



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

January 22, 2024

LLB 3 Food Mart LLC
Attn: Guljinder Singh, Registered Agent
405 10th St
Columbus, IN 47201

LLB 3 Food Mart LLC
Attn: Guljinder Singh, Registered Agent
Via email: garylobana@yahoo.com

Re: Violation Letter
LLB 3 Food Mart
306 N Main St
Salem, Washington County
UST Facility ID # **238**

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 January 4, 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.

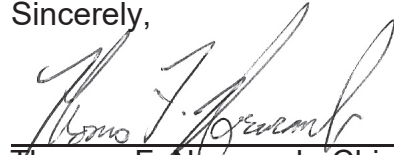
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **238**.

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

Direct any questions regarding the inspection to:

Compliance Manager: Loic Maniet
Phone: (317) 232-3592

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: Loic Maniet
Adam James
UST Facility ID File # 238

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: LLB 3 Food Mart

UST FACILITY ID: 238

ADDRESS: 306 N Main St
Salem
Washington County

INSPECTION DATE:
01/04/2024

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.

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because fees are owed for 2015 - 2021 and 2023.

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:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because an updated notification form with information on the owner/operator, current operational status and current release detection method for the piping is required.</i>
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.

§ 280.34 – Reporting and recordkeeping (general provisions)
Citation:
Pursuant to 40 CFR 280.34, owners and operators of UST systems must cooperate fully with inspections, monitoring and testing conducted by the implementing agency, as well as requests for document submission, testing, and monitoring by the owner or operator pursuant to section 9005 of Subtitle I of the Solid Waste Disposal Act, as amended.
Violation Details:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because records were not submitted at initial request 12/13/2023 and required records were not provided during the inspection 01/04/2024.</i>
Corrective Action:
The owner and/or operator of the UST systems at this site shall immediately perform the monitoring or testing required by the rules and/or submit the requested documentation within seven (7) 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), 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 twelve (12) months of ELLD records for the piping or an annual line tightness test were 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.

§ 280.40(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:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because line leak detector test 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.

§ 280.31(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 corrosion protection test for the USTs and the manifold line was 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.

§ 280.35(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 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 spill prevention equipment. Documentation, to include photographs, inspection, repair and testing results, showing the spill prevention equipment 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:
<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 ATG unit 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 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 probes 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 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.

§ 280.36(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 monthly walkthroughs January 2023 - January 2024 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 annual walkthrough inspection for 2023 - 2024 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.

§ 280.245 – Failure to maintain list of designated operators and/or training records

Citation:

Pursuant to 40 CFR 280.245, owners and operators of underground storage tank systems must maintain a list of designated Class A, Class B, and Class C operators and maintain records verifying that training and retraining, as applicable, have been completed, in accordance with § 280.34.

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because Operator Certificates A, B and C expired 01/20/2023.

Corrective Action:

The owner or operator of the UST systems at this site shall submit a list of those employees designated to be Class A, Class B and Class C operators. Those so designated must be trained and certification of that training submitted within thirty (30) days of receipt of this notice.



UNDERGROUND STORAGE TANK INSPECTION REPORT

INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

UST FAC ID: **238**

Inspector's Name:	Adam James
Date:	January 4, 2024
Time In:	11:10
Time Out:	12:25
Inspection Type:	Initial

FACILITY NAME / LOCATION					
FACILITY NAME LLB 3 Food Mart			FACILITY ADDRESS (number and street) 306 N Main St		
ADDRESS (line 2)		CITY Salem	STATE IN	ZIP CODE 47167	COUNTY Washington
UST OWNER					
UST Owner Name (If in Individual Capacity) LLB 3 Food Mart LLC				BUSINESS ID (From the Secretary of State) 2014041000560	
PREFIX	FIRST NAME Guljinder	MI	LAST NAME Singh		SUFFIX
TELEPHONE NUMBER		EMAIL ADDRESS garylobana@yahoo.com			
UST OPERATOR					
UST Operator Name (If in Individual Capacity) LLB 3 Food Mart LLC				BUSINESS ID (From the Secretary of State) 2014041000560	
PREFIX	FIRST NAME Guljinder	MI	LAST NAME Singh		SUFFIX
TELEPHONE NUMBER		EMAIL ADDRESS garylobana@yahoo.com			
PROPERTY OWNER					
UST Property Owner Name (If in Individual Capacity) LLB 3 Food Mart LLC				BUSINESS ID (From the Secretary of State) 2014041000560	
PREFIX	FIRST NAME Guljinder	MI	LAST NAME Singh		SUFFIX
TELEPHONE NUMBER		EMAIL ADDRESS garylobana@yahoo.com			
COMPLIANCE ELEMENTS					
All USTs properly registered and up-to-date notification form on file			☐ YES	☒ NO	☐ UNK
An updated notification form with information on the owner/operator and current operational status is required.					
O/O is in compliance with reporting & record keeping requirements			☐ YES	☒ NO	☐ UNK
No records submitted on initial request 12/13/2023 and insufficient records collected on site.					
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
40 CFR 280, Subpart C spill/overfill control requirements met			☒ YES	☐ NO	☐ N/A
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 protection test, Spill bucket test, Overfill test, Monthly and annual walkthroughs					
40 CFR 280, Subpart D release detection requirements met			☐ YES	☒ NO	☐ UNK
Monthly release detection records (piping) or LTT, Line leak detector test, ATG/probe test					
40 CFR 280, Subpart J operator training requirements met			☐ YES	☒ NO	☐ UNK
Operator Certificate A, B and C (Expired)					

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) Steel STIP 3 USTs
- One (1) 10K PREM GSL installed in December 1990 (Re-certified in 2000)
- One (1) 12K REG 1 GSL installed in May 2000 (manifolded w pump)
- One (1) 10K DSL installed in May 2000
- One (1) 6K REG 2 installed in May 2000 (manifolded, no pump)
- Piping is Flex SW and pressurized (appears to be first generation Environ white)

RD UST = ATG

RD Piping = LLD, ATG

Overfill/Spill = Spill Buckets + Ball Float (consistent)

ATG Certification = N

Overfill Protection Test = N

Spill bucket Test = N

Containment Sumps Test (not required) = N

Last known CP (Galvanic) = 6/15/2017

Site History:

Site is an active service station. Based on document (65659599 which is a map from CRTK), the UST from 1990 at this facility was removed and re-certified in 2000 when the prior USTs (3) were removed and the new ones installed.

Contact Information

Guljinder Singh garylobana@yahoo.com

Documentation not provided at the time of the file review:

- Updated NF (need updated UST status, Facility is active, USTs are showing Temp Closed)
- Operator Certificates
- Release Detection Records
- Line and leak detector test
- Corrosion Protection test (5/2020 and 5/2023)
- ATG/Probes test
- Spill bucket test
- Overfill test
- Monthly walkthrough
- Annual inspection

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Inspector Notes: Full CSLD records for the USTs were collected on site. Compliance documentation collected on site included expired OP certificates (01/20/2023). PLLD records (0.2) were from 2020.

- Piping appears to be Environ Flex based on the fittings. Reddish-brown Ameron piping was observed in the UDCs, but the lines are capped.

- Manifolded line appears to be straight steel. A transition riser with visible piping and valve was covered in backfill/soil. Piping then appears to enter the primary sump and then connected to the STP. Magnet was used on the piping with positive results. An anode appears to be installed.

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

1. Fluids/debris were observed in the spill buckets, sumps and UDCs. Fluids in dispenser UDCs in 1/2, 5/6 and 7/8 were checked for the presence of product utilizing fuel paste. The presence of product was confirmed to be present measuring about 2 inches in 5/6 and 7/8, while 1/2 contained about 8 inches of product. Fluids/debris should be removed from spill buckets, sumps and UDCs along with being periodically monitored.

2. Vapor recovery port spring seal for REG manifold will not properly close. PREM spring seal has tears and cracks. Vapor recovery spring seals should be removed.

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:

3. Fees are owed for 2015 - 2021 and 2023. Total balance due \$3,060.00

4. An updated notification form with information on the owner/operator, current operational status and current release detection method for the piping is required.

5. Records were not submitted at initial request 12/13/2023 and required records were not provided during the inspection 01/04/2024.

6. Twelve months of release detection records for the piping (ELLD) or a line tightness test were not provided

7. Line leak detector test was not provided.

8. Corrosion protection test for the USTs and manifold line was not provided.

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.

9. Spill bucket test was not provided.
10. Overfill prevention test was not provided.
11. Documentation of test results of the ATG unit and probes was not provided.
12. Monthly walkthroughs January 2023 - January 2024 were not provided.
13. Annual walkthrough inspection for 2023 - 2024 was not provided.
14. Operator Certificates A, B and C expired 01/20/2023.

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 (update accordingly):

- Unpaid UST fees
- Updated NF (need updated UST status, Facility is active, USTs are showing Temp Closed)
- Operator Certificates
- Release Detection Records - piping (Missing Jan 2023 - July 2023, Sep and Nov.)
- Leak detector test
- Corrosion Protection test UST and manifold line (5/2020 and 5/2023)
- ATG/Probes test
- Spill bucket test
- Overfill test
- Monthly and annual walkthrough inspections