



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

December 15, 2023

J & R Realty Corporation
Attn: Robert Herdrich, Registered Agent
210 E US Hwy 52, Ste E
Rushville, IN 46173

Herdrich Petroleum Corp.
Attn: Grant Reeves, Registered Agent
201 N Main Street
Rushville, IN 46173

Re: Violation Letter
One and 70 Shell
1598 N SR 1
Cambridge City, Wayne County
UST Facility ID # **22247**

Dear Messrs. Herdrich and Reeves, 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 November 30, 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.

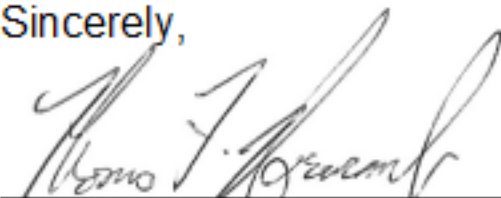
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **22247**.

Inspector: Tristan Voge
Phone: (317) 719-2574

Direct any questions regarding the inspection to:

Compliance Manager: Loic Maniet
Phone: (317) 232-3592

Sincerely,



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

cc: Loic Maniet
Tristan Voge
UST Facility ID File # 22247
Herdrich Petroleum Corp
Attn: Heather Meckes
Via email: heather.meckes@herdrich.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: One and 70 Shell	UST FACILITY ID: 22247
ADDRESS: 1598 N SR 1, Cambridge City, Wayne County	INSPECTION DATE: 11/30/2023

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 with the correct piping installation date and release date information indicated. Based on documentation provided, the new piping was installed in 2022 and not 2018 as noted in the last notification form provided.

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.

§ 280.20(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:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because prior notification forms indicated ball float valves, during the inspection dated 11/30/2023 auto shutoff overfill coincidence was observed at each UST fill port.

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.

§ 280.35(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 a periodic spill and secondary containment sump prevention equipment test report 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 and containment sumps. Documentation, to include photographs, inspection, repair and testing results, showing the spill prevention equipment and containment sumps 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:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because a periodic overflow equipment test report 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 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.

§ 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 an annual interstitial sensors functionality test report 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.



**UNDERGROUND STORAGE
TANK INSPECTION REPORT**

INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

UST FAC ID: **22247**

Inspector's Name:	Tristan Voge
Date:	November 30, 2023
Time In:	10:55
Time Out:	11:25
Inspection Type:	Initial

FACILITY NAME / LOCATION

FACILITY NAME One and 70 Shell		FACILITY ADDRESS (number and street) 1598 N SR 1			
ADDRESS (line 2)	CITY Cambridge City	STATE IN	ZIP CODE 47327	COUNTY Wayne	

UST OWNER

UST Owner Name (if in Individual Capacity) Herdrich Petroleum Corp					BUSINESS ID (From the Secretary of State)
PREFIX	FIRST NAME Heather	MI	LAST NAME Meckes	SUFFIX	
TELEPHONE NUMBER (765) 932-3224	EMAIL ADDRESS heather.meckes@herdrich.com				

UST OPERATOR

UST Operator Name (if in Individual Capacity) Herdrich Petroleum Corp					BUSINESS ID (From the Secretary of State)
PREFIX	FIRST NAME Heather	MI	LAST NAME Meckes	SUFFIX	
TELEPHONE NUMBER (765) 932-3224	EMAIL ADDRESS heather.meckes@herdrich.com				

PROPERTY OWNER

UST Property Owner Name (if in Individual Capacity) J & R Realty Corporation					BUSINESS ID (From the Secretary of State)
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 type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> UNK
An updated notification form is needed with the correct piping installation date and release detection indicated.			
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 type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" 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
Ball Float Vs Auto Shutoff			
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
Spill bucket, STP/UDC test, Overfill test			
40 CFR 280, Subpart D release detection requirements met	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> UNK
An annual interstitial monitoring sensor functionality test report was not provided.			
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:

- Two (2) FG SW USTs installed in June 1995
- One (1) 15K REG GSL
- One (1) 12K PREM GSL

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

- Piping is OPW Flex DW and pressurized (installed in 2022 per paperwork but 2018 per NF)

RD UST = ATG

RD Piping = LLD, LTT, INT

Overfill/Spill = Spill Buckets + Auto Shutoff (consistent) + Ball Float (historical) + UDC

ATG Certification = Y (12/5/2022) - sensors STP not tested

Overfill Protection Test = N

Spill bucket Test = N

Containment Sumps Test (Required) = N

Site History:

Site is an active service station. There is no prior UST history at this facility. Piping was upgraded in 2022 (per paperwork provided).

Contact Information

Heather Meckes heather.meckes@herdrich.com

Documentation provided at the time of the file review:

- (NF 11/3/2023, no formal approval - incorrect piping install date, appear to have been done in 2022 and not in 2018)
- Certificate of Financial Responsibility (Loan Commitment 2/2023 to 2/2024)
- Operator Certificates A, B, C
- Release Detection Records CSLD (REG, PREM) 11/2022 to 10/2023
- Release Detection Records STP sensors (REG, PREM) 6/2023 to 10/2023 (in walkthrough)
- Line and leak detector test (REG, PREM) 12/5/2022
- ATG/Probes 12/5/2022 - sensors STP not tested
- Work invoice (install of new STPs, UDCs, and product lines in 12/2022)
- Monthly walkthrough 11/2022 to 10/2023 + annual items

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Inspection Notes

- Twelve (12) months of UST RD collected from the ATG on site.

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

- Both spill buckets contained fluid that should be cleaned out and monitored as needed.

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. An updated notification form is needed with the correct piping installation date and release detection information indicated.
2. Prior notification forms indicated ball float valves, during the inspection dated 11/30/2023 auto shutoff overfill coincidence was observed at each UST fill port.
3. A periodic spill and secondary containment sump prevention equipment test report was not provided.
4. A periodic overfill equipment test report was not provided.
5. The ATG/Probes test completed on December 5, 2022, did not include the sensor testing for the piping

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 (update accordingly):

- Updated notification form
- Documentation of Ball Float Removal or Auto Shutoff adjustment
- Spill bucket, STP, and UDC test
- Overfill test
- Sensor test for interstitial monitoring sensors for the piping