (Business Name as registered with the Secretary of State) R & A Olive Property LLC				BUSINESS ID (From the Secretary of State) 202308211718076	
PREFIX	FIRST NAME Rajinder	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
Notification Form needs updated owner/operator information and correct tank sizes and overfill. Tank fees in arrears for 2016, 2019 and 2024					
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
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
Fluid in spill buckets so they may not function as intended			☒ 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, overfill testing, monthly/annual walkthroughs were not provided			YES	☒ NO	UNK
40 CFR 280, Subpart D release detection requirements met			YES	☒ NO	UNK
ATG/probes, LTT, LLD testing, UST RD were not provided. Not performing ATG to standard			☒ YES	NO	UNK
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) DW fiberglass USTs installed 2/5/2009

- One (1) 15k REG GSL
- One (1) 6k PREM GSL

Piping is DW flex and pressurized (APT)

RD UST = ATG

RD Piping = LLD, LTT

Overfill/Spill = Spill Buckets + Ball Float

CP = N/A

ATG Certification = No

Overfill Protection Test = No

Spill Bucket Test = No

Containment Sumps Test = N/A

Site History:

- Current property owner purchased the site in January 2024. There has been no updated Notification detailing property and tank ownership and operator information since 2016, and there appear to be two (2) owners between who is currently registered with IDEM and the current owner listed by the county
- Three (3) tanks were installed in 1958, removed 6/3/1998. Closure report on file
- All Notifications and inspections through 2015 list the tanks as 15k and 6k. Tank capacities changed to 10k in database but no documentation supports this change
- Tanks are listed with both ball floats and auto shutoff devices on all Notifications
- There are outstanding tank fees from 2016, 2019, and 2024. Once the owner properly registers, tank fees owed by the current owner and previous owner(s) will be clarified

Documentation provided at the time of the file review:

- Operator Training A, B, C

Inspector Notes:

- No auto shutoff devices were observed on either tank
- A monthly walkthrough inspection for September 2024 was obtained on site. No other documentation was provided or available
- The ATG records had only (1) passing release detection record since 2022 for the REG tank, and the PREM tank had only (2) passing records. Many months were missing from the history

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 and RECORDS that need to be submitted within 30 days of receipt of this inspection report to avoid further action and achieve compliance with the state underground storage tank program:

- 1) Tank fees are in arrears for 2016, 2019 and 2024. Exact fees owed will be determined once ownership is properly indicated
- 2) An updated Notification is needed with complete owner/operator information, correct tank sizes (15k, 6k), and correct overfill equipment.
- 3) Excessive fluid observed in both spill buckets to the extent they may not function as intended in the event of a release
- 4) The ATG was showing a leak alarm for the REG tank, and there are numerous months missing from the release detection history
- 5) Twelve (12) months release detection records were not provided for the tanks
- 6) Spill bucket testing was not provided
- 7) Overfill testing was not provided
- 8) ATG functionality testing was not provided
- 9) Probes functionality testing was not provided
- 10) Leak detector testing was not provided
- 11) Line tightness testing was not provided
- 12) Monthly walkthrough inspections were not provided
- 13) An annual walkthrough inspection was not provided