



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204

(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

January 2, 2024

NP Petro, Inc.
Attn: Kishan Prajapati, Registered Agent
4 West Main Street
Anderson, IN 46017

NP Petro, Inc.
Attn: Kishan Prajapati, Registered Agent
Via email: npinc20@gmail.com
Via email: nppetro2020@gmail.com

Re: Violation Letter
Chesterfield Corner - Marathon Gas
4 West Main Street
Anderson, Madison County
UST Facility ID # **14983**

Dear Owner/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 December 10, 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.

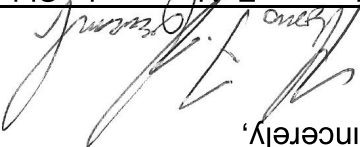
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # 14983.

Inspector: Brandon Blystone
Phone: (463) 271-5699

Direct any questions regarding the inspection to:

Compliance Manager: Mark Shaffer
Phone: (317) 234-3543

Sincerely,



Thomas F. Newcomb, Chief
UST Compliance Section
Office of Land Quality

cc: Mark Shaffer
Brandon Blystone
UST Facility ID File # 14983

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: **Chesterfield Corner - Marathon Gas**

UST FACILITY ID: **14983**

ADDRESS: **4 West Main Street
Anderson, IN 46017
Madison County**

INSPECTION DATE: **12/10/2024**

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 past due for the year 2021.

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.

§ 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), 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: (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 historically this site had ball floats installed, however, testing documents show the REG, PREM and DSL USTs have auto shutoff devices that are set to 95% with no mention of ball float removal. Both forms of overfill prevent that coincide may prevent each other from performing as designed in the event of an overfill. Additionally, repair/replacement testing for the REC90 overfill device has not been 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 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.

§ 280.41(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:
<i>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 were not provided. The two (2) months of release detection records that were provided are incomplete.</i>
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.



UNDERGROUND STORAGE TANK INSPECTION REPORT

INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

UST FAC ID: **14983**

Inspector's Name:	Brandon Blystone
Date:	December 10, 2024
Time In:	10:00
Time Out:	11:00
Inspection Type:	Initial

FACILITY NAME / LOCATION

FACILITY NAME Chesterfield Corner - Marathon Gas		FACILITY ADDRESS (number and street) 4 West Main Street		
ADDRESS (line 2)	CITY Anderson	STATE IN	ZIP CODE 46017	COUNTY Madison

UST OWNER

UST Owner Name (Business Name as registered with the Secretary of State) NP Petro, Inc.			BUSINESS ID (From the Secretary of State) 202006221399760	
PREFIX	FIRST NAME Kishan	MI	LAST NAME Prajapati	SUFFIX
TELEPHONE NUMBER (224) 539-6050		EMAIL ADDRESS nppet2020@gmail.com		

UST OPERATOR

UST Operator Name (Business Name as registered with the Secretary of State) NP Petro, Inc.			BUSINESS ID (From the Secretary of State) 202006221399760	
PREFIX	FIRST NAME Kishan	MI	LAST NAME Prajapati	SUFFIX
TELEPHONE NUMBER (224) 539-6050		EMAIL ADDRESS npinc20@gmail.com		

PROPERTY OWNER

UST Property Owner Name (Business Name as registered with the Secretary of State) NP Petro, Inc.			BUSINESS ID (From the Secretary of State) 202006221399760	
PREFIX	FIRST NAME Kishan	MI	LAST NAME Prajapati	SUFFIX
TELEPHONE NUMBER (224) 539-6050		EMAIL ADDRESS nppet2020@gmail.com		

COMPLIANCE ELEMENTS

All USTs properly registered and up-to-date notification form on file	☐	YES	☒	NO	☐	UNK
Tank Fees are past due for 2021.						
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	☐	UNK
O/O is in compliance with all UST closure requirements	☒	YES	☐	NO	☐	UNK
O/O has met all financial responsibility requirements	☒	YES	☐	NO	☐	UNK
40 CFR 280, Subpart A installation requirements (partially excluded) met	☒	YES	☐	NO	☐	UNK
40 CFR 280, Subpart B installation and upgrade requirements met	☐	YES	☒	NO	☐	UNK
Overfill repair/replace testing for REC90 was not provided. Ball Float and Auto Shutoff In Use						
40 CFR 280, Subpart C spill/overfill control requirements met	☒	YES	☐	NO	☐	UNK
40 CFR 280, Subpart C compatibility requirements met	☒	YES	☐	NO	☐	UNK
40 CFR 280, Subpart C O&M and testing requirements met	☒	YES	☐	NO	☐	UNK
40 CFR 280, Subpart D release detection requirements met	☐	YES	☒	NO	☐	UNK
Release Detection Records for USTs						
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: Four (4) FG SW USTs - Installed 11/1/1988

- One (1) 8K REG GSL
- One (1) 8K PREM GSL
- One (1) 6K DSL
- One (1) 2K REC90
- Piping is FG SW and pressurized (REG, PREM, DSL)
- Piping is FG SW and EU suction for REC90.

RD UST = ATG

RD Piping = LLD, LTT, ATG

Overfill/Spill = Spill Buckets + Auto Shutoff (consistent) + Ball Float (historical)

ATG Certification = Y - 11/8/2024

Overfill Protection Test = Y - 2/25/2022 - (REC90 not tested)

Spill bucket Test = Y - 2/25/2022

Containment Sumps Test Not Required

Site History:

- Site is an active convenient store / gas station. There is no prior UST history at this site.
- 2022 violation letter is still open.
- Site was closed, and reopened in 2017.

Contact Information:

Kishan Prajapati - npmetro2020@gmail.com / npinc20@gmail.com

Documentation provided post-inspection:

- Operator C Certificate - Current
- Two (2) monthly walkthrough inspections.
- Two (2) months of release detection records that were provided are incomplete.

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:

1. The REG STP sump appears to have product in it underneath the piping. Inspector talked to one of the employee's at the site and they stated that the leak detector was recently repaired so that could be the reason for the product in the soil. Inspector informed the employee of the product spill rule. Please refer to that rule as needed.
2. The REC90 spill bucket is heavily corroded. Please repair or replace as needed.
3. Spill buckets contained liquid in them. Please monitor and clean out as needed.
4. Only two (2) months of monthly walkthrough inspections were provided. 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).

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 past due for 2021.
2. Ball Float vs Auto Shutoff (Need documentation that Ball Floats were removed from the REG, PREM, and DSL USTs, or that the Auto Shutoffs have been adjusted to 90%.) 2022 testing says ASDs are set at 95% but no mention if BFs have been removed. Also, Overfill repair/replace testing for REC90 was not provided
3. Release Detection Records were not provided for the USTs.



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Eric J. Holcomb
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VIA ELECTRONIC MAIL

June 22, 2023

UST Owners,
Environmental Consultants, Contractors,
And Other Interested Parties

Re: ELTF Claim for 50% Cost Reimbursement for Decommissioning or Replacing
Qualified Underground Storage Tanks (UST)

To Whom It May Concern:

IDEM is excited to announce a new reimbursement opportunity available to Underground Storage Tank (UST) owners. On May 4, 2023, Governor Holcomb signed into law statutory revisions to Ind. Code 13-23 which authorize, among other things, reimbursement from the Excess Liability Trust Fund (ELTF) of 50% of eligible costs related to qualified UST decommissioning or replacement projects. Per new IC 13-23-9-1.7, IDEM must find that such decommissioning or replacement of an UST “is necessary ... to protect human health and the environment considering the age, obsolescence, and level of deterioration of the tank”.

While each UST will be considered by IDEM on a case-by-case basis, certain characteristics may make a UST more likely to qualify for this program. Those characteristics include but are not limited to:

1. Lined Steel USTs.
2. First Generation Fiberglass Reinforced Plastic (FRP) USTs.
3. USTs over 30 Years Old.
4. USTs which have caused or are likely to cause catastrophic release and which cannot be repaired or maintained to avoid such release.

IDEM will accept ELTF eligibility applications, via a new form (attached), with backup documentation outlining the project for agency review beginning July 1, 2023. Such backup documentation must include evidence of age, obsolescence, and/or level of deterioration such that IDEM may determine whether the UST qualifies for the program. In order for costs to be eligible for reimbursement, IDEM must confirm project eligibility **prior to** the work being initiated at the site, and applicable portions of 328 IAC 1 (the ELTF rules) will apply to such work. Costs related to tank installations will not be reimbursed unless costs related to the required corresponding tank removal are submitted simultaneously therewith or have been previously submitted for reimbursement.

Examples of Allowable Costs include:

- Removal & Proper Disposal of USTs
- Proper Disposal of Contaminated Water/Sludge
- Closure Report Costs (Report must be approved)
- Installation of Replacement UST Systems to below the Shear Valve
- In-Place Closure Work Plans
- “Tank-in-a-Tank” related closures and installations
- Concrete/Asphalt Replacement

Examples of Ineligible Costs include (but are not limited to):

- Fuel Dispenser and Nozzle
- Island / Canopy
- Buildings
- Concrete/Asphalt to Expand Parking Area
- Relining Regulated Tanks
- Loan interest or late payment fees

To the extent possible and to facilitate more efficient claim review, Owners should request separate invoicing and refrain from submitting ineligible costs to the ELTF program.

Applicants to this program must be aware that this 50% reimbursement program does not allow IDEM to encumber funds for each approved project. This is not a “grant” program. The statute outlines maximum reimbursement from the Fund per fiscal year (July 1 to June 30) based on type of UST owner. Reimbursements are capped at:

- Ten million dollars for UST owners with 12 or less tanks.
- Seven million five hundred thousand dollars for UST owners with more than 12 but not more than 100 tanks.
- Two million five hundred thousand dollars for UST owners with more than 100 tanks.

Eligible projects will be reimbursed under a first in first out (FIFO) review process, up to the maximum in each of the three categories based on claims approved for payment. Once the maximum has been reimbursed for a given fiscal year, all subsequent claims submitted in that fiscal year will have to be denied. Applicants can resubmit such claims on or after July 1 of the next fiscal year. The applicant is required to be the UST owner.

New releases discovered during decommissioning or replacement projects must be reported to the Petroleum Remediation Section (PRS). Eligible costs for over-excavation and disposal of contaminated soil should be submitted for reimbursement under an ELTF Eligible Leaking UST (LUST) Incident Number and should not be submitted as part of this 50% reimbursement program.

As part of the review process for the ELTF claim, IDEM staff may contact vendors and contractors directly to discuss submitted invoices and the work completed. It will be preferable to have one ELTF claim application for costs related to the entire project. If necessary to comply with claim submission requirements under 328 IAC 1, removal/closure costs can be submitted in one ELTF claim once the closure report is approved, and replacement/installation costs can be submitted in a second ELTF claim once the tanks are properly registered with IDEM.

IDEM is looking forward to the impact this program will have on protecting human health and the environment. We are still ironing out additional details, but if you have any additional questions, feel free to contact Bobbi Steiff at 317.234.0935 or Rsteiff@idem.in.gov.

Sincerely,



Timothy E. Veatch
Branch Chief
Petroleum Branch
Office of Land Quality
(317) 234-0980
Tveatch@idem.in.gov