



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

July 15, 2022

Ball State University Board of Trustees
Attn: Renae Conley, Chair
Administration Bldg, Room 101
Muncie, IN 47306

Ball State University
Attn: Renae Conley, bsustrustees@bsu.edu
Attn: Pete Heuer, pnheuer@bsu.edu
Attn: Brian Naylor, bpnaylor@bsu.edu

Re: Violation Letter
Bracken Library
1000 N McKinley Ave
Muncie, Delaware County
UST Facility ID # **25190**

Dear Ms. Conley, Mr. Heuer and Mr. Naylor:

An inspector from the Indiana Department of Environmental Management (IDEM), Underground Storage Tank (UST) Section, conducted an inspection of the site referenced above on June 28, 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.

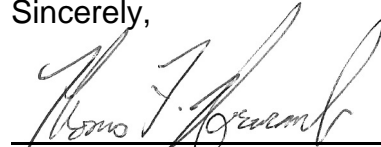
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # **25190**.

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

Direct any questions regarding the inspection to:

Compliance Manager: Carrie Maniet
Phone: (317) 233-3533

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: Carrie Maniet
Adam James
UST Facility ID File # 25190

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: Bracken Library	UST FACILITY ID: 25190
ADDRESS: 1000 N McKinley Ave, Muncie, Delaware County	INSPECTION DATE: 06/28/2022

VIOLATIONS NOTED IN THIS INSPECTION

IC 13-23-12-1 Failure to Pay UST Fees

Citation:

Pursuant to IC 13-23-12-1, each year the owner of an underground storage tank that has not been closed before January 1 of any year under rules adopted under IC 13-23-1-2; or a requirement imposed by the commissioner before the adoption of rules under IC 13-23-1-2; shall pay to the department of state revenue an annual registration fee. The annual registration fee required by this section is ninety dollars (\$90) for each underground petroleum storage tank; or two hundred forty-five dollars (\$245) for each underground storage tank containing regulated substances other than petroleum. If an underground storage tank consists of a single tank in which there are separate compartments, a separate fee shall be paid under subsection (b) for each compartment within the single tank. If an underground storage tank consists of a combination of tanks, a separate fee shall be paid under subsection (b) for each compartment within each tank in the combination of tanks.

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because UST fees of \$270.00 are past due.

Corrective Action:

The owner and/or operator of the UST systems at this site shall pay the required fees to the Indiana Department of Environmental Management within fifteen (15) days of receipt of this notice.

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 release detection method for UST must be indicated on notification form.

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 submitted did not include financial responsibility mechanism.

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 documentation of monthly release detection records for DSL UST were not available.

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.

§ 280.35(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 buckets were 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. Documentation, to include photographs, inspection, repair and testing results, showing the spill prevention equipment 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 overfill prevention device were 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.

§ 280.36(a)(1)(ii) – Failure to perform annual walkthrough inspections (6/28/2022)

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:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because documentation of annual walkthrough inspection results for 2022 was not provided.

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.

§ 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 Certificate C was not provided.

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: **25190**

Inspector's Name:	Adam James
Date:	June 28, 2022
Time In:	08:50
Time Out:	09:30
Inspection Type:	Initial

FACILITY NAME / LOCATION					
FACILITY NAME Bracken Library			FACILITY ADDRESS (number and street) 1000 N McKinley Ave		
ADDRESS (line 2)		CITY Muncie	STATE IN	ZIP CODE 47306	COUNTY Delaware
UST OWNER					
UST Owner Name (If in Individual Capacity) Ball State University				BUSINESS ID (From the Secretary of State)	
PREFIX	FIRST NAME Rena	MI	LAST NAME Conley		SUFFIX
TELEPHONE NUMBER		EMAIL ADDRESS bsutrustees@bsu.edu			
UST OPERATOR					
UST Operator Name (If in Individual Capacity) Ball State University				BUSINESS ID (From the Secretary of State)	
PREFIX	FIRST NAME Terry	MI	LAST NAME Hunt		SUFFIX
TELEPHONE NUMBER (765) 216-2044		EMAIL ADDRESS trhunt@bsu.edu			
PROPERTY OWNER					
UST Property Owner Name (If in Individual Capacity) Ball State University Board of Trustees				BUSINESS ID (From the Secretary of State)	
PREFIX	FIRST NAME Rena	MI	LAST NAME Conley		SUFFIX
TELEPHONE NUMBER		EMAIL ADDRESS bsutrustees@bsu.edu			
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
UST fees past due for 2022 is \$270.00, An updated NF with selection for UST RD method is required.					
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			<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
O/O is in compliance with all UST closure requirements			<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" 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
Missing FR mechanism					
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
Spill bucket test, Overfill prevention test, Annual walkthrough inspection					
40 CFR 280, Subpart D release detection requirements met			<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> UNK
No ATG or RD method, (12) months RD records (UST), ATG/probe test					
40 CFR 280, Subpart J operator training requirements met			<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> UNK
Operator Certificate C					

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) USTs - FG - Installed 1/1/1990
One 550 DSL

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 32 years old, likely out of warranty and the owner should start planning on removing or replacing them soon.

Piping - Cooper - European

RD UST - Not listed on NF

Spill protection/Overfill - Spill bucket - Flapper

ATG Certification = N

Overfill Protection Test = N

Spill bucket Test = N

Containment Sumps Test Required N

Site is an active State University library

Additional contacts - Pete Heuer, pnheuer@bsu.edu

Brian Naylor, bpnaylor@bsu.edu

Any Site history or concerns - 2016 NF does not list required UST release detection. Letter received in response to INL states UST is not currently being monitored monthly as required by the EPA regulation update in 2015 and implemented in Indiana in 2018.

Documentation received -

Notification form - 5/31/2016 (Initial approval)

TTT 2/4/2019 - Pass

Monthly walk through - 3/2021- 5/2022

Operator certificate - A-B

FR - Letter stating site has insurance

Documentation not provided -

RD UST monthly results

Annual ATG test

Overfill test required every 3 years

Spill bucket test required every 3 years

Operator certificate - C

FR - Ironshore Declarations page needed

Inspector Notes: UST system for emergency generator was confirmed to not have an ATG unit or any valid release detection method installed. Regulations regarding generators were updated by the EPA in 2015 and implemented in Indiana in 2018.

- Generator information: Kohler 250

Model: 250RE0ZJE

Serial: 3022214

MFG Date: 10/11

- Date of inspection occurred on 06/28/2022. A new regulation (§ 280.36(a)(1)(ii)) went into effect on 06/28/2022 requiring all UST facilities must conduct an annual walkthrough inspection.

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. UST fees of \$270.00 are past due for 2022.
2. Notification Form does not indicate required release detection method.
3. Documentation submitted did not include financial responsibility mechanism.
4. Documentation of monthly release detection records for DSL UST were not available.
5. Documentation of periodic test results for the spill buckets were not provided.
6. Documentation of periodic test results for the overfill prevention device were not provided.
7. Documentation of annual walkthrough inspection results for 2022 was not provided.
8. Operator Certificate C was not provided.

The following are RECORDS to be submitted to 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:

- UST Fees 2022
- Updated Notification Form
- Financial Responsibility mechanism
- (12) months release detection records (UST)
- Spill bucket test
- Overfill prevention test
- Annual walkthrough
- Operator C certificate