



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

Catalina Marketing Corporation
c/o Corporation Service Company
135 N Pennsylvania Street, Suite 1610
Indianapolis, IN 46204

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

Re: Violation Letter
Circle K 2261
4250 SR 26 E
Lafayette, Tippecanoe County
UST Facility ID # **1057**

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 19, 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.

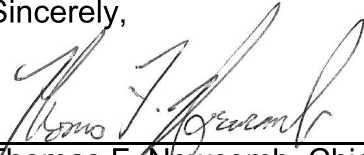
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # 1057.

Inspector: Tristan Voge
Phone: (317) 719-2574

Direct any questions regarding the inspection to:

Compliance Manager: Jordan Ware
Phone: (317) 232-2045

Sincerely,



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

cc: Jordan Ware
Tristan Voge
UST Facility ID File # 1057
Mac's Convenience Stores LLC
Attn: Ira Lewis
Via email: ilewis@circlek.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: Circle K 4702261 | UST FACILITY ID: 1057 |
| ADDRESS: 4250 South Street, Lafayette, Tippecanoe County | INSPECTION DATE: 06/19/2024 |

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 property owner in section 'I', correct capacity for the 10K regular UST in section 'N', and UST release detection in section 'T', piping release detection in section 'U' and spill/overfill information in section 'V' for the 12K regular UST 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.

§ 280.34(b)(4) – Failure to maintain documentation of UST system repairs (§ 280.33(g))

Citation:

Pursuant to 40 CFR 280.34(b)(4), owners and operators must maintain the documentation of UST system repairs (§ 280.33(g)).

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because repair documentation for the premium spill bucket was not provided.

Corrective Action:

The owner and/or operator of the UST systems at this site shall submit to IDEM complete documents detailing the repairs to UST system components as identified within fifteen (15) days of receipt of this notice.



**UNDERGROUND STORAGE
TANK INSPECTION REPORT**

INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

UST FAC ID: **1057**

| | |
|-------------------|---------------|
| Inspector's Name: | Tristan Voge |
| Date: | June 19, 2024 |
| Time In: | 11:25 |
| Time Out: | 12:20 |
| Inspection Type: | Initial |

FACILITY NAME / LOCATION

| | | | | |
|-----------------------------------|-------------------|---|-------------------|----------------------|
| FACILITY NAME Circle K 4702261 | | FACILITY ADDRESS (number and street) 4250 South Street | | |
| ADDRESS (line 2) | CITY Lafayette | STATE IN | ZIP CODE 47905 | COUNTY Tippecanoe |

UST OWNER

| | | | | |
|--|-------------------------------------|----|--------------------|--|
| UST Owner Name (If in Individual Capacity) Mac's Convenience Stores LLC | | | | BUSINESS ID (From the Secretary of State) 2001053100456 |
| PREFIX Mr. | FIRST NAME Ira | MI | LAST NAME Lewis | SUFFIX |
| TELEPHONE NUMBER (704) 651-1831 | 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 Mr. | FIRST NAME Ira | MI | LAST NAME Lewis | SUFFIX |
| TELEPHONE NUMBER (704) 651-1831 | EMAIL ADDRESS ilewis@circlek.com | | | |

PROPERTY OWNER

| | | | | |
|---|---------------|----|-----------|---|
| UST Property Owner Name (If in Individual Capacity) Catalina Marketing Corporation | | | | BUSINESS ID (From the Secretary of State) 1992040184 |
| PREFIX | FIRST NAME | MI | LAST NAME | SUFFIX |
| TELEPHONE NUMBER | EMAIL ADDRESS | | | |

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 |
| An updated notification form with the correct REG UST capacity, UST/piping release detection, spill/overfill for the 12K REG indicated. | | | | | | |
| O/O is in compliance with reporting & record keeping requirements | <input type="checkbox"/> | YES | <input checked="" type="checkbox"/> | NO | <input type="checkbox"/> | UNK |
| Repair documentation for the premium spill bucket was not provided. | | | | | | |
| O/O is in compliance with release reporting or investigation | <input type="checkbox"/> | YES | <input type="checkbox"/> | NO | <input checked="" type="checkbox"/> | N/A |
| 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 type="checkbox"/> | YES | <input type="checkbox"/> | NO | <input checked="" 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 checked="" type="checkbox"/> | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> | UNK |
| 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:

- One (1) 12K REG West FG SW UST installed January 1972 - Lined 2/15/22 (manifolded)
- One (1) 10K REG Middle FG SW UST installed January 1972 - Lined 2/15/22
- One (1) 6K REG East FG SW UST installed January 1972 - Lined 2/15/22 (manifolded)
- One (1) 6K PREM FG SW UST installed January 1972 - Line 2/15/22
- One (1) 10K DSL Steel STiP3 UST installed January 1982
- Piping is Steel SW and pressurized

RD UST = ATG

RD Piping = LTT, LLD

Overfill/Spill = Spill Buckets + Auto Shutoff

ATG Certification = N

Overfill Protection Test = N

Spill bucket Test = N

Containment Sumps Test Not Required

Last known CP (Galvanic (3/2/20 - STiP UST & 6/18/20 - Piping))

Last known Liner inspection - 1972 USTs were lined for compatibility reasons on 2/15/22 (VFC Doc# 83304108)

Site History:

Site is an active service station. One (1) UST was removed in 1994 (VFC Doc# 22252152).

Contact Information

Ira Lewis, ilewis@circlek.com

Documentation provided at the time of the file review:

- Operator Certificates A, B
- UST RD (CSLD) 5/23 - 5/24
- LTT 7/20/23
- LLD 7/20/23
- ATG/Probe 7/10/23
- Corrosion Protection Testing 6/12/23, 1/8/24 (For DSL & Piping)
- Spill Bucket Test 7/25/22 PREM Failed
- Spill Bucket Test 4/11/23 PREM Passed
- Overfill Test 7/25/22
- Overfill Test 4/11/23 - PREM Only
- Monthly Walkthroughs 6/23 - 5/24
- Annual Walkthrough 3/20/24

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.

Inspection Notes

- Twelve (12) months of UST/piping RD collected from the ATG on site, C operator certificate provided on site. No other documentation was collected or provided on site.

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

- PREM/DSL spill buckets contained fluid that should be cleaned out and monitored as needed.
- DSL/REG STP containment sumps contained fluid that should be cleaned out and monitored as needed. The source of the fluid should be determined and remediated as needed.
- Heavy staining was observed below dispenser 17/18. The source of the staining should be determined and remediated as needed.

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. An updated notification form with the correct property owner, regular UST capacity, UST/piping release detection and spill/overflow for the 12K regular UST indicated.
2. Repair documentation for the premium spill bucket was not provided. According to the provided spill test report dated 07/25/2022 the premium spill bucket failed.

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:

- Updated notification form
- Repair documentation for the premium spill bucket