



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 28, 2024

VIA EMAIL melissa@agronomicsolutionsllc.com

Dutch Country Packaging, LLC
Attn: Melissa Lehman
5654 North State Road 5
Shipshewana, Indiana 46565

Re: Approval of Closure Plan
Dutch Country Packaging, LLC
LaGrange County
SW Program ID 44-009

Dear Ms. Lehman:

The Dutch Country Packaging, LLC's *Wastewater Storage Structure Closure Plan* (Plan) dated April 1, 2024 (VFC #[83619406](#)) to implement a solid waste clean closure of the impoundment that originally served as an egg wash pond on the west side of the former Dutch Country Packaging facility is approved. The proposal meets the standard for closure of a surface impoundment under 329 IC 10-3-1(9). The impoundment is located at 5654 North State Road 5 in Shipshewana, Indiana.

The facility is proposing to implement a solid waste clean closure of the impoundment that originally served as an 'egg wash water pond' on the west side of the former Dutch Country Packaging facility at 5654 N SR 5, in Shipshewana, Indiana. The facility installed the impoundment in 2015 with a HDPE liner. Since the facility moved to Middlebury, Indiana in 2021, the facility processes in Shipshewana including the impoundment are no longer needed. The Plan specifically addresses the clean closure of the impoundment and no other facility process areas.

The Plan proposes to dewater the liquids from the impoundment and dispose of the fluids under a land application permit (Permit No. IN LA 000848). Additionally, the Plan proposes to dispose of the HDPE liner, sludge, and stained soils from the impoundment at an approved solid waste land disposal facility. The Plan also proposes to plug the inlet piping associated with the impoundment.

In addition, the Plan proposes to provide photographic documentation and copies of landfill disposal tickets and transportation manifests verifying sludge excavation and the landfill disposal information in a clean closure certification report. The facility intends to regrade the impoundment area following receipt of a solid waste clean closure certification.



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

We appreciate your input!



The Plan is approved with the following conditions:

- You must close this lagoon as described in your proposal within one year after receiving this approval.
- The facility must remove all sludge and sludge residuals from the impoundment and transport them off-site for disposal at a permitted wastewater treatment plant, permitted solid waste land disposal facility, or distribute the material for use under a land application permit.
- The facility must scrape the bottom of the impoundment clean, down to the native soil. After the facility removes the sludge, including sludge residuals, contaminated soil, or other media, you must visually inspect the bottom of the impoundment for any discoloration or staining due to sludge contamination and remove the material from those areas until no visually stained soil is observed in the underlying soils.
- The facility must confirm the adequacy of the clean closure of the impoundment by taking pictures during and after sludge and soil removal.
- Within 60 days after completing closure activities, the facility must submit a solid waste clean closure certification report that documents the facility adequately closed the impoundment. The report needs to include:
 - A narrative description of the sludge, soil, and wastewater removal process and events.
 - Volume of sludge, soil, and wastewater removed, the method and location of final disposal of the material (sludge, soil, fluids, and any other contaminated media), and disposal documentation.
 - Confirmation of sludge and contaminated soil removal from the impoundment by written statement from the responsible party and by providing photographic documentation of clean closure as described above.
 - Documentation that all existing inflow and outflow pipe connections are removed or plugged.

We recommend you use the *Solid and Hazardous Waste Programs Analytical Data Deliverable Requirements: Supplemental Guidance* for guidance during the lagoon's closure. A copy of the guidance is available at

http://www.in.gov/idem/landquality/files/sw_resource_data_deliverable_reqs.pdf.

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 closure plan dated April 1, 2020 (VFC #[83619406](#)).

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.

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 guidance provides information on the appeal process and your rights and responsibilities for filing an adequate and timely appeal.

If you have any questions, please contact Kira Wren, the permit manager assigned this facility, by dialing 317-233-7090 or by e-mail at KWren@idem.IN.gov.

Sincerely,



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

Enclosure: Guidance on How to Appeal IDEM Decision

cc with enclosure: LaGrange County Health Department
LaGrange County Commissioners
LaGrange County Solid Waste Management District
President, Shipshewana Town Council



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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).

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: "melissa@agronomicsolutionsllc.com"
Cc: "agarcia@lagrangecounty.org"; "pcook@lagrangecounty.org"; "tmartin@lagrangecounty.org"; "kevinmyers@lagrangecounty.org"; Ashley Kave; cgarman@niswmd.org; "cyoder@shipshewana.gov"; "townmanager@shipshewana.gov"
Bcc: [Feller, Robin](#); [Kurylo, Leo](#); [Hummel, Lindsey](#); [Kreke, Thomas](#); [Wren, Kira](#); [BUCKEL, STEVE](#); [GUERRETTAZ, JOHN](#); [RAMAN, SHYAMALA](#); [OSSIVAND, BAHMAN](#); [WEAVER, TROY](#)
Subject: Dutch Country Packaging LLC Permit Clean Closure Plan Approval
Date: Friday, June 28, 2024 7:30:00 AM
Attachments: [062824 44-009 Clean Closure approval ltr.pdf](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

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

If you have any questions, please contact Kira Wren, permit manager. Her information is in the last paragraph of page 3 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

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From: postmaster@agronomicsolutionsllc.com
To: [Melissa Lehman](mailto:Melissa_Lehman)
Subject: Delivered: Dutch Country Packaging LLC Permit Clean Closure Plan Approval
Date: Friday, June 28, 2024 7:30:42 AM
Attachments: [Dutch Country Packaging LLC Permit Clean Closure Plan Approval.msg](#)

Your message has been delivered to the following recipients:
Melissa Lehman (melissa@agronomicsolutionsllc.com) <mailto:melissa@agronomicsolutionsllc.com>
Subject: Dutch Country Packaging LLC Permit Clean Closure Plan Approval