



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Brian C. Rockness
Commissioner

January 14, 2022

Meijer Store Limited Partnership
c/o CT Corporation System
334 N Senate Ave
Indianapolis, IN 46204

Meijer Store Limited Partnership
Attn: Andrea Swartz and Bill Van Leeuwen
Via email: andrea.swartz@meijer.com
bill.vanleeuwen@meijer.com

Re: Violation Letter
Meijer Gas Station 127
4522 Elkhart Rd
Goshen, Elkhart County
UST Facility ID # **11875**

Dear Ms. Swartz and Mr. Van Leeuwen:

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 27, 2021.

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 UST's 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.

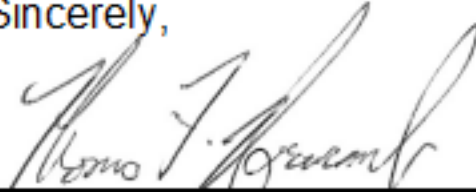
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **11875**.

Inspector: John Metz
Phone: (317) 296-0383

Direct any questions regarding the inspection to:

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

Sincerely,



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

cc: Loic Maniet
John Metz
UST Facility ID File # 11875

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: Meijer Gas Station 127 | UST FACILITY ID: 11875 |
| ADDRESS: 4522 Elkhart Rd, Goshen, Elkhart | INSPECTION DATE: 12/27/2021 |

VIOLATIONS NOTED IN THIS INSPECTION

§ 280.32(b)(1) – Failure to demonstrate compatibility of entire UST system

Citation:

Pursuant to 40 CFR 280.32(b)(1), owners and operators with UST systems storing these regulated substances must demonstrate compatibility of the UST system (including the tank, piping, containment sumps, pumping equipment, release detection equipment, spill equipment, and overfill equipment).

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because they have not provided documentation of E-85 compatibility.

Corrective Action:

The owner and/or operator of the UST systems at this site shall, within fifteen (15) days of receipt of this notice submit documentation to IDEM proving the required UST system components are fully compatible with the product found stored in the tanks during the inspection. If the owner and/or operator cannot prove compatibility, they must immediately cease storing the substance in the UST system until such a time as they can prove compatibility, upgrade the UST system or switch the product to one that is compatible. The UST owner and/or operator must submit proof of compliance with these requirements 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 the technician who performed the leak detector test was not certified by the state of Indiana at the time of the test.

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.

§ 280.35(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 overflow 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 several STPs and UDCs failed the testing completed on December 22, 2021, and no repairs and retest documentation was available.

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 overflow prevention equipment

Citation:

Pursuant to 40 CFR 280.35(a)(2), overflow prevention equipment must be inspected at least once every three years. At a minimum, the inspection must ensure that overflow 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 neither of the technicians who performed overflow equipment testing in 2021 were certified by the state of Indiana at the time of the testing.

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 overflow prevention equipment. Documentation, to include photographs, inspection, repair, measurements and testing results, showing the overflow 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 the technician who performed the ATG test was not certified by the state of Indiana at the time of the test.

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:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because the technician who performed the ATG test was not certified by the state of Indiana at the time of the test.

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.

§ 280.36(a)(1)(i) – Failure to perform 30 day walkthrough inspections

Citation:

Pursuant to 40 CFR 280.36(a)(1)(i), to properly operate and maintain UST systems, not later than June 28, 2021, owners and operators must conduct a walkthrough inspection every 30 days that, at a minimum, checks spill prevention equipment and release detection equipment (Exception: spill prevention equipment at UST systems receiving deliveries at intervals greater than every 30 days may be checked prior to each delivery).

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because they did not provide any 30-day walk through inspections.

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.



**UNDERGROUND STORAGE
TANK INSPECTION REPORT**

INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

UST FAC ID: **11875**

| | |
|-------------------|-------------------|
| Inspector's Name: | John Metz |
| Date: | December 27, 2021 |
| Time In: | 12:30 |
| Time Out: | 13:35 |
| Inspection Type: | Initial |

FACILITY NAME / LOCATION

| | | | | | |
|---|----------------|---|-------------------|-------------------|--|
| FACILITY NAME Meijer Gas Station 127 | | FACILITY ADDRESS (number and street) 4522 Elkhart rd | | | |
| ADDRESS (line 2) | CITY Goshen | STATE IN | ZIP CODE 46526 | COUNTY Elkhart | |

UST OWNER

| | | | | | |
|---|--------------------|--|-------------------------|--------|--|
| UST Owner Name (Business Name as registered with the Secretary of State) Meijer Stores Limited Partnership | | BUSINESS ID (From the Secretary of State) 2000010500237 | | | |
| PREFIX Mr | FIRST NAME Bill | MI | LAST NAME Vanleeuwen | SUFFIX | |
| TELEPHONE NUMBER (616) 735-7101 | | EMAIL ADDRESS Bill.VanLeeuwen@meijer.com | | | |

UST OPERATOR

| | | | | | |
|--|--------------------|--|-------------------------|--------|--|
| UST Operator Name (Business Name as registered with the Secretary of State) Meijer Stores Limited Partnership | | BUSINESS ID (From the Secretary of State) 2000010500237 | | | |
| PREFIX Mr | FIRST NAME Bill | MI | LAST NAME Vanleeuwen | SUFFIX | |
| TELEPHONE NUMBER (616) 735-7101 | | EMAIL ADDRESS Bill.VanLeeuwen@meijer.com | | | |

PROPERTY OWNER

| | | | | | |
|--|--------------------|--|-------------------------|--------|--|
| UST Property Owner Name (Business Name as registered with the Secretary of State) Meijer Stores Limited Partnership | | BUSINESS ID (From the Secretary of State) 2000010500237 | | | |
| PREFIX Mr | FIRST NAME Bill | MI | LAST NAME Vanleeuwen | SUFFIX | |
| TELEPHONE NUMBER (616) 735-7101 | | EMAIL ADDRESS Bill.VanLeeuwen@meijer.com | | | |

COMPLIANCE ELEMENTS

| | | | | | | | | |
|--|-------------------------------------|-----|-------------------------------------|----|-------------------------------------|--------------------------|-------------------------------------|-----|
| All USTs properly registered and up-to-date notification form on file | <input checked="" type="checkbox"/> | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> | UNK | | |
| O/O is in compliance with reporting & record keeping requirements | <input checked="" type="checkbox"/> | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> | UNK | | |
| O/O is in compliance with release reporting or investigation | <input type="checkbox"/> | YES | <input type="checkbox"/> | NO | <input checked="" type="checkbox"/> | N/A | <input type="checkbox"/> | UNK |
| O/O is in compliance with all UST closure requirements | <input checked="" type="checkbox"/> | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> | N/A | <input type="checkbox"/> | UNK |
| O/O has met all financial responsibility requirements | <input checked="" type="checkbox"/> | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> | N/A | <input type="checkbox"/> | UNK |
| 40 CFR 280, Subpart A installation requirements (partially excluded) met | <input checked="" type="checkbox"/> | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> | N/A | <input type="checkbox"/> | UNK |
| 40 CFR 280, Subpart B installation and upgrade requirements met | <input checked="" type="checkbox"/> | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | UNK |
| 40 CFR 280, Subpart C spill/overfill control requirements met | <input checked="" type="checkbox"/> | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> | N/A | <input type="checkbox"/> | UNK |
| 40 CFR 280, Subpart C compatibility requirements met | <input type="checkbox"/> | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> | UNK |
| Need documentation of E-85 compatibility | | | | | | | | |
| 40 CFR 280, Subpart C O&M and testing requirements met | <input type="checkbox"/> | YES | <input checked="" type="checkbox"/> | NO | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | UNK |
| Need UDC/STP sump test, Overfill alarm test performed by tech not certified | | | | | | | | |
| 40 CFR 280, Subpart D release detection requirements met | <input type="checkbox"/> | YES | <input checked="" type="checkbox"/> | NO | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | UNK |
| Techician who performed leak detector test & ATG test was not certified at time of testing | | | | | | | | |
| 40 CFR 280, Subpart J operator training requirements met | <input checked="" type="checkbox"/> | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 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) actual FG DW USTs installed in December 1994 (one 12K split 8/4)
- One (1) 15K REG GSL
- One (1) 12K E85 GSL
- One (1) 12K PREM GSL
- One (1) 8K DSL (T4 C1)
- One (1) 4K KER (T4 C1)

Section Chief Note: The normal operational lifespan of a UST before failing is 25 to 30 years old. The USTs at this site are now 28 years old and the owner should start planning on removing or replacing them soon.

- Product piping is FG DW and pressurized (except KER is EU Suction)

RD UST = ATG, INT

RD Piping = LLD, INT, ATG

Overfill/Spill = Spill Buckets + Auto Shutoff (original, current) + Ball Float (original) + Alarm (visible from prior inspection)

ATG Certification = Y (6/22/2021)

Overfill Protection Test = Y (6/22/2021, 9/7/2021)

Spill bucket Test = Y (12/22/2021)

Containment Sumps Test (Required) = Y (12/22/2021) - several STPs and UDCs failed

Site History:

Site is an active service station. Two (2) USTs were removed in 1988 (Closure NF in VFC)

Contact Information:

Bill Vanleeuwen, Bill.VanLeeuwen@meijer.com

Documentation provided at the time of the file review:

- (NF 6/18/2015, Approval 6/30/2015 - data ok)
- Certificate of Financial Responsibility (Self Insurance 2/2020 to 1/2021)
- Operator Certificates A, B
- Release Detection Records INT UST (REG, E85, PREM, DSL/KER) 11/2020 to 11/2021
- Release Detection Records ELLD 0.1 (REG, PREM, E85, DSL) 11/2020 to 11/2021
- Release Detection Records STP sensors (REG, PREM, DSL, E85, KER) 11/2020 to 11/2021 (High and low, not clear if two sensors)
- Leak Detector Test (REG, PREM, E85, DSL) 6/22/2021
- Overfill Protection (REG, PREM, DSL, E85, KER) 6/22/2021 - All Auto - Fail DSL
- Overfill Protection (REG, PREM, DSL, E85, KER) 6/22/2021 - Alarm fail all (not triggering, not audible)
- Overfill Protection (REG, PREM, DSL, E85, KER) 9/7/2021 - Alarm fixed, DSL Fixed
- ATG / Probes / Sensors Certification 6/22/2021

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 STP sumps for Regular Gas, Premium Gas, and Diesel all contained some fuel.
2. UDC #9/10 and the Kerosene UDC both contained water.

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. The technician who performed the leak detector test and the ATG test was not certified by the state of Indiana at the time of the test.
4. Neither of the technicians who performed overfill equipment testing in 2021 were certified by the state of Indiana at the time of the testing.

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:

5. Documentation of E-85 compatibility
6. UDC / STP repairs and re-test
7. Walk-through Inspections July through November
8. ATG functionality test performed by an Indiana-certified technician
9. Overfill equipment test performed by an Indiana-certified technician
10. Leak detector test performed by an Indiana-certified technician