NOTICE OF DECISION

The Commissioner of the Indiana Department of Environmental Management (IDEM) has issued a Hazardous Waste Permit Renewal to Lehigh Cement Company, LLC (Lehigh), located in Logansport, Indiana. The permit will allow Lehigh to continue to store and treat hazardous waste as part of their cement manufacturing operations.

The Hazardous Waste Management Permit may be viewed on the IDEM Virtual File Cabinet (VFC) at: www.IN.gov/IDEM and select "Online Services". From this website, you can access the document search page (www.in.gov/idem). Enter the document numbers in the upper right corner of the VFC document search page.

Permit Conditions _82855685_
Permit Attachments:
A _82855684_ B _82855679_ C _82855682_ D _82855691_ F _82855692_
G _82855675_ H _82855676_ I _82855677_ J _82855678_

A Response to Comments has been prepared for comments received during the public comment period. The Response to Comments is enclosed for your information.

Any aggrieved party has the right to appeal this decision pursuant to IC 4-21.5-3-7 (see enclosure). The Petition for Administrative Review and the Petition for Stay must be submitted to the Office of Environmental Adjudication within 15 days of your receipt of this notice.

If you have questions regarding this notice, please contact Ms. Paula Bansom at (317) 232-3243 or pbansom@idem.IN.gov.

Sincerely,

Rebecca Eifert Joniskan
Rebecca Eifert Joniskan, Chief
Permits Branch
Office of Land Quality

Enclosures
RESPONSE TO COMMENTS
RCRA DRAFT PERMIT RENEWAL
Lehigh Cement Company, LLC
Logansport, INDIANA
IND005081542

INTRODUCTION

The public comment period for the Lehigh Cement Company, LLC (Lehigh) Draft Permit Renewal began on July 31, 2019, with a public notice in the Pharos-Tribune, a radio announcement on radio station WHZL and a mass mailing to interested parties. The notice and announcement requested comments regarding the Draft RCRA Permit Renewal. The public comment period ended on September 16, 2019.

This Response to Comments is issued pursuant to 329 IAC 3.1-13-13, which requires that the Indiana Department of Environmental Management (IDEM) shall:

1. briefly describe and respond to all significant comments on the Draft Permit;
2. specify which provisions, if any, of the Draft Permit have been changed, and the reasons for the change; and
3. explain the right to request an adjudicatory hearing on the permit as specified in IC 4-21.5.3.5 (see Notice of Decision).

RESPONSE TO PUBLIC COMMENTS

No comments from the public were received.

RESPONSE TO FACILITY COMMENTS

Lehigh submitted the following comments in accordance with the public comment procedures. The comments are described in the following sections along with the IDEM’s response and any changes made as a result of the comments.

1. Comment

   Permit Condition -Table of Contents, Page 8

   Attachment E is listed in the Table of Contents but this section does not exist in the permit and is not listed in the Interested Party Public Notice VFC listings. Remove Attachment E from Table of Contents.

   Response

   Attachment E is reserved for future use, and is held as a place marker.
Change

The word “reserved” has been added after “Attachment E” on Page 8, Table of Contents.

2. Comment

Permit Condition III.A.1, Page 23

Max container volume is 892,178 gal. Would prefer 592,208 gallons and 1485 cubic yards (for roll-offs) as shown in Part A. This makes compliance determination easier by allowing roll-offs to be totaled based on their normal volume.

Response

This change is acceptable.

Change

As suggested.

“The Permittee may store a total volume of 592,208 gallons and 1485 cubic yards…”

3. Comment

Permit Condition III.B, Page 23

CWDF Storage Building Bulk Container Storage Pad - 136,350 gallons
Bulk Management System Dry Container Storage Pad - 90,900 gallons
Bulk Management System Wet Container Storage Pad - 40,400 gallons
Bulk Management System Heated Container Storage Bay - 32,320 gallons

Same issue of gallons and cubic yards; list the roll-off storage areas in cubic yards to make it easier to determine compliance without conversions.

CWDF Storage Building Bulk Container Storage Pad - 675 cubic yards
Bulk Management System Dry Container Storage Pad - 450 cubic yards
Bulk Management System Wet Container Storage Pad - 200 cubic yards
Bulk Management System Heated Container Storage Bay - 160 cubic yards

Response

This change is acceptable.
Change

As suggested:

<table>
<thead>
<tr>
<th>UNIT NAME</th>
<th>UNIT VOLUME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Containerized Waste Derived Fuel (CWDF) Container Storage Area</td>
<td>288,200 gallons</td>
</tr>
<tr>
<td>Mid-Kiln CWDF Storage Area</td>
<td>1,008 gallons</td>
</tr>
<tr>
<td>Tanker Truck Unloading Container Storage Area - Spots #1 - #8</td>
<td>48,000 gallons</td>
</tr>
<tr>
<td>Rail Car Unloading Container Storage Area - Spots #9 &amp; #10</td>
<td>62,000 gallons</td>
</tr>
<tr>
<td>Rail Car Cleanout &amp; Direct Burn Container Storage Area -- Spot #11</td>
<td>31,000 gallons</td>
</tr>
<tr>
<td>Tanker Truck Direct Burn Container Storage Area -- Spots #12 &amp; #13</td>
<td>12,000 gallons</td>
</tr>
<tr>
<td>Rail Car Staging Container Storage Area</td>
<td>150,000 gallons</td>
</tr>
<tr>
<td>CWDF Storage Building Bulk Container Storage Pad</td>
<td>675 cubic yards</td>
</tr>
<tr>
<td>Bulk Management System Dry Container Storage Pad</td>
<td>450 cubic yards</td>
</tr>
<tr>
<td>Bulk Management System Wet Container Storage Pad</td>
<td>200 cubic yards</td>
</tr>
<tr>
<td>Bulk Management System Heated Container Storage Bay</td>
<td>160 cubic yards</td>
</tr>
</tbody>
</table>

4. Comment

Permit Condition III.E.2d, Page 25

Max container volume is 892,178 gal. Would prefer 592,208 gallons and 1485 cubic yards (for roll-offs) as shown in Part A.

Response

This change is acceptable.
Change

As suggested.

"The Permittee must not have more than 592,208 gallons and 1485 cubic yards ..."

5. **Comment**

   Permit Condition III.E.2d, Page 25

   Max container volume is 892,178 gal. Would prefer 592,208 gallons and 1485 cubic yards (for roll-offs) as shown in Part A. "in rail cars" was removed from existing permit language. Reinstate “in rail cars”.

   **Response**

   This change is acceptable.

   **Change**

   As suggested.

   “…permitted storage units, in rail cars, and in processing areas.”

6. **Comment**

   Permit Condition V.B, Page 34

   “for tanks, except for the Hopper Tank, and containers.” Containers are allowed to be subject to 63 DD, so suggest modifying language to “for tanks and containers, except for the Hopper Tank.”

   **Response**

   This change is acceptable.

   **Change:**

   As suggested.

   “…for tanks and containers, except for the Hopper Tank.”
7. **Comment**

Permit Condition VI.C.4, Page 36

"The Permittee shall not burn hazardous waste that is medical waste." By definition at 329 IAC 11-2-21.4, the term "medical waste" excludes hazardous waste. Suggest modifying the condition to read "The Permittee shall not burn medical waste."

**Response**

This change is acceptable. Also add the citation for Indiana's definition of medical waste, 329 IAC 11-2-21.4.

**Change**

As suggested, in addition to clarifying medical waste includes infectious waste and adding definition citations.

"The Permittee shall not burn medical waste, as defined by 329 IAC 11-2-21.4, including treated or untreated infectious waste as defined by 329 IAC 11-2-18."

8. **Comment**

Permit Condition VI.C.5.b, Page 36

Notify quarterly of all wastes received that are subject to no-dilution metal codes. This condition is overly onerous since a majority of received wastes are subject to this requirement. Based on an analysis of the 2015 BRS data, about 52% of the loads, or about 2300 receipts, included one or more of the 51 waste codes from 40 CFR 268 Appendix XI. Compliance with this regulation is no different from any other regulation and does not justify a separate reporting requirement. Suggest deleting Condition VI.C.5.b.

**Response**

This change is acceptable.

**Change**

IDEM has deleted Permit Condition VI.C.5.b. and incorporated Permit Condition VI.C.5.a. into the text of Permit Condition VI.C.5.
9. **Comment**

Permit Condition VI.D.1.b, Page 36

"the waste derived CKD or residue must not exceed the health-based level specified in Appendix VII of 40 CFR 266 or the level of detection, whichever is higher." The Bevill Management Plan in Appendix C-2 of Attachment C, plus the regulations at 40 CFR 266.112(b) includes two different options for demonstrating compliance: either 1) the comparison to waste-derived residue with normal residue, or 2) comparison of waste-derived residue concentrations with health based limits. Both methods should be included in this condition.

**Response**

This change is acceptable.

**Change**

Permit Condition VI.D1.b. has been replaced with the following:

"Demonstrate that burning hazardous waste does not significantly affect the CKD by comparing hazardous waste derived CKD with either normal CKD or health based limits in accordance with 40 CFR 266.112(b);"

10. **Comment**

Permit Condition VI.D.6, Page 37

Sample, analyze, manage spent refractory per WAP. This language is not currently in the Waste Analysis Plan, Attachment C. Lehigh is suggesting to include the language that is currently in Attachment B in Attachment C also. Lehigh suggests renaming Section C-6 to “Site-Generated Wastes” and making the existing Cement Kiln Dust a sub-section, plus adding a new subsection as follows: "Spent Refractory. In the cement kiln process, refractory brick is occasionally replaced due to wear, etc. This refractory brick will be tested in accordance with the 40 CFR 262.11, as necessary, and recycled back through the kiln as a raw material substitute or properly disposed of off-site."

**Response**

This change is acceptable.

**Change**

Attachment C has been revised as suggested.
11. **Comment**

Permit Condition VI.F.1, Page 38

Rail car direct burn 25,000 gallons. Should be 31,000 gallons per the Table A-1 in Part A.

**Response**

This change is acceptable.

**Change**

As suggested.

"...rail car tanker (31,000 gallons total)."

12. **Comment**

Permit Condition VI.F.2, Page 38

The Permittee shall receive a maximum of two trucks or one rail car tanker at any one time at the designated direct transfer area. At all times at the designated direct transfer area, tank trucks shall contain the same material and originate from the same vendor. Suggest “At all times, the containers located in the shared direct transfer secondary containment area will be compatible with each other” instead of the second sentence in the condition.

**Response**

This change is acceptable.

**Change**

As suggested:

“At all times the contents of containers located in the shared direct transfer secondary containment area will be compatible with each other.”

13. **Comment**

Permit Condition VI. Closure Requirements, Page 39, the Closure Requirements header does not have a letter designation. Suggest including it as Condition VI.G.
Response

This change is acceptable.

Change

As suggested.

14. Comment

Permit Description VI.G.2, Page 39, references incineration. Suggesting changing the word "incinerator" to "combustion".

Response:

The rule at 40 CFR 266.100, specifies "burning", as the term to be used for the combustion of hazardous waste for energy recovery or destruction.

Change

Replace the word "incineration" in Condition VI.G.2 with "burning".

15. Comment

Attachment B-Facility Information-Section B2, Page B-2

Non-pumpable wastes generated by Lehigh are packaged on-site into Department of Transportation (DOT)-approved sealed containers. The buckets that the material may packed into are not necessarily DOT-specification containers, and do not need to be since they will not be used on transportation and the container size is less than Subpart CC applies to. Suggest changing this to "are packaged into containers that are closed when waste is not being placed into or removed from them. If the statement needs to remain for containers larger than 0.1 m³ (26 gallons), Lehigh suggests that the term DOT-approved be changed to DOT-specification containers, since DOT does not actually approve containers. Lehigh also requests that the term "sealed" be changed to "closed" since it is not clear what a "sealed" container actually is.

Response

This change is acceptable.
Change

The first sentence of the sixth paragraph of Attachment B, page 2 as follows:

"Non-pumpable wastes generated by Lehigh are packaged into containers that are closed when waste is not being added to or removed from them."

16. Comment

Attachment B-Facility Information-Section B2, Page B-2

These containers are then delivered daily to the hazardous waste storage facility and placed in a specially designated area. Suggest replacing “delivered daily” with “The filled buckets are accumulated on a pallet in the permitted truck unloading area until the pallet is full, at which time it is moved into the permitted container storage area until being fed to the kiln.” The total inventory in the area will not exceed the permitted capacity.

Response

This change is acceptable.

Change

Replace the second sentence of the sixth paragraph of Attachment B, page 2 with the following:

"The filled containers are accumulated on a pallet in the permitted truck unloading area until the pallet is full, at which time it is moved into the permitted container storage area until being fed to the kiln."

17. Comment

Attachment B-Facility Information-B3, Page B-2

Figure B-2 . . . and Fig. B-3 . . . show the legal boundaries . . . The legal boundaries are actually shown in the second drawing in Fig. B-1, Topographic Maps, and Fig. B-4. Suggest sentences be modified to read “Figures B-1 shows the general location and property boundary of the facility on a USGS topographical map. Figure B-2, the Plant Area Site Plan (Drawing Number 01-120-D952, Revision 7), and Figure B-3, the TSDF Site Plan show the legal boundaries of the facility, access controls, . . . “

Response

This change is acceptable.
Change

Replaced the first paragraph of Attachment B, Section B-3 with the following:

"Figures B-1 shows the general location and property boundary of the facility on a USGS topographical map. Figure B-2, the Plant Area Site Plan (Drawing Number 01-120-D952, Revision 7), and Figure B-3, the TSDF Site Plan show the access controls, facility features, and the topography around the facility in more detail. Figure B-4 is an aerial map showing the TSDF boundary."

18. Comment

Attachment B-Facility Information-B5 Traffic Patterns, Hazardous Waste Derived Fuels Transportation Routes, Page B-2

From Indianapolis and Vicinity (Interstate 465):
  State Road 31 (north) to State Road 35 (north)
  State Road 35 (north) to State Road 25 (south)
  State Road 25 (south) to County Road 300 (south)
  County Road 275 (west) / 225 (south) to Plant Entrance

From Southern/Eastern Illinois:
  State Road 70 (north) to Interstate 465
  Interstate 465 to State Road 31 (north)
  State Road 31 (north) to State Road 35 (north)
  State Road 35 (north) to State Road 25 (south)
  State Road 25 (south) to County Road 300 (south)
  County Road 275 (west) / 225 (south) to Plant Entrance

Replace the included directions with the following:

From Indianapolis and Vicinity (Interstate 465):
  Interstate 65 (north) to State Road 25 (north)
  State Road 25 (north) to County Road 300 (south)
  County Road 275 (west) / 225 (south) to Plant Entrance

From Southern/Eastern Illinois:
  State Road 70 (north) to Interstate 465
  Interstate 465 to Interstate 65 (north)
  Interstate 65 (north) to State Road 25 (north)
  State Road 25 (north) to County Road 300 (south)
  County Road 275 (west) / 225 (south) to Plant Entrance

Response

This change is acceptable.
Change

Page B-5 has been revised as suggested.

19. Comment

Attachment C-Waste Analysis Plan-Section C-3, Page C-5

Each generator will also be required to recharacterize the Waste Profile Waste Stream when Lehigh notifies, or has reason to believe.... This phrase should read “Each generator will also be required to re-characterize the Waste Profile Waste Stream when Lehigh is notified notifies, or has reason to believe, ...” to allow for the generator telling Lehigh of changes that may impact the waste profile, not the other way around (which is addressed in the next phrase).

Response

This change is acceptable.

Change

As suggested.

20. Comment

Attachment C-Waste Analysis Plan-Section C-8 Heat Value, Page C-19

ASTM Method D240. Although ASTM has withdrawn the D5468 method due to their internal procedures, the procedure is still valid. Lehigh suggests that the second sentence of this paragraph read be returned to what was initially submitted reading “The heating value of the LWDF will be determined in general accordance with ASTM Methods D5468 (Gross Calorific Value of Waste Materials), D240 (Test for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter), or an equivalent method.” And Table C-2 on page C-5 should also be updated to refer to D5468-2007.

Response

This change is acceptable.

Change

As suggested.
21. Comment

Attachment D-Process Information Section D-4, Page D-22

The Bulk Management System Dry Container Storage Pad Description table says largest container is 525 cubic yards. Max size should be 25 cubic yards.

Response

This change is acceptable.

Change

As suggested.

22. Comment

Attachment D-Process Information-Section D-4 Container Management, two places, Page D-22

Removed visible free liquids inspection for no-free liquids roll-offs. This is inconsistent with language included in Section C-7, Roll-offs and Dump Trailers, where the combination of inspection for visible free liquids and/or paint filter test is described. The intention is that if the waste is visually dry, then a paint filter test is not required. But if the waste is “sloppy” or “wet”, then a paint filter test will be conducted. The Lehigh experience is that sludges that may fail the paint filter test (contains free liquids) will have the liquids vibrated to the surface during transport to the site to make the condition easily visible. Lehigh suggests reinstating the phrase "a visible free liquids inspection and/or" in the first and fourth paragraphs on that page, and adding the following sentence to the end of the first paragraph: “A visual inspection for free liquids will be used only for roll-offs that are dry, crumbly, or do not exhibit wetness or damp qualities, in which case the paint filter test will be conducted prior to placing the roll-off in a storage area not permitted for free liquids.”

Response

This change is acceptable, although the sentence suggested to be added contradicts the rationale provided so will be revised.

Change

The last sentence of the first paragraph on page D-22 is changed to read:

“This area does not have a containment volume since only materials that have passed a visible free liquids inspection and/or the paint filter test (EPA SW 846
Method 9095B), and are therefore considered to not contain free liquids, can be stored here."

Change the second sentence of the fourth paragraph on page D-22 to read:

"This area does not have a containment volume since only materials that have passed a visible free liquids inspection and/or the paint filter test, EPA SW-846 Method 9095B and are therefore considered to not contain free liquids, can be stored here."

Add the following sentence to the end of the first paragraph on page D-22:

"A visual inspection for free liquids will be used only for roll-offs that are dry, crumbly, or do not exhibit wetness or damp qualities, otherwise the paint filter test will be conducted prior to placing the roll-off in a storage area not permitted for free liquids."

23. **Comment**

Attachment D-Process Information-Section D-6 Tank Farm Storage (Tank 11), Page D-30

States that the Tank 11 dike is coated with Rust-Oleum OverKote Plus HD. Add sentence "Repairs to the coating may be made with one or more of the products included in Appendix D-4.

**Response**

This change is acceptable.

**Change**

As suggested, add the following sentence to the end of the second paragraph on page D-30:

"Repairs to the coating may be made with one or more of the products included in Appendix D-4."

24. **Comment**

Attachment D-Process Information-Section D-6 Bulk Management System Processing Area Storage Pad, Page D-34

Specific coating system named... Lehigh would like to remove the names of the coating products from the text and change the language to "... are coated with a
coating identified in Appendix D-4." And then add the coatings and resistance guide information shown in Appendix 1 to these comments.

Response

This change is acceptable.

Change

As suggested, revise the last sentence of the second paragraph on page D-34 to read as follows:

"...and the concrete floor and walls of the containment system are coated with a coating identified in Appendix D-4."

and add the following sentence to the cover page of Appendix D-4:

"This appendix includes those coatings identified in Appendix 1 of the Permittee’s September 13, 2019 submittal (VFC #82638384, pp. 9-37 of 37)."

25. Comment

Attachment F-Hazard Prevention-Section F-2 Transporters, Page F-2

The current language states “Each transporter company, their drivers, and any railroad operators are trained prior to being allowed into the facility. Please change to sentence to read “Each transporter company, their drivers, and any railroad operators are trained at the time of or prior to being allowed into the facility.” This allows training to occur as the operator arrives at the facility rather than prior to. Also, Lehigh suggests that the last sentence of that paragraph be replaced with “This training includes awareness of the presence of hazardous waste at the Lehigh site (TSDF), the personal protective equipment (PPE) requirements, the requirement to stay with the vehicle, and emergency notification and evacuation requirements.”

Response

This change is acceptable.

Change

As suggested.
Additional Changes made by IDEM

Permit Condition VII.B.3.

Many facilities, such as the Lehigh facility, started the RCRA Corrective Action process under U.S. EPA oversight. In October 1998, U.S. EPA authorized the State of Indiana to administer the RCRA Corrective Action program, and IDEM has gradually assumed the lead at those facilities. During the term of this permit, IDEM and U.S. EPA will identify an appropriate time to transition the lead to IDEM, upon which IDEM will notify the Permittee in writing of this transfer of responsibilities. The transition will occur so as to minimize disruption to the investigation and remediation process.

Permit Condition IX.

E. Within 90 days of the effective date of the permit renewal, the Permittee shall establish financial assurance in accordance with 329 IAC 3.1-15-4 for the cement kiln units, for review and approval by IDEM. In the interim, the Permittee shall continue to demonstrate financial assurance to U.S. EPA for the approved cost estimate until financial assurance in accordance with 329 IAC 3.1-15-4 is effective.

F. At least 60 days before beginning construction, the Permittee shall provide a schedule for completion of the Heated Container Storage Building.

G. No later than 60 days after completion of the Heated Container Storage Building, the Permittee shall submit installation reports for this structure.

G. At least 45 days before placing the new Heated Container Storage Building in operation, the Permittee shall provide financial assurance for the additional capacity for review and approval by IDEM.