



# 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

Albert & Patricia Johnson  
102 S Sycamore Street  
Gaston, IN 47342

Johnson Petroleum Marketing, Inc.  
Attn: Albert H. Johnson, Registered Agent  
Via email: [johnsonoil@sbcglobal.net](mailto:johnsonoil@sbcglobal.net)

Re: Violation Letter  
Matthews Pantry - BP Station  
802 Massachusetts Avenue  
Matthews, Grant County  
UST Facility ID # **19858**

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 May 15, 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 will be referred to Enforcement.

Details of the inspection may be found in the enclosed inspection report. An enforcement case manager will be assigned and IDEM will issue an appropriate enforcement response. Please 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

UST Facility ID File # 19858

Johnson Petroleum Marketing, Inc.  
Attn: Richard Johnson  
Via email: [johnsonoil@sbcglobal.net](mailto:johnsonoil@sbcglobal.net)

### 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>Matthews Pantry - BP Station</b>	UST FACILITY ID: <b>19858</b>
ADDRESS: <b>802 Massachusetts Avenue, Matthews, Grant County</b>	INSPECTION DATE: <b>5/15/2024</b>

### 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 UST notification form has not been received and approved for this site. The last UST notification form submitted for this site was rejected on 6/12/2015 and a corrected form was not provided.*

#### **§ 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 metal components of the piping are in contact with water that appears to be continuous with backfill in the STP sumps with no apparent corrosion protection.*

<b>§ 280.20(c)(1)(i) – Failure to have spill prevention equipment that will prevent release</b>
Citation:
Pursuant to 40 CFR 280.20(c)(1)(i), 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: (i) Spill prevention equipment that will prevent release of product to the environment when the transfer hose is detached from the fill pipe (for example, a spill catchment basin).
Violation Details:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because during the 5/15/2024 inspection the REG and PREM spill buckets contained excessive amounts of fluid and may not perform as designed in the event of a spill or overfill.</i>

<b>§ 280.32(a) – Failure to use a UST system that is compatible with the substance stored</b>
Citation:
Pursuant to 40 CFR 280.32(a), as incorporated, owners and operators must use an UST system made of or lined with materials that are compatible with the substance stored in the UST system.
Violation Details:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because the piping used on the REG and PREM USTs is not compatible with product stored.</i>

<b>§ 280.34(b)(4) – Failure to maintain documentation of UST system repairs (§ 280.33(g))</b>
Citation:
Pursuant to 40 CFR 280.34(b)(4), as incorporated, owners and operators must maintain the documentation of UST system repairs (§ 280.33(g)).
Violation Details:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because the annual line tightness testing provided show a failed result for the PREM line and repair / retest documentation has not been submitted.</i>

<b>§ 280.20(c)(1)(ii) – Failure to have overfill prevention equipment installed or installed properly</b>
<b>Citation:</b>
Pursuant to 40 CFR 280.20(c)(1)(ii), as incorporated, 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.
<b>Violation Details:</b>
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because the periodic testing of the overfill prevention equipment that was provided indicated the REG and PREM equipment failed and no repair / retest documentation has been submitted.</i>

<b>§ 280.41(a)(1) – Failure to monitor tanks every 30 days if installed before 9/2/2009</b>
<b>Citation:</b>
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).
<b>Violation Details:</b>
<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 SIR release detection records for the USTs was not provided.</i>

**§ 280.43(h) – Failure to perform Statistical Inventory Reconciliation to standard**

**Citation:**

Pursuant to 40 CFR 280.43(h), release detection methods based on the application of statistical principles to inventory data similar to those described in § 280.43(a) must meet the following requirements:

- (1) Report a quantitative result with a calculated leak rate;
- (2) Be capable of detecting a leak rate of 0.2 gallon per hour or a release of 150 gallons within 30 days; and
- (3) Use a threshold that does not exceed one-half the minimum detectible leak rate.

**Violation Details:**

*The owner and/or operator of the UST system(s) at this site are in violation of this rule because the manual tank gauge stick is worn and rounded at the bottom and, according to the EPA, is not considered acceptable.*



**UNDERGROUND STORAGE  
TANK INSPECTION REPORT**

INDIANA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT

UST FAC ID: **19858**

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

**FACILITY NAME / LOCATION**

FACILITY NAME Matthews Pantry - BP Station		FACILITY ADDRESS (number and street) 802 Massachusetts Avenue		
ADDRESS (line 2)	CITY Matthews	STATE IN	ZIP CODE 47342	COUNTY Grant

**UST OWNER**

UST Owner Name (Business Name as registered with the Secretary of State) Johnson Petroleum Marketing, Inc.				BUSINESS ID (From the Secretary of State) 1992050375
PREFIX	FIRST NAME Albert	MI	LAST NAME Johnson	SUFFIX
TELEPHONE NUMBER (765) 358-3965		EMAIL ADDRESS johnsonoil@sbcglobal.net		

**UST OPERATOR**

UST Operator Name (Business Name as registered with the Secretary of State) Johnson Petroleum Marketing, Inc.				BUSINESS ID (From the Secretary of State) 1992050375
PREFIX	FIRST NAME Richard	MI	LAST NAME Johnson	SUFFIX
TELEPHONE NUMBER (765) 358-3965		EMAIL ADDRESS johnsonoil@sbcglobal.net		

**PROPERTY OWNER**

UST Property Owner Name (If in Individual Capacity) Albert & Patricia Johnson				BUSINESS ID (From the Secretary of State)
PREFIX	FIRST NAME	MI	LAST NAME	SUFFIX
TELEPHONE NUMBER (765) 358-3965		EMAIL ADDRESS johnsonoil@sbcglobal.net		

**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
Updated notification form with all current site information						
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						
O/O is in compliance with release reporting or investigation	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	N/A	UNK
O/O is in compliance with all UST closure requirements						
O/O is in compliance with all UST closure requirements	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	N/A	UNK
O/O has met all financial responsibility requirements						
O/O has met all financial responsibility requirements	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	N/A	UNK
40 CFR 280, Subpart A installation requirements (partially excluded) met						
40 CFR 280, Subpart A installation requirements (partially excluded) met	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	N/A	UNK
40 CFR 280, Subpart B installation and upgrade requirements met						
40 CFR 280, Subpart B installation and upgrade requirements met	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK
REG/PREM spill buckets are full, metal components of piping continuous with backfill						
40 CFR 280, Subpart C spill/overflow control requirements met	<input type="checkbox"/>	YES	<input type="checkbox"/>	NO	N/A	UNK
40 CFR 280, Subpart C compatibility requirements met						
40 CFR 280, Subpart C compatibility requirements met	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	N/A	UNK
Yellow Enviroflex piping is not compatible with ethanol						
40 CFR 280, Subpart C O&M and testing requirements met	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	UNK
Overfill functionality testing failed for REG, PREM						
40 CFR 280, Subpart D release detection requirements met	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK
Monthly release detection records for the tanks, tank stick is worn and not acceptable						
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: Three (3) FG SW USTs - Installed 9/29/1995

- One (1) 10K REG GSL
- One (1) 8K PREM GSL
- One (1) 2K DSL
- Piping is Yellow Enviroflex and pressurized for (REG, PREM)
- DSL is EU Suction

RD UST = SIR

RD Piping = LLD, LTT, SIR

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

Overfill Protection Test = Y - 4/17/2024 (REG and PREM = FAILED)

Spill bucket Test = Y - 4/17/2024

Containment Sumps Test (Not Required) = N

Site History:

- Site is an active service station. There is no prior UST history at this site.
- An above-ground storage tank (AST) and dedicated fuel dispenser were located at the northwest corner of the site building. The AST contained kerosene.
- Testing documents indicate Ball Floats on (REG, PREM) USTs, and Auto Shutoff on DSL.

Contact Information:

Richard Johnson - johnsonoil@sbcglobal.net

Documentation provided post CM file review:

- Operator Certificates A,B,C - Current
- Tank Tightness Testing (REG, PREM, DSL) - 4/25/2024
- Leak Detector Testing (REG, PREM) - 4/17/2024
- Line Tightness Testing (REG, PREM) - 4/17/2024 (PREM = FAILED)
- Spill Bucket Testing (REG, PREM, DSL) - 4/17/2024
- Overfill Testing (REG, PREM, DSL) - 4/17/2024 (BFs on REG, PREM = FAILED. ASD on DSL = PASSED)
- Annual Inspection - 4/1/2024

Inspector Notes

- No paperwork on site apart from the monthly walkthroughs.
- The 2024 monthly walkthrough document says the site is switching from SIR to a Veeder-Root 350, but the manager said they still stick the tanks and they did not have an ATG.
- REG STP sump had a very small amount of fuel on top of the water.



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The following are AREAS OF CONCERN found during the inspection:

1. The DSL spill bucket contained some fluid.
2. The UDCs also contained some fluid.

The following are VIOLATIONS discovered during the inspection:

1. Notification form dated 2/6/2015 was rejected on 6/12/2015 and a corrected form was not provided.
2. Metal components of the piping are in contact with water that appears to be continuous with backfill in the STP sumps with no apparent CP protection. The REG and PREM STP sumps show that the booting around the piping is not tight, it could not be confirmed if the DSL booting was tight.
3. During the 5/15/2024 inspection the (REG, PREM) spill buckets contained excessive amounts of fluid and may not perform as designed in the event of a spill or overflow.
4. The yellow Enviroflex piping used on the REG and PREM USTs is not compatible with the stored product.
5. Line tightness repair/retesting for the PREM UST was not provided.
6. Overflow equipment repair/retesting for (REG, PREM) was not provided.
7. Monthly SIR release detection records were not provided for the tanks.
8. The manual tank gauge stick is worn and rounded at the bottom and, according to the EPA, is not considered acceptable.