



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204

(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

July 12, 2023

Ricker Realty & Development LLC
Attn: Jay Ricker, Registered Agent
30 West 11th St
Anderson, IN 46016

Ricker Oil Company Incorporated
Corporation Service Company
135 N Pennsylvania St., Ste 1610
Indianapolis, IN 46204

Re: Violation Letter
GetGo 7526
3240 N Executive Park Dr
Yorktown, Delaware County
UST Facility ID # **24879**

Dear Messrs. Ricker and Slatter:

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 20, 2023.

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.

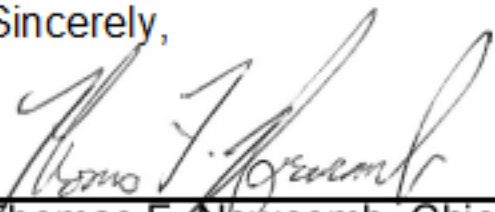
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **24879**.

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

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
Adam James
UST Facility ID File # 24879
Ricker Oil Company Incorporated
Attn: Barry Slater
Via email: barry.slater@gianteagle.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: GetGo 7526

UST FACILITY ID: 24879

**ADDRESS: 3240 N Executive Pkwy, Yorktown
Delaware County**

**INSPECTION DATE:
06/20/2023**

VIOLATIONS NOTED IN THIS INSPECTION

§ 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 overflowing 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 overflowing, alert the transfer operator with a high level alarm one minute before overflowing, 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 overflowing.

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because site has a history of ball floats and currently has auto shut off devices. Approved coincident use of overfill or documentation of ball float removal is 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 install or replace absent or substandard overfill prevention equipment that will operate as required. The UST owner and/or operator must submit proof that the overfill prevention equipment has been installed properly to the 90% or 95% fill level as required by the type of equipment within forty five (45) days of receipt of this notice. In the case where an owner has changed the overfill prevention equipment from a flow restrictor (ball float) to an auto-shutoff device, the owner must document the entire flow restrictor has been removed or that the automatic shut off device is installed at 90% or lower.

§ 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 documentation of test result of the ATG unit was not provided.</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 documentation of test result of the probes/sensors was not provided.</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 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.

§ 280.36(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 monthly walkthroughs June 2022 - June 2023 were 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.

§ 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 walkthrough inspection 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 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.



**UNDERGROUND STORAGE
TANK INSPECTION REPORT**

INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

UST FAC ID: **24879**

Inspector's Name:	Adam James
Date:	June 20, 2023
Time In:	9:25 am
Time Out:	10:45 am
Inspection Type:	Initial

FACILITY NAME / LOCATION

FACILITY NAME GetGo 7526		FACILITY ADDRESS (number and street) 3240 N Executive Pkwy			
ADDRESS (line 2)	CITY Yorktown	STATE IN	ZIP CODE 47396	COUNTY Delaware	

UST OWNER

UST Owner Name (Business Name as registered with the Secretary of State) Ricker Oil Company Incorporated				BUSINESS ID (From the Secretary of State) 197909-757	
PREFIX	FIRST NAME Barry	MI	LAST NAME Slater	SUFFIX	
TELEPHONE NUMBER (412) 963-5244	EMAIL ADDRESS barry.slater@gianteagle.com				

UST OPERATOR

UST Operator Name (Business Name as registered with the Secretary of State) Ricker Oil Company Incorporated				BUSINESS ID (From the Secretary of State) 197909-757	
PREFIX	FIRST NAME Barry	MI	LAST NAME Slater	SUFFIX	
TELEPHONE NUMBER (412) 963-5244	EMAIL ADDRESS barry.slater@gianteagle.com				

PROPERTY OWNER

UST Property Owner Name (Business Name as registered with the Secretary of State) Ricker Real Estate Holdings LLC				BUSINESS ID (From the Secretary of State) 201809131279042	
PREFIX	FIRST NAME Barry	MI	LAST NAME Slater	SUFFIX	
TELEPHONE NUMBER (412) 963-5244	EMAIL ADDRESS barry.slater@gianteagle.com				

COMPLIANCE ELEMENTS

All USTs properly registered, on file and fees paid	<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	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 checked="" type="checkbox"/>	YES	<input 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 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	UNK
History of ball float and auto installed. These (2) methods of overfill prevention can interfere with each other.							
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	
Monthly and annual walkthrough inspections							
40 CFR 280, Subpart D release detection requirements met	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK	
ATG/probe/sensor test, STP sump sensors are completely submerge in fluids.							
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) USTs

Three (3) - FG - Installed 9/14/2005

One (1) 15K GSL

One (1) 8K GSL

One (1) 6K DSL

Piping is - Flex - Pressurized

One (1) - FG - Installed 5/17/2022

One (1) 30K DSL

Piping is - DW Flex - Pressurized

RD UST - ATG

RD Piping - ATG - IM - LD

Spill protection/Overfill - Spill bucket - Flapper 15K & 30K - Ball floats 8K & 6K

ATG Certification = N

Overfill Protection Test = Y

Spill bucket Test = Y

Containment Sumps Test Required Y for 30K

Site is an active gas station

Any Site history or concerns - IM testing results received for all lines but only 30K requires it. Site has unregulated DEF UST.

Documentation received -

Notification form - 8/4/2022 (Approved)

RD UST monthly results 4/2022-3/2023 CSLD and IM for 30K Pass

RD Piping 4/22-3/2023 IM for 30K - LTT 12/29/2022 All Pass

LD 12/29/2022 Pass

Overfill test 12/29/2022 Flappers Pass on all

Spill bucket test 12/29/2022 All Pass

STP/UDC containment sumps 12/29/2022 All Pass

Annual walk through 12/2022

Operator certificate - A-B-C

FR Insurance expires 4/30/2024

Monthly walk through 12/2022

Inspector Notes: On site records request did not produce any addition documentation.

- While not required for the REG, PREM and 6K DSL piping, facility appears to be performing interstitial monitoring as the primary release detection method.

- Reg UST had upgraded piping from STP to UDC 1/2, this is less than 50% of piping run.

- Commercial dispensers do not have sensors installed in the UDCs. Jumpers are installed between the t-sections of the piping and end lines appear to be capped. DSL canopy UDCs all have sensors installed and located near the lowest point.

- Overfill alarm is present and located next to the 30K DSL UST tank pit.

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. Fluids and sludge were observed in spill buckets and UDCs. Fluids and sludge should be removed from spill buckets and UDCs along with being periodically monitored.

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:

2. Site has a history of ball floats and currently has auto shut off devices. Approved coincident use of overfill or documentation of ball float removal is needed.

3. Documentation of test result of the ATG unit and probes/sensors was not provided.

4. Monthly walkthroughs June 2022 - June 2023 were not provided.

5. Annual walkthrough inspection for 2022 - 2023 was not provided.

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 (update accordingly):

- Documentation of approved coincident use of overfill
- ATG/probe/sensor test
- Monthly and annual walkthrough inspections
- Confirmation of ball float removal and/or auto adjustment (REG, PREM and 6K DSL USTs)