Message

From: Thill, Stephen D [SThill@idem.IN.gov]
Sent: 2/25/2022 1:49:29 PM
To: Mooney, Susan [mooney.susan@epa.gov]
Subject: RE: Clifty Creek CCR Meeting Request - EPA Region 5
Attachments: 40- IW-IKEC Clifty Creek West Boiler Slag Pond-IND085048700- AI ID#11735-2-23-2022-CCR Unit-(Betty).pdf

Hi Susan,

When we spoke yesterday, I was not aware that an inspector from IDEM's Industrial Waste Compliance Section had just visited Clifty Creek the previous day. See attached for the report regarding that visit. Per IKEC, they have finished Phase One of the West Boiler Slag Pond closure and have halted further closure activities to await approval of their additional plans. That said, the report also indicates IKEC was actively dewatering the site, which sounds like some degree of ongoing closure activity. At any rate, it appears IKEC is currently holding off on the installation aspects of their pending proposals.

Best,
Steve

From: Thill, Stephen D
Sent: Thursday, February 24, 2022 8:47 AM
To: Mooney, Susan <mooney.susan@epa.gov>
Subject: FW: Clifty Creek CCR Meeting Request - EPA Region 5

Good morning Susan,

As you might know, a group here at IDEM had a call with an EPA compliance team regarding Clifty Creek on February 7, 2022. Following that meeting, Kate Garvey, permit manager for Clifty Creek, compiled and provided the information below (two emails, dated February 8 and February 14). I hope the compliance team has already shared this very helpful compendium with you and the rest of the EPA contingent scheduled to be on this morning's call, but I am forwarding it in case that communication has not occurred.

We look forward to speaking with you shortly.

Steve

From: Garvey, Kathleen R <KRGarve@idem.IN.gov>
Sent: Monday, February 14, 2022 8:20 AM
To: Philpott, Kwai <Philpott.Kwai@epa.gov>; Thill, Stephen D <SThill@idem.IN.gov>; Mcclure, Amy <AMcclure@idem.IN.gov>; Eudaly, Mary Ann <MEudaly@idem.IN.gov>
Cc: Mullins, Angela <Mullins.Angela@epa.gov>; Matson, John <matson.john@epa.gov>; Dixit, Naeha <dixit.naeha@epa.gov>; Cunningham, Michael <cunningham.michael@epa.gov>
Subject: RE: Clifty Creek CCR Meeting Request - EPA Region 5

Hello, Ms. Philpott,

1. Permits and documents related to RWS III
   - 04/15/2008 (VFC #31372166)
     - The site was modified in 2008 via a major permit modification to change the classification of the restricted waste site from Type III to Type I.

- The Type I portion of the landfill is in part a continuation of the Type III, and the Type III portions are considered "inactive."
- A part of the appeal proceedings from the 2018 renewal cycle related to the facility not being able to produce documentation demonstrating they properly closed the Type III portions of the site that were no longer in use, so we came to an agreement during the appeals process that the Type III would be managed and maintained as an open/inactive area of the operating landfill.
- 11/04/2019 (VFC #82889186)
  - Page 27 of 184 provides a good visual of how the Type I area piggybacks on the Type III area
  - Additionally, you will see that the Type III landfill is built over a portion of the fly ash pond.

2. Groundwater elevation data for the 3 CCR units
   - 39-04 RWS I
     - March 2021 groundwater report
       - see table 5 for groundwater elevations
       - 05/10/2021 VFC #83152845
     - September 2021 groundwater report
       - see table 1 for groundwater elevations
       - 11/18/2021 VFC #83244523
   - 39-005 West Boiler Slag Pond
     - September 2021 groundwater report
       - see table 1 for groundwater elevations
       - 11/12/2021 VFC #83241842
       - This is the first and only groundwater report submitted to date.
   - 39-006 Landfill Collection Runoff Pond
     - No data to date has been submitted to our office.

3. Summary of known violations from the facility related to the 39-04 RWS I
   - 12/11/2008 (VFC #41519031)
     - Violation of Permit Condition E1 for an unsecured access gate.
   - 09/21/2010 (VFC #59039491)
     - Violation of 329 IAC 10-4-2 and Permit Condition A5 for a fly ash pile open dumped on the ground next to the fly ash pond.
   - 06/28/2011 (VFC #63309438)
     - Violations of permit conditions F1 & F4 for an unlabeled groundwater monitoring well, and a cracked concrete pad around another monitoring well casing.
   - 10/17/2013 (VFC #69199317)
     - Violations of 329 IAC 10-28-11(b), 329 IAC 10-28-14(a), 329 IAC 10-13-4(c), and Permit Condition C13 for inadequate application and maintenance of RWS landfill cover material, as well as erosion issues.
   - 04/16/2014 (VFC #70165179)
     - Violation of IC 13-30-2-1 (4), (5); 329 IAC 10-4-2; 329 IAC 10-4-3; and 329 IAC 10-4-4(a) (1), (2) for boiler slag observed outside of the solid waste boundary (open dumping).
   - 07/28/2016 (VFC #80348633)
     - Violation of Permit Condition C1, and Preoperational Requirement 329 IAC 10-27-2(1) Section 2 for the facility and solid waste boundaries not being visible.

4. The construction or design plans referenced in the previous email as each site's closure plan are the most current submittals from IKEC.

Please let me know if you have any additional questions.

Thank you,

Indiana Department of Environmental Management

Kate Garvey
Environmental Manager | Solid Waste Permits Section
Permits Branch | Office of Land Quality
(317) 233-5552 • KRGarve@idem.IN.gov

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From: Philpott, Kwai <Philpott.Kwai@epa.gov>
Sent: Wednesday, February 9, 2022 12:29 PM
To: Garvey, Kathleen R <KRGarve@idem.IN.gov>; Thill, Stephen D <SThill@idem.IN.gov>; Mcclure, Amy <AMcclure@idem.IN.gov>; Eudaly, Mary Ann <MEudaly@idem.IN.gov>
Cc: Mullins, Angela <Mullins.Angela@epa.gov>; Matson, John <matson.john@epa.gov>; Dixit, Naeha <dixit.naeha@epa.gov>; Cunningham, Michael <cunningham.michael@epa.gov>
Subject: RE: Clifty Creek CCR Meeting Request - EPA Region 5

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Hi IDEM,

Thank you for meeting with us yesterday and for your follow up email. Below is a list items EPA is requesting from IDEM (VFC numbers are fine).

1. Permits or documents related to the type III landfill located under RWS 39-04
2. Groundwater elevation data for any of the 3 CCR units (we discussed EPA getting in contact with appropriate IDEM geologists)
3. Summary of known violations from the facility in regard to the 3 CCR units
4. Construction or design plans from IKEC if different from what is submitted in the closure plans

EPA points of contact for Clifty Creek:

- Kwai Philpott
  Title: Enforcement Officer/Physical Scientist
  Role: CCR Enforcement
  312-886-3387
  Philpott.Kwai@epa.gov
- Angela Mullins
  Title: Environmental Engineer/Physical Scientist
  Role: CCR Program Implementation
  312-886-4237
  Mullins.Angela@epa.gov

If you have any additional CCR questions Angela and I are happy to forward them within the agency as well. Please do not hesitate to reach out to us with any questions or concerns. Thank you again.

Sincerely,

Kwai Philpott
Physical Scientist
U.S. Environmental Protection Agency, Region 5
Land Enforcement and Compliance Assurance Branch
Enforcement and Compliance Assurance Division
312-886-3387

From: Garvey, Kathleen R <KRGarve@idem.IN.gov>
Sent: Tuesday, February 8, 2022 8:01 AM
To: Philpott, Kwai <Philpott.Kwai@epa.gov>; Thill, Stephen D <SThill@idem.IN.gov>
Cc: Mullins, Angela <Mullins.Angela@epa.gov>; Mcclure, Amy <AMcclure@idem.IN.gov>; Mary Ann EuDaly <meudaly@idem.in.gov>
Subject: RE: Clifty Creek CCR Meeting Request - EPA Region 5

Hello,

In follow up to our meeting yesterday morning, I wanted to provide some information on the CCR related documents. The following Solid Waste (SW) Program IDs can be used to search in VFC for documents related to the different sites present at the facility:

Site	SW Program ID
RWS	39-04
WBSP	39-005
LRCP	39-006

Agency Interest (AI) ID 11735 can also be used to pull up *all* documents related to the geographical location of the facility at once (i.e. all solid waste permits, air permits, NPDES, reports and inspections for each program type, etc.).

Documents related to RWS 39-04:

- VFC #82850105 10/15/2019, permit renewal which was appealed by the facility
- VFC #83151346 05/06/2021, permit minor modification to incorporate finalized language as a result of the permit renewal appeal
- VFC #83241846 11/10/2021, removal of condition I9 from the permit

Documents related to WBSP 39-005:

- Phase 1
  - VFC #82914220 02/12/2020, initial closure plan submittal
  - VFC #83003672 07/01/2020, additional information
  - VFC #83057921 10/12/2020, letter of correction to additional information
  - VFC #83057922 10/14/2020, adjoining landowner notification affidavit
  - VFC #83155688 05/17/2021, approval of Phase 1 which has been appealed by the facility
- Phase 2,3,4
  - VFC #83170214 06/17/2021, initial closure plan submittal

Documents related to LRCP 39-006:
- VFC #83172016 06/17/2021, initial closure plan submittal

Additionally, the most recent inspection reports are:
- VFC #83266264 01/13/2022, Construction Observation
- VFC #83166513 06/09/2021, Industrial Waste Compliance

Please let me know if you have any questions.

Thank you,

Indiana Department of Environmental Management

Kate Garvey
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