



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

Laporte Bulk Plant LLC
Attn: Mark Schweitzer, Registered Agent
405 Thomas St., Suite 1
Crown Point, IN 46307

Laporte Bulk Plant LLC
Attn: Janine Fitzgerald and Todd Sherwin
Via email: jfitz@summitandbroadway.com
tsherwin@petrochoice.com

Re: Violation Letter
Rackham Service Corp
112 Audley
Laporte, La Porte County
UST Facility ID # **20055**

Dear Mr. Schweitzer, Ms. Fitzgerald, and Mr. Sherwin:

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 28, 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.

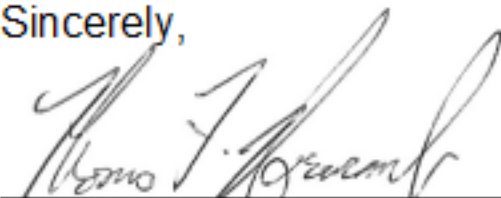
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **20055**.

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

Direct any questions regarding the inspection to:

Compliance Manager: Caitlin Shaffer
Phone: (317) 234-4112

Sincerely,



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

cc: Caitlin Shaffer
John Metz
UST Facility ID File # 20055

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: Rackham Service Corp /	UST FACILITY ID: 20055
ADDRESS: 112 Audley St, LaPorte, LaPorte County	INSPECTION DATE: 12/28/2021

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 the Notification Form on file has incorrect overfill prevention equipment and incorrect cathodic protection method.

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.

§ 280.20(c)(1)(i) – Failure to have spill prevention equipment that will prevent release

Citation:

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

- (i) Spill prevention equipment that will prevent release of product to the environment when the transfer hose is detached from the fill pipe (for example, a spill catchment basin).

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because both Regular Gas spill buckets failed 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 install or replace absent or substandard spill prevention equipment that will prevent the release of product to the environment. The UST owner and/or operator must submit proof that the spill prevention equipment has been installed within forty five (45) 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 the Regular Gas tank 1 failed overfill equipment 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 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.

§ 280.31(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: <i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because they did not provide a cathodic protection test from 2020.</i>
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.

§ 280.36(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 they did not provide any 30-day walk through inspections.</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.

§ 280.34(a)(3) – Failure to submit release report
Citation:
Pursuant to 40 CFR 280.34(a)(3), owners and operators must submit the following information to the implementing agency: reports of all releases including suspected releases (§ 280.50), spills and overfills (§ 280.53), and confirmed releases (§ 280.61).
Violation Details:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because there was fuel up to the level of an unsealed penetration boot in the Premium Gas STP sump, and this was not reported as a suspected release within 24 hours, as is required.</i>
Corrective Action:
The owner and operator of the UST systems at this site shall report a release within twenty four (24) hours of receipt of this notice by calling (317) 233-7745 or (888) 233-7745. The owner and operator shall submit documentation within fifteen (15) days detailing their investigation and clean up under 329 IAC 9-4-4.



**UNDERGROUND STORAGE
TANK INSPECTION REPORT**

INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

UST FAC ID: **20055**

Inspector's Name:	John Metz
Date:	December 28, 2021
Time In:	10:15
Time Out:	11:40
Inspection Type:	Initial

FACILITY NAME / LOCATION

FACILITY NAME Rackham Service Corp / PetroChoice		FACILITY ADDRESS (number and street) 112 Audley St			
ADDRESS (line 2)	CITY Laporte	STATE IN	ZIP CODE 46350	COUNTY La Porte	

UST OWNER

UST Owner Name (Business Name as registered with the Secretary of State) PetroChoice LLC				BUSINESS ID (From the Secretary of State) 201612061170086	
PREFIX	FIRST NAME Todd	MI	LAST NAME Sherwin	SUFFIX	
TELEPHONE NUMBER		EMAIL ADDRESS tsherwin@petrochoice.com			

UST OPERATOR

UST Operator Name (Business Name as registered with the Secretary of State) PetroChoice LLC				BUSINESS ID (From the Secretary of State) 201612061170086	
PREFIX	FIRST NAME David	MI	LAST NAME Pierce	SUFFIX	
TELEPHONE NUMBER		EMAIL ADDRESS d.pierce@petrochoice.com			

PROPERTY OWNER

UST Property Owner Name (Business Name as registered with the Secretary of State) Laporte Bulk Plant LLC				BUSINESS ID (From the Secretary of State) 201710131218858	
PREFIX	FIRST NAME Mark	MI	LAST NAME Schweitzer	SUFFIX	
TELEPHONE NUMBER		EMAIL ADDRESS mark.a.schweitzer@outlook.com			

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
Tank fees due for 2020 and 2021. Need updated NF detailing new/correct overfill equipment and correct CP						
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 type="checkbox"/>	N/A <input checked="" type="checkbox"/> UNK
Fuel level up to unsealed penetration boot in Premium Gas STP sump						
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"/>	UNK
40 CFR 280, Subpart C spill/overfill control requirements met	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	N/A <input type="checkbox"/> UNK
Regular Gas spill buckets both failed testing + Regular tank 1 failed overfill equipment testing						
40 CFR 280, Subpart C compatibility 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 O&M and testing requirements met	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK
Need monthly walk-through inspections and CP test						
40 CFR 280, Subpart D release detection requirements met	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	UNK
Leak detector and line tightness tests provided post-inspection						
40 CFR 280, Subpart J operator training requirements met	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	UNK
B and C Operator Certificates provided post-inspection						

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:

Two (2) physical Stip3 USTs installed in November 1991

- One (1) 12k GSL compartmented tank (5k / 5k / 2k)
- One (1) 10k DSL

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

Piping is fiberglass and pressurized

Both RUL tanks are manifolded

RD UST = ATG

RD Piping = LLD, ATG

Overfill/Spill = Spill Buckets + Auto Shutoff (DSL + PUL) + Ball Float (RUL)

CP = galvanic - last known test completed 11/13/2017

ATG Certification = Yes 11/10/2021

Overfill Protection Test = Yes 11/10/2021 - Tank 1 FAIL

Spill bucket Test = Yes 11/10/2021 - Both RUL FAIL

Site History:

- Two (2) tanks were installed in 1996 and were removed in October 1998. Closure activities completed in 2013 and are on file
- All notification forms in file list both auto shutoff and ball float for overfill prevention. Per documentation submitted in response to Record Request, the ball float was removed from the PUL tank on 11/10/2021, they attempted to remove the ball float from the DSL tank but it was stuck, the DSL flapper was reset to 90% on 11/10/2021, the ball floats remained in the (2) RUL tanks but Tank 1 failed testing. Contractor submitted a quote to the owner to remove the ball floats from both RUL tanks and replace them with new auto shutoff devices. Work has not yet been completed
- Notification forms incorrectly list CP as impressed current when it should be galvanic
- New ATG was installed in 2019 - AutoStik Jr replaced with VeederRoot TLS450+
- Regular spill buckets are set to be replaced. One spill bucket was replaced in 2021 but not certain which one and owner has not responded to request for clarification

Additional Contact Information:

- Linda Banks - lbanks@petrochoice.com
- Janine Fitzgerald - jfitz@summitandbroadway.com

Documentation provided at the time of the file review:

- Notification Form received 12/16/2021
- FR - insurance policy valid until 5/1/2022
- CSLD results for September 2019
- Invoices for repairs and site upgrades completed 2019-2021
- CP, LDT, LTT completed 11/13/2017 - already in file
- ATG alarm history
- ATG functionality, Shear Valve, LDT, Spill Bucket hydrostatic, Overfill testing completed 11/10/2021 - all shear valves failed, both RUL spill buckets failed, ball float on Tank 1 failed
- LDT, LTT, Site Inspection completed 11/27/2018 - all pass
- Operator Training A
- Proposal for work needed to replace RUL spill buckets, remove ball floats and install flappers, and reset shear valves to proper height

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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. The Regular Gas south and Diesel spill buckets both contained sludge and fluid.
2. Both Regular Gas vapor recovery valve caps were broken.
3. The Regular Gas south STP sump contained fuel and sludge.
4. The Regular Gas north spill bucket contained dirt and debris.
5. The Premium Gas spill bucket contained fluid.
6. The Diesel STP sump contained dirt and debris.
7. UDC #1/2 contained fuel and used filters, and had seepage on piping.
8. UDCs #3/4 and 5/6 contained fuel and had seepage on piping.

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:

9. The Regular Gas north piping sump and the Premium Gas STP sump both contained fuel up to or past penetration boots that were not sealed. This should have been reported as a suspected release within 24 hours of receipt of the preliminary report.

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:

10. Updated Notification Form with corrected overfill equipment and correct CP method
11. CP test
12. Documentation of overfill and spill bucket replacement and retest
13. Monthly walk-through inspections July through December 2021