



## INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

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Eric J. Holcomb  
Governor

Brian C. Rockensuess  
Commissioner

November 10, 2022

Walchar Inc dba La Porte Transit Co., Inc  
Attn: Rickie Gesse, Registered Agent  
1157 E 150 N  
La Porte, IN 46350

La Porte Transit Co., Inc  
Attn: Rickie Gesse  
Via email: [rwgesse@laportetransit.com](mailto:rwgesse@laportetransit.com)

Re: Violation Letter  
La Porte Transit Co  
1157 E 150 N  
La Porte, Laporte County  
UST Facility ID # **8893**

Dear Mr. Gesse:

An inspector from the Indiana Department of Environmental Management (IDEM), Underground Storage Tank (UST) Section, conducted an inspection of the site referenced above on October 26, 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.

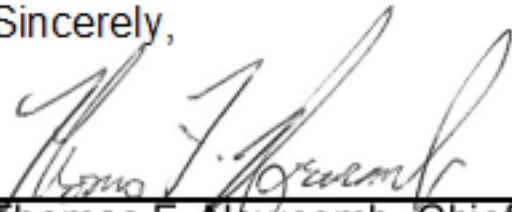
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at [USTCompliance@idem.in.gov](mailto:USTCompliance@idem.in.gov). Include in the subject line of the response the UST Facility ID # **8893**.

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

Direct any questions regarding the inspection to:

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

Sincerely,



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

cc: Carrie Maniet  
Matt Rozycki  
UST Facility ID File # 8893

### 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>La Porte Transit Co</b>              | UST FACILITY ID: <b>8893</b>       |
| ADDRESS: <b>1157 E 150 N, La Porte, LaPorte County</b> | INSPECTION DATE: <b>10/26/2022</b> |

### 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 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 overflow 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 overflow prevention equipment**

Citation:

Pursuant to 40 CFR 280.35(a)(2), overflow prevention equipment must be inspected at least once every three years. At a minimum, the inspection must ensure that overflow 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 overflow 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 overflow prevention equipment. Documentation, to include photographs, inspection, repair, measurements and testing results, showing the overflow 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.

|   |
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| <b>§ 280.36(a)(1)(i) – Failure to perform 30 day walkthrough inspections</b>  |
| <b>Citation:</b>  |
| 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).   |
| <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 monthly walkthroughs have not been provided since the rule took effect.</i>  |
| <b>Corrective Action:</b>   |
| 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>§ 280.36(a)(1)(ii) – Failure to perform annual walkthrough inspections</b>   |
| <b>Citation:</b>  |
| 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.   |
| <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 the annual walkthrough inspection was not provided.</i>  |
| <b>Corrective Action:</b>   |
| 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. |

|   |
|---|
| <b>§ 280.40(a)(3)(i) – Failure to perform annual tests of ATG</b>   |
| <b>Citation:</b><br>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:<br>(i) Automatic tank gauge and other controllers: test alarm; verify system configuration; test battery backup. |
| <b>Violation Details:</b><br><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>   |
| <b>Corrective Action:</b><br>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:<br>(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 a functionality test of the probes was not provided.</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 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.  |

|  |
|--|
| <b>§ 280.20(b) – Failure to install, design, construct or protect piping from corrosion</b>  |
| <b>Citation:</b>   |
| Pursuant to 40 CFR 280.20(b), the piping that routinely contains regulated substances and is in contact with the ground must be properly designed, constructed, and protected from corrosion in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory.   |
| <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 the metal components of piping under the dispensers are in contact with soil.</i>   |
| <b>Corrective Action:</b>  |
| The owner and/or operator of the UST systems at this site shall, within fifteen (15) days of receipt of this notice, contract with a certified contractor to determine if the piping or metal components in contact with the ground are substandard and what steps will be taken to provide corrosion protection. The UST owner and/or operator must inform IDEM of the proposed work within thirty (30) days of receipt of this notice and receive approval before completing the work. The work must be completed within forty five (45) days of receipt of this notice. If the piping or metal components are determined to be substandard, the UST owner and/or operator shall immediately notify IDEM of their intent to remove or replace the affected components. |



**UNDERGROUND STORAGE  
TANK INSPECTION REPORT**

INDIANA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT

UST FAC ID: **8893**

|                   |                  |
|-------------------|------------------|
| Inspector's Name: | Matt Rozycki     |
| Date:             | October 26, 2022 |
| Time In:          | 09:45            |
| Time Out:         | 10:00            |
| Inspection Type:  | Initial          |

**FACILITY NAME / LOCATION**

|                                      |                  |  |                   |                   |  |
|--------------------------------------|------------------|--|-------------------|-------------------|--|
| FACILITY NAME<br>La Porte Transit Co |                  | FACILITY ADDRESS (number and street)<br>1157 E 150 N |                   |                   |  |
| ADDRESS (line 2)                     | CITY<br>La Porte | STATE<br>IN  | ZIP CODE<br>46350 | COUNTY<br>Laporte |  |

**UST OWNER**

|   |                      |   |                    |   |  |
|---|----------------------|---|--------------------|---|--|
| UST Owner Name (if in Individual Capacity)<br>La Porte Transit Co., Inc |                      |   |                    | BUSINESS ID (From the Secretary of State)<br>194214-057 |  |
| PREFIX  | FIRST NAME<br>Rickie | MI  | LAST NAME<br>Gesse | SUFFIX  |  |
| TELEPHONE NUMBER<br>(219) 362-6211                                      |                      | EMAIL ADDRESS<br>rwgesse@laportetransit.com |                    |   |  |

**UST OPERATOR**

|  |                      |   |                    |   |  |
|--|----------------------|---|--------------------|---|--|
| UST Operator Name (if in Individual Capacity)<br>La Porte Transit Co., Inc |                      |   |                    | BUSINESS ID (From the Secretary of State)<br>194214-057 |  |
| PREFIX   | FIRST NAME<br>Rickie | MI  | LAST NAME<br>Gesse | SUFFIX  |  |
| TELEPHONE NUMBER<br>(219) 362-6211   |                      | EMAIL ADDRESS<br>rwgesse@laportetransit.com |                    |   |  |

**PROPERTY OWNER**

|  |                      |   |                    |   |  |
|--|----------------------|---|--------------------|---|--|
| UST Property Owner Name (if in Individual Capacity)<br>Walchar Inc dba La Porte Transit Co., Inc |                      |   |                    | BUSINESS ID (From the Secretary of State) |  |
| PREFIX   | FIRST NAME<br>Rickie | MI  | LAST NAME<br>Gesse | SUFFIX                                    |  |
| TELEPHONE NUMBER<br>(219) 362-6211   |                      | EMAIL ADDRESS<br>rwgesse@laportetransit.com |                    |   |  |

**COMPLIANCE ELEMENTS**

|   |                                     |     |                                     |    |                                     |                          |                          |     |
|---|-------------------------------------|-----|-------------------------------------|----|-------------------------------------|--------------------------|--------------------------|-----|
| All USTs properly registered and up-to-date notification form on file     | <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                      | <input type="checkbox"/> | UNK |
| O/O is in compliance with all UST closure requirements                    | <input checked="" type="checkbox"/> | YES | <input type="checkbox"/>            | NO | <input type="checkbox"/>            | N/A                      | <input type="checkbox"/> | UNK |
| O/O has met all financial responsibility requirements                     | <input type="checkbox"/>            | YES | <input checked="" type="checkbox"/> | NO | <input type="checkbox"/>            | N/A                      | <input type="checkbox"/> | 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 | <input type="checkbox"/>            | N/A                      | <input type="checkbox"/> | UNK |
| 40 CFR 280, Subpart B installation and upgrade requirements met           | <input checked="" type="checkbox"/> | YES | <input type="checkbox"/>            | NO | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | UNK |
| 40 CFR 280, Subpart C spill/overfill control requirements met             | <input checked="" type="checkbox"/> | YES | <input type="checkbox"/>            | NO | <input type="checkbox"/>            | N/A                      | <input type="checkbox"/> | UNK |
| 40 CFR 280, Subpart C compatibility requirements met                      | <input checked="" type="checkbox"/> | YES | <input type="checkbox"/>            | NO | <input type="checkbox"/>            | N/A                      | <input type="checkbox"/> | UNK |
| 40 CFR 280, Subpart C O&M and testing requirements met                    | <input type="checkbox"/>            | YES | <input checked="" type="checkbox"/> | NO | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | UNK |
| Spill bucket testing, overfill functionality, monthly/annual walkthroughs |                                     |     |                                     |    |                                     |                          |                          |     |
| 40 CFR 280, Subpart D release detection requirements met                  | <input type="checkbox"/>            | YES | <input checked="" type="checkbox"/> | NO | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | UNK |
| ATG/probes functionality  |                                     |     |                                     |    |                                     |                          |                          |     |
| 40 CFR 280, Subpart J operator training requirements met                  | <input checked="" type="checkbox"/> | YES | <input type="checkbox"/>            | NO | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | UNK |

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

One (1) UST - FG - Installed 6/21/1972

One (1) 12K DSL

One (1) UST - FG - Installed 5/20/1974

One (1) 10K DSL

Section Chief Note: The normal operational lifespan of a UST before failing is 25 to 30 years old. The USTs at this site are now 48 and 51 years old, likely out of warranty and the owner should already be planning on removing or replacing them immediately.

Piping - FG - European suction

RD UST - ATG

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 transportation company

Any Site history or concerns

Two USTs closed 8/1/2006 (Closure report on file)

One UST out of service since 1966 and is not regulated

Documentation received -

Notification form - 8/4/2015 (Initial approval)

RD UST monthly results 10/2022

Operator certificate - A-B-C

Documentation needed -

RD UST monthly results

Annual ATG test

Overfill test required every 3 years

Spill bucket test required every 3 years

Containment sump testing required for IM

Monthly walk through

Annual walk through

FR

\*\*\*2 yellow dispensers on site are from the old tanks that were removed

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. No financial responsibility mechanism was provided
2. Spill bucket testing was not provided
3. Overfill functionality testing was not provided
4. Monthly walkthroughs were not provided
5. An annual walkthrough inspection was not provided
6. ATG functionality testing was not provided
7. Functionality testing of the probes was not provided
8. The metal components of the piping under the dispensers are in contact with backfill.

The following are RECORDS to be submitted to [USTCompliance@idem.IN.gov](mailto: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:

- Documentation of corrosion protection for metal components of piping
- Financial responsibility
- Spill bucket test
- Overfill test
- Walkthroughs
- ATG/probe test