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

Thomas W. Easterly
Commissioner

November 21, 2014

Healthcare Waste Midwest LLC
Attn: Pete Lindemulder
Owner
6602 West 9th Avenue
Gary, Indiana 46406

Dear Mr. Lindemulder:

Re: Solid Waste Processing Facility Permit
Permit Modification
Healthcare Waste Midwest Processing Facility
FP 45-48
Gary, Lake County

Recent cases of Ebola in the United States have illustrated the waste management and disposal challenges communities face when responding to this disease. Processing and disposing of Ebola-contaminated wastes presents significant public health and worker safety concerns that may not have been accounted for when your facility was originally permitted. IDEM is taking the precautionary step of prohibiting your facility from accepting and processing wastes contaminated or comingled with Category A infectious substances, including Ebola. You may receive approval to process these wastes by documenting the safety and effectiveness of your equipment and operating procedures for these wastes.

IDEM is authorized by IC 13-19-3-8.2(2), to prohibit processing of specific wastes at a solid waste processing facility. Effective immediately, the Healthcare Waste Midwest Processing Facility must not accept or process wastes contaminated or comingled with Category A infectious substances regulated under the Hazardous Materials Regulations at 49 CFR 171-180.

If you are interested in processing wastes contaminated or comingled with Category A infectious substances, please contact IDEM to arrange a meeting before submitting any information.

The facility is a medical waste processor and it is located at 6602 West 9th Avenue, Gary.

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 questions, please contact Becky Joniskan by dialing (800) 451-6027 and asking for extension 2-7200, by dialing (317) 232-7200 directly, or by e-mail at rjoniska@idem.IN.gov.

Sincerely,

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

Enclosures: Notice of Decision

cc: Lake County Health Department
Lake County Commissioners
Lake County Solid Waste Management District
Director, IDEM Northwest Regional Office
The Honorable Karen Freeman-Wilson, Mayor of Gary
Mr. James Brewer, Indiana State Department of Health

NOTICE OF DECISION

Indiana Department of Environmental Management (IDEM)

Description of Decision

- IDEM issued a permit decision for the Healthcare Waste Midwest Processing Facility. This infectious waste processing facility is located at 6602 West 9th Avenue, Lake County, Indiana. Recent cases of Ebola in the United States have illustrated the waste management and disposal challenges communities face when responding to this disease. Processing and disposing of Ebola-contaminated wastes presents significant public health and worker safety concerns that may not have been accounted for when the facility was originally permitted. IDEM is taking the precautionary step of prohibiting the facility from accepting and processing wastes contaminated or comingled with Category A infectious substances, including Ebola. The facility may request IDEM's approval to process these wastes by documenting the safety and effectiveness of their equipment and operating procedures to manage these wastes.

- A copy of this permit is available for review at the Lake County Public Library, Black Oak Branch, located at 5921 West 25th Street, Gary, Indiana.

- This decision can be viewed on IDEM's website at: http://www.in.gov/idem/. IDEM's Virtual File Cabinet (VFC) is currently being upgraded. A VCF number will be assigned to this decision once the new system is fully operational. Other documents related to this facility dated before early November 2014 are still available through the VFC. Go to http://108.59.49.89/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, ***45-48***, in the ***Value*** field. Click the ***Search*** button, which will produce one or more links to the documents for this facility.

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
  Indiana Government Center North
  100 North Senate Avenue, Room N501
  Indianapolis, Indiana 46204

- 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, include 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, you must file the petition within 15 days of the date IDEM sent the email.

  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 Becky Joniskan, IDEM, Solid Waste Permits, 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, and asking for extension 2-8591, or by dialing (317) 232-8591 directly.

- If you have questions regarding other aspects of the permit decision, you may contact Becky Joniskan of the Solid Waste Permits Section by dialing (800) 451-6027 and asking for extension 2-7200, or by dialing (317) 232-7200 directly.

- Please bring this matter to the attention of persons you believe may have an interest in it.

Applicant and Interested Party NOD