



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Public Involvement for In-Place Surface Impoundment Closures

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To address heightened public interest in the in-place closure of surface impoundments containing solid wastes, IDEM recommends companies closing surface impoundments provide public involvement opportunities similar to those for solid waste land disposal facilities detailed at 329 IAC 10-12-1. IDEM welcomes the opportunity to coordinate the public involvement process with the company during a pre-application meeting or conference call. IDEM recommends the public involvement process include the following:

- a letter from the company to local officials and adjoining property owners providing general information about the project;
- media coverage through a public notice or a press release to local media outlets providing general information about the project;
- posting of the following on the company/facility website: letters to local officials and adjoining property owners, public notices, and press releases concerning the closure plan on the facility's website, along with information about any scheduled public meetings; and
- placement of the closure plan in the local library, including any additions and updates made to the plan during IDEM's review.

IDEM is open to other outreach proposals from the company. For example, a public informational meeting may be a helpful form of outreach. Generally, the level of public interest should influence the overall approach. At a minimum, IDEM will post receipt of a closure plan on the IDEM website and initiate a public comment period (see more below). IDEM may initiate additional public involvement steps in some cases. Also, in the event the company is unable or unwilling to involve the public in the closure process, IDEM will implement their own public notice process.

Additional guidelines regarding the timing and other details for each of these public involvement steps are provided below.

Letter to Local Officials and Adjacent Property Owners

IDEM recommends the company send a letter to local officials and owners of adjoining land to the surface impoundment providing general information about the project. The letter could be sent as early as 60 days before or as late as 10 days after submitting the closure plan to IDEM, and it should include the following information:

- a brief description of the surface impoundment closure project;
- the date on which the closure plan was (or will be) submitted to IDEM and placed at a local library for review;
- the name and address of the local library where a copy of the closure plan can be viewed;
- instructions on how the closure plan can be accessed on IDEM's website in the virtual file cabinet; and
- contact information for company and IDEM staff to which public input about the project can be directed.

Please provide IDEM with a copy of the letter and the names and addresses of the recipients.

Media Coverage

IDEM recommends the company arrange news coverage in a local newspaper of general circulation through a public notice or a press release.

The public notice or press release could be issued as early as 60 days before or as late as 10 days after submitting the closure plan to IDEM. It should include the same information included in the letter to local officials and adjacent property owners as noted above.

Please provide IDEM with a copy of the public notice or news coverage, the name of the newspaper, and the date of publication.

Public Comments

IDEM will also conduct public outreach through a public comment period. If a public informational meeting will be held, the public comment period will be scheduled to opened and closed in alignment with the meeting. If it is determined a public informational meeting is not necessary, a public comment period will be opened once IDEM determines the closure plan to be complete (contains all necessary basic information) and technical review (evaluation to determine if it meets engineering, geology, and other technical requirements) is scheduled to begin. Public comment periods will have a duration of at least 30 days. While IDEM prefers to receive public comments within the public comment period, comments will be accepted and considered until a final decision is made on the closure plan. IDEM will inform the public about public comment periods by publishing a notice in local newspapers or through a press release. The notice or press release will contain the following:

- the location of the library where the company has placed copies of the plan for public review
- information on how to view the plan using IDEM's Virtual File Cabinet (VFC)
- a statement we will accept public comments on the plan for at least 30 days from the issuance/receipt of the public notice or publication of the press release; and
- mail the public notice or press release to local officials and adjoining property owners

IDEM will evaluate the comments received during its review of the plan, and, if a significant number of comments are received, provide a responsiveness summary regarding the comments with the final decision.

Public Informational Meeting

IDEM recommends the company evaluate the anticipated level of public interest in the project and consider the value of hosting a public meeting to inform the public about the project, answer questions, and receive input from the local community. Response to both the company's public outreach and IDEM's public comment period will be key in this evaluation. IDEM staff would be glad to attend and participate in the meeting on request. The public should be informed of the meeting through the letter to local officials and adjacent property owners and either newspaper coverage or a public notice published as detailed above in a local newspaper. IDEM also recommends the facility post information about the public meeting on their website. If the decision to hold a public meeting is made after the initial letter to local officials and adjacent property owners is sent, a separate, comparable letter should be sent and a press release or public notice should be published at least 10 days before the public meeting.

If the company decides to host a public meeting, it should be held in the county where the surface impoundment is located and scheduled within 60 days before or after submitting the closure plan to IDEM. The company should present a brief description of the project and discuss expected future operating and monitoring procedures, as applicable. Copies of a draft or the submitted closure plan and a map showing the location of the surface impoundment(s) should be made available for public inspection and review at the meeting. The company should field questions about the closure plan.

IDEM will also prepare a fact sheet for distribution at the public meeting. It will be based on the attached template, and will include information on the meeting, the public comment period, who to send comments to, and where to view the plans.

For More Information

IDEM welcomes the opportunity to coordinate the public involvement process with the company. For additional information or to schedule a pre-application meeting or conference call, please contact the Solid Waste Permits Section at (317) 232-7200.