



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

Mac's Convenience Stores, LLC
Corporation Service Company
135 N Pennsylvania St Suite 1610
Indianapolis, IN 46204

Mac's Convenience Stores, LLC
Attn: Ira Lewis
Via email: ilewis@circlek.com
mw-ess@circlek.com

Re: Violation Letter
Circle K 4702421
300 E Tipton St
Seymour, Jackson
UST Facility ID # **4831**

Dear Mr. Lewis:

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 18, 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.

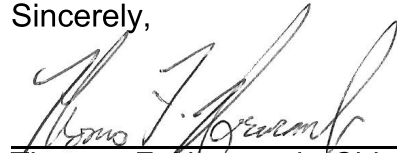
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # 4831.

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 # 4831

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: Circle K 4702421

UST FACILITY ID: 4831

**ADDRESS: 300 E Tipton St, Seymour
Jackson County**

**INSPECTION DATE:
06/18/2024**

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 with the correct release detection method for the USTs and piping, correct overfill method & correct corrosion protection method for the piping is required.

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 site has a history of ball floats and currently has auto shut off devices.

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.

§ 280.34(a)(3) – Failure to submit release report

Citation:

Pursuant to 40 CFR 280.34(a)(3), owners and operators must submit the following information to the implementing agency: reports of all releases including suspected releases (§ 280.50), spills and overfills (§ 280.53), and confirmed releases (§ 280.61).

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because KERO STP sump contains fluids that are confirmed to contain the presence of product and is above the penetration point of the containment unit.

Corrective Action:

The owner and operator of the UST systems at this site shall report a release within twenty four (24) hours of receipt of this notice by calling (317) 233-7745 or (888) 233-7745. The owner and operator shall submit documentation within fifteen (15) days detailing their investigation and clean up under 329 IAC 9-4-4.

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) - FG - USTs installed 10/1/1990

One (1) 15K GSL

One (1) 10K GSL

One (1) 8K DSL

One (1) 8K KER

Piping is - FG - Pressurized

RD UST - SIR

RD piping - SIR - LTT - LD

Spill protection/Overfill - Spill bucket - Flapper

ATG Certification = Y

Overfill Protection Test = Y

Spill bucket Test = Y

Containment Sumps Test Required N

Site is an active gas station

Any Site history and concerns - 2021 inspection supports piping in STP sumps has CP protection and flapper valves in use.

Seven USTs closed 10/1/1990 (Closure on file)

Documentation received -

Notification form -

RD UST monthly results (ATG) 5/2023-5/2024 Pass

RD Piping (ATG) 5/2023-5/2024 Pass (KER missing several months) & LTT 3/25/2024 Pass

LD 3/25/2024 Pass

Annual ATG/probes test 3/25/2024 Pass

Spill bucket test 3/22/2023 & 4/12/2023 Pass

Overfill test 3/22/2023 Pass

Monthly walk through 6/2023-5/2024

Annual walk through 4/10/2024

Operator certificate - A-B

Inspector Notes: Compliance documentation sent prior to inspection. Updated RD records collected on site.

- Dispenser risers have booting installed to isolate the metal piping components from the backfill/soil.

- Piping type could not be confirmed due to high fluids levels within the STP sumps

- Piping CP test on file dated 9/28/2021 and is still valid (VFC 83302901 pg 26)

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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. Fluids were observed in the spill buckets and sumps. Fluids in the KERO STP sump were checked for the presence of product utilizing fuel paste. The presence of product was confirmed within the watery-mix measuring about 12.5 inches. Fluids should be removed from spill buckets and sump 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. An updated notification form with the correct release detection method for the USTs and piping, correct overfill method & correct corrosion protection method for the piping is required.
3. 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.
4. KERO STP sump contains fluids that are confirmed to contain the presence of product and is above the penetration point of the containment unit.

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:

- Updated notification form (ATG as the RD method for the USTs and & piping. Correct overfill prevention method. Correct corrosion protection method.)
- Confirmation of ball float removal or auto adjustment.
- Confirmation a potential release has not occurred in the KERO STP sump.