



LEGITIMATE USE APPLICATION CHECKLIST

State Form 52954 (9-21)

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
 Industrial Waste Compliance Section
 Office of Land Quality
 100 N. Senate Ave.
 Mail Code 66-20-1
 Indianapolis, IN 46204-2251
 Email: legitimateuse@idem.IN.gov

- Instructions:**
1. Supporting documentation includes a variety of material (See appendix A for examples.)
 2. This approval does not supersede the need for any other local, state, or federal permit that may be applicable.
 3. Each application is for one waste stream only.
 4. Each application is for one use only.
 5. Each application is for one location only.
 6. Multiple application forms may be submitted at one time.

Facility Name		Date
Business Address (number and street)		Business Telephone () -
City	County	Zip
Use Address (number and street) (if different)		
City	County	Zip
On-Site Representative	E-mail	

CHECKLIST

Waste (Check one only)	Use (s) (Check one only)
<input type="checkbox"/> Asphalt Shingles <input type="checkbox"/> Ceramics <input type="checkbox"/> Contaminated Concrete/Bricks <input type="checkbox"/> Drywall <input type="checkbox"/> Glass <input type="checkbox"/> Foundry Waste <input type="checkbox"/> Contaminated Dredged Material/Sediment <input type="checkbox"/> Foundry Slag <input type="checkbox"/> Sludge <input type="checkbox"/> Contaminated Soil <input type="checkbox"/> Engineered/Treated Wood <input type="checkbox"/> Tires (whole or partial) <input type="checkbox"/> Street Sweepings/Detention Basin Cleanouts <input type="checkbox"/> Other (specify)	<input type="checkbox"/> Asphalt <input type="checkbox"/> Animal Bedding <input type="checkbox"/> Concrete <input type="checkbox"/> Structural Fill <input type="checkbox"/> Road Base <input type="checkbox"/> Road Construction, Other <input type="checkbox"/> Flowable Fill <input type="checkbox"/> Other (specify)

Source of Waste (describe in detail, list and attach any supporting documents)

Legitimate Use (describe in detail, list and attach any supporting documents)

Storage (describe in detail, list and attach any supporting documents)

Testing Conducted (Attach Results) <input type="checkbox"/> Yes <input type="checkbox"/> No	QA/QC Data Submitted <input type="checkbox"/> Yes <input type="checkbox"/> No
If no testing conducted, explain why	
Tests Conducted (list all)	

Legitimacy Justification (attach additional documentation if needed)

Permit/Registration	Permit/Registration Number
<input type="checkbox"/> Army Corps of Engineers <input type="checkbox"/> DNR Flood Way <input type="checkbox"/> IDEM, OAQ <input type="checkbox"/> IDEM, OWQ (Stormwater, Wastewater, NPDES, etc.) <input type="checkbox"/> Other (specify)	

Operational Procedures (attach additional documentation if needed)

Preparer:

I certify, under penalty of perjury as provided in IC 35-44-2-1, that to the best of my knowledge this information is true and accurate, and that I am an authorized agent of the applicant.

Name (Print)

Signature

Date (month, day, year)

Appendix A: Supplemental Information

Below are examples of the types of supporting documents that should be included in each of the above sections.

Source of Waste: Description of the process generating the waste, Description of the waste including constituents of the waste

Legitimate Use: Description of location including site map with contours (elevations) with storage and use locations noted, Timelines (when the project will begin/end), Volume of waste to be stored/used

Storage: Description of how material will be stored including storage pad, run off control, cover, litter control, fire control, size of each storage area

Testing Conducted: Any relevant testing including: environmental, field, laboratory, research and development, and/or materials testing.

Legitimacy Justification: Letter indicating someone is interested in the material, Description of how the material is suitable for the use, including any engineering characteristics such as particle size, % moisture, strength, consolidation, density, any other characteristic of the waste need to determine if material is suitable

Operational Procedures: Description of the process of material coming in and being used including handling and processing standards, leachate control, stormwater runoff, fire control, dust control, litter control, construction specifications

From: [SOUTH, TROY](#)
To: [Martin, Bradley A](#)
Subject: FW: Crushed Concrete Import to North River
Date: Thursday, June 27, 2024 12:38:12 PM
Attachments: [image002.png](#)
[image004.png](#)
[image007.png](#)
[52954 fill-in.pdf](#)
[image001.png](#)

Hi Brad. Please combine the e-mail and attachment and file in VFC. Thanks
Solid waste authorization-legitimate use
INX000068718
AI 15334

From: Freeman, Lori <lfreeman@idem.IN.gov>
Sent: Monday, May 20, 2024 11:35 AM
To: SOUTH, TROY <TSOUTH@idem.IN.gov>
Subject: FW: Crushed Concrete Import to North River

FYI

From: Freeman, Lori
Sent: Monday, May 20, 2024 11:34 AM
To: 'Ashley Pepple' <apepple@iwmconsult.com>
Cc: Coad, Kendall <kcoad@ifa.IN.gov>; ROBERTSON, ANDREA <AROBERTS@ifa.IN.gov>; Lindsey Maksim <Lindsey.Maksim@cityoffortwayne.org>; Kurt Byanski <kbyanski@iwmconsult.com>
Subject: RE: Crushed Concrete Import to North River

Hi all,

The contaminated concrete should be sampled prior to demolition. It can be difficult to obtain representative samples once the concrete has been crushed. If the building is already demolished, you will need to submit a sampling and analysis plan to IDEM for approval so that representative sampling can be completed. A link to guidance document for painted concrete is below. While paint is a common contaminant of concrete other items can be a contaminant such as oil staining or other items used in the building.

[factsheet_olq_waste_painted_concrete.pdf](#)

For your specific questions:

1. An LU approval is required for any contaminated concrete that is going to be used. The LU approval should be obtained early in the process. The application checklist is attached.
2. Materials designated for reuse should be stored in a manner that is protective of human health and the environment. Specifically, any material staged should be able to be picked up and placed in the LU or sent for disposal if use is not an option. Run-off/Run-on controls should also be implemented. An asphalt paved area may met

those requirements.

3. See answer to number 2.

If you have any other questions about the LU process, please let me know.

Thank you,
Lori

From: Ashley Pepple <apepple@iwmconsult.com>

Sent: Monday, May 20, 2024 11:21 AM

To: Freeman, Lori <lfreeman@idem.IN.gov>

Cc: Coad, Kendall <kcoad@ifa.IN.gov>; ROBERTSON, ANDREA <AROBERTS@ifa.IN.gov>; Lindsey Maksim <Lindsey.Maksim@cityoffortwayne.org>; Kurt Byanski <kbyanski@iwmconsult.com>

Subject: FW: Crushed Concrete Import to North River

****** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ******

Hi Lori,

The City of Fort Wayne is currently in the process of demolishing the former Pepsi complex at 1207 North Harrison in Fort Wayne and crushing the resulting concrete/brick/masonry block, with leftover material designated for North River (former OmniSource, 1610 North Calhoun, Fort Wayne).

We intend on sampling the material prior to import, and then staging it on-site for use as future fill (see below).

A few questions have come up now and we want to make sure we're on the up-and-up with your group.

1. Do we need to secure the legitimate use before import if we are staging material already sampled and determined not to exceed residential levels on 10-mil plastic?
2. Do we have to stage on plastic if there is a designated asphalt-paved area on North River that we are staging on?
3. (the original inquiry) Is 10-mil plastic sufficient thickness for temporarily staging the material?

We will be testing 3 initial samples, then 1 per 500 tons, for VOCs, SVOCs, RCRA 8, and PCBs before importing the material to North River.

Feel free to call if it's easier to discuss by phone.

Thanks,
Ashley

Ashley Pepple
Project Manager



IWM Consulting Group

1015 Production Road
Fort Wayne, IN 46808
Office Phone: (260) 497-9620
Cell Phone: (260) 579-5395
Direct Line: (260) 702-0576
e-mail: aeppele@iwmconsult.com
Web site: iwmconsult.com

From: Coad, Kendall <kcoad@ifa.IN.gov>
Sent: Monday, May 20, 2024 9:46 AM
To: Ashley Pepple <aeppele@iwmconsult.com>
Cc: ROBERTSON, ANDREA <AROBERTS@ifa.IN.gov>; Kurt Byanski <kbyanski@iwmconsult.com>
Subject: RE: Crushed Concrete Import to North River

Sounds good.

Ken Coad
Senior Environmental Advisor
Indiana Brownfields Program
INDIANA FINANCE AUTHORITY
100 North Senate Ave, STE 1275
Indianapolis, IN 46204
(p): 317-233-8409
(e): kcoad@ifa.in.gov

From: Ashley Pepple <aeppele@iwmconsult.com>
Sent: Monday, May 20, 2024 9:45 AM
To: Coad, Kendall <kcoad@ifa.IN.gov>
Cc: ROBERTSON, ANDREA <AROBERTS@ifa.IN.gov>; Kurt Byanski <kbyanski@iwmconsult.com>
Subject: RE: Crushed Concrete Import to North River

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It will! We are starting to accumulate and test from the site that it is coming from. I'll connect with Lori. Thanks!!

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Coad, Kendall" <kcoad@ifa.IN.gov>

Date: 5/20/24 09:42 (GMT-05:00)

To: Ashley Pepple <apepple@iwmconsult.com>

Cc: "ROBERTSON, ANDREA" <AROBERTS@ifa.IN.gov>, Kurt Byanski
<kbyanski@iwmconsult.com>

Subject: RE: Crushed Concrete Import to North River

Ashley – Has this crushed concrete gone thru Legitimate Use Approval for use as backfill on the Site? The thickness sounds adequate, but the thickness of the plastic sheeting should go thru IDEM-Industrial Waste (Lori Freeman’s group) for approval prior to import.

Ken

Ken Coad

Senior Environmental Advisor

Indiana Brownfields Program

INDIANA FINANCE AUTHORITY

100 North Senate Ave, STE 1275

Indianapolis, IN 46204

(p): 317-233-8409

(e): kcoad@ifa.in.gov

From: Ashley Pepple <apepple@iwmconsult.com>

Sent: Monday, May 20, 2024 9:07 AM

To: Coad, Kendall <kcoad@ifa.IN.gov>

Subject: Crushed Concrete Import to North River

****** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ******

Hi Ken,

I hope you had a fantastic weekend!

As we’re nearing a point where we will begin *testing* and *importing* crushed concrete/block/brick from another property to North River, I wanted to touch base to make sure **10-mil** plastic is sufficient barrier between existing surface and the imported material at North River. If all goes well, the crushed concrete will serve as fill for excavations completed either an EPA Cleanup Grant or an

IDEM RLF Subgrant that the City is awaiting being awarded, so it should remain on the plastic for less than 1-year.

Please let me know ASAP if there is a different expectation for the barrier material the fill will be staged on temporarily.

Thank you!
Ashley

Ashley Pepple
Project Manager



IWM Consulting Group

1015 Production Road

Fort Wayne, IN 46808

Office Phone: (260) 497-9620

Cell Phone: (260) 579-5395

Direct Line: (260) 702-0576

e-mail: aeppele@iwmconsult.com

Web site: iwmconsult.com