



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

March 1, 2022

Josh & J Corporation
Attn: Jasvir Singh, Registered Agent
2411 W 16th St
Indianapolis, IN 46222

Josh & J Corporation
Attn: Jasvir Singh
Via email: jacksingh6640@yahoo.com

Re: Violation Letter
Phillips 66
1225 S State St
Indianapolis, Marion County
UST Facility ID # **25121**

Dear Mr. 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 February 24, 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 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.

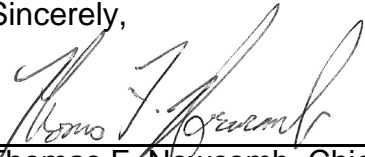
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **25121**.

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

Direct any questions regarding the inspection to:

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

Sincerely,



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

cc: Carrie Maniet
Matt Rozycki
UST Facility ID File # 25121

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: Phillips 66	UST FACILITY ID: 25121
ADDRESS: 1225 S State St, Indianapolis, Marion County	INSPECTION DATE: 2/24/2022

VIOLATIONS NOTED IN THIS INSPECTION

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 no current financial responsibility mechanism was 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.

§ 280.35(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 periodic testing of the spill 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 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.

§ 280.36(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 for July 2021 through February 2022.</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.

§ 280.40(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 ATG functionality test 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:

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 ATG probes 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 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.

§ 280.41(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:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because 12 months of release detection records were not provided.

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.

§ 280.245 – 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:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because current operator B and C 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 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: **25121**

Inspector's Name:	Matt Rozycki
Date:	February 24, 2022
Time In:	09:30
Time Out:	10:00
Inspection Type:	Initial

FACILITY NAME / LOCATION								
FACILITY NAME Phillips 66		FACILITY ADDRESS (number and street) 1225 S State St						
ADDRESS (line 2)	CITY Indianapolis	STATE IN	ZIP CODE 46203	COUNTY Marion				
UST OWNER								
UST Owner Name (If in Individual Capacity) Josh & J Corporation			BUSINESS ID (From the Secretary of State) 2007071600162					
PREFIX	FIRST NAME Jasvir	MI	LAST NAME Singh		SUFFIX			
TELEPHONE NUMBER (812) 344-4870		EMAIL ADDRESS jacksingh6640@yahoo.com						
UST OPERATOR								
UST Operator Name (If in Individual Capacity) Josh & J Corporation			BUSINESS ID (From the Secretary of State) 2007071600162					
PREFIX	FIRST NAME Jasvir	MI	LAST NAME Singh		SUFFIX			
TELEPHONE NUMBER (812) 344-4870		EMAIL ADDRESS jacksingh6640@yahoo.com						
PROPERTY OWNER								
UST Property Owner Name (If in Individual Capacity) Josh & J Corporation			BUSINESS ID (From the Secretary of State) 2007071600162					
PREFIX	FIRST NAME Jasvir	MI	LAST NAME Singh		SUFFIX			
TELEPHONE NUMBER (812) 344-4870		EMAIL ADDRESS jacksingh6640@yahoo.com						
COMPLIANCE ELEMENTS								
All USTs properly registered and up-to-date notification form on file			<input checked="" type="checkbox"/>	YES	NO	<input type="checkbox"/>	UNK	
O/O is in compliance with reporting & record keeping requirements			<input checked="" type="checkbox"/>	YES	NO	<input type="checkbox"/>	UNK	
O/O is in compliance with release reporting or investigation			<input type="checkbox"/>	YES	NO	<input checked="" type="checkbox"/>	N/A	UNK
O/O is in compliance with all UST closure requirements			<input type="checkbox"/>	YES	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	N/A	UNK
A current financial repsonsibility mechanism was not provided								
40 CFR 280, Subpart A installation requirements (partially excluded) met			<input checked="" type="checkbox"/>	YES	NO	N/A	UNK	
40 CFR 280, Subpart B installation and upgrade requirements met			<input checked="" type="checkbox"/>	YES	NO	<input type="checkbox"/>	UNK	
40 CFR 280, Subpart C spill/overfill control requirements met			<input checked="" type="checkbox"/>	YES	NO	N/A	UNK	
40 CFR 280, Subpart C compatibility requirements met			<input checked="" type="checkbox"/>	YES	NO	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
Spill bucket testing, overfill functionality, monthly walkthroughs								
40 CFR 280, Subpart D release detection requirements met			<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK
ATG/probes functionality, monthly records for the tanks								
40 CFR 280, Subpart J operator training requirements met			<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	UNK
Operator 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) USTs - FG - Installed 8/24/2009

One (1) 12K GSL

One (1) 6K GSL

Piping - DW FG - Pressurized

RD UST - ATG

RD Piping - ATG - LTT - LD

Spill protection/Overfill - Spill bucket - Ball floats

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

Ronnie Brown UC2017IN12086C 4/29/2019-4/29/2021

Documentation received -

Notification form - 9/15/2017 (Review not noted)

RD Piping LTT 4/16/2021 Pass (Brown)

LD 4/16/2021 Pass (Brown)

Operator certificate - A

Documentation needed -

RD UST monthly results -

Annual ATG test

Overfill test required every 3 years

Spill bucket test required every 3 years

Monthly walk through July-Current month

Operator certificate - B-C

FR

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 contained some debris, it should be cleaned out
2. The PREM spill bucket contained some fluid, it should be monitored and cleaned out as needed
3. The REG vapor recovery did not appear to properly seal, it should be replaced to ensure proper vapor containment
4. The PREM spill bucket lid was damaged, it should be replaced to prevent any liquid from filling up the spill bucket
5. Both STP sumps contained some fluid and debris, they should be monitored and cleaned out as needed

The following are VIOLATIONS discovered during the inspection that will need to be corrected and RECORDS need to be submitted to 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:

1. A current financial responsibility mechanism was not provided
2. Spill bucket testing was not provided
3. Overfill functionality testing was not provided
4. Monthly walkthrough inspections were not provided
5. An ATG functionality test was not provided
6. Functionality testing of the ATG probes was not provided
7. Monthly release detection records were not provided for the tanks
8. Current B & C operator certificates were not provided