



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

July 2, 2024

Sukhdev Enterprises LLC
Attn: Sukhdev Singh, Registered Agent
909 E Coliseum Blvd
Fort Wayne, IN 46805

Coliseum Petroleum Inc
Attn: Sukhdev Singh, Registered Agent
909 E Coliseum Blvd
Fort Wayne, IN 46805

Re: Violation Letter
Coliseum BP
909 E Coliseum Blvd
Fort Wayne, Allen County
UST Facility ID # **10562**

Dear Messrs. Singh and Dasson:

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.

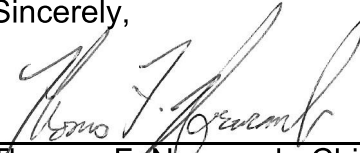
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **10562**.

Inspector: Brandon Blystone
Phone: (463) 271-5699

Direct any questions regarding the inspection to:

Compliance Manager: Caitlin Shaffer
Phone: (317) 234-4112

Sincerely,



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

cc: Caitlin Shaffer
Brandon Blystone
UST Facility ID File # 10562
Coliseum BP
Attn: Aman Dasson
Via email: dassonaman@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: Coliseum BP

UST FACILITY ID: 10562

**ADDRESS: 909 E Coliseum Blvd
Fort Wayne, IN 46805, Allen County**

INSPECTION DATE: 6/19/2024

VIOLATIONS NOTED IN THIS INSPECTION

§ 280.43(g) – Failure to perform Interstitial Monitoring to standard

Citation:

Pursuant to 40 CFR 280.43(g), interstitial monitoring between the UST system and a secondary barrier immediately around or beneath it may be used, but only if the system is designed, constructed, and installed to detect a leak from any portion of the tank that routinely contains product and also meets one of the following requirements:
(1) For double walled UST systems, the sampling or testing method can detect a leak through the inner wall in any portion of the tank that routinely contains product;
(2) For UST systems with a secondary barrier within the excavation zone, the sampling or testing method used can detect a leak between the UST system and the secondary barrier.

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because the transition sump does not appear to have a sensor installed, and the inspector could not see the equipment to ensure the interstitial monitoring system is properly installed.

Corrective Action:

The owner and/or operator of the UST systems at this site shall have any UST or piping that contains a regulated amount of product and found to not have been monitored every thirty (30) days correctly while using interstitial monitoring 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 have a certified contractor correct all deficiencies in the interstitial monitoring system within thirty (30) days of receipt of this notice and submit documentation within forty five (45) days of receipt of this notice.

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| § 280.20(d) – Failure to properly install UST system in accordance with a nationally recognized code of practice |
| Citation: Pursuant to 40 CFR 280.20(d), the UST system must be properly installed in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and in accordance with the manufacturer's instructions. |
| Violation Details: <i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because the STP sumps and UDCs are able to consistently take on fluids that interfere with the functionality of the interstitial monitoring system and it is unknown if the equipment is capable of containing a release.</i> |
| Corrective Action: The owner and/or operator of the UST systems at this site shall, within thirty (30) days of receipt of this notice, submit documentation proving the UST systems were installed in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and in accordance with the manufacturer's instructions or notify IDEM of their intent to permanently close all affected UST systems. |

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| § 280.20(c)(1)(i) – Failure to have spill prevention equipment that will prevent release |
| 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 the RUL spill bucket was more than half full of liquid and may not function as designed during product delivery.</i> |
| 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 spill prevention equipment that will prevent the release of product to the environment. The UST owner and/or operator must submit proof that the spill prevention equipment has been installed within forty five (45) 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 spill bucket, STP sump, transition sump, and UDC testing 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 overfill testing 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)(ii) – Failure to perform annual tests of probes & sensors |
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| Citation: |
| 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. |
| Violation Details: |
| <i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because annual sensor testing was not provided.</i> |
| Corrective Action: |
| 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. |

| § 280.40(b) – Failure to report release when RD system indicates a release may have occurred |
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| Citation: |
| Pursuant to 40 CFR 280.40(b), when a release detection method operated in accordance with the performance standards in § 280.43, § 280.44, or subpart K of this part indicates a release may have occurred, owners and operators must notify the implementing agency in accordance with subpart E of this part. |
| 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 had failing interstitial monitoring release detection results for at least (1) year but a suspected release has never been reported.</i> |
| Corrective Action: |
| The owner and operator of the UST systems at this site shall report a release within twenty four (24) hours of receipt of this notice by calling the Petroleum Remediation Section at 317-233-1519. The owner and operator shall submit documentation within fifteen (15) days detailing their investigation and clean up under 329 IAC 9-4-4. |



**UNDERGROUND STORAGE
TANK INSPECTION REPORT**

INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

UST FAC ID: **10562**

| | |
|-------------------|------------------|
| Inspector's Name: | Brandon Blystone |
| Date: | June 19, 2024 |
| Time In: | 10:15 |
| Time Out: | 11:00 |
| Inspection Type: | Initial |

FACILITY NAME / LOCATION

| | | | | | |
|-------------------------------------|---------------------------|--|--------------------------|------------------------|--|
| FACILITY NAME Coliseum BP | | FACILITY ADDRESS (number and street) 909 E Coliseum Blvd | | | |
| ADDRESS (line 2) | CITY Fort Wayne | STATE IN | ZIP CODE 46805 | COUNTY Allen | |

UST OWNER

| | | | | | |
|---|---------------------------|--|----------------------------|---|--------|
| UST Owner Name (Business Name as registered with the Secretary of State) Coliseum Petroleum Inc | | | | BUSINESS ID (From the Secretary of State) 2011020400248 | |
| PREFIX | FIRST NAME Aman | MI | LAST NAME Dasson | | SUFFIX |
| TELEPHONE NUMBER (260) 804-5313 | | EMAIL ADDRESS dassonaman@yahoo.com | | | |

UST OPERATOR

| | | | | | |
|--|------------------------------|---------------|---------------------------|---|--------|
| UST Operator Name (Business Name as registered with the Secretary of State) Coliseum Petroleum Inc | | | | BUSINESS ID (From the Secretary of State) 2011020400248 | |
| PREFIX | FIRST NAME Sukhdev | MI | LAST NAME Singh | | SUFFIX |
| TELEPHONE NUMBER (260) 755-1240 | | EMAIL ADDRESS | | | |

PROPERTY OWNER

| | | | | | |
|---|------------------------------|---------------|---------------------------|---|--------|
| UST Property Owner Name (Business Name as registered with the Secretary of State) Sukhdev Enterprises LLC | | | | BUSINESS ID (From the Secretary of State) 2010110500294 | |
| PREFIX | FIRST NAME Sukhdev | MI | LAST NAME Singh | | SUFFIX |
| TELEPHONE NUMBER | | EMAIL ADDRESS | | | |

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 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 checked="" type="checkbox"/> | NO | <input type="checkbox"/> | N/A | UNK |
| Sump sensors have been in alarm for over a year with no suspected release reported | | | | | | | |
| O/O is in compliance with all UST closure requirements | <input checked="" type="checkbox"/> | YES | <input type="checkbox"/> | NO | <input 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 type="checkbox"/> | YES | <input checked="" type="checkbox"/> | NO | <input type="checkbox"/> | UNK | |
| RUL Spill Bucket full of product, sump fluid levels interfering with release detection equipment | | | | | | | |
| 40 CFR 280, Subpart C spill/overflow control requirements met | <input checked="" type="checkbox"/> | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> | N/A | UNK |
| 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 | |
| Spill Bucket, Containment Sump, Overflow testing | | | | | | | |
| 40 CFR 280, Subpart D release detection requirements met | <input type="checkbox"/> | YES | <input checked="" type="checkbox"/> | NO | <input type="checkbox"/> | UNK | |
| Interstitial Monitoring not to standard, Missing RD equipment, sensor testing | | | | | | | |
| 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) Stip3 USTs installed in April 1981

- Two (2) 10k GSL
- One (1) 10k DSL

Piping is DW flex and pressurized

RD UST = ATG

RD Piping = MLLD, ATG, INT

Overfill/Spill = Spill Buckets + Auto Shutoff

CP = galvanic, last known test completed 5/2/2023

ATG Certification = Yes 5/7/2024

Overfill Protection Test = No

Spill Bucket Test = No

Containment Sumps Test = No

Site History:

- Original steel piping was replaced in February 2010
- All STP, transition, and UDC sumps were full of water during the last IDEM inspection
- No known CP testing completed between 2/15/2016 and 5/2/2023

Documentation provided at the time of the file review:

- Notification Form received 2/11/2016
- FR - CD
- 10 months RD for tanks
- 11 months INT for piping (every month has fuel alarm, no passing results)
- CP testing completed 5/2/2023 - pass
- 13 months of monthly walkthrough inspections Jan 2023-April 2024 (includes annual req's)
- Operator Training A, B, C

Documentation provided at the time of or after the inspection:

1. 12 months of CSLD RD for RUL, PUL and DSL tanks.
2. ATG Functionality/Probes, Line Tightness, and Leak Detector testing

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:

1. All STP sumps and the piping transition sump contained a significant amount of product in them. STP sump and UDC testing was not provided. For that reason, we do not know if the sumps are liquid tight and if a release to the environment has occurred.
2. Dispensers 1/2, 3/4, 7/8 and 9/10 contained product in the UDCs. Again, UDC testing was not provided. For that reason, we do not know if the sumps are liquid tight and if a release to the environment has occurred.
3. All sump sensors were in alarm, except the transition sump is not programmed in the ATG. It appears that there is no sensor in the transition sump, or it is not connected to the ATG.
4. All tanks appear to have ASD overflow
5. Compliance documentation was requested, but none was provided. A compliance binder was found on top of the ATG with monthly walkthroughs and expired testing docs.

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

1. The RUL STP sump lid is damaged. Please consider repairing or replacing the lid.
2. The DSL and PUL spill buckets contained product in them. Please remove 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. Sumps were full of product and sludge not allowing for the proper inspection of the interstitial monitoring equipment to ensure it is installed properly.
2. It appears that there is no interstitial monitoring sensor in the transition sump.
3. All sump sensors programmed in the ATG have been in alarm for over a year.
4. The RUL spill bucket was more than half full of liquid.
5. Spill bucket, STP sump, transition sump, and UDC testing was not provided.
6. Overflow testing was not provided.
7. Annual interstitial sensor testing was not provided.
8. The piping had failing release detection records for at least (1) year but no suspected release has been reported.