



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

Bruno L. Pigott
Commissioner

January 5, 2022

Brittany and Landon Bayley
1311 A W Main St
Carmi, IL 62821

Martin & Bayley Inc.
Attn: James Gentry Jr., Registered Agent
3101 N Green River Rd, Suite 110
Evansville, IN 47715

Re: Violation Letter
Hucks 399 / former Beyers World Inc.
2225 US Hwy 41 N / Fares Rd
Evansville, Vanderburgh County
UST Facility ID # **2799**

Dear owners and operators:

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 6, 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.

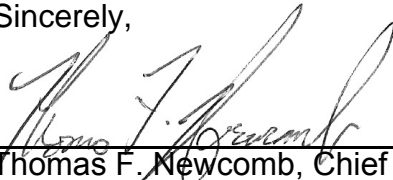
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **2799**.

Inspector: Brandon Davis
Phone: (317) 464-7666

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
Brandon Davis
UST Facility ID File # 2799

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: Hucks 399	UST FACILITY ID: 2799
ADDRESS: 2225 N. Fares Road Evansville, IN 47711 - Vanderburgh County	INSPECTION DATE: 12/6/2021

VIOLATIONS NOTED IN THIS INSPECTION

§ 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 documentation detailing the periodic testing of the overfill prevention equipment (Flapper Valves) needs to be provided to IDEM.

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.

§ 280.35(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 documentation detailing the periodic testing of the spill buckets and containment sumps used for interstitial monitoring needs to be provided to IDEM.

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.

§ 280.36(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 documentation detailing the monthly walkthrough inspection from November 2021 needs to be provided to IDEM.

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.

§ 280.43(g) – Failure to perform Interstitial Monitoring to standard

Citation:

Pursuant to 40 CFR 280.43(g), interstitial monitoring between the UST system and a secondary barrier immediately around or beneath it may be used, but only if the system is designed, constructed, and installed to detect a leak from any portion of the tank that routinely contains product and also meets one of the following requirements:

- (1) For double walled UST systems, the sampling or testing method can detect a leak through the inner wall in any portion of the tank that routinely contains product;
- (2) For UST systems with a secondary barrier within the excavation zone, the sampling or testing method used can detect a leak between the UST system and the secondary barrier.

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because Interstitial Monitoring is not being performed to standard. At the time of inspection, there were schrader valves within each STP sump that had caps on them. There were also multiple schrader valves within the UDCs of the dispensers with either caps or jumper lines connected. These caps and jumper lines would not allow the free flow of product from the interstitial space to trigger any of the sensors in the event of a leak from the piping.

Corrective Action:

The owner and/or operator of the UST systems at this site shall have any UST or piping that contains a regulated amount of product and found to not have been monitored every thirty (30) days correctly while using interstitial monitoring 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.



UNDERGROUND STORAGE TANK INSPECTION REPORT

INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

UST FAC ID: **2799**

Inspector's Name:	Brandon Davis
Date:	December 6, 2021
Time In:	11:34
Time Out:	01:10
Inspection Type:	Initial

FACILITY NAME / LOCATION								
FACILITY NAME		FACILITY ADDRESS (number and street)						
Hucks 399 / former Beyers World Inc.		2225 N. Fares Rd						
ADDRESS (line 2)	CITY	STATE	ZIP CODE	COUNTY				
	Evansville	IN	47711	Vanderburgh				
UST OWNER								
UST Owner Name (Business Name as registered with the Secretary of State)				BUSINESS ID (From the Secretary of State)				
Martin & Bayley Inc.				197807-782				
PREFIX	FIRST NAME	MI	LAST NAME		SUFFIX			
Mr.	James		Gentry		Jr			
TELEPHONE NUMBER		EMAIL ADDRESS						
(618) 382-2334								
UST OPERATOR								
UST Operator Name (Business Name as registered with the Secretary of State)				BUSINESS ID (From the Secretary of State)				
Martin & Bayley Inc.				197807-782				
PREFIX	FIRST NAME	MI	LAST NAME		SUFFIX			
Ms.	Jessica		Ruphard					
TELEPHONE NUMBER		EMAIL ADDRESS						
(618) 382-2334		jruphard@hucks.com						
PROPERTY OWNER								
UST Property Owner Name (If in Individual Capacity)				BUSINESS ID (From the Secretary of State)				
Brittany and Landon Bayley								
PREFIX	FIRST NAME	MI	LAST NAME		SUFFIX			
Mr.	Landon		Bayley					
TELEPHONE NUMBER		EMAIL ADDRESS						
(618) 382-2334		lbayley@hucks.com						
COMPLIANCE ELEMENTS								
All USTs properly registered and up-to-date notification form on file			<input checked="" type="checkbox"/>	YES	NO		UNK	
UST Fees are current.								
O/O is in compliance with reporting & record keeping requirements			<input checked="" type="checkbox"/>	YES	NO		UNK	
O/O is in compliance with release reporting or investigation				YES	NO	<input checked="" type="checkbox"/>	N/A	UNK
O/O is in compliance with all UST closure requirements			<input checked="" type="checkbox"/>	YES	NO		N/A	UNK
O/O has met all financial responsibility requirements			<input checked="" type="checkbox"/>	YES	NO		N/A	UNK
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			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				YES	<input checked="" type="checkbox"/>	NO		UNK
Periodic Testing Results (Overfill; Spill; Containment for INT); Monthly Walkthrough (Nov 2021)								
40 CFR 280, Subpart D release detection requirements met				YES	<input checked="" type="checkbox"/>	NO		UNK
Interstitial Monitoring to standard (Schrader Valves Capped within STPs and UDCs);								
40 CFR 280, Subpart J operator training requirements met			<input checked="" type="checkbox"/>	YES	NO			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 three (3) USTs - DW FG - Installed 12/19/2017

One (1) 15K GSL (2 STPs)

One (1) 7K GSL (Compartment 1)

One (1) 8K DSL (Compartment 2)

Piping - DW Flex - Pressurized

RD UST - INT

RD Piping - INT - LLD

Spill protection/Overfill - Spill bucket - Flapper

ATG Certification = Yes 5/19/2021

Overfill Protection Test = Not Provided

Spill bucket Test = Not Provided

Containment Sumps Test = Required = Not Provided

Site is an active gas station

Any Site history or concerns - Site has unregulated DEF

Seven USTs closed 3/14/1988 (Closure NF on file)

Documentation received -

Notification form - 12/9/2020 (Approved)

RD UST monthly results - 10/2020-11/2021 (June 2020 missing)

RD Piping monthly results - 10/2020-11/2021 (June 2020 missing)

LTT - 5/19/2021 Pass

LLD - 5/19/2021 Pass

Annual ATG test with probes and sensors- 5/19/2021 Pass

Monthly walk through 10/2020-10/2021

Operator certificate - A-B-C

FR Bond expires 6/18/2022

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

- There was a small amount of fuel within the RUL STP (Closest to building). This should be removed, properly disposed of and the source found and addressed.
- There was a small amount of debris within the RUL spill bucket.
- The Premium tank's spill bucket contained fuel. This should be removed and properly disposed of.
- The Diesel tank's spill bucket contained fuel. This should be removed and properly disposed of.
- There was a small amount of fuel within the Diesel tank's STP sump. This should be removed and properly disposed of.
- The UDCs of dispensers 15/16, 17/18, 19 and 20 all contained a small amount of fuel. This should be removed, properly disposed of and the source found and addressed.

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 to avoid further action and achieve compliance with the state underground storage tank program. Submit all Compliance Documents to USTCompliance@idem.IN.gov with FID in subject line.

1. Documentation detailing the periodic testing of the overfill prevention equipment (Flapper Valves) needs to be provided to IDEM.
2. Documentation detailing the periodic testing of the spill prevention equipment (spill buckets) needs to be provided to IDEM.
3. Documentation detailing the periodic testing of the spill containment sumps used for Interstitial Monitoring needs to be provided to IDEM.
4. Documentation detailing the monthly walkthrough inspection from November 2021 needs to be provided to IDEM.
5. Interstitial Monitoring is not being performed to standard. At the time of inspection, there were schrader valves within each STP sump that had caps on them. There were also multiple schrader valves within the UDCs of the dispensers with either caps or jumper lines connected. These caps and jumper lines would not allow the free flow of product from the interstitial space to trigger any of the sensors in the event of a leak from the piping. The UST owner and/or operator should contract with a certified contract to ensure Interstitial Monitoring is being performed to the manufacturer's specifications and provide results to IDEM.

*Reminder: Updates to the rule defining underground storage tank regulations are here. Updates affect regulations regarding: sump and spill bucket testing, operator training, monthly walkthrough inspections and more. Be sure to check www.in.gov/idem/tanks for the latest information regarding compliance of your underground storage tank system.