



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

April 29, 2022

Whynot Group Inc
Attn: Grant Reeves, Registered Agent
201 N Main St
Rushville, IN 46173

Quick Stop Food Mart LLC
Attn: Ahmed Humaidi, Registered Agent
5805 Fairfield Ave
Fort Wayne, IN 46807

Re: Violation Letter
Leo Shoppes
10226 Leo Rd
Fort Wayne, Allen County
UST Facility ID # **6223**

Dear Mr. Reeves, Mr. Humaidi, and Ms. Meckes:

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 1, 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.

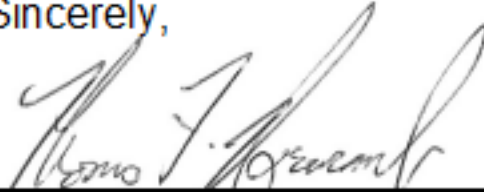
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **6223**.

Inspector: Adam James
Phone: (317) 408-7187

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
Adam James
UST Facility ID File # 6223
Leo Shoppes
Attn: Heather Meckes, heather.meckes@herdrich.com
Attn: Ahmed Humaidi, humaidim@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: Leo Shoppes	UST FACILITY ID: 6223
ADDRESS: 10226 Leo Rd Fort Wayne, Allen County	INSPECTION DATE: 03/01/2022

VIOLATIONS NOTED IN THIS INSPECTION

§ 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 the DSL, PREM & REG spill buckets are over half full of fluids, preventing them from performing 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, contract with a certified contractor to install or replace absent or substandard spill prevention equipment that will prevent the release of product to the environment. The UST owner and/or operator must submit proof that the spill prevention equipment has been installed within forty five (45) days of receipt of this notice.

§ 280.35(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 overflow 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 documentation of periodic UDC testing 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. Documentation, to include photographs, inspection, repair and testing results, showing the containment sumps are liquid tight must be submitted within forty five (45) days of the 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:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because (1) the sensors in the STP sumps need to be placed at the lowest point to be able to function as intended; and (2) piping in the STP sumps has Schrader valves intact preventing a pathway from the interstice to the sensors.

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 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 have the end piping closed to direct fuel back to the STP sump or have an interstitial monitoring sensor installed in the UDC.

§ 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 documentation of monthly walkthrough inspections was 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.



**UNDERGROUND STORAGE
TANK INSPECTION REPORT**

INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

UST FAC ID: **6223**

Inspector's Name:	Adam James
Date:	March 1, 2022
Time In:	10:45
Time Out:	11:55
Inspection Type:	Initial

FACILITY NAME / LOCATION

FACILITY NAME Leo Shoppes		FACILITY ADDRESS (number and street) 10226 Leo Rd			
ADDRESS (line 2)	CITY Fort Wayne	STATE IN	ZIP CODE 46825	COUNTY Allen	

UST OWNER

UST Owner Name (Business Name as registered with the Secretary of State) Quick Stop Food Mart LLC		BUSINESS ID (From the Secretary of State) 201608051152902			
PREFIX	FIRST NAME Ahmed	MI	LAST NAME Humaidi		SUFFIX
TELEPHONE NUMBER (260) 343-8383	EMAIL ADDRESS humaidim@gmail.com				

UST OPERATOR

UST Operator Name (Business Name as registered with the Secretary of State) Quick Stop Food Mart LLC		BUSINESS ID (From the Secretary of State) 201608051152902			
PREFIX	FIRST NAME	MI	LAST NAME		SUFFIX
TELEPHONE NUMBER	EMAIL ADDRESS				

PROPERTY OWNER

UST Property Owner Name (Business Name as registered with the Secretary of State) Whynot Group Inc		BUSINESS ID (From the Secretary of State) 1991120436			
PREFIX	FIRST NAME Heather	MI	LAST NAME Meckes		SUFFIX
TELEPHONE NUMBER (765) 932-3224	EMAIL ADDRESS heather.meckes@herdrich.com				

COMPLIANCE ELEMENTS

All USTs properly registered and up-to-date notification form on file	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	UNK
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
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 checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	N/A
40 CFR 280, Subpart A installation requirements (partially excluded) met	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input 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
DSL, PREM, and REG spill buckets over half full of fluids						
40 CFR 280, Subpart C spill/overflow 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
UDC Testing, (30) day Walkthrough Inspections needed						
40 CFR 280, Subpart D release detection requirements met	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK
Open piping in dispenser 9/10 without sensor present, Schrader valves intact in STP Sump(s)						
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/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 clad USTs installed 7/22/2016 - brought into use November 2016

- One (1) 20k GSL
- One (1) 6k GSL compartment
- One (1) 6k DSL compartment
- One (1) 3k KER

Piping is DW flex and pressurized (APT) - KER is European Suction

RD UST = ATG, INT

RD Piping = LDT, ATG, INT

Overfill/Spill = Spill Buckets + Auto Shutoff

ATG Certification = Yes 12/23/2021

Overfill Protection Test = Yes 12/23/2021

Spill Bucket Test = Yes 12/23/2021

Containment Sump Test = Yes 12/9/2019 - missing UDCs

Site history/concerns:

- Four (4) tanks were previously in use and were removed in October 1992. Closure on file
- Two (2) tanks were installed 10/10/1992 and removed 4/6/2010. Closure on file
- ATG printouts and all recent testing list tank contents as RUL, PUL, DSL and KER

Documentation provided at the time of the file review:

- Notification Form approved 2/24/2017 - issues with form
- 12 months SCALD for all tanks, 12 months INT for tanks and piping
- ATG functionality, Probes and Sensors, LTT, LDT, Spill Bucket, Overfill testing completed 12/23/2021 - all pass
- Containment Sump testing completed 12/9/2019 - all pass, did not include UDCs
- Operator Training A, B, C

Inspector Notes:

- Updated NF and FR submitted already
- KERO UST is not active at the moment. The piping froze which ruptured the wall of the piping. The UST & components were shut down after a loss of fuel was detected. Inspector was informed that release was contained and a work order was already in place.
- The REG STP sump contained fluids on opposite sides of the STP sump due to the curvature of the tank that was checked for the presence of fuel utilizing paste. About 2" of fuel were present.

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

1. KERO Spill Bucket contains fluids. Minor fluids in DSL, PREM and REG STP sumps. UDC 9/10 contained fluids. Remove fluids & monitor.
2. REG Vapor Recovery cap is cracked. Replace cap with one that properly closes.

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:

3. The DSL, PREM & REG spill buckets were over half full, preventing the equipment from performing as designed in the event of a spill or overflow.
4. Documentation of periodic testing of the UDCs was not provided.
5. Interstitial Monitoring sensors in the STP sumps need to be placed at the lowest point to be able to function as intended. The end piping beneath dispenser 9/10 is open with no interstitial monitoring sensor in place. The piping needs to be closed to direct fuel back to the STP sump or a sensor needs to be installed in the UDC. The Schrader valves in the STP sumps have caps and/or cores preventing a pathway from the interstice to the sensors, rendering the monthly monitoring invalid
6. Documentation of monthly walk through inspections dating from July 2021 to present was 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:

- Documentation of cleaned spill buckets
- UDC Testing
- Documentation of proper interstitial monitoring installation
- (30) day Walkthrough Inspections
- Line Tightness Testing since monthly monitoring records are invalid