

Letter M-0005

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
Office of Underground Storage Tanks
UST Compliance-Inspection Additional Comments

Date: 10-5-05 Time: 11:50 County: St. Joseph

Facility: Lemmore Service Station

Location: 134 W. Mishawaka, Mishawaka

Facility ID#: 3277 Not Regulated: ?

Inspected by: Barbara Humphrey

Comments: (Sign in window gives the #574-298-0015.)

- Database list 2-3000 gal. gasoline tanks as temporarily out of service. However, there are no vent lines, no fills (paved over), recent removal without notification is possible.

- Lot appears to be used as a car lot most recently. Now the property is vacant.

- A letter to the owner will be sent requesting closure information.

Facility Rep: Signature

Inspector: B Humphrey Signature

Notification for Underground Storage Tanks

FORM APPROVED
OMB NO. 1525-004
APPROVAL EXPIRES 0-31-81

I.D. Number **STATE USE ONLY**
003277
Date Received

GENERAL INFORMATION

Notification is required by Federal law for all underground tanks that have been used to store regulated substances since January 1, 1974, that are in the ground as of May 8, 1986, or that are brought into use after May 8, 1986. The information requested is required by Section 9002 of the Resource Conservation and Recovery Act (RCRA), as amended.

The primary purpose of this notification program is to locate and evaluate underground tanks that store or have stored petroleum or hazardous substances. It is expected that the information you provide will be based on reasonably available records, or, in the absence of such records, your knowledge, belief, or recollection.

Who Must Notify? Section 9002 of RCRA, as amended, requires that, unless exempted, owners of underground tanks that store regulated substances must notify designated State or local agencies of the existence of their tanks. Owner means—

(a) in the case of an underground storage tank in use on November 8, 1984, or brought into use after that date, any person who owns an underground storage tank used for the storage, use, or dispensing of regulated substances, and

(b) in the case of any underground storage tank in use before November 8, 1984, but no longer in use on that date, any person who owned such tank immediately before the discontinuation of its use.

What Tanks Are Included? Underground storage tank is defined as any one or combination of tanks that (1) is used to contain an accumulation of "regulated substances," and (2) whose volume (including connected underground piping) is 10% or more beneath the ground. Some examples are underground tanks storing: 1. gasoline, used oil, or diesel fuel, and 2. industrial solvents, pesticides, herbicides, or fumigants.

What Tanks Are Excluded? Tanks removed from the ground are not subject to notification. Other tanks excluded from notification are:

- 1. farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes;
- 2. tanks used for storing heating oil for consumptive use on the premises where stored;
- 3. septic tanks;

- 4. pipeline facilities (including gathering lines) regulated under the Natural Gas Pipeline Safety Act of 1968, or the Hazardous Liquid Pipeline Safety Act of 1979 or which is an intrastate pipeline facility regulated under State laws.
- 5. surface impoundments, pits, ponds, or lagoons.
- 6. storm water or waste water collection systems.
- 7. flow-through process tanks;
- 8. liquid traps or associated gathering lines directly related to oil or gas production and gathering operations;
- 9. storage tanks situated in an underground area (such as a basement, cellar, mine working, drift, shaft, or tunnel) if the storage tank is situated upon or above the surface of the floor.

What Substances Are Covered? The notification requirements apply to underground storage tanks that contain regulated substances. This includes any substance defined as hazardous in section 101 (14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), with the exception of those substances regulated as hazardous waste under Subtitle C of RCRA. It also includes petroleum, e.g., crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute).

Where To Notify? Completed notification forms should be sent to the address given at the top of this page.

When To Notify? 1. Owners of underground storage tanks in use or that have been taken out of operation after January 1, 1974, but still in the ground, must notify by May 8, 1986. 2. Owners who bring underground storage tanks into use after May 8, 1986, must notify within 30 days of bringing the tanks into use.

Penalties: Any owner who knowingly fails to notify or submits false information shall be subject to a civil penalty not to exceed \$10,000 for each tank for which notification is not given or for which false information is submitted.

INSTRUCTIONS

Please type or print in ink all items except "signature" in Section V. This form must be completed for each location containing underground storage tanks. If more than 5 tanks are owned at this location, photocopy the reverse side, and staple continuation sheets to this form.

Indicate number of continuation sheets attached

I. OWNERSHIP OF TANK(S)

Owner Name (Corporation, Individual, Public Agency, or Other Entity)

William FENIMORE

Street Address

54605 N. 27th

County

St. Joseph

City State ZIP Code

South Bend IN 46635

Area Code Phone Number

219 222-7986

Type of Owner (Mark all that apply)

- Current State or Local Gov't Private or Corporate
- Former Federal Gov't (GSA facility I.D. no.) Ownership uncertain

II. LOCATION OF TANK(S)

(If same as Section I, mark box here)

Facility Name or Company Site Identifier, as applicable

FENIMORE'S SERVICE

Street Address or State Road, as applicable

134 W. Mishawaka Av.

County

St. Joseph

City (nearest) State ZIP Code

Mishawaka IN 46545

Indicate number of tanks at this location

Mark box here if tank(s) are located on land within an Indian reservation or on other Indian trust lands

III. CONTACT PERSON AT TANK LOCATION

Name (If same as Section I, mark box here) Job Title Area Code Phone Number

IV. TYPE OF NOTIFICATION

Mark box here only if this is an amended or subsequent notification for this location.

V. CERTIFICATION (Read and sign after completing Section VI)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.

Name and official title of owner or owner's authorized representative William FENIMORE OWNER Signature William F. Fenimore Date Signed 4/6/86

CONTINUE ON REVERSE SIDE

VI. DESCRIPTION OF UNDERGROUND STORAGE TANKS (Complete for each tank at this location.)

Tank Identification No. (e.g., ABC-123), or Arbitrarily Assigned Sequential Number (e.g., 1,2,3...)	Tank No. 1	Tank No. 2	Tank No. 3	Tank No. 4	Tank No.
1. Status of Tank (Mark all that apply <input checked="" type="checkbox"/>) Currently in Use <input checked="" type="checkbox"/> Temporarily Out of Use <input type="checkbox"/> Permanently Out of Use <input type="checkbox"/> Brought into Use after 5/8/86 <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Estimated Age (Years)	15	15	15	15	
3. Estimated Total Capacity (Gallons)	8000	8000	8000	8000	
4. Material of Construction (Mark one <input checked="" type="checkbox"/>) Steel <input checked="" type="checkbox"/> Concrete <input type="checkbox"/> Fiberglass Reinforced Plastic <input type="checkbox"/> Unknown <input type="checkbox"/> Other, Please Specify _____	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Internal Protection (Mark all that apply <input checked="" type="checkbox"/>) Cathodic Protection <input type="checkbox"/> Interior Lining (e.g., epoxy resins) <input type="checkbox"/> None <input type="checkbox"/> Unknown <input checked="" type="checkbox"/> Other, Please Specify _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. External Protection (Mark all that apply <input checked="" type="checkbox"/>) Cathodic Protection <input type="checkbox"/> Painted (e.g., asphaltic) <input type="checkbox"/> Fiberglass Reinforced Plastic Coated <input type="checkbox"/> None <input type="checkbox"/> Unknown <input checked="" type="checkbox"/> Other, Please Specify _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Piping (Mark all that apply <input checked="" type="checkbox"/>) Bare Steel <input type="checkbox"/> Galvanized Steel <input type="checkbox"/> Fiberglass Reinforced Plastic <input type="checkbox"/> Cathodically Protected <input checked="" type="checkbox"/> Unknown <input type="checkbox"/> Other, Please Specify _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Substance Currently or Last Stored in Greatest Quantity by Volume (Mark all that apply <input checked="" type="checkbox"/>) a. Empty <input type="checkbox"/> b. Petroleum <input type="checkbox"/> Diesel <input type="checkbox"/> Kerosene <input checked="" type="checkbox"/> Gasoline (including alcohol blends) <input checked="" type="checkbox"/> Used Oil <input type="checkbox"/> Other, Please Specify _____ c. Hazardous Substance <input type="checkbox"/> Please Indicate Name of Principal CERCLA Substance OR Chemical Abstract Service (CAS) No. _____ Mark box <input checked="" type="checkbox"/> if tank stores a mixture of substances d. Unknown <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Additional Information (for tanks permanently taken out of service) a. Estimated date last used (mo/yr) _____ b. Estimated quantity of substance remaining (gal.) _____ c. Mark box <input type="checkbox"/> if tank was filled with inert material (e.g., sand, concrete) <input type="checkbox"/>	/	/	/	/	/

UST File



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
(800) 451-6027
www.idem.IN.gov

January 18, 2006

CERTIFIED MAIL 7000 0520 0023 5035 4862

Berreth Oil, Incorporated
Attention: Mr. Jeff Berreth
1301 W. 6th Street
Mishawaka, IN 46544

RE: **Violation Letter**
Fenimore's Service
134 W Mishawaka Avenue
Mishawaka, IN -St. Joseph Co.
UST Facility #3277

Dear Mr. Berreth:

On October 5, 2005, Barbara Humphrey from the Indiana Department of Environmental Management, Office of Land Quality, Underground Storage Tank Section, conducted an inspection of 134 W. Mishawaka Avenue, Mishawaka, Indiana. This inspection was conducted pursuant to IC 13-14-2-2. For your information, and in accordance with IC 13-14-5, a summary of the inspection is provided below:

Type of Inspection: X UST Compliance
 X Complaint
 _____ Other

Results of Inspection: _____ Violations were observed but corrected during the inspection.
 X Additional information/review is required to evaluate overall compliance.
 _____ Violations were observed.
 _____ Violations were observed and will be referred to the Office of Enforcement.

Out of Service Underground Storage Tanks

The underground storage tanks appeared to be removed, however proper notification and closure assessment have not yet been received.

329 IAC 9-2-2 Notification Requirements

(g) All owners and operators of UST systems who:

(1) temporarily close a tank system under 329 IAC 9-6-5; or

(2) permanently close or perform a change-in-service on a tank system under 329 IAC 9-6-1;

shall, within thirty (30) days of completing such action, submit notice of this action to the agency as required by subsection (a).

329 IAC 9-6-1 Permanent Closure and Change-in-Service

Sec. 1. (a) At least thirty (30) days before beginning either permanent closure or a change-in-service, the owner and operator shall notify the agency of their intent to permanently close or make the change-in-service unless such action is in response to corrective action. The required assessment of the excavation zone under section 2 of this rule must be performed:

(1) after notifying the agency; and

(2) before completion of the permanent closure or change-in-service.

(b) Continued use of a UST system to store a nonregulated substance is considered a change-in-service. Before a change-in-service, the owner and operator shall complete the following:

(1) Empty and clean the tank by removing all liquid and accumulated sludge.

(2) Conduct a site assessment in accordance with section 2 of this rule.

(c) To permanently close a tank, the owner and operator shall complete the following:

(1) Empty and clean the tank by removing all liquids and accumulated sludges.

(2) Complete either of the following:

(A) Remove the tank from the ground under section 2(a) or 2(b) of this rule.

(B) Fill the tank with an inert solid material under section 2(d) of this rule

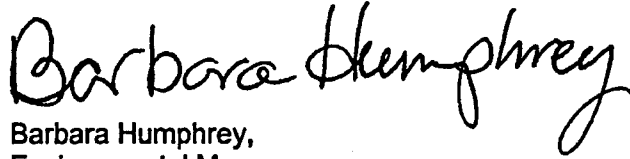
Please complete the enclosed notification form with an original signature in ink and return it to the UST Section, IDEM. A closure report detailing the permanent closure is also required. When completed, return the form along with a copy of this letter to:

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
UNDERGROUND STORAGE TANK SECTION
100 NORTH SENATE AVENUE
INDIANAPOLIS, IN 46204-2251

Within 30 days of receipt of this letter, a written detailed explanation, documenting compliance with each of the requirements listed above, must be submitted to this office. Failure to respond adequately to this Violation Letter may result in a referral to IDEM's Office of Enforcement. Thank you for your attention to this matter.

Please direct any response to this letter and any questions to Barbara Humphrey at 317-308-3073.

Sincerely,



Barbara Humphrey,
Environmental Manager
Underground Storage Tank Section
Office of Land Quality

Enclosure

cc: File
John Mendel



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
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(317) 232-8603
(800) 451-6027
www.IN.gov/idem

COPY

VIA CERTIFIED MAIL #7099 3220 0003 2547 1185

June 9, 2006

William Fenimore
54605 N. 27th St.
South Bend, IN 46635

RE: Facility ID: 3277
134 W. Mishawaka Ave.
Mishawaka, IN

Dear Mr. Fenimore:

Our records indicate that one or more underground storage tanks (UST's) at the above mentioned facility are in temporary closure. We are requesting updated information regarding the above mentioned facility.

Please indicate one of the following:

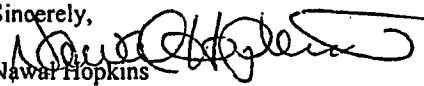
1. The UST's are currently in operation. If so, please submit a Notification Form (SF 45223) updating tank status for the facility.
2. The UST's are permanently closed. If so, please submit a closure report with Notification Form (SF 45223).
3. Your facility is under new ownership. If so, please submit the new owner's information.

Please submit the requested information to the address below within ten (10) days from receipt of this letter.

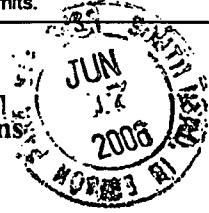
Indiana Department of Environmental Management
Office of Land Quality / UST
100 N. Senate Avenue
Room 1101
Indianapolis, IN 46204-2241

NOTE: NO PHOTOCOPIES OF SF 45223 WILL BE ACCEPTED. THE OWNER OR AUTHORIZED REPRESENTATIVE SIGNATURE MUST BE IN INK.

If you have any questions please contact me at (317) 308-3386.

Sincerely,

Nawal Hopkins
Closure Coordinator
Underground Storage Tank Section
Office of Land Quality

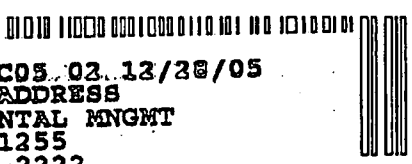
cc: file
enclosure: SF 45223

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Received by (Please Print Clearly)	B. Date of Delivery
<p>1. Article Addressed to:</p> <p>67-01-02-sgh-hopkins William Fenimore 54605 N. 27th St. South Bend, IN 46635</p> 	<p>C. Signature</p> <p>X <i>William Fenimore</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p>	
<p>2. Article Number (Copy from service label)</p> <p><i>7099 3220 003 2547-1185</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If YES, enter delivery address below.</p>	
<p>PS Form 3811, July 1999</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> <p>Domestic Return Receipt</p> <p>102595-00-M-0952</p>

CERTIFIED MAIL

SF 42847 (R5 / 8-94)

STATE OF INDIANA
DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT



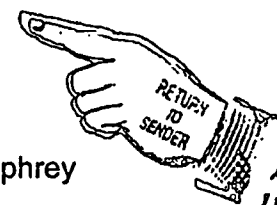
100 INDIANAPOLIS IN 46204-2222
NOTIFY SENDER OF NEW ADDRESS
: IN DEPT OF ENVIRONMENTAL MNGMT
100 N SENATE AVE RM N1255
INDIANAPOLIS IN 46204-2222

3322



*UHK
/ 1520*

67-01-02-sgh,bhumphrey
Berreth Oil, Inc.
Attn: Mr. Bud Weldy
12495 McKinley Highway
Mishawaka, IN 42545



RETURN TO SENDER

NOT DELIVERABLE
AS ADDRESSED.
UNABLE TO FORWARD

46545+771 6225 5020 3



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

67-01-02-sgh,bhumphrey
 Berreth Oil, Inc.
 Attn: Mr. Bud Weldy
 12495 McKinley Highway
 Mishawaka, IN 42545

2. Article Number
 (Transfer from service label) 7099-3220-6963-8322

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee
 X

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

CS 00


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100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
(800) 451-6027
www.IN.gov/idem

December 16, 2006

CERTIFIED MAIL 7000 3220000369638322

Berreth Oil, Incorporated
Attention: Mr. Bud Weldy
12495 McKinley Highway
Mishawaka, IN 42545

RE: **Violation Letter**
Fenimore's Service
134 W Mishawaka Avenue
Mishawaka, IN -St. Joseph Co.
UST Facility #3277

Dear Mr. Weldy:

On October 5, Barbara Humphrey from the Indiana Department of Environmental Management, Office of Land Quality, Underground Storage Tank Section, conducted an inspection of 134 W. Mishawaka Avenue, Mishawaka, Indiana. This inspection was conducted pursuant to IC 13-14-2-2. For your information, and in accordance with IC 13-14-5, a summary of the inspection is provided below:

Type of Inspection:	<input checked="" type="checkbox"/>	UST Compliance
	<input checked="" type="checkbox"/>	Complaint
	<input type="checkbox"/>	Other

Results of Inspection:	<input type="checkbox"/>	Violations were observed but corrected during the inspection.
	<input checked="" type="checkbox"/>	Additional information/review is required to evaluate overall compliance.
	<input type="checkbox"/>	Violations were observed.
	<input type="checkbox"/>	Violations were observed and will be referred to the Office of Enforcement.

Out of Service Underground Storage Tanks

The underground storage tanks appeared to be removed, however proper notification and closure assessment have not yet been received.

329 IAC 9-2-2 Notification Requirements

(g) All owners and operators of UST systems who:
 (1) temporarily close a tank system under 329 IAC 9-6-5; or
 (2) permanently close or perform a change-in-service on a tank system under 329 IAC 9-6-1;
 shall, within thirty (30) days of completing such action, submit notice of this action to the agency as required by subsection (a).

329 IAC 9-6-1 Permanent Closure and Change-in-Service

Sec. 1. (a) At least thirty (30) days before beginning either permanent closure or a change-in-service, the owner and operator shall notify the agency of their intent to permanently close or make the change-in-service unless such action is in response to corrective action. The required assessment of the excavation zone under section 2 of this rule must be performed:

(1) after notifying the agency; and
 (2) before completion of the permanent closure or change-in-service.
 (b) Continued use of a UST system to store a nonregulated substance is considered a change-in-service. Before a change-in-service, the owner and operator shall complete the following:

(1) Empty and clean the tank by removing all liquid and accumulated sludge.
 (2) Conduct a site assessment in accordance with section 2 of this rule.
 (c) To permanently close a tank, the owner and operator shall complete the following:

(1) Empty and clean the tank by removing all liquids and accumulated sludges.
 (2) Complete either of the following:
 (A) Remove the tank from the ground under section 2(a) or 2(b) of this rule.
 (B) Fill the tank with an inert solid material under section 2(d) of this rule

Please complete the enclosed notification form with an original signature in ink and return it to the UST Section, IDEM. A closure report detailing the permanent closure is also required. When completed, return the form along with a copy of this letter to:

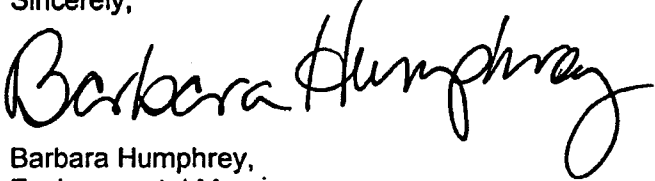
**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
 UNDERGROUND STORAGE TANK SECTION
 100 NORTH SENATE AVENUE
 INDIANAPOLIS, IN 46204-2251**

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.....

Please direct any response to this letter and any questions to Barbara Humphrey
at 317-308-3073.

Sincerely,



Barbara Humphrey,
Environmental Manager
Underground Storage Tank Section
Office of Land Quality

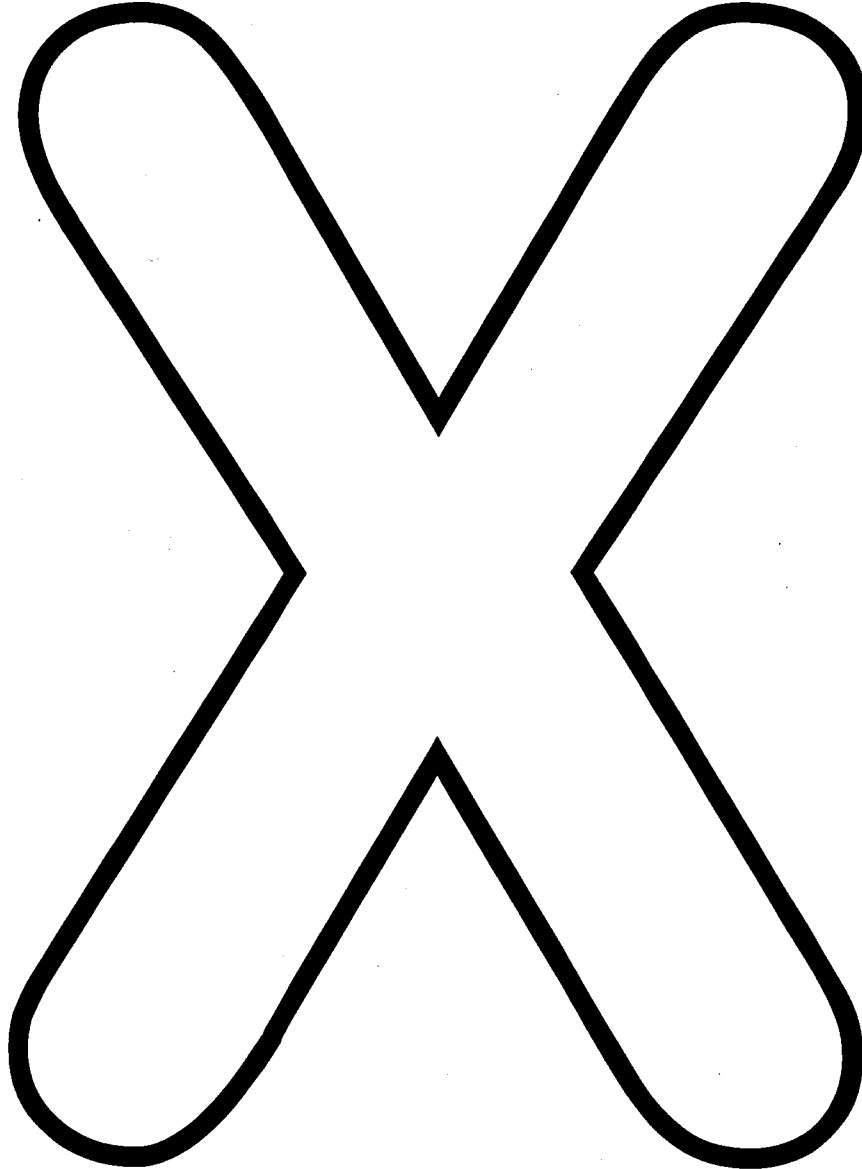
Enclosure

cc: File
John Mendel

Multi-Page Separator Sheet

NOTE: This separator page has been inserted to designate the beginning of a group of pages originally attached or grouped by staple, paper clip, folder, etc. This page is not part of the original document.

pagesep



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pagesep

pagesep

pagesep sheet

M-0005



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
(800) 451-6027
www.idem.IN.gov

COPY

October 17, 2005

VIA CERTIFIED MAIL 7000 0520 0023 5035 5005

Mr. William Fenimore
54605 North 27th Street
South Bend, IN 46635

RE: **Violation Letter**
Fenimore's Service
134 W Mishawaka Avenue
Mishawaka, IN - St. Joseph Co.
UST Facility #3277

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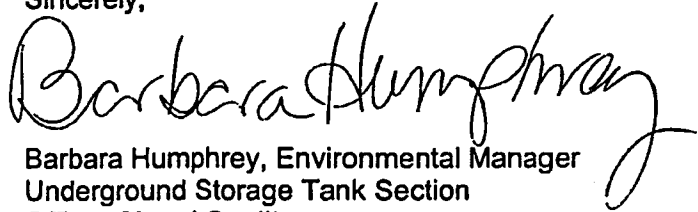
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UNDERGROUND STORAGE TANK SECTION
100 NORTH SENATE AVENUE
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Please direct any response to this letter and any questions to Barbara Humphrey at 317-308-3073.

Sincerely,

A handwritten signature in cursive script that reads "Barbara Humphrey". The signature is written in black ink and is positioned above the typed name and title.

Barbara Humphrey, Environmental Manager
Underground Storage Tank Section
Office of Land Quality

Enclosure

cc: File



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Mitchell E. Daniels, Jr.
 Governor

Thomas W. Easterly
 Commissioner

COPY

100 North Senate Avenue
 Indianapolis, Indiana 46204
 (317) 232-8603
 (800) 451-6027
 www.idem.IN.gov

October 17, 2005

VIA CERTIFIED MAIL 7000 0520 0023 5035 5005

Mr. William Fenimore
 54605 North 27th Street
 South Bend, IN 46635

RE: **Violation Letter**
Fenimore's Service
134 W Mishawaka Avenue
Mishawaka, IN - St. Joseph Co.
UST Facility #3277

Dear Mr. Fenimore:

On October 5, Barbara Humphrey from the Indiana Department of Environmental Management, Office of Land Quality, Underground Storage Tank Section, conducted an inspection of 134 W. Mishawaka Avenue, Mishawaka, Indiana. This inspection was conducted pursuant to IC 13-14-2-2. For your information, and in accordance with IC 13-14-5, a summary of the inspection is provided below:

Type of Inspection: UST Compliance
 Complaint
 Other

Results of Inspection: Violations were observed but corrected during the inspection.
 Additional information/review is required to evaluate overall compliance.
 Violations were observed.
 Violations were observed and will be referred to the Office of Enforcement.

Out of Service Underground Storage Tanks

The underground storage tanks appeared to be removed, however proper notification and closure assessment have not yet been received.

329 IAC 9-2-2 Notification Requirements

(g) All owners and operators of UST systems who:

- (1) temporarily close a tank system under 329 IAC 9-6-5; or
- (2) permanently close or perform a change-in-service on a tank system under 329 IAC 9-6-1;

shall, within thirty (30) days of completing such action, submit notice of this action to the agency as required by subsection (a).

329 IAC 9-6-1 Permanent Closure and Change-in-Service

Sec. 1. (a) At least thirty (30) days before beginning either permanent closure or a change-in-service, the owner and operator shall notify the agency of their intent to permanently close or make the change-in-service unless such action is in response to corrective action. The required assessment of the excavation zone under section 2 of this rule must be performed:

- (1) after notifying the agency; and
- (2) before completion of the permanent closure or change-in-service.

(b) Continued use of a UST system to store a non-regulated substance is considered a change-in-service. Before a change-in-service, the owner and operator shall complete the following:

- (1) Empty and clean the tank by removing all liquid and accumulated sludge.
- (2) Conduct a site assessment in accordance with section 2 of this rule.
- (c) To permanently close a tank, the owner and operator shall complete the following:
 - (1) Empty and clean the tank by removing all liquids and accumulated sludges.
 - (2) Complete either of the following:

- (A) Remove the tank from the ground under section 2(a) or 2(b) of this rule.
- (B) Fill the tank with an inert solid material under section 2(d) of this rule

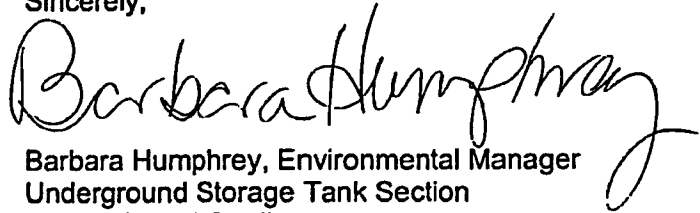
Please complete the enclosed notification form with an original signature in ink and return it to the UST Section, IDEM. A closure report detailing the permanent closure is also required. When completed, return the form along with a copy of this letter to:

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
UNDERGROUND STORAGE TANK SECTION
100 NORTH SENATE AVENUE
INDIANAPOLIS, IN 46204-2251

Within 30 days of receipt of this letter, a written detailed explanation, documenting compliance with each of the requirements listed above, must be submitted to this office. Failure to respond adequately to this Violation Letter may result in a referral to IDEM's Office of Enforcement. Thank you for your attention to this matter.

Please direct any response to this letter and any questions to Barbara Humphrey at 317-308-3073.

Sincerely,

A handwritten signature in cursive script that reads "Barbara Humphrey". The signature is written in black ink and is positioned above the typed name and title.

Barbara Humphrey, Environmental Manager
Underground Storage Tank Section
Office of Land Quality

Enclosure

cc: File

From: SKIP POWERS
To: DAVENPORT, BRIAN; HILLIER, JOE; MENDEL, JOHN; PHIPPS, CHUCK
Date: 09/28/2005 2:06PM
Subject: Re: Potential/Non-Compliance Gas Station/134 W. Mishawaka Ave., Mishawaka

Joe -

Actually, this site is in Barb's area (St. Joe Co.). She is the one that should inspect this site. As far as I can tell, it has never been inspected. On the surface, I think this facility needs more than a "windshield" inspection.

>>> JOE HILLIER 09/28/05 09:27AM >>>

Last week a Mr. Roger Shields, Mishawaka Redevelopment Agency (574-258-1668) called this office on a referral from UST Indianapolis last week. The FID: 3277, name: Fenimore's Service Station, 134 W. Mishawaka Ave., Mishawaka is no longer an operating station and has been converted to a used car lot. Property owner is Dennis J & Margaret A. Berreth. The USTs (2 or more) are still in place as are vent lines. The property lists William Fenimore as the owner in ULCERS. This is incorrect per property/parcel search by Mr. Shields. UST may want to schedule site for a windshield inspection

Have indicated to Mr. Shields that Mr. Davenport (site not previously inspected) is the individual to contact to visit site for status. I will be going to South Bend to assist Roy Harbert and will visit the above site and digital take photos. Concerns are that this is a potential problem site that is in the economic zone of redevelopment for Mishawaka and directly adjacent to a river (St. Joe's?) which is probably the GW flow direction for the site.

I have indicated that the City of Mishawaka's FD has the responsibility to enforce IAC-675/Fire Code. Additionally, the city's municipal code enforcement could be used as a tool to address the UST's of the facility.

John Mendel's name was provided for status and request to Mr. Shields that he download the UST notification form off of the WEB and present it to the apparent present owner. Status of UST fees will probably be reviewed. A completed form should be provided to UST/Tank Registration for further implementation and follow-up of the rule.

CC: HARBERT, ROY; HOPKINS, NAWAL; HUMPHREY, BARBARA; SCHROER, CRAIG;
STRIMBU, ROBERT

*2 3000 gasoline
apparently to be gone!*

Owner 6959 William Fenimore 54605 N 27th St South Bend IN 46635

UST FID 3277 Fenimore's Service 134 W Mishawaka Ave Mishawaka IN 46545

Tank Number: 1 Tank Status Code: 2 Substance Code: P3 Tank Capacity: 3000	Piping Type	Cathodic Protection	Installation	Release Detection
	Double Wall N	For Tanks - Impressed Current N	Mfr Certification N	Manual Gauging N
	Bare Steel N	For Tanks - Sacrificial Anodes N	Agency Certification Y	Tightness Testing with Inventory N
	Galvanized Steel N	For Piping - Impressed Current N	Inspected By Engineer N	Automatic Tank Gauging N
	Fiberglass/Plastic N	For Piping - Sacrificial Anodes N	Inspected By Agency N	Vapor Monitoring N
	Cathodic N	Another Method N	All Work Completed N	Ground Water Monitoring N
	Unknown Y		Another Method N	Interstitial - Barrier N
Other N			Interstitial - Containment N	
			Automatic Line Leak N	
			Line Tightness Testing N	
			Statistical Inventory Reconciliation N	
			Another Method N	
			Unknown N	

Miscellaneous	External Protection	Internal Protection	Spill Control
Meets 1998 Requirements N	Cathodic N	Interior Lining N	Catchment Basins N
Existing UST N	Cathodic - Galvanic N	None N	Shut-off Devices N
Unknown N	Cathodic - Impressed N	Unknown Y	Overfill Alarms N
	Painted N	Other N	BallFloat Valves N
	Fiberglass/Plastic N		Another Method N
	None N		
	Unknown Y		

Tank Number: 2 Tank Status Code: 2 Substance Code: P3 Tank Capacity: 3000	Piping Type	Cathodic Protection	Installation	Release Detection
	Double Wall N	For Tanks - Impressed Current N	Mfr Certification N	Manual Gauging N
	Bare Steel N	For Tanks - Sacrificial Anodes N	Agency Certification Y	Tightness Testing with Inventory N
	Galvanized Steel N	For Piping - Impressed Current N	Inspected By Engineer N	Automatic Tank Gauging N
	Fiberglass/Plastic N	For Piping - Sacrificial Anodes N	Inspected By Agency N	Vapor Monitoring N
	Cathodic N	Another Method N	All Work Completed N	Ground Water Monitoring N
	Unknown Y		Another Method N	Interstitial - Barrier N
Other N			Interstitial - Containment N	
			Automatic Line Leak N	
			Line Tightness Testing N	
			Statistical Inventory Reconciliation N	
			Another Method N	
			Unknown N	

Miscellaneous	External Protection	Internal Protection	Spill Control
Meets 1998 Requirements N	Cathodic N	Interior Lining N	Catchment Basins N
Existing UST N	Cathodic - Galvanic N	None N	Shut-off Devices N
Unknown N	Cathodic - Impressed N	Unknown Y	Overfill Alarms N
	Painted N	Other N	BallFloat Valves N
	Fiberglass/Plastic N		Another Method N
	None N		
	Unknown Y		

October 21, 2005

Underground Storage Tanks
Facility and Tank Information

Page 2 of 2

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

67-01-02-sgh,bhumphrey
 Mr. William Fenimore
 54605 North 27th Street
 South Bend, IN 46635

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
X William Fenimore

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

NOV 1 2001
 1001

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number **7000-0520-0023-5035-5008**
 (Transfer from service label)

102595-02-M-1540

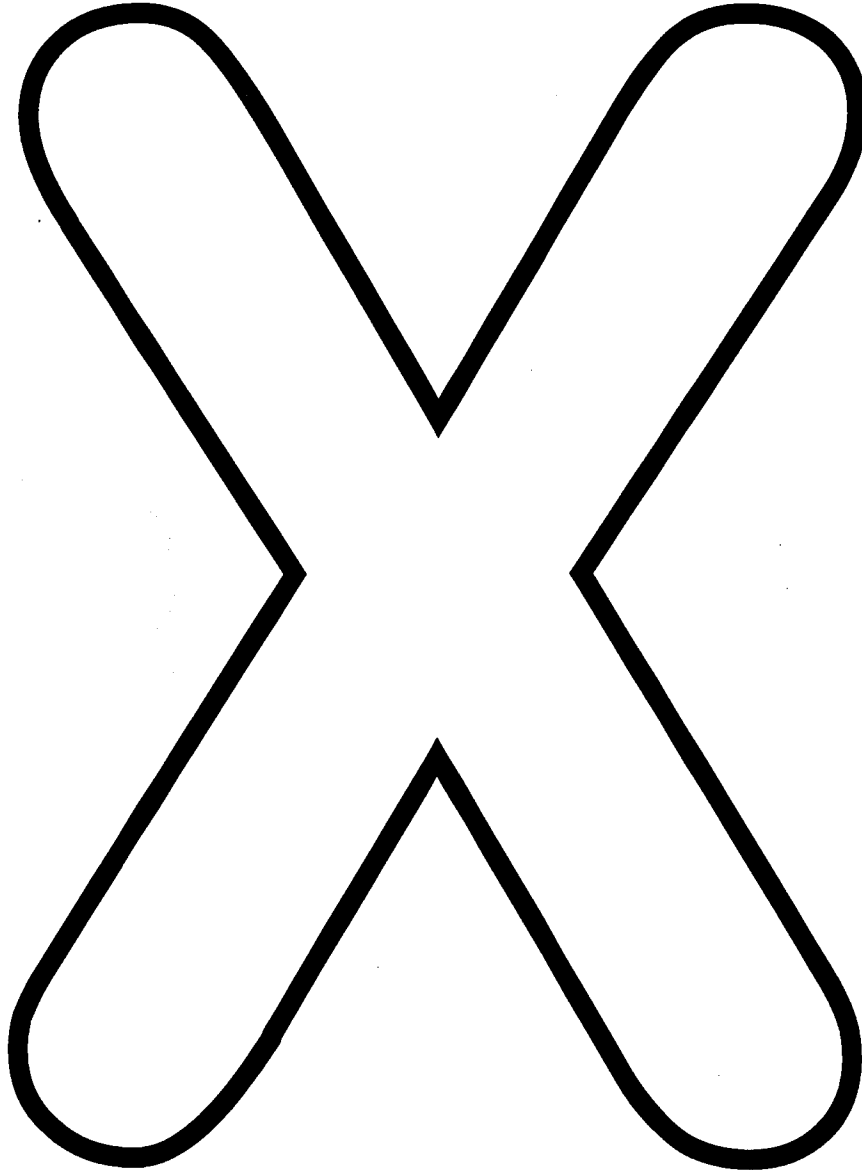
PS Form 3811, August 2001

Domestic Return Receipt

Multi-Page Separator Sheet

NOTE: This separator page has been inserted to designate the beginning of a group of pages originally attached or grouped by staple, paper clip, folder, etc. This page is not part of the original document.

pagesep



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pagesep sheet

File M-0005



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
We make Indiana a cleaner, healthier place to live.

Mitchell E. Daniels, Jr.
 Governor

Thomas W. Easterly
 Commissioner

100 North Senate Avenue
 Indianapolis, Indiana 46204
 (317) 232-8603
 (800) 451-6027
 www.idem.IN.gov

January 18, 2006

CERTIFIED MAIL 7000 0520 0023 5035 4862

Berreth Oil, Incorporated
 Attention: Mr. Jeff Berreth
 1301 W. 6th Street
 Mishawaka, IN 46544

RE: **Violation Letter**
 Fenimore's Service
 134 W Mishawaka Avenue
 Mishawaka, IN - St. Joseph Co.



Dear Mr. Berreth:

On October 5, 2005, Barbara Humphrey from the Indiana Department of Environmental Management, Office of Land Quality, Underground Storage Tank Section, conducted an inspection of 134 W. Mishawaka Avenue, Mishawaka, Indiana. This inspection was conducted pursuant to IC 13-14-2-2. For your information, and in accordance with IC 13-14-5, a summary of the inspection is provided below:

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 Complaint
 Other

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 Additional information/review is required to evaluate overall compliance.
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 Violations were observed and will be referred to the Office of Enforcement.

Out of Service Underground Storage Tanks

The underground storage tanks appeared to be removed, however proper notification and closure assessment have not yet been received.

329 IAC 9-2-2 Notification Requirements

(g) All owners and operators of UST systems who:

(1) temporarily close a tank system under 329 IAC 9-6-5; or

(2) permanently close or perform a change-in-service on a tank system under 329 IAC 9-6-1;

shall, within thirty (30) days of completing such action, submit notice of this action to the agency as required by subsection (a).

329 IAC 9-6-1 Permanent Closure and Change-in-Service

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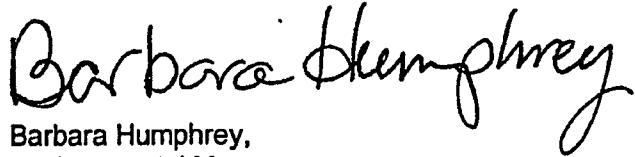
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INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
UNDERGROUND STORAGE TANK SECTION
100 NORTH SENATE AVENUE
INDIANAPOLIS, IN 46204-2251

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Please direct any response to this letter and any questions to Barbara Humphrey at 317-308-3073.

Sincerely,



Barbara Humphrey,
Environmental Manager
Underground Storage Tank Section
Office of Land Quality

Enclosure

 cc:File
John Mendel


INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
We make Indiana a cleaner, healthier place to live.

Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
(800) 451-6027
www.IN.gov/idem

December 16, 2006

CERTIFIED MAIL 7000 3220000369638322

Berreth Oil, Incorporated
Attention: Mr. Bud Weldy
12495 McKinley Highway
Mishawaka, IN 42545

RE: **Violation Letter**
Fenimore's Service
134 W Mishawaka Avenue
Mishawaka, IN -St. Joseph Co.
UST Facility #3277

Dear Mr. Weldy:

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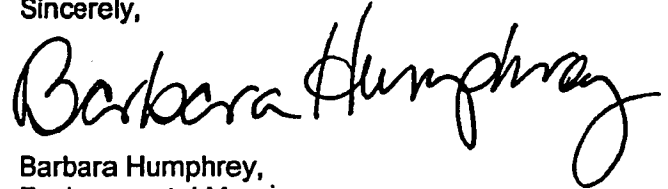
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 UNDERGROUND STORAGE TANK SECTION
 100 NORTH SENATE AVENUE
 INDIANAPOLIS, IN 46204-2251**

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Please direct any response to this letter and any questions to Barbara Humphrey
at 317-308-3073.

Sincerely,

A handwritten signature in black ink that reads "Barbara Humphrey". The signature is written in a cursive style with a large, looping "y" at the end.

Barbara Humphrey,
Environmental Manager
Underground Storage Tank Section
Office of Land Quality

Enclosure

cc: File
John Mendel