



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

January 18, 2022

Carper LLC
Attn: Phil Carper, Registered Agent
2323 Southyard Ct
Fort Wayne, IN 46818

Carper LLC
Attn: Phil Carper and Gabby Clontz
Via email: philsonestop@gmail.com
gabby@philsonestop.com

Re: Violation Letter
Phil's One Stop 7
102 Fernhill Ave
Fort Wayne, Allen County
UST Facility ID # **24980**

Dear Mr. Carper and Ms. Clontz:

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 3, 2022.

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.

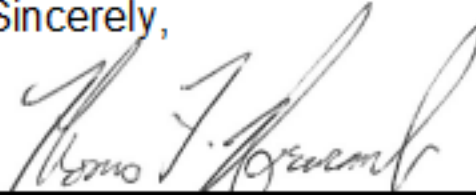
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **24980**.

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

Direct any questions regarding the inspection to:

Compliance Manager: Carrie Maniet
Phone: (317) 233-3533

Sincerely,



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

cc: Carrie Maniet
Tristan Voge
UST Facility ID File # 24980

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: Phil's One Stop 7	UST FACILITY ID: 24980
ADDRESS: 102 Fernhill Ave, Fort Wayne, Allen County	INSPECTION DATE: 01/03/2021

VIOLATIONS NOTED IN THIS INSPECTION

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 correct ownership information and system information.

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.

329 IAC 9-8-11(b) – Failure to demonstrate the ability to pay the deductible amount

Citation:

Pursuant to 329 IAC 9-8-11(b), an owner or operator of:

- (1) twelve (12) or fewer USTs shall demonstrate the ability to pay the applicable deductible amount under IC 13-23-9-1.3; or
- (2) more than twelve (12) USTs shall demonstrate the ability to pay two (2) times the applicable deductible amount under IC 13-23-9-1.3.

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because a mechanism of financial responsibility was not provided.

Corrective Action:

The owner and/or operator of the UST systems at this site shall submit a copy of the instrument proving they have the coverage required by this rule within thirty (30) 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 07/2021-01/2022 monthly walkthrough inspections were not provided.</i>
Corrective Action:
The owner and/or operator of the UST systems at this site shall, within seven (7) days of receipt of this notice, perform the 30 day walkthrough inspection for all UST systems at the site in accordance with a standard of practice referenced in the rule. Documentation, to include photographs, inspection forms, repair documents, and waste disposal records, showing the walkthrough inspection has been completed must be submitted within forty five (45) days of the receipt of this notice.

§ 280.40(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 an annual ATG functionality test report was not provided.</i>
Corrective Action:
The owner and/or operator of the UST systems at this site shall have all components of the automatic tank gauge or other controllers tested for proper operation within thirty (30) days of receipt of this notice and submit the results within forty five (45) days of receipt of this notice.

§ 280.40(a)(3)(ii) – Failure to perform annual tests of probes & sensors
Citation:
Pursuant to 40 CFR 280.40(a)(3)(ii), owners and operators of UST systems must provide a method, or combination of methods, of release detection that beginning on October 13, 2018, is operated and maintained, and electronic and mechanical components are tested for proper operation, in accordance with one of the following: manufacturer's instructions; a code of practice developed by a nationally recognized association or independent testing laboratory; or requirements determined by the implementing agency to be no less protective of human health and the environment than the two options listed in paragraphs (a)(1) and (2) of this section. A test of the proper operation must be performed at least annually and, at a minimum, as applicable to the facility, cover the following components and criteria: (ii) Probes and sensors: inspect for residual buildup; ensure floats move freely; ensure shaft is not damaged; ensure cables are free of kinks and breaks; test alarm operability and communication with controller.
Violation Details:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because an annual probes and sensors test report was not provided.</i>
Corrective Action:
The owner and/or operator of the UST systems at this site shall have all components of the automatic tank gauging probes and sensors tested for proper operation within thirty (30) days of receipt of this notice and submit the results within forty five (45) days of receipt of this notice.

§ 280.245 – 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:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because B operator certificates were not provided.</i>
Corrective Action:
The owner or operator of the UST systems at this site shall submit a list of those employees designated to be Class B 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: **24980**

Inspector's Name:	Tristan Voge
Date:	January 3, 2022
Time In:	12:40
Time Out:	13:20
Inspection Type:	Initial

FACILITY NAME / LOCATION

FACILITY NAME Phil's One Stop 7		FACILITY ADDRESS (number and street) 102 Fernhill Ave			
ADDRESS (line 2)	CITY Fort Wayne	STATE IN	ZIP CODE 46805	COUNTY Allen	

UST OWNER

UST Owner Name (if in Individual Capacity) Carper LLC					BUSINESS ID (From the Secretary of State) 2002042600249
PREFIX	FIRST NAME Phil	MI	LAST NAME Carper	SUFFIX	
TELEPHONE NUMBER		EMAIL ADDRESS philsonestop@gmail.com			

UST OPERATOR

UST Operator Name (if in Individual Capacity) P & R Investments Inc					BUSINESS ID (From the Secretary of State) 2002042600249
PREFIX	FIRST NAME Philip	MI A	LAST NAME Carper	SUFFIX	
TELEPHONE NUMBER		EMAIL ADDRESS			

PROPERTY OWNER

UST Property Owner Name (if in Individual Capacity) Carper LLC					BUSINESS ID (From the Secretary of State) 2002042600249
PREFIX	FIRST NAME Philip	MI	LAST NAME Carper	SUFFIX	
TELEPHONE NUMBER		EMAIL ADDRESS philsonestop@gmail.com			

COMPLIANCE ELEMENTS

All USTs properly registered and up-to-date notification form on file	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK	<input type="checkbox"/>
An updated notification form is needed with the correct ownership information and system information.						
O/O is in compliance with reporting & record keeping requirements	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK	<input type="checkbox"/>
The owner and/or operator did not respond to IDEM's records request dated 12/13/2021						
O/O is in compliance with release reporting or investigation	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>	N/A	UNK
O/O is in compliance with all UST closure requirements	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>	N/A	UNK
O/O has met all financial responsibility requirements	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	N/A	UNK
A mechanism of financial responsibility was not provided.						
40 CFR 280, Subpart A installation requirements (partially excluded) met	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>	N/A	UNK
40 CFR 280, Subpart B installation and upgrade requirements met	<input checked="" type="checkbox"/>	YES	NO	<input type="checkbox"/>	UNK	<input type="checkbox"/>
40 CFR 280, Subpart C spill/overfill control requirements met	<input checked="" type="checkbox"/>	YES	NO	<input type="checkbox"/>	N/A	UNK
40 CFR 280, Subpart C compatibility requirements met	<input checked="" type="checkbox"/>	YES	NO	<input type="checkbox"/>	N/A	UNK
40 CFR 280, Subpart C O&M and testing requirements met	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK	<input type="checkbox"/>
Spill/overfill equipment test reports and 07/2021-01/2022 monthly walkthroughs not provided.						
40 CFR 280, Subpart D release detection requirements met	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK	<input type="checkbox"/>
ATG/probes/sensors/leak detector test reports, twelve (12) months of piping RD not provided.						
40 CFR 280, Subpart J operator training requirements met	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK	<input type="checkbox"/>
B operator certificates were 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.

Site Maintains three (3) USTs - DW FG - Installed 5/7/2007

One (1) 12K GSL (Compartment 1)

One (1) 4K GSL (Compartment 2)

One (1) 6K DSL

Piping - DW Flex - Pressurized

RD UST - ATG - IM

RD Piping - LTT - LD

Spill protection/Overfill - Spill buckets - Ball floats & Alarm

ATG Certification = N

Overfill Protection Test = N

Spill bucket Test = N

Containment Sumps Test Required N/Y = (If site performing IM)

Site is an active gas station

Any Site history or concerns per Allen county assessors office property ownership changed on 12/12/2017 and no updated notification form has been submitted. Notification form signed 9/12/2016 selects all release detection options for piping and all overfill options, last inspection stated LTT for piping release detection. If flappers observed on site coincident overfill will need to be addressed.

Documentation received -

Notification form - 9/27/2016

No additional documents received at time of review

Documentation needed -

RD UST monthly results -

RD Piping

LD

Annual ATG test

Overfill test required every 3 years

Spill bucket test required every 3 years

Containment sump testing required for IM

Monthly walk through July-Current month

Operator certificate - A-B-C

FR

Inspection Notes

- Merchants certificate indicates P & R Investments Incorporated.

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

- All the spill buckets contained fluid that should be cleaned out and monitored as needed.

- The UNL STP containment sump contained old product that should be cleaned out and monitored as needed, the source of the product should be determined and remediated as needed.

- Dispenser 1-8 UDCs contained old product that should be cleaned out and monitored as needed. The source of the product should be determined and remediated as needed.

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

1. An updated notification form is needed with the correct ownership information and system information.
2. A mechanism of financial responsibility was not provided.
3. 07/2021-01/2022 monthly walkthrough inspections were not provided.
4. An annual ATG functionality test report was not provided.
5. An annual probes and sensors test report was not provided.

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

- An updated notification form
- A mechanism of financial responsibility
- 07/2021-01/2022 monthly walkthrough inspections
- An annual ATG functionality test report
- An annual probes test report