



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 2, 2024

VIA ELECTRONIC MAIL

Mr. Eric Wigger
Ports Petroleum Company
UST Owner
UST Property Owner
1337 Blanchleyville Road
Wooster, Ohio 44691
eric@portspetro.com

Re: **Release Investigation and Confirmation Steps Request**
Fuel Mart #783
145 N. Dowling Street
Austin, IN 47102
Scott County
Facility ID #9329
Incident #202407503

Mr. Wigger:

A suspected release from an Underground Storage Tank (UST) at your facility was reported by Creek Run on July 1, 2024. Effective October 12, 2023, as the UST owner and/or operator of the Fuel Mart #783 facility located at 145 N. Downing Street in Austin, Indiana, you are required to address this release in accordance with applicable portions of 40 CFR Part 280.¹ Unless corrective action is initiated in accordance with 40 CFR 280 Subpart F, you must conduct release investigation and confirmation steps as outlined in 40 CFR 280.52 within thirty days.

This letter provides IDEM's expectations for release reporting, response and investigation. Please note that for purposes of reimbursement from the Excess Liability Trust Fund (ELTF), duplicative work will not be deemed reasonable or cost effective and therefore, will not be reimbursable.

40 CFR 280.52 Release Investigation and Confirmation Steps

¹ IDEM has incorporated the majority of the federal underground storage tank regulations of 40 Code Fed. Reg. (CFR) Part 280 via 329 Ind. Admin. Code 9-1-1. All CFR citations refer to the regulation as incorporated.



Visit on.IN.gov/survey or scan the QR code to provide feedback.

We appreciate your input!



1. You must conduct system testing, as specified in 40 CFR 280.43(c) and 40 CFR 280.44(b), or, as appropriate, secondary containment testing described in 40 CFR 280.33(d). The test must determine whether:
 - i. A leak exists in that portion of the tank that routinely contains product, or the attached delivery piping; or
 - ii. A breach of either wall of the secondary containment occurred.
2. If the system test confirms a leak into the interstice or a release, owners and operators must repair, replace, upgrade, or close the UST system. In addition, owners and operators must begin corrective action in accordance with subpart F of this part if the test results for the system, tank, or delivery piping indicate that a release exists.
3. If environmental contamination is the basis of the suspected release investigation, you must perform a site check, as specified in 40 CFR Part 280.52(b) by measuring for the presence of a release where contamination is most likely to be present. If the results indicate a release has occurred, you must begin corrective action in accordance with 40 CFR 280 Subpart F.

If the results of the system test or site check confirm that a release occurred, you must submit a Confirmed Release Initial Incident Report to the LeakingUST@idem.in.gov inbox in accordance with 40 CFR 280.61.

Initial site characterization

The purpose of the initial site characterization (ISC) is to gather information regarding the release and surrounding area, including, but not limited to, evaluation of potential pathways for migration, and evaluation of receptors. Pursuant to IC 13-23-13-1, when necessary and feasible as determined by a qualified environmental professional (QEP) (as defined in IC 13-11-2-177.7), an ISC must include:

1. Site-specific geologic information obtained from a minimum of three (3) continuously sampled soil borings;
2. Hydrogeologic information, including depth to ground water and groundwater flow directions and gradients, obtained from a minimum of three (3) monitoring wells screened across the water table; and
3. Other pertinent information as outlined in 40 CFR 280.63 and be consistent with the Risk-based Closure Guide (R2, Waste #0046-R2) and the Petroleum Remediation Program Guide (PRPG, Waste-0082). These non-rule policy documents are available at www.in.gov/idem/tanks/2329.htm.

The borings and wells should be installed in areas most likely to be contaminated.

Per IC 13-23-13-1, a QEP, on behalf of the owner or operator of an UST from which there has been a release of petroleum, may submit for approval by the commissioner an alternative procedure for ISC and request a waiver of the requirement. Proof of QEP credentials must be provided. For clarity and to ensure UST Owner engagement, the QEP should copy the UST Owner on any correspondence. The commissioner may approve the request for a waiver and alternative procedure only if the alternative procedure provides substantially equal protection for human health and the environment. Your QEP must submit the waiver request for an alternative procedure as soon as sufficient environmental data are obtained to make the determination that an alternative procedure meets the requirements of IC 13-23-13-1.

Pursuant to 40 CFR 280.63 you must assemble information about the site and nature of the release, including information gathered while confirming the release or completing the initial abatement measures in 40 CFR 280.60, 280.61 and 280.62. This information must include, but is not necessarily limited to the following:

1. Data on the nature and estimated quantity of the release;
2. Data from available sources and/or site investigations concerning the following factors: Surrounding populations, water quality, use and approximate locations of wells potentially affected by the release, subsurface soil conditions, locations of subsurface sewers, climatological conditions, land use;
3. Results of the site check required under 40 CFR 280.62(a)(5) (or 40 CFR 280.52 or 280.72, whichever is applicable); and
4. Results of free product investigations required under 40 CFR 280.62(a)(6), to be used by Owners and Operators to determine whether free product must be recovered under 40 CFR 280.64.

Additional IDEM expectations

In order to facilitate complete site characterization within a year, IDEM requests that staff be notified of all investigative site work in a timely manner. Early staff involvement with the site investigation will assist in efforts to develop a complete conceptual site model within the year timeframe. Please inform the project manager via email or telephone (listed below) as field work dates for investigations are scheduled.

Conclusions

The due date for the Release Investigation and Confirmation Steps report is August 1, 2024.

IDEM requests Petroleum Remediation Section (PRS) correspondence, reports, and related documents under 15 MB be submitted electronically to:
LeakingUST@IDEM.in.gov.

Paper copies and CDs are no longer necessary as previously required in OLQ Document Submittal Guidelines. Please label the email and attached documents as directed below:

- Email Subject Line: REPORT NAME (ie. 1Q 2023 QMR, ISC, FSI, etc.)_FID (insert number)_LUST (insert number)_DATE (yyyymmdd)
- Document/File Name: REPORT NAME (ie. 1Q 2023 QMR, ISC, FSI, etc.)_FID (insert number)_LUST (insert number)_DATE (yyyymmdd)

For more information regarding document and data submittal guidelines, sampling and analysis requirements or technical information, visit the LUST Home page at www.in.gov/idem/tanks/2333.htm or contact the site project manager.

Failure to submit this information within the specified timeframe may result in a referral to IDEM Office of Land Quality Enforcement.

If you have any questions, please contact me at 317) 234-956, toll free from within Indiana at (800) 451-6027 or email at jmurdoch@idem.in.gov.

Sincerely,



Jason Murdoch
Senior Environmental Project Manager
Petroleum Remediation Section
Petroleum Branch
Office of Land Quality

Ecopy: IDEM File

Mr. Dennis Livingston, Creek Run LLC (dlivingston@creekrun.com)

Ellis, Roberta

From: Stacy Beachy <stacy@portspetro.com>
Sent: Tuesday, July 9, 2024 12:26 PM
To: Ellis, Roberta
Subject: RE: IDEM PRS CORRESPONDENCE FID 9329 RELEASE

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

Bobbi,

Eric is no longer with our company. Are you able to update the contact information to my email address?

I acknowledge the receipt of the notice of release investigation.

Thank you,

Stacy Beachy
330.804.9115



From: Ellis, Roberta <REllis@idem.IN.gov>
Sent: Tuesday, July 9, 2024 11:57 AM
To: Eric Wigger <Eric@portspetro.com>
Cc: MURDOCH, JASON <JMURDOCH@idem.IN.gov>
Subject: FW: IDEM PRS CORRESPONDENCE FID 9329 RELEASE

[EXTERNAL]

Hello,

Could you please respond to the email that was sent to you on 7/5/2024? I need confirmation that you received this letter.

Thank you.



Bobbi Ellis

Secretary | Petroleum Remediation Section
Petroleum Branch | Office of Land Quality
Indiana Department of Environmental Management

(317) 232-8900 | rellis@idem.IN.gov



From: Ellis, Roberta

Sent: Tuesday, July 2, 2024 10:21 AM

To: eric@portspetro.com

Cc: MURDOCH, JASON <JMURDOCH@idem.IN.gov>; dlivingston@creekrun.com

Subject: IDEM PRS CORRESPONDENCE FID 9329 RELEASE

RETURN E-MAIL RECEIPT REQUESTED

The IDEM Petroleum Remediation Branch is now sending formal communication (signed letters) via electronic mail (e-mail). IDEM has provided electronic copies of our letters to consultants for several years and are now also providing our correspondence via e-mail to the Registered UST Owner/Operator or Responsible Party. The UST Branch will only utilize the US Postal Service if e-mail is not available. We believe that this approach is not only more economically responsible, but will also allow us to reach our customers in a more timely manner.

In that regard, IDEM is requesting a return receipt via email indicating that the correspondence has been received for our records. Please review and respond appropriately to the attached IDEM correspondence per IDEM document submittal guidelines. We hope to continue working with you to improve our customer service. Please notify IDEM if you have a preferred email address for this correspondence or regarding any e-mail address changes. If you have any questions please feel free to contact me at 317/232-8900 or Shay Hartley at 317/234-5160.

Bobbi Ellis

Secretary | Petroleum Remediation Section
Petroleum Branch | Office of Land Quality
Indiana Department of Environmental Management



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