



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

July 5, 2024

VIA EMAIL rboyle@midwestenvironmentalservices.com

Midwest Environmental Services, Inc.

Attn: Ray Boyle

Vice President

27 Kiesland Court

Hamilton, Ohio 45015

Re: Final Closure Certification
Midwest Resource Recovery Center
Clark County
SW Program ID 10-11

Dear Mr. Boyle:

You certified proper completion of the approved closure plan for the Midwest Resource Recovery Center through documentation dated May 12, 2023 (VFC #[83478730](#)). We inspected the site on March 21, 2023 (VFC #[83456471](#)) and May 16, 2023 (VFC #[83477600](#)), and accept your certification the facility has properly completed closure.

Your facility was issued a renewal most recently on January 16, 2018 (VFC #[80592968](#)) and was originally issued a permit on November 13, 2006 (VFC #[29068298](#)). A closure plan for your facility was approved in the November 13, 2006 permit and is contained in Appendix E of the October 10, 2005 permit application (VFC #[30128408](#), pp. 99-109 of 109). Additional public records for your facility are available in IDEM's Virtual File Cabinet at www.IN.gov/idem.

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 Indiana Office of Administrative Law Proceedings within 18 days after the postmark of this letter. The enclosed Guide to the Appeals Process notifies you of additional important details regarding the appeal process and your rights and responsibilities for filing an adequate and timely appeal.



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

We appreciate your input!



If you have any questions, please contact Juliana Fracetti, the permit manager assigned this facility, by dialing (317) 550-5937 or by e-mail at JFracett@idem.IN.gov.

Sincerely,



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

Enclosure: Guide to the Appeals Process

cc with enclosure: Clark County Health Department
Clark County Commissioners
Clark County Solid Waste Management District
Director, Southeast IDEM Regional Office
Mayor, City of Charlestown
Mark Edmonson, BCA Environmental
medmonson@bcaconsultants.com
Jennifer K. Thompson, Dentons
jennifer.thompson@dentons.com



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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 18th 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 18th day), or
- 3) For those petitions sent by U.S. Mail, your letter must be postmarked by no later than midnight of the 18th 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.

From: [Poe, Diane L](#)
To: "rboyle@midwestenvironmentalservices.com"
Cc: "isdh@co.clark.in.us"; "jcoffman@co.clark.in.us"; "bglover@co.clark.in.us"; csellers@co.clark.in.us; info@recycleclarkcounty.org; [Amick, Mark](#); "mayor@cityofcharlestown.com"; "medmonson@bcaconsultants.com"; "jennifer.thompson@dentons.com"
Bcc: [Feller, Robin](#); [Kurylo, Leo](#); [Hummel, Lindsey](#); [Kreke, Thomas](#); [Fracetti, Juliana](#); [Eudaly, Mary Ann](#); [RAMAN, SHYAMALA](#); [JEAN, RUTH](#)
Subject: Midwest Resource Recovery Center Permit Closure Approval
Date: Friday, July 5, 2024 1:03:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[070524 10-11 Closure Certification.pdf](#)

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

If you have any questions, please contact Juliana Fracetti, permit manager. Her information is in the last paragraph of 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



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From: postmaster@midwestenvironmentalservices.com
To: rboyle@midwestenvironmentalservices.com
Subject: Delivered: Midwest Resource Recovery Center Permit Closure Approval
Date: Friday, July 5, 2024 1:04:24 PM
Attachments: [Midwest Resource Recovery Center Permit Closure Approval.msg](#)

Your message has been delivered to the following recipients:
rboyle@midwestenvironmentalservices.com (rboyle@midwestenvironmentalservices.com) <mailto:rboyle@midwestenvironmentalservices.com>
Subject: Midwest Resource Recovery Center Permit Closure Approval