



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

January 5, 2023

Tim and Diana Morrison
11945 W State Road 56
Lexington, IN 47138

MNP Foodmart LLC
Attn: John Lawson, Registered Agent
519 Green Blvd
Aurora, IN 47001

Re: Violation Letter
Kent Mercantile BP
7483 W SR 256
Madison, Jefferson County
UST Facility ID # **19704 & 25072**

Dear Mr. & Mrs. Morrison, Mr. Lawson and Mr. Parmar:

An inspector from the Indiana Department of Environmental Management (IDEM), Underground Storage Tank (UST) Section, conducted an inspection of the site referenced above on November 29, 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.

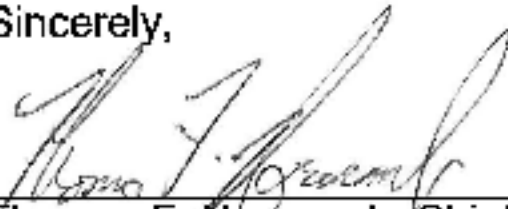
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **19704 & 25072**.

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

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
Matt James
UST Facility ID File # 19704 & 25072
Kent Mercantile
Attn: Tim & Diana Morrison, midciti@msn.com
Attn: John Lawson, jblawson02@fuse.net
Attn: Prakashsinh Parmar, perryparmar15@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: Kent Mercantile	UST FACILITY ID: 19704 - 25072
ADDRESS: 7483 W SR 256 Madison, IN 47250	INSPECTION DATE: 11/29/2022

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. The form needs to include up-to-date UST and property owner information. Confirmation is also needed on the material of the 1996 UST system.

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 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.

§ 280.41(a)(1) – Failure to monitor tanks every 30 days if installed before 9/2/2009
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 release detection records are incomplete. Results were obtained from 4/22 - 11/22, 9 of 12 months minimum is needed.</i>
Corrective Action: The owner and/or operator of the UST systems at this site shall submit missing release detection records or 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.

§ 280.41(b)(1)(i)(B) – Failure to perform annual piping LTT or monthly monitoring
Citation: 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).
Violation Details: <i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because incomplete release detection records for the piping were obtained on-site. Results were obtained from 4/22 - 11/22, 9 of 12 months minimum is needed.</i>
Corrective Action: The owner and/or operator of the UST systems at this site shall submit missing records or have any piping that contains a regulated amount of product and found to not have had appropriate monthly monitoring or an annual line tightness test within the 12 months prior to inspection 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.

§ 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: <i>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.</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, containment sumps and UDC's. Documentation, to include photographs, inspection, repair and testing results, showing the spill prevention equipment, containment sumps and UDC's are 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: <i>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.</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 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 submitted to IDEM indicated ball float vent valves were installed on the 1996 UST and a flapper valve is currently installed.</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.

§ 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: <i>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.</i>
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 ATG probe testing results are needed.</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 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: <i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because line leak detector testing results are needed.</i>
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.

§ 280.36(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 30 day walk through documentation is needed.</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.

§ 280.36(a)(1)(ii) – Failure to perform annual walkthrough inspections
Citation: Pursuant to 40 CFR 280.36(a)(1)(ii), to properly operate and maintain UST systems, not later than June 28, 2021 owners and operators must conduct a walkthrough inspection annually that, at a minimum, checks containment sumps and hand held release detection equipment.
Violation Details: <i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because annual walk through documentation is needed.</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 annual 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.

§ 280.240 – Failure to designate Class A, Class B or Class C operators that meet requirements
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: **19704/25072**

Inspector's Name:	Matt James
Date:	November 29, 2022
Time In:	11:30
Time Out:	12:20
Inspection Type:	Initial

FACILITY NAME / LOCATION

FACILITY NAME Kent Mercantile		FACILITY ADDRESS (number and street) 7483 W SR 256			
ADDRESS (line 2)	CITY Madison	STATE IN	ZIP CODE 47250	COUNTY Jefferson	

UST OWNER

UST Owner Name (If in Individual Capacity) Timothy and Diana Morrison					BUSINESS ID (From the Secretary of State)
PREFIX	FIRST NAME	MI	LAST NAME	SUFFIX	
TELEPHONE NUMBER (812) 701-0057	EMAIL ADDRESS midciti@msn.com				

UST OPERATOR

UST Operator Name (Business Name as registered with the Secretary of State) MNP Foodmart LLC					BUSINESS ID (From the Secretary of State) 201807251269662
PREFIX	FIRST NAME Prakashsinh	MI	LAST NAME Parmar	SUFFIX	
TELEPHONE NUMBER (513) 767-4436	EMAIL ADDRESS perryparmar15@gmail.com				

PROPERTY OWNER

UST Property Owner Name (If in Individual Capacity) Timothy and Diana Morrison					BUSINESS ID (From the Secretary of State)
PREFIX	FIRST NAME	MI	LAST NAME	SUFFIX	
TELEPHONE NUMBER	EMAIL ADDRESS				

COMPLIANCE ELEMENTS

All USTs properly registered and up-to-date notification form on file	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK
Tank fees in arrears for 2019-2022 due to ownership issues for both FIDs					
O/O is in compliance with reporting & record keeping requirements	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK
Need to confirm material of 1996 UST system.					
O/O is in compliance with release reporting or investigation	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>	N/A
O/O is in compliance with all UST closure requirements	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>	N/A
O/O has met all financial responsibility requirements	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 checked="" type="checkbox"/>	YES	NO	<input type="checkbox"/>	N/A
40 CFR 280, Subpart B installation and upgrade requirements met	<input checked="" type="checkbox"/>	YES	NO	<input type="checkbox"/>	UNK
40 CFR 280, Subpart C spill/overfill control requirements met	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	N/A
Need spill bucket and overfill protection testing results.					
40 CFR 280, Subpart C compatibility requirements met	<input checked="" type="checkbox"/>	YES	NO	<input type="checkbox"/>	N/A
40 CFR 280, Subpart C O&M and testing requirements met	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK
Need LTT, LLD and ATG testing results. Need walk through documents.					
40 CFR 280, Subpart D release detection requirements met	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK
Results collected from 4/22-11/22. Please submit complete records. 9 of 12 months is needed.					
40 CFR 280, Subpart J operator training requirements met	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:

- 19704 - One (1) 10k GSL installed 7/3/1996 - Stip3?
- 25072 - One (1) 6k GSL installed 3/9/2007 - Fiberglass
 - One (1) 8k DSL installed 3/9/2007 - Fiberglass

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 26 years old and the owner should already be planning on removing or replacing them soon.

Piping is DW flex and pressurized (OPW)

RD UST = ATG

RD Piping = ELLD, ATG

Overfill/Spill = Spill Buckets + Auto Shutoff

CP = galvanic, no known inspections completed

ATG Certification = No

Overfill Protection Test = No

Spill Bucket Test = No

Site History:

- The Morrisons are selling the property to MNP Foodmart LLC on land contract, entered into on 8/20/2018. Contract fulfillment by 8/20/2023
- The tank at FID 19704 previously had one (1) owner while the tanks at FID 25072 were owned by Lykins Oil Company. However, based on the current land contract between Tim & Diana Morrison and MNP Foodmart LLC, it appears all tanks and property may now be owned and operated by the same entity
- 10k tank originally registered as steel with galvanic CP but some documents in the file claim it is fiberglass. Inventory calculations support fiberglass but documentation is needed to confirm tank material
- 10k tank originally registered with ball float but had auto shutoff during last inspection
- All STP sumps have interstitial monitoring sensors. During the last inspection the sensors were either submerged in liquid or tied up above the liquid level and not in the lowest part of the sump. Sensors in same condition as of 11/29/2022. Site is not required to perform interstitial monitoring
- Site also maintains one (1) AST
- Rebranded from BP to Sunoco between 8/2018 and 2/2019

Documentation provided at the time of the file review:

- Notification Form received 4/22/2021
- NONE

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 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 sump compartments contained fluids and should be monitored and cleaned out when needed.
3. The UDC for dispenser #5 contained fluids and should be monitored and cleaned out when needed.
4. An updated notification form with accurate operator information is needed.

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:

4. An updated notification form is needed. The form needs to include up-to-date UST and property owner information. Confirmation is needed on the material of the 1996 UST system. Based upon the material of the UST, additional documentation and/or testing may be needed.
5. Financial responsibility mechanism is needed.
6. Complete release detection records are needed for the UST systems. UST inspector collected results from 4/22 - 11/22 on-site. At least 9 of 12 months of release detection records or tank tightness testing results are needed.
7. Piping release detection records were obtained from 4/22-11/22. At least 9 of 12 months of release detection records or line tightness testing results are needed.
8. Documentation submitted to IDEM indicated ball float vent valves were installed on the 1996 UST system. UST inspector verified flapper valves are currently installed on all tanks. Please refer to the IDEM overfill protection fact sheet and provide verification.
9. Spill bucket testing results are needed.
10. Overfill protection testing results are needed.
11. ATG and ATG probe testing results are needed.
12. Line leak detector testing results are needed.
13. 30 day walk through documentation is needed.
14. Annual walk through documentation is needed.
15. Operator A, B and C training certificates are needed.