



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

J & D Oil Corporation
Attn: Rash Pal, Registered Agent
6998 E 21st St
Indianapolis, IN 46219

J & D Oil Corporation
Attn: Rash Pal
Via email: jdoil@hotmail.com
jdoil1@hotmail.com

Re: Violation Letter
Exxon / Shell Dealer Indpls E 21st St
6998 E 21st St
Indianapolis, Marion County
UST Facility ID # **131**

Dear Mr. Pal:

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

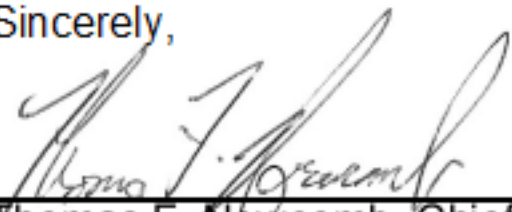
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **131**.

Inspector: Tristan Voge
Phone: (317) 719-2574

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
Tristan Voge
UST Facility ID File # 131

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: Exxon / Shell Dealer Indpls E 21st	UST FACILITY ID: 131
ADDRESS: 6998 E 21st St, Indianapolis, Marion County	INSPECTION DATE: 08/29/2022

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 they need to provide an updated Notification Form with complete piping details, as it appears the piping has been replaced sometime after the original 1986 installation.

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 State Form 45223 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 they did not respond to IDEM's records request dated 07/28/2022.

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.

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 a mechanism of financial responsibility was not 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.

§ 280.20(d) – Failure to properly install UST system in accordance with a nationally recognized code of practice

Citation:

Pursuant to 40 CFR 280.20(d), the UST system must be properly installed in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and in accordance with the manufacturer's instructions.

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because the ribs of the tanks surrounding the STP sump walls appear to be cut into during the sump installation process.

Corrective Action:

The owner and/or operator of the UST systems at this site shall, within thirty (30) days of receipt of this notice, submit documentation proving the UST systems were installed in accordance with manufacturer's instructions or according to a national industry standard that allows the ribs to be cut. If documentation is not available, the owner and/or operator shall have a licensed engineer inspect the installation to ensure function and integrity and provide IDEM with approval documentation within forty five (45) days of the receipt of this notice or submit their Intent to Close all affected systems.

§ 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:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because a periodic spill prevention equipment test report was not provided.

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. Documentation, to include photographs, inspection, repair and testing results, showing the spill prevention equipment is 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 overflow prevention equipment

Citation:

Pursuant to 40 CFR 280.35(a)(2), overflow prevention equipment must be inspected at least once every three years. At a minimum, the inspection must ensure that overflow 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:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because a periodic overflow prevention equipment test report was not provided.

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 overflow prevention equipment. Documentation, to include photographs, inspection, repair, measurements and testing results, showing the overflow 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 an annual ATG functionality test report was not 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 an annual probes functionality test report was not 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.

§ 280.40(a)(3)(iii) – Failure to perform annual tests of ALLD
Citation:
Pursuant to 40 CFR 280.40(a)(3)(iii), 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: (iii) Automatic line leak detector: test operation to meet criteria in § 280.44(a) by simulating a leak.
Violation Details:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because an annual leak detector test report was not provided.</i>
Corrective Action:
The owner and/or operator of the UST systems at this site shall have the automatic line leak detectors tested for proper operation by simulating a leak within thirty (30) days of receipt of this notice and submit the results within forty five (45) 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 08/2021-08/2022 monthly walkthrough inspections were not provided.</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.

§ 280.36(a)(1)(ii) – Failure to perform annual walkthrough inspections
Citation: Pursuant to 40 CFR 280.36(a)(1)(ii), to properly operate and maintain UST systems, not later than June 28, 2021 owners and operators must conduct a walkthrough inspection annually that, at a minimum, checks containment sumps and hand held release detection equipment.
Violation Details: <i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because an annual walkthrough inspection was not provided.</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 annual 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.

§ 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 A, B and C operator certificates were not 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: **131**

Inspector's Name:	Tristan Voge
Date:	August 29, 2022
Time In:	09:00
Time Out:	10:00
Inspection Type:	Initial

FACILITY NAME / LOCATION

FACILITY NAME Exxon / Shell Dealer Indpls E 21st St		FACILITY ADDRESS (number and street) 6998 E 21st St			
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) J & D Oil Corp		BUSINESS ID (From the Secretary of State) 2000030800220			
PREFIX	FIRST NAME Rash	MI	LAST NAME Pal		SUFFIX
TELEPHONE NUMBER (317) 352-0500		EMAIL ADDRESS jdoil@hotmail.com			

UST OPERATOR

UST Operator Name (Business Name as registered with the Secretary of State) J & D Oil Corp		BUSINESS ID (From the Secretary of State) 2000030800220			
PREFIX	FIRST NAME	MI	LAST NAME		SUFFIX
TELEPHONE NUMBER (317) 352-0500		EMAIL ADDRESS			

PROPERTY OWNER

UST Property Owner Name (Business Name as registered with the Secretary of State) J & D Oil Corp		BUSINESS ID (From the Secretary of State) 2000030800220			
PREFIX	FIRST NAME	MI	LAST NAME		SUFFIX
TELEPHONE NUMBER (317) 352-0500		EMAIL ADDRESS			

COMPLIANCE ELEMENTS

All USTs properly registered and up-to-date notification form on file	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK	<input type="checkbox"/>
Owner needs to submit an updated Notification Form with complete piping information and install date.						
O/O is in compliance with reporting & record keeping requirements	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK	<input type="checkbox"/>
The owner and/or operator did not respond to IDEM's records request dated 07/28/2022.						
O/O is in compliance with release reporting or investigation	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>	N/A	UNK
O/O is in compliance with all UST closure requirements	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>	N/A	UNK
O/O has met all financial responsibility requirements	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	N/A	UNK
A mechanism of financial responsibility was not provided.						
40 CFR 280, Subpart A installation requirements (partially excluded) met	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>	N/A	UNK
40 CFR 280, Subpart B installation and upgrade requirements met	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK	<input type="checkbox"/>
Owner needs to submit documentation on sump installation.						
40 CFR 280, Subpart C spill/overfill control requirements met	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	N/A	UNK
40 CFR 280, Subpart C compatibility requirements met	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	N/A	UNK
40 CFR 280, Subpart C O&M and testing requirements met	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK	<input type="checkbox"/>
Periodic spill/overfill test reports, 08/2021-08/2022 monthly & annual walkthroughs not provided.						
40 CFR 280, Subpart D release detection requirements met	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK	<input type="checkbox"/>
Annual ATG/probes and line leak detector test reports were not provided.						
40 CFR 280, Subpart J operator training requirements met	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK	<input type="checkbox"/>
A, B and C operator certificates were not provided.						

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) SW fiberglass USTs installed in 1986 - all 10k GSL

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 36 years old, likely out of warranty and the owner should start planning on removing or replacing them soon.

Piping is fiberglass and pressurized

RD UST = ATG

RD Piping = ELLD, ATG

Overfill/Spill = Spill Buckets + Auto Shutoff

ATG Certification = No

Overfill Protection Test = No

Spill Bucket Test = No

Site History:

- One (1) 1k used oil tank at the back of the property was removed 12/17/1993. Closure report on file

Documentation provided at the time of the file review:

- Notification Form approved 3/24/2020
- NONE

Inspection Notes:

- Twelve (12) months of UST RD for the UNL and PREM and piping was collected from the ATG on site. Nine (9) months were collected for the DSL tank.

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

- According to the ATG records provided from the ATG on site, 12/2021-02/2022 release detection records were not available for the DSL UST.
- The DSL spill bucket is warped and bending and should be inspected by a certified contractor to ensure function and integrity. The spill bucket contained fluid that should be cleaned out and monitored as needed.
- The DSL and UNL STP containment sumps contained fluid that should be cleaned out and monitored as needed. The source of the fluid should be determined and remediated as needed.
- The secondary containment sump booting was observed to have a black liquid present that did not react to fuel indication paste, potential adhesive.
- The piping labels indicate the piping is Dualoy 3000/L, no installation date was observed.

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 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. The owner needs to submit an updated Notification Form detailing all piping information, including information on the piping install date. The piping does not appear to be original from 1986, and additional violations may apply based on the installation date.
2. The owner and/or operator did not respond to IDEM's records request dated 07/28/2022.
3. A mechanism of financial responsibility was not provided.
4. During the inspection, the ribs of the tanks appeared to be cut surrounding the STP sump walls. In the past, tanks that have experienced these support ribs being cut into have had catastrophic releases. The tanks and sumps should be inspected by a licensed engineer to ensure function and integrity, or the owner needs to submit documentation showing that the STP sumps were installed according to manufacturer instructions or a national industry standard.
5. A periodic spill prevention equipment test report was not provided.
6. A periodic overfill prevention equipment test report was not provided.
7. An annual ATG functionality test report was not provided.
8. An annual probes functionality test report was not provided.
9. An annual leak detector test report was not provided.
10. 08/2021-08/2022 monthly walkthrough inspections were not provided.
11. An annual walkthrough inspection was not provided.
12. A, B and C operator certificates were not 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:

- An updated Notification Form 45223
- A mechanism of financial responsibility
- A periodic spill prevention equipment test report
- A periodic overfill prevention equipment test report
- An annual ATG functionality and Probes test report
- An annual leak detector test report
- 08/2021-08/2022 monthly walkthrough and annual walkthrough inspections
- A, B and C operator certificates
- Documentation of STP sump installation according to standard pr inspected and approved by engineer