



## INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

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Eric J. Holcomb  
Governor

Brian C. Rockensuess  
Commissioner

January 16, 2024

HKS LLC  
Attn: Helen Snyder, Registered Agent  
318 Racquet Dr  
Fort Wayne, IN 46825

Gassafy Greenhouse Inc.  
Attn: Franklin Snyder, Registered Agent  
318 Racquet Dr  
Fort Wayne, IN 46825

Re: Violation Letter  
Gassafy Wholesale Florist  
318 Racquet Dr  
Fort Wayne, Allen County  
UST Facility ID # **25085**

Dear Ms. and Mr. Snyder:

An inspector from the Indiana Department of Environmental Management (IDEM), Underground Storage Tank (UST) Section, conducted an inspection of the site referenced above on December 21, 2023.

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.

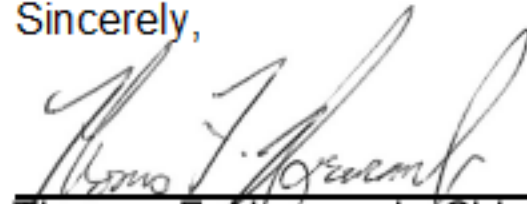
Thank you for your attention to this matter. Please submit the required documents to the r p q p [r\\_pqCompliance@idem.in.gov](mailto:r_pqCompliance@idem.in.gov). Include in the subject line of the response the UST Facility ID # **25085**.

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 # 25085  
Gassafy Wholesale Florist  
Attn: Helen Snyder  
Via email: [helen@gassafy.com](mailto:helen@gassafy.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>Glassafy Wholesale Florist</b>	UST FACILITY ID: <b>25085</b>
ADDRESS: <b>318 Racquet Dr Fort Wayne, IN 46825, Allen County</b>	INSPECTION DATE: <b>12/21/2023</b>

**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 release detection records are needed for the UST system.*

**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.

**§ 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 protection 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 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:
<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>
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:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because ATG probe testing results are needed.</i>
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.

**§ 280.40(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 results are needed.*

**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 results are needed.*

**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:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because 30 day walkthrough inspection documentation is needed.</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.

§ 280.36(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:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because annual walkthrough inspection documentation is needed.</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 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>§ 280.240 – Failure to designate Class A, Class B or Class C operators that meet requirements</b>
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:
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because operator A, B and C training certificates are needed.</i>
Corrective Action:
The owner or operator of the UST systems at this site shall submit a list of those employees designated to be Class A, 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: **25085**

Inspector's Name:	Matt James
Date:	December 21, 2023
Time In:	11:40
Time Out:	12:30
Inspection Type:	Initial

FACILITY NAME / LOCATION					
FACILITY NAME Gassafy Wholesale Florist			FACILITY ADDRESS (number and street) 318 Racquet Dr		
ADDRESS (line 2)		CITY Fort Wayne	STATE IN	ZIP CODE 46825	COUNTY Allen
UST OWNER					
UST Owner Name (Business Name as registered with the Secretary of State) HKS LLC				BUSINESS ID (From the Secretary of State) 2001012400278	
PREFIX	FIRST NAME Helen	MI	LAST NAME Snyder		SUFFIX
TELEPHONE NUMBER (260) 482-9993		EMAIL ADDRESS helen@gassafy.com			
UST OPERATOR					
UST Operator Name (Business Name as registered with the Secretary of State) Gassafy Greenhouse Inc				BUSINESS ID (From the Secretary of State) 194535-152	
PREFIX	FIRST NAME Franklin	MI	LAST NAME Snyder		SUFFIX
TELEPHONE NUMBER (260) 482-9993		EMAIL ADDRESS			
PROPERTY OWNER					
UST Property Owner Name (Business Name as registered with the Secretary of State) HKS LLC				BUSINESS ID (From the Secretary of State) 2001012400278	
PREFIX	FIRST NAME Helen	MI	LAST NAME Snyder		SUFFIX
TELEPHONE NUMBER (260) 482-9993		EMAIL ADDRESS			
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 type="checkbox"/>	YES <input checked="" 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 type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> UNK
O/O has met all financial responsibility requirements			<input checked="" type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	<input type="checkbox"/> UNK
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"/> 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"/> UNK
Need overfill and spill bucket testing results. Need walkthrough documents.					
40 CFR 280, Subpart D release detection requirements met			<input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> UNK
Need RD records. No paper in ATG to print off records. Need ATG, LTT and LLD testing.					
40 CFR 280, Subpart J operator training requirements met			<input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> UNK
Need A, B and C training certificates.					

The information contained on this page is based upon a review of files related to this site and 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:

One (1) fiberglass UST installed 8/15/2008 - 12k DSL

Piping is DW flex and pressurized (APT)

RD UST = ATG

RD Piping = MLLD, LTT

Overfill/Spill = Spill Buckets + Ball Float

CP = N/A

ATG Certification = No

Overfill Protection Test = No

Spill Bucket Test = No

Documentation provided at the time of the file review:

- Notification Form approved 1/4/2016

- NONE

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 bucket contained a small amount of fluids/debris and should be monitored and cleaned out when needed.
2. The sump compartment and the UDC contained fluids and should be monitored and cleaned out when needed.

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:

3. Release detection records are needed for the UST system. The ATG was out of paper when UST inspector was conducting the inspection.
4. Spill bucket testing results are needed.
5. Overfill protection testing results are needed.
6. ATG and ATG probe testing results are needed.
7. Line leak detector testing results are needed.
8. Line tightness testing results are needed.
9. 30 day walkthrough inspection documentation is needed.
10. Annual walkthrough inspection documentation is needed.
11. Operator A, B and C training certificates are needed.