



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

April 2, 2024

Dagco Real Estate II, LLC
Attn: Adam Dager, Registered Agent
11736 Leo Road
Fort Wayne, IN 46845

Dagco Real Estate, LLC
Attn: Adam Dager, Registered Agent
16031 Page Road
Grabill, IN 46741

Re: Violation Letter
All American #9
10847 Isabelle Drive
New Haven, Allen County
UST Facility ID # **24792**

Dear Mr. Dager:

An inspector from the Indiana Department of Environmental Management (IDEM), Underground Storage Tank (UST) Section, conducted an inspection of the site referenced above on January 31, 2024.

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 # **24792**.

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

Direct any questions regarding the inspection to:

Compliance Manager: Mark Shaffer
Phone: (317) 234-3543

Sincerely,



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

cc: Mark Shaffer
Matt Rozycki
UST Facility ID File # 24792

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: All American #9 / Marathon	UST FACILITY ID: 24792
ADDRESS: 10847 Isabelle Drive, New Haven, Allen County	INSPECTION DATE: 1/31/2024

VIOLATIONS NOTED IN THIS INSPECTION

§ 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 the DSL piping has metal components in contact with water that may be continuous with backfill in the STP sump.

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.

§ 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 the site has a history of ball floats, there was paperwork provided stating that the auto shut off devices were set at 90% since the ball floats could not be removed, however, overfill testing says the ball floats are set to trigger at 95%.

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.

§ 280.43(d) – Failure to perform Automatic Tank Gauging to standard
Citation:
Pursuant to 40 CFR 280.43(d), equipment for automatic tank gauging that tests for the loss of product and conducts inventory control must meet the following requirements: (1) The automatic product level monitor test can detect a 0.2 gallon per hour leak rate from any portion of the tank that routinely contains product; (2) The automatic tank gauging equipment must meet the inventory control (or other test of equivalent performance) requirements of § 280.43(a); and (3) The test must be performed with the system operating in one of the following modes: (i) In-tank static testing conducted at least once every 30 days; or (ii) Continuous in-tank leak detection operating on an uninterrupted basis or operating within a process that allows the system to gather incremental measurements to determine the leak status of the tank at least once every 30 days.
Violation Details:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because a commercial oven is blocking access to the ATG console, which hinders the printing of release detection records and impedes the ability to visually see any active alarm indicators on the display panel.</i>
Corrective Action:
The owner and/or operator of the UST systems at this site shall have any UST system found to have had automatic tank gauging not performed to the standard 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 of the UST systems at this site shall have a contractor certified by the Indiana Office of the State Fire Marshall inspect, reprogram, repair or otherwise correct the deficiencies of the automatic tank gauging system within thirty (30) days of receipt of this notice and submit the results within forty five (45) 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 twelve (12) months of release detection records were not provided for the tanks.</i>

Corrective Action:

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.



**UNDERGROUND STORAGE
TANK INSPECTION REPORT**

INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

UST FAC ID: **24792**

Inspector's Name:	Matt Rozycki
Date:	January 31, 2024
Time In:	09:15
Time Out:	09:40
Inspection Type:	Initial

FACILITY NAME / LOCATION

FACILITY NAME All American #9 / Marathon Station		FACILITY ADDRESS (number and street) 10847 Isabelle Drive			
ADDRESS (line 2)	CITY New Haven	STATE IN	ZIP CODE 46774	COUNTY Allen	

UST OWNER

UST Owner Name (Business Name as registered with the Secretary of State) Dagco Real Estate, LLC				BUSINESS ID (From the Secretary of State) 201803191246926	
PREFIX	FIRST NAME Adam	MI	LAST NAME Dager	SUFFIX	
TELEPHONE NUMBER (260) 497-0124		EMAIL ADDRESS adamdager79@gmail.com			

UST OPERATOR

UST Operator Name (Business Name as registered with the Secretary of State) Dagco Oil, LLC				BUSINESS ID (From the Secretary of State) 2012111301024	
PREFIX	FIRST NAME Adam	MI	LAST NAME Dager	SUFFIX	
TELEPHONE NUMBER (260) 497-0124		EMAIL ADDRESS adamdager79@gmail.com			

PROPERTY OWNER

UST Property Owner Name (Business Name as registered with the Secretary of State) Dagco Real Estate II, LLC				BUSINESS ID (From the Secretary of State) 202112141549151	
PREFIX	FIRST NAME Adam	MI	LAST NAME Dager	SUFFIX	
TELEPHONE NUMBER (260) 497-0124		EMAIL ADDRESS adamdager79@gmail.com			

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	
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 checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	N/A	UNK
O/O is in compliance with all UST closure requirements	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input 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 type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK	
DSL piping may be continuous with backfill.							
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	
Ball Floats vs Auto Shutoff. Coincidental use of overfill protection equipment							
40 CFR 280, Subpart D release detection requirements met	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK	
ATG to standard. Monthly release detection records for the tanks 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) Actual FG SW USTs - Installed 11/1/2002
(T1 - Split 15K/7K)

- One (1) 15K REG GSL (T1 C1)
- One (1) 7K PREM GSL (T1 C2)
- One (1) 8K DSL
- Piping is APT Flex and pressurized

RD UST = ATG

RD Piping = LLD, LTT, ATG

Overfill/Spill = Spill Buckets + Ball Floats (consistent)

ATG Certification = N

Overfill Protection Test = N

Spill bucket Test = N

Containment Sumps Test (Not Required) = N

Site History:

- Site is an active service station. There is no prior UST history at this site.
- Site has history of Ball Floats but testing from last inspection indicated that the ball floats failed and were to be replaced with Auto Shutoffs, but the site has been sold since then. Need clarification if Auto Shutoffs have been installed and if ball floats have been removed.
- Historical NFs have Environ Flex piping installed, but site photos appear to show APT Piping.

Contact Information:

Adam Dager - adamdager79@gmail.com - dadagers@hotmail.com

Tyler Dager - tyler@dagcooil.com

Inspector Notes

- Auto shutoffs observed on all tanks.
- Could not print from the ATG as there was a commercial oven blocking it.
- Piping looks like the first generation of APT which was discontinued pre 2008 - so not citing for IM.
- Monthly walkthroughs appeared to cover the annual requirement.

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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 PREM STP sump had some liquid, it should be monitored and cleaned out as needed.
2. The REG STP sump contained broken pieces of concrete and gravel.
3. Dispenser 8 & 5 had some fluid, they should be monitored and cleaned out as needed.
4. Walkthroughs should be performed every month, the 1/24 walkthrough did not seem to be completed at the time of inspection.

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. The DSL piping has metal components in contact with water that may be continuous with backfill in the STP sump.
2. The site has a history of ball floats, there was paperwork provided stating that the auto shut off devices were set at 90% since the ball floats could not be removed, however; overfill testing says the ball floats are set to trigger at 95%.
3. A commercial oven is blocking access to the ATG console, which hinders the printing of release detection records and impedes the ability to visually see any active alarm indicators on the display panel.
4. Monthly release detection records for the tanks were not provided.

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):

- DSL STP sump clean out / proof the piping components are protected from corrosion.
- Documentation that ball floats have been removed or that the auto shutoffs have been adjusted to trigger at 90%.
- Documentation that the ATG can be accessed and monitored without obstructions.
- Release detection records for the tanks.