



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

April 9, 2024

Tri Star Holding Hoyt Inc
Attn: Tejinder Toor, Registered Agent
13280 Talbott Dr
Fishers, IN 46037

Hoyt Shell Inc
Attn: Tejinder Toor, Registered Agent
13280 Talbott Dr
Fishers, IN 46037

Re: Violation Letter
Hoyt Shell
2535 S Hoyt Ave
Muncie, Delaware County
UST Facility ID # **2259**

Dear Mr. Toor:

An inspector from the Indiana Department of Environmental Management (IDEM), Underground Storage Tank (UST) Section, conducted an inspection of the site referenced above on March 25, 2024.

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.

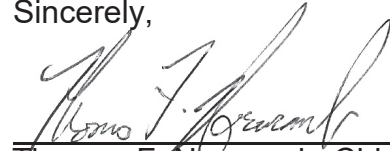
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **2259**.

Inspector: Danny Rice
Phone: (317) 646-5160

Direct any questions regarding the inspection to:

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

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas F. Newcomb", is written over a horizontal line.

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

cc: Caitlin Shaffer
Danny Rice
UST Facility ID File # 2259
Hoyt Shell
Attn: Tejinder Toor
Via email: tejindertoor@live.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: Hoyt Shell	UST FACILITY ID: 2259
ADDRESS: 2535 S Hoyt Ave Muncie IN 47302 Delaware County	INSPECTION DATE: 03/25/2024

VIOLATIONS NOTED IN THIS INSPECTION

§ 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 or available on ATG during inspection.

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.

§ 280.20(c)(1)(ii) – Failure to have overfill prevention equipment installed or installed properly

Citation:

Pursuant to 40 CFR 280.20(c)(1)(ii), 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:

(ii) Overfill prevention equipment that will:

(A) Automatically shut off flow into the tank when the tank is no more than 95 percent full; or

(B) Alert the transfer operator when the tank is no more than 90 percent full by restricting the flow into the tank or triggering a high-level alarm; or

(C) Restrict flow 30 minutes prior to overfilling, alert the transfer operator with a high level alarm one minute before overfilling, or automatically shut off flow into the tank so that none of the fittings located on top of the tank are exposed to product due to overfilling.

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because documentation on file states ball float overfill protection is installed but auto shutoff/ flapper valves found during inspection on the REG, PREM, and DSL tanks. Also, the DSL overfill device failed testing and documentation of repair/replacement has not been 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 install or replace absent or substandard overfill prevention equipment that will operate as required. The UST owner and/or operator must submit proof that the overfill prevention equipment has been installed properly to the 90% or 95% fill level as required by the type of equipment within forty five (45) days of receipt of this notice. In the case where an owner has changed the overfill prevention equipment from a flow restrictor (ball float) to an auto-shutoff device, the owner must document the entire flow restrictor has been removed or that the automatic shut off device is installed at 90% or lower.

§ 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:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because PREM and KER spill buckets were over half full of liquid. Also, the REG spill bucket failed testing and no documentation or repair or replacement has been 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 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:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because passing spill bucket testing was not provided for the REG tank.

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 passing overfill protection testing was not provided for the DSL tank.

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 ATG certification testing 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:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because ATG probe testing 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 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)(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 line leak detector testing 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 line tightness testing 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.

§ 280.36(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 monthly walkthrough inspections were not provided.

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:

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

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:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because C operator certification(s) were not provided.

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: **2259**

Inspector's Name:	Danny Rice
Date:	March 25, 2024
Time In:	10:00
Time Out:	11:00
Inspection Type:	Initial

FACILITY NAME / LOCATION									
FACILITY NAME Hoyt Shell			FACILITY ADDRESS (number and street) 2535 S Hoyt Ave						
ADDRESS (line 2)	CITY	STATE	ZIP CODE	COUNTY					
	Muncie	IN	47302	Delaware					
UST OWNER									
UST Owner Name (Business Name as registered with the Secretary of State) Tri Star Holding Hoyt Inc				BUSINESS ID (From the Secretary of State) 202008121414012					
PREFIX	FIRST NAME	MI	LAST NAME		SUFFIX				
	Tejinder		Toor						
TELEPHONE NUMBER (408) 707-6676		EMAIL ADDRESS tejindertoor@live.com							
UST OPERATOR									
UST Operator Name (Business Name as registered with the Secretary of State) Holt Shell Inc				BUSINESS ID (From the Secretary of State) 201910231353084					
PREFIX	FIRST NAME	MI	LAST NAME		SUFFIX				
	Tejinder		Toor						
TELEPHONE NUMBER (408) 707-6676		EMAIL ADDRESS							
PROPERTY OWNER									
UST Property Owner Name (Business Name as registered with the Secretary of State) Tri Star Holding Hoyt Inc				BUSINESS ID (From the Secretary of State) 202008121414012					
PREFIX	FIRST NAME	MI	LAST NAME		SUFFIX				
TELEPHONE NUMBER (408) 707-6676		EMAIL ADDRESS							
COMPLIANCE ELEMENTS									
All USTs properly registered and up-to-date notification form on file			☒	YES	NO	☐	UNK		
O/O is in compliance with reporting & record keeping requirements			☒	YES	NO	☐	UNK		
O/O is in compliance with release reporting or investigation			☐	YES	NO	☒	N/A	UNK	
O/O is in compliance with all UST closure requirements			☒	YES	NO	☐	N/A	UNK	
O/O has met all financial responsibility requirements			☐	YES	NO	☐	N/A	☒	UNK
40 CFR 280, Subpart A installation requirements (partially excluded) met			☒	YES	NO	☐	N/A	UNK	
40 CFR 280, Subpart B installation and upgrade requirements met			☐	YES	☒	NO	☐	UNK	
Ball float vs auto shut off documentation is needed.									
40 CFR 280, Subpart C spill/overfill control requirements met			☐	YES	☒	NO	☐	N/A	UNK
PREM and KER spill buckets full of fluids.									
40 CFR 280, Subpart C compatibility requirements met			☒	YES	NO	☐	N/A	UNK	
40 CFR 280, Subpart C O&M and testing requirements met			☐	YES	☒	NO	☐	UNK	
Spill bucket and overfill repair/retesting, monthly & annual walkthroughs were not provided.									
40 CFR 280, Subpart D release detection requirements met			☐	YES	☒	NO	☐	UNK	
ATG, ATG probes, line tightness, line leak detector testing, complete tank RD was not provided.									
40 CFR 280, Subpart J operator training requirements met			☐	YES	☒	NO	☐	UNK	
C Operator certificaiton was 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:

Four (4) fiberglass USTs

- One (1) 2k KER - installed 12/5/1997
- One (1) 10k GSL - installed 4/2001
- One (1) 6k GSL - installed 4/2001
- One (1) 6k DSL - installed 4/2001

Piping is flex and pressurized - KER is European Suction (TCI)

RD UST = ATG

RD Piping = MLLD, LTT

Overfill/Spill = Spill Buckets + Ball Float (KER) + Auto Shutoff (GSL/DSL)

CP = N/A

ATG Certification = No

Overfill Protection Test = On File 8/30/2021 (1 Fail)

Spill Bucket Test = On File 8/30/2021 (1 Fail)

Containment Sumps Test = N/A

Site History:

- Six (6) tanks were previously in use. One (1) removed 12/5/1997 and (5) removed 4/13/2001
- Site maintains blue TCI EnviroFlex piping
- Prior documentation indicated all tanks have ball floats but auto shutoff was observed in the GSL and DSL tanks during inspection in 2021

Documentation provided at the time of the file review:

- Notification Form approved 4/13/2022
- Operator Training A & B

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

- REG and DSL spill buckets contain small amounts of liquid. Monitor and clean as needed.
- REG and DSL vapor recovery missing/broken. Repair and maintain as needed.
- Piping is blue TCI Enviroflex which is known to stretch and over bend. Monitor and replace as 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 within 30 days of receipt of this inspection report to avoid further action and achieve compliance with the state underground storage tank program:

- 1) 12 months of release detection records for UST were not provided. Only (4) months were available on-site from the ATG history.
- 2) Documentation of repair and passing retest for the REG spill bucket was not provided.
- 3) The PREM and KER spill buckets were over half full of fluids at the time of inspection and would not be able to function as designed.
- 4) Documentation of repair and passing retest for the DSL overfill device was not provided.
- 5) Prior documentation indicated all tanks had ball floats, but the DSL, REG, and PREM tanks have auto shutoff devices installed.
- 6) ATG certification testing was not provided.
- 7) ATG probe testing was not provided.
- 8) Line leak detector testing was not provided.
- 9) Line tightness testing was not provided.
- 10) Monthly walkthrough inspections were not provided.
- 11) Annual walkthrough inspections were not provided.
- 12) Operator C certification training was 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:

- 12 months RD for tanks or tank tightness testing if results prior to December 2023 are not available
- Documentation of spill bucket repair/replacement and passing retest (REG)
- Documentation confirming KER and PREM spill buckets cleaned
- Documentation of overfill repair/replacement and passing retest (DSL)
- Documentation of ball float removal or auto shutoff devices reset to 90% or lower
- ATG Functionality and Probes testing
- Leak detector testing
- Line tightness testing
- Monthly and Annual walkthrough inspections
- Operator Training C certificate(s)