



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Eric J. Holcomb
Governor

Bruno L. Pigott
Commissioner

March 11, 2021

Winslow & Walnut LLC
Attn: Bruce Brummett, Registered Agent
2725 E Mel Currie Rd
Bloomington, IN 47408

Bloomington Sunrise Mart LLC
Attn: Ibrahim Shohatee, Registered Agent
4015 W Arlington Rd
Bloomington, IN 47404

Re: Violation Letter
Bloomington Sunrise Mart
2601 S Walnut St
Bloomington, Monroe County
UST Facility ID # **5404**

Dear Messrs. Brummett and Shohatee:

An inspector from the Indiana Department of Environmental Management (IDEM), Underground Storage Tank (UST) Section, conducted an inspection of the site referenced above on March 1, 2021.

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 UST's 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.

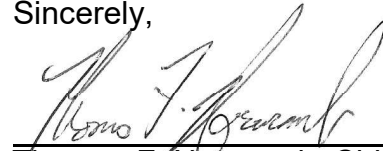
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **5404**.

Inspector: Lysie Harper
Phone: (317) 296-1853

Direct any questions regarding the inspection to:

Compliance Manager: Loic Maniet
Phone: (317) 232-3592

Sincerely,



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

cc: Loic Maniet
Lysie Harper
UST Facility ID File # 5404

Bruce Brummett, brucebrummett@ymail.com
Ibrahim Shohatee, sunrisemart@yahoo.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: Bloomington Sunrise Mart LLC	UST FACILITY ID: 5404
ADDRESS: 2601 S Walnut St, Bloomington, Monroe County	INSPECTION DATE: 03/01/2021

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 the Notification Form received on February 12, 2021, had some incorrect release detection and tank material information (indicated Double Walled tanks but prior documentation indicated single wall for the 1990 USTs). An updated notification form with correct tank material and release detection information is needed.

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 Auto Shutoff devices were observed on REG 1, REG 2, and DSL USTs but prior notification forms indicated Ball Floats. Those two forms of overfill protection can interfere with each other. In addition, the type of overfill could not be verified on the PREM due to the fill port cap being locked. If an Auto Shutoff is present in the PREM fill port, the same corrective action as for the REG and DSL USTs would apply.

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.

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Site Maintains:

- Five (5) USTs
- One (1) 12K REG 1 GSL FG SW USTs installed in June 1990 (original date, re-used 1997)
- One (1) 12K REG 2 GSL FG SW USTs installed in June 1990 (original date, re-used 1997) manifolded
- One (1) 12K PREM GSL FG SW USTs installed in June 1990 (original date, re-used 1997)
- One (1) 550 Gallons Used Oil FG DW installed in June 1990 (original date, re-used 1997)
- One (1) 8K DSL FG SW installed in September 1997
- Piping is GeoFLEX DW and pressurized (except used oil tank)

RD UST = ATG + INT (Used Oil only)

RD Piping = LTT, ELLD / Not applicable on Used Oil but selected INT (last NF)

Overfill/Spill = Spill Buckets + Auto Shutoff (all except Used Oil 1997) + Ball Float (all 1997)

If Auto Shutoff, need to demonstrate BF gone

When the USTs were removed and re-used, the closure report did not have any indication that the tanks were re-certified prior to being put back into the ground. The only testing performed was a tank tightness test.

Site History:

Site is an active service station. Five (5) USTs were removed in 1995 (Closure NF and Report in VFC). It appears that the owner upgraded the piping to DW flex after 2009. Per inspections, sensors are present and also interstitial space had been tested.

Contact Information

Ibrahim Shohatee sunrisemart@yahoo.com

Bruce Brummett brucebrummett@ymail.com

Documentation provided at the time of the file review:

- NF 10/10/2017, Approval 1/22/2018- incorrect install/in use date on 8K, release detection method piping used oil, overfill protection on GSL and DSL USTs is incorrect
- Updated NF (2/12/2021) - Some corrections needed in RD tanks and material - install and in use dates updated
- Certificate of Financial Responsibility (Insurance 8/2020 to 9/2021)
- Operator Certificate A, B, C
- Release Detection Records CSLD (REG 1, PREM, DSL, REG 2) 3/2020 to 2/2021
- Release Detection Records INT UOL (missing March, April, May 2020)
- Tank Tightness Test UOL 2/9/2021
- Release Detection Records ELLD 0.2 (REG 1, REG 2, PREM, DSL) - incomplete on Q1, Q2, Q4 - Mostly fails on Q3 (appears to be the DSL) - Also 0.2 test not properly setup in system (too many monthly test)
- Line and Leak detector test (REG, REG, DSL, PREM) 2/1/2021 - Apparently LLD is fine (so might be a setup in ATG causing the problem)
- ATG Inspection 2/1/2021

Documents obtained on site:

- RD records for all USTs and piping (04/2020-03/2021, except Q3: DSL, issues with some months 2019)

Inspection notes:

- Older model of Auto Shutoff (flapper valve) observed in all fill ports except Used Oil (original noted Ball Float on Used Oil)
- From inventory report, volumes programmed appeared to be correct.

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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 UST spill buckets contain fluid. Remove the fluid from the spill buckets and monitor monthly for fluid accumulation.
2. Q3 monthly line test (0.2) is not programmed correctly (missing October 2020 to January 2021). The Leak Detector was tested in February 2021 and passed. The owner/operator should check the records regularly to see if the system is missing any months in the future.

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:

3. An updated notification form with correct tank material and release detection information is needed.
4. The ball float valve and auto shutoff device may interfere with each other.

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):

- Updated NF (NF received and sent to registration on 2/16/2021, need some corrections on tank material and RD but updated with correct install and in use dates)
- Demonstrate that ball float and auto shutoff do not interfere