



## INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

100 N. Senate Avenue • Indianapolis, IN 46204  
(800) 451-6027 • (317) 232-8603 • [www.idem.IN.gov](http://www.idem.IN.gov)

Eric J. Holcomb  
Governor

Brian C. Rockensuess  
Commissioner

March 15, 2024

Hamilton County Department of Health  
1 Hamilton County Square, Ste 1  
Noblesville, IN 46060

Re: Public Notice of Release, Spill or Overfill from an Underground Storage Tank System

Facility ID #17010  
Incident #202401505

Dear County Health Officer:

Due to a change in state law (IC 13-23-16) effective July 1, 2007, IDEM must report any release from an underground storage tank system and surface spill or overfill to the county health officer in the county which the incident occurred. **The law further requires that the county health officer publish a notice of the release, spill or overfill in a newspaper of general circulation in that county and provide any other notice considered necessary or appropriate. The newspaper notice must be published within 7 days of receipt of this letter.**

On March 12, 2024, the Indiana Department of Environmental Management (IDEM) received a confirmed release report of such an incident from the owner or operator of Circle K #2313 located at 7788 East 96<sup>th</sup> Street in or near Fishers, Indiana in Hamilton County.

State regulations require the owner and operator of the underground storage tank to take immediate steps to contain and clean up a spill or overfill. If a release to the environment occurs due to a leaking tank, spill or overfill, the owner and operator are required to investigate the extent of the release and take steps to prevent any further release. They are also required to mitigate any fire, explosion or vapor hazards, and to the extent possible mitigate adverse impacts on human health and the environment. Based on the information provided at the time of the release report, IDEM will either grant a no further action or require the owner or operator to conduct an investigation of the release to determine if corrective action is required.

Please see the following website for a more complete discussion of IDEM's Petroleum Remediation Program: [www.in.gov/idem/tanks/2333.htm](http://www.in.gov/idem/tanks/2333.htm).



Visit [on.IN.gov/survey](http://on.IN.gov/survey) or scan the QR code to provide feedback.

*We appreciate your input!*



Hamilton County Department of Health

I have included a public notice which may be utilized by the county health officer for publication purposes. If you have further questions, please feel free to contact IDEM at (317) 232-8900.

Enclosures

- Sample public notice
- Initial Incident Report

## **Sample Public Notice**

### **Public Notice of Petroleum Release, Spill or Overfill**

- Local health departments are required by statute (IC 13-23-16) to inform the public of the discovery of released regulated substances at an underground storage tank site or in the surrounding area under 329 IAC 9-4-1 (1) or a spill or overfill under 329 IAC 9-4-4 (a). The Indiana Department of Environmental Management (IDEM) was notified on March 12, 2024, of such an incident from the owner or operator of the Circle K #2313 facility located at 7788 East 96<sup>th</sup> Street in or near Fishers, Indiana in Hamilton County.
- For further information on the Leaking Underground Storage Tank program, please go to [www.in.gov/idem/tanks/2333.htm](http://www.in.gov/idem/tanks/2333.htm).
- Or contact the Indiana Department of Environmental Management at (317) 232-8900 or by e-mail at [LeakingUST@idem.IN.gov](mailto:LeakingUST@idem.IN.gov).



# LEAKING UNDERGROUND STORAGE TANK (UST) INITIAL INCIDENT REPORT

State Form 54487 (R2 / 3-16)  
INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
LEAKING UNDERGROUND STORAGE TANK SECTION

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
OFFICE OF LAND QUALITY  
LEAKING UNDERGROUND STORAGE TANK SECTION  
100 N. Senate Ave., IGCN 1101  
Indianapolis, IN 46204-2251  
Telephone: (317) 232-8900; Fax number: (317) 234-0428  
E-mail: [LeakingUST@idem.in.gov](mailto:LeakingUST@idem.in.gov)

- INSTRUCTIONS:**
- In accordance with 329 IAC 9-4 and 9-5, owners and operators must report all suspected and confirmed releases within twenty-four (24) hours of discovery. The UST owner, operator or representative should fill out the form completely and submit it to IDEM along with a copy of the current UST Notification Form.
  - Complete one report for each release or spill (source area).
  - Unless corrective action is initiated in accordance with 329 IAC 9-5, the owner and operator shall immediately investigate and confirm all suspected releases within seven (7) days in accordance with 329 IAC 9-4-3.
  - For additional guidance of the "Source and Cause" section, go the [www.epa.gov/oust/fedlaws/final-pub-rec-qfs-011907.pdf](http://www.epa.gov/oust/fedlaws/final-pub-rec-qfs-011907.pdf).
  - E-mail completed form to [LeakingUST@idem.IN.gov](mailto:LeakingUST@idem.IN.gov) or fax to (317) 234-0428.

Facility ID Number 17010

## INCIDENT/PRIORITY INFORMATION

<b>IDEM USE ONLY</b>	<b>PRIORITY</b>			
	<input checked="" type="checkbox"/> Low	<input type="checkbox"/> Medium	<input type="checkbox"/> High	<input type="checkbox"/> Unknown
Incident Number	202401505			

## REPORTING/FACILITY/OWNER/OPERATOR INFORMATION

<b>DATE (month, day, year)</b>		<b>TYPE</b>		<b>REPORTED VIA</b>		
Reported 01/03/2024	Discovered 12/21/2023	<input checked="" type="checkbox"/> Confirmed	<input type="checkbox"/> Suspected	<input type="checkbox"/> Fax Number	<input checked="" type="checkbox"/> E-mail	<input type="checkbox"/> Telephone Number

Reporter: Contact/Title James Madding - Project Manager	<input type="checkbox"/> Consultant	Facility: Contact/Title Liz Ward - Environmental Representative
Company American Environmental Corporation		Facility Name Circle K #2313
Street Address (number and street) 8500 Georgetown Road		Street Address (number and street) 7788 E. 96th Street
City/State/ZIP code Indianapolis, IN 46268	Telephone Number 317-871-4090 ext. 206	City/State/ZIP code Fishers, IN 46037
E-mail Address madding@aecindy.com		Telephone Number 317-578-0526
		Existing Environmental Restrictive Covenant on Property <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

UST Owner: Contact/Title Liz Ward - Environmental Representative	Company Mac's Convenience Stores LLC	Street Address (number and street) 4080 Jonathan Moore Pike	City/State/ZIP code Columbus, IN 47201	Telephone Number 812-379-9227	UST Property Owner: Contact/Title John W. & Pamela S. West	Company	Street Address (number and street) 9801 Fall Creek Road, Suite 336	City/State/ZIP code Indianapolis, IN 46256	Telephone Number 317-841-3434
E-mail Address mward@circlek.com	Financial Assurance Mechanism				E-mail Address johnwest@west-partners.com				Certificate of Financial Assurance (COFA) Number (when applicable) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

## UST SYSTEM INFORMATION/CHECK

Last Tank Tightness Test Date 4 /13/2022	Last Line Tightness Test Date 4 /13/2023	Dispenser leaking/weeping <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Number(s)	Product in UST Pit <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Feet	Product in Sumps <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Feet	
<b>TANK SIZE</b>	<b>TANK STATUS</b>	<b>CONTENTS</b>		<b>LEAKING</b>	<b>MANIFOLDED/COMPARTMENT</b>
12,000	In-Use	<input checked="" type="checkbox"/> Gas	<input type="checkbox"/> Kerosene <input type="checkbox"/> Diesel <input type="checkbox"/> Used Oil <input type="checkbox"/> Biofuel <input type="checkbox"/> Other	<input type="checkbox"/>	<input type="checkbox"/>
12,000	In-Use	<input checked="" type="checkbox"/> Gas	<input type="checkbox"/> Kerosene <input type="checkbox"/> Diesel <input type="checkbox"/> Used Oil <input type="checkbox"/> Biofuel <input type="checkbox"/> Other	<input type="checkbox"/>	<input type="checkbox"/>
12,000	In-Use	<input checked="" type="checkbox"/> Gas	<input type="checkbox"/> Kerosene <input type="checkbox"/> Diesel <input type="checkbox"/> Used Oil <input type="checkbox"/> Biofuel <input type="checkbox"/> Other	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/> Gas	<input type="checkbox"/> Kerosene <input type="checkbox"/> Diesel <input type="checkbox"/> Used Oil <input type="checkbox"/> Biofuel <input type="checkbox"/> Other	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/> Gas	<input type="checkbox"/> Kerosene <input type="checkbox"/> Diesel <input type="checkbox"/> Used Oil <input type="checkbox"/> Biofuel <input type="checkbox"/> Other	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/> Gas	<input type="checkbox"/> Kerosene <input type="checkbox"/> Diesel <input type="checkbox"/> Used Oil <input type="checkbox"/> Biofuel <input type="checkbox"/> Other	<input type="checkbox"/>	<input type="checkbox"/>
Unregulated Tanks or Additional Tank Comments					

## KNOWLEDGE OF RELEASE

<input type="checkbox"/> Tank Tightness Test	<input type="checkbox"/> Tank Leak Detector	<input type="checkbox"/> UST Closure	<input type="checkbox"/> Phase II ESA	<input checked="" type="checkbox"/> UST Inspection	<input type="checkbox"/> Surface Spill
<input type="checkbox"/> Line Tightness Test	<input type="checkbox"/> Line Leak Detector	Date / /	Date / /	Amount: gal	
<input type="checkbox"/> Inventory loss	<input type="checkbox"/> Sump Leak Detector	<input type="checkbox"/> Site Check	<input type="checkbox"/> Cathodic Protection Testing	<input type="checkbox"/> Citizen Complaint	<input type="checkbox"/> Other



### HISTORICAL RELEASES

Incident Number 200507507	<input type="checkbox"/> Active <input checked="" type="checkbox"/> NFA	Associated with New Release <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Incident Number	<input type="checkbox"/> Active <input type="checkbox"/> NFA	Associated with New Release <input type="checkbox"/> Yes <input type="checkbox"/> No

### SOURCE AND CAUSE

SOURCE	CAUSE						
	Spill	Overfill	Corrosion	Physical or Mechanical Damage	Install Problem	Other	Unknown
Tank	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Piping	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dispenser	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Submersible Turbine Pump	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Delivery Problem	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### AFFECTED AREAS

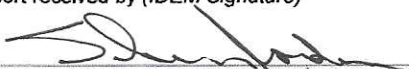
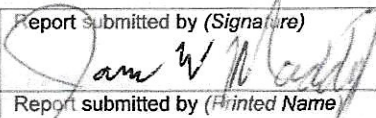
FACTORS	YES	NO	UNK			
Soil Contamination	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Highest Lab Results; Benzene	ppm, Naphthalene	ppm, Other 0.158 ppm
Groundwater Contamination	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Highest Lab Results; Benzene	ppb, Naphthalene	ppb, Other 77.3 ppb
Free Product	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thickness	feet	Area
Drinking water well impacted	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Highest lab sample result	ppb	Distance to well?
Vapors in inhabitable building	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Concentration	<input type="checkbox"/> % LEL <input type="checkbox"/> ppm	
Utility corridors affected	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Storm Sewer <input type="checkbox"/> Sanitary Sewer <input type="checkbox"/> Water <input type="checkbox"/> Electric <input type="checkbox"/> Gas <input type="checkbox"/> Telephone <input type="checkbox"/> Cable		
Wellhead protection area within one (1) year time of travel or 1000'	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Distance?	feet	
Surface water impacted	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Type		Name
Emergency Response Incident Reported?	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Spill Number		Fire Department Notified <input type="checkbox"/> Yes <input type="checkbox"/> No
Other						

### ADDITIONAL SITE INFORMATION

ADDITIONAL FACTORS	
Nearest inhabitable building	100 feet <input type="checkbox"/> N/A
Nearest surface water	1,200 feet <input type="checkbox"/> N/A
Potable water wells within 500 feet	Number of wells 2 Distance to nearest well 300
Karst/fractured bedrock	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Anticipated groundwater flow direction	Southwest

### COMMENTS

Describe in detail information including, but not limited to, the source and cause of release, nature of contamination and reason for sampling:  
 While performing a UST inspection, Inspector Matt Rozycki observed free product in the UST #2 (unleaded) STP sump. K & W Fueling Systems was dispatched to the site to investigate and make any needed repairs.  
 A Release Investigation revealed detectable MTBE concentrations in the soil and groundwater.

Report received by (IDEM Signature)	Date (month, day, year)	Report submitted by (Signature)	Date (month, day, year)
	3/12/2024		03/12/2024
Report received by (IDEM Printed Name)		Report submitted by (Printed Name)	
Sherry Jordan		James E. Madding	