



## INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

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Eric J. Holcomb  
Governor

Bruno L. Pigott  
Commissioner

January 5, 2022

Joga, Inc.  
Attn: Ajaib Kang, Registered Agent  
1702 Allison Ln  
Jeffersonville, IN 47130

G, Inc.  
Attn: Terath Singh, Registered Agent  
1702 Allison Ln  
Jeffersonville, IN 47130

Re: Violation Letter  
Tobacco Road #290  
1023 Hwy 62  
Charlestown, Clark County  
UST Facility ID # **24682**

Dear Messrs. Kang 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 November 17, 2021.

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.

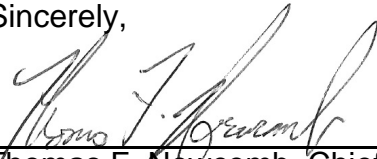
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at [USTCompliance@idem.in.gov](mailto:USTCompliance@idem.in.gov). Include in the subject line of the response the UST Facility ID # **24682**.

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

Direct any questions regarding the inspection to:

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

Sincerely,



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

cc: Caitlin Shaffer  
Matt James  
UST Facility ID File # 24682  
Tobacco Road 290  
Attn: Ajaib Kang, [ajkang@yahoo.com](mailto:ajkang@yahoo.com)  
Attn: Terath Singh, [dtony82@gmail.com](mailto:dtony82@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>Tobacco Road 290</b>	UST FACILITY ID: <b>24682</b>
ADDRESS: <b>1023 Hwy 62 Charlestown, IN</b>	INSPECTION DATE: <b>11/17/2021</b>

**VIOLATIONS NOTED IN THIS INSPECTION****329 IAC 9-8-21(a) – Failure to maintain evidence of financial assurance mechanisms****Citation:**

Pursuant to 329 IAC 9-8-21(a), an owner or operator shall maintain evidence of all financial assurance mechanisms used to demonstrate financial responsibility under this rule for an underground storage tank until released from the requirements of this rule under section 23 of this rule. An owner or operator shall maintain such evidence at the underground storage tank site or the owner's or operator's place of work. Records maintained off site must be made available upon request of the Indiana department of environmental management, underground storage tank branch.

**Violation Details:**

*The owner and/or operator of the UST system(s) at this site are in violation of this rule because a current FR mechanism is needed.*

**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.

**§ 280.35(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:**

*The owner and/or operator of the UST system(s) at this site are in violation of this rule because spill bucket testing results are needed.*

**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 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 overfill test results are needed.*

**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 the 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.

**§ 280.36(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:**

*The owner and/or operator of the UST system(s) at this site are in violation of this rule because walk through inspection documentation is needed.*

**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.

<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 are needed.</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 is needed.</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.

**§ 280.41(b)(1)(i)(A) – Failure to equip piping with or test automatic leak detectors**

**Citation:**

Pursuant to 40 CFR 280.41(b)(1)(i)(A), 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 be equipped with an automatic line leak detector conducted in accordance with § 280.44(a).

**Violation Details:**

*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 are needed.*

**Corrective Action:**

The owner and/or operator of the UST systems at this site shall have all automatic line leak detectors tested and submit the results within forty five (45) days of receipt of this notice.

**§ 280.240 – Failure to designate Class A, Class B or Class C operators that meet requirements**

**Citation:**

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.

**Violation Details:**

*The owner and/or operator of the UST system(s) at this site are in violation of this rule because updated Operator C training certificates are needed.*

**Corrective Action:**

The owner or operator of the UST systems at this site shall submit a list of those employees designated to be 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: **24682**

Inspector's Name:	Matt James
Date:	November 17, 2021
Time In:	1:00 am
Time Out:	1:40 am
Inspection Type:	Initial

FACILITY NAME / LOCATION											
FACILITY NAME Tobacco Road #290					FACILITY ADDRESS (number and street) 1023 Hwy 62						
ADDRESS (line 2)			CITY Charlestown		STATE IN		ZIP CODE		COUNTY Clark		
UST OWNER											
UST Owner Name (Business Name as registered with the Secretary of State) G, Inc.							BUSINESS ID (From the Secretary of State) 2010072800482				
PREFIX	FIRST NAME Terath			MI	LAST NAME Singh			SUFFIX			
TELEPHONE NUMBER (347) 264-3846			EMAIL ADDRESS dtony82@gmail.com								
UST OPERATOR											
UST Operator Name (Business Name as registered with the Secretary of State) G, Inc.							BUSINESS ID (From the Secretary of State) 2010072800482				
PREFIX	FIRST NAME Terath			MI	LAST NAME Singh			SUFFIX			
TELEPHONE NUMBER (347) 264-3846			EMAIL ADDRESS dtony82@gmail.com								
PROPERTY OWNER											
UST Property Owner Name (Business Name as registered with the Secretary of State) Joga, Inc.							BUSINESS ID (From the Secretary of State) 2005100700209				
PREFIX	FIRST NAME Ajaib			MI	LAST NAME Kang			SUFFIX			
TELEPHONE NUMBER (347) 264-3846			EMAIL ADDRESS ajkang@yahoo.com								
COMPLIANCE ELEMENTS											
All USTs properly registered, on file and fees paid					<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	UNK	
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	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
Need current FR 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	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
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	
Need overfill and spill bucket testing results and walk through results.											
40 CFR 280, Subpart D release detection requirements met					<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK	
Need line and leak detector testing results. Need ATG and probe testing results.											
40 CFR 280, Subpart J operator training requirements met					<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK	
Need updated operator C training certificates.											

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 tanks installed in March 2003

- One (1) 15k GSL

- One (1) 8k GSL

Piping is DW Flex (Environ Geoflex) and pressurized

UST RD: ATG

Piping RD: ATG, LLD

Spill/Overfill: Spill Buckets + Ball Floats

ATG Certification = No

Overfill Protection Test = No

Spill Bucket Test = No

**Documentation provided at the time of the file review:**

- Notification Form: Received 3/2/2018
- Certificate of Financial Responsibility - expired 5/16/2020
- Operator Certificates A, B and C - C expired 2/13/2021
- Line and Leak Detector Test completed 3/11/2020

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 compartment for the premium gasoline UST was full of fluids. It is recommended to have all fluids removed from this containment area.
3. The vapor recovery device for the regular gasoline UST was damaged and needs to be replaced.

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:

4. Overfill protection testing results are needed.
5. Spill bucket testing results are needed.
6. Walkthrough inspection documentation is needed.
7. ATG and ATG probe testing results are needed.
8. Updated line leak detector testing results are needed.
9. Operator C training certificates are needed.
10. Financial responsibility mechanism is needed.