



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204

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

Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

February 16, 2022

Josh Investment Inc
Attn: Jasvir Singh, Registered Agent
11863 E 300 S
Zionsville, IN 46077

Austin Foodmart Inc
Attn: Kulwinder Singh, Registered Agent
6640 Silverthorne Way
Indianapolis, IN 46259

Re: Violation Letter
Sunoco Food Mart
118 Dowling St
Austin, Scott County
UST Facility ID # **25451**

Dear Mr. Singh:

An inspector from the Indiana Department of Environmental Management (IDEM), Underground Storage Tank (UST) Section, conducted an inspection of the site referenced above on February 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.

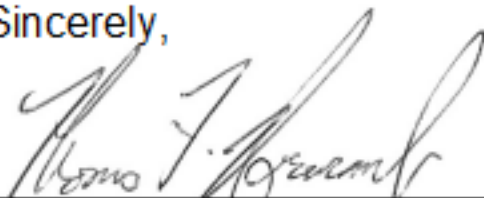
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **25451**.

Inspector: Tristan Voge
Phone: (317) 719-2574

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
Tristan Voge
UST Facility ID File # 25451
Sunoco Food Mart
Attn: Jasvir Singh, jacksingh6640@yahoo.com
Attn: Kulwinder Singh, kulwinder.gahra@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: Sunoco Food Mart	UST FACILITY ID: 25451
ADDRESS: 118 N Dowling St, Austin, Scott County	INSPECTION DATE: 02/10/2022

VIOLATIONS NOTED IN THIS INSPECTION

§ 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:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because the owner and/or operator did not respond to IDEM's records request dated 01/12/2022

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:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because a mechanism of financial responsibility was not 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)(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 during the inspection dated 02/10/2022, the premium and unleaded spill buckets were over half filled with fluid and would not function as designed in the event of a spill or overfill.

Corrective Action:

The owner and/or operator of the UST systems at this site shall, within thirty (30) days of receipt of this notice, submit documentation of clean spill buckets.

§ 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:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because a periodic spill prevention equipment test report was not provided.

Corrective Action:

A spill prevention equipment test report dated 06/16/2021 was submitted 02/13/2022.

§ 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 a periodic overfill prevention equipment test report was not provided.</i>
Corrective Action: An overfill prevention equipment test report dated 06/16/2021 was submitted 02/13/2022.

§ 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 07/2021-02/2022 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.

§ 280.40(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 ATG functionality test report was not provided.</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 an annual probes and sensors test report was not provided.</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.

§ 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 twelve (12) months of release detection records for the USTs were not available or provided.

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.

§ 280.41(b)(1)(i)(A) – Failure to equip piping with or test automatic leak detectors

Citation:

Pursuant to 40 CFR 280.41(b)(1)(i)(A), pressurized underground piping installed on or before April 11, 2016 (previously cited as September 2, 2009 under 329 IAC 9-2-1(2)(D)) that routinely contains regulated substances must be equipped with an automatic line leak detector conducted in accordance with § 280.44(a).

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because of the provided leak detector test reports, the E85 UST does not have a result due to low volume in the UST.

Corrective Action:

The owner and/or operator of the UST systems at this site shall have any piping that contains a regulated amount of product and found to not have had its automatic leak detector tested within the 12 months prior to inspection 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.

§ 280.41(b)(1)(i)(B) – Failure to perform annual piping LTT or monthly monitoring
Citation:
Pursuant to 40 CFR 280.41(b)(1)(i)(B), pressurized underground piping installed on or before April 11, 2016 (previously cited as September 2, 2009 under 329 IAC 9-2-1(2)(D)) that routinely contains regulated substances must have an annual line tightness test conducted in accordance with § 280.44(b) or have monthly monitoring conducted in accordance with § 280.44(c).
Violation Details:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because twelve (12) months of release detection records for the piping or an annual leak detector test report was not provided.</i>
Corrective Action:
An annual line tightness test report dated 06/16/2021 was submitted 02/13/2022.

§ 280.43(d) – Failure to perform Automatic Tank Gauging to standard
Citation:
Pursuant to 40 CFR 280.43(d), equipment for automatic tank gauging that tests for the loss of product and conducts inventory control must meet the following requirements: (1) The automatic product level monitor test can detect a 0.2 gallon per hour leak rate from any portion of the tank that routinely contains product; (2) The automatic tank gauging equipment must meet the inventory control (or other test of equivalent performance) requirements of § 280.43(a); and (3) The test must be performed with the system operating in one of the following modes: (i) In-tank static testing conducted at least once every 30 days; or (ii) Continuous in-tank leak detection operating on an uninterrupted basis or operating within a process that allows the system to gather incremental measurements to determine the leak status of the tank at least once every 30 days.
Violation Details:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because according to the ATG reports, the ATG does not appear to be programmed correctly.</i>
Corrective Action:
The owner and/or operator of the UST systems at this site shall have any UST system found to have had automatic tank gauging not performed to the standard 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 of the UST systems at this site shall have a contractor certified by the Indiana Office of the State Fire Marshall inspect, reprogram, repair or otherwise correct the deficiencies of the automatic tank gauging system 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 A, B and C operator certificates were not 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: **25451**

Inspector's Name:	Tristan Voge
Date:	February 10, 2022
Time In:	11:45
Time Out:	12:30
Inspection Type:	Initial

FACILITY NAME / LOCATION

FACILITY NAME Sunoco Food Mart		FACILITY ADDRESS (number and street) 118 N Dowling St			
ADDRESS (line 2)	CITY Austin	STATE IN	ZIP CODE 47102	COUNTY Scott	

UST OWNER

UST Owner Name (Business Name as registered with the Secretary of State) Josh Investment Inc				BUSINESS ID (From the Secretary of State) 2015082600117	
PREFIX	FIRST NAME Jasvir	MI	LAST NAME Singh	SUFFIX	
TELEPHONE NUMBER (812) 344-4370		EMAIL ADDRESS jacksingh6640@yahoo.com			

UST OPERATOR

UST Operator Name (Business Name as registered with the Secretary of State) Austin Foodmart Inc				BUSINESS ID (From the Secretary of State) 2015081801075	
PREFIX	FIRST NAME Kulwinder	MI	LAST NAME Singh	SUFFIX	
TELEPHONE NUMBER (812) 344-4870		EMAIL ADDRESS kulwinder.gahra@gmail.com			

PROPERTY OWNER

UST Property Owner Name (Business Name as registered with the Secretary of State) Josh Investment Inc				BUSINESS ID (From the Secretary of State) 2015082600117	
PREFIX	FIRST NAME Jasvir	MI	LAST NAME Singh	SUFFIX	
TELEPHONE NUMBER (812) 344-4370		EMAIL ADDRESS			

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
O/O is in compliance with reporting & record keeping requirements	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK
The owner and/or operator did not respond to IDEM's records request dated 01/12/2022.						
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
A mechanism of financial responsibility was not provided.						
40 CFR 280, Subpart A installation requirements (partially excluded) met	<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"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK
The PREM/UNL spill buckets were over half filled and would not function as designed						
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
ATG/probes/sensors test reports and 07/2021-02/2022 walkthroughs are needed.						
40 CFR 280, Subpart D release detection requirements met	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK
E85 Leak detector test report, twelve (12) months of RD records needed. ATG not to standard						
40 CFR 280, Subpart J operator training requirements met	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK
A, B and C operator certificates were not provided.						

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) DW fiberglass USTs installed 4/15/2009

- One (1) 12k GSL
- One (1) 5k GSL compartment
- One (1) 5k DSL
- One (1) 5k E85 compartment

Piping is fiberglass and pressurized (RUL 12k)
flex and pressurized (all other tanks)

RD UST = ATG

RD Piping = LLD, LTT, ATG

Overfill/Spill = Spill Buckets + Auto Shutoff

ATG Certification = No

Overfill Protection Test = Yes 6/16/2021

Spill Bucket Test = Yes 6/16/2021

Site History:

- Interstitial monitoring sensors are in place but do not appear to be in use. System is not required to conduct interstitial monitoring and notification forms have been updated removing INT from the release detection selections

Documentation provided at the time of the file review:

- Notification Form approved 8/28/2017
- NONE

Inspection Notes

- The middle south spill bucket was frozen shut and could not be opened.
- The West UNL STP containment lid appeared to be degraded, the site had a trashcan with wood and a traffic cone ontop of the lid to prevent traffic overtop of the sump.
- After the inspection and preliminary summary, consultant submitted LDT, LTT, Spill Bucket and Overfill testing completed 6/16/2021 - all pass, except E85 LDT could not be tested

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.

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

- The DSL, PREM, and UNL spill buckets all appeared warped and bending and should be inspected by a certified contractor to ensure function and integrity.
- STP containment sumps appeared to be filled with fluid. the fluid should be cleaned out and monitored as needed, the source of the fluid should be determined and remediated as needed.
- The DSL fill port cap did not have an o-ring present and appeared cracked. The cap should be repaired or replaced as needed to prevent potential water intrusion into the tank.
- The PREM vapor recovery cap appeared broken and was not attached properly. The cap should be repaired or replaced as needed to prevent potential water intrusion.
- Dispenser 3/4 island had heavy staining, the source of the staining should be determined and remediated as needed.
- Dispenser 3/4 and 11/12 UDCs contained fluid that should be cleaned out and monitored as needed and the source of the fluid should be determined and remediated as needed.

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:

1. The owner and/or operator did not respond to IDEM's records request dated 01/12/2022.
2. A mechanism of financial responsibility was not provided.
3. During the inspection dated 02/10/2022, the premium and unleaded spill buckets were over half filled with fluid and would not function as designed in the event of a spill or overflow.
4. A spill prevention equipment test report dated 06/16/2021 was submitted 02/13/2022.
5. An overflow prevention equipment test report dated 06/16/2021 was submitted 02/13/2022.
6. 07/2021-02/2022 monthly walkthrough inspections were not provided.
7. An annual ATG functionality test report was not provided.

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.

8. An annual probes and sensors test report was not provided.
9. Twelve (12) months of release detection records for the USTs were not available or provided.
10. Of the provided leak detector test reports, the E85 UST does not have a result due to low volume in the UST.
11. An annual line tightness test report dated 06/16/2021 was submitted 02/13/2022.
12. According to the ATG reports, the ATG does not appear to be programmed correctly. The dates for the release detection records do not appear to be programmed correctly.
13. A, B and C operator certificates were not provided.

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:

- A mechanism of financial responsibility
- Documentation of clean spill buckets
- 07/2021-02/2022 monthly walkthrough inspections
- An annual ATG functionality test report
- An annual probes and sensors test report
- A passing annual leak detector test report for the E85
- Documentation of proper ATG programming
- A, B and C operator certificates