



## INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

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Eric J. Holcomb  
Governor

Brian C. Rockensuess  
Commissioner

September 26, 2022

7-Eleven Inc  
c/o Corporate Creations Network Inc  
8520 Allison Pointe Blvd, Suite 220  
Indianapolis, IN 46250

7-Eleven Inc  
Attn: Andrew Rice, Michael Byrne  
Via email: [andrew.rice@7-11.com](mailto:andrew.rice@7-11.com)  
[Michael.Byrne@7-11.com](mailto:Michael.Byrne@7-11.com)

Re: Violation Letter  
7 Eleven Store 32587  
901 S Mayflower  
South Bend, St. Joseph County  
UST Facility ID # **18072**

Dear Messrs. Rice and Byrne:

An inspector from the Indiana Department of Environmental Management (IDEM), Underground Storage Tank (UST) Section, conducted an inspection of the site referenced above on September 12, 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 USTs 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.

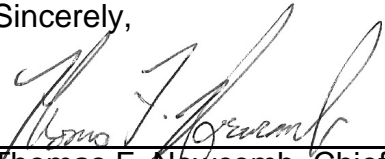
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at [USTCompliance@idem.in.gov](mailto:USTCompliance@idem.in.gov). Include in the subject line of the response the UST Facility ID # **18072**.

Inspector: Matt Rozycki  
Phone: (317) 296-1853

Direct any questions regarding the inspection to:

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

Sincerely,



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Thomas F. Newcomb, Chief  
UST Compliance Section  
Office of Land Quality

cc: Loic Maniet  
Matt Rozycki  
UST Facility ID File # 18072

### 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>7 Eleven Store 32587</b>	UST FACILITY ID: <b>18072</b>
ADDRESS: <b>901 S Mayflower Rd, South Bend, St. Joseph County</b>	INSPECTION DATE: <b>9/13/2022</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 is needed reflecting the proper release detection method for the KER piping and UST system configuration.*

##### 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(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, unless it is demonstrated that the chase through which the KER piping is going through is liquid tight and would allow for valid interstitial monitoring, an annual line tightness test would be required for the KER piping.*

**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 KER spill bucket had excessive amount of liquid and may not be performing as designed in the event of a spill or overfill.*

**Corrective Action:**

The owner and/or operator of the UST systems at this site shall, within thirty (30) days of receipt of this notice, clear the spill bucket of the liquid. The UST owner and/or operator must submit proof that the spill prevention equipment has been cleared of liquid within forty five (45) days of receipt of this notice.



# UNDERGROUND STORAGE TANK INSPECTION REPORT

INDIANA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT

UST FAC ID: **18072**

Inspector's Name:	Matt Rozycki
Date:	September 12, 2022
Time In:	11:45
Time Out:	12:10
Inspection Type:	Initial

FACILITY NAME / LOCATION					
FACILITY NAME 7 Eleven Store 32587			FACILITY ADDRESS (number and street) 901 S Mayflower Rd		
ADDRESS (line 2)	CITY	STATE	ZIP CODE	COUNTY	
	South Bend	IN	46619	St. Joseph	
UST OWNER					
UST Owner Name (If in Individual Capacity) 7-Eleven Inc				BUSINESS ID (From the Secretary of State) 196905-329	
PREFIX Mr	FIRST NAME Scott	MI	LAST NAME Johnson		SUFFIX
TELEPHONE NUMBER (972) 828-0711		EMAIL ADDRESS scott.johnson@7-11.com			
UST OPERATOR					
UST Operator Name (If in Individual Capacity) 7-Eleven Inc				BUSINESS ID (From the Secretary of State) 196905-329	
PREFIX Mr	FIRST NAME Scott	MI	LAST NAME Johnson		SUFFIX
TELEPHONE NUMBER (972) 828-0711		EMAIL ADDRESS scott.johnson@7-11.com			
PROPERTY OWNER					
UST Property Owner Name (If in Individual Capacity) 7-Eleven Inc				BUSINESS ID (From the Secretary of State) 196905-329	
PREFIX Mr	FIRST NAME Scott	MI	LAST NAME Johnson		SUFFIX
TELEPHONE NUMBER (972) 828-0711		EMAIL ADDRESS scott.johnson@7-11.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 reflecting the proper release detection method for the piping (KER)					
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 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
Excessive amount of liquid in KER spill bucket					
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 checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> UNK
40 CFR 280, Subpart D release detection requirements met			<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> UNK
LTT KER					
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:**

- Three (3) actual USTs (one 15K split 8/7)
- One (1) 2K KER CLAD DW installed in October 1998
- One (1) 15K REG GSL FG DW installed in October 2009
- One (1) 8K PREM GSL (T3 C1) FG DW installed in October 2009
- One (1) 7K DSL (T3 C2) FG DW installed in October 2009

Section Chief Note: The normal operational lifespan of a UST before failing is 25 to 30 years old. One of the USTs at this site is now 24 years old and the owner should start planning on removing or replacing it soon.

- Piping is Poly OPW Flex DW and pressurized (2009 USTs)
- Piping is FG SW and pressurized (1998 UST)

RD UST = INT

RD Piping = LLD, INT

Overfill/Spill = Spill Buckets + Auto Shutoff (consistent) + UDC (2009 USTs)

ATG Certification = Y (4/7/2020, 3/16/2022)

Overfill Protection Test = Y (4/7/2020, 8/14/2020) - All Auto

Spill bucket Test = Y (4/7/2020)

Containment Sumps Test (Required for 2009 USTs) = Y (5/7/2020, 2/2/2021) - Includes KER

ULCERs shows 8K and 7K as independent USTs but they are compartments of a 15K (confirmed per ATG print out on site) KER is in a separate tank pit.

**Site History:**

Site is an active service station. Four (4) USTs were removed in 1998 (Closure Report in VFC) and four (4) were closed in place in 2009 (Closure Report in VFC).

**Contact Information**

Scott Johnson scott.johnson@7-11.com

**Documentation provided at the time of the file review:**

- (NF 6/18/2015, Approval 7/15/2015 - Depends on KER piping, needs to be DW, if not, need updated RD method on KER piping)
- Certificate of Financial Responsibility (insurance 12/2021 to 12/2022)
- Operator Certificates A, B, C
- Release Detection Records INT (REG, KER, PREM/DSL) 6/2021 to 6/2022
- Release Detection Records STP (KER, REG, PREM, DSL) 6/2021 to 6/2022
- Release Detection Records Disp (1 to 16) 6/2021 to 6/2022
- leak detector test (REG, PREM, DSL, KER) 4/7/2020, 3/16/2022
- ATG/Sensors test 4/7/2020 - Water in KER annual space, replaced PREM/DSL sensor
- ATG/Sensors test 3/16/2022
- Spill bucket (REG, PREM, DSL, KER) 4/7/2020
- UDC / STPs test - 5/7/2020 - Fail UDC 3/4
- UDC test (3/4) 2/2/2021
- Overfill test (REG, PREM, DSL, KER) - 4/7/2020 - All Auto, Fail all except KER (KER is OPW 61SOC)
- Overfill test (REG, PREM, DSL) 8/14/2020
- monthly walkthrough inspections 6/2021 to 6/2022
- Annual Walkthrough inspection 6/7/2022

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\*\*\*KER piping appears to be SW FG fed through a larger FG piping chase. The difference in size of the rubber booting at the wall of the sump makes it appear to be a rather large pipe with a small one, not a small interstitial space between the 2

CM Notes:

- DSL fill port sump has a fiberglass line connected to the top of the UST. Unclear on the purpose of that line or if connected to anything.
- Some dispensers have an other generation of piping. Environ Geoflex (Green) double walled.
- It appears that a former line was passing through dispenser 2, 5, 8, 12, 13, and 16, and the opening has been sealed using some plastic cap (visible in some UDCs).

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 (DSL, PREM, REG) contained some fluid, they should be monitored and cleaned out as needed
2. The STP sumps and UDCs had some fluid/debris in them, they should be kept clean to avoid interfering with the sensors

The following are VIOLATIONS discovered during the inspection that will need to be corrected within 30 days of receipt of this inspection report to avoid further action and achieve compliance with the state underground storage tank program:

1. An updated notification form is needed reflecting the proper release detection method for the KER piping. It appears to be a single walled fiberglass pipe ran through a larger fiberglass chase, not a true double walled piping and interstitial may not be considered valid. Also, the NF must account for the compartments.
2. An annual line tightness test was not provided for the KER piping (based on the piping configuration, it appears to be single wall running through a chase. In order for interstitial monitoring to be considered valid, the chase must be shown to be liquid tight. If cannot be demonstrated, an annual line tightness would be required as the primary form of release detection for the KER piping.
3. KER Spill bucket had excessive amount of liquid

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):

- Notification form (with updated UST system information)
- Line tightness test (KER) unless demonstrate that the chase through which the piping is going through is liquid tight.
- documentation a cleaned KER spill bucket
- documentation explaining the purpose of the additional line connected to the top of the DSL UST within the fill port sump.