



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

June 14, 2024

VIA E-MAIL

Cory Heitz, Member
Garrett, LLC
558 Central Avenue
Lexington, Kentucky 40502
coryheitz@gmail.com

Re: Violation/Inspection Summary Letter
Solid Waste Program ID 57-UP-07

Dear Mr. Heitz:

On June 11, 2024, representatives of the Indiana Department of Environmental Management, Office of Land Quality, conducted an inspection of Garrett, LLC Monofill, located at 200 West Ohio Street, Kendallville, Indiana. This inspection was conducted pursuant to IC 13-14-2-2. For your information, and in accordance with IC 13-14-5, a summary of the inspection is provided below:

Type of Inspection:	Follow-up
Results of Inspection:	Violations were observed (see attached inspection report). Information concerning Case No. 2018-25317-S will be forwarded to the Land Enforcement Section for further evaluation.

Please direct any questions regarding this letter to Troy South at (317) 519-6896 or tsouth@idem.IN.gov. Any questions concerning Adoption of Agreed Order Case No. 2018-25317-S should be directed to the enforcement case manager, Ms. Chris Halloran, at (317) 233-5546 or via e-mail at challora@idem.IN.gov. Thank you for your attention to this matter.

Sincerely,

Mary Ann EuDaly, Chief
Industrial Waste Compliance Section
Compliance Branch
Office of Land Quality

Enclosure
cc: Noble County Health Department



Visit on.IN.gov/survey or scan the QR code to provide feedback.
We appreciate your input!





**INDIANA DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT
OFFICE OF LAND QUALITY**
Follow-up Inspection

EPA ID NUMBER: Non-notifier
NAME: Garrett, LLC Monofill
ADDRESS: 200 West Ohio Street
CITY & COUNTY: Kendallville, Noble
INSPECTION DATE: June 11, 2024
INSPECTOR(S): Troy South, Kim Vedder, Michelle Lu
ALSO IN ATTENDANCE: N/A

<u>PERSONS INTERVIEWED</u>	<u>TITLE</u>	<u>TELEPHONE</u>
Doug Zabonick	Staff-Patriot Engineering	317-558-5041
Arielle Bisoglio	Project Mgr.-American Env.	317-871-4090

PRE-INSPECTION INFORMATION

The former Dalton Corporation foundry and monofill are located on separate parcels owned by Garrett, LLC since 2014. The foundry produced gray iron castings and the process waste was disposed on-site in the monofill. Both properties were inspected by IDEM on July 24, 2017, November 14, 2017, and April 11, 2018 (Virtual File Cabinet [VFC] Document #'s 80526545, 80609967, and 82537378). The facility was referred to the IDEM Land Enforcement Section resulting from violations observed during these inspections.

An Adoption of Agreed Order was issued by IDEM September 26, 2019 (VFC #82849017) which noted the terms of compliance to address violations of solid waste rules. Approval of the Revised Closure and Post Closure Plan Garrett, LLC Monofill Solid Waste Program ID 57-UP-07 was issued by IDEM August 14, 2019 (VFC #82824647). On February 12, 2020, IDEM staff conducted a follow-up inspection of the former foundry and the monofill (VFC #82925846). A follow-up inspection of the monofill was conducted November 14, 2022 (VFC #83397519). Violations were observed during these inspections and findings were forwarded to the Land Enforcement Section for further review.

A Cover Sampling and Testing Proposal – January 3, 2024 was received by IDEM (VFC #pending).

INSPECTION FINDINGS

IDEM staff travelled to the site June 11, 2024 to conduct an inspection of the monofill. Staff from American Environmental and Strata Environmental were also at the site at time of inspection. Project manager, Ms. Arielle Bisoglio, explained that site contractors were planning on using a drill rig mobilized to the property to collect samples from 12 proposed boring locations.

IDEM staff began a tour near the access road entrance located on the east side of the monofill (See Photo Log, Photo 1 through 4). Deep erosion of the soil cover, exposed foundry waste, trees, and bushes were found on the east side slope of the monofill. The silt fencing has also collapsed along the east side slope. No ponding of water was seen near the east perimeter fence during this inspection. However, liquid seeps were observed further up the access road (See Photo 5).

IDEM staff walked toward the north slope and observed trees/bushes growing and an animal burrow (See Photos 6 through 9). Staff continued to the west side slope and noted trees/bushes, collapsed silt fencing, and deep soil erosion cuts (See Photos 10 through 13). Areas of bare ground were also observed along with rocks and gravel in the soil cover of this area.

IDEM staff proceeded to the south end of the monofill near Ohio Street and found deep cuts in the soil cover, exposed foundry waste, trees, bushes, and silt fence not being maintained (See Photos 14 through 17). Additional erosion was found on the east side slope area (See Photo 18).

The inspection continued at the top elevation. The cover is composed of soil, gravel, and rocks with thinning vegetation (See Photos 19 and 20). No erosion cuts were found on top. IDEM staff walked back down the access road on the north side and observed foundry waste consisting of iron chunks and sand on the road (See Photo 21).

IDEM staff walked around the perimeter fence and observed some water near the northeast corner gate. Foundry waste consisting of iron chunks and sand were found near/under the fence along the west side. Foundry waste must not be allowed to migrate or be deposited outside the solid waste boundary of the monofill. Additional indications of animal burrowing were seen during the walkaround.

IDEM staff spoke by phone with former site contact Mr. Doug Zabornick of Patriot on June 13, 2024 and he indicated that Patriot has not worked at the site for a couple of years or conducted weekly landfill inspections/monthly summaries.

CONCLUSIONS AND RECOMMENDATIONS

Significant soil erosion and animal burrow damage to cover were seen on the landfill side slopes. Uncovered foundry waste was present on the monofill property due to the soil erosion and animal burrowing. Liquid seeps and foundry waste were present on the monofill access road. Trees and bushes are growing in the cover creating erosion and all the silt fences are collapsed. Perimeter ditches to convey stormwater were not evident and are believed to have silted in from erosion of the cover. No maintenance or improvements to the condition of the monofill appear to have been made since the previous IDEM inspection. The owner must maintain the landfill in compliance with the Agreed Order (Case #2018-25317-S) and the Closure Plan. Information from this inspection will be forwarded to the Land Enforcement Section for further consideration. See attached Description of Violation for additional details.

DESCRIPTION OF VIOLATION

FACILITY NAME: Garrett, LLC Monofill

EPA ID#: Non-notifier

ADDRESS: 200 West Ohio Street
Kendallville, Indiana 46755

Inspection Date: June 11, 2024

Adoption of Agreed Order Garrett, LLC Case No. 2018-25317-S II. Order

Order 3. Within thirty (30) days of the Effective Date, Respondent shall remove all demolition debris (i.e. painted concrete, roofing materials, and process equipment), burn pile debris, foundry slag and foundry waste throughout the Foundry Site and dispose of it at a permitted solid waste disposal facility. Also, Respondent shall remove any unauthorized waste (empty hydraulic fluid containers and garbage) deposited on the Monofill Site. Respondent indicated during a Settlement Conference on February 1, 2019 that the referenced materials have been removed and properly disposed. Within thirty (30) days of removal of the solid waste Respondent shall submit to IDEM disposal documentation.

Status: *During the February 12, 2020 inspection, IDEM staff did not see piles of demolition debris and burn pile debris on the foundry property (see photos 1-6).*

Status 11-14-22: *The former foundry site was not inspected. There were no empty hydraulic fluid containers or garbage seen at the monofill site.*

Status Update: *No unauthorized waste was observed on the Monofill site.*

Order 4. Respondent shall initiate closure activities at the monofill in accordance with the "Proposed Closure Plan (Revision 1.0)" approved by IDEM. Respondent must notify IDEM in writing at least fifteen (15) days before the intended date to begin closure of the monofill. All closure activities in the approved closure plan, titled "Proposed Closure Plan (Revision 1.0)" dated June 13, 2019 must be completed no later than 180 days after receipt of the approval letter from IDEM.

Status 11-14-22: *Closure has not been completed at the monofill within the required timeframe. Little if any work has been conducted by Respondent since the February 12, 2020 IDEM inspection to maintain the landfill in compliance with the Agreed Order and the Closure Plan.*

Status Update: *There were no indications of landfill maintenance or closure activities observed at the site since the previous inspection.*

Order 7. Upon the Effective Date of the Agreed Order, Respondent shall comply with the *Scrap Iron Reclamation Approval* dated March 19, 2015 and the *Proposed Closure Plan (Revision 1.0)* dated June 13, 2019, Conditions C1e. and C2a. According to Respondent's submittal dated April 27, 2018, the leachate seepage observed on the north side of the monofill has been corrected. This will be field verified for compliance.

Status: *During the February 12, 2020 inspection, it appeared that leachate was present in a ditch around the monofill (see photos 21-22). In addition, erosion with exposed waste was present on the side slopes around the monofill (see 10-16 and 19).*

DESCRIPTION OF VIOLATION

Status 11-14-22: *Ponded surface water containing suspected leachate/contact water was present on the east side of the monofill. Exposed foundry waste was present on the monofill side slopes due to soil erosion and animal hole digging.*

Status Update: *A suspected leachate seep was observed on the east access road and some standing liquid was seen at the lower northeast corner of the fill area. Erosion of side slopes cover and exposed waste were found throughout the Monofill.*

Order 8. Upon Effective Date of the Agreed Order, Respondent shall comply with the *Revised Erosion and Sediment Control Plan* dated April 18, 2017. Specifically, Respondent shall immediately fix the damaged silt fences around the solid waste boundary, remedy the breach observed in the side slope and the erosion rill on the east side of the Monofill Site; and remediate the foundry waste releases from the breach on the east side and the foundry waste observed from the outside slopes into the ditches on the west and north sides. Within fifteen (15) days of the Effective Date, Respondent shall submit to IDEM the corrective actions that will be taken within timeframes to comply with the *Revised Erosion and Sediment Control Plan*.

Status: *During the February 12, 2020 inspection, IDEM staff noted that there was erosion present around the side slopes of the monofill with exposed waste (see photos 10-16 and 19). Silt fencing was damaged and/or sagging in places (see photos 17 and 20). There was an animal burrow noted in the foundry waste as well (see photo 20). Waste was being allowed to leave the monofill site and enter an adjacent property with no mechanisms to stop the waste leaving the site in place (see photo 18). Woody vegetation was also present along the side slopes of the monofill (see photos 9-11 and 19). Foundry waste remained in the ditches surrounding the monofill. Mr. Zabonick indicated during the inspection that a plan for removing and/or capping the foundry waste in the ditches was still being worked on. Weekly inspections were being conducted as required by the plan; however, the corrective actions noted in the inspections did not appear to be fully implemented.*

Status 11-14-22: *Significant soil erosion and animal burrow damage to cover were seen on the landfill side slopes. Exposed foundry waste was present on the monofill property. Small trees and woody vegetation are growing in the cover creating erosion and all the silt fences are collapsed. Ditches within the monofill perimeter, observed during the February 12, 2020 IDEM inspection, appear to have silted over. Weekly landfill inspections have not been performed and no records were being kept, as required by the plan, since the February 12, 2020 IDEM inspection.*

Status Update: *Silt fences are collapsed and not being maintained. Ditches are filled in due to erosion of the cover and not being maintained.*

Photo Log

Photo 1

Facility Name: Garrett, LLC Monofill

Photographer: Troy South

Date: June 11, 2024

Others Present: Kim Vedder (IDEM), Michelle Lu (IDEM)

Location & Description: East side area has no surface water at time of inspection.



Photo 2

Facility Name: Garrett, LLC Monofill

Photographer: Troy South

Date: June 11, 2024

Others Present: Kim Vedder (IDEM), Michelle Lu (IDEM)

Location & Description: East side slope vegetation and formerly ponded low spot.



Photo 3

Facility Name: Garrett, LLC Monofill

Photographer: Troy South

Date: June 11, 2024

Others Present: Kim Vedder (IDEM), Michelle Lu (IDEM)

Location & Description: East side slope erosion with exposed foundry waste and silt fence down.



Photo Log

Photo 4

Facility Name: Garrett, LLC Monofill

Photographer: Troy South

Date: June 11, 2024

Others Present: Kim Vedder (IDEM), Michelle Lu (IDEM)

Location & Description: East side slope has deep erosion cut.



Photo 5

Facility Name: Garrett, LLC Monofill

Photographer: Troy South

Date: June 11, 2024

Others Present: Kim Vedder (IDEM), Michelle Lu (IDEM)

Location & Description: Areas of liquid seeps and foundry waste were observed on the access road of the east side.



Photo 6

Facility Name: Garrett, LLC Monofill

Photographer: Troy South

Date: June 11, 2024

Others Present: Kim Vedder (IDEM), Michelle Lu (IDEM)

Location & Description: Trees, bushes, and vegetation on north side slope.



Photo Log

Photo 7

Facility Name: Garrett, LLC Monofill

Photographer: Troy South

Date: June 11, 2024

Others Present: Kim Vedder (IDEM), Michelle Lu (IDEM)

Location & Description: Vegetation on northwest slope.



Photo 8

Facility Name: Garrett, LLC Monofill

Photographer: Troy South

Date: June 11, 2024

Others Present: Kim Vedder (IDEM), Michelle Lu (IDEM)

Location & Description: Northwest side slope animal burrow.



Photo 9

Facility Name: Garrett, LLC Monofill

Photographer: Troy South

Date: June 11, 2024

Others Present: Kim Vedder (IDEM), Michelle Lu (IDEM)

Location & Description: Trees, bushes, and vegetation on the west slope.



Photo Log

Photo 10

Facility Name: Garrett, LLC Monofill

Photographer: Troy South

Date: June 11, 2024

Others Present: Kim Vedder (IDEM), Michelle Lu (IDEM)

Location & Description: West side slope has deep cuts in the cover and bare spots. Soil contains rocks and gravel.



Photo 11

Facility Name: Garrett, LLC Monofill

Photographer: Troy South

Date: June 11, 2024

Others Present: Kim Vedder (IDEM), Michelle Lu (IDEM)

Location & Description: Another area of the west side slope has deep cuts in the cover and bare spots. Trees growing at bottom of slope.



Photo 12

Facility Name: Garrett, LLC Monofill

Photographer: Troy South

Date: June 11, 2024

Others Present: Kim Vedder (IDEM), Michelle Lu (IDEM)

Location & Description: Soil erosion cut seen on southwest slope.



Photo Log

Photo 13

Facility Name: Garrett, LLC Monofill

Photographer: Troy South

Date: June 11, 2024

Others Present: Kim Vedder (IDEM), Michelle Lu (IDEM)

Location & Description: Soil erosion cut seen on southwest slope.



Photo 14

Facility Name: Garrett, LLC Monofill

Photographer: Troy South

Date: June 11, 2024

Others Present: Kim Vedder (IDEM), Michelle Lu (IDEM)

Location & Description: South side slope has deep erosion and exposed waste.



Photo 15

Facility Name: Garrett, LLC Monofill

Photographer: Troy South

Date: June 11, 2024

Others Present: Kim Vedder (IDEM), Michelle Lu (IDEM)

Location & Description: South side slope has deep erosion and exposed waste.



Photo Log

Photo 16

Facility Name: Garrett, LLC Monofill

Photographer: Troy South

Date: June 11, 2024

Others Present: Kim Vedder (IDEM), Michelle Lu (IDEM)

Location & Description: Southeast corner slope vegetated cover.



Photo 17

Facility Name: Garrett, LLC Monofill

Photographer: Troy South

Date: June 11, 2024

Others Present: Kim Vedder (IDEM), Michelle Lu (IDEM)

Location & Description: Southeast slope.



Photo 18

Facility Name: Garrett, LLC Monofill

Photographer: Troy South

Date: June 11, 2024

Others Present: Kim Vedder (IDEM), Michelle Lu (IDEM)

Location & Description: Additional soil erosion seen on east side slope.



Photo Log

Photo 19

Facility Name: Garrett, LLC Monofill

Photographer: Troy South

Date: June 11, 2024

Others Present: Kim Vedder (IDEM), Michelle Lu (IDEM)

Location & Description: Cover on the top elevation with thinning vegetation northerly view. The soil contains rocks and gravel.



Photo 20

Facility Name: Garrett, LLC Monofill

Photographer: Troy South

Date: June 11, 2024

Others Present: Kim Vedder (IDEM), Michelle Lu (IDEM)

Location & Description: Cover on the top elevation southerly view.



Photo 21

Facility Name: Garrett, LLC Monofill

Photographer: Troy South

Date: June 11, 2024

Others Present: Kim Vedder (IDEM), Michelle Lu (IDEM)

Location & Description: Foundry waste iron scrap, slag, and sand seen on the north access road.



From: [Cory Heitz](#)
To: [Martin, Bradley A](#)
Subject: Re: Confirmation Receipt Request
Date: Wednesday, June 26, 2024 3:01:26 PM
Attachments: [image001.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

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Good morning Brad,

Yes we did.

Thank you.
Cory

On Tue, Jun 25, 2024 at 6:23 AM Martin, Bradley A <BAMartin@idem.in.gov> wrote:

Good Morning, I am reaching out to confirm you received the Industrial Waste Inspection Report dated: 6/14/2024

Thank you,

Brad Martin



Administrative Assistant | Compliance Branch

Office of Land Quality

Indiana Department of Environmental Management

(317) 234 6923 | Bamartin@idem.IN.gov

