October 25, 2019

Waupaca Foundry, Inc.  
Attn: Bryant Esch  
Environmental Coordinator  
9856 State Road 66  
Tell City, Indiana 47586

Dear Mr. Esch:

Re: Solid Waste Land Disposal Facility  
Minor Modification  
Waupaca Foundry, Inc. RWS II  
Perry County  
SW Program ID 62-06

Waupaca Foundry, Inc.’s (WFI) minor modification application dated July 12, 2019 for the *Waupaca Foundry RWS II Landfill* is approved. You, the permittee, must comply with Indiana’s rules for solid waste land disposal facilities (329 IAC 10) and the terms of this approval.

The minor modification allows the facility to install and maintain a temporary geosynthetic cover system over the intermediate slope of the currently active area in Phase 4B of the landfill for two years. Based on the performance of the temporary cover, you may request an extension for additional two years subject to approval by IDEM.

Please note Section G. Compliance Schedule Requirements, contains deadlines for submitting documents to IDEM for approval.

Public records for your facility are available in IDEM’s Virtual File Cabinet at www.in.gov/idem. Documents related to this approval include the minor modification application dated July 12, 2019 (VFC #82809963) and Response to IDEM Request for Additional Information dated September 4, 2019 (VFC #82834277).

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

This approval does not: convey any property rights of any sort or any exclusive privileges; authorize any 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 10-13-4(a)).
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, please contact Andrew Manley, the Permit Manager assigned this facility, by dialing (317) 234-1853 or by e-mail at amanley@idem.IN.gov.

Sincerely,

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

Enclosures: Permit Requirements
            Notice of Decision
            Guide to Appeals Process
            Letter to Tell City-Perry County Public Library
            Letter to the Perry County News

cc with enclosures: Perry County Health Department
                   Perry County Commissioners
                   Perry Solid Waste Management District
                   Director, Southeast IDEM Regional Office
                   Mayor, City of Tell City
                   President, Troy Town Council
PERMIT REQUIREMENTS

The following Permit Requirements are in addition to or in replacement of the permit requirements of the facility’s permit dated October 4, 2018 (VFC #82626842). The permittee must implement the permit modification as specified in the minor modification application dated July 12, 2019 (VFC #82809963) and additional information dated September 4, 2019 (VFC #82834277). Note: all page numbers are the page numbers of the PDF file referenced in VFC, not the original numbering of the document.

B. OPERATIONAL REQUIREMENTS

Former Requirements B9 is replaced with the following requirement:

B9. In lieu of placing monthly or annual cover as specified in Requirements B7 and B8, the permittee is approved to install an interim long-term geosynthetic cover system as specified in the documents dated July 12, 2019 (VFC #82809963), and September 4, 2019 (VFC #82834277). The permittee must comply with the following additional requirements:

a. Install the 40-mil textured High Density Polyethylene (HDPE) geomembrane and a geomembrane ballast system over the intermediate slope of the active area in Phase 4B as delineated by the Active Phase 4B Liner Area outline shown on the drawing titled “Figure 2, Existing Conditions Map,” dated September 2019 (VFC #82834277, p. 10 of 23).

b. Construct the diversion berm as specified on the drawing titled “Figure 4, Intermediate Cover Diversion Berm,” dated September 2019 (VFC #82834277, p. 12 of 23), and divert non-contact storm water above and below the diversion berm as specified in the minor modification application dated July 12, 2019 (VFC #82809963, pp. 12 of 23).

c. Inspect the temporary cover and the geomembrane ballast system monthly and after severe weather, such as high winds, extreme temperatures or heavy rain for any damages, including holes, cuts, extensive sagging, or signs of wearing and tearing, and repair the damages to the geomembrane within ten days after detection.

d. Submit a summary report on the performance of the temporary cover to IDEM for review and approval within 60 days after the end of the two-year period beginning from the installation of the temporary cover, and subsequently for each two-year period, if an extension is granted.
The following requirement is added as Requirement B16:

B16. The permittee must notify IDEM in writing at least 30 days before the intended date to re-initiate waste disposal in the temporarily covered active area of Phase 4B. If the waste disposal activities are re-initiated, the permittee must conduct the operation in compliance with the facility’s permit dated October 4, 2018 (VFC #82626842), including Requirements B7 and B8, except the date to apply monthly and annual cover will be reset from the date that temporary cover is removed.

G. COMPLIANCE SCHEDULE REQUIREMENTS

The following requirements are added as Requirements G1 and G2:

G1. Within 60 days after receiving this approval, the permittee must submit a revised comprehensive operation plan for approval to address the following:

a. Procedures for removing and replacing the temporary cover. Describe how the geomembrane will be peeled off and resealed.

b. Procedures for repairing any damages to the temporary cover.

c. Revised waste placement procedures to address the following:
   1. The landfill operation during waste disposal, such as temporary cover removal and placement, and
   2. The landfill maintenance during temporary closure.

d. Access control, maintenance of on-site road, safety equipment at the site, an inclement weather plan, and storage, treatment and disposal of leachate.

G2. Within 60 days after receiving this approval, the permittee must submit a revised closure cost estimate to include additional cost, to the approved closure cost for regrading the intermediate slope of the Active 4B area to achieve a slope of 33% or less.
NOTICE OF DECISION

The Indiana Department of Environmental Management (IDEM) issued a permit decision for the Waupaca Foundry, Inc. RWS II (SW Program ID 62-06) at South Industrial Drive in Troy. This minor modification to a solid waste land disposal facility permit, allows the permittee, Waupaca Foundry, Inc., to modify their existing facility in Perry County to install and maintain a temporary geosynthetic cover system over the active area in the landfill for two years. The permit is available for review at:

Tell City-Perry County Public Library, 2329 Tell Street, Tell City, 47586-1717 and
Southeast Regional Office, 820 West Sweet Street, Brownstown, IN 47220-9557

The final decision is also available online via IDEM’s Virtual File Cabinet (VFC). Please go to: http://vfc.idem.in.gov/. You can search there for approval documents using a variety of criteria.

APPEAL PROCEDURES

If you wish to challenge this decision, IC 13-15-6-1 and IC 4-21.5-3-7 require that you file a Petition for Administrative Review. If you seek to have the effectiveness of the permit stayed during the Administrative Review, you must also file a Petition for Stay. The Petition(s) must be submitted to the Office of Environmental Adjudication (OEA) at the following address within 15 days of the date of newspaper publication of this Notice:

Office of Environmental Adjudication
Indiana Government Center North, Room N103
100 North Senate Avenue
Indianapolis, IN 46204

The Petition(s) must include facts demonstrating that you are either the applicant, a person aggrieved or adversely affected by the decision, or otherwise entitled to review by law. Identifying the permit, decision, or other order for which you seek review by permit number, name of the applicant, location, or date of this notice will expedite review of the petition. Additionally, IC 13-15-6-2 and 315 IAC 1-3-2 require that your Petition include:

1. the name, address, and telephone number of the person making the request;
2. the interest of the person making the request;
3. identification of any persons represented by the person making the request;
4. the reasons, with particularity, for the request;
5. the issues, with particularity, for the request;
6. identification of the terms and conditions which, in the judgment of the person making the request, would be appropriate in the case in question to satisfy the requirements of the law governing documents of the type granted or denied by the Commissioner’s action; and
7. 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.

Pursuant to IC 4-21.5-3-1(f), any document serving as a petition for review or review and stay must be filed with the OEA. Filing of such a document is complete on the earliest of the following dates:

1. the date on which the petition is delivered to the OEA;
2. the date of the postmark on the envelope containing the petition, if the petition is mailed to the OEA by United States mail; or
3. the date on which the petition is deposited with a private carrier, as shown by a receipt issued by the carrier, if the petition is sent to the OEA by private carrier.

In order to assist permit staff in tracking any appeals of the decision, please provide a copy of your petition to Andrew Manley, IDEM, Solid Waste Permits, IGCN 1154, 100 North Senate Ave., Indianapolis, IN 46204-2251.

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.

More information on the review process is available at the website for the Office of Environmental Adjudication at http://www.in.gov/oea/.
October 25, 2019

Tell City-Perry County Public Library
2328 Tell Street
Tell City, Indiana 47586-1717

Re: Documents for Public View

Dear Sir/Madam:

A copy of a permit decision for the Waupaca Foundry, Inc. RWS II is enclosed. Also enclosed is a copy of the public notice announcing this permit decision and indicating the documents' availability at your library. This public notice will appear in a local newspaper soon. Please make these documents available to the public for the next 20 days since this permit can be appealed.

Please date and sign the enclosed verification of receipt form and mail it to our office in the envelope provided.

If you have any questions or comments about the permit notice, please contact me by dialing (317) 234-1853 or by e-mail at amanley@idem.IN.gov.

Sincerely,

Andrew Manley
Solid Waste Permits Section
Office of Land Quality

Enclosures: Notice of Decision
Permit Letter
Verification of Receipt Form
Agency Addressed Envelope

cc with enclosures: Perry County Health Department
                  Perry County Commissioners
                  Perry Solid Waste Management District
                  Director, Southeast IDEM Regional Office
                  Mayor, City of Tell City
                  President, Troy Town Council
NOTICE OF DECISION

The Indiana Department of Environmental Management (IDEM) issued a permit decision for the Waupaca Foundry, Inc. RWS II (SW Program ID 62-06) at South Industrial Drive in Troy. This minor modification to a solid waste land disposal facility permit, allows the permittee, Waupaca Foundry, Inc., to modify their existing facility in Perry County to install and maintain a temporary geosynthetic cover system over the active area in the landfill for two years. The permit is available for review at: Tell City-Perry County Public Library, 2328 Tell Street, Tell City, 47586-1717 and Southeast Regional Office, 620 West Sweet Street, Brownstown, IN 47220-9557 The final decision is also available online via IDEM’s Virtual File Cabinet (VFC). Please go to: http://vfc.idem.in.gov/. You can search there for approval documents using a variety of criteria.

APPEAL PROCEDURES

If you wish to challenge this decision, IC 13-15-6-1 and IC 4-21.5-3-7 require that you file a Petition for Administrative Review. If you seek to have the effectiveness of the permit stayed during the Administrative Review, you must also file a Petition for Stay. The Petition(s) must be submitted to the Office of Environmental Adjudication (OEA) at the following address within 15 days of the date of newspaper publication of this Notice:
Office of Environmental Adjudication
Indiana Government Center North, Room N103
100 North Senate Avenue
Indianapolis, IN 46204

The Petition(s) must include facts demonstrating that you are either the applicant, a person aggrieved or adversely affected by the decision, or otherwise entitled to review by law. Identifying the permit, decision, or other order for which you seek review by permit number, name of the applicant, location, or date of this notice will expedite review of the petition. Additionally, IC 13-15-6-2 and 315 IAC 1-3-2 require that your Petition include:

1. the name, address, and telephone number of the person making the request;
2. the interest of the person making the request;
3. identification of any persons represented by the person making the request;
4. the reasons, with particularity, for the request;
5. the issues, with particularity, for the request;
6. identification of the terms and conditions which, in the judgment of the person making the request, would be appropriate in the case in question to satisfy the requirements of the law governing documents of the type granted or denied by the Commissioner's action; and
7. 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.

Pursuant to IC 4-21.5-3-1(f), any document serving as a petition for review or review and stay must be filed with the OEA. Filing of such a document is complete on the earliest of the following dates:

1. the date on which the petition is delivered to the OEA;
2. the date of the postmark on the envelope containing the petition, if the petition is mailed to the OEA by United States mail; or
3. the date on which the petition is deposited with a private carrier, as shown by a receipt issued by the carrier, if the petition is sent to the OEA by private carrier.

In order to assist permit staff in tracking any appeals of the decision, please provide a copy of your petition to Andrew Manley, IDEM, Solid Waste Permits, IGCN 1154, 100 North Senate Ave., Indianapolis, IN 46204-2251.

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.

More information on the review process is available at the website for the Office of Environmental Adjudication at http://www.in.gov/oea.
VERIFICATION OF RECEIPT OF PUBLIC REVIEW MATERIALS

NAME OF LIBRARY AND LOCATION:
Tell City-Perry County Public Library
2328 Tell Street
Tell City, Indiana 47586-1717

FACILITY NAME AND LOCATION:
Waupaca Foundry, Inc. RWS II
South Industrial Drive
Perry County, Indiana

MATERIALS RECEIVED:
Notice of Decision
Permit Letter
Agency Addressed Envelope

DATE RECEIVED/MADE AVAILABLE TO THE PUBLIC:

__________________________

SIGNATURE OF RECEIVING PARTY:

__________________________

Date: ____________________

PLEASE RETURN THIS VERIFICATION IN THE ENCLOSED STAMPED, SELF-ADDRESSED ENVELOPE.
October 25, 2019

Legal Advertising Department
Perry County News
P.O. Box 309
Tell City, Indiana 47586

Re: Public Notice

Dear Sir/Madam:

Enclosed is our Notice of Decision about a permit for the Waupaca Foundry, Inc. RWS II, Perry County. We request you publish this notice, one time only, as soon as possible.

For billing, please send a notarized form and clippings showing the date of publication to Andrew Manley, IDEM, Solid Waste Permits, IGCN 1101, 100 North Senate Avenue, Indianapolis, Indiana 46204-2251. On the backside of your publisher claim, please be sure to include your Federal Identification number on the first line below the statement: "In the sum of $..."

If you have any questions, please contact me by dialing (317) 234-1853 or by e-mail at amanley@idem.IN.gov.

Sincerely,

[Signature]

Andrew Manley
Solid Waste Permits Section
Office of Land Quality

Enclosure: Notice of Decision

cc with enclosures: Perry County Health Department
Perry County Commissioners
Perry Solid Waste Management District
Director, Southeast IDEM Regional Office
Mayor, City of Tell City
President, Troy Town Council
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 and 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 up 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.

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
100 North Senate Avenue, Room N103
Indianapolis, IN 46204

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 on 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 ($0.15) 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 conference, preliminary hearings, hearings, "stays," or orders disposing of the review of this decision. In addition, you may contact the OEA by phone at (317) 233-0850 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 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 side being present. All parties to the proceeding are expected to appear at the initial prehearing conference.