



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

February 7, 2022

K & E Inc.
Attn: John Knapp, Registered Agent
40 E State Road 60
Campbellsburg, IN 47108

K & E Inc.
Attn: John Knapp
Via email: droweboxer@gmail.com

Re: Violation Letter
K & E Market
40 E SR 60
Campbellsburg, Washington County
UST Facility ID # **2693**

Dear Mr. Knapp:

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 24, 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.

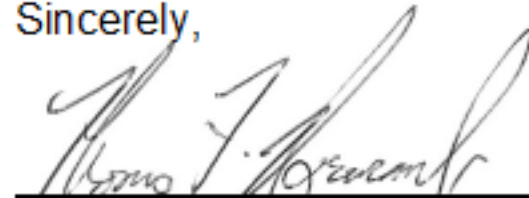
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **2693**.

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 # 2693

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: K & E Market	UST FACILITY ID: 2693
ADDRESS: 40 East State Road 60 Campbellsburg, IN 47108	INSPECTION DATE: 1/24/2022

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 to reflect an auto shutoff device as overfill prevention for REG E UST.

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 financial mechanism has been 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 REG E UST has an auto shutoff device and no records have been provided indicating ball float removal or adjustment to the auto shutoff device.

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.

§ 280.35(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:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because although overfill testing was completed on 1/5/2022 both overfill failed the test.

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.

§ 280.40(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:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because no current ATG functionality testing records have been provided.

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:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because no current ATG probe(s) testing records have been provided.

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:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because no current class A,B,C operator training records have been provided.

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: **2693**

Inspector's Name:	Brock Goodman
Date:	January 24, 2022
Time In:	10:35
Time Out:	11:40
Inspection Type:	Initial

FACILITY NAME / LOCATION

FACILITY NAME K & E Market		FACILITY ADDRESS (number and street) 40 E SR 60			
ADDRESS (line 2)	CITY	STATE	ZIP CODE	COUNTY	
	Campbellsburg	IN	47108	Washington	

UST OWNER

UST Owner Name (if in Individual Capacity) K and E Inc				BUSINESS ID (From the Secretary of State) 198201-721	
PREFIX	FIRST NAME	MI	LAST NAME	SUFFIX	
Mr	John		Knapp		
TELEPHONE NUMBER (812) 525-1955		EMAIL ADDRESS droweboxer@gmail.com			

UST OPERATOR

UST Operator Name (if in Individual Capacity) K and E Inc				BUSINESS ID (From the Secretary of State) 198201-721	
PREFIX	FIRST NAME	MI	LAST NAME	SUFFIX	
Mr	John		Knapp		
TELEPHONE NUMBER (812) 525-1955		EMAIL ADDRESS droweboxer@gmail.com			

PROPERTY OWNER

UST Property Owner Name (if in Individual Capacity) K and E Inc				BUSINESS ID (From the Secretary of State) 198201-721	
PREFIX	FIRST NAME	MI	LAST NAME	SUFFIX	
Mr	John		Knapp		
TELEPHONE NUMBER (812) 525-1955		EMAIL ADDRESS droweboxer@gmail.com			

COMPLIANCE ELEMENTS

All USTs properly registered and up-to-date notification form on file	<input type="checkbox"/>	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> UNK
Need updated notification form to reflect correct overfill device for REG E.				
O/O is in compliance with reporting & record keeping requirements	<input checked="" type="checkbox"/>	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> UNK
O/O is in compliance with release reporting or investigation	<input type="checkbox"/>	<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"/>	<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"/>	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> N/A
Need financial responsibility mechanism				
40 CFR 280, Subpart A installation requirements (partially excluded) met	<input type="checkbox"/>	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
40 CFR 280, Subpart B installation and upgrade requirements met	<input type="checkbox"/>	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> UNK
REG E has auto shut off device, need records indicating ball float removal or auto shutoff adjustment.				
40 CFR 280, Subpart C spill/overfill control requirements met	<input checked="" type="checkbox"/>	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
40 CFR 280, Subpart C compatibility requirements met	<input checked="" type="checkbox"/>	<input 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"/>	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> UNK
Overfill test fail both tanks(1/5/2022), need retest				
40 CFR 280, Subpart D release detection requirements met	<input type="checkbox"/>	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> UNK
Need ATG functionality testing; ATG probes testing				
40 CFR 280, Subpart J operator training requirements met	<input type="checkbox"/>	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> UNK
Need class A,B,C operator training records				

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 January 1986 (per ULCERs but appears to be 4/1985)
- One (1) 8K REG W GSL
- One (1) 8K REG E 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 36 years old and the owner should start planning on removing or replacing them soon.

- Piping is FG SW and pressurized

RD UST = ATG

RD Piping = LLD, LTT, ATG

Overfill/Spill = Spill Buckets + Ball Float (consistent)

ATG Certification = N

Overfill Protection Test = Y (1/5/2022) - Both Fail / could not be removed)

Spill bucket Test = Y (1/5/2022)

Containment Sumps Test (not required) = N

Site History:

Site is an active service station. Two (2) 1K USTs (not listed in ULCERs) were removed in September 1991 (Closure NF in VFC). A Notification Form from 1986 shows the new USTs as Fiberglass (7,950 gallons) as being 1 year old which would place the install date in April 1985 instead of January 1986 (ULCERs). Also, a later notification form indicated those new USTs as STIP3 but it appears to be a mistake based on the original registered volumes of 7,950 gallons which is in line with fiberglass USTs.

Contact Information

John Knapp droweboxer@gmail.com

Documentation not provided at the time of the file review:

- (NF 3/2/2018, no formal approval - tank data ok if Ball Float)
- Certificate of Financial Responsibility
- Operator Certificates
- Release Detection Records
- Line and leak detector test
- Overfill test
- Spill bucket test
- ATG/Probes test
- Walkthrough

*** documents were provided post inspection: LLD/LTT (REG W, REG E) 1/5/2022, Overfill Test 1/5/2022 (both fail), Spill bucket test (1/5/2022), TTT (REG W, REG E) 1/5/2022, 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.) As requested by compliance manager, inspector could not see top of tanks from STP area.
- B.) Current inventory printouts of both tanks volume/ullage (7,829) is in line with fiberglass USTs.
- C.) REG Pump#2 has a mechanical leak detector but REG Pump#1 has an electronic leak detector which reports to the ATG.

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

1. All spill buckets have negligible amount of fluid/debris; clean & monitor
2. Rubber seal in REG W drop tube has become displaced; repair
3. Metal components of both STPs are in contact with negligible amount of gravel but actual piping going to dispenser is protected. Inspector mentioned this to owner to remove minor amount of gravel and put a barrier between the two.
4. Both vapor recovery lids are damaged & may not perform as designed; replace.

The following are ON-SITE 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:

5. REG E has auto shutoff device; need records indicating ball float removal or adjustment to auto shutoff device.

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):

6. Need updated notification form to reflect correct overfill device for REG E.
7. Need financial responsibility mechanism
8. Need overfill prevention re-testing records (both failed 1/5/2022).
9. Need ATG functionality testing records
10. Need ATG probes testing records
11. Need current operator certificates