



## 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. Rockness  
Commissioner

January 20, 2022

Neelam Inc  
Attn: Imtiyaz Vahora, Registered Agent  
3550 169th St  
Hammond, IN 46323

Indiana Petro Inc  
Attn: Jaswinder Sahi, Registered Agent  
1048 Kensington Ct  
Scherville, IN 46375

Re: Violation Letter  
Briar East Marathon  
3550 169th St  
Hammond, Lake County  
UST Facility ID # **11485**

Dear Messrs. Vahora and Sahi:

An inspector from the Indiana Department of Environmental Management (IDEM), Underground Storage Tank (UST) Section, conducted an inspection of the site referenced above on January 4, 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.

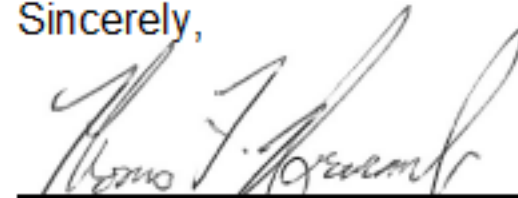
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at [USTCompliance@idem.in.gov](mailto:USTCompliance@idem.in.gov). Include in the subject line of the response the UST Facility ID # **11485**.

Inspector: John Metz  
Phone: (317) 296-0383

Direct any questions regarding the inspection to:

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

Sincerely,



---

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

cc: Carrie Maniet  
John Metz  
UST Facility ID File # 11485  
Neehal Inc  
Attn: Imtiyaz Vahora, Registered Agent  
3550 169th St  
Hammond, IN 46323

Briar East Marathon  
Attn: Imtiyaz Vahora, vahoraimtiyaz@yahoo.com  
Attn: Jaswinder Sahi, sonnysahi@ameritech.net  
Attn: Harjit Sahi, hssahi@ameritech.net

**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>Briar East Marathon</b>	UST FACILITY ID: <b>11485</b>
ADDRESS: <b>3550 169th St, Hammond, Lake County</b>	INSPECTION DATE: <b>01/04/2022</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 their 2020 Notification Form was rejected for missing information on spill buckets, overfill, STP sumps, 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.

**§ 280.34 – Reporting and recordkeeping (general provisions)**

Citation:

Pursuant to 40 CFR 280.34, owners and operators of UST systems must cooperate fully with inspections, monitoring and testing conducted by the implementing agency, as well as requests for document submission, testing, and monitoring by the owner or operator pursuant to section 9005 of Subtitle I of the Solid Waste Disposal Act, as amended.

Violation Details:

*The owner and/or operator of the UST system(s) at this site are in violation of this rule because no documents were submitted in response to the December 16, 2021 records request.*

Corrective Action:

The owner and/or operator of the UST systems at this site shall immediately perform the monitoring or testing required by the rules and/or submit the requested documentation within seven (7) days of receipt of this notice.

<b>329 IAC 9-8-11(b) – Failure to demonstrate the ability to pay the deductible amount</b>
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:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because they did not submit documentation of their financial responsibility mechanism.</i>
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.

<b>§ 280.20(c)(1)(i) – Failure to have spill prevention equipment that will prevent release</b>
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:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because the spill buckets contained debris/fluid and are not providing adequate spill prevention.</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 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.

<b>§ 280.36(a)(1)(i) – Failure to perform 30 day walkthrough inspections</b>
<b>Citation:</b>
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).
<b>Violation Details:</b>
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because they did not provide any 30-day walk through inspections.</i>
<b>Corrective Action:</b>
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.

<b>§ 280.40(a)(1) – Failure to provide release detection for any portion of the tank &amp; piping</b>
<b>Citation:</b>
Pursuant to 40 CFR 280.40(a)(1), owners and operators of UST systems must provide a method, or combination of methods, of release detection that can detect a release from any portion of the tank and the connected underground piping that routinely contains product.
<b>Violation Details:</b>
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because release detection records for the tanks and piping was not submitted.</i>
<b>Corrective Action:</b>
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 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.

<b>§ 280.40(a)(3)(i) – Failure to perform annual tests of ATG</b>
<b>Citation:</b> 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.
<b>Violation Details:</b> <i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because they did not provide results of annual ATG testing.</i>
<b>Corrective Action:</b> 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.

<b>§ 280.40(a)(3)(ii) – Failure to perform annual tests of probes &amp; sensors</b>
<b>Citation:</b>
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.
<b>Violation Details:</b>
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because they did not complete the annual tests of probes and/or sensors.</i>
<b>Corrective Action:</b>
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.

<b>§ 280.240 – Failure to designate Class A, Class B or Class C operators that meet requirements</b>
<b>Citation:</b>
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.
<b>Violation Details:</b>
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because they did not provide any operator certificates.</i>
<b>Corrective Action:</b>
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: **11485**

Inspector's Name:	John Metz
Date:	January 4, 2022
Time In:	10:50
Time Out:	11:40
Inspection Type:	Initial

**FACILITY NAME / LOCATION**

FACILITY NAME Briar East Marathon		FACILITY ADDRESS (number and street) 3550 169th St			
ADDRESS (line 2)	CITY Hammond	STATE IN	ZIP CODE	COUNTY Lake	

**UST OWNER**

UST Owner Name (if in Individual Capacity) Indiana Petro Inc				BUSINESS ID (From the Secretary of State) 2003080800013	
PREFIX	FIRST NAME Jaswinder	MI	LAST NAME Sahi		SUFFIX
TELEPHONE NUMBER (219) 746-1996		EMAIL ADDRESS sonnysahi@ameritech.net			

**UST OPERATOR**

UST Operator Name (if in Individual Capacity) Indiana Petro Inc				BUSINESS ID (From the Secretary of State) 2003080800013	
PREFIX	FIRST NAME Harjit	MI	LAST NAME Sahi		SUFFIX
TELEPHONE NUMBER (219) 746-1996		EMAIL ADDRESS hssahi@ameritech.net			

**PROPERTY OWNER**

UST Property Owner Name (if in Individual Capacity) Neelam Inc				BUSINESS ID (From the Secretary of State) 2014031000784	
PREFIX	FIRST NAME Imtiyaz	MI	LAST NAME Vahora		SUFFIX
TELEPHONE NUMBER		EMAIL ADDRESS vahoraimtiyaz@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
2020 Notification Form was rejected for missing information on spill buckets, overfill, STP sumps, and piping						
O/O is in compliance with reporting & record keeping requirements	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK
No documents were submitted in response to the December 16, 2021 records request						
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						
O/O is in compliance with all UST closure requirements	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	N/A
No closure report for 2005 tank closure by previous owner						
O/O has met all financial responsibility requirements	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	N/A
FR was not submitted						
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						
40 CFR 280, Subpart B installation and upgrade requirements met	<input type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	UNK
40 CFR 280, Subpart C spill/overfill control requirements met						
40 CFR 280, Subpart C spill/overfill control requirements met	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	N/A
Regular Gas west spill bucket was completely full						
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						
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 inspections July - December						
40 CFR 280, Subpart D release detection requirements met	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK
ATG/probes test, RD, line tightness test not submitted						
40 CFR 280, Subpart J operator training requirements met	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK
Operator certificates were not submitted						

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 1/1/1992

Three (3) 12K GSL (2 Manifolder)

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 and the owner should start planning on removing or replacing them soon.

Piping - FG - Pressurized

RD UST - ATG

CP UST - Galvanic

RD Piping - LTT - LD

Spill protection/Overfill - Spill bucket - Flapper

ATG Certification = N

Overfill Protection Test = N

Spill bucket Test = Y 4/29/2021

Containment Sumps Test Required N

Last known CP 4/29/2021

Site is an active gas station

Any Site history or concerns Ulcers lists USTs as being installed at separate times, file review shows all three 12K USTs were installed at the same time at end of year 1992.

Four USTs removed 11/1992 (Closure report on file)

One UST removed 10/2005 (No closure report on file)

Documentation received -

Notification form - 2/25/2020 (Rejected)

No additional documents received at time of review

CP Test 4/29/2021 (From file)

LD 4/29/2021 Pass (From file)

Spill bucket test 4/29/2021 (From file)

Overfill test 4/29/2021 (From file)

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. The Regular Gas east spill bucket was missing the retaining ring for the lid, and the lid was not seating properly.
2. The Regular Gas east fill port cap was broken.
3. The Regular Gas east STP sump contained water, sludge, and debris.
4. The Premium Gas fill port cap was missing a gasket.
5. The Premium Gas fill port contained water.
6. The Regular Gas west STP sump contained sludge and debris.
7. Dispensers #1/2 and 6/7 had seepage on piping.
8. Dispensers #3, 4/5, and 6/7 had backfill that was almost high enough to get past the cathodic protective wrap.

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:

9. All spills buckets contained debris/fluid and are not providing adequate spill prevention.

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:

10. Updated and corrected Notification Form
11. Financial responsibility mechanism
12. Walk-through inspections July through December
13. Twelve (12) months of passing release detection results
14. ATG functionality/probes test
15. Line tightness test
16. Operator Certificates A, B, C