



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

MHC NAC LLC
c/o CT Corporation System
334 N Senate Ave
Indianapolis, IN 46204

MHC NAC LLC
Attn: Brian Nelson
Via email: brian_nelson@equitylifestyle.com

Re: Violation Letter
Indian Lakes Wilderness Preserve
7234 E SR 46
Batesville, Ripley County
UST Facility ID # **15299**

Dear Mr. Nelson:

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 30, 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.

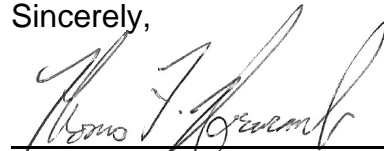
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **15299**.

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

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
Matthew James
UST Facility ID File # 15299

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: Indian Lakes Wilderness Preserve	UST FACILITY ID: 15299
ADDRESS: 7234 E SR 46 Batesville, IN 47006	INSPECTION DATE: 6/30/2022

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 the piping was upgraded after 2010 and property ownership information has changed but an updated Notification Form was not submitted. The Notification Form will need to include correct ownership information, piping material, installation date, and correct release detection method. If the owner decides to switch from SIR to ATG monitoring for the USTs, the release detection method for the USTs would also need to be updated.

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.

§ 280.40(a)(2) – Failure to provide release detection that is installed and calibrated to manufacturer's instructions

Citation:

Pursuant to 40 CFR 280.40(a)(2), owners and operators of UST systems must provide a method, or combination of methods, of release detection that is installed and calibrated in accordance with the manufacturer's instructions.

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because the piping was upgraded after 2010 but sensors were not present in the STPs and/or UDCs in order to provide proper release detection. In addition, an ATG is not present currently on site and will be required in order to perform interstitial monitoring for the piping.

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 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 must also have a certified UST contractor inspect, repair and certify the release detection equipment is installed and calibrated in accordance with the manufacturer's instructions 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)(2) – Failure to perform monthly monitoring on piping installed after 9/2/2009, except proper European

Citation:

Pursuant to 40 CFR 280.41(b)(2), piping installed or replaced after April 11, 2016 (previously cited as September 2, 2009 under 329 IAC 9-2-1(2)(D)) must meet one of the following:

- (i) Pressurized piping must be monitored for releases at least every 30 days in accordance with § 280.43(g) and be equipped with an automatic line leak detector in accordance with § 280.44(a)
- (ii) Suction piping must be monitored for releases at least every 30 days in accordance with § 280.43(g).

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because the piping was upgraded after 2010 and twelve (12) months of interstitial monitoring records were not available. (site does not currently have sensors)

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 by not having records of interstitial monitoring 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.

§ 280.43(g) – Failure to perform Interstitial Monitoring to standard

Citation:

Pursuant to 40 CFR 280.43(g), interstitial monitoring between the UST system and a secondary barrier immediately around or beneath it may be used, but only if the system is designed, constructed, and installed to detect a leak from any portion of the tank that routinely contains product and also meets one of the following requirements:
(1) For double walled UST systems, the sampling or testing method can detect a leak through the inner wall in any portion of the tank that routinely contains product;
(2) For UST systems with a secondary barrier within the excavation zone, the sampling or testing method used can detect a leak between the UST system and the secondary barrier.

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because the piping was upgraded after 2010 and sensors/ATG are not currently present at this facility in order to perform proper interstitial monitoring. In addition, STPs and UDCs had excessive liquid which would interfere with interstitial monitoring, and jumpers were not found at the T junctions beneath the dispensers.

Corrective Action:

The owner and/or operator of the UST systems at this site shall have IM equipment installed for the double wall piping 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)(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 documentation submitted to IDEM indicated ball float vent valves were installed. UST inspector verified flapper valves are installed on the UST systems.

Corrective Action:

The owner and/or operator of the UST systems at this site shall, within thirty (30) days of receipt of this notice, refer to the IDEM overfill protection fact sheet and provide verification.

§ 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. In addition, UDC and STP testing is required since the piping was upgraded after 2010 and requires interstitial monitoring.

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, sumps and UDC's. Documentation, to include photographs, inspection, repair and testing results, showing the spill prevention equipment, sumps and UDC's 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:
<i>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.</i>
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 ATG test was not provided. The testing will be required upon installation of the proper release detection equipment for interstitial monitoring.</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 a sensor test was not provided. The testing will be required upon installation of the proper release detection equipment for interstitial monitoring.</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)(ii) – Failure to perform annual walkthrough inspections
Citation:
Pursuant to 40 CFR 280.36(a)(1)(ii), to properly operate and maintain UST systems, not later than June 28, 2021 owners and operators must conduct a walkthrough inspection annually that, at a minimum, checks containment sumps and hand held release detection equipment.
Violation Details:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because annual walk through documentation is needed.</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 annual 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.

§ 280.36(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 30 day walk through documentation is needed.</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.

§ 280.240 – 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:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because operator A training certificate is needed. Expired copy was obtained.</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 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: **15299**

Inspector's Name:	Matthew James
Date:	June 30, 2022
Time In:	11:45
Time Out:	12:30
Inspection Type:	Initial

FACILITY NAME / LOCATION					
FACILITY NAME Indian Lakes Wilderness Preserve			FACILITY ADDRESS (number and street) 7234 E SR 46		
ADDRESS (line 2)		CITY Batesville	STATE IN	ZIP CODE 47006	COUNTY Ripley
UST OWNER					
UST Owner Name (If in Individual Capacity) MHC NAC LP				BUSINESS ID (From the Secretary of State) 202103041467348	
PREFIX Mr	FIRST NAME Brian	MI	LAST NAME Nelson		SUFFIX
TELEPHONE NUMBER (312) 279-1400		EMAIL ADDRESS brian_nelson@equitylifestyle.com			
UST OPERATOR					
UST Operator Name (If in Individual Capacity) MHC NAC LP				BUSINESS ID (From the Secretary of State) 202103041467348	
PREFIX Mr	FIRST NAME Brian	MI	LAST NAME Nelson		SUFFIX
TELEPHONE NUMBER (312) 279-1400		EMAIL ADDRESS brian_nelson@equitylifestyle.com			
PROPERTY OWNER					
UST Property Owner Name (If in Individual Capacity) MHC NAC LP				BUSINESS ID (From the Secretary of State) 202103041467348	
PREFIX Mr	FIRST NAME Brian	MI	LAST NAME Nelson		SUFFIX
TELEPHONE NUMBER (312) 279-1400		EMAIL ADDRESS brian_nelson@equitylifestyle.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
Updated notification form is needed. Updated piping information is needed.					
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 checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input 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
No sensors installed for interstitial monitoring in STPs (required since piping upgraded post 2009)					
40 CFR 280, Subpart C spill/overfill control requirements met			<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> N/A
Auto Shutoff / Ball float conflict					
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
Spill bucket/UDC/STP test, overfill test, monthly inspection, annual inspection					
40 CFR 280, Subpart D release detection requirements met			<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> UNK
INT to standard, INT records piping, ATG/Sensors test (once sensors installed)					
40 CFR 280, Subpart J operator training requirements met			<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> UNK
Operator A (expired)					

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:

- Two (2) FG SW USTs installed in April 1992
- One (1) 10K REG GSL
- One (1) 6K DSL

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

- Piping is Enviroflex and pressurized (piping upgraded to ATP Flex DW after 2010 based on past inspection and current inspection)

RD UST = ATG

RD Piping = LLD, LTT

Overfill/Spill = Spill Buckets + ball float (consistent)

ATG Certification = N

Overfill Protection Test = N

Spill bucket Test = N

Containment Sumps Test (not required) = N - Will be required since upgraded piping post 2010

MHC NAC LLC revoked, new Active entity MHC NAC LP

Site History:

Site is an active service station. Two (2) USTs were removed in 1990 (Closure NF/Affidavit, Closure Sample in VFC)

Contact Information

Brian Nelson brian_nelson@equitylifestyle.com

Documentation not provided at the time of the file review:

- Updated NF (NF 9/12/2019, rejected 10/2/2019 - incorrect ownership info, incorrect RD method tanks and piping, missing delivery type)
- Certificate of Financial Responsibility
- Operator Certificates
- Release Detection Records
- Line and leak detector test
- ATG/Probes
- Spill bucket test
- Overfill test
- Monthly walkthrough inspections

CM Note: FR provided, TTT (5/17/2022), LTT/LLD (4/2022) - Inspected June 30, 2022, last month of SIR would not be available. From 2010 inspection, piping was Enviroflex and was degrading. Piping was replaced with APT Flex DW which would be after 2010. Therefore, Interstitial monitoring is required for the piping. In addition, new spill bucket and Auto Shutoff were installed. Currently, an ATG is not present at this facility which will be required in order to perform interstitial monitoring.

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. Both spill buckets contained fluids and should be monitored and cleaned out when needed.
2. Both sumps were full of fluids. Both sumps need to be cleaned out.
3. The UDC for one of the dispensers contained fluids and should be cleaned out.

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:

4. The piping was updated from Enviroflex to APT Flex double wall piping after 2010. Interstitial monitoring is required since the piping was upgraded after 9/2/2009. Sensors need to be installed so IM can be completed. Currently IM is not being completed to standard.
5. STPs and UDCs had excessive amount of fluid which would not allow for proper interstitial monitoring once the proper release detection equipment is installed.

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:

6. An updated notification form needs to be submitted to IDEM. The form needs to include the correct type of piping installed, correct ownership information, release detection methods and delivery method for the tanks and piping.
7. Spill bucket testing results are needed.
8. Sump and UDC testing is also needed due to interstitial monitoring being required.
9. 30 day walk through documentation is needed.
10. Annual inspection documentation is needed.
11. Overfill protection testing results are needed.
12. Line leak detector testing results are needed.
13. Documentation submitted to IDEM indicated ball float vent valves were installed. UST inspector verified flapper valves are installed on the UST systems. Please refer to the IDEM overfill protection fact sheet and provide verification.
14. Updated (non expired) operator A training certificate is needed.

- Since interstitial monitoring is required, the owner will need to install an ATG. Owner may choose to also install or connect probes from the USTs and not perform SIR. If the owner choose to monitor the USTs with an ATG, this would need to be updated in the Notification Form.