



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

April 29, 2022

SSA Delaware LLC c/o Pilot Travel Centers
c/o CT Corporation System
334 N Senate Ave
Indianapolis, IN 46204

Pilot Travel Centers LLC
Attn: Joey Cupp
Via email: joey.cupp@pilottravelcenters.com

Re: Violation Letter
Pilot Travel Center 029
6900 N Old US Hwy 27
Fremont, Steuben County
UST Facility ID # **5693**

Dear Mr. Cupp:

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 12, 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.

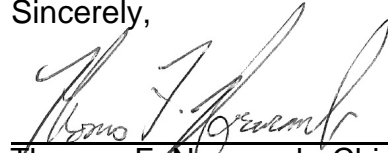
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **5693**.

Inspector: Tristan Voge
Phone: (317) 719-2574

Direct any questions regarding the inspection to:

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

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: Carrie Maniet
Tristan Voge
UST Facility ID File # 5693

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: Pilot Travel Center 029	UST FACILITY ID: 5693
ADDRESS: 6900 N Old US Hwy 27, Fremont, Steuben County	INSPECTION DATE: 04/12/2022

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 2021 UST fee invoice was not 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.

§ 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.

Corrective Action:

The owner and/or operator of the UST systems at this site shall immediately perform the monitoring or testing required by the rules and/or submit the requested documentation within seven (7) 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:

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.

Corrective Action:

Documentation provided post inspection

§ 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 4K diesel UST was not provided.

Corrective Action:

Testing provided post inspection

§ 280.41(b)(1)(i)(B) – Failure to perform annual piping LTT or monthly monitoring
Citation:
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).
Violation Details:
<i>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 or line tightness tests were not provided for the piping.</i>
Corrective Action:
Testing provided post inspection

§ 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:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because the east diesel spill bucket was over half filled with fluid and would not function as designed in a spill or overfill event.</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 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.

§ 280.20(c)(1)(ii) – Failure to have overfill prevention equipment installed or installed properly

Citation:

Pursuant to 40 CFR 280.20(c)(1)(ii), 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:

(ii) Overfill prevention equipment that will:

(A) Automatically shut off flow into the tank when the tank is no more than 95 percent full; or

(B) Alert the transfer operator when the tank is no more than 90 percent full by restricting the flow into the tank or triggering a high-level alarm; or

(C) Restrict flow 30 minutes prior to overfilling, alert the transfer operator with a high level alarm one minute before overfilling, or automatically shut off flow into the tank so that none of the fittings located on top of the tank are exposed to product due to overfilling.

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because prior notification forms indicate ball float valves for each UST, during the inspection dated 04/12/2021 all fill ports were observed to be equip with auto shutoff devices.

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 overfill prevention equipment that will operate as required. The UST owner and/or operator must submit proof that the overfill prevention equipment has been installed properly to the 90% or 95% fill level as required by the type of equipment within forty five (45) days of receipt of this notice. In the case where an owner has changed the overfill prevention equipment from a flow restrictor (ball float) to an auto-shutoff device, the owner must document the entire flow restrictor has been removed or that the automatic shut off device is installed at 90% or lower.

§ 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.

Corrective Action:

Testing provided post inspection.

§ 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.

Corrective Action:

Testing provided post inspection

§ 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 an annual ATG functionality test report was not provided.</i>
Corrective Action:
Testing provided post inspection

§ 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 an annual probes test report was not provided.</i>
Corrective Action:
Testing provided post inspection

§ 280.40(a)(3)(iii) – Failure to perform annual tests of ALLD
Citation:
Pursuant to 40 CFR 280.40(a)(3)(iii), 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: (iii) Automatic line leak detector: test operation to meet criteria in § 280.44(a) by simulating a leak.
Violation Details:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because an annual leak detector test report was not provided.</i>
Corrective Action:
Testing provided post inspection

§ 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 07/2021-04/2022 monthly walkthrough inspections were not provided.</i>
Corrective Action:
Provided post inspection

§ 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:
<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.</i>
Corrective Action:
Provided post inspection



UNDERGROUND STORAGE TANK INSPECTION REPORT

INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

UST FAC ID: **5693**

Inspector's Name:	Tristan Voge
Date:	April 12, 2022
Time In:	11:35
Time Out:	13:10
Inspection Type:	Initial

FACILITY NAME / LOCATION					
FACILITY NAME Pilot Travel Center 029			FACILITY ADDRESS (number and street) 6900 N Old US Hwy 27		
ADDRESS (line 2)		CITY Fremont	STATE IN	ZIP CODE	COUNTY Steuben
UST OWNER					
UST Owner Name (If in Individual Capacity) Pilot Travel Centers LLC				BUSINESS ID (From the Secretary of State) 2001042700132	
PREFIX	FIRST NAME Joey	MI	LAST NAME Cupp		SUFFIX
TELEPHONE NUMBER (865) 588-7488		EMAIL ADDRESS joey.cupp@pilottravelcenters.com			
UST OPERATOR					
UST Operator Name (If in Individual Capacity) Pilot Travel Centers LLC				BUSINESS ID (From the Secretary of State) 2001042700132	
PREFIX	FIRST NAME Joey	MI	LAST NAME Cupp		SUFFIX
TELEPHONE NUMBER (865) 588-7488		EMAIL ADDRESS joey.cupp@pilottravelcenters.com			
PROPERTY OWNER					
UST Property Owner Name (If in Individual Capacity) SSA Delaware LLC c/o Pilot Travel Centers				BUSINESS ID (From the Secretary of State)	
PREFIX	FIRST NAME Joey	MI	LAST NAME Cupp		SUFFIX
TELEPHONE NUMBER (865) 588-7488		EMAIL ADDRESS joey.cupp@pilottravelcenters.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
Pilot hasn't paid their 2021 invoice - they owe for all their sites. Total due for this one is \$720.00					
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 checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input 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
Ball float/auto shutoff overfill coincidence was observed for each UST.					
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 east diesel 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 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
Spill/overfill equipment test reports and 07/2021-04/2022 monthly 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
ATG/probes/LLD, twelve (12) months of release detection for the UST/piping 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 eight (8) USTs

Seven (7) - DW FG - Installed 7/1/1996

Three (3) 20K DSL (Manifolded with 2007 20K)

Three (3) 12K GSL (2 Manifolded)

One (1) 4K DSL

One (1) - Clad - Installed 4/1/2007

One (1) 20K DSL

Section Chief Note: The normal operational lifespan of a UST before failing is 25 to 30 years old. 6 of the USTs at this site are now 26 years old and the owner should start planning on removing or replacing them soon.

Piping - FG - Pressurized

RD UST - ATG

RD Piping - ATG - LD

Spill protection/Overfill - Spill bucket - Ball floats

ATG Certification = N

Overfill Protection Test = N

Spill bucket Test = N

Containment Sumps Test Required N

Site is an active truck stop

Any Site history or concerns - File review found no discrepancies

Eight USTs closed 5/3/1996 (Closure report on file)

Documentation received -

Notification form - 7/16/2015 (Initial approval)

No additional documents received at time of review

Inspection Notes

- No documents were collected on site.

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

- All truck side DSL dispenser UDCs' contained fluid and product that should be cleaned out and monitored as needed. The source of the product should be determined and remediated as needed.

- DSL UST #1 and #3 spill buckets appeared warped and bending and should be inspected by a certified contractor to ensure function and integrity.

- Auto side dispensers 6/7, 11/12 UDCs' contained fluid and product that should be cleaned out and monitored as needed. The source of the product should be determined and remediated as needed.

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. The 2021 UST fee invoice was not paid.
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. (Insurance policy provided post inspection)
4. Twelve (12) months of release detection for the USTs was not provided. (All but 4 K DSL provided post inspection.)
5. Twelve (12) months of release detection for the piping was not provided. (Testing provided post inspection LTT for 4K DSL.)
6. The east diesel spill bucket was over half filled with fluid and would not function as designed in a spill or overfill event.
7. Prior notification forms indicate ball float valves for each UST, during the inspection dated 04/12/2021 all fill ports were observed to be equip with auto shutoff devices.
8. A periodic spill prevention equipment test report was not provided. (Testing provided post inspection)
9. A periodic overfill prevention equipment test report was not provided. (Testing provided post inspection)
10. An annual ATG functionality test report was not provided. (ATG testing provided post inspection)
11. An annual probes test report was not provided. (Probe testing provided post inspection)
12. An annual leak detector test report was not provided. (Testing provided post inspection)
13. 07/2021-04/2022 monthly walkthrough inspections were not provided. (Provided post inspection)
14. A, B and C operator certificates were not provided. (Provided post inspection)

The following are RECORDS to be submitted to USTCompliance@idem.IN.gov with FID in subject line within 30 days of receipt of this inspection report to avoid further action and achieve compliance with the state underground storage tank program:

- 2021 UST fee
- Documentation of clean spill bucket
- Documentation of proper overfill prevention equipment installation