



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

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**Eric J. Holcomb**  
Governor

**Brian C. Rockensuess**  
Commissioner

July 3, 2024

RI CS3 LLC  
c/o Corporation Service Company  
135 North Pennsylvania Street, Suite 1610  
Indianapolis, IN 46204

Village Pantry LLC  
c/o Corporation Service Company  
135 North Pennsylvania Street, Suite 1610  
Indianapolis, IN 46204

Re: Violation Letter  
GPM #1433  
2204 W 9th Street  
Marion, Grant County  
UST Facility ID # **7015**

Dear Owner/Operator:

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 17, 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](mailto:USTCompliance@idem.in.gov). Include in the subject line of the response the UST Facility ID # **7015**.

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

Direct any questions regarding the inspection to:

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

Sincerely,



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

cc: Mark Shaffer  
Matt Rozycki  
UST Facility ID File # 7015

RI CS3 LLC  
Attn: Property Owner  
Via email: [dennis@realtyincome.com](mailto:dennis@realtyincome.com)

GPM Investments  
Attn: Braxton Commodore and Chad Fluck  
Via email: [bcommodore@gpminvestments.com](mailto:bcommodore@gpminvestments.com)  
Via email: [cfluck@gpminvestments.com](mailto:cfluck@gpminvestments.com)

GPM Investments  
Attn: Corbin Burkholder and Rolfe Lann  
Via email: [cburkholder@gpminvestments.com](mailto:cburkholder@gpminvestments.com)  
Via email: [environmental@gpminvestments.com](mailto:environmental@gpminvestments.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: <b>GPM 1433 / Marathon Station</b>	UST FACILITY ID: <b>7015</b>
ADDRESS: <b>2204 W 9th Street, Marion Grant County</b>	INSPECTION DATE: <b>6/17/2024</b>

### VIOLATIONS NOTED IN THIS INSPECTION

#### § 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 periodic spill prevention equipment testing 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.

#### § 280.245 – Failure to maintain list of designated operators and/or training records

##### Citation:

Pursuant to 40 CFR 280.245, owners and operators of underground storage tank systems must maintain a list of designated Class A, Class B, and Class C operators and maintain records verifying that training and retraining, as applicable, have been completed, in accordance with § 280.34.

##### Violation Details:

*The owner and/or operator of the UST system(s) at this site are in violation of this rule because operator Class C certificates were not provided.*

##### Corrective Action:

The owner or operator of the UST systems at this site shall submit a list of those employees designated to be 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: **7015**

Inspector's Name:	Matt Rozycki
Date:	June 17, 2024
Time In:	09:30
Time Out:	10:00
Inspection Type:	Initial

**FACILITY NAME / LOCATION**

FACILITY NAME GPM 1433 / Marathon Station		FACILITY ADDRESS (number and street) 2204 W 9th Street		
ADDRESS (line 2)	CITY Marion	STATE IN	ZIP CODE 46953	COUNTY Grant

**UST OWNER**

UST Owner Name (Business Name as registered with the Secretary of State) RI CS3 LLC				BUSINESS ID (From the Secretary of State) 2007042300657	
PREFIX	FIRST NAME Chad	MI	LAST NAME Fluck	SUFFIX	
TELEPHONE NUMBER (804) 730-1568		EMAIL ADDRESS cfluck@gpminvestments.com			

**UST OPERATOR**

UST Operator Name (Business Name as registered with the Secretary of State) Village Pantry LLC				BUSINESS ID (From the Secretary of State) 1997021310	
PREFIX	FIRST NAME Corbin	MI	LAST NAME Burkholder	SUFFIX	
TELEPHONE NUMBER (317) 220-3651		EMAIL ADDRESS cburkholder@gpminvestments.com			

**PROPERTY OWNER**

UST Property Owner Name (Business Name as registered with the Secretary of State) RI CS3 LLC				BUSINESS ID (From the Secretary of State) 2007042300657	
PREFIX	FIRST NAME Rolfe	MI	LAST NAME Lann	SUFFIX	
TELEPHONE NUMBER (765) 662-0355		EMAIL ADDRESS environmental@gpminvestments.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 checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>		UNK
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
Spill bucket test,							
40 CFR 280, Subpart D release detection requirements met	<input checked="" type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>		UNK
40 CFR 280, Subpart J operator training requirements met	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>		UNK
C certificates were not provided							

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: Three (3) FG SW USTs - Installed 11/13/1998

- One (1) 10K REG GSL
- One (1) 8K PREM GSL
- One (1) 2K KER
- Piping is FG SW and pressurized for (REG, PREM)
- KER is EU Suction

RD UST = ATG

RD Piping = LLD, LTT, ATG

Overfill/Spill = Spill Buckets + Auto Shutoffs (consistent) + Ball Floats (historical)

ATG Certification = Y - 2/26/2024

Overfill Protection Test = Y - 2/26/2024

Spill bucket Test = N

Containment Sumps Test (Not Required)

Site History:

- Site is an active service station.
- No ball floats are present on USTs according to a 9/20/2021 RTC document.
- Three (3) Steel USTs were closed and removed on 11/1/1989. Closure NF in VFC.

Contact Information:

RI CS3 LLC - dennis@realtyincome.com

Chad Fluck - cfluck@gpminvestments.com

Corbin Burkholder - cburkholder@gpminvestments.com

Rolfe Lann - environmental@gpminvestments.com

Braxton Commodore - bcommodore@gpminvestments.com (provided documents)

Documentation provided post inspection:

- Certificate of Financial Responsibility - (Bond) - 10/6/2023 to 10/6/2024
- Operator Certificates A & B - Current (B certificate expires in three (3) days on 6/29/2024)
- Release Detection Records CSLD USTs - 6/2023 to 6/2024
- Line Leak Detector Testing - 2/26/2024
- ATG/Probes Certification - 2/26/2024
- Overfill Testing - 2/26/2024
- Annual Inspection - 2/26/2024 (only shows two (2) USTs)
- Annual Inspection - 1/2024 (included on monthly walkthrough form)
- Twelve (12) months of monthly walkthrough inspections - 6/2023 to 5/2024

Inspector Notes

- Auto shutoff devices observed on site
- Piping appeared to be isolated from backfill under the dispensers
- Attendant said the KER is not actively being used.

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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. All spill buckets contained some fluid, they should be monitored and cleaned out as needed.
2. The REG spill bucket appeared to show signs of warping, it should be monitored and repaired or replaced 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. Spill bucket testing was not provided.
2. Operator C certificates 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):

- Spill bucket testing
- Operator C certificates