



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

July 8, 2022

Ricker Real Estate Holdings LLC
c/o Corporation Service Company
135 N Pennsylvania St., Suite 1610
Indianapolis, IN 46204

Ricker Oil Company Inc
c/o Corporation Service Company
135 N Pennsylvania St., Suite 1610
Indianapolis, IN 46204

Re: Violation Letter
Rickers Petro Mart 7
5039 SR 38
Pendleton, Madison County
UST Facility ID # **16549**

Dear Mr. Slater:

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

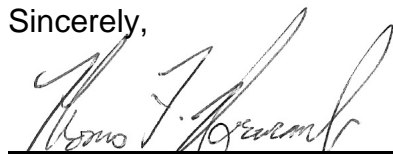
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **16549**.

Inspector: John Metz
Phone: (317) 296-0383

Direct any questions regarding the inspection to:

Compliance Manager: Loic Maniet
Phone: (317) 232-3592

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: Loic Maniet
John Metz
UST Facility ID File # 16549

Attn: Barry Slater, barry.slater@gianteagle.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: Rickers Petro Mart 7	UST FACILITY ID: 16549
ADDRESS: 5039 SR 38, Pendleton, Madison County	INSPECTION DATE: 06/06/2022

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 their Notification Form has incorrect overfill equipment and piping release detection information.

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.

§ 280.41(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 there was no release detection available for the REG drone tank.

Corrective Action:

The owner and/or operator of the UST systems at this site shall have any UST or line that contains a regulated amount of product and found to not have been monitored every thirty (30) days 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. The owner and/or operator shall continue to perform proper monthly release detection and submit the results monthly for a period of six (6) months after the receipt of this notice.

§ 280.41(b)(1)(i)(A) – Failure to equip piping with or test automatic leak detectors

Citation:

Pursuant to 40 CFR 280.41(b)(1)(i)(A), 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 be equipped with an automatic line leak detector conducted in accordance with § 280.44(a).

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because they did not submit results of annual leak detector testing for Regular Gas, Premium Gas, or Diesel.

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 its automatic leak detector tested 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.

§ 280.41(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 they did not provide results of annual line tightness testing for Regular Gas, Premium Gas, or Diesel..

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 the Diesel spill bucket was over half full of fluid, and not providing adequate spill prevention.

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 tanks have ball float valves (flow restrictors) and automatic shut-off devices (flapper valves).

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

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 they did not provide documentation of triennial spill bucket testing.

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 they did not provide results of triennial overfill prevention equipment testing.

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 they did not provide results of annual ATG testing.</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 they did not complete the annual tests of probes and/or sensors.</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.

§ 280.36(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 they did not provide any 30-day walk through inspections.

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.



UNDERGROUND STORAGE TANK INSPECTION REPORT

INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

UST FAC ID: **16549**

Inspector's Name:	John Metz
Date:	June 6, 2022
Time In:	10:20
Time Out:	11:50
Inspection Type:	Initial

FACILITY NAME / LOCATION					
FACILITY NAME Rickers Petro Mart 7			FACILITY ADDRESS (number and street) 5039 SR 38		
ADDRESS (line 2)		CITY Pendleton	STATE IN	ZIP CODE 46064	COUNTY Madison
UST OWNER					
UST Owner Name (If in Individual Capacity) Ricker Oil Company Inc				BUSINESS ID (From the Secretary of State) 197909-757	
PREFIX Mr	FIRST NAME Barry	MI	LAST NAME Slater		SUFFIX
TELEPHONE NUMBER (724) 996-9500		EMAIL ADDRESS Barry.Slater@gianteagle.com			
UST OPERATOR					
UST Operator Name (If in Individual Capacity) Ricker Oil Company Inc				BUSINESS ID (From the Secretary of State) 197909-757	
PREFIX Mr	FIRST NAME Barry	MI	LAST NAME Slater		SUFFIX
TELEPHONE NUMBER (724) 996-9500		EMAIL ADDRESS Barry.Slater@gianteagle.com			
PROPERTY OWNER					
UST Property Owner Name (If in Individual Capacity) Ricker Real Estate Holdings, LLC				BUSINESS ID (From the Secretary of State) 201809131279042	
PREFIX Mr	FIRST NAME Barry	MI	LAST NAME Slater		SUFFIX
TELEPHONE NUMBER (724) 996-9500		EMAIL ADDRESS Barry.Slater@gianteagle.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
NF has incorrect overfill and piping information					
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					
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 checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
40 CFR 280, Subpart A installation requirements (partially excluded) met			<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input 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 type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> N/A
Need documentation of coincident overfill equipment compliance					
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 spill bucket test, overfill test, and monthly walk-through inspections					
40 CFR 280, Subpart D release detection requirements met			<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> UNK
Drone had 6+ inches of product and no RD - Need ATG test, leak detect test, line tightness test					
40 CFR 280, Subpart J operator training requirements met			<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> UNK

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) FG SW USTs installed in August 1990
- One (1) 12K REG GSL
- One (1) 8K PREM GSL
- One (1) 8K DSL
- One (1) 2K REG GSL (Drone manifolded)

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 32 years old, likely out of warranty and the owner should start planning on removing or replacing them soon.

- Piping is FG SW and pressurized (except drone REG)

RD UST = ATG

RD Piping = LLD, LTT

Overfill/Spill = Spill Buckets + Ball Float (REG drone, PREM, DSL) + Auto (confirmed REG Main) + UDC

ATG Certification = N

Overfill Protection Test = N

Spill bucket Test = N

Containment Sumps Test (not required) = N

Site History:

Site is an active service station. Three (3) USTs were removed in 1990 (Closure NF in VFC)

Contact Information

Barry Slater Barry.Slater@gianteagle.com

Documentation not provided at the time of the file review:

- (NF received 10/15/2018, no formal approval - incorrect overfill information, RD piping info)
- Certificate of Financial Responsibility
- Operator Certificates
- Release Detection Records
- Line and leak detector test
- ATG/Probes certification
- Spill bucket test
- Overfill test
- Monthly 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.

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

1. Regular Gas and Kerosene spill buckets contained fluid.
2. The Regular Gas vapor recovery valve cap was missing its gasket.
3. All three (3) STP risers contained sludge and a significant amount of water.
4. The Premium Gas spill bucket contained dirt and debris.
5. UDC #1/2 contained sludge, debris, and fuel.
6. UDCs #3/4 and 5/6 contained sludge and debris.
7. UDC #7/8 contained a small amount of fuel.

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:

8. The Diesel spill bucket was over half full of fluid, and not providing adequate spill prevention.
9. The tanks have ball float valves (flow restrictors) and automatic shut-off devices (flapper valves). Documentation must be provided to show the tanks meet the requirements of the April 2020 fact sheet on coincident use of overfill prevention equipment.
10. REG drone Release detection records past September 2020 were not available. The Inventory report for the REG Drone indicated an invalid fuel level but the UST is not in temporary closure.

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:

11. Notification Form with corrected overfill equipment and piping release detection
12. Spill bucket test
13. Overfill prevention equipment test
14. Monthly walk-through inspections July 2021 through June 2022
15. ATG/probes test
16. Leak detector test
17. Line tightness test
18. Tank Tightness Test on the REG Drone. No records available since September 2020 and Inventory Report indicating invalid fuel level.

- If the REG drone is not being used, it should be placed in Temporary Closure and emptied to less than 1" of fuel otherwise proper release detection must be maintained for the REG UST.