



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

July 1, 2022

IPGVP LLC
Attn: Jeffrey Jellison, Registered Agent
14574 Faucet Ln
Fortville, IN 46040

Village Pantry LLC
c/o Corporation Service Company
135 N Pennsylvania St., Suite 1610
Indianapolis, IN 46204

Re: Violation Letter
Village Pantry 5627
704 N Meridian St
Portland, Jay County
UST Facility ID # **6109**

Dear Messrs. Jellison, Fluck, Burkholder and Lann:

An inspector from the Indiana Department of Environmental Management (IDEM), Underground Storage Tank (UST) Section, conducted an inspection of the site referenced above on June 8, 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.

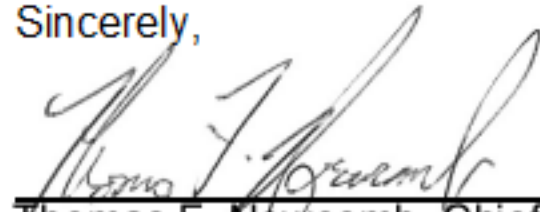
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **6109**.

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

Direct any questions regarding the inspection to:

Compliance Manager: Carrie Maniet
Phone: (317) 233-3533

Sincerely,



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

cc: Carrie Maniet
Matt James
UST Facility ID File # 6109
Village Pantry LLC
Attn: Chad Fluck, cfluck@gpminvestments.com
Attn: Corbin Burkholder, cburkholder@gpminvestments.c
Attn: Rolfe Lann, environmental@gpminvestments.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: Village Pantry 5627	UST FACILITY ID: 6109
ADDRESS: 704 N Meridian St Portland, IN 47371	INSPECTION DATE: 6/8/2022

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 Notification Form with accurate overfill prevention equipment 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.

§ 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 spill bucket repair and passing test 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.

§ 280.35(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 repair and passing test 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.

§ 280.20(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:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because documentation previously submitted to IDEM indicated ball float vent valves were installed. UST inspector verified flapper valves were installed. Please refer to the IDEM overfill protection fact sheet and provide verification.</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, refer to the IDEM overfill protection fact sheet and provide verification.



**UNDERGROUND STORAGE
TANK INSPECTION REPORT**

INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

UST FAC ID: **6109**

Inspector's Name:	Matt James
Date:	June 8, 2022
Time In:	11:00
Time Out:	12:15
Inspection Type:	Initial

FACILITY NAME / LOCATION

FACILITY NAME Village Pantry 5627		FACILITY ADDRESS (number and street) 704 N Meridian St			
ADDRESS (line 2)	CITY Portland	STATE In	ZIP CODE 47371	COUNTY Jay	

UST OWNER

UST Owner Name (if in Individual Capacity) Village Pantry LLC				BUSINESS ID (From the Secretary of State) 1997021310	
PREFIX	FIRST NAME Rolfe	MI	LAST NAME Lann	SUFFIX	
TELEPHONE NUMBER		EMAIL ADDRESS environmental@gpminvestments.com			

UST OPERATOR

UST Operator Name (if in Individual Capacity) Village Pantry LLC				BUSINESS ID (From the Secretary of State) 1997021310	
PREFIX	FIRST NAME Chad	MI	LAST NAME Fluck	SUFFIX	
TELEPHONE NUMBER		EMAIL ADDRESS cfluck@gpminvestments.com			

PROPERTY OWNER

UST Property Owner Name (if in Individual Capacity) IPGVP LLC				BUSINESS ID (From the Secretary of State) 2002100700001	
PREFIX	FIRST NAME Jeffrey	MI	LAST NAME Jellison	SUFFIX	
TELEPHONE NUMBER		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
Current						
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 checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	UNK
40 CFR 280, Subpart C spill/overfill control requirements met	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	N/A
Spill bucket and overfill repair documents are needed. Refer to fact sheet.						
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 checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	UNK
40 CFR 280, Subpart D release detection requirements met	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	UNK
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 three (3) USTs - FG - Installed 8/1/1991

One (1) 12K GSL

One (1) 10K GSL

One (1) 2K KER

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 31 years old, likely out of warranty and the owner should start planning on removing or replacing them soon.

Piping - Flex - Pressurized (Enviroflex)

RD UST - ATG

RD Piping - ATG - IM - LTT - LD

Spill protection/Overfill - Spill bucket - Ball floats

ATG Certification = Y

Overfill Protection Test = Y Both GSL failed

Spill bucket Test = Y PREM failed

Containment Sumps Test Required N

Site is an active gas station

Any Site history or concerns - Notification form states ball floats but testing received is for flappers.

Three USTs closed 2/1/1991 (Closure NF on file)

Documentation received -

Notification form - 12/1/2016 (Initial approval)

RD UST monthly results - 5/2021-5/2022 pass

RD Piping IM 3/2022-5/2022

LTT 5/18/2022 Pass

LD 5/18/2022 Pass

ATG & probes 5/18/2022 Pass

Overfill 5/18/2022 DSL Pass both GSL failed (Flappers)

Spill bucket 5/18/2022 PREM failed

Operator certificate - A-B-C

Monthly walk through Aug 2021-4/2022

FR Bond expires 9/22/2022

Documentation needed -

Overfill repairs

Spill bucket repairs

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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. The spill buckets contained debris and should be monitored and cleaned out when needed.
2. The premium sump compartment contained fluids and fuel. This containment area should be monitored and cleaned out when needed.
3. The UDC for dispenser #5/6 contained fluids and should be monitored and cleaned out when needed.
4. This facility has blue enviroflex piping installed that shows signs of molding. It is recommended to monitor the piping regularly to ensure it is meeting performance standards.

The following are RECORDS to be submitted to USTCompliance@idem.IN.gov with FID in subject line within 30 days of receipt of this inspection report to avoid further action and achieve compliance with the state underground storage tank program:

5. Notification Form with accurate overfill prevention equipment is needed.
6. Spill bucket repair documentation is needed.
7. Overfill repair documentation is needed.
8. Documentation previously submitted to IDEM indicated ball float vent valves were installed. UST inspector verified flapper valves were installed. Please refer to the IDEM overfill protection fact sheet and provide verification.