



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

June 28, 2024

Luke Land LLC
Attn: Thomas M Collins II, Registered Agent
3592 N Hobart Road
Hobart, IN 46342

Luke Land LLC
Attn: Don Butkiewicz
Via email: dbutkiewicz@lukebrands.com

Re: Violation Letter
Roop Inc
7269 Broadway
Merrillville, Lake County
UST Facility ID # **50029**

Dear Owner and Operator:

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 17, 2024.

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 will be referred to Enforcement.

Details of the inspection may be found in the enclosed inspection report. An enforcement case manager will be assigned and IDEM will issue an appropriate enforcement response. Please direct any questions regarding the inspection to:

Compliance Manager: Jordan Ware
Phone: (317) 232-2045

Sincerely,

Thomas F. Newcomb, Chief
UST Compliance Section
Office of Land Quality

cc: Jordan Ware

UST Facility ID File # 50029

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: Roop Inc	UST FACILITY ID: 50029
ADDRESS: 7269 Broadway Merrillville, IN 46410 Lake County	INSPECTION DATE: 6/17/2024

VIOLATIONS NOTED IN THIS INSPECTION

329 IAC 9-2-2(b) – Failure to register/notify within 30 days of ownership

Citation:

Pursuant to 329 IAC 9-2-2(b), the owner of a UST system, UST, or tank shall submit a notification form to register the UST system, UST, or tank to the department within thirty (30) days of becoming the owner of, or bringing into use, the UST system, UST, or tank. Bringing a tank or UST system “into use” means the tank or UST system contains or has contained a regulated substance and has not been closed under 329 IAC 9-6.

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because, based on information available, the site appears to have been in service since 2019 but has not been registered to date.

§ 280.34 – Reporting and recordkeeping (general provisions)

Citation:

Pursuant to 40 CFR 280.34, owners and operators of UST systems must cooperate fully with inspections, monitoring and testing conducted by the implementing agency, as well as requests for document submission, testing, and monitoring by the owner or operator pursuant to section 9005 of Subtitle I of the Solid Waste Disposal Act, as amended.

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because no records were provided in response to the failure to register violation letter dated 11/21/23.



**UNDERGROUND STORAGE
TANK INSPECTION REPORT**

INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

UST FAC ID: **50029**

Inspector's Name:	Todd Settles
Date:	June 17, 2024
Time In:	09:30
Time Out:	11:00
Inspection Type:	Initial

FACILITY NAME / LOCATION

FACILITY NAME Roop Inc		FACILITY ADDRESS (number and street) 7269 Broadway			
ADDRESS (line 2)	CITY Merrillville	STATE IN	ZIP CODE 46410	COUNTY Lake	

UST OWNER

UST Owner Name (If in Individual Capacity) Luke Land LLC					BUSINESS ID (From the Secretary of State) 2006050101144
PREFIX Mr.	FIRST NAME Thomas	MI M	LAST NAME Collins		SUFFIX II
TELEPHONE NUMBER		EMAIL ADDRESS dbutkiewicz@lukebrands.com			

UST OPERATOR

UST Operator Name (If in Individual Capacity) Roop Incorporated					BUSINESS ID (From the Secretary of State) 201607141149796
PREFIX	FIRST NAME Terry	MI	LAST NAME Kostelnik		SUFFIX
TELEPHONE NUMBER		EMAIL ADDRESS			

PROPERTY OWNER

UST Property Owner Name (If in Individual Capacity) Luke Land LLC					BUSINESS ID (From the Secretary of State) 2006050101144
PREFIX Mr.	FIRST NAME Thomas	MI M	LAST NAME Collins		SUFFIX II
TELEPHONE NUMBER		EMAIL ADDRESS dbutkiewicz@lukebrands.com			

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
A Notification Form has not yet been submitted. Tank fees are in arrears			
O/O is in compliance with reporting & record keeping requirements	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> UNK
No documentation was provided at time of records request			
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 checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
40 CFR 280, Subpart A installation requirements (partially excluded) met	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" 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 type="checkbox"/> NO	<input checked="" type="checkbox"/> UNK
Spill bucket, STP sump, UDC, overfill for REG, PREM, DSL testing, annual walkthrough			
40 CFR 280, Subpart D release detection requirements met	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> UNK
C1 DSL int sensor, leak detector testing			
40 CFR 280, Subpart J operator training requirements met	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> UNK

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 (updated post inspection):

Two (2) actual USTs installation date is unknown. (15K split 5K/5K/5K)

- One (1) 20K REG
- One (1) 5K DSL (T2 C1)
- One (1) 5K PREM (T2 C2)
- One (1) 5K E85 (T2 C3)
- Piping is FG DW and pressurized

RD UST = INT

RD Piping = INT, LLD

Overfill/Spill = Spill Buckets + Auto Shutoff + UDC

ATG Certification = N

Overfill Protection Test = N

Spill bucket Test = N

Containment Sumps Test Required = N

Last known CP (Impressed/Galvanic) - Unknown

Last known Liner inspection - Unknown

Site History:

Site is an active service station. There is no prior UST history at this site. Tank fees are in arrears. The facility has not registered. No tank data is listed in ULCERs. A failed to register letter was sent 11/21/23 and no registration form has been received. Per the Lake county GIS website the owner is Luke Land LLC. The street views on google maps show that there was construction at the site in October 2018. In June 2019 the street view shows the newly built gas station and appears to be open and selling gas. The site maintains is based on google aerial views and testing requirements based on rules that apply to post 9/2/2009 systems.

Contact Information

Don Butkiewicz, dbutkiewicz@lukebrands.com

Documentation provided at the time of the file review:

- None

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Inspection Notes:

- Site has two (2) USTs; a 20k REG and a 15K compartmented, DSL 5k, PREM 5k and E85 5k.
- Site is properly set-up for interstitial monitoring and records were obtained from the ATG. Document folder on sight only had one (1) monthly walkthrough, operator certificates and certificate of financial responsibility in it. ATG/probes, sensors and E85 overfill testing was also provided. The sensor testing did not include the DSL, PREM and E85 UST interstitial sensor. The remaining monthly walkthroughs were also provided after inspection.
- All auto shutoffs visually verified at time of inspection.

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

- Fluid in all spill buckets. Drain fluid, monitor and clean as needed.
- Fluid in dispenser 9/10 under dispenser containment sump. Drain fluid, monitor and clean as needed.
- E85 fill port cap damaged. Repair/replace as needed.

based on specific of the current system, owner is required to have documentation for those items and readily available to IDEM once registered:

1. An annual line leak detector test was not provided
2. ATG sensor testing for the DSL, PREM, and E85 UST interstitial sensor was not provided
3. Spill bucket / containment sump testing was not provided
4. Overfill testing for the REG, DSL, and PREM USTs were not provided
5. An annual walkthrough was not provided
6. Interstitial monitoring to standard: The sensor in E85 STP sump is not within one (1) inch of the lowest point of the sump
7. Documentation for the operator C certification that ensures that the course from JMM Management Group LLC covers all required information by the federal rule
8. Tank fees will be owed for each UST on site

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) Site has not been registered with IDEM
- 2) A notification form is needed detailing the entire UST system as well as all ownership information
- 3) No paperwork was provided in response to the failure to register violation letter dated 11/21/2023

The following are RECORDS to be submitted to the inspector within 30 days of receipt of this inspection report to avoid further action and achieve compliance with the state underground storage tank program:

- Facility is unregistered
- Updated notification form