



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

Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

April 26, 2022

Bani LLC
Attn: Diwan Gothra, Registered Agent
1332 Roundtable Dr
West Lafayette, IN 47906

Arlington Marathon LLC
Attn: Hardeep Singh, Registered Agent
16424 Drayton Way
Fortville, IN 46040

Re: Violation Letter
Marathon Food Mart
990 N Arlington Ave
Indianapolis, Marion County
UST Facility ID # **12091**

Dear Messrs. Gothra and Singh:

An inspector from the Indiana Department of Environmental Management (IDEM), Underground Storage Tank (UST) Section, conducted an inspection of the site referenced above on March 29, 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.

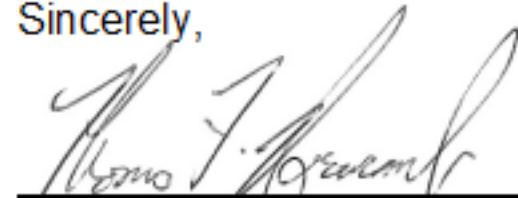
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **12091**.

Inspector: Brandon Davis
Phone: (317) 464-7666

Direct any questions regarding the inspection to:

Compliance Manager: Caitlin Shaffer
Phone: (317) 234-4112

Sincerely,



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

cc: Caitlin Shaffer
Brandon Davis
UST Facility ID File # 12091
Marathon Food Mart
Attn: Pritpal Gothra, pgothra@aol.com
Attn: Hardeep Singh, arlington10thstreet@gmail.com

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: Marathon Food Mart	UST FACILITY ID: 12091
ADDRESS: 990 N. Arlington Avenue Indianapolis, IN 46219 - Marion County	INSPECTION DATE: 3/29/2022

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 an up-to-date Notification Form (45223) needs to be submitted detailing the correct ownership information.

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 an up-to-date Financial Responsibility mechanism needs to be submitted to IDEM.

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.

§ 280.36(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 documentation detailing the monthly walkthrough inspections from July-December of 2021 need to be submitted to IDEM.</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.



**UNDERGROUND STORAGE
TANK INSPECTION REPORT**

INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

UST FAC ID: **12091**

Inspector's Name:	Brandon Davis
Date:	March 29, 2022
Time In:	09:07
Time Out:	10:25
Inspection Type:	Initial

FACILITY NAME / LOCATION

FACILITY NAME Marathon Food Mart		FACILITY ADDRESS (number and street) 990 N. Arlington Avenue			
ADDRESS (line 2)	CITY Indianapolis	STATE IN	ZIP CODE 46219	COUNTY Marion	

UST OWNER

UST Owner Name (Business Name as registered with the Secretary of State) Arlington Marathon LLC				BUSINESS ID (From the Secretary of State) 202203071572162	
PREFIX Mr.	FIRST NAME Hardeep	MI	LAST NAME Singh		SUFFIX
TELEPHONE NUMBER (317) 529-4815		EMAIL ADDRESS arlington10thstreet@gmail.com			

UST OPERATOR

UST Operator Name (Business Name as registered with the Secretary of State) Arlington Marathon LLC				BUSINESS ID (From the Secretary of State) 202203071572162	
PREFIX Mr.	FIRST NAME Hardeep	MI	LAST NAME Singh		SUFFIX
TELEPHONE NUMBER (317) 529-4815		EMAIL ADDRESS arlington10thstreet@gmail.com			

PROPERTY OWNER

UST Property Owner Name (Business Name as registered with the Secretary of State) Bani LLC				BUSINESS ID (From the Secretary of State) 2004121400260	
PREFIX	FIRST NAME	MI	LAST NAME Singh		SUFFIX
TELEPHONE NUMBER (765) 714-2699		EMAIL ADDRESS pgothra@aol.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
An up-to-date Notification Form (45223) needs to be submitted detailing correct ownership information.						
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 type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	N/A
Need to provide up-to-date 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 checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	UNK
40 CFR 280, Subpart C spill/overfill control requirements met	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	N/A
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
Monthly walkthrough inspections (July - Dec 2021) need to be provided;						
40 CFR 280, Subpart D release detection requirements met	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	UNK
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) fiberglass USTs installed in 1983

- (1) 10k RUL (10%)
- (1) 8k PREM (10%)
- (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 39 years old and the owner should start planning on removing or replacing them soon.

Piping: Fiberglass (Ameron) - Pressurized

RD UST = ATG

RD Piping = ATG, LT, LLD

Overfill/Spill = Spill Buckets; Flapper Valves; UDC Sumps

ATG Certification = Yes [3/14/2022]

Overfill Protection Test = Yes [3/14/2022]

Spill bucket Test = Yes [3/14/2022]

Site History:

- Site is an active service station with fueling capabilities.
- One (1) tank was previously removed from the facility on 5/1/1990.
- LUST Incident: #201810504 - Deactivation letter sent by IDEM on October 18, 2018.

Documentation provided at the time of the file review:

- Notification Form submitted [8/6/2019]
- A, B and C operator certificates
- ATG Functionality + Probes/Sensors [3/14/2022]
- Overfill Prevention test results [3/14/2022]
- Spill bucket test results [3/14/2022]
- Line Tightness test results [3/14/2022]
- Line Leak Detector test results [3/14/2022]

Inspector Notes:

- The UST owner/operator arrived onsite during the inspection. He explained the facility recently changed ownership and he provided up to date contact information and details about the new ownership. Inspector told him an updated Notification Form will need to be submitted detailing the new ownership.

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

- Fees from 2021 are overdue and need to be paid. The previous owner owes these fees. They need to be paid if ELTF is to be accessed at any point in the future. Contact Rita Browne to receive an invoice and to pay these fees: rbrowne@idem.in.gov
- There was a small amount of fluid within the RUL, DSL and PREM spill buckets.
- The UDC for the DSL dispenser contained water.

The following are VIOLATIONS discovered during the inspection that will need to be corrected to avoid further action and achieve compliance with the state underground storage tank program. Submit all Compliance Documents to USTCompliance@idem.IN.gov with FID in subject line.

1. An up-to-date Notification Form (45223) needs to be submitted detailing the correct ownership information. At the time of inspection, inspector spoke with the new owner/operator and he explained the facility recently changed ownership. An updated form needs to be submitted to USTRegistration@idem.in.gov
2. An up-to-date Financial Responsibility mechanism needs to be submitted to IDEM.
3. Documentation detailing the monthly walkthrough inspections from July - December of 2021 need to be provided to IDEM. The UST compliance binder at the facility contained monthly inspections from January - March of 2022.