



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Brian C. Rockness
Commissioner

January 21, 2022

Robert McCarty
545 E State Road 60
Pekin, IN 47165

Re: Violation Letter
McCarty's Sunoco & Mini Mart
545 E SR 60
Pekin, Washington County
UST Facility ID # **15537**

Dear Mr. McCarty:

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 10, 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.

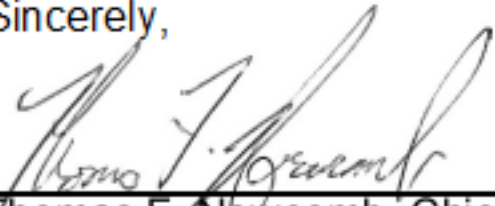
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **15537**.

Inspector: Brock Goodman
Phone: (812) 582-9843

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
Brock Goodman
UST Facility ID File # 15537

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: McCarty's Sunoco & Mini Mart	UST FACILITY ID: 15537
ADDRESS: 545v East State Road 60 Pekin, IN 47165	INSPECTION DATE: 1/10/2022

VIOLATIONS NOTED IN THIS INSPECTION

IC 13-23-12-1 Failure to Pay UST Fees

Citation:

Pursuant to IC 13-23-12-1, each year, if an underground storage tank has not been closed before January 1 of the year under rules adopted under IC 13-23-1-2; or a requirement imposed by the commissioner before the adoption of rules under IC 13-23-1-2; the owner of the underground storage tank shall pay to the department an annual registration fee.

The annual registration fee required by this section is ninety dollars (\$90) for each underground petroleum storage tank or two hundred forty-five dollars (\$245) for each underground storage tank containing regulated substances other than petroleum.

If an underground storage tank consists of a single tank in which there are separate compartments, a separate fee shall be paid under subsection (b) for each compartment within the single tank. If an underground storage tank consists of a combination of tanks, a separate fee shall be paid under subsection (b) for each compartment within each tank in the combination of tanks.

For tanks that contain separate compartments and that were in use before July 1, 2014, the payment of a single annual fee of ninety dollars (\$90) for a tank containing separate compartments shall be deemed to satisfy the requirements of subsection.

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because site has tank fees that are due from 2019 to 2021.

Corrective Action:

The owner and/or operator of the UST systems at this site shall pay the required fees to the Indiana Department of Environmental Management within fifteen (15) days of receipt of this notice.

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:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because no updated notification form has been provided.</i>
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. The last notification form (dated 5/20/2016) was rejected on 5/27/2016.

§ 280.34 – Reporting and recordkeeping (general provisions)
Citation:
Pursuant to 40 CFR 280.34, owners and operators of UST systems must cooperate fully with inspections, monitoring and testing conducted by the implementing agency, as well as requests for document submission, testing, and monitoring by the owner or operator pursuant to section 9005 of Subtitle I of the Solid Waste Disposal Act, as amended.
Violation Details:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because no records of any kind were sent to IDEM as requested per the INL dated 10 December 2021.</i>
Corrective Action:
The owner and/or operator of the UST systems at this site shall immediately perform the monitoring or testing required by the rules and/or submit the requested documentation within seven (7) 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:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because site has no financial responsibility mechanism.</i>

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.
§ 280.35(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 overfill 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:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because a spill bucket test report at both main and remote fill ports was not provided.</i>
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 overfill prevention equipment
Citation:
Pursuant to 40 CFR 280.35(a)(2), overfill prevention equipment must be inspected at least once every three years. At a minimum, the inspection must ensure that overfill 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:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because an overfill equipment test report was not provided.</i>

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 overfill prevention equipment. Documentation, to include photographs, inspection, repair, measurements and testing results, showing the overfill 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.
§ 280.36(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 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.

§ 280.245 – 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 site has no class A,B,C operators.</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 A, Class B and Class C 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: **15537**

Inspector's Name:	Brock Goodman
Date:	January 10, 2022
Time In:	09:45
Time Out:	10:56
Inspection Type:	Initial

FACILITY NAME / LOCATION

FACILITY NAME McCarty's Sunoco and Mini Mart		FACILITY ADDRESS (number and street) 545 E SR 60			
ADDRESS (line 2)	CITY Pekin	STATE IN	ZIP CODE 47165	COUNTY Washington	

UST OWNER

UST Owner Name (if in Individual Capacity) Robert D McCarty					BUSINESS ID (From the Secretary of State)
PREFIX	FIRST NAME	MI	LAST NAME	SUFFIX	
TELEPHONE NUMBER (812) 967-2908		EMAIL ADDRESS			

UST OPERATOR

UST Operator Name (if in Individual Capacity) Robert D McCarty					BUSINESS ID (From the Secretary of State)
PREFIX	FIRST NAME	MI	LAST NAME	SUFFIX	
TELEPHONE NUMBER (812) 967-2908		EMAIL ADDRESS			

PROPERTY OWNER

UST Property Owner Name (if in Individual Capacity) Robert D McCarty					BUSINESS ID (From the Secretary of State)
PREFIX	FIRST NAME	MI	LAST NAME	SUFFIX	
TELEPHONE NUMBER (812) 967-2908		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
Tank fees 2019-2021 due; Needs updated notification form						
O/O is in compliance with reporting & record keeping requirements	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK
No records of any kind were submitted per INL on 10 DEC 2021						
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
Site has no financial responsibility mechanism						
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
overfill test, spill bucket testing (main and remote), walkthrough inspections						
40 CFR 280, Subpart D release detection requirements met	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	UNK
40 CFR 280, Subpart J operator training requirements met	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK
No A,B operator training						

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) FG SW USTs installed in August 1991
- One (1) 8K PREM GSL
- One (1) 10K REG GSL

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 FG (Flex) SW and pressurized

RD UST = ATG

RD Piping = LLD, LTT, ATG

Overfill/Spill = Spill Buckets + Ball Float (earlier and last NF) + Auto (Original)

ATG Certification = N

Overfill Protection Test = N

Spill bucket Test = N

Containment Sumps Test (not required) = N

If Auto, will need BF removal or Auto adjustment documentation

Site History:

Site is an active service station. Three (3) USTs were removed in August 1991 (Closure NF on file).

Contact Information

Robert McCarty - no email

Documentation not provided at the time of the file review:

- Updated NF (NF 5/20/2016, Rejected 5/27/2016 - incorrect overfill if Auto present)
- Certificate of Financial Responsibility
- Operator Certificates
- Release Detection Records
- Line and leak detector test
- Overfill test
- Spill bucket test
- ATG/Probes test
- Walkthrough

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 NOTES:

A.) Upon arrival, site had no dispensing units and was abandoned. I located the tanks and the remote fill ports and began inspection. I gauged both tanks and verified were empty with an insignificant amount of sludge on the bottom. I then opened up the plywood that was over where the dispensing units used to be for documentation purposes. Lines at the location of the former dispensers were capped. Mr. McCarty lived next door to site and came over to ask what I was doing, I responded who I was and what I was there for.

B.) No auto shutoff devices were found after inspection.

C.) Could not open one of the remote fill ports due to ice.

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

1. Line leak detector to be accomplished if brought back into service
2. Line tightness test to be accomplished if brought back into service
3. ATG functionality testing; ATG probes testing completed if brought back into service.
4. STP metal component piping will need to be cathodic protected if brought back into service.
5. Drop tubes are severely corroded and may need to be replaced.

The following are RECORDS VIOLATIONS 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):

6. Overfill prevention testing will need completed if brought back into service
7. Spill bucket testing will need completed if brought back into service (main fill port and remote)
8. Site owner will need to accomplish monthly walk through inspections if back into service.
9. Tank fees are due from 2019 to 2021
10. Need updated notification form
11. Site submitted no paperwork of any kind to IDEM as requested (INL 10 DEC 2021)
12. Site needs financial responsibility mechanism
13. Site need class A,B,C operator training certificates
14. Tank Tightness test needs to be accomplished to ensure fuel didn't just leak out. Site had no records of when the USTs were emptied.