



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

January 17, 2023

Big Boy Inc
Attn: Darshan Darar, Registered Agent
3754 Dr. Martin Luther King Jr Dr
Indianapolis, IN 46208

Martin Petroleum Inc
Attn: Darshan Darar
Via email: sarabjitsingh@att.net

Re: Violation Letter
Big Boy
3754 Dr. Martin Luther King Jr Dr
Indianapolis, Marion County
UST Facility ID # **8477**

Dear Mr. Darar:

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 28, 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.

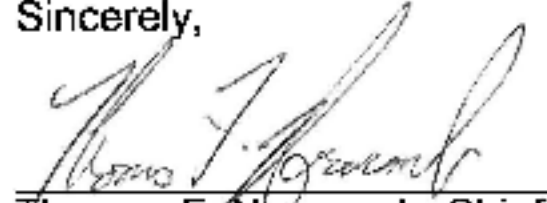
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # 8477.

Inspector: Matt Rozycki
Phone: (317) 296-1853

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
Matt Rozycki
UST Facility ID File # 8477

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: Big Boy Inc	UST FACILITY ID: 8477
ADDRESS: 3754 Dr Martin Luther King Jr St, Indianapolis, Marion County	INSPECTION DATE: 12/28/2022

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 updated notification form with the correct piping information (material and install date) is needed.

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 records were provided at the time of the 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.

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:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because no financial responsibility mechanism was provided.</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.
§ 280.41(a)(1) – Failure to monitor tanks every 30 days if installed before 9/2/2009
Citation:
Pursuant to 40 CFR 280.41(a)(1), considering previous Indiana rule at 329 IAC 9-3-1.3 (repealed 2018), tanks installed on or before September 2, 2009 must be monitored for releases at least every 30 days using one of the methods listed in § 280.43(d) through (i).
Violation Details:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because 12 months of records were not provided for the tanks.</i>
Corrective Action:
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 and found to not have been monitored every thirty (30) days 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.

§ 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:

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 was not provided.

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.

§ 280.41(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 an annual line tightness test was 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.

§ 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 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 PREM spill bucket does not appear to be able to contain a spill if needed.</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.

§ 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 overfill 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 periodic testing of the spill prevention equipment was not 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:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because periodic testing of the overfill prevention equipment 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 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:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because an ATG functionality test was not provided.

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 a functionality test of the probes 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.
§ 280.36(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 monthly walkthroughs have not been provided since the rule took effect.</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 the 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 operator A, B, and C 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: **8477**

Inspector's Name:	Matt Rozycki
Date:	December 28, 2022
Time In:	09:45
Time Out:	10:10
Inspection Type:	Initial

FACILITY NAME / LOCATION

FACILITY NAME Big Boy Inc		FACILITY ADDRESS (number and street) 3754 Dr Martin Luther King Jr St			
ADDRESS (line 2)	CITY Indianapolis	STATE IN	ZIP CODE 46206	COUNTY Marion	

UST OWNER

UST Owner Name (if in Individual Capacity) Big Boy Inc					BUSINESS ID (From the Secretary of State) 2004102700217
PREFIX Mr	FIRST NAME Darshan	MI	LAST NAME Darar	SUFFIX	
TELEPHONE NUMBER (317) 557-4278		EMAIL ADDRESS sarabjitsingh@att.net			

UST OPERATOR

UST Operator Name (if in Individual Capacity) Big Boy Inc					BUSINESS ID (From the Secretary of State) 2004102700217
PREFIX Mr	FIRST NAME Darshan	MI	LAST NAME Darar	SUFFIX	
TELEPHONE NUMBER (317) 557-4278		EMAIL ADDRESS sarabjitsingh@att.net			

PROPERTY OWNER

UST Property Owner Name (if in Individual Capacity) Big Boy Inc					BUSINESS ID (From the Secretary of State) 2004102700217
PREFIX Mr	FIRST NAME Darshan	MI	LAST NAME Darar	SUFFIX	
TELEPHONE NUMBER (317) 557-4278		EMAIL ADDRESS sarabjitsingh@att.net			

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"/>
Updated NF with correct piping information						
O/O is in compliance with reporting & record keeping requirements	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK	<input type="checkbox"/>
No records were provided at the time of the records request						
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	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	N/A	UNK
O/O has met all financial responsibility requirements	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	N/A	UNK
No financial responsibility mechanism was provided						
40 CFR 280, Subpart A installation requirements (partially excluded) met	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	N/A	UNK
40 CFR 280, Subpart B installation and upgrade requirements met	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO		UNK
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
Spill bucket testing, overfill functionality, monthly/annual walkthroughs were not provided						
40 CFR 280, Subpart D release detection requirements met	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>		UNK
ATG/probes testing, leak detector test, monthly records for the tanks, line tightness test						
40 CFR 280, Subpart J operator training requirements met	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>		UNK
Operator A B & C 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:

- Two (2) FG SW USTs installed in March 2007
- One (1) 12K REG GSL
- One (1) 8K PREM GSL
- Piping is FG SW and pressurized (Based on inspection APT Flex DW)

RD UST = ATG

RD Piping = LLD, LTT, ATG

Overfill/Spill = Spill Buckets + Ball Float (consistent)

ATG Certification = N

Overfill Protection Test = N

Spill bucket Test = N

Containment Sumps Test (not required) = N

Site History:

Site is an active service station. Five (5) USTs were removed in 2006 (Closure Report and NF in VFC). Closure Report did not mention piping disposal.

Contact Information

Darshan Darar sarabjitsingh@att.net

Documentation not provided at the time of the file review:

- (NF 1/30/2015, Approval 3/8/2015 - Tank data ok if Ball Float)
- Certificate of Financial Responsibility
- Operator Certificates
- Release Detection Records USTs
- Line and leak detector test
- ATG/Probes certification
- Spill bucket test
- Overfill test
- Monthly inspections
- Annual inspection

***Some of the piping looks a little too clean and new, but it appears to be the old APT

CM Note: It appears piping was upgraded when new USTs were installed even though the closure report did not mention anything about piping disposal. One of the line appears cleaner but it is the same model of piping throughout the site. The REG line appears to connect to where an old dispenser was located.

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 REG spill bucket contains some fluid and debris, it should be monitored and cleaned out as needed
2. The STP sumps and UDCs had some fluids, they too should be monitored and cleaned out as needed

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 records were provided at the time of the records request
2. No financial responsibility mechanism was provided
3. The PREM spill bucket does not appear to be able to contain a spill if needed
4. Spill bucket testing was not provided
5. Overfill functionality testing was not provided
6. Monthly walkthrough inspections were not provided
7. An annual walkthrough inspection was not provided
8. ATG functionality testing was not provided
9. Functionality testing of the probes was not provided
10. An annual leak detector test was not provided
11. Monthly release detection records were not provided for the tanks
12. An annual line tightness test was not provided
13. Operator A B & C certificate 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 (update accordingly):

- Updated Notification Form with correct piping information (material and installation date)
- Certificate of Financial Responsibility
- Operator Certificates
- Release Detection Records USTs
- Line and leak detector test
- ATG/Probes certification
- Spill bucket test
- Overfill test
- Monthly inspections
- Annual inspection