

## Open Dump Inventory

### Nonpermitted Open Dumps 1980



MICHIANA AREA COUNCIL OF GOVERNMENTS  
1120 COUNTY-CITY BUILDING SOUTH BEND, IN 46601-219/287-181

INDIANA STATE  
BOARD OF HEALTH  
DIVISION OF WATER  
POLLUTION CONTROL

September 15, 1980

Mr. Thomas Keesling  
Project Officer  
Division of Water Pollution Control  
Indiana State Board of Health  
1330 West Michigan Street  
Indianapolis, IN 46206

Dear Mr. Keesling:

Enclosed is a description list of the non-permitted dumping sites located by the MACOG field inspector during the Groundwater/Residual Waste Study that was requested by you at our 9/11/80 meeting in Chicago. A map of each of the MACOG member counties, locating these dumping sites, has also been included. I might add that each respective County Health Department has also received this information. Any further discovery of non-permitted sites will be reported to you.

I hope the information is helpful to you. Please contact me if there is any further assistance needed by you.

Sincerely,

*Christopher R. Freeman*

Christopher R. Freeman  
Environmental Planner

CRF:wh

Enclosures

## NON-PERMITTED DUMPING SITES LOCATED IN THE MACOG REGION

### A. Elkhart County

1. Located on the east side of S.R. 219, just north of the St. Joseph River. This 26 acre site was inspected 7/21/80 by a MACOG field inspector. The area is wooded, and the embankment from the river is quite steep. There is a narrow dirt road which serves as an access road. There are a couple of houses located in the general vicinity. Contaminants found on the surveyed site area included paper products, bottles, cans, construction/demolition materials, and old home appliances and furniture. No sign of dangerous or hazardous materials was noted.

### B. Marshall County

1. Several sites were inspected on U.S. 6, east of Bremen and west of the Elkhart County line. These sites were inspected 8/14/80 by a MACOG field inspector. The general topography of the area is flat terrain, and the population density is sparse. The primary land uses of the area are agriculture. The sites are more of an "eyesore" than anything else, as there was no evidence of hazardous material on any of the sites. Most of the disposal of material consists of concrete pieces, rocks, fill dirt, and tree and shrubbery trimmings.

### C. St. Joseph County

1. A non-permitted dumping site located northeast of the Georgetown Apartment complex just north of South Bend. The site is located on Portage Realty property, and there is an access road from Crownhill Street. This site was initially inspected 3/20/80. Contaminants found included construction/demolition waste, general trash, paint cans and containers, and other unidentified containers. A small pond was heavily polluted and there was a drainage ditch adjacent to the site. A follow-up inspection was made on 4/1/80 and the site had been covered over. This site is considered the worst non-permitted site inspected.
2. Another potentially contaminated non-permitted dumping site is a landfill operated by Bradberry Bros. Excavating Company. This site is located at Kern Road and Old Spanish Trail, southwest of South Bend. The site was inspected 8/14/80 following citizen concern. The company digs large holes to the groundwater table to obtain soil and sand to sell to their customers, leaving large areas to be filled up. These large holes are left unguarded for long periods. Bradberry Bros. hauls in trash and debris from old demolished houses to fill the holes and then a thin layer of soil is laid over the trash. Often friends of the company haul their own personal trash and garbage to the dump. A subdivision is located nearby. The St. Joseph County Health Department has closed the site to further dumping activities.

3. A site located in a field off of Douglas Road in Clay Township. This site was inspected 5/1/80. Materials found on the site included old home appliances, trash barrels, cans, bottles, and other rubbish. The area is located near agricultural fields, on sloped land, above a marsh.
4. A site located at Linden and Johnson Road, southwest of South Bend, inspected by a MACOG field inspector 7/3/80. The majority of the dumped materials are concrete pieces, but there was some general rubbish present. The land use in the site area is primarily agricultural.
5. A small non-permitted site located on Charleston Drive (Carriage Hills Apartments) in Mishawaka. Site was surveyed 4/3/80 following a citizen complaint. Dumped materials were limited to unwanted furniture and small amounts of trash.

August 25, 1980

Mr. Michael J. Bock, Vice President  
United Refuse Company, Inc.  
P.O. Box 9039  
Fort Wayne, IN 46809

Dear Mr. Bock:

Re: Mailing Procedure

This will acknowledge your letter of August 6, 1980, concerning my letter of July 25, 1980, relating to the Open Dump Inventory. In your letter you identify what appears to be an error committed in the mailing of my letter. Specifically, the letter was addressed Certified Mail but no receipt was forwarded. Please be advised that the letter was not intended to be mailed certified originally as the letter was only a general information transmittal. An error was made in the printing of the 150 letters which went to every landfill responsible party in the State of Indiana. In observing the error prior to the mass mailing, it was determined from a cost effectiveness standpoint that it would be better to mail the letters with the Certified Mail address versus the reprinting of 150 letters with copies. Hopefully, you can appreciate the savings realized in not correcting that one small error and this office's effort to minimize expenses.

I do wish to take this opportunity to thank you for your acknowledgement of the letter and your willingness to correspond with this agency and to share your concerns.

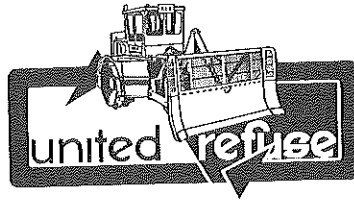
Sincerely,

Dan B. Magoun, Supervisor  
Conventional Waste Program  
Solid Waste Management Section  
Division of Sanitary Engineering  
AC 317/633-0176

cc: Allen County Board of Health  
Cliff Simon, Attorney

LO M/10 8/25

# UNITED REFUSE COMPANY, INC.



MAIL ADDRESS:  
P. O. Box 9039  
Fort Wayne, IN 46809  
OFFICE: 219/432-5582

LOCATION:  
5000 Smith Road  
Fort Wayne, IN  
219/432-5583

August 6, 1980

State of Indiana  
State Board of Health  
1330 West Michigan Street  
P. O. Box 1964  
Indianapolis, Indiana 46206

Aug 11 2 09 PM '80  
SANITARY ENGINEERING  
DIVISION  
STATE BOARD OF HEALTH

*Certified*

Gentlemen:

In reference to July 25, 1980 letter on Open Dump inventory, you will notice it was addressed Certified Mail. The envelope shows it was not posted as shown in the letter. This in itself is not very important, however, recently we have received other mail addressed to another landfill and have sent to your staff Certified Mail. Evidently, you have lost Certified Mail as stated in our September 19 and November 31, 1979 letters to Indiana State Board of Health.

Please be advised that the ongoing confusion could cause a landfill to be cited for non-compliance without ever knowing of a violation.

Sincerely,

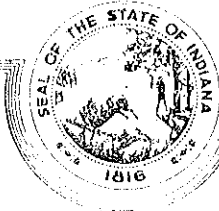
Michael J. Bock  
Vice President

MJB:ljr  
Enclosure

cc: Allen County Board of Health  
Cliff Simon, Attorney

Certified Mail

# STATE OF INDIANA



## INDIANAPOLIS

STATE BOARD OF HEALTH

AN EQUAL OPPORTUNITY EMPLOYER

July 25, 1980

Address Reply to:  
Indiana State Board of Health  
1330 West Michigan Street  
P. O. Box 1964  
Indianapolis, IN 46206

*was not  
sent  
Certified*  
VIA CERTIFIED MAIL

Mr. Michael J. Bock  
United Refuse, Inc.  
P.O. Box 9039  
Fort Wayne, IN 46809

Dear Mr. Bock:

Re: Open Dump Inventory  
Landfill Assessment

Established under RCRA (Resource Conservation Recovery Act) Sections 4004 and 1008, the State Solid Waste Management Section, in cooperation with EPA, will conduct the open dump inventory. The Solid Waste Management Section will, in the near future, be assessing all permitted facilities throughout the State. The criteria that will be used is completely described in EPA's Classification of Solid Waste Disposal Facilities Manual. The criteria to be evaluated will include:

1. Air
2. Gas
3. Groundwater
4. Surface water
5. Application to food-chain cropland
6. Disease-vectors
7. Floodplains
8. Endangered species
9. Fires
10. Bird/aircraft hazard
11. Access

The inventory will be done by reviewing the files on the facilities plus there will be an on-site inspection by the staff from the State Board of Health. There will be monitoring for gas where applicable.

JUN 25 9 14 AM '80

Date 6/23/80

**ROUTING AND TRANSMITTAL SLIP**

SANITARY ENGINEERING DIVISION  
STATE DEPT OF HEALTH

TO: (Name, office symbol, room number, building, Agency/Post)

	Initials	Date
1. CANHAM		
2.		
3.		
4.		
5.		

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

**REMARKS**

ATTACHED IS AN AGENDA FOR THE JULY 1, 1980 UIC BRIEFING, AND A COPY OF THE BASIC REGION V GUIDANCE DOCUMENT FOR PRIVACY-SEEKING STATES.

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)	Room No.—Bldg.
RICH BARTELT	
USEPA / GROUND WATER	Phone No. (312) 886-6184

5041-102

PROT. SECTION

OPTIONAL FORM 41 (Rev. 7-76)  
Prescribed by GSA  
FPMR (41 CFR) 101-11.206



Underground Injection Control (UIC) Program  
Region/State Briefing

John C. Kluczynski Building  
230 South Dearborn Street  
Chicago, Illinois 60604  
Room 3619

9:00	Introduction: Overview of Consolidated/UIC Regulations
9:30	Final CFR 122, 123, 124, Questions and Answers
10:30	Break
10:45	Final CFR 146, Questions and Answers
12:00	LUNCH
1:00	State UIC Program Proposals, Questions and Answers
2:00	Break
2:15	Guidance Plan - Suggestions from States and Regions
2:45	Questions and Summary
3:30	Close

USEPA/REGION V  
GUIDANCE FOR THE UNDERGROUND  
WATER SOURCE PROTECTION PROGRAM  
STATE OF \_\_\_\_\_

FISCAL YEAR 1981

I. INTRODUCTION

The purpose of this document is to provide State-specific guidance relative to the Underground Water Source Protection Program. By definition, an "underground water source protection program" means a program for adopting and enforcing an underground injection control (UIC) program. The latter, and more commonly recognizable program title, will be used throughout this document.

We will attempt to provide a frank appraisal of the current status of the UIC program in Region V, and to provide individual guidance to each State regarding the direction the UIC program will take within that State over the next 12-18 months.

For the general interest of all the States, we will summarize (in Part II) the UIC funding decisions which have taken place in Region V over the last year. The lack of final UIC regulations has complicated the job of providing definitive guidance to the States, but we have tried to emphasize the benefits of early State participation in the program. As of June 19, 1979, the six States in Region V were among 37 States designated as "needing" a UIC program. As you know, "designation" has no relationship to the adequacy of your existing State program. It only means that the level of injection activity, the dependence on ground water, and the amount of manufacturing and mining performed in the State, dictates that a comprehensive program for protection of underground sources of drinking water is necessary to protect public health. In some or all of the regulatory areas, your existing program may exceed the environmental protection requirements of our regulations. It is anticipated that early this Summer USEPA will designate the remaining 13 States, and consequently, all 50 States will be required to meet minimum Federal standards. Since late in 1978, Federal funds have been available for States to build and improve upon existing State ground water protection programs, while progressing toward primary enforcement responsibility (primacy) for the regulatory requirements of the UIC program.

UIC regulations were originally proposed in the Federal Register on August 31, 1976. Extensive public comment caused USEPA to completely rethink some of its proposed regulatory approaches. USEPA employed several consulting firms to perform detailed technical and economic assessments of the practice of underground injection in the United States. Because of some major policy revisions, the regulations were re-proposed (rather than finalized) for public comment on April 20, 1979. Prior to publication, and continuing after publication up to the present time, two other major Agency efforts have been strongly impacting the direction of the UIC program.

One is the consolidated permits effort, which is an attempt to centralize in USEPA the various permit-issuing authorities, so as to avoid burdensome and duplicative permit procedures and requirements for the regulated public. The consolidation of permits is an intra-Agency effort, and is being recommended, but not mandated for or imposed upon, individual States currently operating Federal regulatory programs.

The second major Agency effort is the promulgation of regulations under the Resource Conservation and Recovery Act (RCRA). These controversial regulations will attempt to outline comprehensive National standards for the proper management of wastes, with a special concern for the proper transportation, storage and disposal of hazardous wastes. There is a strong link between the RCRA program and the UIC program, as wastes that are being tracked under RCRA may find their ultimate destination to be an injection well regulated under UIC. The necessity for coordination and consistency between the two programs is critical, so that no loopholes exist for the improper disposal of waste materials, whether it be above the surface or below.

Our latest estimate is that UIC regulations will be published in final form on or about July 1, 1980. We will make certain that each State is provided a copy soon after publication, with a summary of any significant changes. It is anticipated that meetings will be scheduled to more fully discuss the impacts on each particular State.

As stated earlier, we will outline (in Part II below) the disposition of all UIC funds obligated in FY 79 and FY 80. We will also provide our best available estimates of UIC funding for FY 81 and FY 82.

In Part III of this document, we will tailor the UIC program discussion to each individual State. For those States actively seeking primacy at this time, we will provide guidance on a program element basis, outlining our recommendations on how that State can best assume UIC primacy within statutory deadlines. The primacy-seeking States have provided us with a commitment to achieve primacy within two years of the date of their initial grant award. We feel it is our responsibility to assist the States in every way possible over the next year to ensure a smooth State assumption of primacy. We all recognize that this will be a difficult task, owing to our mutual lack of familiarity with the intricacies of this new Federal regulatory effort. We have committed to these States to allow as much flexibility in the development of their programs as the law and regulations will allow and to minimize the disruption of their existing programs. Our mutual goal is the protection of underground sources of drinking water from contamination. We will strive to eliminate those administrative, bureaucratic restraints which may serve to hinder the prudent accomplishment of that goal.

For those States not actively seeking primacy at this time, Region V's task is even more demanding. We will attempt to outline our own strategy for Federal implementation of primacy in each of these States. Our objective is to detail as clearly as practicable, the specific actions we will be taking in the next 12-18 months toward institution of primacy, so that the State is fully aware of our activities and their implications. This will allow, hopefully, for minimum disruption of on-going State programs, should we ultimately be the primacy agent within the State. We also hope that the logical, systematic manner in which we conduct our activities will allow the State to easily insert itself in the process, should the State decide to seek primacy at some time in the future.

It is clearly our goal, as Congress intended, to fully delegate program primacy to all the States, and to award sufficient grant funds to properly support the State programs. We will continue to try to "sell" the program to all States, as we believe there are real and substantial advantages to a State running the regulatory program itself. Our resources and expertise are admittedly limited, and our promptness in issuing construction and operating permits could not nearly match that of a State. It must be understood, however, that we are required by law to enforce the minimum Federal standards in each State, and effectiveness in ensuring program compliance will take precedence over timeliness.

Regardless of whether you are a primacy-seeking State or not, we want to keep the lines of communication open at all times. We believe implementation of a new Federal program should result in a cooperative, rather than adversary, arrangement. We are all interested in ground water protection and public health, and we should not allow a misunderstanding or misinterpretation to cause a breach between us. We will do our best to keep you informed of our activities, and will schedule meetings with you as needed. Do not hesitate to take the initiative of contacting us whenever you are uncertain what we are doing, or what you can or should be doing.

## II. FUNDING

The UIC program is conducted on a "forward-funding" basis. What this means is that Federal funds are assigned to USEPA during a given Fiscal Year, intended for use during the following Fiscal Year. However, funds may be "carried-over" one additional Fiscal Year, if necessary and justified. This admittedly confusing arrangement can, perhaps, be clarified using the table below. (The Federal Fiscal Year runs from October 1 through September 30.)

<u>FUNDS</u>	<u>YEAR INTENDED FOR USE</u>	<u>IF CARRYOVER APPROVED, ABSOLUTE DEADLINE FOR STATE EXPENDITURE OR COMMITMENT OF FUNDS</u>
FY '78	FY '79 (Oct. 1, 1978 - Sept. 30, 1979)	September 30, 1980
FY '79	FY '80 (Oct. 1, 1979 - Sept. 30, 1980)	September 30, 1981
FY '80	FY '81 (Oct. 1, 1980 - Sept. 30, 1981)	September 30, 1982
FY '81	FY '82 (Oct. 1, 1981 - Sept. 30, 1982)	September 30, 1983
FY '82	FY '83 (Oct. 1, 1982 - Sept. 30, 1983)	September 30, 1984

Forward-funding provides early assignment of program funds, allowing USEPA and the States adequate time to plan fund expenditures for the following year. Whereas many other Federal programs do not yet know precisely what their program allotments are for use during FY '81, the FY '81 UIC State allotments have been known for several months, and are shown in Table E. Similarly, we already have estimates of FY '82 State allotments (Table F), and we expect confirmed amounts to be assigned to our Region as early as December of this year.

Once primacy-level programs have been established within the States (either by the State or by USEPA), it is anticipated that little or no carryover of funds will be necessary. At that time, individual State financial needs for annual program operation will be more clearly defined. In the interim, we will continue to be receptive to State requests for carryover of funds. However, as the primacy-seeking States know, carryover of funds is only approved by Region V where such funds will be fully matched by State funds, and where the tasks to be performed are vital to State assumption of primacy.

Tables A through D on the following pages outline the allocation and disposition of all UIC funds to date. Tables E and F provide funding projections for future years.

In primacy-seeking States, every three (3) Federal UIC dollars must be matched by at least one (1) State UIC dollar in each Fiscal Year. In non-primacy States, the State allocations revert back to the Regional Office for use in developing and operating the programs within those States.

TABLE A  
FY 79 STATE PROGRAM GRANT ALLOCATIONS  
(FY 78 FUNDS)

	<u>Original Allocation</u>	<u>August 1979 Reallocation</u>	<u>Total</u>
1. Illinois	\$ 262,500	\$ 79,400	\$ 341,900
2. Indiana	179,600	55,300	234,900
3. Michigan	287,300	86,700	374,000
4. Minnesota	53,300	-	53,300
5. Ohio	224,700	69,700	294,400
6. Wisconsin	38,700	-	38,700
	<hr/> 1,046,100	<hr/> 291,100	<hr/> 1,337,200

NOTE: Minnesota and Wisconsin were not designated by USEPA (as "needing" a UIC program) until June 1979, which was past the FY 79 grant application filing deadline. Neither State petitioned for designation as allowed in the SDWA. Consequently, the monies allocated to these States were placed in the National reallocation pool.

TABLE B  
ACTUAL DISPOSITION OF FY 78 FUNDS

	<u>FY 79 Grant Amount</u>	<u>FY 80 Grant Amount (Partial)</u>	<u>Total</u>
1. Illinois EPA	\$ 262,500	-	\$262,500
2. Purdue University (IN)	197,400	-	197,400
3. Western Michigan Univ. (MI)	374,000	-	374,000
4. -	-	-	-
5. Ohio DNR	224,700	\$186,600	411,300
6. -	-	-	-
	<hr/> 1,058,600	<hr/> 186,600	<hr/> 1,245,200

NOTE: There was insufficient time to attempt renegotiation of recently awarded FY 79 grants with Illinois and Ohio to include respective reallocated amounts. Awards to Purdue and Western Michigan Universities were made late in September, which did allow inclusion of respective State reallocated amounts. Ohio's FY 80 grant was awarded prior to end of FY 79, permitting obligation of leftover FY 78 funds of \$186,600 [\$79,400 (IL) + \$69,700 (OH) + \$37,500 (IN)]. An additional \$38,400 of FY 79 funds were applied to Ohio's FY 80 grant.

TABLE C  
FY 80 STATE PROGRAM GRANT ALLOCATIONS  
(FY 79 FUNDS)

	<u>Original Allocation</u>	<u>April 1980 Reallocation</u>	<u>Total</u>
1. Illinois	\$ 283,700	-	\$ 283,700
2. Indiana	204,600	\$ 58,600	263,200 ✓
3. Michigan	310,300	94,300	404,600
4. Minnesota	82,100	17,400	99,500
5. Ohio	248,700	-	248,700
6. Wisconsin	67,600	-	67,600
	<hr/> 1,197,000	<hr/> 170,300	<hr/> 1,367,300

NOTE: Region V did not request reallocated funds for Illinois, Ohio,  
or Wisconsin.



TABLE D  
ACTUAL DISPOSITION OF FY 79 FUNDS

	<u>FY 80 Grant Amount</u>	<u>FY 80 Contract Amount</u>	<u>FY 80 Other</u>	<u>Total</u>
1. Illinois EPA	\$283,700	-	-	\$ 283,700
2. a. Purdue University (IN)	204,600	-	-	-
b. Regional UIC Technical Training	-	\$30,000	-	-
c. Undetermined	-	-	\$28,600	-
				263,200
3. a. Western Michigan Univ. (MI)	280,300	-	-	-
b. Undetermined	-	-	124,300	-
				404,600
4. a. U.S. Geological Survey (MN)	-	-	50,600	-
b. Undetermined	-	-	48,900	-
				99,500
5. Ohio DNR	38,400	-	-	38,400
6. Wisconsin DNR	67,600	-	-	67,600
	<u>874,600</u>	<u>30,000</u>	<u>252,400</u>	<u>1,157,000</u>

NOTE: The difference between the total FY 80 State program grant allocations (FY 79 funds) of \$1,367,300 (last column Table C), and the total actual disposition of FY 79 funds (last column Table D) is \$210,300. This difference consists of the \$186,600 that Ohio "borrowed" from leftover FY 78 funds (see Table B) and \$23,700 of FY 79 funds which Ohio did not apply for. The \$210,300 was returned to USEPA Headquarters for National reallocation.

TABLE E  
FY 81 STATE PROGRAM GRANT ALLOCATIONS  
(FY 80 FUNDS)

	<u>Basic Allocation</u>	<u>Reallocation (Unknown)</u>	<u>Total</u>
1. Illinois	\$145,600	-	\$145,600
2. Indiana	109,600	-	109,600 ✓
3. Michigan	157,800	-	157,800
4. Minnesota	53,700	-	53,700
5. Ohio	129,700	-	129,700
6. Wisconsin	47,200	-	47,200
	<u>643,600</u>	<u>-</u>	<u>643,600</u>

NOTE: It is our understanding that the reason for the substantial cut in program funding reflected here was due to the large amounts of money being carried over Nationally from FY 79 State program grants to FY 80 State program grants. It was determined that similarly large carryover amounts to FY 81 State program grants were likely, and would offset the cut in funding. We are advised that the cut in no way represents a lack of Congressional commitment to the success of the UIC program. Table F below represents tentative FY 82 State program grant allocations, demonstrating a return to a more normal level of funding.

TABLE F

FY 82 TENTATIVE STATE PROGRAM GRANT ALLOCATIONS  
(FY 81 Funds)

	<u>Basic Allocation</u>
1. Illinois	\$ 309,000
2. Indiana	232,000
3. Michigan	334,000
4. Minnesota	115,000
5. Ohio	276,000
6. Wisconsin	100,000
	<hr/>
	\$1,366,000

### III. PROGRAM ELEMENT GUIDANCE

On the following pages, we have outlined eight (8) critical program elements which we feel should be incorporated into your FY 81 program plan. We have attempted to structure the elements into relatively independent functional areas, most of which can be worked upon separately. We believe that each of elements A through G can and should be initiated immediately, within the resource constraints of your current grant, and continued within our prescribed format under your FY 81 grant. The eighth program element, H, cannot actually be started until later in FY 81, but as A-G are inputs to H, it really progresses as fast as they do.

In one form or another, all of program elements A through H have already been initiated in your State, and elements A and B are well underway. It is quite understandable that C-H are not substantially underway, as each requires a set of final Federal UIC regulations, which are not currently available. However, A and B are data gathering and collating tasks, and for the most part are immune to possible changes in the soon-to-be-published regulations.

Our thought process in formulating the eight program elements as distinct and trackable tasks is as follows:

- (A) represents establishment of the data base of all "regulatable" activities within the State, which are subject to the UIC program. This is an absolutely necessary first step in program development, a tedious time-consuming task, justifiably initiated last year in the absence of final UIC regulations. This task is quite clearly independent of the other program elements.
- (B) represents a systematic identification of those drinking water sources which need to be protected from contamination caused by the practices in (A) above. We not only need to know what to regulate as in (A), but also what to protect. This task is basically a hydrogeology exercise, and once again is clearly independent from the other elements.
- (C) represents establishment of the legal authority to operate and enforce a UIC program within the State. This is simply a legal evaluation of existing State authorities, followed by a side-by-side comparison to Federal requirements. Since this is strictly an authority review, it appears to be quite independent of the nuts-and-bolts program details.
- (D) represents the evaluation of that part of the State program relating to pre-injection activities. That is, what are the State procedures prior to and including permit issuance, as compared to Federal requirements for the same. This is basically an in-house review of paper flow, as well as an examination of pre-injection technical requirements.

- (E) represents the evaluation of that part of the State program relating to post-permitting follow-up. This includes all of the reporting, recordkeeping, inspection and surveillance procedures used once an injection is legally operating. This evaluation must cross technical and administrative boundaries. However, the legal questions need not be seriously addressed here, as it is assumed that adequate legal authority will be developed under (C).
- (F) represents the follow-up to (E), when (E) identifies violations, whether they be civil or criminal. Once again, (F) can assume that (E) will establish all the compliance and non-compliance criteria, and can focus strictly on the procedures for obtaining appropriate remedies. Also, it can be assumed that all necessary authority will be developed under (C), and only the specific details and paper flow need to be established here.
- (G) represents an activity quite separate from all the others. There are several specific public participation requirements, such as public hearings and public notices, which fall under this item. But more importantly, this element is meant to expand the overall relationship between your Agency and the public.
- (H) represents the culmination of the FY 81 activities. It involves preparation of the complete primacy application package for EPA review. Recognition that each of the items listed under this element must be completed should assist in scheduling work on the other supportive program elements.

## **A. Inventories of Underground Injection Facilities**

**OBJECTIVE:** To conduct and maintain a complete inventory of underground injection facilities throughout the State.

- ACTIVITIES:**
- (1) Thoroughly search existing State permit files and record required information on EPA-specified forms or cards.
  - (2) Distribute questionnaires and/or conduct field visits to double-check the validity and completeness of file inventory.
  - (3) Establish a dynamic data management system, consistent with EPA's UIC-ADP system, that will provide all required UIC information.
  - (4) Develop a strategy for inventorying and evaluating those Class V activities that are too numerous or clandestine to fully account for at time of primacy assumption.

## B. Designation of Underground Sources of Drinking Water (USDW's)

OBJECTIVE: To identify as precisely as practicable all current and potential USDW's within the State.

- ACTIVITIES:
- (1) Collect general available data on all major water-bearing formations within the State.
  - (2) Generically define an "aquifer" or USDW for your State, considering State-specific hydrogeological conditions and the EPA 10,000 mg/l criterion.
  - (3) Identify and describe the general location of those formations that:
    - (a) certainly contain currently-used or potential drinking water
    - (b) certainly do not contain currently-used or potential drinking water
    - (c) may contain currently used or potential drinking water
  - (4) Identify those areas of the State where additional study would be most useful in delineating the USDW/non-USDW interface.
  - (5) In anticipation of need to designate USDW's (or exempted aquifers) prior to assumption of primacy, identify aquifers to be studied further in FY 81.
  - (6) Prepare maps for selected aquifers (or exempted aquifers) as detailed in Ground Water Program Guidance No. 7
  - (7) Prepare a package outlining (to the extent possible) the names and locations of aquifers to be designated as USDW's (or designated as non-USDW's) with discussion of water quality and availability.
  - (8) Prepare statistical information packages for those aquifers likely to incite controversy in the State designation procedure.
  - (9) Provide opportunity for public comment and participation, and propose designation in accordance with Federal regulations (refer to Sections 146.04 and 122.33). Submit proposed designation plan to Regional Administrator along with primacy application.

### C. Statutory/Regulatory Evaluation

**OBJECTIVE:** To establish the legal authority within the State to operate and enforce the UIC program.

- ACTIVITIES:**
- (1) Perform a legal review of all State legislation, regulations, and administrative policies relative to ground water protection and underground injection control.
  - (2) Perform a legal review of Sections 1421-1424 of the Safe Drinking Water Act, and the proposed implementing regulations under 40 CFR Parts 122-124 and 146, critically comparing these provisions to your existing State programs.

As outlined in Sections 123.8 and 123.57, the State must have the legal authority to implement each of the following operational requirements:

- a - Signatories, Sec. 122.5
  - b - Permit issuance, Sec. 122.7
  - c - Duration, Sec. 122.8(a) and (b)
  - d - Permit review and modification, Sec. 122.9
  - e - Permit termination, Sec. 122.10
  - f - Permit conditions, Sec. 122.11
  - g - Schedules of compliance, Sec. 122.12(a) and (d)
  - h - Recordkeeping/Reporting, Sec. 122.14
  - i - Noncompliance reporting, Sec. 122.15
  - j - Confidential information, Sec. 122.16(b)
  - k - Draft permit, Sec. 124.6(a) and (b)
  - l - Statement of basis, Sec. 124.8
  - m - Fact sheets, Sec. 124.9
  - n - Public notice, Sec. 124.11
  - o - Public comments and requests for hearings, Sec. 124.12
  - p - Response to comments, Sec. 124.19(a) and (c)
  - q - Designation of aquifers, Section 122.33
  - r - Authorization by rule, Sec. 122.35
  - s - Authorization by permit, 122.36
  - t - Area permits, Sec. 122.37
  - u - Corrective action, Sec. 122.38
  - v - General prohibition against movement of fluids into underground sources of drinking water, Sec. 122.39
  - w - Permit terms, Sec. 122.42
  - x - Reporting, Sec. 122.43
  - y - Special requirements for wells managing hazardous wastes, Sec. 122.44
  - z - Elimination of Class IV, Sec. 122.45
  - zz - Inventory of Class V, Sec. 122.46
- (3) Prepare and obtain all approvals for any legislative or regulatory changes needed to provide State legal authority consistent with Federal requirements.



#### D. Permit Program Evaluation

**OBJECTIVE:** To establish a State permitting system for underground injection operations consistent with Federal requirements.

- ACTIVITIES:**
- (1) Review State permitting system(s) that regulate underground injection activities.
  - (2) Review the permitting system requirements in the Federal requirements. A primacy level permitting system must incorporate Federal requirements on issuance, modification, reissuance and revocation of permits, as discussed in Part 122. In addition, permit terms and conditions must reflect the following requirements, as set forth in Parts 122 and 146: construction requirements; corrective action; operation requirements; monitoring and reporting requirements; schedules of compliance; plugging and abandonment of injection wells; and fiscal responsibility of permittees.
  - (3) Prepare and obtain all approvals for any changes needed to make the State's permit program consistent with Federal requirements.
  - (4) Prepare a phased priority plan for repermitting existing facilities.

#### E. Compliance Evaluation System Evaluation

OBJECTIVE: To establish recordkeeping, inspection and surveillance procedures consistent with Federal requirements.

- ACTIVITIES:
- (1) Review procedures in effect under existing State program(s) that are used to determine compliance or non-compliance with applicable program requirements, standards and limitations.
  - (2) Review the compliance evaluation requirements in the Federal regulations, particularly as outlined in 123.9, and critically compare them to current State practices.
  - (3) Prepare and obtain all approvals for any changes needed to make the State's compliance evaluation program consistent with Federal requirements.

## F. Enforcement Program Evaluation

OBJECTIVE: To establish State enforcement procedures consistent with Federal requirements

- ACTIVITIES:
- (1) Review the administrative and judicial enforcement procedures of the State regarding ground water protection and underground injection control.
  - (2) Review the enforcement authority provisions required by Federal law and regulation, particularly Sec. 123.10, and critically compare these to existing State enforcement procedures.
  - (3) Prepare and obtain all approvals for any changes needed to establish State enforcement procedures consistent with Federal requirements.

## G. Public Participation Program Development

OBJECTIVE: To establish: (1) a public education and information program to encourage informed public involvement regarding the State's intention to adopt a primacy-level UIC program, and (2) provisions for consultation with the public in significant decisions regarding permit issuance.

- ACTIVITIES:
- (1) Provide the required public participation in the program approval process, as outlined in Sec. 123.58.
  - (2) Review public participation elements of permit issuance for existing State program(s) which regulate underground injection activities.
  - (3) Review the Federal requirements for public participation aspects of the permit program, as outlined in Part 124, and critically compare these to your State program(s).
  - (4) Prepare and obtain all approvals for any changes needed to establish State public participation activities consistent with Federal requirements.

#### H. Preparation of a State Primacy Program Submission

OBJECTIVE: To submit a complete UIC primacy application package for review by EPA.

- ACTIVITIES:
- (1) Critically plan the sequencing and completion of program elements A through G in anticipation of preparation of State submission.
  - (2) Collate the outputs/documents resulting from A through G.
  - (3) Prepare a complete State program submission (see Section 123.3) as summarized below:
    - a - A letter from the Governor of the State requesting program approval.
    - b - A statement from the State Attorney General, as required by Sections 123.5 and 123.53, that the laws of the State provide adequate authority to carry out the program.
    - c - A Memorandum of Agreement (MOA) between the State Director and the Regional Administrator which includes the provisions set forth in Section 123.6. Prior to submission, the MOA should have been negotiated so as to be acceptable to both agencies. The Regional Administrator may execute the MOA at the time of program approval, or if time allows, the MOA may be executed prior to program approval.
    - d - A complete program description as required by Sections 123.4 and 123.52.
    - e - Copies of the permit, application, standard reporting, and manifest forms which the State intends to use in its program.
    - f - Copies of all applicable State statutes and regulations, including those governing State administrative procedures.
    - g - A showing of compliance with the public participation requirements set forth in 123.58. This showing must include a responsiveness summary which identifies the public participation activities conducted, describes the matters presented to the public, summarizes significant comments received and responds to these comments.
  - (4) Submit three (3) copies of the complete State program submission for EPA to initiate formal review.

#### IV. GRANT APPLICATION REQUIREMENTS AND PROCEDURES

Draft grant applications must be submitted to Region V by July 1, 1980. A grant application kit is enclosed for your use, and the instructions included should be self-explanatory. A narrative program description should be attached to your application incorporating the program elements (or variations) outlined in Part III of this guidance document. Completion of those program elements during FY 81 is necessary for your State's assumption of primacy within statutory deadlines. Additional program elements, which will round out your overall program while not detracting from the critical elements, are encouraged.

We will provide comments on your draft application within thirty days of receipt. The final grant application and program plan must be submitted to the Regional Administrator by September 1, 1980.

The final application should be submitted in duplicate addressed as follows:

Regional Administrator  
U.S. Environmental Protection Agency  
c/o Water Division, Water Supply Branch  
230 South Dearborn Street  
Chicago, Illinois 60604

The draft application, and any preliminary communication should be directed to:

Richard E. Bartelt, Chief  
Ground Water Protection Section  
Water Supply Branch  
230 South Dearborn Street  
Chicago, Illinois 60604  
[Area Code (312-886-6184]

We anticipate grant award to primacy-seeking States by October 1, 1980.

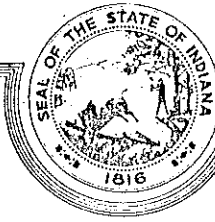
## V. PROGRAM MONITORING

Our frequent informal contacts with you since your last grant award have provided us with useful continuing updates on the developmental progress of your State UIC program. At this time, however, we are instituting more formalized State program review procedures. This, we believe, will serve to our mutual benefit in ensuring that your State assumes primacy within statutory deadlines (2 years after initial grant award).

A meeting ~~has been scheduled~~<sup>was held</sup> in Chicago the week of May 19 to discuss the progress of primacy-seeking States in Region V. This is the first in a series of monthly conferences (usually phone calls) to review your progress in completing the individual program elements contained in your UIC grant. These conferences will allow us to mutually identify those elements that require accelerated effort or revised approaches in order to complete on time. These will also be formal opportunities for you to advise us of those elements where concentrated USEPA guidance or assistance is needed. We expect that our staff people will be in touch with your staff people on a weekly basis, but we feel the need for comprehensive structured communications to adequately track your overall progress and needs. The exact format of these conferences has not yet been determined, but each one will precipitate a status report prepared by our office on your current activities.

In addition to these monthly conferences, we are planning to visit your offices in early July to discuss your draft application, and to discuss in detail the final UIC program regulations (estimated publication date is July 1, 1980). This will probably be at least a two-day event, and we will provide an agenda several weeks in advance.

# STATE OF INDIANA



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INDIANAPOLIS

STATE BOARD OF HEALTH

AN EQUAL OPPORTUNITY EMPLOYER

May 12, 1980

Address Reply to:  
Indiana State Board of Health  
1330 West Michigan Street  
P. O. Box 1964  
Indianapolis, IN 46206

Mr. James Walsh  
SCS Engineers  
211 Grandview Drive  
Covington, KY 41017

Dear Mr. Walsh:

Re: Draft Final Report  
Surface Impoundment Assessment  
for Indiana (March 31, 1980)

Upon review of the subject draft, I relayed to you several comments by phone on May 5, 1980. The staff of the Land Application Group of this Division also reviewed a part of the report. We may also have additional comments when other members of this Division have a chance to review the draft.

On the whole, the report was well prepared with thorough coverage of the existing data and perceptive analysis of the existing groundwater pollution control program in Indiana. Following is the summary of the minor comments I relayed to you:

1. Pages 1-3, paragraph 4--As a measure of potential groundwater pollution, 1.0 mile to water supplies (streams) and 660 ft. up-gradient to a drinking water well were applied. It would be desirable to explain the basis of these pollution criteria so that the State could use the same standards in the future. The same criteria were also mentioned on page 2-5.
2. Page 2-6, paragraph 6--It stated the review procedures and guidelines of lagoon construction are inconsistent. It is true that, prior to the publication of the 1978 edition of the 10-State Sewage Works Standards, the required sealing of lagoon bottom was loosely defined. However, the new edition established the type of material for the lagoon seal and the staff of this Division is following the guidelines.
3. Page 2-6, paragraph 7--It indicated a need for improved inspection of impoundments. It would be helpful to us if it cites concrete items we need to be concerned with during inspection.



4. Page 3-22, Figure 3-9--In listing the information source, it cited "Research File Summary." It should be corrected to "Municipal STP Data Inventory of May 1979."
5. Page 4-25, Table 4-10--The meaning of "holding lagoon" could be explained in relation to the reported 72 municipal holding lagoons. I do not believe we have any no-discharge municipal lagoons. Also, we consider oxidation lagoons and stabilization lagoons are the same, and so are polishing lagoons and terminal lagoons.
6. Page 4-47, paragraph 4, and page 7-30, paragraph 2--The draft noted that no monitoring wells were found in the State. This may not be a correct statement. There are several industrial lagoons with groundwater monitoring wells, and two temporary sludge lagoons in Boone County were required in 1977, to have monitoring wells for periodic sampling. We, however, agree that monitoring wells were not routinely required.
7. Page 4-6, paragraph 3--I said "surprisingly very few, if any, sites (municipal) were placed in the most permeable earth material, I and II" (ref. Table 4-26). This may reflect the effort of the State review engineers and consultants to site lagoons in areas with relatively impermeable soil.
8. Page 4-67, paragraph 1--In assessing water supply endangerment risk, the proximity of a lagoon to a water supply well or a stream was used. We believe the degree of pollution to a stream due to an impoundment is much less than the same to a water well. A stream, if sufficient flow is available, could provide dilution and rapid transport of pollutants which will cause less serious impact than pollutants leaching to a slow moving aquifer.
9. Page 4-79, paragraph 3--In evaluating seepage potential, several uncertainties were pointed out including the effect of groundwater mounding. To this we would like to add the effect of self sealing. When the characteristics of sludge or wastewater and the type of soil meshes well, the sealing of a lagoon can be very effective.
10. Page 7-37, paragraphs 2 and 3--We believe the monitoring program should be established only after an in-depth study of the cost-benefit aspect of the impoundment monitoring program since the cost could be astronomical if a comprehensive monitoring program is to be undertaken. Also, the development of contingency plans in case of discovery of gross groundwater pollution by a monitoring program should be a part of the groundwater protection program.

Mr. James Walsh

-3-

May 12, 1980

We hope the foregoing would assist you in completing the draft.

Very truly yours,

Steve W. Kim  
Research & Evaluation Engineer  
Division of Water Pollution Control

bcc: Oral H. Hert  
Earl A. Bohner  
Joseph C. Stallsmith  
Daniel L. Strahl  
David Lamm

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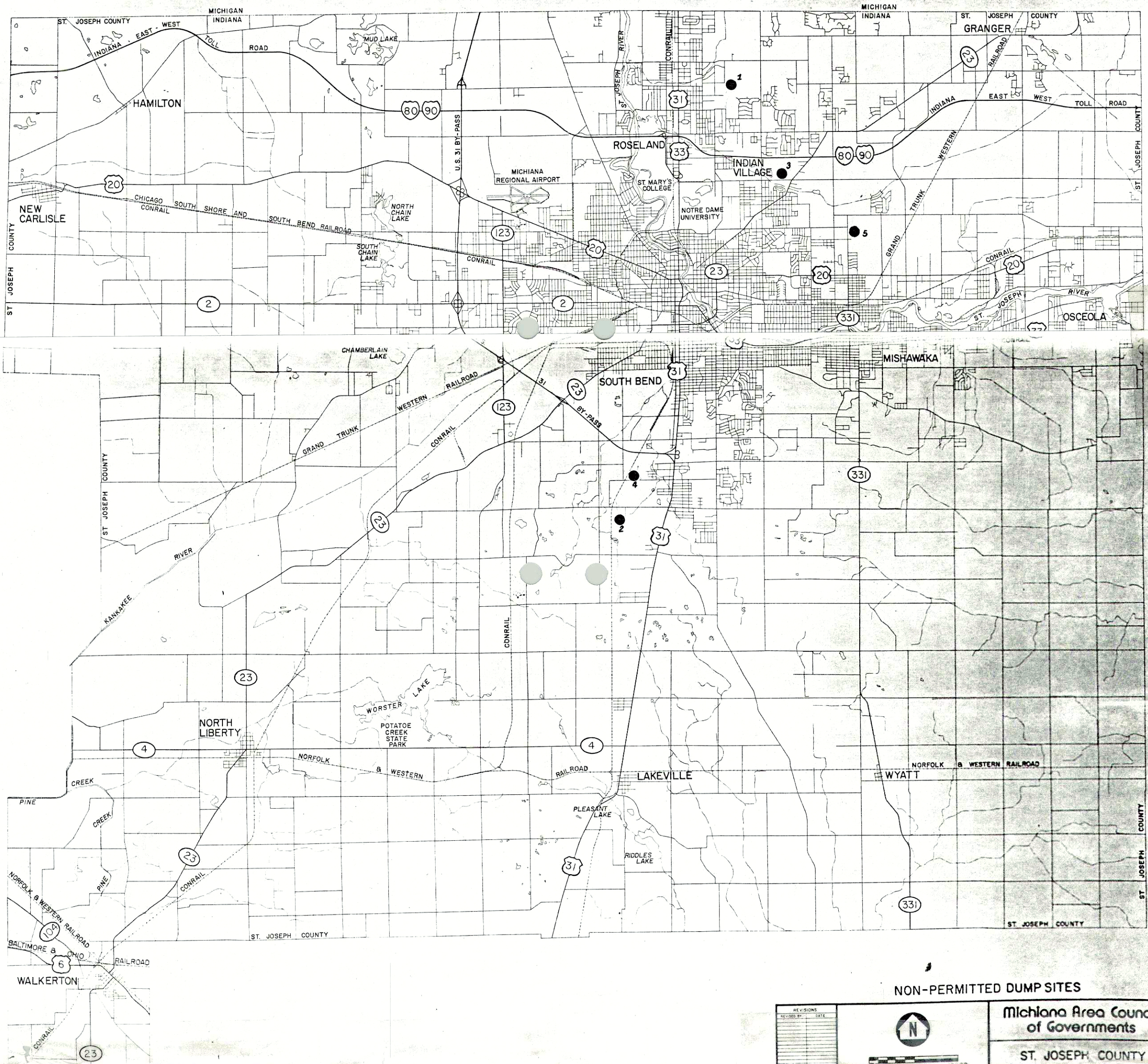












NON-PERMITTED DUMP SITES

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of Governments  
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