



## INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

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Eric J. Holcomb  
Governor

Brian C. Rockensuess  
Commissioner

January 5, 2022

Fairhaven Church  
Attn: Jeffrey Voegtlin, Registered Agent  
86 E Oak Hill Rd  
Chesterton, IN 46304

Fairhaven Baptist Church  
Attn: Steve Damron and Joe Bishop  
Via email: [sdamron@fairhavenbaptist.org](mailto:sdamron@fairhavenbaptist.org)  
[facilities@fairhavenbaptist.org](mailto:facilities@fairhavenbaptist.org)

Re: Violation Letter  
Fairhaven Baptist Church  
86 E Oak Hill Rd  
Chesterton, Porter County  
UST Facility ID # **1782**

Dear Messrs. Voegtlin, Damron and Bishop:

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 29, 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.

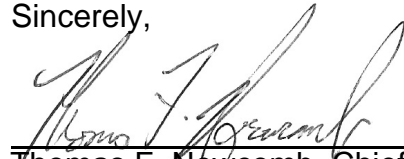
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at [USTCompliance@idem.in.gov](mailto:USTCompliance@idem.in.gov). Include in the subject line of the response the UST Facility ID # 1782.

Inspector: Steve Baumann  
Phone:

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  
Steve Baumann  
UST Facility ID File # 1782

### 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>Fairhaven Baptist Church</b>	UST FACILITY ID: <b>1782</b>
ADDRESS: <b>86 E Oak Hill Road, Chesterton, IN 46304 - Porter County</b>	INSPECTION DATE: <b>10/29/2021</b>

### VIOLATIONS NOTED IN THIS INSPECTION

#### **329 IAC 9-2-2(c)** – Failure to register/notify with complete information

##### Citation:

Pursuant to 329 IAC 9-2-2(c), an owner required to submit a notification under this section shall provide:

- (1) a notification for each UST owned;
- (2) complete information required on the form for each UST owned; and
- (3) if applicable, a separate notification form for each separate place of operation at which the USTs are located.

##### Violation Details:

*The owner and/or operator of the UST system(s) at this site are in violation of this rule because an updated NF is needed with the correct piping and overfill information.*

##### Corrective Action:

The owner and/or operator of the UST systems at this site shall fill out and submit to IDEM a correct and complete copy of the appropriate state form with required attachments, within fifteen (15) days of receipt of this notice.

#### **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 the FR documentation submitted was expired.*

##### 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.

§ 280.43(d) – Failure to perform Automatic Tank Gauging to standard
<b>Citation:</b> Pursuant to 40 CFR 280.43(d), equipment for automatic tank gauging that tests for the loss of product and conducts inventory control must meet the following requirements: (1) The automatic product level monitor test can detect a 0.2 gallon per hour leak rate from any portion of the tank that routinely contains product; (2) The automatic tank gauging equipment must meet the inventory control (or other test of equivalent performance) requirements of § 280.43(a); and (3) The test must be performed with the system operating in one of the following modes: (i) In-tank static testing conducted at least once every 30 days; or (ii) Continuous in-tank leak detection operating on an uninterrupted basis or operating within a process that allows the system to gather incremental measurements to determine the leak status of the tank at least once every 30 days.
<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 inventory records indicate the ATG may be programmed incorrectly. The ATG should be programmed according to the tank manufacturers chart.</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.



# UNDERGROUND STORAGE TANK INSPECTION REPORT

INDIANA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT

UST FAC ID: **1782**

Inspector's Name:	Steven Baumann
Date:	October 29, 2021
Time In:	10:58
Time Out:	11:31
Inspection Type:	Initial

FACILITY NAME / LOCATION					
FACILITY NAME Fairhaven Baptist Church			FACILITY ADDRESS (number and street) 86 E Oak Hill Rd		
ADDRESS (line 2)		CITY Chesterton	STATE IN	ZIP CODE 46304	COUNTY Porter
UST OWNER					
UST Owner Name (Business Name as registered with the Secretary of State) Fairhaven Church				BUSINESS ID (From the Secretary of State) 197012-484	
PREFIX	FIRST NAME Steve	MI	LAST NAME Damron		SUFFIX
TELEPHONE NUMBER (219) 926-6636		EMAIL ADDRESS sdamron@fairhavenbaptist.org			
UST OPERATOR					
UST Operator Name (Business Name as registered with the Secretary of State) Fairhaven Church				BUSINESS ID (From the Secretary of State) 197012-484	
PREFIX	FIRST NAME Joe	MI	LAST NAME Bishop		SUFFIX
TELEPHONE NUMBER (219) 926-6636		EMAIL ADDRESS facilities@fairhavenbaptist.org			
PROPERTY OWNER					
UST Property Owner Name (Business Name as registered with the Secretary of State) Fairhaven Church				BUSINESS ID (From the Secretary of State) 197012-484	
PREFIX	FIRST NAME Jeffrey	MI	LAST NAME Voegtlin		SUFFIX
TELEPHONE NUMBER (219) 926-6636		EMAIL ADDRESS			
COMPLIANCE ELEMENTS					
All USTs properly registered and up-to-date notification form on file			<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> UNK
Updated NF needed with correct overfill and piping information					
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					
O/O is in compliance with release reporting or investigation			<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
O/O is in compliance with all UST closure requirements					
O/O is in compliance with all UST closure requirements			<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
O/O has met all financial responsibility requirements					
Submitted FR was expired			<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> N/A
40 CFR 280, Subpart A installation requirements (partially excluded) met			<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
40 CFR 280, Subpart B installation and upgrade requirements met					
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					
40 CFR 280, Subpart C spill/overfill control requirements met			<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
40 CFR 280, Subpart C compatibility requirements met					
40 CFR 280, Subpart C compatibility requirements met			<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
40 CFR 280, Subpart C O&M and testing requirements met					
40 CFR 280, Subpart C O&M and testing requirements met			<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> UNK
40 CFR 280, Subpart D release detection requirements met					
ATG appears to be programmed incorrectly			<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> UNK
40 CFR 280, Subpart J operator training requirements met			<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<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) Stip3 USTs installed 11/18/1998

- One (1) 10k DSL
- One (1) 2k GSL

Piping is fiberglass and European Suction

RD UST = ATG

RD Piping = N/A

Overfill/Spill = Spill Buckets + Auto Shutoff

CP = Impressed Current - last known inspection 10/9/2021

ATG Certification = Yes 10/9/2021

Overfill Protection Test = Yes 10/9/2021

Spill bucket Test = Yes 10/9/2021

**Site History/Concerns:**

- Database lists 10k as GSL and 2k as DSL but most documents in the file and current testing documents show the opposite
- According to most documents in file, all piping is fiberglass. CP testing completed in 2021 listed FG piping for GSL tank only and steel piping for the DSL tank. DSL piping passed CP testing
- On recent overfill equipment testing, the technician tested auto shutoff devices and noted that the ball floats had been removed. Unknown date for overfill equipment replacement

**Documentation provided at the time of the file review:**

- Notification Form approved 1/7/2016
- FR - insurance policy
- 60-day rectifier logs for 2014-2021
- CP, ATG functionality, Spill Bucket, Overfill testing completed 10/9/2021 - all pass
- 12 months RD
- Monthly walkthrough inspections completed June 2020 - Oct 2021
- Annual walkthrough inspection completed 1/15/2021
- Operator Training A, B, C

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**Inspection NOTES:**

- According to Joe Bishop the 10k gal UST is DSL and the 2k gal UST is REG
- Piping into the ground from the joints in the dispensers does appear to be FG in REG, it's just dirty.
- Piping in DSL dispenser piping does appear to be steel. It does not appear to be in contact with soil.

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

- DSL and REG spill buckets have fluid

**Recommended Actions:**

- Monitor all spill buckets and make sure they are free of fluids

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:

- An updated NF is needed with the correct piping and overfill information.
- The FR submitted was expired.
- The inventory records indicate the tanks may be programmed incorrectly in the ATG. The tanks should be programmed according to the tank manufacturers chart and not exact 10k/2k volumes.

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:

- Updated NF
- Current FR documentation
- Documentation of proper ATG programming