



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

June 1, 2022

Shivalik Real Estate LLC
Attn: Krishan Kumar, Registered Agent
1507 Rock Dove Rd
Fort Wayne, IN 46814

Shivalik Petro Inc
Attn: Krishan Kumar, Registered Agent
7201 Maplecrest Rd
Fort Wayne, IN 46835

Re: Violation Letter
Maplecrest Marathon
7201 Maplecrest Rd
Fort Wayne, Allen County
UST Facility ID # **25119**

Dear Mr. Kumar:

An inspector from the Indiana Department of Environmental Management (IDEM), Underground Storage Tank (UST) Section, conducted an inspection of the site referenced above on May 11, 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.

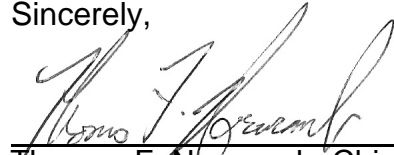
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **25119**.

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

Direct any questions regarding the inspection to:

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

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: Caitlin Shaffer
Tristan Voge
UST Facility ID File # 25119
Shivalik Petro Inc
Attn: Krishan Kumar
Via email: quickstopmarathon@gmail.com
hoosiersouth@hotmail.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: Maplecrest Marathon	UST FACILITY ID: 25119
ADDRESS: 7201 Maplecrest Rd, Fort Wayne, Allen County	INSPECTION DATE: 05/11/2022

VIOLATIONS NOTED IN THIS INSPECTION**§ 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 02/08/2022.

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:

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.

§ 280.41(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:

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 an annual line tightness test report was not provided.

Corrective Action:

The owner and/or operator of the UST systems at this site shall have any piping that contains a regulated amount of product and found to not have had appropriate monthly monitoring or an annual line tightness test within the 12 months prior to inspection 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.

§ 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 during the inspection dated 05/11/2022 the unleaded spill bucket was observed to be cracked in multiple locations and would not function as designed in the event of a spill or overfill event.

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.

§ 280.35(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:

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.

§ 280.35(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:

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 an annual ATG functionality test report 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 an annual ATG probes test report 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 and sensors 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)(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:
The owner and/or operator of the UST systems at this site shall have the automatic line leak detectors tested for proper operation by simulating a leak within thirty (30) days of receipt of this notice and submit the results within forty five (45) days of receipt of this notice.

§ 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 07/2021-05/2022 monthly walkthrough inspections were not provided.</i>
Corrective Action:
The owner and/or operator of the UST systems at this site shall, within seven (7) days of receipt of this notice, perform the 30 day walkthrough inspection for all UST systems at the site in accordance with a standard of practice referenced in the rule. Documentation, to include photographs, inspection forms, repair documents, and waste disposal records, showing the walkthrough inspection has been completed 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 A, B and C operator certificates were not 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: **25119**

Inspector's Name:	Tristan Voge
Date:	May 11, 2022
Time In:	10:50
Time Out:	11:40
Inspection Type:	Initial

FACILITY NAME / LOCATION							
FACILITY NAME Maplecrest Marathon		FACILITY ADDRESS (number and street) 7201 Maplecrest Rd					
ADDRESS (line 2)	CITY Fort Wayne	STATE IN	ZIP CODE 46835	COUNTY Allen			
UST OWNER							
UST Owner Name (Business Name as registered with the Secretary of State) Shivalik Real Estate LLC			BUSINESS ID (From the Secretary of State) 201908131339917				
PREFIX	FIRST NAME Krishan	MI	LAST NAME Kumar		SUFFIX		
TELEPHONE NUMBER (260) 402-7776		EMAIL ADDRESS quickstopmarathon@gmail.com					
UST OPERATOR							
UST Operator Name (Business Name as registered with the Secretary of State) Shivalik Petro Inc			BUSINESS ID (From the Secretary of State) 2009082500102				
PREFIX	FIRST NAME Krishan	MI	LAST NAME Kumar		SUFFIX		
TELEPHONE NUMBER (260) 755-1856		EMAIL ADDRESS					
PROPERTY OWNER							
UST Property Owner Name (Business Name as registered with the Secretary of State) Shivalik Real Estate LLC			BUSINESS ID (From the Secretary of State) 201908131339917				
PREFIX	FIRST NAME Krishan	MI	LAST NAME Kumar		SUFFIX		
TELEPHONE NUMBER (260) 402-7776		EMAIL ADDRESS					
COMPLIANCE ELEMENTS							
All USTs properly registered and up-to-date notification form on file			<input checked="" type="checkbox"/>	YES	NO	UNK	
O/O is in compliance with reporting & record keeping requirements			<input type="checkbox"/>	YES	<input checked="" type="checkbox"/> NO	UNK	
The owner and/or operator did not respond to IDEM's records request dated 02/08/2022.							
O/O is in compliance with release reporting or investigation			<input type="checkbox"/>	YES	NO	<input checked="" type="checkbox"/> N/A	UNK
O/O is in compliance with all UST closure requirements			<input type="checkbox"/>	YES	NO	<input checked="" type="checkbox"/> N/A	UNK
O/O has met all financial responsibility requirements			<input type="checkbox"/>	YES	<input checked="" type="checkbox"/> NO	N/A	UNK
A mechanism of financial responsibility was not provided.							
40 CFR 280, Subpart A installation requirements (partially excluded) met			<input type="checkbox"/>	YES	NO	<input checked="" type="checkbox"/> N/A	UNK
40 CFR 280, Subpart B installation and upgrade requirements met			<input type="checkbox"/>	YES	<input checked="" type="checkbox"/> NO		UNK
The unleaded spill bucket and is cracked and would not function as designed in a spill/overfill.							
40 CFR 280, Subpart C spill/overfill control requirements met			<input checked="" type="checkbox"/>	YES	NO	N/A	UNK
40 CFR 280, Subpart C compatibility requirements met			<input checked="" type="checkbox"/>	YES	NO	N/A	UNK
40 CFR 280, Subpart C O&M and testing requirements met			<input type="checkbox"/>	YES	<input checked="" type="checkbox"/> NO		UNK
Spill/overfill equipment test reports and 07/2021-05/2022 monthly walkthroughs not provided.							
40 CFR 280, Subpart D release detection requirements met			<input type="checkbox"/>	YES	<input checked="" type="checkbox"/> NO		UNK
ATG/probes/leak detector test reports & twelve (12) months of RD for the piping not provided.							
40 CFR 280, Subpart J operator training requirements met			<input type="checkbox"/>	YES	<input checked="" type="checkbox"/> NO		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:

Three (3) DW fiberglass USTs installed 6/1/2009

- One (1) 15k GSL compartment
- One (1) 7k GSL compartment
- One (1) 8k DSL

Piping is flex and pressurized (APC)

RD UST = ATG

RD Piping = LLD, ATG

Overfill/Spill = Spill Buckets + Ball Float

ATG Certification = No

Overfill Protection Test = No

Spill Bucket Test = No

Documentation provided at the time of the file review:

- Notification Form approved 7/8/2020
- NONE

Inspection Notes:

- No up-to-date records were available on-site or provided.
- The inspector met the owner, Lucky, on site and was provided an additional email of hoosiersouth@hotmail.com

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

- All spill buckets contained fluid that should be cleaned out and monitored as needed.
- All STP containment sumps had fluid that should be cleaned out and monitored as needed. The source of the fluid should be determined and remediated as needed.
- All dispenser UDCs contained fluid and product that should be cleaned out and monitored as needed. The source of the fluid should be determined and remediated as needed.
- Fuel indicator paste was used at dispenser 5/6, the UDC contained nine and a half (9.5) inches of product. The source of the product should be determined and remediated as needed.
- The UNL UST (Tank 1) RD records are missing 11/2021-01/2022, (10) months of records were obtained from the ATG.

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 owner and/or operator did not respond to IDEM's records request dated 02/08/2022.
2. A mechanism of financial responsibility was not provided.
3. Twelve (12) months of release detection records for the piping or an annual line tightness test report was not provided.
4. During the inspection dated 05/11/2022 the unleaded spill bucket was observed to be cracked in multiple locations and would not function as designed in the event of a spill or overfill event.
5. A periodic spill prevention equipment test report was not provided.
6. A periodic overfill prevention equipment test report was not provided.
7. An annual ATG functionality test report was not provided.
8. An annual probes test report was not provided.
9. An annual leak detector test report was not provided.
10. 07/2021-05/2022 monthly walkthrough inspections were not provided.
11. A, B and C operator certificates were 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:

- A mechanism of financial responsibility
- Twelve (12) months of release detection records for the piping or an annual line tightness test report
- Documentation of spill bucket repair or replacement
- A periodic spill prevention equipment test report
- A periodic overfill prevention equipment test report
- An annual ATG functionality test report
- An annual probes test report
- An annual leak detector test report
- 07/2021-05/2022 monthly walkthrough inspections
- A, B and C operator certificates