



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

Thornton's Inc
c/o Corporation Service Company
135 N Pennsylvania St., Suite 1610
Indianapolis, IN 46204

Thornton's Inc.
Attn: Maggie Sebaugh and Jeff Salmon
Via email: maggie.sebaugh@mythorntons.com
jeff.salmon@mythorntons.com

Re: Violation Letter
Thornton Oil Corporation 142
6880 W Washington St
Indianapolis, Marion County
UST Facility ID # **22592**

Dear Ms. Sebaugh and Mr. Salmon:

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 30, 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.

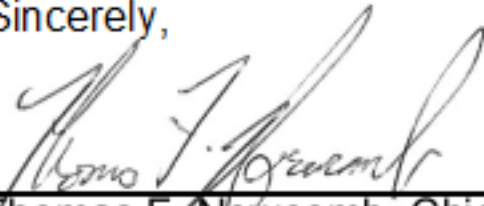
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **22592**.

Inspector: Matt Rozycki
Phone: (317) 296-1853

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
Matt Rozycki
UST Facility ID File # 22592

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: Thornton Oil Corporation 142	UST FACILITY ID: 22592
ADDRESS: 6880 W Washington St, Indianapolis, Marion County	INSPECTION DATE: 12/30/2021

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 reflecting the proper overfill prevention.

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 no current financial responsibility mechanism was 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.

§ 280.20(c)(1)(ii) – Failure to have overfill prevention equipment installed or installed properly

Citation:

Pursuant to 40 CFR 280.20(c)(1)(ii), 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:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because both ball float and auto shut off have been marked on notification form. Having both forms of overfill can hinder the other from working properly.

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(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 12 months of release detection records were not provided for the piping.

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.



**UNDERGROUND STORAGE
TANK INSPECTION REPORT**

INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

UST FAC ID: **22592**

Inspector's Name:	Matt Rozycki
Date:	December 30, 2021
Time In:	08:45
Time Out:	09:15
Inspection Type:	Initial

FACILITY NAME / LOCATION

FACILITY NAME Thornton Oil Corporation 142		FACILITY ADDRESS (number and street) 6880 W Washington St			
ADDRESS (line 2)	CITY Indianapolis	STATE IN	ZIP CODE 42241	COUNTY Marion	

UST OWNER

UST Owner Name (if in Individual Capacity) Thornton's Inc				BUSINESS ID (From the Secretary of State) 197112-243	
PREFIX	FIRST NAME Maggie	MI	LAST NAME Sebaugh	SUFFIX	
TELEPHONE NUMBER		EMAIL ADDRESS maggie.sebaugh@mythorntons.com			

UST OPERATOR

UST Operator Name (if in Individual Capacity) Thornton's Inc				BUSINESS ID (From the Secretary of State) 197112-243	
PREFIX	FIRST NAME Jeff	MI	LAST NAME Salmon	SUFFIX	
TELEPHONE NUMBER		EMAIL ADDRESS jeff.salmon@mythorntons.com			

PROPERTY OWNER

UST Property Owner Name (if in Individual Capacity) Thornton's Inc				BUSINESS ID (From the Secretary of State) 197112-243	
PREFIX	FIRST NAME	MI	LAST NAME	SUFFIX	
TELEPHONE NUMBER		EMAIL ADDRESS			

COMPLIANCE ELEMENTS

All USTs properly registered and up-to-date notification form on file	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK
Updated notification form reflecting the proper overfill equipment						
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
O/O is in compliance with all UST closure requirements	<input type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>	N/A
O/O has met all financial responsibility requirements	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	N/A
No current proof of financial responsibility was provided						
40 CFR 280, Subpart A installation requirements (partially excluded) met	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	N/A
40 CFR 280, Subpart B installation and upgrade requirements met	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK
UNL spill bucket testing did not pass, auto shut off / ball float coincidental use						
40 CFR 280, Subpart C spill/overfill control requirements met	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	N/A
40 CFR 280, Subpart C compatibility requirements met	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	N/A
40 CFR 280, Subpart C O&M and testing requirements met	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK
UNL spill bucket repair and retest is needed						
40 CFR 280, Subpart D release detection requirements met	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK
12 months of release detection records were not provided for the piping						
40 CFR 280, Subpart J operator training requirements met	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	<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 Five (5) USTs - FG - Installed 10/9/1997

Three (3) 12K GSL (2 manifolded)

One (1) 6K DSL

One (1) 6K E85

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 25 years old and the owner should start planning on removing or replacing them soon.

Piping - FG - Pressurized

RD UST - ATG

RD Piping - ATG - LD

Spill protection/Overfill - Spill bucket - Ball floats

ATG Certification = Y 6/10/2021

Overfill Protection Test = Y 7/29/2020

Spill bucket Test = Y 6/14/2021

Containment Sumps Test Required N

Site is an active gas station

Any Site history or concerns - File review found no discrepancies

Documentation received -

Notification form - 10/12/2014 (Review not noted)

RD UST monthly results - 1/2021- 12/2021

RD Piping 11/2020- 8/2021 (UNL 3/2021-5/2021 & Oct & Nov 2021) (June missing for all)

LD 6/10/2021 Pass

Annual ATG test with probe 6/10/2021

Overfill test 7/29/2021 Pass

Spill bucket 6/14/2021

Monthly walk through 1/2021/2021

Operator certificate - A-B-C

Documentation needed -

RD piping

FR

***E85 has different piping

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

1. Piping and metal components of piping in PREM, Unleaded and E85 STP sumps appears corroded and worn, this should be inspected by a UST certified technician to determine structural stability.

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. Updated notification form with the correct overflow use
2. A current financial responsibility mechanism was not provided
3. Possible auto shut off / ball float coincidental use as prior notification forms noted the use of ball floats but auto shut off devices were seen on site
4. 12 months of release detection records was not provided for the piping

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):

- Notification form
- Financial responsibility
- Proof of ball float removal or auto shut off adjustment to 90%
- Release detection records for the piping or line tightness tests