



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204
(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

June 27, 2024

VIA EMAIL rreeder@portage-in.com

City of Portage
Attn: Randy Reeder
Project Manager
5590 Old Porter Road
Portage, Indiana 46368

Re: Composting Registration Renewal Approval
City of Portage Compost Site
SW Program ID 64-08C
Porter County

Dear Mr. Reeder:

City of Portage's composting registration renewal for the City of Portage Compost Site is approved. The facility is a composting operation located at 6070 Central Ave, Portage. Public records for this registration are available in IDEM's Virtual File Cabinet at <http://vfc.idem.in.gov/>. Documents related to this registration include the renewal application, dated March 26, 2024 (VFC #[83619457](#)) and additional information, dated June 20, 2024 (VFC #[83658241](#)).

This registration will expire on **June 25, 2029**. To operate past this date, you must submit a renewal application on or before **April 26, 2029**.

You, the registrant, must comply with Indiana's statute for composting (IC 13-20-10) and the terms of this registration. You must operate and maintain the facility as described in the approved application and supporting documents and in a manner that does not present any nuisance conditions.

You are approved to compost the following:

1. Leaves
2. Brush
3. Lawn Trimmings
4. Wood

Treated wood, painted wood, wood containing adhesives (such as particleboard, plywood, or veneers), and any other materials not approved above are prohibited from composting under this registration.



Visit on.IN.gov/survey or scan the QR code to provide feedback.

We appreciate your input!



You must submit an annual report before February 1 of each year. The report must include the volume of material processed during the previous year and the final disposition of composted materials (IC 13-20-10-7). You must submit this report through the Re-TRAC Connect website: <https://connect.re-trac.com/>. An account is already set up for you to submit this information. To obtain your login credentials, please email olqregulatoryreporting@idem.in.gov with your permit number and contact information.

You can review the Indiana Code (IC) references in this document at iga.IN.gov. IC references are under the "Laws" link.

This registration 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.

If you wish to appeal this decision, you must file a petition for administrative review with the Office of Environmental Adjudication (OEA) within the following timeframes:

1. If you received this decision by U.S. mail, you must file the petition within 18 days of the notice postmark date (15 days from the date IDEM mailed the notice, plus 3 days because the notice was sent via U.S. mail).
2. If you received this decision by email, you must file the petition within 15 days of the date IDEM sent the email.

The enclosed Guide to Appeals Process notifies you of additional important details regarding the appeal process and your rights and responsibilities for filing an adequate and timely appeal.

Your attention to the requirements for composting protects public health and the environment in your community. If you have any questions, please contact Adam Weinzapfel, the Permit Manager assigned this facility, by dialing (317) 232-7612 or by e-mail at AWeinzap@idem.in.gov.

Sincerely,



Thomas Kreke, Chief
Solid Waste Permits Section
Office of Land Quality

Enclosure: Guide to Appeals Process

cc with enclosure: Porter County Health Department
Porter County Commissioners
Recycling and Waste Reduction District of Porter
Director, Northwest IDEM Regional Office
Mayor, City of Portage



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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).



A State that Works

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 (\$.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) 232-8591 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.

From: [Poe, Diane L](#)
To: rreeder@portage-in.com
Cc: ["dan.boyd@porterco.org"](mailto:dan.boyd@porterco.org); ["zachary.martin@porterco.org"](mailto:zachary.martin@porterco.org); ["lblaney@porterco.org"](mailto:lblaney@porterco.org); ["jgood@porterco.org"](mailto:jgood@porterco.org); ["biggs.associates@gmail.com"](mailto:biggs.associates@gmail.com); ["kbarron@portercountyrecycling.org"](mailto:kbarron@portercountyrecycling.org); Weingart, James; ["abonta@portage-in.com"](mailto:abonta@portage-in.com); ["lvancuren@portage-in.com"](mailto:lvancuren@portage-in.com)
Bcc: [Feller, Robin](#); [Kurylo, Leo](#); [Hummel, Lindsey](#); [Kreke, Thomas](#); [Weinzapfel, Adam](#); [Wiseman, Cheryl](#)
Subject: City of Portage Compost Site Permit Renewal Approval
Date: Thursday, June 27, 2024 1:30:00 PM
Attachments: [062724 64-08C Renewal Approval.pdf](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Attached is correspondence regarding the above property in Porter County. A hardcopy will **not** be sent to the addressee.

If you have any questions, please contact Adam Weinzapfel, permit manager. His information is in the last paragraph on page 2 above Mr. Kreke's signature block.



Indiana Department of
Environmental Management
Diane Poe
OLQ Permits Branch Administrative Assistant
• (317) 232-4473 • dpoe@idem.IN.gov

Protecting Hoosiers and Our Environment



| www.idem.IN.gov

From: [Microsoft Outlook](#)
To: rreeder@portage-in.com
Subject: Relayed: City of Portage Compost Site Permit Renewal Approval
Date: Thursday, June 27, 2024 1:30:18 PM
Attachments: [City of Portage Compost Site Permit Renewal Approval.msg](#)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:
rreeder@portage-in.com (rreeder@portage-in.com) <mailto:rreeder@portage-in.com>
Subject: City of Portage Compost Site Permit Renewal Approval