



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

April 29, 2022

M.E & M.J III LLC
Attn: Yancy Stonestreet, Registered Agent
500 North St, Suite 2
Auburn, IN 46706

Stonestreet & Stonestreet Oil Co of Auburn Inc
Attn: Yancy Stonestreet, Registered Agent
296 Vin Santo Run
Fort Wayne, IN 46825

Re: Violation Letter
S & S Express #22
124 W State St
Ashley, Dekalb County
UST Facility ID # **14248**

Dear Mr. Stonestreet:

An inspector from the Indiana Department of Environmental Management (IDEM), Underground Storage Tank (UST) Section, conducted an inspection of the site referenced above on April 6, 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 will be referred to Enforcement.

Details of the inspection may be found in the enclosed inspection report. An enforcement case manager will be assigned and IDEM will issue an appropriate enforcement response. Please direct any questions regarding the inspection to:

Compliance Manager: Carrie Maniet
Phone: (317) 233-3533

Sincerely,

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

cc: Carrie Maniet
Tristan Voge
UST Facility ID File # 14248

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: S & S Express #22	UST FACILITY ID: 14248
ADDRESS: 124 W State St, Ashley, Dekalb County	INSPECTION DATE: 04/06/2022

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 the 2016-2021 tank fees are due.

§ 280.34 – Reporting and recordkeeping (general provisions)

Citation:

Pursuant to 40 CFR 280.34, owners and operators of UST systems must cooperate fully with inspections, monitoring and testing conducted by the implementing agency, as well as requests for document submission, testing, and monitoring by the owner or operator pursuant to section 9005 of Subtitle I of the Solid Waste Disposal Act, as amended.

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because the owner and/or operator did not respond to IDEM's records request dated 03/10/2022.

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:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because a mechanism of financial responsibility was not provided.

§ 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 twelve (12) months of release detection records for the USTs that contain over one (1) inch of regulated product was not provided.

§ 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 twelve (12) months of release detection records for the piping or a line tightness test report was not provided.

§ 280.21(c) – Failure to have CP for metal piping in contact with the ground and designed by corrosion expert

Citation:

Pursuant to 40 CFR 280.21(c), metal piping that routinely contains regulated substances and is in contact with the ground must be cathodically protected in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and must meet the requirements of § 280.20(b)(2)(ii), (iii), and (iv).

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because during the inspection dated 04/06/2022, metal components of the piping at the dispensers were in contact with soil with no clear form of corrosion protection present.

§ 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 premium spill bucket was over half filled and KER was filled with fluid and would not function as designed in the event of a spill or overfill.

§ 280.31(b) – Failure to inspect CP system, frequency and criteria

Citation:

Pursuant to 40 CFR 280.31(b), all UST systems equipped with cathodic protection systems must be inspected for proper operation by a qualified cathodic protection tester in accordance with the following requirements:

- (1) Frequency. All cathodic protection systems must be tested within 6 months of installation and at least every 3 years thereafter or according to another reasonable time frame established by the implementing agency; and
- (2) Inspection criteria. The criteria that are used to determine that cathodic protection is adequate as required by this section must be in accordance with a code of practice developed by a nationally recognized association.

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because a corrosion protection test report for the steel USTs was not provided.

§ 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 a periodic spill prevention equipment test report was not provided for USTs that contain over one (1) inch of regulated product.

§ 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 a periodic overfill prevention equipment test report was not provided for USTs that contain over one (1) inch of regulated product.

§ 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 07/2021-04/2022 monthly walkthrough inspections were not provided.

§ 280.245 – Failure to maintain list of designated operators and/or training records

Citation:

Pursuant to 40 CFR 280.245, owners and operators of underground storage tank systems must maintain a list of designated Class A, Class B, and Class C operators and maintain records verifying that training and retraining, as applicable, have been completed, in accordance with § 280.34.

Violation Details:

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.



UNDERGROUND STORAGE TANK INSPECTION REPORT

INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

UST FAC ID: **14248**

Inspector's Name:	Tristan Voge
Date:	April 6, 2022
Time In:	11:40
Time Out:	12:30
Inspection Type:	Initial

FACILITY NAME / LOCATION					
FACILITY NAME S & S Express #22			FACILITY ADDRESS (number and street) 124 W State St		
ADDRESS (line 2)		CITY Ashley	STATE IN	ZIP CODE 46705	COUNTY Dekalb
UST OWNER					
UST Owner Name (If in Individual Capacity) Stonestreet & Stonestreet Oil Co of Auburn Inc				BUSINESS ID (From the Secretary of State) 194206-161	
PREFIX	FIRST NAME Yancy	MI	LAST NAME Stonestreet		SUFFIX
TELEPHONE NUMBER		EMAIL ADDRESS			
UST OPERATOR					
UST Operator Name (If in Individual Capacity) Stonestreet & Stonestreet Oil Co of Auburn Inc				BUSINESS ID (From the Secretary of State) 194206-161	
PREFIX	FIRST NAME Yancy	MI	LAST NAME Stonestreet		SUFFIX
TELEPHONE NUMBER		EMAIL ADDRESS			
PROPERTY OWNER					
UST Property Owner Name (If in Individual Capacity) M.E & M.J III LLC				BUSINESS ID (From the Secretary of State) 2003052000219	
PREFIX	FIRST NAME Yancy	MI	LAST NAME Stonestreet		SUFFIX
TELEPHONE NUMBER		EMAIL ADDRESS			
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
Owes fees for 2016-2021.					
O/O is in compliance with reporting & record keeping requirements			<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> UNK
The owner and/or operator did not respond to IDEM's records request dated 03/10/2022.					
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
A mechanism of financial responsibility was not provided.					
40 CFR 280, Subpart A installation requirements (partially excluded) met			<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" 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
Metal components of the piping are in contact with soil with no clear form of corrosion protection.					
40 CFR 280, Subpart C spill/overfill control requirements met			<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> N/A
The PREM spill bucket was over half filled with fluid and would not function in a spill/overfill.					
40 CFR 280, Subpart C compatibility requirements met			<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" 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
Spill/overfill, corrosion protection test reports and 07/2021-04/2022 walkthroughs not provided.					
40 CFR 280, Subpart D release detection requirements met			<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> UNK
Twelve (12) months of RD for the PREM UST and a line tightness test report not provided.					
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 were not 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 five (5) USTs - STIP3 - Installed 4/18/1988

- One (1) 8K GSL
- One (1) 6K GSL
- One (1) 4K GSL
- One (1) 1K KER
- One (1) 1K 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 34 years old and the owner should start planning on removing or replacing them soon.

Piping - Steel - American suction

RD UST -

CP UST & Piping Galvanic

RD Piping -

Spill protection/Overfill - Spill bucket

ATG Certification = N

Overfill Protection Test = N

Spill bucket Test = N

Containment Sumps Test Required N

Last known CP - No CP test located on file

Site is not active USTs in temp closure since 1/16/2006

Any Site history or concerns - Notification Forms do not list required UST RD or required overfill protection. 2018 inspection lists a 6th UST located along the east wall of building that is not referenced on any Notification Forms. 4/28/2009 Section Chief letter sent to owner advised tanks needed to be removed or brought back into service within 12 months, per inspection no changes have been made at facility.

Documentation received -

Notification form - No post 2014 NF on file

No additional documents received at time of review

Inspection Notes

- The building appeared to be locked and appeared that no power was present for the site. A local utilities worker who stopped during the inspection indicated that there was no power to the building.
- All spill buckets contained fluid and debris. The K-1 spill bucket was over filled with fluid and the cap could not be removed without potential water intrusion into the tank.
- The DSL fill port was not properly secured and would not seal on the fill port. This is a potential location for water intrusion into the tank.
- North UNL UST contained two (2) inches of water present when stuck with water indication paste.
- The south UNL did not appear to have any fluid present in the tank when stuck with fuel and water indication paste.
- The PREM UST contained eighteen and a half (18.5) inches of product present when stuck with fuel indication paste.
- The DSL UST contained seventeen (17) inches of water present when stuck with water indication paste.
- None of the dispensers were properly locked or sealed during the 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.

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:

1. 2016-2021 tank fees are due.
2. The owner and/or operator did not respond to IDEM's records request dated 03/10/2022.
3. A mechanism of financial responsibility was not provided.
4. Twelve (12) months of release detection records for the USTs that contain over one (1) inch of regulated product was not provided.
5. A 3 year line tightness test report was not provided.
6. During the inspection dated 04/06/2022, metal components of the piping at the dispensers were in contact with soil with no clear form of corrosion protection present.
7. The premium spill bucket was over half filled and KER was filled with fluid and would not function as designed in the event of a spill or overfill.
8. A corrosion protection test report for the steel USTs was not provided.
9. A periodic spill prevention equipment test report was not provided for USTs that contain over one (1) inch of regulated product.
10. A periodic overfill prevention equipment test report was not provided for USTs that contain over one (1) inch of regulated product.
11. 07/2021-04/2022 monthly walkthrough inspections were not provided.
12. A, B and C operator certificates were not provided.