



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

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**Eric J. Holcomb**  
Governor

**Brian C. Rockensuess**  
Commissioner

July 1, 2024

Mac's Convenience Stores LLC  
c/o Corporation Service Company  
135 N Pennsylvania St, Ste 1610  
Indianapolis, IN 46204

Mac's Convenience Stores LLC  
Attn: Ira Lewis  
Via email: [ilewis@circlek.com](mailto:ilewis@circlek.com)  
[mw-ess@circlek.com](mailto:mw-ess@circlek.com)

Re: Violation Letter  
Circle K 4702422  
224 E 2nd St  
Madison, Jefferson County  
UST Facility ID # **11019**

Dear Owner and 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 20, 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.

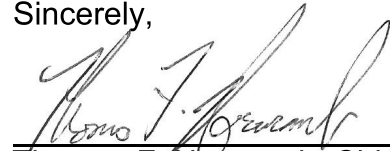
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at [USTCompliance@idem.in.gov](mailto:USTCompliance@idem.in.gov). Include in the subject line of the response the UST Facility ID # 11019.

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

Direct any questions regarding the inspection to:

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

Sincerely,



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

cc: Loic Maniet  
Matt Rozycki  
UST Facility ID File # 11019

### 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>Circle K 4702422</b>	UST FACILITY ID: <b>11019</b>
ADDRESS: <b>224 E 2nd St, Madison Jefferson County</b>	INSPECTION DATE: <b>6/20/2024</b>

### VIOLATIONS NOTED IN THIS INSPECTION

#### § 280.34 – Reporting and recordkeeping (general provisions)

Citation:

Pursuant to 40 CFR 280.34, owners and operators of UST systems must cooperate fully with inspections, monitoring and testing conducted by the implementing agency, as well as requests for document submission, testing, and monitoring by the owner or operator pursuant to section 9005 of Subtitle I of the Solid Waste Disposal Act, as amended.

Violation Details:

*The owner and/or operator of the UST system(s) at this site are in violation of this rule because no paperwork was provided at the time of the records request nor during the inspection.*

Corrective Action:

The owner and/or operator of the UST systems at this site shall immediately perform the monitoring or testing required by the rules and/or submit the requested documentation within seven (7) days of receipt of this notice.

#### § 280.41(a)(1) – Failure to monitor tanks every 30 days if installed before 9/2/2009

Citation:

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).

Violation Details:

*The owner and/or operator of the UST system(s) at this site are in violation of this rule because 12 months of SIR records were not provided for the tanks and 12 months of CSLD records could not be obtained from the on site ATG.*

**Corrective Action:**

The owner and/or operator of the UST systems at this site shall have any UST or line that contains a regulated amount of product and found to not have been monitored every thirty (30) days tightness tested within thirty (30) days of receipt of this notice and submit the results within forty five (45) days of receipt of this notice. The owner and/or operator shall continue to perform proper monthly release detection and submit the results monthly for a period of six (6) months after the receipt of this notice.

**§ 280.41(b)(1)(i)(B) – Failure to perform annual piping LTT or monthly monitoring**

**Citation:**

Pursuant to 40 CFR 280.41(b)(1)(i)(B), pressurized underground piping installed on or before April 11, 2016 (previously cited as September 2, 2009 under 329 IAC 9-2-1(2)(D)) that routinely contains regulated substances must have an annual line tightness test conducted in accordance with § 280.44(b) or have monthly monitoring conducted in accordance with § 280.44(c).

**Violation Details:**

*The owner and/or operator of the UST system(s) at this site are in violation of this rule because 12 months of SIR records were not provided.*

**Corrective Action:**

The owner and/or operator of the UST systems at this site shall have any piping that contains a regulated amount of product and found to not have had appropriate monthly monitoring or an annual line tightness test within the 12 months prior to inspection tightness tested within thirty (30) days of receipt of this notice and submit the results within forty five (45) days of receipt of this notice.

<b>§ 280.40(a)(3)(iii) – Failure to perform annual tests of ALLD</b>
Citation:
Pursuant to 40 CFR 280.40(a)(3)(iii), owners and operators of UST systems must provide a method, or combination of methods, of release detection that beginning on October 13, 2018, is operated and maintained, and electronic and mechanical components are tested for proper operation, in accordance with one of the following: manufacturer's instructions; a code of practice developed by a nationally recognized association or independent testing laboratory; or requirements determined by the implementing agency to be no less protective of human health and the environment than the two options listed in paragraphs (a)(1) and (2) of this section. A test of the proper operation must be performed at least annually and, at a minimum, as applicable to the facility, cover the following components and criteria: (iii) Automatic line leak detector: test operation to meet criteria in § 280.44(a) by simulating a leak.
Violation Details:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because an annual leak detector test was not provided.</i>
Corrective Action:
The owner and/or operator of the UST systems at this site shall have the automatic line leak detectors tested for proper operation by simulating a leak within thirty (30) days of receipt of this notice and submit the results within forty five (45) days of receipt of this notice.

<b>§ 280.31(b) – Failure to inspect CP system, frequency and criteria</b>
Citation:
Pursuant to 40 CFR 280.31(b), all UST systems equipped with cathodic protection systems must be inspected for proper operation by a qualified cathodic protection tester in accordance with the following requirements: (1) Frequency. All cathodic protection systems must be tested within 6 months of installation and at least every 3 years thereafter or according to another reasonable time frame established by the implementing agency; and (2) Inspection criteria. The criteria that are used to determine that cathodic protection is adequate as required by this section must be in accordance with a code of practice developed by a nationally recognized association.
Violation Details:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because corrosion protection test results were not provided for the flex connectors in the STP risers and under the dispensers.</i>

**Corrective Action:**

The owner and/or operator of the UST systems at this site shall submit to IDEM the required documents within fifteen (15) days of receipt of this notice or have their UST systems fully inspected by a qualified cathodic protection tester within fifteen (15) days and submit the results within thirty (30) days of receipt of this notice.

**§ 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 overfill 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 testing of the spill prevention equipment 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.

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

**Citation:**

Pursuant to 40 CFR 280.35(a)(2), 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 periodic testing of the overfill prevention equipment 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 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.

**§ 280.40(a)(3)(i) – Failure to perform annual tests of ATG**

**Citation:**

Pursuant to 40 CFR 280.40(a)(3)(i), owners and operators of UST systems must provide a method, or combination of methods, of release detection that beginning on October 13, 2018, is operated and maintained, and electronic and mechanical components are tested for proper operation, in accordance with one of the following: manufacturer's instructions; a code of practice developed by a nationally recognized association or independent testing laboratory; or requirements determined by the implementing agency to be no less protective of human health and the environment than the two options listed in paragraphs (a)(1) and (2) of this section. A test of the proper operation must be performed at least annually and, at a minimum, as applicable to the facility, cover the following components and criteria:  
(i) Automatic tank gauge and other controllers: test alarm; verify system configuration; test battery backup.

**Violation Details:**

*The owner and/or operator of the UST system(s) at this site are in violation of this rule because the ATG appeared to be utilized for SIR but an ATG functionality test was not provided.*

<b>Corrective Action:</b>
The owner and/or operator of the UST systems at this site shall have all components of the automatic tank gauge or other controllers tested for proper operation within thirty (30) days of receipt of this notice and submit the results within forty five (45) days of receipt of this notice.
<b>§ 280.40(a)(3)(ii) – Failure to perform annual tests of probes &amp; sensors</b>
<b>Citation:</b>
Pursuant to 40 CFR 280.40(a)(3)(ii), owners and operators of UST systems must provide a method, or combination of methods, of release detection that beginning on October 13, 2018, is operated and maintained, and electronic and mechanical components are tested for proper operation, in accordance with one of the following: manufacturer’s instructions; a code of practice developed by a nationally recognized association or independent testing laboratory; or requirements determined by the implementing agency to be no less protective of human health and the environment than the two options listed in paragraphs (a)(1) and (2) of this section. A test of the proper operation must be performed at least annually and, at a minimum, as applicable to the facility, cover the following components and criteria: (ii) Probes and sensors: inspect for residual buildup; ensure floats move freely; ensure shaft is not damaged; ensure cables are free of kinks and breaks; test alarm operability and communication with controller.
<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 ATG appeared to be utilized for SIR but a functionality test of the probes was not provided.</i>
<b>Corrective Action:</b>
The owner and/or operator of the UST systems at this site shall have all components of the automatic tank gauging probes and sensors tested for proper operation within thirty (30) days of receipt of this notice and submit the results within forty five (45) days of receipt of this notice.



<b>§ 280.36(a)(1)(i) – Failure to perform 30 day walkthrough inspections</b>
Citation:
Pursuant to 40 CFR 280.36(a)(1)(i), to properly operate and maintain UST systems, not later than June 28, 2021, owners and operators must conduct a walkthrough inspection every 30 days that, at a minimum, checks spill prevention equipment and release detection equipment (Exception: spill prevention equipment at UST systems receiving deliveries at intervals greater than every 30 days may be checked prior to each delivery).
Violation Details:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because the most recent 12 months of walkthroughs have not been provided.</i>
Corrective Action:
The owner and/or operator of the UST systems at this site shall, within seven (7) days of receipt of this notice, perform the 30 day walkthrough inspection for all UST systems at the site in accordance with a standard of practice referenced in the rule. Documentation, to include photographs, inspection forms, repair documents, and waste disposal records, showing the walkthrough inspection has been completed must be submitted within forty five (45) days of the receipt of this notice.
<b>§ 280.36(a)(1)(ii) – Failure to perform annual walkthrough inspections</b>
Citation:
Pursuant to 40 CFR 280.36(a)(1)(ii), to properly operate and maintain UST systems, not later than June 28, 2021 owners and operators must conduct a walkthrough inspection annually that, at a minimum, checks containment sumps and hand held release detection equipment.
Violation Details:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because the most recent annual walkthrough inspection was not provided.</i>
Corrective Action:
The owner and/or operator of the UST systems at this site shall, within seven (7) days of receipt of this notice, perform the annual walkthrough inspection for all UST systems at the site in accordance with a standard of practice referenced in the rule. Documentation, to include photographs, inspection forms, repair documents, and waste disposal records, showing the walkthrough inspection has been completed 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 A, B, and 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 A, Class B and 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: **11019**

Inspector's Name:	Matt Rozycki
Date:	June 20, 2024
Time In:	09:45
Time Out:	10:15
Inspection Type:	Initial

**FACILITY NAME / LOCATION**

FACILITY NAME Circle K 4702422		FACILITY ADDRESS (number and street) 224 E 2nd St		
ADDRESS (line 2)	CITY Madison	STATE IN	ZIP CODE 47250	COUNTY Jefferson

**UST OWNER**

UST Owner Name (If in Individual Capacity) Mac's Convenience Stores LLC				BUSINESS ID (From the Secretary of State) 2001053100456
PREFIX	FIRST NAME Ira	MI	LAST NAME Lewis	SUFFIX
TELEPHONE NUMBER	EMAIL ADDRESS ilewis@circlek.com			

**UST OPERATOR**

UST Operator Name (If in Individual Capacity) Mac's Convenience Stores LLC				BUSINESS ID (From the Secretary of State) 2001053100456
PREFIX	FIRST NAME Ira	MI	LAST NAME Lewis	SUFFIX
TELEPHONE NUMBER	EMAIL ADDRESS ilewis@circlek.com			

**PROPERTY OWNER**

UST Property Owner Name (If in Individual Capacity) Mac's Convenience Stores LLC				BUSINESS ID (From the Secretary of State) 2001053100456
PREFIX	FIRST NAME Ira	MI	LAST NAME Lewis	SUFFIX
TELEPHONE NUMBER	EMAIL ADDRESS ilewis@circlek.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 type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK
No paperwork was provided at the time of the records request or on site during the inspection						
O/O is in compliance with release reporting or investigation	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	N/A
Incident 202406501 reported via email on 06/04/2024						
O/O is in compliance with all UST closure requirements	<input type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>	N/A
O/O has met all financial responsibility requirements	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	N/A
40 CFR 280, Subpart A installation requirements (partially excluded) met	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	N/A
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
40 CFR 280, Subpart C compatibility requirements met	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	N/A
40 CFR 280, Subpart C O&M and testing requirements met	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK
Corrosion protection testing, spill bucket test, overfill functionality test, monthly / annual walkthru						
40 CFR 280, Subpart D release detection requirements met	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK
ATG/probe functionality test, leak detector test, monthly records for the tanks and piping						
40 CFR 280, Subpart J operator training requirements met	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK
Operator A B & C certificates 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:

- Four (4) FG SW USTs installed in June 1986
- One (1) 10K REG GSL (manifolded w pump)
- One (1) 10K REG GSL (manifolded no pump)
- One (1) 10K PREM GSL
- One (1) 10K DSL
- Piping is FG SW and pressurized

RD UST = ATG (secondary), SIR (primary)

RD Piping = LLD, SIR, LTT

Overfill/Spill = Spill Buckets + Auto Shutoff (consistent)

ATG Certification = N

Overfill Protection Test = N

Spill bucket Test = N

Containment Sumps Test (not required) = N

Last known CP test (Galvanic 10/6/2020) - Flex connectors at STPs and DISP

#### Site History:

Site is an active service station. There is no prior UST history at this site.

#### Contact Information

Ira Lewis ilewis@circlek.com, mw-ess@circlek.com

Documentation not provided at the time of the file review:

- (NF 1/10/2018, Approval 9/19/2019 - Tank data ok)
- Operator Certificates
- Release Detection Records SIR (Primary)
- Leak detector test
- Corrosion Protection test (STPs and DISP flex)
- Spill bucket test
- Overfill test
- Monthly walkthrough
- Annual inspection

#### Inspector Notes

- Suspected release reported 06/04/2024 after back to back months of Tank 1 testing showing "no results"
- Auto shut off devices observed on site
- Metal components of piping appeared to be connected to anodes in the STP risers and under the dispensers
- Based on suspected release notes, the ATG appears to be utilized to perform SIR

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:

1. The PUL vapor recovery port did not have a cap
2. The tops of the spill buckets showed some signs of corrosion
3. The ATG was showing a periodic test fail for both tanks at the time of inspection

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. No paperwork was provided at the time of the records request or on site during the inspection
2. Monthly release detection records were not provided for the tanks
3. Monthly release detection records were not provided for the piping
4. An annual leak detector test was not provided
5. Corrosion protection testing was not provided for the flex connectors
6. Spill bucket testing was not provided
7. Overfill functionality testing was not provided
8. ATG functionality testing was not provided
9. Functionality testing of the probes was not provided
10. Monthly walkthroughs were not provided
11. An annual walkthrough was not provided
12. Operator A B & 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):

- Operator Certificates
- Release Detection Records SIR (Primary)
- Leak detector test
- Corrosion Protection test (STPs and DISP flex connectors)
- Spill bucket test
- Overfill test
- Monthly walkthrough
- Annual inspection