



4020 Millersville Rd., Indianapolis, IN 46205  
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September 22, 2025

Shiela Gonzales  
Environmental Manager 2  
Indiana Department of Environmental Management  
100 N Senate Avenue  
Indianapolis, IN 46204

RE: Case 2025-30748-H

Dear Ms. Gonzales:

Thank you for taking the time to discuss the Notice of Violation, Case No. 2025-30748-H with me on the phone and via email correspondence. As we have discussed, I would like to provide the following written explanation for how Pro-Strip Indy was not correctly listed as a Large Quantity Generator, why we did not have a written plan or training in place, and why we feel like the penalty amount assessed is excessive based on our situation.

Pro-Strip Indy is a small 5 person company here in Indianapolis that has been in business under this name and ownership for just over 7 years. This business requires tank cleaning of sludge approximately every 8-10 years. In 2024, we needed to have these tanks cleaned and the sludge removed. This was our first time as a company doing this and we contracted out the removal of the sludge to a local experienced tank and sludge cleaning contractor, Advanced Vacuum Systems. Once we were prepared to do the tank cleaning, we began the process of registering/reactivating the location's status as required. We listed as a Small Quantity Generator as we did not expect to have a large quantity of sludge removed and were unsure if the makeup of the sludge material even qualified as Hazardous.

After proper lab testing, it was found that the lead content of this sludge is higher than what is currently allowed to be disposed of in a standard local disposal, so we were required to have it disposed of in an out-of-state landfill for hazardous waste.

As stated, since this was our first time navigating the EPA website/processes and not knowing how much sludge we actually had, we listed the company as a Small Generator. Since we are not a continuous Generator and we assumed that only the sludge would be pumped and shipped out, we listed ourselves as a Small Generator. The reality was that the sludge required a lot of powerwashing to remove for adequate vacuum pumping, and all that contaminated water used increased the quantity of waste disposal many, many times over. In 2024, the waste was pumped directly from the tanks to the lined vacuum boxes and promptly shipped out to a waste facility in Alabama for legal disposal. All manifests and paperwork were submitted to



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EPA/IDEM as required. As stated, the quantity of waste disposed was more than anticipated and the vacuum pumping, shipping, and disposal costs were more than tripled from what was estimated.

Toward the end of 2024, (12/05/2024), we were Notified by IDEM (Miranda Johnson-Phillips) that as a Small Quantity Generator, we needed to fill out our 2024 Annual Report. Also on that date, we were also notified by Dorothy Peterschmidt that after review of the manifests submitted, we may be a Large Quantity Generator and would be subject to those requirements. Since all work had been completed and by others, and we were filing to "Not a Generator" Status for 2025 and beyond, we continued with submitting the Annual Report and with along with some assistance from Miranda, we completed and submitted this report early 2025. At that point we confirmed that we could refile as Not a Generator for 2025 and beyond until we needed to have another tank cleaning.

On 3/24/25, two representatives from IDEM came to do an inspection of our facility. During that inspection, we were notified that we listed as a Small Quantity Generator, but since the amount actually transported and disposed of was over the limit for a Small Quantity, we were in violation for the incorrect designation and for then not having written action plans and training. I was also told at this time that we could and should have listed the disposal as a "1-time episodic event" and would not have to register as either large or small quantity generator. Had we known this, we would have done this as we don't generate waste regularly. We certainly will do this next time. We did get help from Miranda Johnson-Phillips when I filled out the online form/info originally, but at no fault of IDEM, I was not informed of the process to do an Episodic Event. We are currently listed as "Not a Generator" and we have not produced any waste this year and do not plan to for many years to come.

While we apparently listed our Generator status incorrectly during this process, our intentions were never to deceive or disregard the rules and laws governing this disposal reporting and work. We made a large effort and spent a lot of time and money to do this correctly. Unfortunately, our inexperience in this process led us to that incorrect Generator designation. In the future, when we have to do this cleaning again, we will be following the rules and guidelines for an episodic event as defined in 40 CFR section 262.231.

As for the two penalties placed on Pro-Strip Indy, I would like to appeal to your group that while we accept the finding of IDEM for the incorrect Generator Status, the fact that by the time we were made aware either by the manifest docs or IDEM's notification, we were completed with this work. We also were changing status to "Not a Generator" and not aware of the contingency plan or personnel training were still required. We feel that the penalty for not having the training and written plan is excessive since we were not aware of this requirement at the time of the work.



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To resolve this matter and to show our willingness to work with IDEM , We would propose that Pro-Strip Indy agree to the primary citation relating to 40 CFR 262.13: Incorrect Determination of the Generator Category, and the \$1,500 penalty associated, and IDEM would agree to revising the penalty associated with 40 CFR 262.17: Contingency Plan and Personnel Training from a \$1,500 fine to a written warning. Pro-Strip Indy would accept this Order and penalty for the resolution of Case No. 2025-30748-H. We will sign a revised Order and pay before October 24<sup>th</sup> as stipulated for the 20% reduction.

I trust this will be acceptable to IDEM for a fair, equitable, and expedient resolution to this case. Thank you for your time in reviewing this case and this letter. If you have any questions or concerns, please feel free to reach out to me at (317) 545-2088 (office), via cell (317) 650-6511, or email at [ben@prostripindy.com](mailto:ben@prostripindy.com)

Regards,

A handwritten signature in black ink that reads 'Ben'.

Ben Griffin  
Owner  
PRO-STRIP INDY, LLC  
[ben@prostripindy.com](mailto:ben@prostripindy.com)