



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

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**Eric J. Holcomb**  
Governor

**Brian C. Rockensuess**  
Commissioner

November 23, 2022

Topeka Property LLC  
Attn: Onkar Singh, Registered Agent  
57592 Hearthstone Ct  
Goshen, IN 46528

Topeka Gas & Food Inc  
Attn: Onkar Singh, Registered Agent  
57592 Hearthstone Ct  
Goshen, IN 46528

Re: Violation Letter  
The Fast Lane / Friendly Express Mart II  
302 W Lake St  
Topeka, Lagrange County  
UST Facility ID # **19864**

Dear Mr. Singh:

An inspector from the Indiana Department of Environmental Management (IDEM), Underground Storage Tank (UST) Section, conducted an inspection of the site referenced above on October 18, 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 USTs 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.

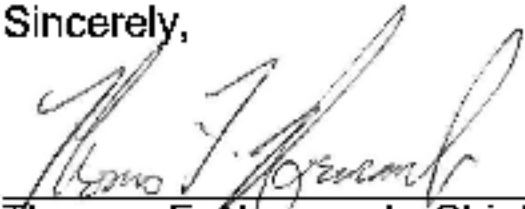
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at [USTCompliance@idem.in.gov](mailto:USTCompliance@idem.in.gov). Include in the subject line of the response the UST Facility ID # **19864**.

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

Direct any questions regarding the inspection to:

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

Sincerely,



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

cc: Carrie Maniet  
Matt Rozycki  
UST Facility ID File # 19864  
Friendly Express Mart II  
Attn: Onkar Singh  
Via email: [onkarstores@gmail.com](mailto:onkarstores@gmail.com)  
[quickmart07@frontier.com](mailto:quickmart07@frontier.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: <b>Friendly Express Mart II</b>	UST FACILITY ID: <b>19864</b>
ADDRESS: <b>302 W Lake St, Topeka, Lagrange County</b>	INSPECTION DATE: <b>10/18/2022</b>

### VIOLATIONS NOTED IN THIS INSPECTION

#### IC 13-23-12-1 Failure to Pay UST Fees

##### Citation:

Pursuant to IC 13-23-12-1, each year, if an underground storage tank has not been closed before January 1 of the year under rules adopted under IC 13-23-1-2; or a requirement imposed by the commissioner before the adoption of rules under IC 13-23-1-2; the owner of the underground storage tank shall pay to the department an annual registration fee.

The annual registration fee required by this section is ninety dollars (\$90) for each underground petroleum storage tank or two hundred forty-five dollars (\$245) for each underground storage tank containing regulated substances other than petroleum.

If an underground storage tank consists of a single tank in which there are separate compartments, a separate fee shall be paid under subsection (b) for each compartment within the single tank. If an underground storage tank consists of a combination of tanks, a separate fee shall be paid under subsection (b) for each compartment within each tank in the combination of tanks.

For tanks that contain separate compartments and that were in use before July 1, 2014, the payment of a single annual fee of ninety dollars (\$90) for a tank containing separate compartments shall be deemed to satisfy the requirements of subsection.

##### Violation Details:

*The owner and/or operator of the UST system(s) at this site are in violation of this rule because fees are owed.*

##### Corrective Action:

The owner and/or operator of the UST systems at this site shall pay the required fees to the Indiana Department of Environmental Management 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 no financial responsibility mechanism was provided.*

**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 metal components of the piping in the diesel STP riser appear to be continuous with the backfill without any corrosion protection.*

**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.

<b>§ 280.31(b) – Failure to inspect CP system, frequency and criteria</b>
<b>Citation:</b>
Pursuant to 40 CFR 280.31(b), all UST systems equipped with cathodic protection systems must be inspected for proper operation by a qualified cathodic protection tester in accordance with the following requirements: (1) Frequency. All cathodic protection systems must be tested within 6 months of installation and at least every 3 years thereafter or according to another reasonable time frame established by the implementing agency; and (2) Inspection criteria. The criteria that are used to determine that cathodic protection is adequate as required by this section must be in accordance with a code of practice developed by a nationally recognized association.
<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 Corrosion Protection testing results were not provided for the piping.</i>
<b>Corrective Action:</b>
The owner and/or operator of the UST systems at this site shall submit to IDEM the required documents within fifteen (15) days of receipt of this notice or have their UST systems fully inspected by a qualified cathodic protection tester within fifteen (15) days and submit the results within thirty (30) days of receipt of this notice.

<b>§ 280.35(a)(1) – Failure to perform periodic testing of spill prevention equipment and containment sumps used for IM</b>
<b>Citation:</b>
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.
<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 periodic testing of the spill prevention equipment was not provided.</i>
<b>Corrective Action:</b>
Testing results provided post inspection

<b>§ 280.35(a)(2) – Failure to perform periodic testing of overfill prevention equipment</b>
<b>Citation:</b> 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.
<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 periodic testing of the overfill prevention equipment was not provided.</i>
<b>Corrective Action:</b> 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.

<b>§ 280.40(a)(3)(i) – Failure to perform annual tests of ATG</b>
<b>Citation:</b> 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.
<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 an ATG functionality test was not provided.</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 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 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.

**§ 280.40(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 was not provided.*

**Corrective Action:**

Testing results provided post inspection

<b>§ 280.41(a)(1) – Failure to monitor tanks every 30 days if installed before 9/2/2009</b>
<b>Citation:</b>
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).
<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 12 months of release detection records were not provided.</i>
<b>Corrective Action:</b>
The owner and/or operator of the UST systems at this site shall have any UST or line 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 and submit the results monthly for a period of six (6) months after the receipt of this notice.

<b>§ 280.41(b)(1)(i)(B) – Failure to perform annual piping LTT or monthly monitoring</b>
<b>Citation:</b>
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).
<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 an annual line tightness test is needed.</i>
<b>Corrective Action:</b>
Testing results provided post inspection

**§ 280.245 – Failure to maintain list of designated operators and/or training records**

**Citation:**

Pursuant to 40 CFR 280.245, owners and operators of underground storage tank systems must maintain a list of designated Class A, Class B, and Class C operators and maintain records verifying that training and retraining, as applicable, have been completed, in accordance with § 280.34.

**Violation Details:**

*The owner and/or operator of the UST system(s) at this site are in violation of this rule because operator A and C certificates are needed.*

**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 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: **19864**

Inspector's Name:	Matt Rozycki
Date:	October 18, 2022
Time In:	12:30
Time Out:	12:50
Inspection Type:	Initial

**FACILITY NAME / LOCATION**

FACILITY NAME <b>The Fast Lane / Friendly Express Mart II</b>		FACILITY ADDRESS (number and street) <b>302 W Lake St</b>			
ADDRESS (line 2)	CITY <b>Topeka</b>	STATE <b>IN</b>	ZIP CODE <b>46571</b>	COUNTY <b>Lagrange</b>	

**UST OWNER**

UST Owner Name (If in Individual Capacity) <b>Topeka Property LLC</b>					BUSINESS ID (From the Secretary of State) <b>202104161481425</b>
PREFIX	FIRST NAME <b>Onkar</b>	MI	LAST NAME <b>Singh</b>	SUFFIX	
TELEPHONE NUMBER <b>(574) 202-0560</b>		EMAIL ADDRESS <b>onkarstores@gmail.com</b>			

**UST OPERATOR**

UST Operator Name (If in Individual Capacity) <b>Topeka Gas &amp; Food Inc</b>					BUSINESS ID (From the Secretary of State) <b>202104161481427</b>
PREFIX	FIRST NAME <b>Onkar</b>	MI	LAST NAME <b>Singh</b>	SUFFIX	
TELEPHONE NUMBER <b>(574) 202-0560</b>		EMAIL ADDRESS <b>quickmart07@frontier.com</b>			

**PROPERTY OWNER**

UST Property Owner Name (If in Individual Capacity) <b>Topeka Property LLC</b>					BUSINESS ID (From the Secretary of State) <b>202104161481425</b>
PREFIX	FIRST NAME <b>Onkar</b>	MI	LAST NAME <b>Singh</b>	SUFFIX	
TELEPHONE NUMBER <b>(574) 202-0560</b>		EMAIL ADDRESS <b>onkarstores@gmail.com</b>			

**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	
Fees are owed	<input 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	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	UNK
O/O has met all financial responsibility requirements	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	N/A	UNK
No financial responsibility mechanism was provided	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	N/A	UNK
40 CFR 280, Subpart A installation requirements (partially excluded) met	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	N/A	UNK
40 CFR 280, Subpart B installation and upgrade requirements met	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK	
Metal components appear to be continuous with backfill	<input type="checkbox"/>	YES	<input checked="" 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	UNK
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	
Corrosion protection testing, spill bucket testing, overfill test	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK	
40 CFR 280, Subpart D release detection requirements met	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK	
ATG/probe functionality, monthly records for tanks and piping, leak detector test, ATG program	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK	
40 CFR 280, Subpart J operator training requirements met	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK	
Operator A & C certificates not provided	<input type="checkbox"/>	YES	<input checked="" 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) USTs - STIP3 - Installed 4/1/1989

One (1) 8K GSL

One (1) 6K GSL

One (1) 6K DSL

One (1) 1K 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 33 years old, likely out of warranty and the owner should already be planning on removing or replacing them soon.

Piping - FG - Pressurized (KER European)

RD UST - ATG

CP UST - Galvanic

RD Piping - LTT - LD

Spill protection/Overfill - Spill bucket - Ball Float

ATG Certification = N

Overfill Protection Test = N

Spill bucket Test = N

Containment Sumps Test Required N

Last known CP 7/22/2016

Site is an active gas station

Any Site history or concerns - File review found no discrepancies

Documentation received -

Notification form - 1/28/2022 (Review not noted)

Operator certificate - A-B

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

1. Spill buckets contained fluid, they should be monitored and cleaned out as needed
2. The DSL & KER spill buckets show signs of warping
3. The PREM drop tube has some corrosion, it should be monitored and replaced if a hole develops to avoid a release

\*\*\*piping appears to have galvanic CP

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:

1. Fees are owed
2. No financial responsibility mechanism was provided
3. Metal components of the piping in the diesel STP riser appear to be continuous with backfill to without any corrosion protection.
4. Corrosion protection testing was not provided for the tanks or piping
5. Spill bucket testing was not provided
6. Overfill functionality testing was not provided
7. ATG functionality testing was not provided
8. Functionality testing of the ATG probes was not provided
9. An annual leak detector test was not provided
10. Monthly release detection records were not provided for the tanks
11. An annual line tightness test was not provided
12. Valid operator A & C certificates were not provided

The following are **RECORDS** to be submitted to [USTCompliance@idem.IN.gov](mailto: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:

- Fees
- Financial responsibility mechanism
- Proof metal components of piping in diesel STP riser are corrosion protected
- Corrosion protection testing for the piping
- Overfill testing
- ATG/probe functionality
- Monthly release detection records for the tanks
- A & C certificates