



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

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**Eric J. Holcomb**  
Governor

**Brian C. Rockensuess**  
Commissioner

December 30, 2022

Leopard LLC  
Attn: Jay Patel, Registered Agent  
632 N High St  
Rising Sun, IN 47040

Bluejay Petroleum Inc  
Attn: Jay Patel, Registered Agent  
632 N High St  
Rising Sun, IN 47040

Re: Violation Letter  
Rising Sun BP  
632 N High St  
Rising Sun, Ohio County  
UST Facility ID # **22394**

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 November 17, 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.

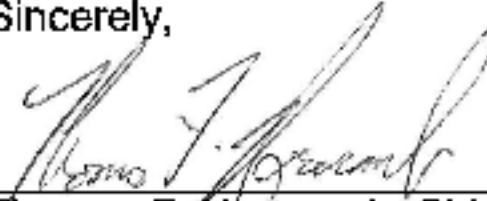
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at [USTCompliance@idem.in.gov](mailto:USTCompliance@idem.in.gov). Include in the subject line of the response the UST Facility ID # 22394.

Inspector: Matt James  
Phone: (317) 750-2491

Direct any questions regarding the inspection to:

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

Sincerely,



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

cc: Carrie Maniet  
Matt James  
UST Facility ID File # 22394  
Rising Sun BP  
Attn: Jay Patel  
Via email: [risingsunbp@gmail.com](mailto:risingsunbp@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: <b>Rising Sun BP</b>	UST FACILITY ID: <b>22394</b>
ADDRESS: <b>632 N High St Rising Sun, IN 47040</b>	INSPECTION DATE: <b>11/17/2022</b>

### VIOLATIONS NOTED IN THIS INSPECTION

#### IC 13-23-12-1 Failure to Pay UST Fees

##### Citation:

Pursuant to IC 13-23-12-1, each year, if an underground storage tank has not been closed before January 1 of the year under rules adopted under IC 13-23-1-2; or a requirement imposed by the commissioner before the adoption of rules under IC 13-23-1-2; the owner of the underground storage tank shall pay to the department an annual registration fee.

The annual registration fee required by this section is ninety dollars (\$90) for each underground petroleum storage tank or two hundred forty-five dollars (\$245) for each underground storage tank containing regulated substances other than petroleum.

If an underground storage tank consists of a single tank in which there are separate compartments, a separate fee shall be paid under subsection (b) for each compartment within the single tank. If an underground storage tank consists of a combination of tanks, a separate fee shall be paid under subsection (b) for each compartment within each tank in the combination of tanks.

For tanks that contain separate compartments and that were in use before July 1, 2014, the payment of a single annual fee of ninety dollars (\$90) for a tank containing separate compartments shall be deemed to satisfy the requirements of subsection.

##### Violation Details:

*The owner and/or operator of the UST system(s) at this site are in violation of this rule because UST fees are owed.*

##### Corrective Action:

The owner and/or operator of the UST systems at this site shall pay the required fees to the Indiana Department of Environmental Management 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 financial responsibility mechanism 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.

**§ 280.41(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:**

*The owner and/or operator of the UST system(s) at this site are in violation of this rule because line tightness testing results were not provided.*

**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.

<b>§ 280.40(a)(3)(iii) – Failure to perform annual tests of ALLD</b>
<b>Citation:</b> 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.
<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 line leak detector testing results were not provided.</i>
<b>Corrective Action:</b> 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.

<b>§ 280.35(a)(1) – Failure to perform periodic testing of spill prevention equipment and containment sumps used for IM</b>
<b>Citation:</b> 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.
<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 spill bucket testing results were not provided.</i>
<b>Corrective Action:</b> 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, containment sumps and UDC's. Documentation, to include photographs, inspection, repair and testing results, showing the spill prevention equipment, containment sumps and UDC's are liquid tight must be submitted within forty five (45) days of the receipt of this notice.

<b>§ 280.35(a)(2) – Failure to perform periodic testing of overfill prevention equipment</b>
<b>Citation:</b> 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.
<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 overfill protection testing results were not provided.</i>
<b>Corrective Action:</b> 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.
<b>§ 280.31(b) – Failure to inspect CP system, frequency and criteria</b>
<b>Citation:</b> 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.
<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 testing results for the piping corrosion protection was not provided.</i>
<b>Corrective Action:</b> 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.

<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 ATG testing results were not provided.</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 ATG probe testing results was not provided.</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 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>§ 280.36(a)(1)(ii) – Failure to perform annual walkthrough inspections (6/28/2022)</b>
<b>Citation:</b>
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.
<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 annual walk through documentation was not provided.</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 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.

<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 operator A, B and C training certificates were not provided.</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: **22394**

Inspector's Name:	Matt James
Date:	November 17, 2022
Time In:	11:30
Time Out:	12:30
Inspection Type:	Initial

**FACILITY NAME / LOCATION**

FACILITY NAME <b>Rising Sun BP</b>		FACILITY ADDRESS (number and street) <b>632 N High St</b>			
ADDRESS (line 2)	CITY <b>Rising Sun</b>	STATE <b>IN</b>	ZIP CODE <b>47040</b>	COUNTY <b>Ohio</b>	

**UST OWNER**

UST Owner Name (If in Individual Capacity) <b>Bluejay Petroleum Inc</b>					BUSINESS ID (From the Secretary of State) <b>2014091100563</b>
PREFIX	FIRST NAME <b>Jay</b>	MI	LAST NAME <b>Patel</b>	SUFFIX	
TELEPHONE NUMBER <b>(812) 438-3700</b>		EMAIL ADDRESS <b>risingsunbp@gmail.com</b>			

**UST OPERATOR**

UST Operator Name (If in Individual Capacity) <b>Bluejay Petroleum Inc</b>					BUSINESS ID (From the Secretary of State) <b>2014091100563</b>
PREFIX	FIRST NAME <b>Jay</b>	MI	LAST NAME <b>Patel</b>	SUFFIX	
TELEPHONE NUMBER <b>(812) 438-3700</b>		EMAIL ADDRESS <b>risingsunbp@gmail.com</b>			

**PROPERTY OWNER**

UST Property Owner Name (If in Individual Capacity) <b>Leopard LLC</b>					BUSINESS ID (From the Secretary of State) <b>2014102300089</b>
PREFIX	FIRST NAME <b>Jay</b>	MI	LAST NAME <b>Patel</b>	SUFFIX	
TELEPHONE NUMBER <b>(812) 438-3700</b>		EMAIL ADDRESS <b>risingsunbp@gmail.com</b>			

**COMPLIANCE ELEMENTS**

All USTs properly registered and up-to-date notification form on file	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	UNK	
In arrears Total due \$810.00							
O/O is in compliance with reporting & record keeping requirements	<input type="checkbox"/>	YES	<input checked="" 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	UNK
O/O is in compliance with all UST closure requirements	<input type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>	N/A	UNK
O/O has met all financial responsibility requirements	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	N/A	UNK
<b>Need FR mechanism.</b>							
40 CFR 280, Subpart A installation requirements (partially excluded) met	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	N/A	UNK
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 type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	N/A	UNK
<b>Need spill bucket and overfill protection testing results.</b>							
40 CFR 280, Subpart C compatibility requirements met	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	N/A	UNK
40 CFR 280, Subpart C O&M and testing requirements met	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK	
<b>Need LLD, LTT, ATG testing and walk through documents.</b>							
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 type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK	
<b>Need operator training certificates.</b>							

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 - FG - Installed 5/13/1996**

One (1) 12K GSL

One (1) 8K GSL

One (1) 4K 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 26 years old and the owner should already be planning on removing or replacing them soon.**

**Piping - FG - Pressurized (Environ)**

**RD UST - ATG**

**RD Piping - ATG - LTT - LD**

**Spill protection/Overfill - Spill bucket - Flapper**

**ATG Certification = N**

**Overfill Protection Test = N**

**Spill bucket Test = N**

**Containment Sumps Test Required N**

**Site is an active gas station**

**Any Site history or concerns - File review found no discrepancies**

**Documentation received -**

**Notification form - 5/24/2017 (Initial approval)**

**No additional documents received at time of review**

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

- 1. The spill buckets contained fluids/debris and should be monitored and cleaned out when needed.**
- 2. The sump compartments contained fluids and should be monitored and cleaned out when needed.**
- 3. The UDC's for dispensers #1/2 and #5/6 contained fluids and should be monitored and cleaned out when needed.**

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 and 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:**

- 4. UST fees are owed.**
- 5. Financial responsibility mechanism is needed.**
- 6. Line tightness testing results are needed.**
- 7. Line leak detector testing results are needed.**
- 8. Spill bucket testing results are needed.**
- 9. Overfill protection testing results are needed.**
- 10. ATG and ATG probe testing results are needed.**
- 11. 30 day walk through documentation is needed.**
- 12. Annual walk through documentation is needed.**
- 13. Operator A, B and C training certificates are needed.**