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June 28, 2017

Self-Disclosure & Environmental Audit Administrator
Indiana Department of Environmental Management
Mail Code 60-02P
100 North Senate Avenue, IGCN 1301
Indianapolis, IN 46204-2251

Re: Self-Disclosure & Environmental Audit Policy
Voluntary Disclosure of Possible Violations
The Indiana Transportation Museum Inc.

Dear Sir or Madam:

The Indiana Transportation Museum Inc. ("ITM") is the operator of a train museum and depot for heritage train rides. Solid and liquid chemicals are required to restore and maintain the ITM's safe operations of its historic engines, railcars and track. The chemicals are used within the premises and are stored within its leased property. The ITM is voluntarily disclosing potential violation(s) related to compliance with the Occupational Safety & Health Administration's (OSHA's) Hazard Communication Standard (29 CFR 1910.1200), the National Pollutant Discharge Elimination System (NPDES) permit process (327 IAC 5-2-2) and stormwater discharge management (327 IAC 15-6-2) .

In making this self-disclosure, it is the ITM's intent to invoke the Indiana Department of Environmental Management's ("IDEM") *Self-Disclosure and Environmental Audit Policy*, MP-004-R2-NPD, as amended (effective February 5, 2010) ("Policy"). This self-disclosure is being made within the timeframe required by the Policy.

The ITM submits this self-disclosure out of abundance of caution and to further its policy of transparency with IDEM. In disclosing this potential noncompliance, the ITM seeks the full protection of the Policy. Because each of the Policy's nine (9) conditions for a small "regulated entity" has been met, any potential or actual violation related to this disclosure and the aforementioned environmental requirements should be exempt from any gravity-based penalty. The ITM presents the following justifications for compliance with each requirement of the Policy:

1. **Systemic Discovery**. The ITM first learned of the potential violations identified herein through a compliance audit voluntarily undertaken to identify potential noncompliance with respect to potentially applicable Indiana laws and rules.

2. **Voluntary Discovery.** The potential violations described herein were identified voluntarily by the ITM and not through any legally mandated procedure.

3. **Prompt Disclosure.** The audit was performed by ITM's consultant, The Environmental Liability & Asset Management Group, LLC (dba The ELAM Group) commencing on or about June 3, 2017, with a final determination related to possible violations of 29 CFR 1910.1200, 327 IAC 5-2-2 and 327 IAC 15-6-2 made on or about June 28, 2017. These potential violations are disclosed in Attachment A of the *Self-Disclosure and Environmental Audit* form (IDEM State Form 55075), attached as **Exhibit 1.**

4. **Discovery and Disclosure Independent of Government or Third-Party Plaintiff.** As no federal, state, or local agency inspection, citizen suit, complaint, reporting, or imminent discovery of the potential violations described herein has occurred, these potential violations are being identified and disclosed prior to discovery by a governmental agency or third party.

5. **Correction and Remediation.** The ITM commits to correcting any potential violations in accordance with MP-004-R2-NPD and its compliance audit. The ITM is currently developing Best Management Practices ("BMPs") to properly guide itself under 29 CFR 1910.1200, 327 IAC 5-2-2 and 327 IAC 15-6-2 to ensure future compliance after the corrective measures are complete.

6. **Prevent Recurrence.** The ITM is currently developing Best Management Practices ("BMPs") to properly guide itself under 29 CFR 1910.1200, 327 IAC 5-2-2 and 327 IAC 15-6-2 to help train its volunteers on how to prevent recurrence. It is the ITM's belief that its internal processes that are under development, including the ITM's internal environmental audit program, is designed to prevent a recurrence of potential violations of this nature.

7. **No Repeat Violation.** The ITM is not aware of any prior violation from IDEM as it relates to 29 CFR 1910.1200, 327 IAC 5-2-2 and 327 IAC 15-6-2.

8. **Other Violations Excluded.** The ITM does not believe the potential violations disclosed herein have resulted in actual harm or presented an imminent or substantial endangerment to human health or the environment.

9. **Cooperation.** The ITM commits to cooperate with IDEM with information as is necessary and as requested to determine the applicability of the Policy.

Thank you for receiving this submission. If you have any questions or need any further information, please do not hesitate to contact me directly.

Sincerely,

David R. Gillay

David R. Gillay, Esq.

cc: Mr. John McNichols, ITM Chair
Mr. Les McConnell, ITM Vice Chairman
Mr. James P. Hogan, The ELAM Group

SELF-DISCLOSURE AND ENVIRONMENTAL AUDIT

State Form 55075 (8-12)
INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (IDEM)

INSTRUCTIONS: A copy of IDEM's Self-Disclosure and Environmental Audit Policy can be obtained by visiting IDEM's website at http://www.in.gov/idem/files/npd_mp_004_r2.pdf. For questions on how to complete a self disclosure, please contact IDEM's Compliance and Technical Assistance Program: toll-free (within Indiana) at 1-800-451-6027, press 0 and ask for extension 2-8172 or 317/232-8172 or by email at ctap@idem.IN.gov. Completed Self-Disclosures should be sent via certified U.S. Mail to:

Self-Disclosure and Environmental Audit Administrator
Indiana Department of Environmental Management
Mail Code 60-02P
100 North Senate Avenue, IGCN 1301
Indianapolis, Indiana 46204-2251

FACILITY INFORMATION

Name				Is the regulatory entity a new owner? ☐ Yes ☑ No
Indiana Transportation Museum (ITM)				
Physical Street Address *(number and street)*				Is the facility a small regulated entity? ☑ Yes ☐ No
825 Forest Park Drive				
City	State	ZIP Code	NAICS Code	SIC Code
Noblesville	IN	46060		
IDEM Program ID(s) *(i.e., Plant ID, NPDES, RCRA, FID, CAFO/Farm ID, PWSID, Source ID)*				
Not Applicable				
Mailing Street Address *(if different from physical address)*				
P.O. Box 83				
City	State	ZIP Code	Website	
Noblesville	IN	46061-0083	itm.org	

AUTHORIZED CONTACT

The authorized contact person is authorized by the entity to make such a disclosure and has authority to perform policy or decision-making functions of the company.

Name	Job Title
John McNichols	Chairman, ITM
Email address	Telephone number *(with area code)*
jmcnichols@mwbb.net	(317) 439-3630
Contact Street Address *(if different from physical and/or mailing address, please specify)*	

City	State	ZIP Code	Fax Number *(with area code)*

VIOLATION(S) INFORMATION

If more than one violation exists, each should be enumerated separately and described as completely as possible.

Description of Violation:
The following violations were observed: (1) no or inadequate hazard communications, (2) no water discharge permit and (3) no stormwater pollution prevention plan. These violations, the applicable code violations, the corrective measures and the compliance dates are summarized in a chart included in Attachment A.

How was the violation discovered?	Date the violation was discovered *(month, day, year)*
The ELAM Group inspected the property on 6/3/17 and were retained on 6/4/17 to conduct a comprehensive multimedia environmental audit on 6/9/17.	6/9/2017

Physical location of the violation:
The violations were discovered within a fenced area and in rail cars, both of which are accessible only to the volunteers and contracted employees of the ITM.

Other Comments:
The property boundary is being confirmed by a licensed surveyor.

CONDITIONS REQUIRED UNDER THE SELF-DISCLOSURE AND AUDIT POLICY

In addition to answering Yes/No, please provide a detailed explanation of how each of the 9 Audit Policy conditions have been met.

1. Was the violation discovered through an environmental audit or Compliance Management System?

If the violation was discovered through a Compliance Management System, provide information on how the System meets IDEM's requirement of "an objective, documented, systematic procedure or practice reflecting the [facility's] due diligence in preventing, detecting and correcting violations," including documentation as to how the facility implements its system. If applicable, include details regarding the facility's receipt of governmental or government supported compliance assistance.

☑ Yes ☐ No

Explain: The ELAM Group inspected the property on 6/3/17. The ITM subsequently retained The ELAM Group on 6/4/17 to conduct a comprehensive multimedia environmental audit on 6/9/17.

2. Was the violation identified voluntarily and not through a monitoring, sampling, or auditing procedure that is required by statute, regulation, permit, judicial or administrative order, or consent agreement? (*See Policy for a regulated entity with a new owner.)*

☑ Yes ☐ No

Explain:

3. Was the disclosure prompt? The facility must demonstrate that the violation was disclosed within forty-five (45) days after it discovered the violation occurred or may have likely occurred.

☑ Yes ☐ No

Explain:

4. Was the discovery and disclosure independent of a government or third party plaintiff? The facility must demonstrate that it took the initiative to find the violation and report it, rather than reacting to knowledge of a pending enforcement action or third party complaint.

☑ Yes ☐ No

Explain: The violations outlined in Attachment A are independent of the City of Noblesville's (City's) and the Indiana Department of Environmental Management's (IDEM's) inspections conducted on 5/17/17 and 5/31/17, respectively.

5. Was the violation corrected at the time of disclosure?

☐ Yes ☑ No

If yes, provide a statement certifying that the violation has been corrected. If no, provide details of how the violation will be corrected within sixty (60) days after the date the facility notified IDEM of the violation. (*See Policy if more than sixty (60) days are needed to correct the violation.)*
Because the ITM is an organization of less than 100 employees, it qualifies as a "small regulated entity" per IDEM's Agency Nonrule Policy Document (NPD) No. MP-004-R2-NPD. Accordingly, the ITM commits to correcting the violations per Section 6.5(b) of this NPD.

6. What measures are being taken to prevent recurrence of the violation and when will those measures be implemented?
See Attachment A for details of the corrective measures.

7.a. Has the same (*or closely related violation*) occurred previously at this facility within the past three (3) years?

☐ Yes ☑ No

Explain: These violations were first discovered on 6/3/17.

b. Has the violation (*or closely related violation*) occurred within the facility's parent organization within the past three (3) years?

☐ Yes ☑ No

Explain: This question is not applicable to the ITM.

8.a. Did the violation result in serious environmental harm or risk to human health?

☐ Yes ☑ No

Explain:

b. Did the violation present an imminent and substantial endangerment to human health or the environment?

☐ Yes ☑ No

Explain:

c. Was the violation knowingly, intentional or reckless such that it may constitute criminal conduct?

☐ Yes ☑ No

Explain: The ITM is a nonprofit organization run by volunteers.

d. Was the violation inadvertent?

☑ Yes ☐ No

Explain:

e. Did the violation violate the specific terms of any judicial or administrative order?

☐ Yes ☑ No

Explain: This is not applicable.

9. Has the regulated entity cooperated and provided information to IDEM as necessary and requested, to determine applicability of the Policy?

☑ Yes ☐ No

Explain: The ITM is cooperating with IDEM and the City to rectify all violations.

Estimate of the cost of compliance: The estimates for the cost of compliance remain ongoing.

Basis of estimate: The estimates will be based on usual, customary and reasonable (UCR) charges associated with the environmental corrective measures outlined in Attachment A.

CERTIFICATION

I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify, based upon reasonable investigation, that the submitted information is true, accurate and complete to the best of my knowledge and belief.

John McNichols
Name (*printed*)

Chairman, ITM
Title

Signature

6/28/17
Date (*month, day, year*)

Attachment A

Self-Disclosure and Environmental Audit

Violation	Applicable Code(s)	Corrective Measure	Compliance Date
No Occupational Safety & Health Administration (OSHA) Hazard Communication Standard (HCS) for exposures to hazards within the facility	29 CFR 1910.1200 (OSHA HCS)	Develop a Health & Safety Plan (HASP) per OSHA's HCS, obtain safety data sheets (SDS), ensure all containers are properly labeled and develop BMPs for properly managing all incoming chemicals in the future, including labeling, identification and training protocols	9/26/17
Water discharged to the ground surface without a National Pollutant Discharge Elimination System (NPDES) permit	327 IAC 5-2-2 (NPDES)	Obtain an NPDES permit prior to any future discharges to the ground surface or a Publicly-Owned Treatment Works (POTW) facility	9/26/17
Stormwater discharges exposed to industrial activity without an approved plan	327 IAC 15-6-2 (Stormwater Discharges)	Develop a Stormwater Pollution Prevention Plan (SWP3)	9/26/17