



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

100 N. Senate Avenue • Indianapolis, IN 46204  
(800) 451-6027 • (317) 232-8603 • [www.idem.IN.gov](http://www.idem.IN.gov)

**Eric J. Holcomb**  
*Governor*

**Brian C. Rockensuess**  
*Commissioner*

May 6, 2022

Black and Gold Ventures Indiana LLC  
Attn: Jeffrey Harding, Registered Agent  
444 E Main St  
Fort Wayne, IN 46802

Sukh Petroleum Inc  
Attn: Maninderjit Singh, Registered Agent  
1735 N 200 W  
Angola, IN 46703

Re: Violation Letter  
Lakeside Shell  
1735 N 200 W  
Angola, Steuben County  
UST Facility ID # **7226**

Dear Messrs. Harding, Singh and Collins:

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 26, 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.

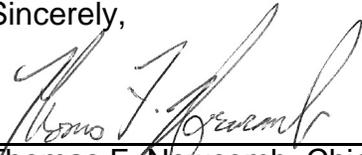
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at [USTCompliance@idem.in.gov](mailto:USTCompliance@idem.in.gov). Include in the subject line of the response the UST Facility ID # 7226.

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

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  
Adam James  
UST Facility ID File # 7226

Attn: Josh Collins, [jcollins@natloil.com](mailto:jcollins@natloil.com)  
Attn: Maninderjit Singh, [manny.singh97@icloud.com](mailto:manny.singh97@icloud.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: <b>Lakeside Shell</b>	UST FACILITY ID: <b>7226</b>
ADDRESS: <b>1735 N 200 W, Angola Steuben County</b>	INSPECTION DATE: <b>04/26/2022</b>

### 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 with the correct information for operator, overfill prevention method, and piping material is required.*

**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 9-8-11(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 copy of the Financial Responsibility mechanism was not provided.*

**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.

**§ 280.20(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 auto shutoff devices were found during the inspection but prior documentation also indicated the presence of ball float vent valves. Those two (2) forms of overfill prevention can interfere with each other.*

**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.

**§ 280.245 – 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 the C operator was not dated and signed as required.*

**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.



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:

- Four (4) Steel (lined 6/1990) USTs installed in January 1966
- One (1) 6K REG W GSL
- One (1) 6K REG E GSL (manifolded)
- One (1) 6K PREM GSL
- One (1) 6K 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 56 years old and the owner should start planning on removing or replacing them now.

- Piping is FG SW and pressurized

RD UST = ATG

RD Piping = LLD, LTT

Overfill/Spill = Spill Buckets + Ball Float (consistent) + Auto (2019 NF/confirmed)

ATG Certification = Y (4/22/2022)

Overfill Protection Test = Y (2/21/2022)

Spill bucket Test = Y (2/21/2022)

Containment Sumps Test (not required) = N

Last liner inspection: 5/21/2014

If Auto, need BF removal. If not Auto, coaxial drop tube conflict with Ball Float

#### Site History:

Site is an active service station. Two (2) USTs were removed in 2009 (Closure Report in VFC).

#### Contact Information

Josh Collins jcollins@natloil.com

Maninderjit Singh manny.singh96@icloud.com (Sukh Petroleum - pending dissolution per inbiz, invalid email)

Documentation not provided at the time of the file review:

- (NF 2/12/2019, Approval 7/13/2019, incorrect email for operator, pending dissolution on operator per inbiz, overfill confirmation, piping material)
- Certificate of Financial Responsibility
- Operator Certificates
- Release Detection Records
- Line and Leak Detector Test (REG, DSL) - REGs manifolded
- Liner inspection (due 5/2019)
- ATG/Probes testing
- Overfill test
- Spill bucket test
- Walkthrough 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.

Inspector Notes: Original inspection was attempted on 03/03/2022. Upon arrival, facility was shut down with a fuel truck emptying the contents of the USTs. Inspector was informed that concrete risers for the spill buckets were to be installed. Inspection conducted on 04/26/2022 showed no changes to UST system other than new concrete around spill buckets. Spill buckets were the same as previously seen in March 2022.

- Inspection of the STP sumps and Dispenser UDCs show no signs of an upgrade to the piping. Piping appears to be Smith Fibercast Red Tread.

-Compliance documentation collected on site but also sent by owner: Liner inspection, ATG/Probes test, spill bucket test, overfill test, walkthrough inspections, overfill test, Operator A, B , and C (not signed/dated)

- An AST for REC 90 is also on site located behind the main building. The dispenser is European suction.

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

1. Used fuel filters at the base of the UDCs. Remove fuel filters from 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. An Updated Notification Form with the correct owner information, overfill prevention method and piping material is required.

3. History of Ball Float and AUTO confirmed to be installed. These (2) methods of overfill prevention devices can interfere with each other. Documentation to confirm AUTO installed at the 90% mark or Ball Float removed is required.

4. Documentation obtained of C certificate is not filled out making it invalid.

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 (update accordingly):

- Updated NF (NF 2/12/2019, Approval 7/13/2019, incorrect email for operator, pending dissolution on operator per inbiz, overfill confirmation, piping material)
- Financial Responsibility document
- Operator Certificate C
- Documentation of AUTO adjustment or BF removal