



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

RSM Investments LLC
Attn: Raghbir Singh, Registered Agent
333 Lincoln Ave
Bedford, IN 47421

RSM Oil Inc.
Attn: Pushpinder Singh, Registered Agent
321 Lincoln Ave
Bedford, IN 47421

Re: Violation Letter
RSM Oil Inc
3127 W Washington St
Indianapolis, Marion County
UST Facility ID # **40061**

Dear Mr. Singh:

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 30, 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.

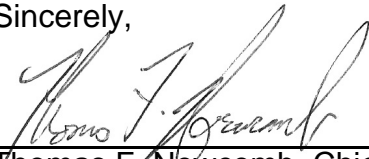
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # 40061.

Inspector: Brandon Davis
Phone: (317) 464-7666

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
Brandon Davis
UST Facility ID File # 40061
RSM Oil
Attn: York Singh, york.multani@gmail.com
Attn: Raghbir Singh, rajs312@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: RSM Oil Inc.	UST FACILITY ID: 40061
ADDRESS: 3127 W. Washington Street Indianapolis, IN 46222 - Marion County	INSPECTION DATE: 11/30/2021

VIOLATIONS NOTED IN THIS INSPECTION

IC 13-23-12-1 Failure to Pay UST Fees

Citation:

Pursuant to IC 13-23-12-1, each year, if an underground storage tank has not been closed before January 1 of the year under rules adopted under IC 13-23-1-2; or a requirement imposed by the commissioner before the adoption of rules under IC 13-23-1-2; the owner of the underground storage tank shall pay to the department an annual registration fee.

The annual registration fee required by this section is ninety dollars (\$90) for each underground petroleum storage tank or two hundred forty-five dollars (\$245) for each underground storage tank containing regulated substances other than petroleum.

If an underground storage tank consists of a single tank in which there are separate compartments, a separate fee shall be paid under subsection (b) for each compartment within the single tank. If an underground storage tank consists of a combination of tanks, a separate fee shall be paid under subsection (b) for each compartment within each tank in the combination of tanks.

For tanks that contain separate compartments and that were in use before July 1, 2014, the payment of a single annual fee of ninety dollars (\$90) for a tank containing separate compartments shall be deemed to satisfy the requirements of subsection.

Violation Details:

The owner and/or operator of the UST systems at this site are in violation of this rule because UST fees need to be paid.

Corrective Action:

The owner and/or operator of the UST systems at this site shall pay the required fees to the Indiana Department of Environmental Management within fifteen (15) days of receipt of this notice.

329 IAC 9-8-11(b) – Failure to demonstrate the ability to pay the deductible amount
Citation:
Pursuant to 329 IAC 9-8-11(b), an owner or operator of: (1) twelve (12) or fewer USTs shall demonstrate the ability to pay the applicable deductible amount under IC 13-23-9-1.3; or (2) more than twelve (12) USTs shall demonstrate the ability to pay two (2) times the applicable deductible amount under IC 13-23-9-1.3.
Violation Details:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because an up to date financial responsibility mechanism needs to be provided to IDEM.</i>
Corrective Action:
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.
§ 280.41(a)(2) – Failure to monitor (IM) tanks every 30 days if installed after 9/2/2009
Citation:
Pursuant to 40 CFR 280.41(a)(2), and previously 329 IAC 9-3-1.3 (repealed 2018), tanks installed after September 2, 2009 must be monitored for releases at least every 30 days using the method listed in § 280.43(g).
Violation Details:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because (12) months of Interstitial Monitoring records for all (3) tanks were not provided to IDEM.</i>
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 by not having records of 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 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)(2) – Failure to perform monthly monitoring on piping installed after 9/2/2009, except proper European

Citation:

Pursuant to 40 CFR 280.41(b)(2), piping installed or replaced after April 11, 2016 (previously cited as September 2, 2009 under 329 IAC 9-2-1(2)(D)) must meet one of the following:

- (i) Pressurized piping must be monitored for releases at least every 30 days in accordance with § 280.43(g) and be equipped with an automatic line leak detector in accordance with § 280.44(a)
- (ii) Suction piping must be monitored for releases at least every 30 days in accordance with § 280.43(q).

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because (12) months of Interstitial Monitoring records for the piping were not provided to IDEM.

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 by not having records of 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 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 up to date Line Leak Detector test results were not provided to IDEM.

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.

§ 280.20(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 at the time of inspection the spill buckets for the Premium and Diesel tanks were more than half full of fuel. In the event of a spill or overfill, these spill buckets would not perform as designed in preventing a release into the environment.

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 documentation detailing the periodic testing of the spill prevention equipment (spill buckets), UDCs, and STP containment sumps were not provided to IDEM.

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 documentation detailing the periodic testing of the overfill prevention equipment (Flapper Valves) were not provided to IDEM.

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)(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:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because documentation detailing the annual testing / certification of the ATG were not provided to IDEM.

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 documentation detailing the annual testing of the Probes/Sensors were not provided to IDEM.

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:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because documentation detailing the monthly walkthrough inspections from July - November 2021 were not provided to IDEM.</i>
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:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because A, B and C operator certificates were not provided to IDEM.</i>
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, Class B and Class C 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: **40061**

Inspector's Name:	Brandon Davis
Date:	November 30, 2021
Time In:	10:26
Time Out:	11:30
Inspection Type:	Initial

FACILITY NAME / LOCATION					
FACILITY NAME RSM Oil Inc			FACILITY ADDRESS (number and street) 3127 W. Washington Street		
ADDRESS (line 2)		CITY Indianapolis	STATE IN	ZIP CODE 46222	COUNTY Marion
UST OWNER					
UST Owner Name (If in Individual Capacity) RSM Oil Inc				BUSINESS ID (From the Secretary of State) 201803291249091	
PREFIX Mr.	FIRST NAME York	MI	LAST NAME Singh		SUFFIX
TELEPHONE NUMBER (317) 776-6325		EMAIL ADDRESS york.multani@gmail.com			
UST OPERATOR					
UST Operator Name (If in Individual Capacity) RSM Oil Inc				BUSINESS ID (From the Secretary of State) 201803291249091	
PREFIX Mr.	FIRST NAME Pushpinder	MI	LAST NAME Singh		SUFFIX
TELEPHONE NUMBER (317) 776-6325		EMAIL ADDRESS york.multani@gmail.com			
PROPERTY OWNER					
UST Property Owner Name (If in Individual Capacity) RSM Investments LLC				BUSINESS ID (From the Secretary of State) 201803291248957	
PREFIX Mr.	FIRST NAME Raghbir	MI	LAST NAME Singh		SUFFIX
TELEPHONE NUMBER (317) 776-6325		EMAIL ADDRESS york.multani@gmail.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
UST Fees need to be paid - Reach out to Rita Browne - rbrowne@idem.in.gov					
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 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
Up to date Financial Responsibility mechanism needs to be provided to IDEM.					
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 type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> UNK
At the time of inspection the Premium + Diesel spill buckets were more than 1/2 full of fuel.					
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
Periodic testing (Spill + Overfill + Containment sumps); Monthly Walkthroughs (July - Nov 2021)					
40 CFR 280, Subpart D release detection requirements met			<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> UNK
(12) Months of INT records (Tanks + Piping); ATG + Probes/Sensors; LLD results;					
40 CFR 280, Subpart J operator training requirements met			<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> UNK
A, B and C operator certificates need to be provided.					

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:

- Two (2) actual FG DW USTs (Xerxes) installed in June 2019 (one 8K split 4/4)
- One (1) 15K REG GSL
- One (1) 4K PREM GSL (T2 C1)
- One (1) 4K DSL (T2 C1)
- Piping is OPW Flex DW and pressurized

RD UST = ATG (TS 550 Evo), INT

RD Piping = LLD, INT, ATG

Overfill/Spill = Spill Buckets (OPW Edge DW) + Auto Shutoff (71SO-400CT) + UDCs

ATG Certification = Not provided

Overfill Protection Test = Not provided

Spill bucket Test = Not provided

Containment Sumps Test = Required - Not Provided

Site History:

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

Contact Information

Ragbir Singh york.multani@gmail.com

Inspection Notes:

- All schrader valves within the Under Dispenser Containment sumps were either capped or had jumper lines attached and there were no sensors in each sump. It appears the interstitial space of the piping is installed to drain back to each STP sump. All schrader valves within each STP sump are connected to tubing and are open for the free flow of product.

- Inspector asked if the owner had any compliance documentation, including any testing results. Owner explained they will need to get all necessary testing done.

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

- There was a small amount of fuel within the RUL tank's spill bucket. This should be removed and disposed of properly.

- The STP sump of the RUL tank contained a small amount of water.

- There was a very small amount of fuel within the UDC of dispenser [9/10].

- 3 Wire Sensors are not properly labeled. Sensors should be labeled to distinguish STP sensors (PREM, REG, DSL) and Tank interstitial sensors (REG, PREM/DSL). Currently, if a sensor was to be in alarm, it would be difficult to determine which tanks or sump is in alarm.

*Reminder: Updates to the rule defining underground storage tank regulations are here. Updates affect regulations regarding: sump and spill bucket testing, operator training, monthly walkthrough inspections and more. Be sure to check www.in.gov/idem/tanks for the latest information regarding compliance of your underground storage tank system.

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 VIOLATIONS discovered during the inspection that will need to be corrected to avoid further action and achieve compliance with the state underground storage tank program. Submit all Compliance Documents to USTCompliance@idem.IN.gov with FID in subject line.

1. UST Fees need to be paid. Reach out to Rita Browne for more information about these fees. Rbrowne@idem.in.gov - (317) 234-3606
2. An up to date financial responsibility mechanism needs to be provided to IDEM.
3. At the time of inspection the spill buckets for the Premium and Diesel tanks were more than half full of fuel. In the event of a spill or overfill, these spill buckets would not perform as designed in preventing a release into the environment. The owner should remove this fuel and properly dispose of it and provide documentation, including photographs to IDEM.
4. Documentation detailing the periodic testing of the spill prevention equipment (spill buckets) should be provided to IDEM.
5. Documentation detailing the periodic testing of the overfill prevention equipment (Flapper Valves) should be provided to IDEM.
6. Documentation detailing the periodic testing of the spill containment sumps used for Interstitial Monitoring should be provided to IDEM.
7. Documentation detailing the monthly walkthrough inspections from July - November 2021 should be provided to IDEM.
8. Documentation detailing the annual testing / certification of the ATG should be provided to IDEM.
9. Documentation detailing the annual testing of the Probes/Sensors should be provided to IDEM.
10. (12) months of Interstitial Monitoring records for all (3) tanks should be provided to IDEM.
11. (12) months of Interstitial Monitoring records for the piping should be provided to IDEM.
12. Up to date Line Leak Detector test results should be provided to IDEM.
13. A, B and C operator certificates should be provided to IDEM.