



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

July 14, 2022

Giant Indiana LLC
c/o Unisearch Inc
9221 Crawfordsville Rd
Indianapolis, IN 46234

Giant Indiana LLC
Attn: Sheri Hayden
Via email: s.hayden@giantoil.com

Re: Violation Letter
Giant 807
601 W Elnora St
Odon, Daviess County
UST Facility ID # **10753**

Dear Ms. Hayden:

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 28, 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.

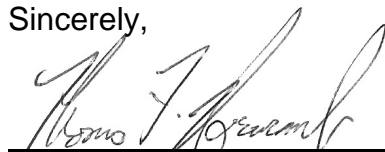
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **10753**.

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 # 10753

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: Giant 807

UST FACILITY ID: 10753

**ADDRESS: 601 West Elnora Street
Odon, IN 47562**

**INSPECTION DATE:
April 28, 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 required with the following information: Updated ownership, correct overfill/spill devices, updated corrosion protection, correct piping material, correct release detection for USTs.

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 current 9-12 months of release detection for USTs is required. ATG is not setup for CSLD, additionally, SIR records have not been provided.

Corrective Action:

The owner and/or operator of the UST systems at this site shall have any UST that contains a regulated amount of product and found to not have been monitored every thirty (30) days, tank 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.

§ 280.31(b) – Failure to inspect CP system, frequency and criteria

Citation:

Pursuant to 40 CFR 280.31(b), all UST systems equipped with cathodic protection systems must be inspected for proper operation by a qualified cathodic protection tester in accordance with the following requirements:

- (1) Frequency. All cathodic protection systems must be tested within 6 months of installation and at least every 3 years thereafter or according to another reasonable time frame established by the implementing agency; and
- (2) Inspection criteria. The criteria that are used to determine that cathodic protection is adequate as required by this section must be in accordance with a code of practice developed by a nationally recognized association.

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because a current cathodic protection test for all USTs is required. Last known test was 11/19/2013.

Corrective Action:

The owner and/or operator of the UST systems at this site shall submit to IDEM the required documents within fifteen (15) days of receipt of this notice or have their UST systems fully inspected by a qualified cathodic protection tester within fifteen (15) days and submit the results 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 all USTs have auto shutoff devices. Records are required indicating ball float removal or adjustment of auto devices. No overfill alarm was found.

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.

§ 280.43(d) – Failure to perform Automatic Tank Gauging to standard

Citation:

Pursuant to 40 CFR 280.43(d), equipment for automatic tank gauging that tests for the loss of product and conducts inventory control must meet the following requirements:

- (1) The automatic product level monitor test can detect a 0.2 gallon per hour leak rate from any portion of the tank that routinely contains product;
- (2) The automatic tank gauging equipment must meet the inventory control (or other test of equivalent performance) requirements of § 280.43(a); and
- (3) The test must be performed with the system operating in one of the following modes:
 - (i) In-tank static testing conducted at least once every 30 days; or
 - (ii) Continuous in-tank leak detection operating on an uninterrupted basis or operating within a process that allows the system to gather incremental measurements to determine the leak status of the tank at least once every 30 days.

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because ATG may be programmed incorrectly for all USTs. ATG Inventory Printouts, Volume + Ullage, is exact standard volume of a 8K, 4k steel tanks. With steel tanks this volume should be over the standard volume. ATG needs to be correctly calibrated according to manufacturer tank charts.

Corrective Action:

The owner and/or operator of the UST systems at this site shall have any UST system found to have had automatic tank gauging not performed to the standard 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 of the UST systems at this site shall have a contractor certified by the Indiana Office of the State Fire Marshall inspect, reprogram, repair or otherwise correct the deficiencies of the automatic tank gauging system 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 site is not completing walk through inspections as required. Additionally, no records of inspections have been 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:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because current class A, B, C operator training is required. No current records of been provided.</i>
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: **10753**

Inspector's Name:	Brock Goodman
Date:	April 28, 2022
Time In:	08:40
Time Out:	09:44
Inspection Type:	Initial

FACILITY NAME / LOCATION					
FACILITY NAME Giant 807			FACILITY ADDRESS (number and street) 601 W Elnora St		
ADDRESS (line 2)		CITY	STATE	ZIP CODE	COUNTY
		Odon	IN	47562	Daviess
UST OWNER					
UST Owner Name (If in Individual Capacity) Giant Indiana LLC				BUSINESS ID (From the Secretary of State) 202104261484546	
PREFIX Ms	FIRST NAME Sheri	MI	LAST NAME Hayden		SUFFIX
TELEPHONE NUMBER (813) 740-0422		EMAIL ADDRESS s.hayden@giantoil.com			
UST OPERATOR					
UST Operator Name (If in Individual Capacity) Giant Indiana LLC				BUSINESS ID (From the Secretary of State) 202104261484546	
PREFIX Ms	FIRST NAME Sheri	MI	LAST NAME Hayden		SUFFIX
TELEPHONE NUMBER (813) 740-0422		EMAIL ADDRESS s.hayden@giantoil.com			
PROPERTY OWNER					
UST Property Owner Name (If in Individual Capacity) Giant Indiana LLC				BUSINESS ID (From the Secretary of State) 202104261484546	
PREFIX Ms	FIRST NAME Sheri	MI	LAST NAME Hayden		SUFFIX
TELEPHONE NUMBER (813) 740-0422		EMAIL ADDRESS s.hayden@giantoil.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
An updated UST notification form is required to reflect ownership, correct overfill/spill, missing CP info, incorrect piping material, correct release detection for USTs.					
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 type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> UNK
Ball float/Auto shutoff conflict					
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 current 3 year corrosion protection testing on USTs, Site is not completing 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
Need release detection records for USTs, ATG may be programmed incorrectly for all USTs.					
40 CFR 280, Subpart J operator training requirements met			<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> UNK
Current class A,B,C operator training is required.					

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) USTs
- One (1) 8K REG GSL Steel STIP3 installed in August 1986
- One (1) 8K REG GSL Steel STIP3 installed in August 1986 (manifolded)
- One (1) 8K PREM GSL Steel STIP3 installed in August 1986
- One (1) 4K KER FG SW installed in August 1997

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 25 and 36 years old, likely out of warranty and the owner should start planning on removing or replacing them soon.

- Piping is Enviroflex SW and pressurized

RD UST = ATG, SIR

RD Piping = LLD, LTT, ATG, SIR

Overfill/Spill = Spill Buckets + Ball Float (consistent) + Alarm (consistent, last NF) + Auto (testing doc)

ATG Certification = N

Overfill Protection Test = N

Spill bucket Test = N

Containment Sumps Test (not required) = N

Last known CP test (11/19/2013)

Ball Float Vs Auto conflict unless actual exterior alarm

KER is in a different tank pit on the side of the building

Site History:

Site is an active service station. There is no prior UST history at this site.

Contact Information

Barbara Whittaker b.whittaker@giantoil.com

Sheri Hayden s.hayden@giantoil.com

Luisa Goethe l.goethe@giantoil.com

Documentation provided at the time of the file review:

- (NF 12/7/2021, Approval 1/31/2022 - ownership change only but prior NF had error in overfill/spill, missing CP information, incorrect piping construction)
- Certificate of Financial Responsibility (letter of credit 11/2021 to 11/2022)
- Line and leak detector test (REG, PREM, KER) 5/6/2021 - REGs manifolded
- ATG/Probes certification 5/6/2021 - All UDCs/STPs full of water
- TTT (REG, REG, PREM, KER) 5/6/2021
- Spill bucket test (REG, REG, PREM, KER) 5/6/2021
- Overfill test (REG, REG, PREM, KER) 5/6/2021 - Auto all
- Annual inspection 5/6/2021

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:

I.) ATG is not setup to complete CSLD on USTs. After speaking with the manager of site, they print off readings from ATG then send it to corporate, where SIR is being accomplished. No SIR records have been made available.

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

A.) All UDCs & STP areas contain significant amount of fluid; unable to inspect properly. Inspector checked to verify no fuel was present. These areas will need to be cleaned and monitored.

B.) All spill buckets contained fluid and/or debris; clean and monitor.

C.) Line Tightness Testing, Line Leak Detector Testing, ATG Functionality Testing, in addition to, probes testing will be expiring on 5/6/2022.

D.) The third generation Enviro-flex piping that could be seen appears to be in decent condition. This Piping is known to be a high risk for catastrophic failure, therefore, should be closely monitored.

E.) KER STP sump lid was found completely shattered; replace.

The following are ON-SITE 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.) ATG may be programmed incorrectly for all USTs. ATG Inventory Printouts, Volume + Ullage, is exact standard volume of a 8K, 4k steel tanks. With steel tanks this volume should be over the standard volume. ATG needs to be correctly calibrated according to manufacturer tank charts.

2.) Site is not completing monthly walk through inspections as required.

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):

3.) An updated UST notification form is required with the following information: Updated ownership, correct overfill/spill devices, updated corrosion protection, correct piping material, correct release detection for USTs.

4.) Current 9-12 months of release detection for USTs is required. ATG is not setup for CSLD, additionally, SIR records have not been provided.

5.) A current cathodic protection test for all USTs is required. Last known was 11/19/2013.

6.) All USTs have auto shutoff devices. Records are required indicating ball float removal or adjustment of auto devices. No overfill alarm was found.

7.) Current class A, B, C operator training is required.