



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. Rockensuess
Commissioner

February 11, 2022

LABH Realty LLC
Attn: Maulik Patel, Registered Agent
1160 W US Highway 40
West Terre Haute, IN 47885

JMC Foodmart Inc
Attn: Maulik Patel, Registered Agent
1160 W US Highway 40
West Terre Haute, IN 47885

Re: Violation Letter
Kentland Marathon
102 N 7th St
Kentland, Newton County
UST Facility ID # **11566**

Dear Mr. Patel:

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 31, 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.

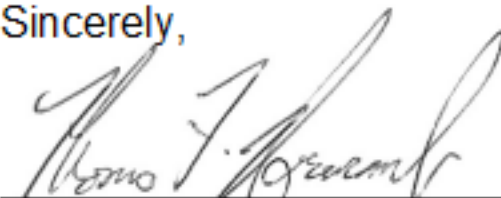
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **11566**.

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

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
John Metz
UST Facility ID File # 11566
Kentland Marathon
Attn: Maulik Patel
Via email: mccgas2018@gmail.com
kentlandgas@gmail.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: Kentland Marathon	UST FACILITY ID: 11566
ADDRESS: 102 N 7th St, Kentland, Newton County	INSPECTION DATE: 01/31/2022

VIOLATIONS NOTED IN THIS INSPECTION

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 they did not submit documentation of their financial responsibility mechanism.

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(b) – Failure to install, design, construct or protect piping from corrosion
Citation:
Pursuant to 40 CFR 280.20(b), the piping that routinely contains regulated substances and is in contact with the ground must be properly designed, constructed, and protected from corrosion in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory.
Violation Details:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because the dispensers had metal piping and/or fittings in contact with soil and/or gravel.</i>
Corrective Action:
The owner and/or operator of the UST systems at this site shall, within fifteen (15) days of receipt of this notice, contract with a certified contractor to determine if the piping or metal components in contact with the ground are substandard and what steps will be taken to provide corrosion protection. The UST owner and/or operator must inform IDEM of the proposed work within thirty (30) days of receipt of this notice and receive approval before completing the work. The work must be completed within forty five (45) days of receipt of this notice. If the piping or metal components are determined to be substandard, the UST owner and/or operator shall immediately notify IDEM of their intent to remove or replace the affected components.
§ 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:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because the spill bucket for premium UST is cracked.</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 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.

§ 280.36(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:

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.

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.

§ 280.41(a)(1) – Failure to monitor tanks every 30 days if installed before 9/2/2009

Citation:

Pursuant to 40 CFR 280.41(a)(1), considering previous Indiana rule at 329 IAC 9-3-1.3 (repealed 2018), tanks installed on or before September 2, 2009 must be monitored for releases at least every 30 days using one of the methods listed in § 280.43(d) through (i).

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because 6K Regular Gas tank was missing ten (10) months of passing release detection, and the Regular Gas 8K tank was missing four (4) months.

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 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.



**UNDERGROUND STORAGE
TANK INSPECTION REPORT**

INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

UST FAC ID: **11566**

Inspector's Name:	John Metz
Date:	January 31, 2022
Time In:	12:00
Time Out:	13:35
Inspection Type:	Initial

FACILITY NAME / LOCATION										
FACILITY NAME Kentland Marathon			FACILITY ADDRESS (number and street) 102 N 7th St							
ADDRESS (line 2)		CITY	STATE	ZIP CODE	COUNTY					
		Kentland	IN	47951	Newton					
UST OWNER										
UST Owner Name (if in Individual Capacity) JMC Foodmart Inc				BUSINESS ID (From the Secretary of State) 202007231408564						
PREFIX	FIRST NAME	MI	LAST NAME	SUFFIX						
	Maulik		Patel							
TELEPHONE NUMBER		EMAIL ADDRESS								
		mccgas2018@gmail.com								
UST OPERATOR										
UST Operator Name (if in Individual Capacity) JMC Foodmart Inc				BUSINESS ID (From the Secretary of State) 202007231408564						
PREFIX	FIRST NAME	MI	LAST NAME	SUFFIX						
	Maulik		Patel							
TELEPHONE NUMBER		EMAIL ADDRESS								
		kentlandgas@gmail.com								
PROPERTY OWNER										
UST Property Owner Name (if in Individual Capacity) LABH Realty LLC				BUSINESS ID (From the Secretary of State) 202007231408565						
PREFIX	FIRST NAME	MI	LAST NAME	SUFFIX						
	Maulik		Patel							
TELEPHONE NUMBER		EMAIL ADDRESS								
		pmike9990@gmail.com								
COMPLIANCE ELEMENTS										
All USTs properly registered and up-to-date notification form on file			<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	UNK		
Current										
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	<input type="checkbox"/>	UNK
O/O is in compliance with all UST closure requirements			<input type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>	UNK
O/O has met all financial responsibility requirements			<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	N/A	<input type="checkbox"/>	UNK
FR was not submitted										
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 type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	UNK
Steel flex connectors with soil/gravel contact under dispensers										
40 CFR 280, Subpart C spill/overfill control 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 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"/>	<input type="checkbox"/>	<input type="checkbox"/>	UNK
Need monthly walk-through inspections July through December										
40 CFR 280, Subpart D release detection requirements met			<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	UNK
Both Reg Gas tanks missing at least 4 months RD										
40 CFR 280, Subpart J operator training requirements met			<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	<input type="checkbox"/>	<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 four (4) USTs

Three (3) USTs - FG - Installed 3/1/2009

One (1) 6K GSL (Manifolded)

One (1) 8K GSL (Manifolded)

One (1) 4K GSL

One (1) USTs - FG - Installed 8/2/2009

One (1) 4K DSL

Piping - FG - Pressurized

RD UST - ATG

RD Piping - ATG - LTT - LD

Spill protection/Overfill - Spill buckets - Flappers

ATG Certification = Y 1/17/2022

Overfill Protection Test = N

Spill bucket Test = N

Containment Sumps Test Required N

Site is an active gas station

Any Site history or concerns Closure report for 1K UST was not located on file.

Four (4) USTs closed 1/23/2009 (Closure report on file)

One (1) UST closed 1/26/1999 (Closure NF on file)

Testing completed on 1/17/2022 by Adam Case UC201812728C 05/05/2020 to 05/17/2022

Documentation received -

Notification form - 2/17/2021 (Approved)

RD Piping LTT 1/17/2022 Pass

LD 1/17/2022 Pass

Annual ATG with probes test 1/17/2022 Pass

Spill bucket test 1/17/2022 Pass

Overfill test with confirmation of no ball floats 1/17/2022 Pass

Monthly walk through 1/2022

Documentation needed -

RD UST monthly results

Monthly walk through July-December 2021

FR

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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. All four (4) spill buckets contained fluid.
2. Both Regular Gas vapor recovery valve gaskets were damaged by tool marks and need to be replaced.
3. Both Regular Gas STP sumps were almost full of water/ice.
4. The Regular Gas east and Premium Gas interior STP sump lids were cracked and beginning to fall apart.
5. The Diesel STP sump contained several inches of fuel.
6. The Premium Gas vapor recovery lid could not be opened.
7. The Premium Gas STP sump contained dirt and debris, and had a large crack in the bottom.
8. Piping in the Premium STP sump appears to be molding, this should be inspected by UST certified technician to verify structural stability.
9. UDCs #5/6 and 7/8 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:

10. Prem spill bucket is cracked and needs to be repaired/replaced.
11. The dispensers had metal piping and/or fittings in contact with soil and/or gravel.
12. 6K Regular Gas was missing ten (10) months of passing release detection, and the Regular Gas 8K was missing four (4) months.

The following are RECORDS to be submitted to USTCompliance@idem.IN.gov with FID in subject line within 30 days of receipt of this inspection report to avoid further action and achieve compliance with the state underground storage tank program:

13. Financial responsibility mechanism
14. Monthly walk-through inspections from July through December 2021
15. Tank tightness test for both Regular Gas tanks