



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

Larimer Convenience LLC
Attn: Albert Lane, Registered Agent
19593 County Road 146
New Paris, IN 46553

GPM Empire LLC
c/o Corporation Service Company
135 N Pennsylvania St., Suite 1610
Indianapolis, IN 46204

Re: Violation Letter
Lanes Fast Food
1010 W Plymouth Ave
Goshen, Elkhart County
UST Facility ID # **16004**

Dear Messrs. Lane, Fluck, Burkholder and Lann:

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 2, 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.

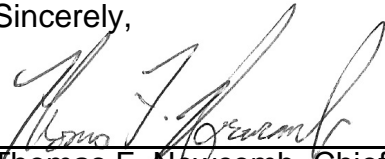
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **16004**.

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

Direct any questions regarding the inspection to:

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

Sincerely,



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

cc: Loic Maniet
John Metz
UST Facility ID File # 16004
Larimer Convenience LLC
Attn: Albert Lane
Via email: ajlane@bnin.net

GPM Empire LLC
Attn: Chad Fluck, cfluck@gpminvestments.com
Attn: Corbin Burkholder, cburkholder@gpminvestments.com
Attn: Rolfe Lann, environmental@gpminvestments.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: Dennis Leo Inc Lanes Fast Food	UST FACILITY ID: 16004
ADDRESS: 1010 W Plymouth Ave, Goshen, Elkhart County	INSPECTION DATE: 12/02/2021

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 is missing piping release detection information, as well as anode installation date.

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.

§ 280.41(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 the Premium Gas UST was missing six (6) months of passing release detection, and Mid-Grade Gas was missing nine (9) months.

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)(A) – Failure to equip piping with or test automatic leak detectors

Citation:

Pursuant to 40 CFR 280.41(b)(1)(i)(A), 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 be equipped with an automatic line leak detector conducted in accordance with § 280.44(a).

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because their leak detector test was not performed by a technician certified by the state of Indiana.

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 its automatic leak detector tested 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.

§ 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 their line tightness test was not performed by a technician certified by the state of Indiana.

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.

§ 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:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because the tanks originally had ball float valves (flow restrictors) and now they have automatic shut-off devices (flapper valves).

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.

§ 280.40(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 their ATG test was not performed by a technician certified by the state of Indiana.</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:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because their test of probes was not performed by a technician certified by the state of Indiana.

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.



UNDERGROUND STORAGE TANK INSPECTION REPORT

INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

UST FAC ID: **16004**

Inspector's Name:	John Metz
Date:	December 2, 2021
Time In:	11:00
Time Out:	12:30
Inspection Type:	Initial

FACILITY NAME / LOCATION						
FACILITY NAME		FACILITY ADDRESS (number and street)				
Dennis Leo Inc Lanes Fast Food		1010 W Plymouth Ave				
ADDRESS (line 2)	CITY	STATE	ZIP CODE	COUNTY		
	Goshen	IN	46256	Elkhart		
UST OWNER						
UST Owner Name (If in Individual Capacity)			BUSINESS ID (From the Secretary of State)			
GPM Empire LLC			202001231369684			
PREFIX	FIRST NAME	MI	LAST NAME		SUFFIX	
Mr	Rolfe		Lann			
TELEPHONE NUMBER		EMAIL ADDRESS				
(804) 730-1568		environmental@gpminvestments.com				
UST OPERATOR						
UST Operator Name (If in Individual Capacity)			BUSINESS ID (From the Secretary of State)			
Goshen66 One Stop Inc			201611171167411			
PREFIX	FIRST NAME	MI	LAST NAME		SUFFIX	
	Nirmaljit		Singh			
TELEPHONE NUMBER		EMAIL ADDRESS				
		richiegoshen66@gmail.com				
PROPERTY OWNER						
UST Property Owner Name (If in Individual Capacity)			BUSINESS ID (From the Secretary of State)			
Larimer Convenience LLC			1998081295			
PREFIX	FIRST NAME	MI	LAST NAME		SUFFIX	
Mr	Albert	J	Lane			
TELEPHONE NUMBER		EMAIL ADDRESS				
(317) 841-7447		environmental@gpminvestments.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 is missing piping release detection information, as well as anode installation date						
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 type="checkbox"/>	YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
O/O has met all financial responsibility requirements			<input 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 type="checkbox"/> N/A
40 CFR 280, Subpart B installation and upgrade requirements met			<input type="checkbox"/>	YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> UNK
Auto Shutoff and Ball Floats						
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
Technician not licensed to work in Indiana (LLD, LTT, ATG test)						
40 CFR 280, Subpart D release detection requirements met			<input type="checkbox"/>	YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> UNK
Premium Gas missing 6 months RD, Mid-Grade missing 9 months						
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:

- Four (4) Steel STIP 3 USTs installed in January 1986 (Galvanic)
- One (1) 10K REG GSL
- One (1) 10K MID GSL
- One (1) 10K PREM GSL
- One (1) 4K DSL

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 36 years old and the owner should start planning on removing or replacing them soon.

- Piping is APT Flex DW and pressurized (upgraded in 1998) - DSL is suction

RD UST = ATG

RD Piping = LLD, ATG

Overfill/Spill = Spill Buckets + Auto Shutoff (1998 and current) + Alarm (1998 and current) + BF (1998)

ATG Certification = Y (5/10/2021)

Overfill Protection Test = Y (2/25/2021) - All Auto

Spill bucket Test = Y (8/22/2019)

Containment Sumps Test (not required) = N

If Auto, need BF removal or adjustment to Auto

Last known CP = 7/19/2013

Site History:

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

Contact Information

Chad Fluck cfluck@gpminvestments.com

Corbin Burkholder cburkholder@gpminvestments.com

Documentation provided at the time of the inspection

- (NF 11/5/2020, no formal approval - missing RD information on piping, install date CP, other items missing)
- Certificate of Financial Responsibility
- Operator Certificates A, B, C
- Release Detection Records (REG, PREM, MID, DSL) - incomplete
- Line and leak detector test 5/10/2021
- CP Test USTs (REG, PREM, DSL, MID) 2/6/2021
- Overfill test (REG, PREM, DSL, MID) 2/25/2021 - Auto all
- ATG/Probes certification (5/10/2021)
- Spill bucket test (REG, PREM, MID, DSL) 2/25/2021
- Monthly Walkthrough up to 11/2021
- TTT (REG, PREM, DSL, MID) 5/10/2021
- TTT (MID, PREM) 8/6/2021
- TTT (MID, PREM) 10/7/2021

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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 four (4) spill buckets contained fluid.
2. All three (3) STP sumps contained water and sludge, and also had piping boots damaged and heavy corrosion on fittings.
3. UDCs #1/2 and 9/10 contained water and sludge.
4. UDCs #3/4, 5/6, and 7/8 contained debris and sludge.
5. UDC #11/12 contained water with a fuel sheen, and had a steel flex connector that appeared damaged (bulging) and in need of replacement. In addition, the liquid/fuel was reaching the base of the boots and, based on the current state of the boots, it may allow for product to be released into the environment. The boots should be replaced as soon as possible.

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:

6. The Premium Gas UST was missing six (6) months of passing release detection, and Mid-Grade Gas was missing nine (9) months.
7. The leak detector test, line tightness test, and ATG certification were performed by a technician who was not certified for work in the state of Indiana.
8. The tanks originally had ball float valves (flow restrictors) and now they have automatic shut-off devices (flapper valves). Documentation must be provided to show the tanks meet the requirements of the April 2020 fact sheet on coincident use of 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:

9. Updated Notification Form with correct piping release detection information and anode install date
10. ATG functionality test performed by a technician certified to perform work in Indiana
11. Leak detector test performed by a technician certified to perform work in Indiana
12. Line tightness test performed by a technician certified to perform work in Indiana