



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

June 4, 2024

VIA CERTIFIED MAIL: 7017 2400 0000 0747 1611

Yogi Brahm, LLC
Vyomesh Joshi, Registered Agent
2508 Washington Avenue
Evansville, IN 47714

VIA CERTIFIED MAIL: 7017 2400 0000 07470447

Yogi Brahm, LLC
Dhanji Patel, President
2508 Washington Avenue
Evansville, IN 47714

Re: 30-Day Warning Letter Pursuant to
IC 13-23-1-4
Quick Mart
UST Facility ID#: 5559
2508 Washington Avenue
Evansville, Vanderburgh County

To: Messers. Joshi and Patel,

In accordance with Indiana Code ("IC") 13-23-1-4(b)(2), to fully implement the delivery prohibition program requirements under 42 U.S.C. 6991k, the commissioner may issue a 30-day warning or temporary order to prohibit the use of an underground storage tank that has been determined to be ineligible and demand compliance with the rules adopted under this chapter.

This letter is the Warning Letter required pursuant to Indiana Code ("IC") 13-23-1-4(b)(2)(B). The Commissioner of the Indiana Department of Environmental Management ("IDEM") has determined that two (2) 10,000 gallon underground storage tanks and one (1) 6,000 gallon underground storage tank ("USTs") installed in 1984 and currently owned and operated by Yogi Brahm, LLC ("Owner/Operator") located at 2508 Washington Avenue, Evansville, Vanderburgh County, Indiana with the Facility ID number of 5559 ("Site") are ineligible for delivery, deposit or acceptance of a regulated substance. The USTs are deemed ineligible for delivery because the Owners/Operators are in violation of UST laws and regulations as set forth in IC 13-23-1-4.

Quick Mart
30 Day Delivery Prohibition Warning Letter
UST Facility ID 5559
Page 3 of 3

Tim Veatch, Petroleum Branch Chief
Colleen Rennaker, DAC OLQ
Jennifer Reno, Land Enforcement Section Chief
IDEM UST Public File **5559**
Online Delivery Prohibition List

§ 280.40(a)(3)(ii) - Failure to perform annual tests of probes & sensors
Citation: Pursuant to 40 CFR 280.40(a)(3)(ii) as incorporated, owners and operators of UST systems must provide a method, or combination of methods, of release detection that beginning on June 28, 2021, 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>All UST system(s) at this site may be considered ineligible for delivery in accordance with 329 IAC 9-4.5-5(2) because annual ATG probes testing was for all tanks 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 tested for proper operation and submit the results within thirty (30) days of 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) 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:
<i>All UST system(s) at this site may be considered ineligible for delivery in accordance with 329 IAC 9-4.5-5(2) because three (3) year overfill device testing for all tanks was not provided.</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 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 thirty (30) days of the 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) as incorporated, 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 by meeting certain criteria.
Violation Details:
<i>All UST system(s) at this site may be considered ineligible for delivery in accordance with 329 IAC 9-4.5-5(2) because three (3) year spill bucket testing for all tanks was not provided and the spill buckets are not double-walled.</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 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 thirty (30) days of the receipt of this notice.

§ 280.40(a)(3)(iii) - Failure to perform annual tests of ALLID

Citation:

Pursuant to 40 CFR 280.40(a)(3)(iii) as incorporated, owners and operators of UST systems must provide a method, or combination of methods, of release detection that beginning on June 28, 2021, 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:

All UST system(s) at this site may be considered ineligible for delivery in accordance with 329 IAC 9-4.5-5(2) because annual line leak detector testing for all UST systems was not provided.

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 immediately to IDEM.

§ 280.31(b) - Failure to inspect CP system, frequency and criteria

Citation:

Pursuant to 40 CFR 280.31(b) as incorporated, 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:

All UST system(s) at this site may be considered ineligible for delivery in accordance with 329 IAC 9-4.5-5(2) because three (3) year cathodic protection testing for all UST systems was not provided.