



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

April 19, 2022

National Oil & Gas Inc
Attn: Josh Collins, Registered Agent
2829 E State Road 124
Bluffton, IN 46714

Dupont 66 LLC
Attn: Timothy Helgeson, Registered Agent
3710 E Dupont Rd
Fort Wayne, IN 46825

Re: Violation Letter
Dupont Deli
3710 E Dupont Rd
Fort Wayne, Allen County
UST Facility ID # **24330**

Dear Messrs. Collins and Helgeson:

An inspector from the Indiana Department of Environmental Management (IDEM), Underground Storage Tank (UST) Section, conducted an inspection of the site referenced above on February 28, 2022.

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.

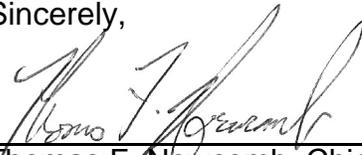
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **24330**.

Inspector: Adam James
Phone: (317) 408-7187

Direct any questions regarding the inspection to:

Compliance Manager: Caitlin Shaffer
Phone: (317) 234-4112

Sincerely,



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

cc: Caitlin Shaffer
Adam James
UST Facility ID File # 24330
Dupont Deli
Attn: Josh Collins, jcollins@natloil.com
Attn: Timothy Helgeson, routedupont@gmail.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: Dupont Deli	UST FACILITY ID: 24330
ADDRESS: 3710 E Dupont Rd Fort Wayne, Allen County	INSPECTION DATE: 2/28/2022

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 with the correct tank sizes.

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 only (2) months of release detection records are available.

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.

§ 280.35(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: <i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because documentation of periodic overfill testing is needed.</i>
Corrective Action: The owner and/or operator of the UST systems at this site shall, within thirty (30) days of receipt of this notice, contract with a certified contractor to inspect, repair and test all 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 documentation of annual testing of the ATG was not provided.</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 documentation of annual testing of the ATG probes was not provided.</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 are 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: **24330**

Inspector's Name:	Adam James
Date:	February 28, 2022
Time In:	11:20
Time Out:	12:55
Inspection Type:	Initial

FACILITY NAME / LOCATION

FACILITY NAME Dupont Deli		FACILITY ADDRESS (number and street) 3710 E Dupont Rd			
ADDRESS (line 2)	CITY Fort Wayne	STATE IN	ZIP CODE 46825	COUNTY Allen	

UST OWNER

UST Owner Name (Business Name as registered with the Secretary of State) National Oil & Gas Inc				BUSINESS ID (From the Secretary of State) 194043-120	
PREFIX	FIRST NAME Josh	MI	LAST NAME Collins		SUFFIX
TELEPHONE NUMBER (260) 824-2220		EMAIL ADDRESS jcollins@natloil.com			

UST OPERATOR

UST Operator Name (Business Name as registered with the Secretary of State) Dupont 66 LLC				BUSINESS ID (From the Secretary of State) 2014020601067	
PREFIX	FIRST NAME Timothy	MI	LAST NAME Helgeson		SUFFIX
TELEPHONE NUMBER (260) 206-6174		EMAIL ADDRESS routedupont@gmail.com			

PROPERTY OWNER

UST Property Owner Name (Business Name as registered with the Secretary of State) National Oil & Gas Inc				BUSINESS ID (From the Secretary of State) 194043-120	
PREFIX	FIRST NAME	MI	LAST NAME		SUFFIX
TELEPHONE NUMBER (260) 824-2220		EMAIL ADDRESS			

COMPLIANCE ELEMENTS

All USTs properly registered and up-to-date notification form on file	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Updated Notification Form with actual tank sizes. ATG printouts appear to support 15k and 12k previously reported									
O/O is in compliance with reporting & record keeping requirements	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Records were not submitted after initial request but were submitted after the inspection									
O/O is in compliance with release reporting or investigation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
O/O is in compliance with all UST closure requirements									
O/O has met all financial responsibility requirements	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Financial Responsibility documentation was submitted after the inspection									
40 CFR 280, Subpart A installation requirements (partially excluded) met	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
40 CFR 280, Subpart B installation and upgrade requirements met									
40 CFR 280, Subpart C spill/overfill control requirements met	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
40 CFR 280, Subpart C compatibility requirements met									
40 CFR 280, Subpart C O&M and testing requirements met	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Overfill Prevention Test needed. Spill Bucket testing submitted after inspection									
40 CFR 280, Subpart D release detection requirements met	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(12) Months RD Records, ATG/Probe Test needed. LTT and LDT submitted after inspection									
40 CFR 280, Subpart J operator training requirements met	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Operator Certificates submitted after inspection									

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) fiberglass USTs installed in August 1996

- One (1) 20K GSL
- One (1) 15k GSL

Section Chief Note: The normal operational lifespan of a UST before failing is 25 to 30 years old. The USTs at this site are now 26 years old and the owner should start planning on removing or replacing them soon.

Piping is flex and pressurized (Environ)

RD UST = ATG

RD Piping = LLD, LTT, ATG

Overfill/Spill = Spill Buckets + Ball Float

ATG Certification = No

Overfill Protection Test = No

Spill Bucket Test = Yes 10/6/2021

Site History:

- Original documentation just marked ball floats, multiple forms in 2015 marked both ball float and auto shutoff. Inspector observed no auto shutoff in either fill port
- File switches tank sizes throughout various documents - (20k & 15k) or (15k & 12k). ATG inventory reports printed during inspection support the latter

Documentation provided at the time of the file review:

- Notification Form approved 7/7/2015
- NONE

Documents submitted after inspection:

- FR
- 2 months RD for tanks
- LDT, LTT, Spill Bucket testing completed 10/6/2021 - all pass
- Monthly walkthrough inspections Sept 2021 - March 2022
- Annual walkthrough inspection completed 9/2021
- Operator Training A, B, C

Inspector Notes:

- Tank sizes are inconsistent between the most recent NF & ATG print outs. VOL/ULG value for the REG 20k UST is 14,485 and the value for the PREM 15k comes out to 11,097

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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. Both STP sumps and all UDCs are full of fluids. Remove fluids & monitor sumps & UDCs.

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:

2. Need updated NF with correct tank sizes sizes.
3. (12) Months of Release Detection records need to be submitted. Only January and February 2022 are currently available.
4. Documentation of periodic overfill testing was not provided.
5. Documentation of annual testing of the ATG and probes was not provided.

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:

- Updated Notification Form with correct UST(s) sizes
- 12 months RD for tanks or tank tightness test if not available
- ATG/Probes Testing
- Overfill testing