



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 3, 2024

C & S INC
Attn: Jonathan Smith, Registered Agent
2001 Main St
Tell City, IN Zip 47586

C & S INC
Attn: Jonathan Smith, Registered Agent
Via Email: csinc@psci.net
jssmith@psci.net

Re: Violation Letter
Circle S Mart #114
7683 E US Hwy 36
Avon, Hendricks
UST Facility ID # **3613**

Dear Mr. Smith:

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 25, 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.

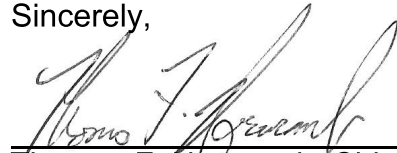
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **3613**.

Inspector: Danny Rice
Phone: (317) 646-5160

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
Danny Rice
UST Facility ID File # 3613

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 S Mart #114	UST FACILITY ID: 3613
ADDRESS: 7683 E US Hwy 36 Avon, IN 46123 Hendricks County	INSPECTION DATE: 06/25/2024

VIOLATIONS NOTED IN THIS INSPECTION

§ 280.35(a)(2) – Failure to perform periodic testing of overfill prevention equipment

Citation:

Pursuant to 40 CFR 280.35(a)(2), as incorporated, overfill prevention equipment must be inspected at least once every three years. At a minimum, the inspection must ensure that overfill prevention equipment is set to activate at the correct level specified in

§ 280.20(c) and will activate when regulated substance reaches that level.

Inspections must be conducted in accordance with one of the criteria in paragraph (a)(1)(ii)(A) through (C) of this section.

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because overfill protection (ball float) testing was not provided and Alarm (GSL/DSL) was not functioning during time of inspection.

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 overfill prevention equipment. Documentation, to include photographs, inspection, repair, measurements and testing results, showing the overfill prevention equipment is fully functional and set at the correct level must be submitted within forty five (45) days of the receipt of this notice.



**UNDERGROUND STORAGE
TANK INSPECTION REPORT**

INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

UST FAC ID: **3613**

Inspector's Name:	Danny Rice
Date:	June 25, 2024
Time In:	08:00
Time Out:	09:00
Inspection Type:	Initial

FACILITY NAME / LOCATION

FACILITY NAME Circle S Mart #114		FACILITY ADDRESS (number and street) 7683 E US Hwy 36			
ADDRESS (line 2)	CITY Avon	STATE IN	ZIP CODE	COUNTY Hendricks	

UST OWNER

UST Owner Name (If in Individual Capacity) C & S INC				BUSINESS ID (From the Secretary of State) 194375-019	
PREFIX	FIRST NAME Jonathan	MI	LAST NAME Smith	SUFFIX	
TELEPHONE NUMBER (812) 547-6435		EMAIL ADDRESS jssmith@psci.net			

UST OPERATOR

UST Operator Name (If in Individual Capacity) C & S INC				BUSINESS ID (From the Secretary of State) 194375-019	
PREFIX	FIRST NAME Jonathan	MI	LAST NAME Smith	SUFFIX	
TELEPHONE NUMBER (812) 547-6435		EMAIL ADDRESS jssmith@psci.net			

PROPERTY OWNER

UST Property Owner Name (If in Individual Capacity) C & S INC				BUSINESS ID (From the Secretary of State) 194375-019	
PREFIX	FIRST NAME Jonathan	MI	LAST NAME Smith	SUFFIX	
TELEPHONE NUMBER (812) 547-6435		EMAIL ADDRESS csinc@psci.net			

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	
Current							
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 type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>	N/A	UNK
O/O is in compliance with all UST closure requirements	<input type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input checked="" 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 type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	N/A	UNK
GAS/DSL alarm faulty. need documetation							
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	
Overfill testing for ball float and re test for alarm after repaired.							
40 CFR 280, Subpart D release detection requirements met	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	UNK	
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 five (5) - STIP3 - USTs installed 1988

Three (3) 12K GSL

One (1) 6K KER

One (1) 6K DSL

Piping is - FG - Pressurized

RD UST - ATG

CP UST - Galvanic

RD piping - LTT - LD

Spill protection/Overfill - Spill bucket - Alarm - Ball float

ATG Certification = Y

Overfill Protection Test = Y

Spill bucket Test = Y

Containment Sumps Test Required N

Site is an active

Any Site history and concerns -

Documentation received -

Notification form - 4/14/2022 (Review not noted)

RD UST monthly results 6/2023- 5/2024 Pass

CP test (UST & Piping UDC & STP) 1/22/2022 Pass (Jeremie Joyal)

RD Piping 5/4/2023 & 5/7/2024 Pass

LD 5/7/2024 Pass

Annual ATG/probes test 5/4/2023 & 5/7/2024 Pass

Overfill test 6/9/2022 (Alarm) Pass

Spill bucket test 5/7/2024 Pass

Monthly walk through 5/2023-4/2024

Annual walk through 5/4/2023 & 5/7/2024

Operator certificate - A-B-C

Inspector Notes -

GSL, DSL alarm was disconnected because it was faulty and making an audio alarm at all times the new parts are on order, work order in compliance packet.

Piping in STPs sumps and UDCs have corrosion protection wrapping on booting and appears to be isolated from soil.

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.

The following are AREAS OF CONCERN found during the inspection that will need to be addressed by the owner and/or operator:

- DSL spill bucket contain liquid. Monitor and clean as needed.
- Anodes in PREM, MID and REG STP sumps and UDCs do not appear to be installed to standard as they are not buried into the soil and may not provide adequate protection.

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) Overfill testing for ball float was not provided and audible alarm for GSL and DSL USTs was not functional at time of inspection.

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:

- Ball float overfill testing
- GSL/ DSL side alarm retest and repair/replace documentation.