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 21, 2022

S & H Petroleum Inc
Attn: Raghbir Palia, Registered Agent
7251 E State Road 7
Columbus, IN 47203

S & H Petroleum Inc
Attn: Raghbir Palia
Via email: 3spalia@gmail.com

Re: Violation Letter
Palia BP Gas Station
7251 E SR 7
Columbus, Bartholomew County
UST Facility ID # **19451**

Dear Mr. Palia:

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 14, 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 # **19451.**

Inspector: Matt Rozycki
Phone: (317) 296-1853

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
Matt Rozycki
UST Facility ID File # 19451

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: **Palia BP Gas Station**	UST FACILITY ID: **19451**
ADDRESS: **7251 E SR 7, Columbus, Bartholomew County**	INSPECTION DATE: **2/14/2022**

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 reflecting the correct release detection for the tanks and proper overfill information.

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)(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:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because an annual line tightness test is needed.

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 appropriate monthly monitoring or an annual line tightness test 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.

§ 280.40(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 an annual LLD was not provided.
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.

§ 280.20(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:
The owner and/or operator of the UST system(s) at this site are in violation of this rule because metal components of the piping appear to be in contact with backfill at the STP risers.

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)(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 the site has a history of ball floats, however; auto shut off devices were observed at the time of inspection. Having both forms of overfill can hinder the other from working properly.
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.

§ 280.20(d) – Failure to properly install UST system in accordance with a nationally recognized code of practice
Citation:
Pursuant to 40 CFR 280.20(d), the UST system must be properly installed in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and in accordance with the manufacturer's instructions.
Violation Details:
The owner and/or operator of the UST system(s) at this site are in violation of this rule because the DSL drop tube appeared to be disconnected or not installed properly which may affect the proper operation of 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, submit documentation proving the UST systems were installed in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and in accordance with the manufacturer's instructions or notify IDEM of their intent to permanently close all affected UST systems.

§ 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 periodic testing of the spill prevention equipment was not provided.
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:
The owner and/or operator of the UST system(s) at this site are in violation of this rule because periodic testing of the overfill prevention equipment was not provided.
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 an ATG functionality test was not 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 a functionality test of the probes/sensors was not 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.

§ 280.34(a)(3) – Failure to submit release report
Citation:
Pursuant to 40 CFR 280.34(a)(3), owners and operators must submit the following information to the implementing agency: reports of all releases including suspected releases (§ 280.50), spills and overfills (§ 280.53), and confirmed releases (§ 280.61).
Violation Details:
The owner and/or operator of the UST system(s) at this site are in violation of this rule because a suspected release was not reported after the last inspection in 2019.
Corrective Action:
The owner and operator of the UST systems at this site shall report a release within twenty four (24) hours of receipt of this notice by calling (317) 233-7745 or (888) 233-7745. The owner and operator shall submit documentation within fifteen (15) days detailing their investigation and clean up under 329 IAC 9-4-4.

UNDERGROUND STORAGE TANK INSPECTION REPORT

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

UST FAC ID: 19451

Inspector's Name:	Matt Rozycki
Date:	**February 14, 2022**
Time In:	11:15
Time Out:	11:50
Inspection Type:	Initial

FACILITY NAME / LOCATION

FACILITY NAME	FACILITY ADDRESS *(number and street)*			
Palia BP Gas Station	7251 E SR 7			
ADDRESS *(line 2)*	**CITY**	**STATE**	**ZIP CODE**	**COUNTY**
	Columbus	IN	47203	Bartholomew

UST OWNER

UST Owner Name (If in Individual Capacity)				BUSINESS ID *(From the Secretary of State)*
S&H Petroleum Inc				2007092400238
PREFIX	**FIRST NAME**	**MI**	**LAST NAME**	**SUFFIX**
Mr	Raghbir	S	Palia	
TELEPHONE NUMBER	**EMAIL ADDRESS**			
(812) 546-5524	3spalia@gmail.com			

UST OPERATOR

UST Operator Name (If in Individual Capacity)				BUSINESS ID *(From the Secretary of State)*
S&H Petroleum Inc				2007092400238
PREFIX	**FIRST NAME**	**MI**	**LAST NAME**	**SUFFIX**
Mr	Raghbir	S	Palia	
TELEPHONE NUMBER	**EMAIL ADDRESS**			
(812) 546-5524	3spalia@gmail.com			

PROPERTY OWNER

UST Property Owner Name (If in Individual Capacity)				BUSINESS ID *(From the Secretary of State)*
S&H Petroleum Inc				2007092400238
PREFIX	**FIRST NAME**	**MI**	**LAST NAME**	**SUFFIX**
Mr	Raghbir	S	Palia	
TELEPHONE NUMBER	**EMAIL ADDRESS**			
(812) 546-5524	3spalia@gmail.com			

COMPLIANCE ELEMENTS

All USTs properly registered and up-to-date notification form on file		YES	X	NO				UNK
Updated notification form reflecting the correct UST system information								
O/O is in compliance with reporting & record keeping requirements	X	YES		NO				UNK
O/O is in compliance with release reporting or investigation		YES	X	NO		N/A		UNK
A suspected release was not reported at last inspection, same issue was still present								
O/O is in compliance with all UST closure requirements		YES		NO	X	N/A		UNK
O/O has met all financial responsibility requirements	X	YES		NO		N/A		UNK
40 CFR 280, Subpart A installation requirements (partially excluded) met	X	YES		NO		N/A		UNK
40 CFR 280, Subpart B installation and upgrade requirements met		YES	X	NO				UNK
Auto shut off / ball float coincidental use, metal components of piping touching backfill, DSL fill								
40 CFR 280, Subpart C spill/overfill control requirements met	X	YES		NO		N/A		UNK
40 CFR 280, Subpart C compatibility requirements met	X	YES		NO		N/A		UNK
40 CFR 280, Subpart C O&M and testing requirements met		YES	X	NO				UNK
Spill bucket testing, overfill testing								
40 CFR 280, Subpart D release detection requirements met		YES	X	NO				UNK
ATG/probes functionality, LLD, LTT								
40 CFR 280, Subpart J operator training requirements met	X	YES		NO				UNK

COMPLIANCE REVIEW AND COMMENTS

UST Facility ID **19451**

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) actual Steel STIP 3 USTs installed in November 1992 (one 12K split 6/6)
- One (1) 10K REG GSL
- One (1) 6K REG GSL (T2 C1)
- One (1) 6K PREM GSL (T2 C2)
- One (1) 4K 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 30 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 (original, current) + Auto (per inspection)
ATG Certification = N
Overfill Protection Test = N
Spill bucket Test = N
Containment Sumps Test (not required) = N

Open Violation (suspected release DSL dispenser 4, CP USTs, CP metal component piping STPs, damaged drop tube PREM and DSL affecting operation of flapper, LLD)
Per inspection, has flapper - if confirmed, need BF removal

Last known CP test 4/11/2013

Site History:

Site is an active service station. There is no prior UST history at this site. From last inspection, appears to have anodes installed for metal components piping in STPs. Owner also did not report suspected release as requested in 2019.

Contact Information

Raghbir Palia 3spalia@gmail.com

Documentation provided at the time of the file review:

- (NF 2/12/2016, Approval 8/23/2017 - missing RD piping on two tanks, incorrect overfill)
- Certificate of Financial Responsibility (Letter of Credit 11/2021 to 11/2022)
- Operator Certificates A, B, C
- Release Detection Records CSLD (REG, REG, PREM, DSL) 1/2021 to 12/2021
- Leak detector test (REG, REG, PREM, DSL) 1/7/2021 - Fail DSL
- Leak detector test (REG, REG, PREM, DSL) 1/7/2020
- Corrosion Protection test (REG, REG, PREM, DSL) 1/7/2020 - note regarding flex connectors being booted
- Work orders (issues with PREM, DSL, REG pump being slow, issues with screw missing)
- Work order completed 4/20/2021 (Replacement of LLD DSL, new relays)
- Monthly walkthrough 10/2021 to 1/2022

***Drop tube next to the PREM appears to be a remote fill for the REG compartment. ELLD all appear to have been removed. "High water alarm" was seen on the ATG, tank was stuck and did not appear to contain water. Dispensers were under the concrete pad about 2", they were difficult to pry open so pictures are not amazing. Flex connectors did appear to be booted under the dispensers, unsure about at STP risers. Staining in DISP4 noted.
***There appeared to have been some soil sampling done on site, not sure if that is from the last inspection or unrelated

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:

1. The standalone REG spill bucket showed signs of some warping, it should be monitored and replaced if a crack develops
2. The DSL STP riser showed signs of staining, the source should be identified and release may need to be reported
3. A high water warning was noted in tank 2, however; when the tank was stuck, no water was found

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. An updated notification form is needed reflecting the proper UST system information
2. A suspected release was not reported after the last inspection (2019). At the time of this inspection, the same staining was noted in dispenser 4
3. The site has a history of ball floats but, auto shut off devices were observed on site. Having both form of overfill can hinder the other from operating correctly
4. Metal components of the piping appeared to be in contact with the backfill at the STP risers
5. The DSL drop tube appeared to be disconnected or incorrectly installed which may affect the proper operation of the Auto Shutoff device.
6. Spill bucket testing was not provided
7. Overfill functionality testing was not provided
8. ATG functionality testing was not provided
9. Functionality testing of the probes / sensors was not provided
10. An annual LLD was not provided
11. Since ELLD are not being used, a LTT is required

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):

- Updated NF (NF 2/12/2016, Approval 8/23/2017 - missing RD piping on two tanks, incorrect overfill)
- Leak detector test
- LTT
- Need to confirm flex connectors booted, if not, need CP protection
- ATG/Probes test
- Overfill test
- Spill bucket test
- Suspected Release from last inspection, leaking filters at dispenser 4
- DSL drop tube repair/replacement
- Ball float removal / auto adjustment to 90%
- LLD