



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

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**Eric J. Holcomb**  
Governor

**Brian C. Rockensuess**  
Commissioner

May 12, 2022

Bailey Enterprises LLC  
Attn: Linda Bailey, Registered Agent  
12609 Indianapolis Rd  
Yoder, IN 46798

Jerry W Bailey Trucking Inc  
Attn: Linda Bailey, Registered Agent  
12609 Indianapolis Rd  
Yoder, IN 46798

Re: Violation Letter  
Jerry W Bailey Trucking  
12609 S Indianapolis Rd  
Yoder, Allen County  
UST Facility ID # **9334**

Dear Mrs. Bailey:

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 29, 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 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.

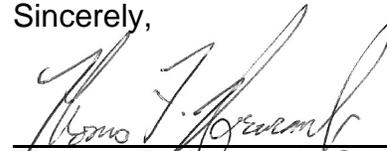
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at [USTCompliance@idem.in.gov](mailto:USTCompliance@idem.in.gov). Include in the subject line of the response the UST Facility ID # 9334.

Inspector: Adam James  
Phone: (317) 408-7187

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  
Adam James  
UST Facility ID File # 9334  
Jerry W Bailey Trucking  
Attn: Linda Bailey  
Via email: [jbtruck75@aol.com](mailto:jbtruck75@aol.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>Jerry W Bailey Trucking</b>	UST FACILITY ID: <b>9334</b>
ADDRESS: <b>12609 S Indianapolis Rd, Yoder Allen Aounty</b>	INSPECTION DATE: <b>03/29/2022</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 with details on upgraded piping including install date, as well as correct release detection and overfill equipment is needed.*

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 documentation of financial responsibility was not 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.

**§ 280.41(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 only five (5) months of release detection records were available for the UST.*

**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.

**§ 280.40(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 documentation of annual line leak detector test 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.

**§ 280.20(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 cracks were observed in the DSL spill bucket preventing the equipment from performing as designed in the event of a spill or overfill.*

**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 documentation of periodic test results for the spill bucket 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 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 of periodic test results for the UST overfill prevention device 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 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 documentation of the annual ATG functionality test result 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.

<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: (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 documentation of annual test results of the ATG 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 are 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>§ 280.34(b)(4) – Failure to maintain documentation of UST system repairs (§ 280.33(g))</b>
<b>Citation:</b>
Pursuant to 40 CFR 280.34(b)(4), owners and operators must maintain the documentation of UST system repairs (§ 280.33(g)).
<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 documentation is needed detailing the amount of DW piping replaced to determine if interstitial monitoring is required.</i>
<b>Corrective Action:</b>
The owner and/or operator of the UST systems at this site shall submit documentation showing the percentage of piping replaced. If more than 50% of the total piping run, owner must provide documentation of proper interstitial monitoring system installation.

**§ 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 submitted documentation of monthly walk through inspection results for Feb - April 2022 is needed.*

**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.



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:**

One (1) fiberglass UST installed 12/15/1986 - 12k DSL

Section Chief Note: The normal operational lifespan of a UST before failing is 25 to 30 years old. The UST at this site is now 36 years old and the owner should start planning on removing or replacing it soon.

Piping is fiberglass and pressurized

RD UST = ATG

RD Piping = LLD, LTT, ATG

Overfill/Spill = Spill Buckets + Auto Shutoff

ATG Certification = No

Overfill Protection Test = No

Spill Bucket Test = No

**Site History:**

- File consistently notes Euro Suction piping until 2003 when the inspection marked it as pressurized. All documentation since then lists pressurized piping. Unclear when switched
- Last NF on file lists all forms of RD and Overfill
- Site also appears to have at least (3) ASTs

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

- Notification Form approved 7/14/2015
- LTT completed 8/23/2021 - pass
- Monthly walkthrough inspections Nov 2021-Jan 2022
- Various past testing documents

**Inspector Notes:**

- Inspector received a large packet on site which included photo documentation of piping upgrade dated 08/21/2010. Surrounding concrete and photo packet confirm that sections of the piping was upgraded. It appears that the piping in the dispensers might be original. Inspector could not confirm the extent of the upgrade. If the upgrade was 50% or more of the total piping, then interstitial monitoring would be required as the main form of release detection for the piping. UDCs would need to be installed at the dispensers and a sensor to be placed in the STP sump for monitoring.
- Piping in Dispenser 9/10 could not be confirmed without the risk of breaking a key or damaging equipment.

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

1. Fluids were observed in spill bucket and STP sump. Remove fluids and periodically monitor spill bucket and sump.

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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:

2. An updated Notification Form with details on upgraded piping, including install date, along with correct release detection and overfill methods is needed.
3. Documentation of Financial Responsibility was not provided.
4. Monthly release detection records for the UST are incomplete. Records for Nov-Dec 2021 and Jan-March 2022 collected on site. A full 12 months need to be provided or have the tank tightness tested.
5. Documentation of annual line leak detector test was not provided.
6. Cracks were observed in the DSL spill bucket preventing the equipment from performing as designed in the event of a spill or overfill.
7. Documentation of periodic test results for the Spill Bucket was not provided.
8. Documentation of periodic test results for the UST Overfill Prevention device was not provided.
9. Documentation of annual test results of the ATG Unit & probes was not provided.
10. Surrounding concrete and piping in STP sump appear to have been updated with double wall piping. Please provide verification on how much of the piping run was replaced. If over 50% then interstitial monitoring is required for the piping.
11. Monthly walkthrough inspections for Feb-April 2022 are 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:

- Updated NF with piping install date, release detection and overfill equipment
- FR
- RD Records (Mar - Oct 2021)
- LLD Test
- Spill Bucket/Overfill Prevention Test
- ATG/Probe Test
- Repair of spill bucket
- Monthly Walkthroughs (Feb - April 2022)
- Documentation of proper interstitial monitoring installation if more than 50% piping replacement