



## INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

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Eric J. Holcomb  
Governor

Brian C. Rockensuess  
Commissioner

January 12, 2022

Benckart Real Estate LLC  
Attn: William Benckart Jr., Registered Agent  
2503 E Poplar Dr  
Bloomington, IN 47401

E W Fuel and Supply Inc.  
Attn: William Benckart, Registered Agent  
306 W Baywood Dr  
Bloomington, IN 47403

Re: Violation Letter  
B & B Investments Inc.  
101 W Dillman Rd  
Bloomington, Monroe County  
UST Facility ID # **2650**

Dear Mr. Benckart:

An inspector from the Indiana Department of Environmental Management (IDEM), Underground Storage Tank (UST) Section, conducted an inspection of the site referenced above on December 8, 2021.

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.

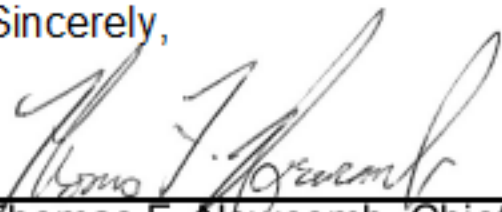
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at [USTCompliance@idem.in.gov](mailto:USTCompliance@idem.in.gov). Include in the subject line of the response the UST Facility ID # **2650**.

Inspector: Tristan Voge  
Phone: (317) 719-2574

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  
Tristan Voge  
UST Facility ID File # 2650  
E W Fuel and Supply Inc.  
Attn: William Benckart  
Via email: [stonebeltted@aol.com](mailto:stonebeltted@aol.com)  
[ewfuelsupply@aol.com](mailto:ewfuelsupply@aol.com)

### DESCRIPTION OF VIOLATIONS

This inspection or records review revealed that the owner and/or operator of this facility is in violation of Indiana UST Rule 329 IAC 9. 329 Indiana Administrative Code ("IAC") 9 incorporates certain federal underground storage tank requirements found in 40 Code of Federal Regulations ("CFR") Part 280, including those identified below. The Description of Violations (DOV) and corrective measures are as follows:

FACILITY NAME: <b>B &amp; B Investments Inc.</b>	UST FACILITY ID: <b>2650</b>
ADDRESS: <b>101 W Dillman Rd, Bloomington, Monroe County</b>	INSPECTION DATE: <b>12/08/2021</b>

### 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, if an underground storage tank has not been closed before January 1 of the 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; the owner of the underground storage tank shall pay to the department 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.

For tanks that contain separate compartments and that were in use before July 1, 2014, the payment of a single annual fee of ninety dollars (\$90) for a tank containing separate compartments shall be deemed to satisfy the requirements of subsection.

**Violation Details:**

*The owner and/or operator of the UST system(s) at this site are in violation of this rule because the 2016 tank fees have not been paid.*

**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.

<b>329 IAC 9-8-11(b) – Failure to demonstrate the ability to pay the deductible amount</b>
<b>Citation:</b>
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.
<b>Violation Details:</b>
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because a mechanism of financial responsibility was not provided.</i>
<b>Corrective Action:</b>
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.

<b>§ 280.31(b) – Failure to inspect CP system, frequency and criteria</b>
<b>Citation:</b>
Pursuant to 40 CFR 280.31(b), all UST systems equipped with cathodic protection systems must be inspected for proper operation by a qualified cathodic protection tester in accordance with the following requirements: (1) Frequency. All cathodic protection systems must be tested within 6 months of installation and at least every 3 years thereafter or according to another reasonable time frame established by the implementing agency; and (2) Inspection criteria. The criteria that are used to determine that cathodic protection is adequate as required by this section must be in accordance with a code of practice developed by a nationally recognized association.
<b>Violation Details:</b>
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because an up to date corrosion protection test report is needed.</i>
<b>Corrective Action:</b>
The owner and/or operator of the UST systems at this site shall submit to IDEM the required documents within fifteen (15) days of receipt of this notice or have their UST systems fully inspected by a qualified cathodic protection tester within fifteen (15) days and submit the results 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 overflow 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 a periodic spill prevention equipment test report was not provided.*

**Corrective Action:**

The owner and/or operator of the UST systems at this site shall, within thirty (30) days of receipt of this notice, contract with a certified contractor to inspect, repair and test all spill prevention equipment and containment sumps. Documentation, to include photographs, inspection, repair and testing results, showing the spill prevention equipment and containment sumps are liquid tight must be submitted within forty five (45) days of the receipt of this notice.

**§ 280.35(a)(2) – Failure to perform periodic testing of overflow prevention equipment****Citation:**

Pursuant to 40 CFR 280.35(a)(2), overflow prevention equipment must be inspected at least once every three years. At a minimum, the inspection must ensure that overflow 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 a periodic overflow prevention equipment test report was not provided.*

**Corrective Action:**

The owner and/or operator of the UST systems at this site shall, within thirty (30) days of receipt of this notice, contract with a certified contractor to inspect, repair and test all overflow prevention equipment. Documentation, to include photographs, inspection, repair, measurements and testing results, showing the overflow 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.

<b>§ 280.36(a)(1)(i) – Failure to perform 30 day walkthrough inspections</b>
<b>Citation:</b>
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).
<b>Violation Details:</b>
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because 07/2021-12/2021 monthly walkthrough inspections were not provided.</i>
<b>Corrective Action:</b>
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.

<b>§ 280.40(a)(3)(i) – Failure to perform annual tests of ATG</b>
<b>Citation:</b>
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.
<b>Violation Details:</b>
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because an annual ATG functionality test report was not provided.</i>
<b>Corrective Action:</b>
The owner and/or operator of the UST systems at this site shall have all components of the automatic tank gauge or other controllers tested for proper operation within thirty (30) days of receipt of this notice and submit the results within forty five (45) days of receipt of this notice.

<b>§ 280.40(a)(3)(ii) – Failure to perform annual tests of probes &amp; sensors</b>
<b>Citation:</b>
Pursuant to 40 CFR 280.40(a)(3)(ii), owners and operators of UST systems must provide a method, or combination of methods, of release detection that beginning on October 13, 2018, is operated and maintained, and electronic and mechanical components are tested for proper operation, in accordance with one of the following: manufacturer's instructions; a code of practice developed by a nationally recognized association or independent testing laboratory; or requirements determined by the implementing agency to be no less protective of human health and the environment than the two options listed in paragraphs (a)(1) and (2) of this section. A test of the proper operation must be performed at least annually and, at a minimum, as applicable to the facility, cover the following components and criteria: (ii) Probes and sensors: inspect for residual buildup; ensure floats move freely; ensure shaft is not damaged; ensure cables are free of kinks and breaks; test alarm operability and communication with controller.
<b>Violation Details:</b>
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because an annual probes and sensors test report was not provided.</i>
<b>Corrective Action:</b>
The owner and/or operator of the UST systems at this site shall have all components of the automatic tank gauging probes 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.

<b>§ 280.41(a)(1) – Failure to monitor tanks every 30 days if installed before 9/2/2009</b>
<b>Citation:</b>
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).
<b>Violation Details:</b>
<i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because twelve (12) months of release detection records for the USTs was not available.</i>
<b>Corrective Action:</b>
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.

<b>§ 280.43(d) – Failure to perform Automatic Tank Gauging to standard</b>
<b>Citation:</b> Pursuant to 40 CFR 280.43(d), equipment for automatic tank gauging that tests for the loss of product and conducts inventory control must meet the following requirements: (1) The automatic product level monitor test can detect a 0.2 gallon per hour leak rate from any portion of the tank that routinely contains product; (2) The automatic tank gauging equipment must meet the inventory control (or other test of equivalent performance) requirements of § 280.43(a); and (3) The test must be performed with the system operating in one of the following modes: (i) In-tank static testing conducted at least once every 30 days; or (ii) Continuous in-tank leak detection operating on an uninterrupted basis or operating within a process that allows the system to gather incremental measurements to determine the leak status of the tank at least once every 30 days.
<b>Violation Details:</b> <i>The owner and/or operator of the UST system(s) at this site are in violation of this rule because during the inspection dated 12/08/2021, the facility representative indicated that the unleaded UST probes was not functioning properly. According to the ATG inventory report, the unleaded UST does not appear to have volumes showing or release detection records recorded.</i>
<b>Corrective Action:</b> The owner and/or operator of the UST systems at this site shall have any UST system found to have had automatic tank gauging not performed to the standard 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 of the UST systems at this site shall have a contractor certified by the Indiana Office of the State Fire Marshall inspect, reprogram, repair or otherwise correct the deficiencies of the automatic tank gauging system within thirty (30) days of receipt of this notice and submit the results within forty five (45) days of receipt of this notice.



**UNDERGROUND STORAGE  
TANK INSPECTION REPORT**

INDIANA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT

UST FAC ID: **2650**

Inspector's Name:	Tristan Voge
Date:	December 8, 2021
Time In:	11:00 am
Time Out:	12:00 pm
Inspection Type:	Initial

**FACILITY NAME / LOCATION**

FACILITY NAME <b>B &amp; B Investments Inc.</b>		FACILITY ADDRESS (number and street) <b>101 W Dillman Rd</b>			
ADDRESS (line 2)	CITY <b>Bloomington</b>	STATE <b>IN</b>	ZIP CODE <b>47402</b>	COUNTY <b>Monroe</b>	

**UST OWNER**

UST Owner Name (Business Name as registered with the Secretary of State) <b>Benckart Real Estate LLC</b>		BUSINESS ID (From the Secretary of State) <b>2000012000259</b>			
PREFIX	FIRST NAME <b>William</b>	MI	LAST NAME <b>Benckart</b>	SUFFIX <b>Jr</b>	
TELEPHONE NUMBER	EMAIL ADDRESS <b>stonebeltted@aol.com</b>				

**UST OPERATOR**

UST Operator Name (Business Name as registered with the Secretary of State) <b>E W Fuel and Supply Inc.</b>		BUSINESS ID (From the Secretary of State) <b>198402-661</b>			
PREFIX	FIRST NAME <b>William</b>	MI	LAST NAME <b>Benckart</b>	SUFFIX <b>Jr</b>	
TELEPHONE NUMBER	EMAIL ADDRESS <b>ewfuelsupply@aol.com</b>				

**PROPERTY OWNER**

UST Property Owner Name (Business Name as registered with the Secretary of State) <b>Benckart Real Estate LLC</b>		BUSINESS ID (From the Secretary of State) <b>2000012000259</b>			
PREFIX	FIRST NAME <b>William</b>	MI	LAST NAME <b>Benckart</b>	SUFFIX <b>Jr</b>	
TELEPHONE NUMBER	EMAIL ADDRESS				

**COMPLIANCE ELEMENTS**

All USTs properly registered, on file and fees paid	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> N/A	<input type="checkbox"/> UNK
Their 2016 fees have not been paid.				
O/O is in compliance with reporting & record keeping requirements	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A	<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	<input type="checkbox"/> UNK
O/O is in compliance with all UST closure requirements	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A	<input type="checkbox"/> UNK
O/O has met all financial responsibility requirements	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> N/A	<input type="checkbox"/> UNK
A mechanism of financial responsibility was not provided.				
40 CFR 280, Subpart A installation requirements (partially excluded) met	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> UNK
40 CFR 280, Subpart B installation and upgrade requirements met	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A	<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	<input type="checkbox"/> UNK
40 CFR 280, Subpart C compatibility requirements met	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> UNK
40 CFR 280, Subpart C O&M and testing requirements met	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> N/A	<input type="checkbox"/> UNK
Spill/overfill equipment test reports and 7/2021-12/2021 monthly walkthrough inspections are needed.				
40 CFR 280, Subpart D release detection requirements met	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> N/A	<input type="checkbox"/> UNK
Twelve (12) months of UST RD records needed. ATG/probes/sensors test reports needed. ATG not to standard.				
40 CFR 280, Subpart J operator training requirements met	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> N/A	<input type="checkbox"/> UNK
A, B and C operator certificates were are needed.				

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 - STIP3- Installed 2/16/1990

One (1) 15K GSL

One (1) 15K 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 and the owner should start planning on removing or replacing them soon.

Piping - FG - Pressurized

RD UST - ATG

CP UST - Galvanic

RD Piping - LTT - LD

Spill protection/Overfill - Spill bucket - Flappers & Ball floats

ATG Certification = N

Overfill Protection Test = N

Spill bucket Test = N

Containment Sumps Test Required N

Last known CP Galvanic 6/10/2015

Site is an active

Any Site history or concerns - Per file review correct date of installation 2/16/1990

Five (5) USTs removed 2/28/1990 (Closure NF on file)

One (1) UST closed 10/1/1998 (closure report on file)

Documentation received -

Notification form - 4/3/2017 (Review not noted)

No additional documents received at time of review

Inspection Notes

- According to the facility representative present during the inspection dated 12/08/2021, the site plans on closing the tanks in the next year and replace them with ASTs.

- Facility representative gave inspector a filled out Notification Form that does not appear to be on file.

Notification Form sent to UST Registration for processing.

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

- The UNL spill bucket contained debris that should be cleaned out and monitored as needed.

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. The 2016 tank fees have not been paid.
2. A mechanism of financial responsibility was not provided.
3. An up to date corrosion protection test report is needed.
4. A periodic spill prevention equipment test report was not provided.
5. A periodic overfill prevention equipment test report was not provided.
6. 07/2021-12/2021 monthly walkthrough inspections were not provided.
7. An annual ATG functionality test report was not provided.
8. An annual probes and sensors test report was not provided.
9. Twelve (12) months of release detection records for the USTs was not available.

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 (update accordingly):

- 2016 tank fees
- A mechanism of financial responsibility
- An up to date corrosion protection test report
- A periodic spill prevention equipment test report
- A periodic overfill prevention equipment test report
- 07/2021-12/2021 monthly walkthrough inspections
- An annual ATG functionality test report
- An annual probes and sensors test report
- Twelve (12) months of release detection records for the USTs
- Documentation of proper probe and ATG function.