



## INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

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**Eric J. Holcomb**  
Governor

**Brian C. Rockensuess**  
Commissioner

July 18, 2022

Star Market Inc  
Attn: Hardev Singh, Registered Agent  
8818 Scotland Dr  
Indianapolis, IN 46231

Star Market Inc  
Attn: Hardev Singh  
Via email: [hardevbal@att.net](mailto:hardevbal@att.net)

Re: Violation Letter  
Mountie Market  
683 W 600 S  
New Market, Montgomery County  
UST Facility ID # **19712**

Dear Mr. Singh:

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 17, 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.

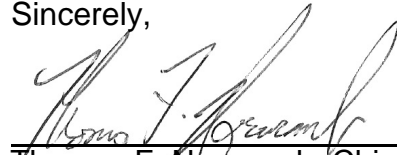
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at [USTCompliance@idem.in.gov](mailto:USTCompliance@idem.in.gov). Include in the subject line of the response the UST Facility ID # 19712.

Inspector: Matt James  
Phone: (317) 750-2491

Direct any questions regarding the inspection to:

Compliance Manager: Carrie Maniet  
Phone: (317) 233-3533

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: Carrie Maniet  
Matt James  
UST Facility ID File # 19712

### 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>Mountie Market</b>	UST FACILITY ID: <b>19712</b>
ADDRESS: <b>683 W 600 S New Market, IN 47965</b>	INSPECTION DATE: <b>5/17/2022</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 correct overfill protection device information is needed.*

##### 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.

**IC 13-23-12-1 Failure to Pay UST Fees**

**Citation:**

Pursuant to IC 13-23-12-1, each year, if an underground storage tank has not been closed before January 1 of the year under rules adopted under IC 13-23-1-2; or a requirement imposed by the commissioner before the adoption of rules under IC 13-23-1-2; the owner of the underground storage tank shall pay to the department an annual registration fee.

The annual registration fee required by this section is ninety dollars (\$90) for each underground petroleum storage tank or two hundred forty-five dollars (\$245) for each underground storage tank containing regulated substances other than petroleum.

If an underground storage tank consists of a single tank in which there are separate compartments, a separate fee shall be paid under subsection (b) for each compartment within the single tank. If an underground storage tank consists of a combination of tanks, a separate fee shall be paid under subsection (b) for each compartment within each tank in the combination of tanks.

For tanks that contain separate compartments and that were in use before July 1, 2014, the payment of a single annual fee of ninety dollars (\$90) for a tank containing separate compartments shall be deemed to satisfy the requirements of subsection.

**Violation Details:**

*The owner and/or operator of the UST system(s) at this site are in violation of this rule because UST fees are owed.*

**Corrective Action:**

The owner and/or operator of the UST systems at this site shall pay the required fees to the Indiana Department of Environmental Management 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 financial responsibility mechanism is needed. Letter was outdated.*

**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.

**§ 280.35(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 spill bucket testing results are needed. 2 spill buckets failed.*

**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. Documentation, to include photographs, inspection, repair and testing results, showing the spill prevention equipment is liquid tight must be submitted within forty five (45) days of the 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 Regular Gasoline (main) spill bucket was full of fluids and needs cleaned out and 2 spill buckets failed 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, clean out the keroene spill bucket and provide verification.

**§ 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 30 day walk through documentation is needed.*

**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.

**§ 280.35(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 overfill testing results are needed. Testing documents indicated ball floats could not be removed.*

**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:**

*The owner and/or operator of the UST system(s) at this site are in violation of this rule because ATG testing results are needed. Expired documents received.*

**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:**

*The owner and/or operator of the UST system(s) at this site are in violation of this rule because ATG probe testing results are needed. Expired documents received.*

**Corrective Action:**

The owner and/or operator of the UST systems at this site shall have all components of the automatic tank gauging probes 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.

**§ 280.41(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 line tightness testing results are needed. Expired documents received.*

**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.

§ 280.40(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 line leak detector testing results are needed. Expired documents received.</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.
§ 280.41(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:	<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because release detection records are needed for the UST systems.</i>
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.

**§ 280.20(b) – Failure to install, design, construct or protect piping from corrosion**

**Citation:**

Pursuant to 40 CFR 280.20(b), the piping that routinely contains regulated substances and is in contact with the ground must be properly designed, constructed, and protected from corrosion in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory.

**Violation Details:**

*The owner and/or operator of the UST system(s) at this site are in violation of this rule because the Regular Gasoline UST STP riser and UDCs contain steel piping in direct contact with soil/ground.*

**Corrective Action:**

The owner and/or operator of the UST systems at this site shall, within fifteen (15) days of receipt of this notice, contract with a certified contractor to determine if the piping or metal components in contact with the ground are substandard and what steps will be taken to provide corrosion protection. Testing needs to be completed on the steel piping. The excess soil/ground needs to be removed from any steel components or corrosion protection equipment needs to be installed.

**§ 280.240 – Failure to designate Class A, Class B or Class C operators that meet requirements**

**Citation:**

Pursuant to 40 CFR 280.240, not later than October 13, 2018, all owners and operators of UST systems must ensure they have designated Class A, Class B, and Class C operators who meet the requirements of this subpart.

**Violation Details:**

*The owner and/or operator of the UST system(s) at this site are in violation of this rule because valid operator C training certificates are needed. .*

**Corrective Action:**

The owner or operator of the UST systems at this site shall submit a list of those employees designated to be 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: **19712**

Inspector's Name:	Matt James
Date:	May 17, 2022
Time In:	10:00
Time Out:	11:00
Inspection Type:	Initial

FACILITY NAME / LOCATION					
FACILITY NAME Mountie Market			FACILITY ADDRESS (number and street) 683 W 600 S		
ADDRESS (line 2)		CITY New Market	STATE IN	ZIP CODE 47965	COUNTY Montgomery
UST OWNER					
UST Owner Name (If in Individual Capacity) Star Market Inc				BUSINESS ID (From the Secretary of State) 201901251301342	
PREFIX	FIRST NAME Hardev	MI	LAST NAME Singh		SUFFIX
TELEPHONE NUMBER (765) 862-5008		EMAIL ADDRESS hardevbal@att.net			
UST OPERATOR					
UST Operator Name (If in Individual Capacity) Star Market Inc				BUSINESS ID (From the Secretary of State) 201901251301342	
PREFIX	FIRST NAME Hardev	MI	LAST NAME Singh		SUFFIX
TELEPHONE NUMBER (765) 862-5008		EMAIL ADDRESS hardevbal@att.net			
PROPERTY OWNER					
UST Property Owner Name (If in Individual Capacity) Star Market Inc				BUSINESS ID (From the Secretary of State) 201901251301342	
PREFIX	FIRST NAME Hardev	MI	LAST NAME Singh		SUFFIX
TELEPHONE NUMBER (765) 862-5008		EMAIL ADDRESS hardevbal@att.net			
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 and fees are owed.					
O/O is in compliance with reporting & record keeping requirements			<input type="checkbox"/> YES	<input checked="" 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 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 overfill and spill bucket testing results.					
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 walk through and ATG testing. Need updated LLD and RD records for piping.					
40 CFR 280, Subpart D release detection requirements met			<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> UNK
UST inspector was unable to print records from Red Jacket ATG.					
40 CFR 280, Subpart J operator training requirements met			<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> UNK
Need operator C certificates.					

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) USTs - Stip3 - Installed 6/28/1988

Two (2) 4K GSL

One (1) 6K GSL (Manifolded with one 4K)

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

Piping - FG - Pressurized

RD UST - ATG

RD Piping - LTT - LD

Spill protection/Overfill - Spill bucket - Flapper

ATG Certification = N

Overfill Protection Test = N

Spill bucket Test = Y (2 failed)

Containment Sumps Test Required N

Last known CP 7/18/2019 (VFC 82854427 pg 26)

Site is an active gas station

Any Site history or concerns- Site has a history of ball floats - Fees 2015-2019 for Bishop & Bishop c/o Mrs. Nancy Bishop was sent 4/2022 and invoice for 2019 to current for Star Market in process, \$2,295.00 fees are in arrears.

Documentation received -

Notification form - 5/15/2019 (Review not noted)

UST CP 7/18/2019 Pass (On file in VFC)

RD Piping 1/14/2021 (Expired)

LD 1/14/2021 (Expired)

Annual ATG test 1/14/2021 (Expired)

Spill bucket test 1/14/2021 (2 Failed)

Overfill test 1/14/2021 States passed for ball floats but notes indicate ball floats could not be removed for inspection.

FR - Undated loan letter

Operator certificate - A-B-C (C not completed with issue/expiration date)

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

1. The spill buckets contained fluids/debris and should be monitored and cleaned out when needed.

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:

2. The spill bucket for the regular gasoline UST (main) was full of fluids and needs to be cleaned out.

3. The piping in the REG STP riser and UDCs have steel piping and STP/piping components that were in direct contact with soil/ground. The excess soil/ground needs to be removed from any steel components or corrosion protection equipment needs to be installed.

The following are RECORDS to be submitted to [USTCompliance@idem.IN.gov](mailto:USTCompliance@idem.IN.gov) with FID in subject line within 30 days of receipt of this inspection report to avoid further action and achieve compliance with the state underground storage tank program:

4. An updated notification form with the correct type of overfill protection devices installed on each UST system is needed. UST inspector did not locate flapper valves on-site and the testing documents show ball floats are installed.

5. UST fees are owed.

6. Financial responsibility mechanism is needed. Loan letter was undated.

7. Spill bucket testing results are needed. Two of the spill buckets failed the most recent testing.

8. Walk through documentation is needed.

9. Overfill protection testing results are needed. Testing indicated ball floats could not be removed.

10. ATG and ATG probe testing results are needed. Expired documents received.

11. Line tightness testing results are needed. Expired documents received.

12. Line leak detector testing results are needed. Expired documents received.

13. Release detection records are needed for all UST systems.

14. Operator C training certificates with dates are needed.