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**From:** WORKMAN, JEFF  
**Sent:** Monday, July 1, 2024 12:28 PM  
**To:** Peter Coulopoulos - Summit (pcoulopoulos@comcast.net)  
**Cc:** Christian Jorgensen; Krista Rose; wayne.ault@usdoj.gov; Clarizio, Richard; STILZ, DON;  
Lang, Julie; WEAVER, TROY; OAKES, GLYNDA  
**Subject:** Summit- Closure Plan Pt 1 Approval 070124  
**Attachments:** Summit Closure Plan Part 1 Approval 070124.pdf; Summit - Response to Comments CP  
Pt 1 070124.pdf; Appeals Guide.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Re: Summit, Inc.  
Closure Plan (Part1) Approval  
Gary, Indiana  
INR000142257

Dear Mr. Coulopoulos,

Please find the attached concerning IDEM's approval of Summit Closure Plan – Part 1 for the FRS.

Feel free let me know if you have any questions.

Sincerely,

Jeff Workman  
Hazardous Waste Permit Section  
IDEM  
(317) 232-3221



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Eric J. Holcomb  
*Governor*

Brian C. Rockensuess  
*Commissioner*

July 1, 2024

Peter Coulopoulos, President  
Summit, Incorporated  
6901 Chicago Avenue  
Gary, Indiana 46406  
[pcoulopoulos@comcast.net](mailto:pcoulopoulos@comcast.net)

Re: RCRA Closure Plan Approval  
Summit, Incorporated  
Gary, Indiana  
INR000142257

Dear Mr. Coulopoulos:

Your December 2023 RCRA closure plan (Part 1) (VFC # [83591282](#)) for the hazardous waste container storage unit identified as the Fuel Recovery Shed is approved.

The public comment period for the Summit, Inc. Hazardous Waste Closure Plan, Part 1, began on January 2, 2024, with a public notice in The Times of Northwest Indiana. A subsequent public notice in The Times of Northwest Indiana on April 10, 2024, announced a public hearing would be held at the Gary Public Library in Gary, Indiana on May 15, 2024. While the initial comment period ended on February 1, 2024, IDEM accepted comments provided at the public hearing and written comments that were received by May 17, 2024.

Also enclosed is IDEM's Response to Comments that was prepared as a result of the public notice of the Draft Closure Plan and the hearing. The Response to Comments was prepared in accordance with 329 IAC 3.1-13-13.

Closure activities must be completed in accordance with the approved plan. When closure is completed, both the owner or operator and a qualified Professional Engineer must submit to the Commissioner a certification worded in accordance with 40 CFR 270.11(d), indicating that the facility has been closed per the specifications in the approved closure plan. With the submittal of your certification, please indicate the facility's desired future status (e.g., generator or non-handler). Mail your response and certification to:



Visit [on.IN.gov/survey](https://on.IN.gov/survey) or scan the QR code to provide feedback.

*We appreciate your input!*



Ms. Graciela Scambiatterra  
Supervisor Compliance Section I  
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77 W. Jackson  
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Mr. Donald W. Stiliz, Chief  
Hazardous Waste Permit Section  
Office of Land Quality  
IDEM  
IGCN 1101  
100 North Senate Avenue  
Indianapolis, IN 46204  
[dstiliz@idem.IN.gov](mailto:dstiliz@idem.IN.gov)

Any aggrieved party has the right to appeal this decision pursuant to IC 4-21.5-3-7  
(see enclosure).

Sincerely,



Donald W. Stiliz, Chief  
Hazardous Waste Permit Section  
Permits Branch  
Office of Land Quality

Enclosure

RESPONSE TO COMMENTS  
RCRA CLOSURE PLAN  
SUMMIT, INC.  
GARY, INDIANA  
INR000142257

INTRODUCTION

The public comment period for the Summit, Inc. Hazardous Waste Closure Plan began on January 2, 2024, with a public notice in Northwest Indiana Times. The notice requested comments regarding Part 1 of the plan pertaining to closure of a hazardous waste container storage unit identified as the Fuel Recovery Shed (FRS). A subsequent public notice in the Northwest Indiana Times on April 10, 2024, announced a public hearing would be held at the Gary Public Library in Gary, Indiana on May 15, 2024. While the initial comment period ended on February 1, 2024, IDEM accepted comments provided at the public hearing and written comments received by May 17, 2024.

IDEM is issuing this Response to Comments to:

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

RESPONSE TO PUBLIC COMMENTS

The following responses have been prepared by the Indiana Department of Environmental Management (IDEM) to address the concerns expressed by the public during the public comment period and from the public hearing regarding Part 1 of the closure plan for the FRS hazardous waste container storage unit. The comments are described in the following sections along with IDEM's response and any changes to the closure plan because of those comments.

1. **Comment:** There are only 12 hours of labor costs allocated to triple rinsing and removing the fuel waste tanks. It is unclear if this work is only for the two aboveground storage tanks (ASTs) or also for the equipment (totes and containment tray) and structures (waste fuel capture pit) associated with the ASTs that also need to be decontaminated.

There are no labor or material costs for sealing/grouting any cracks or making any repairs to the concrete pavement in the Fuel Recovery Shed (FRS). Also, no cost is listed for the physical disposal of the ASTs off-site once they are

rinsed and removed. These increased costs and labor hours should be included in the estimate and, thus, call into question the overall validity of the estimate.

**Response:** Section 4.3 of the plan discusses that the fuel storage ASTs and used oil totes will be drained, their exteriors cleaned, then visually inspected to verify contamination is removed. The ASTs and totes will then be reused for accumulation of the same waste/materials; therefore, disposal costs for these items are not included in the estimate. A similar process is outlined for the fuel recovery machines.

Note that while the plan provides for the decontamination of the ASTs, totes, and fuel recovery machines, the primary objective of Part 1 is RCRA closure (40 CFR 264/265 Subpart G) of a container storage pad located at the FRS where at least 4 drums of hazardous waste (D001 and/or D018) were stored illegally without a permit. While labor costs associated with sealing any cracks in the pad are not explicitly identified, estimates for this work are not expected to be significant.

**Changes:** None.

- Comment:** The estimated volumes of decontamination fluids and cleaning solution are low for the provided volumes of the two ASTs, waste fuel capture pit, containment tray under the crusher, and four HDPE totes. The estimated volume given for the decontamination fluids volume is 50 drums, which is equivalent to approximately 2,750 gallons. Based on experience with decontaminating AST systems, multiple rinses and sampling of the rinsate are typically necessary to reach closure levels and the stated rinse quantity is likely inadequate to reach the closure goals.

**Response:** Please see IDEM's response to Comment #1 regarding the scope of the planned decontamination activities beyond the closure of the former container storage pad located at the FRS.

**Changes:** None.

- Comment:** To rinse the FRS concrete pad and tray there are only 2,000 gallons of cleaning solution allocated to this task. It is expected that more cleaning solution will be needed given the size of both items.

**Response:** Please see IDEM's response to Comment #1 regarding the scope of planned decontamination activities.

**Change:** None.

4. **Comment:** The disposal rates given in the cost estimate seem to be based on transporting and disposing of non-hazardous waste. It is mentioned earlier in the report that this material needs chemical analysis in order to conduct the waste determination since the material could be hazardous or non-hazardous. The cost to dispose of this material should reflect the hazardous disposal cost since the results of the chemical analysis may show material is hazardous, and hazardous waste disposal costs are significantly more expensive than non-hazardous.

**Response:** Summit will be responsible for proper characterization, through sampling, of wastes that are generated as a result of its closure of the FRS. This cost is expected to be minimal. When calculating the closure cost estimate, IDEM and EPA assumed that Summit will not incur significant hazardous waste disposal costs since typically wastes generated from closure of units similar to the FRS will primarily consist of pad cleaning solution/rinsate and possibly wipes from the cleaning of tanks and equipment. Given the amount of water relative to any residual gasoline, the diluted rinsate would not reasonably be expected to be characteristically hazardous for VOCs, ignitability, or metals. Therefore, IDEM does not anticipate significant hazardous waste disposal costs due to closure of the FRS. The waste will consist of drums of water/rinsate and possibly wipes, not drums of recovered gasoline.

**Change:** None.

5. **Comment:** The Part 1 closure activities include monthly progress reports, but there is no labor provided in the cost estimate to create these reports.

**Response:** Part 1 closure activities are not expected to extend beyond a month. Therefore, a progress report on these activities is not anticipated.

**Change:** None

6. **Comment:** It is still unclear if this costing is based on third-party cost proposals.

**Response:** Closure cost estimates in the plan are presumed to be based on third-party closure work.

**Change:** None.

7. **General Comment:** The vast majority of comments received pertain to matters outside of the scope of Closure Plan (Part 1), which involves decontamination activities for the FRS hazardous waste container storage unit. These comments are generally summarized as follows:

- Summit has a long history of pollution and continued operation will be detrimental to the area.
- The plan is for only a small portion of the site and does not address sitewide and offsite contamination.
- All sitewide and offsite contamination should be cleaned up now. The timeline (2030) is not acceptable.
- The closure plan does not currently provide for sitewide RCRA Corrective Action.
- Summit is located in an Environmental Justice area.

**General Response:** Pursuant to Indiana Rule 329 IAC 3.1-10 (40 CFR 265.112(d)(4)), IDEM provided the public an opportunity to submit written comments specifically for Part 1 of the plan regarding closure of the FRS container storage unit. For comments outside the scope of the public notice, IDEM offers the following:

Soil and groundwater are being investigated pursuant to Part 2 of the Closure Plan approved by IDEM and USEPA on December 21, 2023 (VFC# [83591282](#)). The soil and groundwater sampling outlined in the plan was conducted May 2024. Based on the results, the approved plan provides for further investigation (as necessary) to define the nature and extent of soil and groundwater contamination (including offsite locations), cost estimates, and financial assurance. Interim measures will be implemented where unacceptable environmental risk exposures are identified. As indicated in IDEM's January 2024 Public Notice, comments regarding the remediation of the remainder of the site will be sought upon receipt of work plans addressing such remediation.

**Change:** None.

#### RESPONSE TO FACILITY COMMENTS

No facility comments were received.



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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 Administrative Law Proceedings (OALP) was established by state law – see Indiana Code (IC) 4-15-10.5 and is a separate state agency independent of IDEM. Review by OALP of IDEM decisions 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 OALP, your appeal may be considered by an Administrative 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 (petition for administrative review), you must do so in writing. To access the petition form and more information on filing a petition with OALP, visit their website at <https://www.in.gov/oalp/>. Submit your petition form electronically as directed on the OALP website, or send or deliver it to:

**Office of Administrative Law Proceedings  
100 North Senate Avenue, Suite N802  
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 must be received by OALP 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 OALP, by the close-of-business on the eighteenth day (if the 18<sup>th</sup> day falls on a day when OALP is closed for the weekend or for a state holiday, then your petition will be accepted on the next business day on which OALP is open), or
- 2) Given to a private carrier who will deliver it to the OALP on your behalf, (and from whom you must obtain a receipt dated on or before the 18<sup>th</sup> day), or
- 3) For those petitions sent by U.S. Mail, your letter must be postmarked by no later than midnight of the 18<sup>th</sup> day, or
- 4) Submitted using OALP’s online petition form, available at <https://www.in.gov/oalp/>

### **What are the costs associated with filing an appeal?**

The OALP does not charge a fee for filing documents for an administrative review or for the use of its hearing facilities. A 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 Administrative Law Proceedings after you file for an appeal?**

The OALP 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 OALP by phone at 1-800-457-8283 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 OALP other than in a formal setting such as a prehearing conference, a formal hearing, or a settlement conference. The OALP is not allowed to discuss a case without all sides being present. All parties to the proceeding are expected to appear at the initial prehearing conference.