



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Brian C. Rockness
Commissioner

January 13, 2022

MIHIR Enterprise Inc.
Attn: Pravinkumar Patel, Registered Agent
7107 State Highway 66
Wadesville, IN 47638

MIHIR Enterprise Inc.
Attn: Pravinkumar Patel
Via email: pravinpatel784@yahoo.com

Re: Violation Letter
Franky Js
7101 SR 66
Wadesville, Posey County
UST Facility ID # **19077**

Dear Mr. Patel:

An inspector from the Indiana Department of Environmental Management (IDEM), Underground Storage Tank (UST) Section, conducted an inspection of the site referenced above on December 20, 2021.

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.

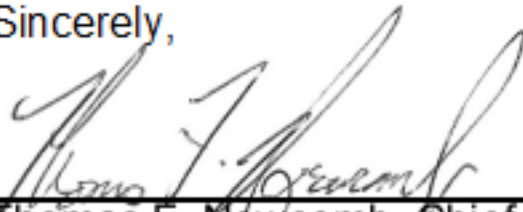
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **19077**.

Inspector: Brock Goodman
Phone: (812) 582-9843

Direct any questions regarding the inspection to:

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

Sincerely,



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

cc: Loic Maniet
Brock Goodman
UST Facility ID File # 19077

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: Franky J's	UST FACILITY ID: 19077
ADDRESS: 7107 State Road 66 Wadesville, IN 47638	INSPECTION DATE: December 20, 2021

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 last Notification Form on file had incorrect overfill protection equipment information and release detection methods for both tanks and piping.

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.

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 no financial mechanism has been provided.

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.

§ 280.41(b)(1)(i)(A) – Failure to equip piping with or test automatic leak detectors
Citation:
Pursuant to 40 CFR 280.41(b)(1)(i)(A), 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 be equipped with an automatic line leak detector conducted in accordance with § 280.44(a).
Violation Details:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because no current leak detector testing records have been provided.</i>
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 its automatic leak detector tested 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.

§ 280.41(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:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because no current line tightness testing records have been provided.</i>
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 overflowing associated with product transfer to the UST system, owners and operators must use the following spill and overflow 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 upper ring of the PREM spill bucket is loose. This could prevent the spill bucket from performing to standard in the event of a spill or overflow.

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 spill prevention equipment that will prevent the release of product to the environment. The UST owner and/or operator must submit proof that the spill prevention equipment has been installed within forty five (45) days of 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 metal components of the piping in the STPs were in direct contact with soil without apparent corrosion protection.

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. The UST owner and/or operator must inform IDEM of the proposed work within thirty (30) days of receipt of this notice and receive approval before completing the work. The work must be completed within forty five (45) days of receipt of this notice. If the piping or metal components are determined to be substandard, the UST owner and/or operator shall immediately notify IDEM of their intent to remove or replace the affected components.

§ 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:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because upon inspection the piping beneath the dispensers had what appeared to be installed anodes for cathodic protection. If anodes have been installed to provide corrosion protection, a cathodic protection test must be completed every three (3) years.</i>
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.

§ 280.35(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 overflow 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:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because no spill bucket testing records have been provided.</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 spill prevention equipment and containment sumps. Documentation, to include photographs, inspection, repair and testing results, showing the spill prevention equipment and containment sumps 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 no overfill testing records have been provided.</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 no ATG functionality testing records have been provided.</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 no ATG probes testing records have been provided.</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.

§ 280.245 – 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 no current certificates for class A,B,C operator training have 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: **19077**

Inspector's Name:	Brock Goodman
Date:	December 20, 2021
Time In:	12:05
Time Out:	13:20
Inspection Type:	Initial

FACILITY NAME / LOCATION

FACILITY NAME Franky J's		FACILITY ADDRESS (number and street) 7107 SR 66			
ADDRESS (line 2)	CITY Wadesville	STATE IN	ZIP CODE 47638	COUNTY Posey	

UST OWNER

UST Owner Name (If in Individual Capacity) MIHIR Enterprises Inc				BUSINESS ID (From the Secretary of State) 2011030100076	
PREFIX Mr	FIRST NAME Pravinkumar	MI	LAST NAME Patel	SUFFIX	
TELEPHONE NUMBER (812) 205-6505		EMAIL ADDRESS pravinpatel784@yahoo.com			

UST OPERATOR

UST Operator Name (If in Individual Capacity) MIHIR Enterprises Inc				BUSINESS ID (From the Secretary of State) 2011030100076	
PREFIX Mr	FIRST NAME Pravinkumar	MI	LAST NAME Patel	SUFFIX	
TELEPHONE NUMBER (812) 205-6505		EMAIL ADDRESS pravinpatel784@yahoo.com			

PROPERTY OWNER

UST Property Owner Name (If in Individual Capacity) MIHIR Enterprises Inc				BUSINESS ID (From the Secretary of State) 2011030100076	
PREFIX Mr	FIRST NAME Pravinkumar	MI	LAST NAME Patel	SUFFIX	
TELEPHONE NUMBER (812) 205-6505		EMAIL ADDRESS pravinpatel784@yahoo.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
Need updated notification form						
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 type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	N/A
Need financial responsibility mechanism						
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
Metal components of piping in direct contact with soil in STP and beneath dispensers						
40 CFR 280, Subpart C spill/overfill control requirements met	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	N/A
Prem spill bucket loose						
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 spill bucket testing; overfill prevention testing, CP test (if anodes installed on piping)						
40 CFR 280, Subpart D release detection requirements met	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK
Need ATG/Probes test, LLD/LTT test						
40 CFR 280, Subpart J operator training requirements met	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK
Need A,B,C operator 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) FG SW USTs installed in October 1988
- One (1) 8K REG GSL
- One (1) 8K PREM GSL
- One (1) 8K 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 34 years old and the owner should start planning on removing or replacing them soon.

- Piping is FG SW and pressurized

RD UST = SIR (not being performed, VR 450 installed and utilized for RD)

RD Piping = LLD, SIR (not being performed), LTT

Overfill/Spill = Spill Buckets + Auto Shutoff (original + current) + Ball Float (inspections and current)

ATG Certification = N (not required if SIR)

Overfill Protection Test = N

Spill bucket Test = N

Containment Sumps Test (not required) = N

- Original had Auto but inspection points to no Auto, if no Auto, need proof of overfill

Site History:

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

Contact Information

Pravinkumar Patel pravinpatel784@yahoo.com

Documentation not provided at the time of the file review:

- (NF 5/13/2016, Approval 6/1/2016 - incorrect overfill)
- Certificate of Financial Responsibility
- Operator Certificates
- Release Detection Records (SIR)
- Leak Detector (if SIR performed)
- spill bucket test
- overfill testing
- walk through

INSPECTOR NOTES:

1. Site appears to have a KER dispenser that is connected to an estimated 500 gallon aboveground farm tank. No piping goes underground; dispenser sits on top of what appears to be a concrete pad.
2. Inspector confirmed that ATG is release detection for USTs.

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

1. All spill buckets have negligible amount of fluid/debris; clean and monitor as needed.

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2. Piping within the KER dispensing unit has minor seepage. In addition, the piping connecting to the aboveground tank has minor seepage and is creating "sludge"; clean, repair, and monitor closely.

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. No line leak detector testing; no line tightness testing provided
2. Metal component of piping in all STPs are in direct contact with soil without apparent corrosion protection; All piping beneath dispensers has what appears to be anodes installed for cathodic protection;
3. Upper ring on PREM spill bucket is loose;
4. No spill bucket testing; overfill protection testing has been provided
5. No ATG functionality testing; ATG probes testing has been provided
6. No A,B,C operator training has been provided

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):

1. Need updated notification form to reflect correct overfill devices and release detection method (for both tanks and piping)
2. Need documents for financial responsibility mechanism
3. Need record of line tightness testing; line leak detector testing .
4. Need documentation of installation of proper corrosion protection for the metal components of the piping in the STPs and beneath the dispensers. If anodes are installed beneath the dispensers to provide corrosion protection, a cathodic protection test would be required every 3 years. In addition, documentation must be provided to confirm the material of the piping.
5. Need record of repair to PREM spill bucket .
6. Need record of spill bucket and overfill protection testing
7. Need record of ATG/Probes testing
8. Need certificates of training for A,B,C operators