



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204

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

Michael R. Pence
Governor

February 12, 2014

Thomas W. Easterly
Commissioner

Advanced Waste Services of Indiana, Inc.
d/b/a Chemworks II
Attn: Michael T. Malatesta
President
1126 South 70th Street, Suite N408B
West Allis, Wisconsin 53214

Dear Mr. Malatesta:

Re: Solid Waste Processing Facility
Permit Renewal
Advanced Waste Services Solidification
Facility
FP 64-09
Porter County

Advanced Waste Services of Indiana, Inc.'s permit renewal for the Advanced Waste Services Solidification Facility is approved. You, the permittee, must comply with Indiana's rules for solid waste processing facilities (329 IAC 11) and the terms of this permit. Your attention to the requirements for solidifying and disposing liquid wastes protects public health and the environment in your community. Please feel free to contact us or your compliance inspector if you have any questions.

This permit expires on **July 1, 2017**. To operate past this date, you must submit a renewal application on or before **March 3, 2017**.

The facility is a processing facility that receives liquid wastes for solidification. The facility has approximately 8.5 acres approved for processing and is located at 5625 Old Porter Road, Portage.

Public records for your facility are available in IDEM's Virtual File Cabinet (VFC) at www.IN.gov/idem. Documents related to this approval include the application dated March 18, 2013 (VFC #67738371) and additional information dated May 8, 2013 (VFC 68115417).

You can review the Indiana Code (IC) and the Indiana Administrative Code (IAC) references in this document at iga.IN.gov. IC references are under the "Laws" link. IAC references are under the "Publications" link.

This permit does not: convey property rights of any sort or any exclusive privileges; authorize injury to any person or private property or invasion of other private rights or any infringement of federal, state, or local laws or regulations; or preempt any duty to comply with other state or local requirements (329 IAC 11-11-4(a)).

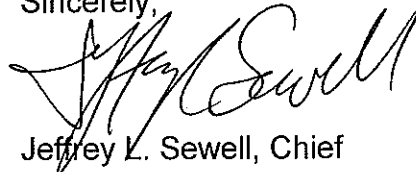
Please note, as the owner or operator of this facility, and owner of the land upon which it is located, you are liable for any environmental harm caused by the facility (329 IAC 11-11-4(b)).

If you do not comply with the requirements of this permit, IDEM may modify or revoke this permit (329 IAC 11-11-6) or initiate an enforcement action.

If you wish to appeal this decision, you must file a request for administrative review with the Office of Environmental Adjudication within 18 days after the postmark of this letter. The enclosed Notice of Decision notifies you of additional important details regarding the appeal process and your rights and responsibilities for filing an adequate and timely appeal.

If you have any questions, call (800) 451-6027, press 0, and ask for Alicia Brown or extension 2-8734, call direct at (317) 232-8734, or e-mail at albrown@idem.IN.gov.

Sincerely,



Jeffrey L. Sewell, Chief
Permits Branch
Office of Land Quality

Enclosure: Permit Requirements
Notice of Decision
Guide to Appeals Process
Letter to the Chesterton Tribune
Letter to the Portage Branch Library

cc with enclosures: Porter County Health Department
Porter County Commissioners
Recycling and Waste Reduction District of Porter County
Director, Northwest Regional Office
The Honorable James Snyder, Mayor of Portage
The Honorable Sue Lynch, President, Portage Town Council

PERMIT REQUIREMENTS

- A. **General Requirements**
- B. **Operational Requirements**
- C. **Closure/Post-Closure Requirements**

A. GENERAL REQUIREMENTS

A1. The facility consists of the following components: a processing building with two in-ground solidification pits, a temporary storage area for waste drums and containers, an auger for solidification media, wastewater treatment tanks, and a laboratory.

A2. The permittee must comply with 329 IAC 11 except where alternative specifications or requirements are noted in approved plans or this permit.

A3. The permittee must operate and maintain the facility as described in the approved plans and specifications. The permittee must request approval before modifying the facility or facility operating procedures. The permit modification application requirements are in 329 IAC 11-9. Application forms are available from the permit manager listed below.

Certain insignificant modifications defined in 329 IAC 11-2-19.5 are eligible for the streamlined notification or approval procedures described in 329 IAC 11-9-6.

A4. The permittee must call (888) 233-7745 (IDEM's emergency response line) as soon as possible after learning of any event that may cause an imminent and substantial endangerment to human health or the environment, such as a reportable spill (327 IAC 2-6.1) or a fire or explosion that requires the response of the local fire department.

The permittee must also submit a written report to the address listed in Requirement A5 within 5 business days after the event. The report must describe the event, and actions taken or planned to correct the event and prevent its recurrence.

A5. Unless otherwise noted, submittals must be sent to:

**Alicia Brown, Permit Manager
Indiana Department of Environmental Management
Solid Waste Permits
MC 65-45, IGCN 1101
100 North Senate Avenue
Indianapolis, IN 46204-2251**

Please provide 3 copies printed double-sided. We greatly appreciate an electronic copy in Acrobat PDF format on CD or DVD in place of one of the printed copies.

- A6. The permittee must submit quarterly tonnage reports (329 IAC 11-14-1) to the following address:

**Regulatory Reporting Section
Indiana Department of Environmental Management
MC 66-20, IGCN 1101
100 North Senate Avenue
Indianapolis, IN 46204-2251**

- A7. The permittee must maintain the ground surface and paved areas of the facility to promote surface water run-off away from waste processing and storage areas.
- A8. As a recipient of industrial process waste (329 IAC 11-2-17), the permittee must comply with the storm water requirements at 327 IAC 15-6.
- A9. The permittee must maintain records and submit reports complying with 329 IAC 11-13.5-9. The permittee must maintain records for all test results for testing of residues generated by the facility until certification of post-closure is deemed acceptable (329 IAC 11-13.5-9 (b)).

B. OPERATIONAL REQUIREMENTS

- B1. The permittee must comply with the operational requirements in 329 IAC 11-13.5 (Operational Requirements) and the following:
- a. Perform daily housekeeping and maintenance of the processing areas, keeping the processing facility and adjacent areas clean and litter free when not in use, and following the cleanup procedure as described in "Process Details as Pictured," Section H, in the original application dated August 16, 2006 (VFC #69460474, p. 24 of 72).
 - b. Perform inspections as described in "Process Details as Pictured," Section M, in the Saturday Duties checklist in the original application dated August 16, 2006 (VFC #69460474, p. 25 of 72); and Item 16 of the RAI response received December 27, 2006 (VFC #69460476, p. 3 of 16) and as required below:
 1. Inspect the processing and storage areas each operating day for any leaks, cracks, or damage to the containment structures. The permittee must repair any cracks that indicate damage to the integrity of the containment structures. The permittee must properly contain any leaks.
 2. Empty and inspect the solidification pits quarterly for cracks or damage to the structure. The permittee must repair any cracks in the interior of the solidification pits that indicates damage to the integrity of the structure or when a leak is detected.

- c. Inspect the fire extinguishers and fire hydrant on a weekly basis for proper operating conditions.
 - d. Recover any waste spilled on surfaces outside the building along with the contaminated soil and solidify it in the solidification pits.
 - e. Contain any spills within the solidification building until they are recovered and processed, as described in the RAI response received December 27, 2006 (VFC #69460476).
 - f. Promptly correct any nuisance, pollution conditions, or litter in the building or on the grounds.
 - g. If the facility is unable to operate continually for more than 24 hours or the waste storage capacity is full, the permittee must return any additional waste received to the generator or reroute to other permitted facilities approved to accept these wastes, and notify the waste generators to stop waste shipment.
- B2. The permittee must not process the following wastes:
- a. Hazardous waste as defined by 329 IAC 3.1
 - b. Waste or material containing PCBs from a source concentration of 50 ppm or greater, or concentration of 50 ppm or greater
 - c. Asbestos waste
 - d. Toxic Substance Control Act (TSCA) waste
 - e. Chemotherapy waste
 - f. Antineoplastic waste
 - g. Mercury or mercury-containing waste
 - h. Conditionally Exempt Small Quantity Generator (CESQG) hazardous waste (329 IAC 11-2-5.3)
 - i. Radioactive material regulated by the Atomic Energy Act
 - j. Infectious waste
- B3. The permittee is approved to accept solid waste as defined by 329 IAC 11-2-39, including septage, industrial wastewater, and landfill leachate, except as prohibited by Requirement B2.
- B4. The permittee must verify through sampling and analysis results and/or generator knowledge that the initial load of a waste is one of the following: one of the waste types approved by Requirement B3, or one of the absorption agents listed in Requirement B5a; and is not prohibited by Requirement B2; and is compatible with the facility's processes.
- If a sample from a subsequent load shows that the waste is not consistent with the sampling and analysis documentation provided with the initial load, the permittee must either:
- a. Resolve the discrepancy in consultation with the generator before accepting the load, or

- b. Refuse the load.

The permittee must maintain the name and address of the generator, the type of wastes accepted, and the sampling and analysis documentation in the facility's operating record for 3 years.

- B5. The permittee must process and solidify solid waste in compliance with the following conditions:

- a. Solidify free liquids uniformly by employing sufficient time for absorption and mixing with the absorption agent during the solidification process. Solidified waste must pass the Method 9095A (Paint Filter Liquids Test) described in 329 IAC 10-2-106 before shipping it to a landfill. The permittee is approved to use wood dust or sawdust as absorption agents to uniformly solidify free liquids. The permittee must store these materials in enclosed transporting units or in buildings to prevent migration of contaminants.

The permittee may request approval for additional absorption agents through an insignificant modification under 329 IAC 11-9-6(c).

- b. Transport all waste in compliance with local, state, and federal regulations.

- B6. The permittee must train operators to do the following:

- a. Recognize hazardous waste
- b. Use personal protective equipment when handling solid waste, and
- c. Properly operate the waste processing equipment.

- B7. The facility must have a manager who has successfully completed a program of classroom instruction or on-the-job training. The permittee must keep documentation on site verifying successful completion of this instruction or training. While the facility is operating, the manager must be present or available through contact by electronic communication device or telephone.

- B8. The permittee must accurately calibrate and maintain the analytical instruments and measurement devices according to the manufacturer's specifications and maintain records onsite regarding these calibration and measurement activities (329 IAC 11-13.5-9(b)).

C. CLOSURE/POST-CLOSURE REQUIREMENTS

- C1. The permittee must maintain a financial assurance mechanism to cover the costs of closure and post-closure in an amount not less than the estimated costs of closure and post-closure (329 IAC 11-16-1 and 329 IAC 11-16-2). The permittee must submit signed originals of the financial assurance mechanism and updates used to meet this requirement.

- C2. The permittee must submit a financial responsibility update by June 15 of each year. The annual update must document that the financial assurance mechanism is current and adequate to cover the costs of closure and post-closure. The permittee must submit signed originals of the financial assurance mechanism and updates used to meet this requirement.

- C3. When closing the facility and completing the one-year post-closure period, the permittee must follow the closure and post-closure requirements of 329 IAC 11-16-3.

NOTICE OF DECISION
Indiana Department of Environmental Management (IDEM)

Description of Decision

- IDEM issued a permit decision for the Advanced Waste Services Solidification Facility. This decision renews the facility's permit for another 5 years. The solid waste solidification processing facility is located at 5625 Old Porter Road, Porter County, Indiana.
- You can view a copy of this permit decision at the Portage Branch Library located at 2665 Irving Street, Portage, Indiana.
- It can also be viewed online at IDEM's Virtual File Cabinet (VFC) web site. Go to <http://12.186.81.89/Pages/Member/Search.aspx>, which is VFC's "Document Search" page. Once there, select "SW Program ID" from the **Index** dropdown menu, and type the facility permit number, **64-09**, in the **Value** field. Click the **Search** button, which will produce one or more links to the documents for this facility. Then click twice on the column header **Document Date** to sort the documents so that the most recent appear first. To review the decision, click **view** next to the most recent documents listed. If the permit decision is not yet available when you first try, try again later, it will soon be posted.

Challenging This Decision

- If you disagree with this decision and wish to challenge it, IC 13-15-6-1 and IC 4-21.5-3-7 require that you file a petition for administrative review. If you want the permit put on hold during this administrative review ("stayed") you must also file a petition for stay. These petitions must be submitted to the Office of Environmental Adjudication (OEA) at the following address within the timeframes below:

**Office of Environmental Adjudication
Government Center North, Room 501
100 North Senate Avenue
Indianapolis, Indiana 46204-2241**

- You will need to include the following in your petitions:
 1. Information identifying the decision you are appealing, including the following:
 - name of the facility
 - name of the applicant/permittee
 - permit number
 - date of this notice
 2. Information showing you are either:
 - the applicant
 - someone "aggrieved or adversely affected" by the decision, i.e., the decision has a negative impact on you, or
 - someone otherwise entitled by the law

3. Your name and address, or that of the person making the request that you represent
4. Your interest in the decision, or the interest of the person you represent
5. Identification of any persons represented by the person making the request
6. The reasons for the request, with particular detail
7. The issues involved, with particular detail
8. Identification of appropriate new permit terms and conditions that you would like to see used to replace existing ones in the permit that you feel do not comply with the laws governing this kind of permit
9. A copy of the pertinent portions of the permit, decision, or other order for which you seek review; at a minimum, the portion of the Commissioner's action that identifies the person to whom the action is directed and the identification number of the action.

Deadlines and Timeframes

- Please remember that you must file your petition(s) within the following timeframes:
 1. If you read this notice in a newspaper, you must file the petition within 15 days of the notice's publication date (either the date of the printed newspaper, or the notice date given on the newspaper's website).
 2. If you received this notice by U.S. mail, you must file the petition within 18 days of the date of this Notice of Decision (15 days from the date of decision, plus 3 days because this notice was provided by U.S. mail).
 3. If you received this notice by email, the date the email was sent.
 4. If an IDEM representative personally gives ("serves") you this notice, you must file the petition within 15 days of the date you were given the notice.
- The date your petition(s) will be considered received by ("filed with") the OEA is based on the following:
 1. If you or someone else personally brings the petition to OEA, the date you do this.
 2. If you mail the petition through the regular US mail, the postmark date on the envelope containing the petition, or

3. If you send the petition to OEA through a private carrier like UPS, Federal Express, etc., the date you gave the document to the carrier, as shown by the sales receipt you receive from the carrier.
- In order to assist permit staff in tracking any appeals of the decision, please provide a copy of your petition to Alicia Brown, IDEM, Solid Waste Permits, MC 65-45, IGCN 1101, 100 North Senate Avenue, Indianapolis, Indiana 46204-2251.

Receiving Updates on the Status of this Decision

- The OEA will provide you with notice of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders regarding this decision if you submit a written request to the OEA. If you do not provide a written request to the OEA, you will no longer be notified of any proceedings pertaining to this decision.

How to Obtain Additional Information

- If you have procedural or scheduling questions regarding your petition, you may contact OEA by dialing (800) 451-6027, press 0, and ask for extension 2-8591 or dial (317) 232-8591. Questions regarding other aspects of the permit decision should be directed to Alicia Brown at (800) 451-6027, press 0, and ask for Alicia Brown, or call direct at (317) 232-8734.
- Please bring this matter to the attention of persons you believe may have an interest in it.

Applicant and Interested Party NOD

What if you are not satisfied with this decision and you want to file an appeal?

Who may file an appeal?

The decision described in the accompanying Notice of Decision may be administratively appealed. Filing an appeal is formally known as filing a "Petition for Administrative Review" to request an "administrative hearing".

If you object to this decision issued by the Indiana Department of Environmental Management (IDEM) and are: 1) the person to whom the decision was directed, 2) a party specified by law as being eligible to appeal, or 3) aggrieved or adversely affected by the decision, you are entitled to file an appeal. (An aggrieved or adversely affected person is one who would be considered by the court to be negatively impacted by the decision. If you file an appeal because you feel that you are aggrieved, it will be p to you to demonstrate in your appeal how you are directly impacted in a negative way by the decision).

The Indiana Office of Environmental Adjudication (OEA) was established by state law - see Indiana Code (IC) 4-21.5-7 - and is a separate state agency independent of IDEM. The jurisdiction of the OEA is limited to the review of environmental pollution concerns or any alleged technical or legal deficiencies associated with the IDEM decision making process. Once your request has been received by OEA, your appeal may be considered by an Environmental Law Judge.

What is required of persons filing an appeal?

Filing an appeal is a legal proceeding, so it is suggested that you consult with an attorney. Your request for an appeal must include your name and address and identify your interest in the decision (Or, if you are representing someone else, his or her name and address and their interest in the decision). In addition, please include a photocopy of the accompanying Notice of Decision or list the permit number and name of the applicant, or responsible party, in your letter.

Before a hearing is granted, you must identify the reason for the appeal request and the issues proposed for consideration at the hearing. You also must identify the permit terms and conditions that, in your judgment, would appropriately satisfy the requirements of law with respect to the IDEM decision being appealed. That is, you must suggest an alternative to the language in the permit (or other order, or decision) being appealed, and your suggested changes must be consistent with all applicable laws (See Indiana Code 13-15-6-2) and rules (See Title 315 of the Indiana Administrative Code, or 315 IAC).

The effective date of this agency action is stated on the accompanying Notice of Decision (or other IDEM decision notice). If you file a "Petition for Administrative Review" (appeal), you may wish to specifically request that the action be "stayed" (temporarily halted) because most appeals do not allow for an automatic "stay". If, after an evidentiary hearing, a "stay" is granted, the IDEM-approved action may be halted altogether, or only allowed to continue in part, until a final decision has been made regarding the appeal. However, if the action is not "stayed" the IDEM-approved activity will be allowed to continue during the appeal process.

(See reverse side)

Where can you file an appeal?

If you wish to file an appeal, you must do so in writing. There are no standard forms to fill out and submit, so you must state your case in a letter (called a petition for administrative review) to the Indiana Office of Environmental Adjudication (OEA). Do not send the original copy of your appeal request to IDEM. Instead, send or deliver your letter to:

**The Indiana Office of Environmental Adjudication
Indiana Government Center North
Room N501
100 North Senate Avenue
Indianapolis, Indiana 46204-2200**

If you file an appeal, also please send a copy of your appeal letter to the IDEM contact person identified in the Notice of Decision, and to the applicant (person receiving an IDEM permit, or other approval).

Your appeal (petition for administrative review) must be received by the Office of Environmental Adjudication in a timely manner. The due date for filing an appeal may be given, or the method for calculating it explained, on the accompanying Notice of Decision (NOD). Generally appeals must be filed within 18 days of the mailing date of the NOD. To ensure that you meet this filing requirement, your appeal request must be:

- 1) Delivered in person to OEA by the close-of-business on the eighteenth day (If the 18th day falls on a day when the Office of Environmental Adjudication (OEA) is closed for the weekend or for a state holiday, then your petition will be accepted on the next business day on which OEA is open.), or
- 2) Given to a private carrier who will deliver it to the OEA on your behalf, (and from whom you must obtain a receipt dated on or before the 18th day), or
- 3) For those appeal requests sent by U.S. Mail, your letter must be postmarked by no later than midnight of the 18th day, or
- 4) Faxed to the OEA at 317/233-9372 before the close-of-business of the 18th day, provided that the original signed "Petition for Administrative Review" is also sent, or delivered, to the OEA in a timely manner.

What are the costs associated with filing an appeal?

The OEA does not charge a fee for filing documents for an administrative review or for the use of its hearing facilities. However, OEA does charge a fifteen cent (\$.15) per page fee for copies of any documents you may request. Another cost that could be associated with your appeal would be for attorney's fees. Although you have the option to act as your own attorney, the administrative review and associated hearing are complex legal proceedings; therefore, you should consider whether your interests would be better represented by an experienced attorney.

What can you expect from the Office of Environmental Adjudication (OEA) after you file for an appeal?

The OEA will provide you with notice of any prehearing conferences, preliminary hearings, hearings, "stays," or orders disposing of the review of this decision. In addition, you may contact the OEA by phone at 317/232-8591 with any scheduling questions. However, technical questions should be directed to the IDEM contact person listed on the Notice of Decision.

Do not expect to discuss details of your case with the OEA other than in a formal setting such as a prehearing conference, a formal hearing, or a settlement conference. The OEA is not allowed to discuss a case without all sides being present. All parties to the proceeding are expected to appear at the initial prehearing conference.