



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Bruno L. Pigott
Commissioner

January 5, 2022

N & J Petroleum Inc.
Attn: Naveed Gulzar, Registered Agent
501 E Madison St
Goshen, IN 46526

N & J Petroleum Inc.
Attn: Naveed Gulzar
Via email: vashucpa@gmail.com
goshenmarathon@live.com

Re: Violation Letter
Goshen Marathon
501 E Madison St
Goshen, Elkhart County
UST Facility ID # **10561**

Dear Mr. Gulzar:

An inspector from the Indiana Department of Environmental Management (IDEM), Underground Storage Tank (UST) Section, conducted an inspection of the site referenced above on December 1, 2021.

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 UST's 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.

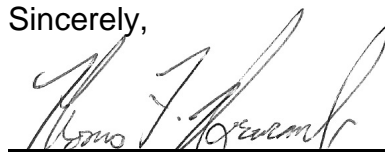
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **10561**.

Inspector: John Metz
Phone: (317) 296-0383

Direct any questions regarding the inspection to:

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

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas F. Newcomb", is written over a horizontal line.

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

cc: Loic Maniet
John Metz
UST Facility ID File # 10561

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: Goshen Marathon	UST FACILITY ID: 10561
ADDRESS: 501 E Madison St, Goshen, Elkhart County	INSPECTION DATE: 12/01/2021

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 their Notification Form has incorrect information for spill prevention, overfill prevention equipment, and piping release detection.

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.

§ 280.20(c)(1)(ii) – Failure to have overfill prevention equipment installed or installed properly
Citation:
Pursuant to 40 CFR 280.20(c)(1)(ii), 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: (ii) Overfill prevention equipment that will: (A) Automatically shut off flow into the tank when the tank is no more than 95 percent full; or (B) Alert the transfer operator when the tank is no more than 90 percent full by restricting the flow into the tank or triggering a high-level alarm; or (C) Restrict flow 30 minutes prior to overfilling, alert the transfer operator with a high level alarm one minute before overfilling, or automatically shut off flow into the tank so that none of the fittings located on top of the tank are exposed to product due to overfilling.
Violation Details:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because Auto Shutoff devices were not observed in the fill ports as noted in all Notification Forms on file.</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 overfill prevention equipment that will operate as required. The UST owner and/or operator must submit proof that the overfill prevention equipment has been installed properly to the 90% or 95% fill level as required by the type of equipment within forty five (45) days of receipt of this notice. In the case where an owner has changed the overfill prevention equipment from a flow restrictor (ball float) to an auto-shutoff device, the owner must document the entire flow restrictor has been removed or that the automatic shut off device is installed at 90% or lower.

§ 280.35(a)(1) – Failure to perform periodic testing of spill prevention equipment
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:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because they did not provide documentation of spill bucket testing.</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 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 they did not submit results of overfill equipment testing.

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, inspect, 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:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because they did not provide results of annual ATG testing.</i>
Corrective Action:
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.
§ 280.40(a)(3)(ii) – Failure to perform annual tests of probes & sensors
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 they did not complete the annual tests of probes and/or sensors.</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.

§ 280.36(a)(1)(i) – Failure to perform 30 day walkthrough inspections

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:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because they did not provide any 30-day walk through inspections.

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.



UNDERGROUND STORAGE TANK INSPECTION REPORT

INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

UST FAC ID: **10561**

Inspector's Name:	John Metz
Date:	December 1, 2021
Time In:	12:10
Time Out:	12:50
Inspection Type:	Initial

FACILITY NAME / LOCATION						
FACILITY NAME		FACILITY ADDRESS (number and street)				
Goshen Marathon		501 E Madison St				
ADDRESS (line 2)	CITY	STATE	ZIP CODE	COUNTY		
	Goshen	IN	46526	Elkhart		
UST OWNER						
UST Owner Name (If in Individual Capacity)			BUSINESS ID (From the Secretary of State)			
N & J Petroleum Inc			2009061000219			
PREFIX	FIRST NAME	MI	LAST NAME		SUFFIX	
Mr	Naveed		Guzlar			
TELEPHONE NUMBER		EMAIL ADDRESS				
(574) 535-9270		goshenmarathon@live.com				
UST OPERATOR						
UST Operator Name (If in Individual Capacity)			BUSINESS ID (From the Secretary of State)			
N & J Petroleum Inc			2009061000219			
PREFIX	FIRST NAME	MI	LAST NAME		SUFFIX	
Mr	Naveed		Guzlar			
TELEPHONE NUMBER		EMAIL ADDRESS				
(574) 535-9270		goshenmarathon@live.com				
PROPERTY OWNER						
UST Property Owner Name (If in Individual Capacity)			BUSINESS ID (From the Secretary of State)			
N & J Petroleum Inc			2009061000219			
PREFIX	FIRST NAME	MI	LAST NAME		SUFFIX	
Mr	Naveed		Guzlar			
TELEPHONE NUMBER		EMAIL ADDRESS				
(574) 535-9270		goshenmarathon@live.com				
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
Notification Form has incorrect overfill prevention equipment and incorrect piping release detection						
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
O/O is in compliance with all UST closure requirements						
			<input checked="" type="checkbox"/>	YES	<input type="checkbox"/> NO	<input 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 type="checkbox"/>	YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> N/A
Tanks do not have any overfill prevention equipment						
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
Need spill bucket test and overfill equipment test (after installation) + walk-through inspections						
40 CFR 280, Subpart D release detection requirements met			<input type="checkbox"/>	YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> UNK
Need ATG functionality test						
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) Steel STIP 3 USTs installed in April 1992 (Upgraded with Impressed current around 2010/2011)
- One (1) 12K REG GSL
- One (1) 8K REG GSL
- One (1) 8K PREM GSL

Section Chief Note: The normal operational lifespan of a UST before failing is 25 to 30 years old. The USTs at this site are now 30 years old and the owner should start planning on removing or replacing them soon.

- Piping is Steel and pressurized (with impressed current)

RD UST = ATG (Veeder Root Simplicity)

RD Piping = LLD

Overfill/Spill = Spill Buckets + **No Overfill Prevention Equipment**

ATG Certification = Y/N (date) - If fail, see comments

Overfill Protection Test = Y/N (date)- If fail see comments

Spill bucket Test = Y/N (date) - If fail see comments

Containment Sumps Test Required Y/N = (date) - If fail see comments

Last known CP USTs 5/2016

Last known CP test piping 2/8/2018

Site History:

Site is an active service station. Five (5) USTs were removed in 1989 (Closure NF and Report in VFC).

Contact Information

Naveed Guzlar, goshenmarathon@live.com

Documentation provided at the time of the file review:

- (NF 11/18/2019, Approval 11/18/2019 - missing information spill and piping RD)
- Certificate of Financial Responsibility (Insurance 2/2021 to 2/2022)
- Operator Certificates A, B, C
- Release Detection Records (REG, REG, PREM) 1/2021 to 11/2021
- LTT and Leak Detector Test (REG, REG, PREM) 4/7/2021
- Corrosion Protection test (REG, PREM, REG) USTs+Piping 4/7/2021

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

1. All three (3) spill buckets contained fluid.
2. Dispensers #1/2 and 5/6 had some seepage on piping.

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:

3. The tanks do not have the required overfill prevention equipment.

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:

4. Updated Notification Form with correct spill prevention, overfill prevention, and piping release detection
5. Documentation of overfill prevention equipment installation
6. Spill bucket test
7. Overfill prevention equipment test
8. Monthly walk-through inspections June through November
9. ATG functionality test