



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

January 5, 2022

2200 Market LLC
Attn: Suhas Gandhi, Registered Agent
1410 S Clark Blvd
Clarksville, IN 47129

Re: Violation Letter
North Clark Community Hospital
2200 Market St
Charlestown, Clark County
UST Facility ID # **17342**

Dear Mr. Gandhi and Ms. Bodenheimer

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 18, 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.

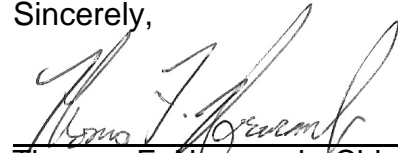
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # 17342.

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

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
Matthew James
UST Facility ID File # 17342

Lei Bodenheimer, l.bodenheimer@mcfiusa.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: North Clark Community Hospital	UST FACILITY ID: 17342
ADDRESS: 2200 Market St Charlestown, IN 47111	INSPECTION DATE: 11/18/2021

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 system(s) at this site are in violation of this rule because tank fees are owed from 2015 through 2021.

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 9-2-2(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:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because an updated notification form with correct tank and ownership information is needed. The piping delivery method also needs to be confirmed.</i>
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:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because FR mechanism is needed.</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)(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 release detection records are needed for the UST system.

Corrective Action:

The owner and/or operator of the UST systems at this site shall submit missing records or have any UST 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.

§ 280.41(b)(1)(ii) – Failure to perform 3 year piping LTT for suction system where required

Citation:

Pursuant to 40 CFR 280.41(b)(1)(ii), underground piping that conveys regulated substances under suction must either have a line tightness test conducted at least every 3 years and in accordance with § 280.44(b), or use a monthly monitoring method 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, per the Notification Form on file, the delivery method was identified as American Suction and a required line tightness test or twelve (12) months of release detection records were not available.

Corrective Action:

The owner and/or operator of the UST systems at this site shall have any suction piping that contains a regulated amount of product and found to not have had appropriate monthly monitoring or a line tightness test within the 36 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.

§ 280.35(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 spill bucket testing results are needed.

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. Documentation, to include photographs, inspection, repair and testing results, showing the spill prevention equipment is 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 overfill testing results are needed.

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 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 ATG testing results are needed.</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 ATG probe testing is needed.</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 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 walk through documentation is needed.</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 operator A, B and C training certificates are needed.</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, B and 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: **17342**

Inspector's Name:	Matt James
Date:	November 18, 2021
Time In:	12:45
Time Out:	01:30
Inspection Type:	Initial

FACILITY NAME / LOCATION					
FACILITY NAME North Clark Community Hospital			FACILITY ADDRESS (number and street) 2200 Market St		
ADDRESS (line 2)		CITY Charlestown	STATE IN	ZIP CODE 47111	COUNTY Clark
UST OWNER					
UST Owner Name (Business Name as registered with the Secretary of State) 2200 Market LLC				BUSINESS ID (From the Secretary of State) 201712121227622	
PREFIX Mr	FIRST NAME Suhas	MI	LAST NAME Gandhi		SUFFIX
TELEPHONE NUMBER		EMAIL ADDRESS l.bodenheimer@mcfiusa.com			
UST OPERATOR					
UST Operator Name (Business Name as registered with the Secretary of State) 2200 Market LLC				BUSINESS ID (From the Secretary of State) 201712121227622	
PREFIX Mr	FIRST NAME Suhas	MI	LAST NAME Gandhi		SUFFIX
TELEPHONE NUMBER		EMAIL ADDRESS l.bodenheimer@mcfiusa.com			
PROPERTY OWNER					
UST Property Owner Name (Business Name as registered with the Secretary of State) 2200 Market LLC				BUSINESS ID (From the Secretary of State) 201712121227622	
PREFIX Mr	FIRST NAME Suhas	MI	LAST NAME Gandhi		SUFFIX
TELEPHONE NUMBER		EMAIL ADDRESS l.bodenheimer@mcfiusa.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
Need updated notification form and tank fees are owed. Need to confirm piping delivery method.					
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 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 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
Walkthrough, spill bucket testing, overfill testing					
40 CFR 280, Subpart D release detection requirements met			<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> UNK
Need RD records UST, RD piping (if AM), ATG/Probes testing, 3 year LTT if American suction					
40 CFR 280, Subpart J operator training requirements met			<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> UNK
Need operator training certificates.					

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:

- One (1) 2K DSL FG SW installed in September 1999 (Generator Tank)
- Piping is Flex DW and AM Suction (?) per 1999 NF

RD UST = ATG

RD Piping = ATG?

Overfill/Spill = Spill Buckets + Auto (per inspections/confirmed)

- Will need to confirm EU or AM suction for the generator. Last 2017 inspection noted 28 1/4" of fuel in the tank
- Tank is located in the back, see prior inspection picture for location (concrete pad should be visible, marked location with arrow on aerial view)
- May see some activity as recycling metals
- Updated 11/4/2020 - Caitlin forwarded email. Ms. Bodenheimer will have the tank tightness test, NF, and other information required ready. Also planning on emptying tank since will not be used. A new generator will be installed and they will not need that tank.

Site History:

Site is a medical facility with a generator tank which appears to be inactive (was abandoned in 2017). One (1) UST was removed in 1999 (Closure Report and NF in VFC). The new UST was installed in 1999. This is a medical facility which was owned by the City of Charlestown. It appears that the site sold to Mr. Gandhi at an unknown time (possibly late 2017 based on Inbiz creation date for the current property owner).

Contact Information

Suhas Gandhi (no email or phone number) will need to collect information
Lei Bodenheimer l.bodenheimer@mcfiusa.com

Documentation not provided at the time of the file review:

- Updated Notification (ownership and tank information)
- Certificate of Financial Responsibility
- Operator Certificates
- Release Detection Records
- Line tightness test (if AM)

Note: The UST system contained approximately 20 inches of product.

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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. Debris was found in the spill bucket. It is recommended to monitor the spill bucket and clean it when needed.

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:

2. An updated notification form is needed. The form needs to include the correct type of piping delivery method, ownership information and tank data.
3. Overfill protection testing results are needed.
4. ATG and ATG probe testing results are needed.
5. Walk through documentation is needed.
6. Spill bucket testing results are needed.
7. Operator A, B and C training certificates are needed.
8. Release detection records or tank tightness testing results are needed for the UST system.
9. Tank fees are owed from 2015-2020.
10. Financial responsibility mechanism is needed.