



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

March 28, 2022

Sub-Surface of Indiana, Inc.
Attn: Todd Burns, Registered Agent
7225 W 700 S
Morgantown, IN 46160

Sub-Surface of Indiana, Inc.
Attn: Jeff Knapp, Todd Burns, and Ryan Decker
Via email: jknapp@sub-surface.net
ssi@sub-surface.net

Re: Violation Letter
Sub Surface of Indiana
7225 W 700 S
Morgantown, Johnson County
UST Facility ID # **40073**

Dear Messrs. Burns, Knapp and Decker:

An inspector from the Indiana Department of Environmental Management (IDEM), Underground Storage Tank (UST) Section, conducted an inspection of the site referenced above on March 7, 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.

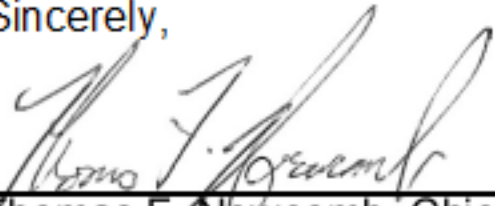
Thank you for your attention to this matter. Please submit the required documents to the r p q p r_pqCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # 40073.

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

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
Tristan Voge
UST Facility ID File # 40073

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: Sub Surface of Indiana	UST FACILITY ID: 40073
ADDRESS: 7225 W 700 S, Morgantown, Johnson County	INSPECTION DATE: 03/07/2022

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 with the correct release detection information for the USTs and piping.

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.

§ 280.40(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 leak detector test report 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.

§ 280.43(g) – Failure to perform Interstitial Monitoring to standard
Citation:
Pursuant to 40 CFR 280.43(g), interstitial monitoring between the UST system and a secondary barrier immediately around or beneath it may be used, but only if the system is designed, constructed, and installed to detect a leak from any portion of the tank that routinely contains product and also meets one of the following requirements: (1) For double walled UST systems, the sampling or testing method can detect a leak through the inner wall in any portion of the tank that routinely contains product; (2) For UST systems with a secondary barrier within the excavation zone, the sampling or testing method used can detect a leak between the UST system and the secondary barrier.
Violation Details:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because during the inspection dated 03/07/2022, double walled piping was observed to open into dispenser 5/6 with no interstitial sensor present. In the event of a build up of fluid in the interstitial space, the fluid could drain into the secondary containment sump and would not trigger a sensor in the UDC or STP as designed.</i>
Corrective Action:
The owner and/or operator of the UST systems at this site shall move the boot in such a way that liquid would be forced to drain back to the STP and have any piping that contains a regulated amount of product and found to not have been monitored every thirty (30) days correctly while using interstitial monitoring 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.

§ 280.35(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, UDC, and STP testing 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 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.

§ 280.40(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 up to date ATG functionality test report 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:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because an up to date annual 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.



**UNDERGROUND STORAGE
TANK INSPECTION REPORT**

INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

UST FAC ID: **40073**

Inspector's Name:	Tristan Voge
Date:	March 7, 2022
Time In:	11:30
Time Out:	12:35
Inspection Type:	Initial

FACILITY NAME / LOCATION					
FACILITY NAME		FACILITY ADDRESS (number and street)			
Sub Surface of Indiana		7225 W 700 S			
ADDRESS (line 2)		CITY	STATE	ZIP CODE	COUNTY
		Morgantown	IN	46160	Johnson
UST OWNER					
UST Owner Name (If in Individual Capacity)				BUSINESS ID (From the Secretary of State)	
Sub-Surface of Indiana Inc				1992110573	
PREFIX	FIRST NAME	MI	LAST NAME		SUFFIX
Mr	Todd		Burns		
TELEPHONE NUMBER		EMAIL ADDRESS			
(812) 597-4195		ssi@sub-surface.net			
UST OPERATOR					
UST Operator Name (If in Individual Capacity)				BUSINESS ID (From the Secretary of State)	
Sub-Surface of Indiana Inc				1992110573	
PREFIX	FIRST NAME	MI	LAST NAME		SUFFIX
Mr	Todd		Burns		
TELEPHONE NUMBER		EMAIL ADDRESS			
(812) 597-4195		ssi@sub-surface.net			
PROPERTY OWNER					
UST Property Owner Name (If in Individual Capacity)				BUSINESS ID (From the Secretary of State)	
Sub-Surface of Indiana Inc				1992110573	
PREFIX	FIRST NAME	MI	LAST NAME		SUFFIX
Mr	Todd		Burns		
TELEPHONE NUMBER		EMAIL ADDRESS			
(812) 597-4195		ssi@sub-surface.net			
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					
An updated notification form is needed with the correct release detection information for the USTs.					
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 checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/> UNK					
40 CFR 280, Subpart A installation requirements (partially excluded) met					
<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A <input type="checkbox"/> UNK					
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 <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"/> UNK					
ATG/probes/sensors, leak detector and spill/sump testing reports are needed.					
40 CFR 280, Subpart D release detection requirements met					
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK					
The interstitial monitoring for the piping at dispenser 5/6 is not to standard.					
40 CFR 280, Subpart J operator training requirements met					
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK					

The information contained on this page is based upon a review of files related to this site and 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) FG DW USTs installed in July 2020
- One (1) 8K REG GSL
- One (1) 12K On Road DSL
- One (1) 12K Off Road DSL
- Piping is APT XP DW and pressurized

RD UST = ATG + INT (Incon Evo 400)

RD Piping = LLD, LTT, ATG, INT

Overfill/Spill = Spill Buckets + Auto Shutoff (to be confirmed)

ATG Certification = Y (12/21/2020)

Overfill Protection Test = Y (12/21/2020) - Reg at 94%

Spill bucket Test = N

Containment Sumps Test (required) = N

Site History:

Site is an active service station. There is no prior UST history at this site.

Contact Information

Jeff Knapp jknapp@sub-surface.net

Todd Burns ssi@sub-surface.net

Documentation provided at the time of the file review:

- (NF received 4/29/2021 - no formal approval - missing LLD check box)
- FR Insurance 9/2021 to 9/2022
- Operator Certificates A, B
- Release Detection Records SCALD (REG, OFF DSL, ON DSL) 1/2022
- Release Detection Records SCALD (REG, OFF DSL, ON DSL) 1/2021 to 12/2021
- LTT secondary (REG, Off Rd DSL, On Rd DSL) 12/21/2020
- LLD (REG, On Rd DSL, Off Rd DSL) 12/21/2020
- ATG/Sensors Test 12/21/2020
- Overfill Test Report (REG, DSL, DSL) 12/21/2020 - REG at 94%

Inspection Notes

- March 2022 walkthrough was not completed yet, will be completed 03/08/2022. According to Jeff, the month walkthrough inspections start January of 2022 after consultation with A&J petroleum.
- Only one month of INT RD could be obtained through the computer linked to the ATG. The ATG is not outfitted with a printer and not programmed to record/store twelve (12) months of INT RD.
- Boots were moved or clamp loose in STPs allowing liquid to drain into STPs.
- Twelve (12) months of interstitial monitoring release detection records for the piping was provided 03/09/2022.
- Twelve (12) months of interstitial monitoring release detection records for the USTs was provided 03/09/2022.

The information contained on this page is based upon a review of files related to this site and 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:

- All spill buckets contained fluid that should be cleaned out and monitored as needed. The UNL spill bucket was almost half filled with fluid.
- The south STP containment sump contained fluid that should be cleaned out and monitored as needed. The source of the fluid should be determined and remediated as needed.
- Dispenser 3/4 UDC contained fluid that should be cleaned out and monitored as needed. 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. An updated notification form is needed with the correct release detection information for the USTs and piping.
2. A spill prevention equipment and secondary containment sump testing report was not provided.
3. an up to date leak detector test was not provided
4. an up to date ATG/Sensor certification was not provided.
5. During the inspection dated 03/07/2022, double walled piping was observed to be opened into dispenser 5/6 with no interstitial sensor present. In the event of a build up of fluid in the interstitial space, the fluid could drain into the secondary containment sump and would not trigger a sensor in the UDC or drain back into the STP and trigger the sensor.

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 Notification Form
- A spill prevention equipment and secondary containment sump testing report
- An up to date leak detector test is needed
- An up to date ATG/Sensors certification is needed
- A line tightness test report for the piping to not properly conducting interstitial monitoring
- Documentation of proper interstitial monitoring installation for the piping.