



## INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

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Eric J. Holcomb  
Governor

Brian C. Rockensuess  
Commissioner

March 30, 2022

Srujal Properties LLC  
Attn: Dipak Patel, Registered Agent  
459 Bielby Rd  
Lawrenceburg, IN 47025

Dipak Patel  
10477 State Road 48  
Aurora, IN 47001

Re: Violation Letter  
Manchester Food Mart  
10477 SR 48  
Aurora, Dearborn County  
UST Facility ID # **17041**

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 February 9, 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.

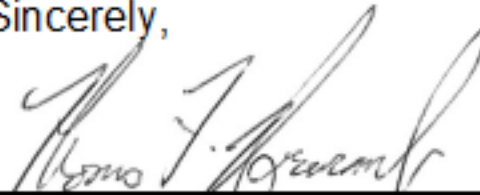
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at [USTCompliance@idem.in.gov](mailto:USTCompliance@idem.in.gov). Include in the subject line of the response the UST Facility ID # **17041**.

Inspector: Matt James  
Phone: (317) 750-2491

Direct any questions regarding the inspection to:

Compliance Manager: Caitlin Shaffer  
Phone: (317) 234-4112

Sincerely,



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Thomas F. Newcomb, Chief  
UST Compliance Section  
Office of Land Quality

cc: Caitlin Shaffer  
Matt James  
UST Facility ID File # 17041

### 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: <b>Manchester Food Mart</b>	UST FACILITY ID: <b>17041</b>
ADDRESS: <b>10477 SR 48 Aurora, IN 47001</b>	INSPECTION DATE: <b>2/9/2022</b>

### 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 and complete notification form is needed.*

**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 an updated FR mechanism is needed.*

**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:

*The owner and/or operator of the UST system(s) at this site are in violation of this rule because there is steel piping at the dispenser that is in direct contact with soil/ground.*

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 piping will need to be tested and corrosion protection equipment will need to be installed.

**§ 280.35(a)(2) – Failure to perform periodic testing of overflow prevention equipment**

Citation:

Pursuant to 40 CFR 280.35(a)(2), overflow prevention equipment must be inspected at least once every three years. At a minimum, the inspection must ensure that overflow 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 overflow protection testing results are needed.*

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 overflow prevention equipment. Documentation, to include photographs, inspection, repair, measurements and testing results, showing the overflow 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.

**§ 280.35(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 spill bucket testing results are needed.*

**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. Documentation, to include photographs, inspection, repair and testing results, showing the spill prevention equipment is 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 ATG testing results are needed.*

**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.

<b>§ 280.40(a)(3)(ii) – Failure to perform annual tests of probes &amp; sensors</b>
<b>Citation:</b>
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.
<b>Violation Details:</b>
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because ATG probe testing results are needed.</i>
<b>Corrective Action:</b>
The owner and/or operator of the UST systems at this site shall have all components of the automatic tank gauging probes 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.

<b>§ 280.36(a)(1)(i) – Failure to perform 30 day walkthrough inspections</b>
<b>Citation:</b>
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).
<b>Violation Details:</b>
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because 30 day walk through documentation is needed.</i>
<b>Corrective Action:</b>
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.

<b>§ 280.41(a)(1) – Failure to monitor tanks every 30 days if installed before 9/2/2009</b>
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:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because 12 months of release detection results are needed for both tanks.</i>
Corrective Action:
The owner and/or operator of the UST systems at this site shall have any UST 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.

<b>§ 280.240 – Failure to designate Class A, Class B or Class C operators that meet requirements</b>
Citation:
Pursuant to 40 CFR 280.240, not later than October 13, 2018, all owners and operators of UST systems must ensure they have designated Class A, Class B, and Class C operators who meet the requirements of this subpart.
Violation Details:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because operator A, B and C training certificates are needed.</i>
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: **17041**

Inspector's Name:	Matt James
Date:	February 9, 2022
Time In:	12:30
Time Out:	01:00
Inspection Type:	Initial

**FACILITY NAME / LOCATION**

FACILITY NAME <b>Manchester Food Mart</b>		FACILITY ADDRESS (number and street) <b>10477 SR 48</b>			
ADDRESS (line 2)	CITY <b>Aurora</b>	STATE <b>IN</b>	ZIP CODE <b>47001</b>	COUNTY <b>Dearborn</b>	

**UST OWNER**

UST Owner Name (if in Individual Capacity) <b>Dipak Patel</b>				BUSINESS ID (From the Secretary of State)	
PREFIX	FIRST NAME	MI	LAST NAME	SUFFIX	
TELEPHONE NUMBER <b>(812) 655-9226</b>	EMAIL ADDRESS				

**UST OPERATOR**

UST Operator Name (if in Individual Capacity) <b>Dipak Patel</b>				BUSINESS ID (From the Secretary of State)	
PREFIX	FIRST NAME	MI	LAST NAME	SUFFIX	
TELEPHONE NUMBER <b>(812) 655-9226</b>	EMAIL ADDRESS				

**PROPERTY OWNER**

UST Property Owner Name (Business Name as registered with the Secretary of State) <b>Srujal Properties LLC</b>				BUSINESS ID (From the Secretary of State) <b>2010041600053</b>	
PREFIX	FIRST NAME <b>Dipak</b>	MI	LAST NAME <b>Patel</b>	SUFFIX	
TELEPHONE NUMBER <b>(812) 655-9226</b>	EMAIL ADDRESS				

**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
Updated notification form is needed.						
O/O is in compliance with reporting & record keeping requirements	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK
No records were submitted in response to IDEM's request						
O/O is in compliance with release reporting or investigation	<input type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>	N/A
UNK						
O/O is in compliance with all UST closure requirements	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	N/A
UNK						
O/O has met all financial responsibility requirements	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	N/A
Need FR mechanism.						
40 CFR 280, Subpart A installation requirements (partially excluded) met	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	N/A
Steel piping components in contact with ground/soil.						
40 CFR 280, Subpart B installation and upgrade requirements met	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	UNK
UNK						
40 CFR 280, Subpart C spill/overflow control requirements met	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	N/A
Need spill bucket and overflow testing results.						
40 CFR 280, Subpart C compatibility requirements met	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	N/A
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
Need walk through and ATG testing results.						
40 CFR 280, Subpart D release detection requirements met	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK
Need release detection records for the tanks.						
40 CFR 280, Subpart J operator training requirements met	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK
Need operator training certificates.						

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) fiberglass USTs installed 11/16/1999

- One (1) 8k GSL
- One (1) 4k GSL

Piping is fiberglass and European Suction

RD UST = ATG

RD Piping = N/A

Overfill/Spill = Spill Buckets + Auto Shutoff

ATG Certification = No

Overfill Protection Test = No

Spill Bucket Test = No

**Site History:**

- Two (2) tanks were previously in use and were removed 8/2/1999. Closure on file
- Site also has an AST against the front of the building

Documentation provided at the time of the file review:

- NONE

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

1. The spill buckets contained fluids/debris and should be monitored and cleaned out when needed.
2. The spill bucket lid for the premium UST is damaged and needs to be replaced.
3. There is staining on the gravel underneath the dispenser. This needs to be inspected by a certified contractor to find the source of the fuel. If needed, report a suspected release to IDEM.

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 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:

4. There is steel piping at the dispenser location that is in direct contact with soil/ground. Testing is required and corrosion protection equipment needs to be installed.

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:

5. An updated notification form is needed. A notification form was not submitted when required in 2014.

6. Financial responsibility mechanism is needed.

7. Spill bucket testing results are needed.

8. Overfill protection testing results are needed.

9. Walk through documentation is needed.

10. Release detection records for both tanks are needed.

11. ATG and ATG probe testing results are needed.

12. Operator training certificates are needed.