



## INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

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Eric J. Holcomb  
Governor

Brian C. Rockensuess  
Commissioner

May 23, 2022

Blackford County Board of Commissioners  
Attn: John Lancaster, President  
110 W Washington St  
Hartford City, IN 47348

Blackford County Highway Department  
Attn: John Pluimer, Supervisor  
2504 N 200 E  
Hartford City, IN 47348

Re: Violation Letter  
Blackford County Highway Dept  
2504 N 200 E  
Hartford City, Blackford County  
UST Facility ID # **2757**

Dear Messrs. Lancaster and Pluimer:

An inspector from the Indiana Department of Environmental Management (IDEM), Underground Storage Tank (UST) Section, conducted an inspection of the site referenced above on May 11, 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.

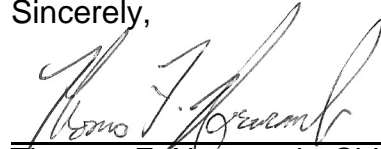
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at [USTCompliance@idem.in.gov](mailto:USTCompliance@idem.in.gov). Include in the subject line of the response the UST Facility ID # **2757**.

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 # 2757  
Blackford County Highway  
Attn: John Lancaster, [jlancaster@blackfordcounty.in.gov](mailto:jlancaster@blackfordcounty.in.gov)  
Attn: John Pluimer, [bkcohighway@blackfordcounty.in.gov](mailto:bkcohighway@blackfordcounty.in.gov)

### 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>Blackford County Highway Dept</b>	UST FACILITY ID: <b>2757</b>
ADDRESS: <b>2504 N 200 E, Hartford City, Blackford County</b>	INSPECTION DATE: <b>5/11/2022</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 notification form is needed with proper site details for piping and overfill method.*

##### 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 9-2-2(f) – Failure to ensure work done by certified contractor**

**Citation:**

Pursuant to 329 IAC 9-2-2(f), All owners and operators of UST systems shall ensure that the person who performs tank system installations, testing, upgrades, closures, removals, and change-in-service is certified by the department of homeland security, division of fire and building safety. The certified person who performs the work shall certify on the notification form that the work performed complies with methods specified in this article and 40 CFR 280, Subpart C.

**Violation Details:**

*The owner and/or operator of the UST system(s) at this site are in violation of this rule because testing was performed by technician not certified in the State of Indiana.*

**Corrective Action:**

The owner and/or operator of the UST systems at this site shall have all testing that is invalid due to uncertified contractors completed by an Indiana certified contractor within 45 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 no current 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 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 testing was performed by technician not certified in the State of Indiana.*

**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 testing was performed by technician not certified in the State of Indiana.*

**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.

**§ 280.36(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 monthly walkthroughs have not been provided since the rule took effect.*

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.

**§ 280.40(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 testing was performed by technician not certified in the State of Indiana.*

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:**

*The owner and/or operator of the UST system(s) at this site are in violation of this rule because testing was performed by technician not certified in the State of Indiana.*

**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 testing was performed by technician not certified in the State of Indiana.*

**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 testing was performed by technician not certified in the State of Indiana.*

**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.



**§ 280.245 – Failure to maintain list of designated operators and/or training records**

**Citation:**

Pursuant to 40 CFR 280.245, owners and operators of underground storage tank systems must maintain a list of designated Class A, Class B, and Class C operators and maintain records verifying that training and retraining, as applicable, have been completed, in accordance with § 280.34.

**Violation Details:**

*The owner and/or operator of the UST system(s) at this site are in violation of this rule because operator C certificates are needed.*

**Corrective Action:**

The owner or operator of the UST systems at this site shall submit a list of those employees designated to be 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: **2757**

Inspector's Name:	Matt Rozycki
Date:	May 11, 2022
Time In:	11:15
Time Out:	11:40
Inspection Type:	Initial

FACILITY NAME / LOCATION					
FACILITY NAME Blackford County Highway Dept			FACILITY ADDRESS (number and street) 2504 N 200 E		
ADDRESS (line 2)		CITY Hartford City	STATE IN	ZIP CODE 47348	COUNTY Blackford
UST OWNER					
UST Owner Name (If a Public Agency or other entity) Blackford County Highway Department				BUSINESS ID (From the Secretary of State)	
PREFIX	FIRST NAME John	MI	LAST NAME Pluimer		SUFFIX
TELEPHONE NUMBER (765) 348-0306		EMAIL ADDRESS bkcohighway@blackfordcounty.in.gov			
UST OPERATOR					
UST Operator Name (If a Public Agency or other entity) Blackford County Highway Department				BUSINESS ID (From the Secretary of State)	
PREFIX	FIRST NAME John	MI	LAST NAME Pluimer		SUFFIX
TELEPHONE NUMBER (765) 348-0306		EMAIL ADDRESS bkcohighway@blackfordcounty.in.gov			
PROPERTY OWNER					
UST Property Owner Name (If a Public Agency or other entity) Blackford County Board of Commissioners				BUSINESS ID (From the Secretary of State)	
PREFIX	FIRST NAME John	MI	LAST NAME Lancaster		SUFFIX
TELEPHONE NUMBER		EMAIL ADDRESS jlancaster@blackfordcounty.in.gov			
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 notification form with proper site details for piping and overfill method					
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			<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> N/A
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
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
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			<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> UNK
Need IN license from technician who performed spill/overfill testing, monthly walkthroughs					
40 CFR 280, Subpart D release detection requirements met			<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> UNK
Need IN license from technician who performed LD, LTT, ATG/probes testing					
40 CFR 280, Subpart J operator training requirements met			<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> UNK
Operator C certificates were not provided					

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 - FG - Installed 9/19/1991

One (1) 10K DSL

One (1) 10K GSL

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 31 years old and the owner should start planning on removing or replacing them soon.

Piping - DW FG - Pressurized

RD UST - ATG - IM

RD Piping - IM - LTT - LD

Spill protection/Overfill - Spill bucket - Ball floats

ATG Certification = Y 9/21/2021

Overfill Protection Test = N

Spill bucket Test = N

Containment Sumps Test Required Y If site performing IM

Site is an active highway department

Any Site history or concerns - 2015 NF lists piping as suction and pressurized and ball floats for overfill when testing was completed on flapper valves and shows ball floats are not present. If site performing IM as listed on NF STP sumps and UDCs will need to be tested.

Three (3) USTs closed 10/1/1991 (Closure NF on file)

No IN UST certification was located for Chris Howard

Documentation received -

Notification form - 2/25/2016 (Initial approval)

RD UST monthly results - 4/2021-4/2022

LTT 9/21/2021 Pass (Chris Howard)

LD 9/21/2021 Pass (Chris Howard)

Annual ATG test with probes 9/21/2021 (Chris Howard)

Spill bucket test 9/21/2021 Pass (Chris Howard)

Overfill test 9/21/2021 Flapper valves tested (Chris Howard)

Operator certificate - A-B

\*\*\*Site was having a new ATG installed, INCON

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

1. Some fluid was spotted in both spill buckets, they should be monitored and cleaned out as needed
2. The piping under the dispenser is appropriately wrapped to isolate it from backfill, however; it should be monitored periodically to make sure it has not loosened or been compromised

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. An updated notification form with proper site details for piping and overfill method is needed
2. Failure to ensure contractors were Indiana UST certified
3. No financial responsibility mechanism was provided
4. Spill bucket testing completed by non Indiana certified technician
5. Overfill functionality testing completed by non Indiana certified technician
6. Monthly walkthrough inspections were not provided
7. ATG functionality testing completed by non Indiana certified technician
8. Functionality testing of the ATG probes completed by non Indiana certified technician
9. Annual leak detector test completed by non Indiana certified technician
10. Annual line tightness testing completed by non Indiana certified technician
11. Operator C certificates were not provided

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:

- Updated notification form
- Financial responsibility mechanism
- Monthly walkthroughs
- Operator C certificates
- Chris Howard's IN UST certification or testing he completed redone by Indiana UST certified technician.