



## INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

100 N. Senate Avenue • Indianapolis, IN 46204

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Eric J. Holcomb  
Governor

Bruno L. Pigott  
Commissioner

January 5, 2022

Keystops LLC  
c/o CT Corporation System  
150 W Market St., Suite 800  
Indianapolis, IN 46204

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

Re: Violation Letter  
Keystops Sav-A-Step 51  
100 Hunter Station Rd  
Sellersburg, Clark County  
UST Facility ID # **18322**

Dear Mr. Orange:

An inspector from the Indiana Department of Environmental Management (IDEM), Underground Storage Tank (UST) Section, conducted an inspection of the site referenced above on November 3, 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.

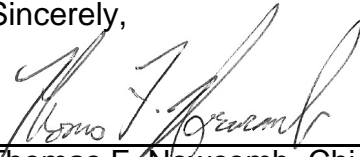
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at [USTCompliance@idem.in.gov](mailto:USTCompliance@idem.in.gov). Include in the subject line of the response the UST Facility ID # 18322.

Inspector: Matthew James  
Phone: (317) 750-2491

Direct any questions regarding the inspection to:

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

Sincerely,



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

cc: Loic Maniet  
Matthew James  
UST Facility ID File # 18322  
Sav-A-Step Food Marts, Inc.  
Attn: Joseph Pierce, Registered Agent  
12207 Bridgeway Ct  
Sellersburg, IN 47172

Keystops Sav-A-Step 51  
Attn: Lisa Collard, [lcollard@keystops.com](mailto:lcollard@keystops.com)  
Attn: Charles Key, [karen@vprproperties.com](mailto:karen@vprproperties.com)  
Attn: Wes Orange, [worange@keystops.com](mailto:worange@keystops.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: <b>Keystops Sav-A-Step 51</b>	UST FACILITY ID: <b>18322</b>
ADDRESS: <b>100 Hunter Station Rd Sellersburg, IN</b>	INSPECTION DATE: <b>11/3/2021</b>

### 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 is needed. The correct type of overfill protection devices needs to be added.*

**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.

#### **329 IAC 9-8-21(a) – Failure to maintain evidence of financial assurance mechanisms**

**Citation:**

Pursuant to 329 IAC 9-8-21(a), an owner or operator shall maintain evidence of all financial assurance mechanisms used to demonstrate financial responsibility under this rule for an underground storage tank until released from the requirements of this rule under section 23 of this rule. An owner or operator shall maintain such evidence at the underground storage tank site or the owner's or operator's place of work. Records maintained off site must be made available upon request of the Indiana department of environmental management, underground storage tank branch.

**Violation Details:**

*The owner and/or operator of the UST system(s) at this site are in violation of this rule because FR mechanism is needed.*

<b>Corrective Action:</b>
The owner and/or operator of the UST systems at this site shall submit a copy of the instrument proving they have the coverage required by this rule within thirty (30) days of receipt of this notice.
<b>§ 280.41(b)(1)(i)(A) – Failure to equip piping with or test automatic leak detectors</b>
<b>Citation:</b>
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).
<b>Violation Details:</b>
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because line leak detector testing results are needed for the Rec 90 UST system. The leak detector for the kerosene UST system needs to be checked out to ensure it meets performance standards.</i>
<b>Corrective Action:</b>
The owner and/or operator of the UST systems at this site shall have the Rec 85 automatic line leak detector tested and have the kerosene LLD checked out and submit the results within forty five (45) days of receipt of this notice.
<b>§ 280.41(b)(1)(i)(B) – Failure to perform annual piping LTT or monthly monitoring</b>
<b>Citation:</b>
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).
<b>Violation Details:</b>
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because the REC 90 line was not tested on 9/1/2021.</i>
<b>Corrective Action:</b>
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)(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:**

*The owner and/or operator of the UST system(s) at this site are in violation of this rule because the Rec 90 spill bucket is showing signs of corrosion.*

**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 have the Rec 85 gasoline spill bucket tested to ensure it meets performance standards. 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.

**§ 280.43(d) – Failure to perform Automatic Tank Gauging to standard**

**Citation:**

Pursuant to 40 CFR 280.43(d), equipment for automatic tank gauging that tests for the loss of product and conducts inventory control must meet the following requirements:

(1) The automatic product level monitor test can detect a 0.2 gallon per hour leak rate from any portion of the tank that routinely contains product;

(2) The automatic tank gauging equipment must meet the inventory control (or other test of equivalent performance) requirements of § 280.43(a); and

(3) The test must be performed with the system operating in one of the following modes:

(i) In-tank static testing conducted at least once every 30 days; or

(ii) Continuous in-tank leak detection operating on an uninterrupted basis or operating within a process that allows the system to gather incremental measurements to determine the leak status of the tank at least once every 30 days.

**Violation Details:**

*The owner and/or operator of the UST system(s) at this site are in violation of this rule because the volumes programmed in the ATG for the PREM and MID do not appear to be correct. Volumes must be programmed in accordance with the tank charts.*

**Corrective Action:**

The owner and/or operator of the UST systems at this site shall have any UST system found to have had automatic tank gauging not performed to the standard 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 of the UST systems at this site shall have a contractor certified by the Indiana Office of the State Fire Marshall inspect, reprogram, repair or otherwise correct the deficiencies of the automatic tank gauging system within thirty (30) days of receipt of this notice and submit the results within forty five (45) 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), 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 Auto Shutoff devices were installed in all the USTs except the Premium following the failed test of 4/13/2020. However, a testing report of the Auto Shutoff has not been 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 the premium 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.

**§ 280.36(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 walk through documentation is needed.*

**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.

**§ 280.240 – Failure to designate Class A, Class B or Class C operators that meet requirements**

**Citation:**

Pursuant to 40 CFR 280.240, not later than October 13, 2018, all owners and operators of UST systems must ensure they have designated Class A, Class B, and Class C operators who meet the requirements of this subpart.

**Violation Details:**

*The owner and/or operator of the UST system(s) at this site are in violation of this rule because operator A training certificates are needed.*

**Corrective Action:**

The owner or operator of the UST systems at this site shall submit a list of those employees designated to be Class A operators. Those so designated must be trained and certification of that training submitted within thirty (30) days of receipt of this notice.



# UNDERGROUND STORAGE TANK INSPECTION REPORT

INDIANA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT

UST FAC ID: **18322**

Inspector's Name:	Matt James
Date:	November 3, 2021
Time In:	12:00 pm
Time Out:	1:15 pm
Inspection Type:	Initial

FACILITY NAME / LOCATION					
FACILITY NAME Keystops Sav-A-Step 51			FACILITY ADDRESS (number and street) 100 Hunter Station Rd		
ADDRESS (line 2)		CITY Sellersburg	STATE IN	ZIP CODE	COUNTY Clark
UST OWNER					
UST Owner Name (Business Name as registered with the Secretary of State) Keystops LLC				BUSINESS ID (From the Secretary of State) 2001070600389	
PREFIX	FIRST NAME Lisa	MI	LAST NAME Collard		SUFFIX
TELEPHONE NUMBER (270) 596-8283		EMAIL ADDRESS lcollard@keystops.com			
UST OPERATOR					
UST Operator Name (Business Name as registered with the Secretary of State) Keystops LLC				BUSINESS ID (From the Secretary of State) 2001070600389	
PREFIX	FIRST NAME Lisa	MI	LAST NAME Collard		SUFFIX
TELEPHONE NUMBER (270) 596-8283		EMAIL ADDRESS lcollard@keystops.com			
PROPERTY OWNER					
UST Property Owner Name (Business Name as registered with the Secretary of State) VPR Properties LLC				BUSINESS ID (From the Secretary of State) 2012022200952	
PREFIX	FIRST NAME Charles	MI	LAST NAME Key		SUFFIX
TELEPHONE NUMBER (502) 412-5867		EMAIL ADDRESS karen@vprproperties.com			
COMPLIANCE ELEMENTS					
All USTs properly registered, on file and fees paid			<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> UNK
Updated notification form is needed.					
O/O is in compliance with reporting & record keeping requirements			<input type="checkbox"/> YES	<input checked="" 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 checked="" type="checkbox"/> N/A
O/O has met all financial responsibility requirements			<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> N/A
Need updated FR mechanism.					
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
Need PREM spill bucket repair					
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 walk through documentation, overfill test all except PREM					
40 CFR 280, Subpart D release detection requirements met			<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> UNK
LLD/LTT REC 90, LD verification KER, ATG programming					
40 CFR 280, Subpart J operator training requirements met			<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> UNK
A operator expired					



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:

- Five (5) Xerxes FG SW tanks installed 06/1992
- One (1) 10k REG GSL
- One (1) 6k REC 90 GSL
- One (1) 6k PREM GSL
- One (1) 4k DSL
- One (1) 2k Kerosene

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

- Piping is Flex SW (Total Containment) and pressurized.

UST RD: ATG (TLS 350)

Piping RD: ATG/LTT

Spill and Overfill Prev. Equip: Spill buckets + Ball float valve (confirmed based on documentation provided)

ATG Certification = Y (9/1/2021)

Overfill Protection Test = Y (4/13/2020) - REG and DSL BF broken, PREM intact and passed

Spill bucket Test = Y (9/1/2021) - Fail PREM

Containment Sumps Test (not required)

Last NF 2017 shows Ball Float as overfill protection

Contact Information:

Wes Orange, worange@keystops.com

Kaily Scott, kscott@keystops.com

Documentation provided at the time of the file review:

- Notification Form: Received 10/2017 - overfill as BF on all
- Certificate of Financial Responsibility (Tangible Net Worth letter)
- Operator Certificates A, B and C
- Release Detection Records (05/2019-04/2020 CSLD )
- Release Detection Records (9/2020 to 8/2021 CSLD)
- Line and Leak Detector Test (09/2019)
- Line and Leak Detector Test (09/02/2020) REG, PREM, DSL, KER, REC
- Leak Detector Test (REG, PREM, DSL, KER) 9/1/2021 - REC 90 not tested
- Line Tightness Test (REG, PREM, DSL, KER) 9/1/2021 - REC 90 not tested
- Spill bucket test report 9/3/2019 (REG, PREM, DSL, KER, REC) - passed
- overfill protection test report 4/13/2020 - BF all (REG, PREM, DSL, KER, REC 90) / Fail on all except PREM (pictures shows BF intact for PREM, missing ball on reg, broken on DSL)
- ATG Functionality Test 9/2/2020
- ATG Functionality Test 9/1/2021
- Annual Walkthrough 9/1/2021
- Spill bucket test (REG, REC, PREM, DSL, KER) 9/1/2021 - Fail PREM

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.

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

1. The spill buckets contained fluids/debris and should be monitored and cleaned out when needed.
2. The sump compartments contained fluids and should be monitored and cleaned out when needed.
3. All of the UDC's contained fluids and should be monitored and cleaned out when 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:

4. The kerosene STP does not appear to have a functioning leak detector. Please provide verification to IDEM.
5. The Rec 90 spill bucket was showing signs of corrosion and UST inspector was unable to verify if it was tight. The spill bucket needs to be inspected by a certified contractor to ensure it is meeting performance standards.

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:

6. Updated financial responsibility mechanism is needed.
7. Updated notification form with correct overfill protection devices is needed.
8. Need spill bucket repair/replacement PREM fill port - 9/2021 test showed fail
9. Need line tightness and line leak detector testing results for Rec 90.
10. Tank volumes for PREM and MID do not appear to be programmed correctly. The tank charts need to be examined and the correct tank volumes need to be programmed.
11. 30 day walk through documentation is needed.
12. A operator training certificates are needed.