



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Bruno L. Pigott
Commissioner

May 19, 2022

JR Food Stores Inc
c/o Registered Agent Solutions Inc
200 Byrd Way, Suite 205
Greenwood, IN 46143

Houchens North Foods LLC
c/o Registered Agent Solutions Inc
200 Byrd Way, Suite 205
Greenwood, IN 46143

Re: Violation Letter
Crossroads IGA 783
6401 N Green River Rd
Evansville, Vanderburgh County
UST Facility ID # **25551**

Dear Mr. Barton:

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 7, 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.

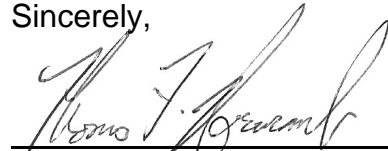
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **25551**.

Inspector: Brock Goodman
Phone: (812) 582-9843

Direct any questions regarding the inspection to:

Compliance Manager: Chuck Phipps
Phone: (317) 234-2808

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: Chuck Phipps
Brock Goodman
UST Facility ID File # 25551
Houchens North Foods LLC
Attn: Russell Barton
Via email: rbarton@houchensindustries.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: Crossroads IGA 783

UST FACILITY ID: 25551

**ADDRESS: 6401 North Green River Road
Evansville, IN 47725**

**INSPECTION DATE:
April 7, 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 UST Notification form is needed correctly identifying the method of Release Detection for the UST piping. In addition, the tank contents need to be correctly identified for the 20K Compartmented tank as 8K Diesel and 12K Gasoline.

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.

§ 280.35(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 current three (3) year spill bucket testing results, and three (3) year UDC containment sump testing results have not been provided.

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 and containment sumps. Documentation, to include photographs, inspection, repair and testing results, showing the spill prevention equipment and containment sumps are liquid tight must be submitted within forty five (45) days of the receipt of this notice.

§ 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 current Class B operator training records have not been provided.

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.



UNDERGROUND STORAGE TANK INSPECTION REPORT

INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

UST FAC ID: **25551**

Inspector's Name:	Brock Goodman
Date:	April 7, 2022
Time In:	11:35
Time Out:	12:30
Inspection Type:	Initial

FACILITY NAME / LOCATION					
FACILITY NAME Crossroads IGA 783			FACILITY ADDRESS (number and street) 6401 North Green River Road		
ADDRESS (line 2)		CITY Evansville	STATE Indiana	ZIP CODE 47725	COUNTY Vanderburgh
UST OWNER					
UST Owner Name (If in Individual Capacity) Houchens North Foods LLC				BUSINESS ID (From the Secretary of State) 2008051900111	
PREFIX	FIRST NAME Russell	MI	LAST NAME Barton		SUFFIX
TELEPHONE NUMBER		EMAIL ADDRESS rbarton@houchensindustries.com			
UST OPERATOR					
UST Operator Name (If in Individual Capacity) Houchens North Foods LLC				BUSINESS ID (From the Secretary of State) 2008051900111	
PREFIX	FIRST NAME Russell	MI	LAST NAME Barton		SUFFIX
TELEPHONE NUMBER		EMAIL ADDRESS rbarton@houchensindustries.com			
PROPERTY OWNER					
UST Property Owner Name (If in Individual Capacity) JR Food Stores, Inc.				BUSINESS ID (From the Secretary of State) 2009010600747	
PREFIX	FIRST NAME Russell	MI	LAST NAME Barton		SUFFIX
TELEPHONE NUMBER		EMAIL ADDRESS rbarton@houchensindustries.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 to reflect correct RD for piping and to reflect correct tank contents.					
O/O is in compliance with reporting & record keeping requirements			<input checked="" type="checkbox"/> YES	<input 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 checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
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 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
Need three (3) year spill bucket testing, Need UDC containment sump testing					
40 CFR 280, Subpart D release detection requirements met			<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> UNK
40 CFR 280, Subpart J operator training requirements met			<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> UNK
Need B operator					

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.

CONTACT INFORMATION: Same as page 1

SITE HISTORY: Site is an active service station.

SITE MAINTAINS:

USTs = Two (2) tanks; double walled; CLAD

- One 20k REG; installed 8/26/2016; in use 1/5/2017

- One 20k compartmented; 8k DSL; 12k PREM; installed 8/26/2016; in use 1/5/2017

Piping = Double walled fiberglass

RELEASE DETECTION:

UST = ATG, INT

Piping = LLD, INT, ATG

Overfill Prevention = auto shutoff devices

Spill Prevention = spill buckets, UDCs

DOCUMENTATION:

Notification form = N, updated form reflecting correct piping RD

Current & Applicable Financial Responsibility Mechanism = Y

Release Detection Records:

USTs = Y, INT

Piping = Y, INT

Line Leak Detector Testing = Y, completed 11/2/2021

Line Tightness Testing = N/A

Cathodic Protection Testing = N/A

Spill Bucket Testing = N

Overfill Prevention Testing = Y, completed 2/2/2022

UDC/Containment Sump Testing = N, STP sumps were completed 2/22/2022, need UDCs

ATG Functionality Testing = Y, completed 11/2/2021

ATG Probes/Sensor Testing = Y, completed 11/2/2021

Monthly Walk-Through Records = Y

Operator Certificates = N, need B operator

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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.) All spill buckets contain minor amount of fluid; clean & monitor.
- 2.) UDC 3/4, 5/6 have minor amount of seepage in piping above flex pipe.
- 3.) UDC 7/8 contains minor amount of sludge/fluid; clean & monitor.

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):

- 6.) Need an updated UST Notification form to reflect correct release detection method for the UST DW piping and correct tank contents to reflect the 20K Compartmented UST as 8K DSL, 12K Gasoline.
- 7.) Need three (3) year spill bucket testing & UDC containment sump testing.
- 8.) Need class B operator training records.