



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

Whynot Group Inc.
Attn: Jan Hackleman, Registered Agent
210 E US Highway 52, Suite E
Rushville, IN 46173

Herdrich Petroleum Corp
Attn: Grant Reeves, Registered Agent
201 N Main St
Rushville, IN 46173

Re: Violation Letter
Midtown Countrymark
498 S 8th St
Richmond, Wayne County
UST Facility ID # **19334**

Dear owner/operator:

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.

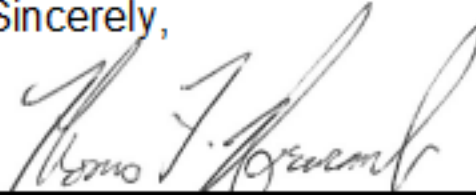
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **19334**.

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

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
Adam James
UST Facility ID File # 19334
Midtown Countrymark
Attn: Heather Meckes, heather.meckes@herdrich.com
Attn: William Herdrich, bill@herdrich.com

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: Midtown Country Mark	UST FACILITY ID: 19334
ADDRESS: 498 S 8th St, Richmond, Wayne 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 an updated notification form is required with correct overfill protection, piping material, piping installation date, and release detection for the piping.

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.

§ 280.41(b)(2) – Failure to perform monthly monitoring on piping installed after 9/2/2009, except proper European

Citation:

Pursuant to 40 CFR 280.41(b)(2), piping installed or replaced after April 11, 2016 (previously cited as September 2, 2009 under 329 IAC 9-2-1(2)(D)) must meet one of the following:

(i) Pressurized piping must be monitored for releases at least every 30 days in accordance with § 280.43(g) and be equipped with an automatic line leak detector in accordance with § 280.44(a)

(ii) Suction piping must be monitored for releases at least every 30 days in accordance with § 280.43(g).

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because 1/12 months of interstitial monitoring release detection records were available on site.

Corrective Action:

The owner and/or operator of the UST systems at this site shall have any UST or line that contains a regulated amount of product and found to not have been monitored every thirty (30) days by not having records of interstitial monitoring 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. The owner and/or operator shall continue to perform proper monthly release detection and submit the results monthly for a period of six (6) months after the 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 submitted line leak detector test expired on 12/8/2021.

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.

§ 280.43(g) – Failure to perform Interstitial Monitoring to standard

Citation:

Pursuant to 40 CFR 280.43(g), interstitial monitoring between the UST system and a secondary barrier immediately around or beneath it may be used, but only if the system is designed, constructed, and installed to detect a leak from any portion of the tank that routinely contains product and also meets one of the following requirements:

- (1) For double walled UST systems, the sampling or testing method can detect a leak through the inner wall in any portion of the tank that routinely contains product;
- (2) For UST systems with a secondary barrier within the excavation zone, the sampling or testing method used can detect a leak between the UST system and the secondary barrier.

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because the valves attached to drain tubes were in the close position which would prevent liquid within the interstitial space of the piping from draining into the STPs and trigger the sensors as designed.

Corrective Action:

The owner and/or operator of the UST systems at this site shall have any UST or piping that contains a regulated amount of product and found to not have been monitored every thirty (30) days correctly while using interstitial monitoring 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. The owner and/or operator shall continue to perform proper monthly release detection and submit the results monthly for a period of six (6) months after the 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 testing of the Spill Bucket(s), Sump(s) & UDC(s) every (3) years is required.

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 testing of the Overflow Protection every (3) years is required.

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:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because an annual test of the ATG Unit is required</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 annual testing of the Probe(s) for the UST & testing the Sensor(s) in the sumps is required</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.



**UNDERGROUND STORAGE
TANK INSPECTION REPORT**

INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

UST FAC ID: **19334**

Inspector's Name:	Adam James
Date:	December 28, 2021
Time In:	09:25
Time Out:	10:10
Inspection Type:	Initial

FACILITY NAME / LOCATION

FACILITY NAME Midtown CountryMark		FACILITY ADDRESS (number and street) 498 S 8th St			
ADDRESS (line 2)	CITY Richmond	STATE IN	ZIP CODE 47374	COUNTY Wayne	

UST OWNER

UST Owner Name (If in Individual Capacity) Herdrich Petroleum Corp				BUSINESS ID (From the Secretary of State) 197508-565	
PREFIX Mr	FIRST NAME Grant	MI	LAST NAME Reeves	SUFFIX	
TELEPHONE NUMBER (765) 932-3224		EMAIL ADDRESS heather.meckes@herdrich.com			

UST OPERATOR

UST Operator Name (If in Individual Capacity) Herdrich Petroleum Corp				BUSINESS ID (From the Secretary of State) 197508-565	
PREFIX Mr	FIRST NAME Grant	MI	LAST NAME Reeves	SUFFIX	
TELEPHONE NUMBER (765) 932-3224		EMAIL ADDRESS heather.meckes@herdrich.com			

PROPERTY OWNER

UST Property Owner Name (If in Individual Capacity) Whynot Group Inc				BUSINESS ID (From the Secretary of State) 1991120436	
PREFIX Mr	FIRST NAME Jan	MI	LAST NAME Hackleman	SUFFIX	
TELEPHONE NUMBER (765) 932-3224		EMAIL ADDRESS heather.meckes@herdrich.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
Updated Notification Form (Confirmation of Overfill Protection, piping install and release detection)						
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 checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	N/A
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 checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	<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
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
Spill Bucket/Sump/UDC Test, Overfill Protection Test						
40 CFR 280, Subpart D release detection requirements met	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK
(12)Months IM RD(Piping),IM to Standard,ATG/Sensor Test, LLD Expired						
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:

- Three (3) Steel STIP 3 UST installed in October 1994
- One (1) 12K PREM GSL
- One (1) 12K REG GSL
- One (1) 6K 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 28 years old and the owner should start planning on removing or replacing them soon.

- Piping is OPW DW and pressurized (appears to have been upgraded from original enviroflex to OPW in May 2014 based on inspection mentioning new piping - Enviroflex still mentioned in 2011)

RD UST = ATG, SIR

RD Piping = LLD, SIR

Overfill/Spill = Spill Buckets + Ball Float (original + current) + Auto (original)

ATG Certification = N

Overfill Protection Test = N

Spill bucket Test = N

Containment Sumps Test (Required) = N (piping upgraded post 9/2/2009)

- Last known CP (Galvanic) 6/11/2014
- If no Auto, will need proof of overfill
- Piping upgraded from enviroflex to OPW in 2014, need INT in NF and records

Site History:

Site is an active service station. There is no prior UST history at this site. Based on prior inspections and original NF, the piping was upgraded post 9/2/2009.

Contact Information

Heather Meckes heather.meckes@herdrich.com

William Herdrich bill@herdrich.com

Documentation provided at the time of the file review:

- (NF 8/18/2016, Approval 6/23/2017 - Missing INT piping)
- Updated Notification Form 11/8/2021 - did not include INT for piping even though shows 2014 upgrade
- Updated NF 11/9/2021 - correct tank data (being submitted)
- Certificate of Financial Responsibility (letter of credit 2/5/2021 to 2/5/2022)
- Operator Certificates A, B, C
- Release Detection Records USTs SIR (REG, PREM, DSL) 10/2020 to 9/2021 - Exact values on SIR
- Release Detection Records INT piping
- Line and leak detector test 12/8/2020 (REG, PREM, DSL)
- Corrosion Protection test (REG, PREM, DSL) 12/21/2020 - low numbers on REG
- ATG/Probes/Sensors test
- Spill bucket + STPs + UDCs test
- Overfill test + confirmation
- Walkthrough 6/2021 to 11/2021 (missing October)

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.

Inspector's Note: Inspection of the drop tubes show signs AUTO may have been installed at one point, but are no longer in place. Confirmation that Ball Float is installed and working as intended is required. The missing overfill protection test will determine if Ball Float is present and working properly or if overfill protection is not installed at all.

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

1. Minor fluids in spill bucket PREM. Remove fluids and monitor spill bucket.
2. Site uses SIR for monitoring the UST(s). Submitted documents have 10/12 Months. The remaining two months, November & December, could not be collected on site.

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. Updated Notification Form - (Confirmation of Overfill Protection, correct install date and release detection method for Piping - Based on prior inspections, piping was upgraded on or after 9/2/2009 and is required to have interstitial monitoring)
4. (12) Months IM Release Detection Records (Piping) - Only 1 out of 12 Months available at the time of inspection
5. Line Leak Detector Test - Submitted test expired on 12/8/2021
7. Spill Bucket/Sump/UDC Test - Documentation of testing the Spill Bucket(s), Sump(s) & UDC (s) was not provided
8. Overfill Protection Test - Documentation not provided
9. ATG/Probe/Sensor Certification - Testing of the ATG Unit, Probe(s) & Sensor(s) was not provided
10. Interstitial Monitoring to Standard - Valves attached to drain tubes were in the close position which would prevent liquid within the interstitial space of the piping from draining into the STPs and trigger the sensors as designed.