

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
HAZARDOUS WASTE MANAGEMENT PERMIT

Name of Permittee: United States Steel Corporation – Midwest Plant

Facility Location: 6300 U.S. Highway 12, Portage, Indiana

EPA Identification Number: INR000109017

Issuance Date: June 28, 2024

Expiration Date: June 28, 2029

Authorized Activities

Pursuant to Indiana Environmental Statutes (IC 13) and the rules promulgated thereunder and codified in Title 329 of the Indiana Administrative Code, Article 3.1 (329 IAC 3.1), the State permit conditions (hereinafter called the permit) of the Resource Conservation and Recovery Act of 1976 (RCRA) permit are issued to United States Steel Corporation – Midwest Plant (hereinafter called the Permittee) to operate a hazardous waste facility located in Portage, Indiana, Section 25, 35, and 36, Township 37, Range 7 West at latitude 87 degrees N and longitude 41 degrees W, Portage IN Quadrangle, on the U.S. Geological Survey topographic map.

The State RCRA program is authorized under 40 CFR Part 271 and Section 3006 of RCRA to administer the delegated hazardous waste management program in lieu of the Federal program, including administration of authorized portions of the Hazardous and Solid Waste Amendments (HSWA) of 1984.

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The Permittee is authorized to conduct the following hazardous waste management activities:

	STORAGE		TREATMENT		DISPOSAL
	Container		Tank		Injection Well
	Tanks		Surface Impoundments	X	Landfill
	Waste Pile		Incinerator		Land Application
	Surface Impoundment		Other		

Federal regulations 40 CFR Parts 260 through 270 have been incorporated by reference. Where exceptions to incorporated Federal regulations are necessary, these exceptions will be noted in the text of the State rule. 329 IAC 3.1-1-7

The conditions of this permit were developed in accordance with the following applicable provisions of 329 IAC 3.1:

- ID & Listing of Hazardous Waste
 329 IAC 3.1-6
 40 CFR 261 Subparts A, B, C, D, and
 Appendices I, II, III, VII, VIII, IX, X
- Standards for Owners and Operators of
 Treatment, Storage, and Disposal Facilities
 329 IAC 3.1-9
 40 CFR 264 Subparts A, B, C, D, and E
- Groundwater Protection
 329 IAC 3.1-9
 40 CFR 264 Subpart F
- Closure and Post-Closure
 329 IAC 3.1-9
 40 CFR 264 Subpart G
- Financial Requirements
 329 IAC 3.1-15

- Use and Management of Containers
329 IAC 3.1-9
40 CFR 264 Subpart I
- Tank Systems
329 IAC 3.1-9
40 CFR 264 Subpart J
- Surface Impoundments
329 IAC 3.1-9
40 CFR 264 Subpart K
- Waste Piles
329 IAC 3.1-9
40 CFR 264 Subpart L
- Land Treatment
329 IAC 3.1-9
40 CFR 264 Subpart M
- Landfills
329 IAC 3.1-9
40 CFR 264 Subpart N
- Incinerators
329 IAC 3.1-9
40 CFR 264 Subpart O
- Corrective Action for Solid
Waste Management Units
329 IAC 3.1-9
40 CFR 264 Subpart S
- Drip Pads
329 IAC 3.1-9
40 CFR 264 Subpart W

- Air Emission Standards for
Process Vents
329 IAC 3.1-9
40 CFR 264 Subpart AA
- Air Emission Standards for
Equipment Leaks
329 IAC 3.1-9
40 CFR 264 Subpart BB
- Air Emission Standards for Tanks
Surface Impoundments and Containers
329 IAC 3.1-9
40 CFR 264 Subpart CC
- Hazardous Waste Permit Programs
329 IAC 3.1-13
40 CFR 270 Subparts A, B, C, and D
- Inspection and Investigation
329 IAC 3.1-1-3 and 329 IAC 3.1-1-4
- Enforcement
329 IAC 3.1-1-5

Permit Approval

The Permittee must comply with all terms and conditions of this permit. This permit consists of the conditions contained herein (including those in any Attachments) and the applicable rules and requirements contained in 329 IAC 3.1 and 40 CFR 260 through 270, as specified in the permit. Applicable rules are those that are in effect on the date of issuance of this permit. 329 IAC 3.1-13; 40 CFR 270.32

This permit is based on the assumption that the information submitted in the permit application attached to the Permittee's letter dated October 19, 2023 (VFC # 83546904), and any subsequent amendments is accurate and that the facility has been or will be constructed and/or operated as specified in the application. The IDEM Virtual File Cabinet (VFC) may be viewed online from the IDEM homepage at www.IN.gov/idem.

Any inaccuracies found in the application may be grounds for the modification, revocation and reissuance, or termination of this permit (329 IAC 3.1-13-7), and potential enforcement action. The Permittee must inform the Indiana Department of Environmental Management (IDEM) of any deviation from, or changes in, the information in the application that would affect the Permittee's ability to comply with the applicable rules or permit conditions.

Pursuant to IC 13-15-5-3 and IC 4-21.5-3-5(f), this permit takes effect 15 days from receipt of this notice. If you wish to challenge this decision, IC 13-15-6-1 and IC 4-15-10.5 require that you file a Petition for Administrative Review. If you seek to have the effectiveness of the permit stayed during administrative review, you must also file a Petition for Stay. The petition(s) must be submitted to the Indiana Office of Administrative Law Proceedings (OALP), 100 N. Senate Avenue, Suite N802, Indianapolis, Indiana, within 15 days after your receipt of this notice. The petition(s) must include facts demonstrating that you are either the applicant, a person aggrieved or adversely affected by the decision, or otherwise entitled to review by law. Identifying the permit, decision, or other order for which you seek review by permit number, name of the applicant, location, or date of this notice will expedite review of the petition. Additionally, IC 13-15-6-2 requires that a Petition for Administrative Review must include:

1. The name and address of the person making the request.
2. The interest of the person making the request.
3. Identification of any persons represented by the person making the request.
4. The reasons, with particularity, for the request.

5. The issues, with particularity, proposed for consideration at the hearing.
6. Identification of the terms of the permit that, in the judgment of the person making the request, would be appropriate in the case in question to satisfy the requirements of the law governing licenses of the type granted or denied by the Commissioner.

Pursuant to IC 4-15-10.5 any document serving as a petition for review or review and stay must be filed with the Indiana Office of Administrative Law Proceedings. Filing of such a document is complete on the earliest of the following dates:

1. the date the petition is delivered to the Indiana Office of Administrative Law Proceedings, 100 N. Senate Avenue, Suite N802, Indianapolis, Indiana 46204;
2. the date of the postmark on the envelope containing the petition, if the petition is mailed by United States mail; or
3. the date the petition is deposited with a private carrier, as shown by a receipt issued by the carrier, if the petition is sent by private carrier.

The portions of the permit for which a Petition for Stay has been filed will take effect at the expiration of the additional 15 day period unless or until an Environmental Law Judge stays the permit in whole or in part. This permit will remain in effect until the expiration date unless revoked and reissued, modified, or terminated (329 IAC 3.1-13-7), or continued in accordance with IC 13-15-6-3.

This permit terminates and supersedes any other State hazardous waste management permit.

Issued this 28th day of June 2024.

By: Donald W. Stilz
Donald W. Stilz, Chief
Hazardous Waste Permit Section
Permits Branch
Office of Land Quality

United States Steel Corporation – Midwest Plant
Portage, Indiana
INR000109017

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I. STANDARD CONDITIONS

A. EFFECT OF PERMIT

The Permittee is allowed to dispose of hazardous waste in accordance with the conditions of this RCRA permit. Any disposal of hazardous waste not authorized in this permit or the regulations is prohibited.

Pursuant to 329 IAC 3.1 and 40 CFR 260 through 270 (for HSWA Provisions), compliance with the conditions of this RCRA Permit generally constitutes compliance for purposes of enforcement with the Indiana Environmental Management Act and RCRA, as amended by HSWA, except for those requirements not included in the Permit that become effective by statute, or that are promulgated under 329 IAC 3.1 and 40 CFR 260 through 270, restricting the placement of hazardous wastes in or on the land.

Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of Federal, State, or local laws or regulations.

Compliance with the terms of this permit does not constitute a defense to any Order issued or any action brought under Section 3013 or Section 7003 of RCRA; Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601), commonly known as CERCLA, as amended by the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 9601(a)), commonly known as SARA, or any other law providing for protection of public health or the environment.

329 IAC 3.1-13; 40 CFR 270.4; IC 13

B. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated for cause as specified in 329 IAC 3.1-13-7. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or the notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition.

C. SEVERABILITY

The provisions of the permit are severable, and if any provision of this permit, or

the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit will not be affected thereby. In the event that a condition of this permit is stayed for any reason, all provisions of the permit severable from the stayed provisions will take effect. With regard to stayed provisions of the permit, the Permittee shall continue to comply with the related applicable and relevant standards in 329 IAC 3.1-9 and 329 IAC 3.1-15 from the previously issued permit until final resolution of the stayed condition, unless the Commissioner of the Indiana Department of Environmental Management (Commissioner) determines that compliance with the related applicable and relevant standards would be technologically incompatible with other conditions of this permit that have not been stayed. 329 IAC 3.1-13; 40 CFR 270.32

D. DUTIES AND REQUIREMENTS

1. Duty to Comply The Permittee must comply with all conditions of the State permit, except to the extent and for the duration such noncompliance is authorized by an emergency permit. Any permit noncompliance, other than noncompliance authorized by an emergency permit, constitutes a violation of IC 13 and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. 329 IAC 3.1-13; 40 CFR 270.30(a); 270.61
2. Duty to Reapply The Permittee must submit a complete application for a new permit at least 180 days before this permit expires unless: a) the Permittee no longer wishes to operate a hazardous waste management facility and all remaining corrective action obligations have been met; or, b) permission for submittal on a later date has been granted by the Commissioner. The Commissioner shall not grant permission for applications to be submitted later than the expiration date of the existing permit. 329 IAC 3.1-13; 329 IAC 3.1-13-3(h)
3. Permit Expiration The duration of this permit shall not exceed the expiration date of the permit, except as provided by 329 IAC 3.1-13-15. This permit and all conditions herein will remain in effect beyond the permit's expiration date if the Permittee has submitted a timely, complete application for a new permit and through no fault of the Permittee, the Commissioner has not issued a new permit with an effective date under 329 IAC 3.1-13-14 on or before the expiration date of the previous permit. 329 IAC 3.1-13-16
4. Need to Halt or Reduce Activity Not a Defense It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to

halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. 329 IAC 3.1-13; 40 CFR 270.30(c)

5. Duty to Mitigate In the event of non-compliance with this permit, the Permittee shall take all reasonable steps to minimize releases to the environment, and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment. 329 IAC 3.1-13; 40 CFR 270.30(d)
6. Proper Operation and Maintenance The Permittee shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit. 329 IAC 3.1-13; 40 CFR 270.30(e)
7. Duty to Provide Information The Permittee shall furnish to the Commissioner, within a reasonable time, any relevant information that the Commissioner may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The Permittee shall also furnish to the Commissioner, upon request, copies of records required to be kept by this permit. 329 IAC 3.1-13; 40 CFR 270.30(h); 264.74
8. Inspection and Entry The Permittee shall allow IDEM's Commissioner, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:
 - a. Enter at reasonable times upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit (329 IAC 3.1-13; 40 CFR 270.30(i)(1));
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit (329 IAC 3.1-13; 40 CFR 270.30(i)(2));
 - c. Inspect, at reasonable times, any facilities, equipment (including

monitoring and control equipment), practices, or operations regulated or required under this permit (329 IAC 3.1-13; 40 CFR 270.30(i)(3)); and

- d. Sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by IC 13, any substances or parameters at any location (329 IAC 3.1-13; 40 CFR 270.30(i)(4)).

9. Monitoring and Reporting

- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The method used to obtain a representative sample of the waste to be analyzed must be the appropriate method from 329 IAC 3.1-6; 40 CFR 261, Appendix I. Laboratory methods must be those specified in Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, SW-846, (Third Edition as amended by updates) (as referenced in 40 CFR 260.11); Standard Methods for the Examination of Water and Wastewater, (the 19th Edition, 1995); or an equivalent method as specified in the attached Waste Analysis Plan. 329 IAC 3.1-13; 40 CFR 270.30(j)(1)
- b. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports and records required by this permit, and records of all data used to complete the application for this permit for a period of at least 3 years from the date of the sample, measurement, report, or record or for a period of time greater than 3 years as specified elsewhere in this permit. This period may be extended by request of IDEM's Commissioner at any time and is automatically extended during the course of any unresolved enforcement action regarding this facility. 329 IAC 3.1-13; 40 CFR 270.30(j)(2) and 40 CFR 264.74(b)
- c. Records of monitoring information shall include:
 - i. The date(s), exact place, and times of sampling or measurements (329 IAC 3.1-13-1; 40 CFR 270.30(j)(3)(i));
 - ii. The individual(s) who performed the sampling or measurements (329 IAC 3.1-13-1; 40 CFR 270.30(j)(3)(ii));

- iii. The date(s) analyses were performed (329 IAC 3.1-13-1; 40 CFR 270.30(j)(3)(iii));
 - iv. The individual(s) and laboratory who performed the analyses (329 IAC 3.1-13-1; 40 CFR 270.30(j)(3)(iv));
 - v. The analytical technique(s) or method(s) used. Analytical technique(s) or method(s) is defined as encompassing both the sampling technique (method) and method of chemical analysis used. This information must be provided in the Waste Analysis Plan (329 IAC 3.1-13-1; 40 CFR 270.30(j)(3)(v)); and
 - vi. The result(s) of such analyses, including QA/QC documentation (329 IAC 3.1-13-1; 40 CFR 270.30(j)(3)(vi)).
- d. Monitoring results shall be reported to IDEM's Commissioner at the intervals specified elsewhere in this permit. 329 IAC 3.1-13; 40 CFR 270.30(l)(4)
10. Reporting Planned Changes The Permittee shall give notice to IDEM's Commissioner as soon as possible of any planned physical alterations or additions to the permitted facility. 329 IAC 3.1-13; 40 CFR 270.30(l)(1)
11. Certification of Construction or Modification The Permittee may not treat, store or dispose of hazardous waste in a modified portion of the facility, except as provided in 40 CFR 270.42 until:
- a. The Permittee has submitted to IDEM's Commissioner by certified mail, hand delivery, or electronically via IDEM's Hazardous Waste Permit SharePoint Portal a letter signed by the Permittee and a qualified professional engineer stating that the facility has been constructed or modified in compliance with the permit (329 IAC 3.1-13; 40 CFR 270.30(l)(2)(i)); and
 - b. IDEM's Commissioner has inspected the modified or newly constructed facility and finds it in compliance with the conditions of the permit (329 IAC 3.1-13; 40 CFR 270.30(l)(2)(ii)(A)); or

Within 15 days of the date of submission of the letter described in I.D.11.a., the Permittee has not received notice from IDEM's Commissioner of his or her intent to inspect, prior inspection is

waived and the Permittee may commence treatment, storage, or disposal of hazardous waste (329 IAC 3.1-13; 40 CFR 270.30(l)(2)(ii)(B)).

12. Transfer of Permits This permit may be transferred to a new owner or operator only if it is modified or revoked and reissued pursuant to 329 IAC 3.1-13; 40 CFR 270.40(b) or 40 CFR 270.41(b)(2) to identify the new Permittee and incorporate such other requirements as may be necessary under IC 13. Before transferring ownership or operation of the facility during its operating life, the Permittee shall notify the new owner or operator, in writing, of the requirements of 329 IAC 3.1 and IC 13, including all applicable corrective action requirements. 329 IAC 3.1-13; 40 CFR 270.40
13. Reporting Anticipated Noncompliance The Permittee shall give advance notice to IDEM's Commissioner of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements. Such notification does not excuse the Permittee's duty to comply with permit requirements. 329 IAC 3.1-13; 40 CFR 270.30(l)(2)
14. Compliance Schedules Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date. 329 IAC 3.1-13; 40 CFR 270.30(l)(5)
15. Twenty-four Hour Reporting The Permittee shall report to IDEM's Commissioner any noncompliance with the permit that may endanger health or the environment. Any such information must be reported orally to IDEM's 24-hour emergency telephone number, (888) 233-7745, within 24 hours from the time the Permittee becomes aware of the circumstances. This report must include the following:
 - a. Information concerning the release of any hazardous waste that may endanger public drinking water supplies.
 - b. Information concerning the release or discharge of any hazardous waste, or of a fire or explosion at the facility, that could threaten the environment or human health outside the facility. The description of the occurrence and its cause shall include:
 - i. Name, address, and telephone number of the owner or operator;

- ii. Name, address, and telephone number of the facility;
- iii. Date, time, and type of incident;
- iv. Name and quantity of material(s) involved;
- v. The extent of injuries, if any;
- vi. An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and
- vii. Estimated quantity and disposition of recovered material that resulted from the incident.

A written submission shall also be provided within 5 days of the time the Permittee becomes aware of the circumstances. The written submission shall contain: a description of the noncompliance and its cause; the period of noncompliance (including exact dates and times); whether the noncompliance has been corrected; and if not, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Permittee need not comply with the 5-day written notice requirement if IDEM's Commissioner waives the requirement and the Permittee submits a written report within 15 days of the time the Permittee becomes aware of the circumstances. 329 IAC 3.1-13-1; 40 CFR 270.30(l)(6)

16. Other Noncompliance The Permittee shall report all instances of noncompliance not otherwise required to be reported under Condition I.D.15., at the time monitoring reports, as required by this permit, are submitted. The reports shall contain the information listed in Condition I.D. 15. 329 IAC 3.1-13; 40 CFR 270.30(l)(10)
17. Other Information When the Permittee becomes aware that the facility failed to submit any relevant facts in the permit application, or submitted incorrect information in a permit application or in any report to IDEM's Commissioner, the Permittee shall promptly submit such facts or information. 329 IAC 3.1-13; 40 CFR 270.30(l)(11)

18. Submittal of Reports or Other Information All reports, plans, and other submissions relating to or required by this permit must be submitted electronically via IDEM's Hazardous Waste Permit SharePoint Portal or as IDEM directs.
 19. All other requirements contained in 40 CFR 270.30 not set forth herein are hereby fully incorporated in this permit.
- E. SIGNATORY REQUIREMENT All reports or other information requested by IDEM's Commissioner shall be signed and certified. 329 IAC 3.1-13; 40 CFR 270.11
- F. CONFIDENTIAL INFORMATION The Permittee may claim confidential any information required to be submitted by this permit. Confidential claims must be submitted in accordance with 329 IAC 6.1. 329 IAC 3.1-13-4; 329 IAC 6.1; IC 13-14-11-1
- G. WASTE MINIMIZATION The Permittee must certify at least annually, and maintain the certification in the operating record, that:
1. A program is in place to reduce the volume and toxicity of hazardous waste that the Permittee generates to the degree determined by the Permittee to be economically practicable; and
 2. The proposed method of treatment, storage, or disposal is the currently available practicable method that minimizes the present and future threat to human health and the environment. 40 CFR 264.73(b)(9)
- H. DOCUMENTS TO BE MAINTAINED AT FACILITY SITE Except as noted in the regulations, until closure is completed and certified by the owner/operator and a qualified professional engineer, the Permittee must maintain at the facility the most recent version of the following documents required by this permit:
1. Waste Analysis Plan and any document(s) referenced therein to describe on-site procedures (329 IAC 3.1-9, 40 CFR 264.13);
 2. Personnel Training documents and records (329 IAC 3.1-9, 40 CFR 264.16(d) and (e));
 3. Contingency Plan (329 IAC 3.1-9, 40 CFR 264.53(a));

4. Closure Plan (329 IAC 3.1-9, 40 CFR 264.112(a)(2));
5. Cost estimate for facility closure (329 IAC 3.1-15-3);
6. Operating record (329 IAC 3.1-9, 40 CFR 264.73);
7. Inspection schedules (329 IAC 3.1-9, 40 CFR 264.15(b)(2));
8. Record of facility inspections kept for at least 3 years from the date of the inspection (329 IAC 3.1-9, 40 CFR 264.15(d));
9. Copies of all manifests for shipments of hazardous waste received at and originating from this facility, kept for at least 3 years (329 IAC 3.1-7, 329 IAC 3.1-9-2(6), 40 CFR 262.40, 40 CFR 264.71);
10. Notifications from generators subject to 40 CFR Part 268, Subtitle C, that specify treatment standards (40 CFR 264.73, 268.7);
11. Waste minimization certifications must be part of the operating record (40 CFR 264.73(b)(9));
12. Corrective Action reports and records as required by Permit Conditions III. of this permit, maintained for at least 3 years after all Corrective Action Activities have been completed;
13. Groundwater monitoring data and other related documents as required by Permit Condition V; and
14. Post-Closure Plan (329 IAC 3.1-9, 40 CFR 264.118(c)).

II. GENERAL FACILITY CONDITIONS

- A. DESIGN AND OPERATION OF FACILITY The Permittee shall maintain and operate the facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment.
- B. GENERAL WASTE ANALYSIS The Permittee must comply with the procedures described in the attached Waste Analysis Plan, Attachment C, which is incorporated herein by reference.
- C. SECURITY The Permittee must comply with the security provisions described in the Procedures to Prevent Hazards, Attachment F, which is incorporated herein by reference. 329 IAC 3.1-9; 40 CFR 264.14(b) and (c)
- D. GENERAL INSPECTION REQUIREMENTS The Permittee must follow the inspection schedule in the Procedures to Prevent Hazards, Attachment F. The Permittee must remedy any deterioration or malfunction discovered by an inspection. 329 IAC 3.1-9; 40 CFR 264.15(c)
- E. PERSONNEL TRAINING The Permittee must conduct personnel training. This training program must follow the attached outline in the Personnel Training Plan, Attachment H, which is incorporated herein by reference.
329 IAC 3.1-9; 40 CFR 264.16
- F. GENERAL REQUIREMENTS FOR IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTE The Permittee must comply with the requirements of 329 IAC 3.1-9 and 40 CFR 264.17.
- G. PREPAREDNESS AND PREVENTION
1. Required Equipment The Permittee must equip the facility with the equipment set forth in the attached Contingency Plan, Attachment G, which is incorporated herein by reference. 329 IAC 3.1-9; 40 CFR 264.32
 2. Testing and Maintenance of Equipment The Permittee must test and maintain the equipment specified in Attachment G (see the previous permit condition) as necessary to assure its proper operation in time of emergency. Such testing and maintenance activities are set forth in the inspection schedule in Attachment F. 329 IAC 3.1-9; 40 CFR 264.33

3. Access to Communications or Alarm System The Permittee must maintain access to the communications or alarm systems. 329 IAC 3.1-9; 40 CFR 264.34
4. Required Aisle Space The Permittee must maintain sufficient aisle space. 329 IAC 3.1-9; 40 CFR 264.35
5. Arrangements with Local Authorities The Permittee must attempt to make arrangements with State and local authorities. If State or local officials refuse to enter into preparedness and prevention arrangements, the Permittee must document this refusal in the operating record. 329 IAC 3.1-9; 40 CFR 264.37

H. CONTINGENCY PLAN

1. Implementation of Plan. The Permittee must immediately comply with the provisions of the Contingency Plan, Attachment G, and follow the emergency procedures described by 329 IAC 3.1-9-2(3) and (4) and 40 CFR 264.56 whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents that threatens or could threaten human health or the environment.
2. Copies of Plan The Permittee must maintain a copy of the Contingency Plan at the facility and submit a copy to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services. 329 IAC 3.1-9; 40 CFR 264.53
3. Amendments to Plan The Permittee must review and immediately amend, if necessary, the Contingency Plan, when required by 329 IAC 3.1-9 and 40 CFR 264.54.
4. Emergency-Coordinator The Permittee must comply with the requirements of 329 IAC 3.1-9 and 40 CFR 264.55, concerning the Emergency Coordinator.

I. MANIFEST SYSTEM The Permittee must comply with the manifest requirements. 329 IAC 3.1-9; 40 CFR 264.71, 264.72, 264.76

J. RECORD KEEPING AND REPORTING In addition to the record keeping and reporting requirements specified elsewhere in this Permit, the Permittee must

comply with the following record keeping and reporting requirements:

1. Operating Record Maintain a written operating record at the facility. 329 IAC 3.1-9; 40 CFR 264.73
2. Sampling and Analysis Records Keep original or exact copies of all sampling and analysis records available for inspection. 329 IAC 3.1-9; 40 CFR 264.74
3. Biennial Report Comply with the biennial report requirements. 329 IAC 3.1-9; 40 CFR 264.75

K. CLOSURE

1. Performance Standard The Permittee must close the facility as required by 329 IAC 3.1-9, 40 CFR 264.111 and the Closure Plan, Attachment I, which is incorporated herein by reference.
2. Amendment to Closure Plan The Permittee must amend the Closure Plan whenever necessary, and whenever requested by IDEM's Commissioner. 329 IAC 3.1-9; 40 CFR 264.112(c)
3. Notification of Closure The Permittee must notify IDEM's Commissioner in writing at least 60 days prior to the date he expects to begin closure of a surface impoundment, waste pile, land treatment, or landfill unit, or final closure of a facility with such a unit. 329 IAC 3.1-9; 40 CFR 264.112(d)
4. Time Allowed for Closure After receiving the final volume of hazardous waste, the Permittee must treat or remove from the site all hazardous waste in accordance with the schedule specified in the Closure Plan, Attachment I. After receiving the final volume of hazardous waste, the Permittee must complete closure activities in accordance with the schedule specified in the Closure Plan. 329 IAC 3.1-9; 40 CFR 264.113
5. Disposal and/or Decontamination of Equipment When closure is completed, the Permittee must properly decontaminate and/or dispose of all facility equipment contaminated with hazardous waste as required by the Closure Plan. 329 IAC 3.1-9, 40 CFR 264.114
6. Certification of Closure When closure is completed, the Permittee and a qualified professional engineer must certify to IDEM's Commissioner that

the facility has been closed in accordance with the specifications in the Closure Plan. 329 IAC 3.1-9; 40 CFR 264.115

For a partial closure, the Permittee shall submit a permit modification no later than 45 days after certification approval that removes the unit from service, replaces the unit, proposes new unit to be permitted, or requests to IDEM's Commissioner that a time extension to submit the permit modification be granted for good cause.

- L. COST ESTIMATE FOR FACILITY CLOSURE The Permittee's closure cost estimate, prepared in accordance with 329 IAC 3.1-15-3, is specified in the Closure Plan. The Permittee must comply with the following:
1. Adjust the closure cost estimate for inflation within 60 days prior to each anniversary date of the establishment of the financial instrument. 329 IAC 3.1-15-3(b)
 2. When using the financial test or corporate guarantee, adjust the closure cost estimate for inflation within 30 days after the close of the Permittee's fiscal year and before the submission of updated information to IDEM's Commissioner. 329 IAC 3.1-15-3(b)
 3. Revise the closure cost estimate whenever there is a change in the facility's closure plan. 329 IAC 3.1-15-3(c)
 4. Keep at the facility the latest closure cost estimate. 329 IAC 3.1-15-3(d)
- M. FINANCIAL ASSURANCE FOR FACILITY CLOSURE The Permittee must maintain financial assurance in at least the amount of the cost estimates required by Permit Condition II.L., and provide documentation as required. Changes in financial assurance mechanisms must be approved by IDEM's Commissioner. 329 IAC 3.1-15-4.
- N. POST-CLOSURE
- Performance Standard The Permittee must maintain and monitor the closed facility as required by 329 IAC 3.1-9 and 40 CFR 264.117 and the Post-Closure Plan, Attachment I, which is incorporated herein by reference.
- O. COST ESTIMATE FOR FACILITY POST-CLOSURE The Permittee's post-closure cost estimate, prepared in accordance with 329 IAC 3.1-15-5, is specified in the Post-Closure Plan. The Permittee must comply with the following:

1. Adjust the post-closure cost estimate for inflation within 60 days prior to each anniversary date of the establishment of the financial instrument. 329 IAC 3.1-15-5(b)
 2. Revise the post-closure cost estimate whenever there is a change in the facility's post-closure plan. 329 IAC 3.1-15-5(c)
 3. Keep at the facility the latest post-closure cost estimate. 329 IAC 3.1-15-5(d)
- P. FINANCIAL ASSURANCE FOR FACILITY POST-CLOSURE The Permittee must maintain financial assurance in at least the amount of the cost estimate required by Permit Condition II.O., and provide documentation as required. Changes in financial assurance mechanisms must be approved by the Commissioner. 329 IAC 3.1-15-6
- Q. INCAPACITY OF OWNERS OR OPERATORS, GUARANTORS, OR FINANCIAL INSTITUTIONS The Permittee must comply with 329 IAC 3.1-15-9 whenever necessary.
- R. LIABILITY REQUIREMENTS The Permittee must maintain liability coverage for sudden accidental occurrences of at least \$1 million per occurrence with an annual aggregate of at least \$2 million for sudden accidental occurrences, and of at least \$3 million per occurrence with an annual aggregate of at least \$6 million for nonsudden accidental occurrences, exclusive of legal defense cost. 329 IAC 3.1-15-8.
- S. LAND DISPOSAL RESTRICTIONS
1. The Permittee shall comply with all the applicable self-implementing requirements of 40 CFR Part 268 and all applicable land disposal requirements that become effective by federal statute.
 2. The Permittee shall comply with the dilution prohibition requirements described in 40 CFR 268.3.
 3. The Permittee shall comply with all testing, tracking, and recordkeeping requirements for treatment facilities described in 40 CFR 268.7.
 4. The Permittee shall comply with all the applicable prohibitions on storage of restricted wastes specified in 40 CFR 268 Subpart E.

5. If the Permittee applies to the Administrator of the EPA for an exemption from land disposal restrictions described in 329 IAC 3.1-12-2, the Permittee must submit copies of such request and all supporting documents to IDEM's Commissioner. If the Permittee obtains an exemption from the administrator of the EPA, the Permittee must apply to IDEM's Commissioner for concurrence that such an exemption is consistent with the policies outlined in IC 13.

III. CORRECTIVE ACTION CONDITIONS

A. STANDARD REQUIREMENTS

1. Corrective Action At The Facility

In accordance with Section 3004(u) of RCRA (IC13-22-2-5) and the regulations promulgated pursuant thereto, the Permittee must institute corrective action as necessary to protect human health and the environment for all releases of hazardous waste(s) and hazardous constituent(s) from any solid waste management unit (SWMU) or area of concern (AOC) at the facility, regardless of the time the waste was placed in such units.

2. Corrective Action Beyond The Facility Boundary

In accordance with Section 3004(v) of RCRA (IC 13-22-2-5) and the regulations promulgated pursuant thereto, the Permittee must implement corrective action(s) beyond the facility property boundary, where necessary to protect human health and the environment, unless the Permittee demonstrates to IDEM's satisfaction that, despite the Permittee's best efforts, the Permittee was unable to obtain the necessary permission to undertake such actions. The Permittee is not relieved of all responsibility to clean up a release that has migrated beyond the facility boundary where off-site access is denied.

3. Applicable Guidance

The Permittee shall use the principles and procedures set forth in IDEM's 2022 Risk-based Closure Guide (R2), and all revisions and additions thereto, or other risk-based methodologies approved by IDEM's Office of Land Quality Permits Branch, as the basis for selecting risk-based endpoints that will be used for the investigations, studies, interim measures, and corrective measures under the permit. Additional guidance includes IDEM's Remediation Program Guide, USEPA's "Test Methods for Evaluating Solid Waste" (SW-846, the 3rd Edition, or most recent edition, and the most recent updates), and Standard Methods for the Examination of Water and Wastewater (the 23rd Edition, or most recent edition).

4. Notification

a. Field Activities

The Permittee must notify IDEM at least 7 days before engaging in any field

activities, such as well drilling, installation of equipment, or sampling. At IDEM's request, the Permittee must provide IDEM or its authorized representative split samples of all samples collected by the Permittee pursuant to this permit. Similarly, at the Permittee's request, IDEM will allow the Permittee or its authorized representatives to take split or duplicate samples of all samples collected by IDEM under this permit.

b. Submittals

All reports, plans, and other submissions relating to or required by this permit must be submitted electronically via IDEM's Hazardous Waste Permit SharePoint Portal or as IDEM directs.

B. IDENTIFICATION OF SWMUs

1. Definitions

- a. "Area of Concern (AOC)" means a unit or area, existing or historical, that could potentially produce unacceptable exposures or be a potential source of groundwater contamination, but the unit or area does not meet the definition of a solid waste management unit.
- b. "Facility" means all contiguous property under the control of the owner/operator of a facility seeking a permit under RCRA Subtitle C.
- c. "Hazardous waste," as defined in IC 13-11-2-99, means a solid waste or combination of solid wastes that may cause or significantly contribute to an increase in: mortality, serious irreversible illness, or an incapacitating reversible illness; or pose a substantial present or potential hazard to human health or the environment. This term is further defined in 40 CFR Part 261.3.
- d. "Hazardous constituent" means any constituent identified in Appendix VIII of 40 CFR Part 261, or any constituent identified in Appendix IX of 40 CFR Part 264.
- e. "Release" means any spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of hazardous wastes or hazardous constituents into the environment, including the abandonment or discarding of barrels, containers, and other closed receptacles containing hazardous wastes or hazardous constituents.

- f. “Solid waste” means any garbage, refuse, sludge, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations or from community activities. This term is further defined in 40 CFR Part 261.2.
- g. “Solid Waste Management Unit (SWMU)” means any discernable unit, permitted or unpermitted, existing or historical, at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste. Such units include any area at a facility at which solid wastes have been routinely and systematically released.

2. SWMUs Requiring Corrective Action

Based on the information contained in the administrative record, corrective action is required at the SWMUs listed below. Maps showing the location of these SWMUs are included in Attachment A (Figures A-1A, A-1B, and A-2) and Attachment J (Figure J-1).

SWMU/AOC Name	Corrective Action Required
Eastside SWMU	IDEM approved the July 10, 2009, <i>Workplan For In-Place Closure</i> (VFC # 51953549) with modifications on January 22, 2010 (VFC # 54026972). IDEM approved the August 11, 2011, <i>Certification of Completion of Construction Report</i> (VFC # 63477623 and # 64126748) on November 21, 2011 (VFC # 64132643). Groundwater monitoring was conducted in accordance with the <i>Post Operation and Maintenance Plan</i> . IDEM approved the completion of groundwater monitoring on August 8, 2018 (VFC # 82591848). USS will conduct annual inspections of the unit, for the remainder of the 30-year post construction period, to confirm the integrity of the cap, in accordance with the inspection plan (Section 2.0 of the <i>Post Operation and Maintenance Plan</i>).
Tin Line Trench SWMU	IDEM approved the November 6, 2017, <i>Revised Proposed Sampling Workplan</i> (VFC # 80552516) with a modification on December 7, 2017 (VFC # 80569900). USS submitted groundwater sampling results and a plan to conduct a second round of sampling in the April 23, 2018, <i>Addendum to Sampling Workplan</i> (VFC # 82532902); IDEM approved the addendum on May 24, 2018 (VFC # 82547925). USS submitted sampling results in the July 17, 2018, <i>Investigation Report</i> (VFC # 82581610). IDEM's September 11, 2018 response letter (VFC # 82616729)

	calls for well TLT-7 to be resampled, since it was dry and unable to yield a sample during the June 1, 2018, sampling event. The results from the resampling of TLT-7 were submitted to IDEM in a letter from the Permittee dated October 31, 2018 (VFC # 82642574). IDEM's December 28, 2018 response letter (VFC # 82667738) required the Permittee to perform quarterly groundwater sampling at the four monitoring well locations (TLT-3, TLT-7, TLT-8, and TLT-9) and two underdrain systems, for a minimum of one year, to develop lines of evidence in support of an NFA request. USS' January 30, 2024 report (VFC # 83589404) provided the 2023 groundwater sample results for the SWMU and proposed to continue quarterly monitoring through 2024.
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C. CONDITIONS PERTAINING TO ALL SWMUs AND AOCs

1. Notification Requirements

The Permittee must notify IDEM, within 30 days of discovery, of the following information for any new SWMU or AOC identified at the facility, in accordance with 329 IAC 3.1-13-1 and 40 CFR 270.14(d):

- a. the location of the unit on the site topographic map;
- b. designation of the type of unit;
- c. general dimensions and structural description (supply any available drawings);
- d. when the unit was operated; and
- e. specifications of all waste(s) that have been managed at the unit.

2. Release Information

The Permittee must submit to IDEM, within 30 days of discovery, all available information pertaining to any release of hazardous waste(s) and/or hazardous constituent(s).

3. Corrective Action

IDEM will review the information provided as required in the above permit conditions, and may, as necessary, require investigations and/or corrective

measures. The Permittee must submit a written RFI Work Plan to the Section Chief of the Hazardous Waste Permit Section in accordance with Condition III.D.2.

D. CORRECTIVE ACTION ACTIVITIES

The major tasks and required submittal dates are shown below. Additional tasks and associated submittal dates may also be specified in the Corrective Action Activities Schedule (Condition III.F.).

1. Interim Measures (IM)

- a. The Permittee may undertake interim measure activities to prevent or minimize the further spread of contamination while long-term remedies are pursued. An IM Work Plan must be submitted to IDEM for approval before the Permittee initiates any remedial activity. The interim measure(s) must be capable of being integrated into any long-term solution at the facility.
- b. While performing work pursuant to Permit Condition III, if the Permittee identifies an immediate threat to human health or the environment, the Permittee must immediately notify IDEM's Project Manager and follow up with a written summary within 7 days describing the immediacy and magnitude of the potential threat to human health or the environment. This notification must be submitted electronically via IDEM's Hazardous Waste Permit SharePoint Portal or as IDEM directs.

This notification should be made to:

Indiana Department of Environmental Management
Office of Land Quality
Attn: Chief Hazardous Waste Permit Section
IGCN 1101
100 North Senate Avenue
Indianapolis, IN 46204
800-451-6027 or 317-232-8603

Upon receiving this information, IDEM will determine if an IM Work Plan is necessary. If one is necessary, the Section Chief will send a notice to the Permittee requiring the submission of an IM Work Plan. Within 21 days after receiving this notice, the Permittee must submit to the Section Chief a work plan for approval that identifies the interim

measure(s).

The work plan should be consistent with and integrated into any long-term solution at the facility. In addition, the following Interim Measure schedule must be initiated:

- i. Within 5 days of identifying an immediate threat to human health or the environment, the Permittee must provide an alternate water supply to parties that have a contaminated water supply well;
- ii. Within 7 days of identifying an immediate threat to human health or the environment, the Permittee must submit a report to the Section Chief detailing the activity pursued and a plan for further Interim Measures activity;
- iii. Within 7 days following the Section Chief's transmission of comments, the Permittee must revise the plan in accordance with the comments; and
- iv. Within 7 days following IDEM's approval or modification of the plan, the Permittee must implement the revised plan in accordance with the schedule therein.

2. RCRA Facility Investigation (RFI)

The Permittee must conduct an RFI to thoroughly evaluate the nature and extent of the release of hazardous waste(s) and hazardous constituent(s) from all SWMUs and AOCs identified as requiring an RFI.

a. RFI Work Plan

The Permittee must submit a written RFI Work Plan to the Section Chief within 90 days after written notification by the Section Chief that further investigation is necessary.

IDEM will approve, modify and approve, or disapprove and provide comments on the work plan in writing to the Permittee. Within 60 days of receipt of such comments, the Permittee must provide a response to IDEM's comments.

b. RFI Implementation

Within 30 days of IDEM's written approval of the RFI Work Plan, the Permittee must implement the plan according to the terms and schedule contained therein.

c. RFI Report

Within 90 days after the completion of the RFI, the Permittee must submit an RFI Report to the Section Chief. The RFI Report must describe the procedures, methods, and results of the RFI. The report must contain adequate information to support further corrective action decisions at the facility. After the Permittee submits the RFI Report, IDEM will either approve or disapprove the report in writing. If IDEM disapproves the report, the Section Chief will notify the Permittee in writing of the deficiencies. The Permittee has 60 days after receipt of IDEM's comments to submit a revised RFI Report to the Section Chief.

3. Determination of No Further Action

a. Permit Modification

After completion of the RFI, and based on its results and other relevant information, the Permittee may submit an application to the Section Chief for a permit modification under 40 CFR 270.42 to terminate the corrective action tasks of the Corrective Action Activities Schedule for all or a portion of the facility. Tasks identified in Permit Condition III.F. for the SWMUs, solid waste management areas (a group of SWMUs in an area to be addressed as a single unit), and/or the AOCs identified in the modification (for a determination of no further action) will be stayed pending a decision by IDEM. This permit modification must demonstrate that there are no releases of hazardous waste(s), including hazardous constituents, from SWMUs or AOCs that are the subject of the modification at the facility that pose a threat to human health or the environment.

If, based upon review of the Permittee's request for a permit modification, the results of the completed RFI, and other information, IDEM determines that releases or suspected releases that were investigated either are nonexistent or do not pose a threat to human health or the environment, IDEM will grant the requested modification.

b. Further Investigations

A determination of no further action will not preclude IDEM from requiring further investigations, studies, or remediation at a later date, if new information (including different risk assumptions) or subsequent analysis indicates that a release or likelihood of a release from a SWMU or AOC at the facility is likely to pose a threat to human health or the environment. In such a case, IDEM will initiate a modification to the Corrective Action Activities Schedule to rescind the determination made in accordance with the above permit condition. Additionally, IDEM may determine that there is insufficient information on which to base a determination and may require the Permittee to perform additional investigations as needed to generate the needed information.

4. Community Relations Plan

If the Permittee determines through completion of approved RFI workplan activities that offsite investigation activities are necessary for a release from the Facility, then within 90 days, Permittee will prepare and submit to IDEM for review and approval a Community Relations Plan for the dissemination of information to the public regarding the offsite investigation activities. The plan must be consistent with IDEM's "Community Involvement Plan" (see [Waste-0070-NPD](#)) and U.S. EPA's "1996 RCRA Public Participation manual."

5. Corrective Measures Study (CMS) and Remedy Selection

If IDEM determines, based on the results of the RFI and other relevant information, that corrective measures are necessary, the Section Chief will notify the Permittee in writing that the Permittee must conduct a CMS. The purpose of the CMS is to develop and evaluate the corrective action alternative(s) that will satisfy the performance objectives specified by IDEM. The CMS must be conducted within 60 days of notification by the Section Chief that the CMS is required. This period of time may be extended by the Section Chief if necessary to adequately complete the CMS. Note that this process can be significantly shortened by the selection of presumptive remedies (i.e., remedies that are known to be effective). Additional tasks and associated submittal dates may also be specified in the Corrective Action Activities Schedule (Condition III.F.).

a. CMS Report

Within 60 days after the completion of the CMS, the Permittee must

submit a CMS Report to the Section Chief. The CMS Report must summarize the results of the investigations for each remedy studied and must include an evaluation of each remedial alternative. After the Permittee submits the CMS Report, IDEM will either approve, modify and approve, or disapprove the Report. If IDEM disapproves the report, the Section Chief will notify the Permittee in writing of the deficiencies. The Permittee has 60 days after receipt of IDEM's comments to submit a revised CMS Report to the Section Chief. The CMS Report, as approved, becomes an enforceable condition of this permit.

b. CMS Remedy Selection

IDEM will approve a corrective measure for implementation based on the following factors. The corrective measure selected for implementation must: (1) be protective of human health and the environment; (2) attain media cleanup standards; (3) control the source(s) of releases so as to reduce or eliminate further releases of hazardous waste(s) (including hazardous constituent(s)); (4) minimize the transfer of contamination from one environmental medium to another; and (5) comply with all applicable standards for management of wastes.

If two or more of the corrective measures studied meet the threshold criteria set out above, IDEM will choose among alternatives for implementation by considering remedy selection factors including: (1) long-term reliability and effectiveness; (2) the degree to which the corrective measure will reduce the toxicity, mobility or volume; (3) the corrective measure's short-term effectiveness; (4) the corrective measure's implementability; and (5) the relative cost associated with the alternative. In selecting the corrective measure(s), IDEM may also consider such other factors as may be presented by site-specific conditions.

6. Permit Modification

Within 30 days of IDEM's approval of a corrective measure, the Permittee will initiate a permit modification, pursuant to 40 CFR 270.41 or 40 CFR 270.42, respectively, for the implementation of the corrective measure(s) selected. No permit modification fees are required for any modifications submitted under this condition.

7. Corrective Measures Implementation (CMI)

a. If the corrective measure(s) recommended in the Corrective Measures Study Report is (are) not the corrective measure(s) approved by IDEM after consideration of public comments, the Section Chief will inform the Permittee in writing of the reasons for such decision. Within 30 days after the effective date of the permit modification, the Permittee must implement the corrective measure(s).

b. Financial Assurance

As part of the permit modification of this permit to incorporate the CMI, the Permittee shall provide financial assurance in the amount specified in the IDEM-approved CMS Report as required by 329 IAC 3.1-15.

8. Incorporation of Plans and Reports

All approved plans and reports prepared for this permit will be incorporated into this permit on the date the Section Chief or his/her designee approves such plan or report.

E. DISPUTE RESOLUTION

1. If IDEM disapproves or modifies and approves any submission required by Condition III. of the permit, IDEM will provide the Permittee with a written notice setting forth the reasons for the disapproval or modification and approval.
2. If the Permittee disagrees, in whole or in part, with any written decision concerning IDEM's disapproval or modification and approval of any submission required by Condition III. of the permit, the Permittee must notify IDEM of the dispute. The Permittee and IDEM must informally, and in good faith, endeavor to resolve the dispute.
3. If the Permittee and IDEM cannot resolve the dispute informally, the Permittee may pursue the matter formally by submitting a written statement of position to the Commissioner or his/her designee, within 28 days of receipt of IDEM's written disapproval or modification and approval. The Permittee's statement of position must set forth the specific matters in dispute, the position that the Permittee asserts should be adopted as consistent with the requirements of the permit, the basis for the Permittee's position, and must include any supporting documentation. If the Permittee fails to follow any of the

requirements contained in this paragraph, then it will have waived its right to further consideration of the disputed issue. IDEM's decision to discontinue further consideration under this condition will constitute a final agency action, which is subject to review under IC 4-21.5.

4. IDEM and the Permittee will have an additional 14 days from the date of the Commissioner's receipt of the Permittee's statement of position to meet or confer to attempt to resolve the dispute. This time period may be extended by mutual agreement of the Permittee and IDEM. If agreement is reached, the Permittee must submit a revised submission, if necessary, and must implement the submission in accordance with such agreement.
5. If IDEM and the Permittee are not able to reach agreement within the 14-day period, or such longer period corresponding to IDEM's extension for good cause, the Permittee may submit any additional written arguments and evidence not previously submitted, or further explain any arguments or evidence previously submitted, to the Commissioner. Based on the record, the Commissioner, or delegate, will thereafter issue a written decision that will include a response to the Permittee's arguments and evidence. This written decision will constitute a final agency action, which is subject to review under IC 4-21.5.
6. Notwithstanding the invocation of this dispute resolution procedure, the Permittee must proceed to take any action required by those portions of the submission and of the permit that IDEM determines are not substantially affected by the dispute. The activity schedule for those portions of the submission and of the permit that are substantially affected by the dispute will be suspended during the period of dispute resolution.

F. CORRECTIVE ACTION ACTIVITIES SCHEDULE

	<u>Activity</u>	<u>Due Date</u>
1.	IM Work Plan	21 days after receiving IDEM's notice
2.	RFI Work Plan	90 days after receiving IDEM's notice
3.	Notification of newly identified SWMUs of AOCs	30 days after discovery
4.	RFI Work Plan for newly identified SWMUs or AOCs	90 days after receiving IDEM's notice

- | | | |
|-----|---|---|
| 5. | RFI Work Plan modification | 60 days after receiving IDEM's comments |
| 6. | RFI Implementation | 30 days after RFI Work Plan approved |
| 7. | RFI Report | 90 days after completion of RFI |
| 8. | RFI Report Modification | 60 days after receiving IDEM's comments |
| 9. | Progress Reports | Annually, on January 31 st of each year after the effective date of this permit. |
| 10. | CMS Report | 60 days after receiving IDEM's notification |
| 11. | CMS Report Modification | 60 days after receiving IDEM's comments |
| 12. | Permit Modification for Corrective Measure Implementation | 30 days after receiving IDEM's notification (modification may be a Class 1, 2, or 3 at IDEM's discretion) |
| 13. | CMI Program Plan | 30 days after effective date of permit modification |
| 14. | CMI Program Plan Modification | 30 days after receiving IDEM's comments |
| 15. | CMI Reports | Semi-annually; to coincide with groundwater reporting if possible |
| 16. | CMI Report Modification | 30 days after receiving IDEM's comments |
| 17. | Operation and Maintenance Progress Reports | Semi-annually; to coincide with groundwater reporting if possible |

IDEM may, at the facility's request, grant extensions to the time frames listed in this section. IDEM-approved time extensions will not require a permit modification.

G. FORCE MAJEURE

"Force Majeure," for purposes of this Permit, is defined as any event arising from causes beyond the control of the Permittee that delays or prevents the performance of any obligation under this Permit despite Permittee's best efforts to fulfill the obligation. The requirement that the Permittee exercise "best efforts to fulfill the obligation"

includes using best efforts to anticipate any potential force majeure event as it is occurring and best efforts to address the effects of any potential force majeure event as it is occurring and following the potential force majeure event, such that the delay is minimized to the greatest extent possible. "Force Majeure" does not include financial inability to complete the work required by this Permit nor any increases of costs to perform the work.

The Permittee must notify IDEM by calling within 3 calendar days and by writing no later than 7 calendar days after any event that the Permittee contends is a force majeure. Such notification must describe the anticipated length of the delay, the cause or causes of the delay, the measures taken or to be taken by the Permittee to minimize the delay, and the timetable by which these measures will be implemented. The Permittee must include with any notice all available documentation supporting its claim that the delay was attributable to a force majeure. Failure to comply with the above requirements will preclude the Permittee from asserting any claim of force majeure for that event. The Permittee will have the burden of demonstrating that the event is a force majeure. The decision of whether an event is a force majeure will be made by IDEM. Said decision will be communicated to the Permittee.

If a delay is attributable to a force majeure, IDEM will extend, verbally or in writing, the time period for performance under this Permit by the amount of time that is attributable to the event constituting the force majeure. Any final determination by IDEM under this section will be reviewable under IC 4-21.5. However, if the Permittee appeals an IDEM decision concerning force majeure, such appeal will not toll the accrual of penalties during the review of that appeal.

IV. LANDFILL CONDITIONS

A. WASTE IDENTIFICATION

1. The Permittee may only dispose of the following hazardous wastes at the landfill, subject to the terms of this permit.

<u>EPA CODE</u>	<u>DESCRIPTION</u>
F006	Wastewater treatment sludges from electroplating operations except from the following operations: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating; (6) chemical etching and milling of aluminum.

2. The Permittee is prohibited from disposing hazardous waste that is not identified in Permit Condition IV.A.1.
3. The Permittee may only dispose of hazardous wastes identified in Permit Condition IV.A.1. in the following landfill and/or landfill cell:

<u>Landfill and/or Landfill Cell Designation</u>	<u>Final Cover Option, as Defined in Attachment I</u>	<u>Capacity</u>
Greenbelt II	Option 1 Option 2	approximately 1.18 million cubic yards approximately 1.21 million cubic yards

- B. The Greenbelt II landfill is located in the area as shown in the Landfill Operation Plan, Attachment D, incorporated herein by reference.

C. DESIGN REQUIREMENTS 329 IAC 3.1-9, 40 CFR 264.301

The Permittee must design and operate the landfill under the following conditions:

1. The Permittee must install two liners and a leachate collection and removal system (one above and one between the liners) for each cell, in

accordance with the design plans and reports contained in Attachment D.
40 CFR 264.301(c)

2. Collected leachate must be managed in accordance with the design plans and reports contained in Permit Attachment D.
3. The Permittee must locate, construct, operate, and maintain the landfill as specified in Attachment D, so as to prevent the migration of any hazardous constituents into the groundwater or surface water, at least as effectively as the liners and leachate collection and removal systems outlined in 40 CFR 264.301(c). 40 CFR 264.301(d)
4. The Permittee must design, construct, operate, and maintain a run-on control system in accordance with the design plans, specifications and operating practices contained in Attachment D. 40 CFR 264.301(g)
5. The Permittee must design, construct, operate, and maintain a run-off management system in accordance with the design plans, specifications, and operating practices contained in Attachment D. 40 CFR 264.301(h)
6. The Permittee must empty or otherwise manage run-on and run-off collection and holding facilities to maintain the design capacity of the system(s) in accordance with the design plans and operating practices specified in Attachment D. 40 CFR 264.301(i)
7. The Permittee must cover or otherwise manage the landfill to control wind dispersal of particulate matter, in accordance with the methods specified in Attachment D. 40 CFR 264.301(j)

D. INSPECTION SCHEDULES AND PROCEDURES 329 IAC 3.1-9,
40 CFR 264.303

The Permittee must inspect the landfill in accordance with the following conditions:

1. The Permittee must inspect the liners and cover systems during construction and installation for uniformity, damage, and imperfections (e.g., holes, cracks, thin spots, or foreign materials). 40 CFR 264.303(a)
2. The Permittee must inspect the landfill immediately after construction or installation. 40 CFR 264.303(a)

- a. Synthetic liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters.
 - b. Soil-based and admixed liners and covers must be inspected for imperfections including lenses, cracks, channels, root holes, or other structural non-uniformities that may cause an increase in the permeability of the liner or cover.
3. The Permittee must inspect the landfill (including the liner and leachate collection system) in accordance with the inspection schedule, Attachment F. 40 CFR 264.303(b)

Inspections must be conducted to detect evidence of any of the following:

- a. Deterioration, malfunctions, or improper operation of run-on and run-off systems.
 - b. Proper functioning of wind dispersal control systems (if applicable).
 - c. The presence of leachate in, and proper functioning of, leachate collection and removal systems (if applicable).
4. By March 31 of each year, the Permittee must submit an annual leachate generation report to IDEM showing the volume of leachate generated from the landfill, on a monthly basis, for the previous year.

E. SURVEYING AND RECORD KEEPING 329 IAC 3.1-9; 40 CFR 264.309

The owner or operator of a landfill must maintain the following items in the operating record required by 40 CFR 264.73:

1. On a map, the exact location and dimensions, including depth, of each cell with respect to permanently surveyed benchmarks; and
2. The contents of each cell and the approximate location of each hazardous waste type within each cell.

F. CLOSURE AND POST-CLOSURE 329 IAC 3.1-9; 40 CFR 264.310

The Permittee must conduct closure and post-closure activities in accordance with the following conditions:

1. At final closure of the landfill, or upon closure of any cell, the Permittee must follow the procedures in the approved closure plan contained in Attachment I. At final closure of the landfill or upon closure of any cell, the owner or operator must cover the landfill or cell with a final cover designed and constructed to: (40 CFR 264.310(a))
 - a. Provide long-term minimization of migration of liquids through the closed landfill;
 - b. Function with minimum maintenance;
 - c. Promote drainage and minimize erosion or abrasion of the cover;
 - d. Accommodate settling and subsidence so that the cover's integrity is maintained; and
 - e. Have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present.

2. After final closure, the Permittee must follow the plans and procedures in the approved Post-Closure Care Plan in Attachment I. After final closure, the owner or operator must comply with all post-closure requirements contained in 40 CFR 264.117 through 40 CFR 264.120, including maintenance and monitoring throughout the post-closure care period. The owner or operator must: (40 CFR 264.310(b))
 - a. Maintain the integrity and effectiveness of the final cover, including making repairs to the cover as necessary to correct the effects of settling, subsidence, erosion, or other events;
 - b. Maintain and monitor the groundwater monitoring system and comply with all other applicable requirements of 40 CFR 264 Subpart F;
 - c. Prevent run-on and run-off from eroding or otherwise damaging the final cover; and
 - d. Protect and maintain surveyed benchmarks used in complying with 40 CFR 264.310.

- G. SPECIAL LANDFILL PROVISIONS FOR LIQUID WASTE 329 IAC 3.1-9;
40 CFR 264.314
1. The Permittee must not place bulk or non-containerized liquid wastes or waste containing free liquids in a landfill. 40 CFR 264.314(b)
 2. The Permittee must demonstrate the absence of free liquids in either a containerized or a bulk waste by the following test: "Method 9095 (Paint Filter Liquids Test)" as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (EPA Publication No. SW-846).
 3. The Permittee must not place containers holding free liquid in the landfill unless: (40 CFR 264.314(d))
 - a. All free-standing liquid: (i) has been removed by decanting, or other methods; (ii) has been mixed with absorbent or solidified so that free-standing liquid is no longer observed; or (iii) has been otherwise eliminated; or
 - b. The container is no larger than an ampule; or
 - c. The container is designed to hold free liquids for use other than storage (e.g., batteries, capacitors); or
 - d. The container is a lab pack as defined in 40 CFR 264.316 and is disposed of in accordance with Condition IV.G.

V. GROUNDWATER MONITORING CONDITIONS

A. GROUNDWATER DETECTION MONITORING PROGRAM – OVERVIEW

The following permit conditions describe groundwater monitoring procedures for implementation of the RCRA Part B Permit groundwater detection monitoring program for the Greenbelt II Landfill located at the United States Steel Corporation, Midwest Plant facility in Portage, Indiana. In all cases, permit conditions supersede conflicting information found elsewhere in associated attachments. The design of the groundwater monitoring program is to detect a release of hazardous constituents from F006 sludge disposed in the landfill.

Historical analytical results and statistical analyses of groundwater samples collected from monitoring wells adjacent to the Greenbelt II Landfill demonstrate that a release of hazardous constituents to the groundwater has not occurred. Accordingly, the Permittee shall implement a groundwater detection monitoring program consistent with the groundwater monitoring requirements described in 329 IAC 3.1, 40 CFR 264.97, 40 CFR 264.98, and as specifically described herein.

The groundwater detection monitoring program will monitor groundwater quality at the point of compliance encompassing the Greenbelt II Landfill. Vertically, the point of compliance (40 CFR 264.95) extends from the saturated sands of the Atherton Formation (approximately 595 ft above mean sea level) down through interbeds of sand and silt loam to the top of the Lagro Till Formation (approximately 515 ft above mean sea level).

For detection monitoring, the hydrogeologic model for the Greenbelt II Landfill partitions groundwater flow into five zones. Within the uppermost aquifer, Zone A wells monitor shallow groundwater quality and Zone B wells, intermediate groundwater quality. Piezometers completed in Zones C, D, and I, monitor groundwater elevations in the deep portion of the uppermost aquifer and assist determinations of groundwater flow.

The following appendices of Attachment E contain information regarding the hydrogeology of the Greenbelt II Landfill:

- Appendix E-1, Hydrogeologic Assessment Report, February 1993 (VFC # 83546904, pages 1241-1891);
- Appendix E-2, Addendum to Hydrogeologic Assessment Greenbelt II Landfill

Cell A, October 1993 (VFC # 83546904, pages 1892-2101);

- Appendix E-3, November 1997 Hydrogeologic Investigation, February 27, 1998 (VFC # 83546904, pages 2102-2334); and
- Appendix E-4, Supplemental Hydrogeologic Investigation (June 1999), August 26, 1999 (VFC # 83546904, pages 2335-2612).

Specific details regarding the groundwater detection monitoring program are set out in Permit Conditions V.B. thru V.H.

B. GROUNDWATER DETECTION MONITORING SYSTEM

1. Existing Groundwater Monitoring Wells and Piezometers

The Permittee must maintain a groundwater detection monitoring system consisting of monitoring wells and piezometers. Table E-2 of Attachment E identifies current monitoring system components. The topographic map, Appendix E-5 of Attachment E, illustrates their locations.

2. Installation of New Soil Borings, Groundwater Monitoring Wells and Piezometers

- a. The Permittee must install future soil borings, groundwater monitoring wells, and piezometers according to procedures described in Appendix E-8 (*Monitoring Well/Piezometer Installation Methods*) of Attachment E.
- b. Except as provided in Permit Condition V.B.2.c., the Permittee must follow the procedures in 40 CFR 270.42 to make modifications to the groundwater detection monitoring program.
- c. In lieu of a permit modification as required by Permit Condition V.B.2.b., the Permittee may revise the current groundwater detection monitoring system and point of compliance to accommodate the expansion (disposal of waste in Cell "D") of the Greenbelt II Landfill. The following details the schedule and procedures the Permittee must follow for making revisions.
 - 1) At least 240 days before implementing changes in the permitted groundwater detection monitoring system and point of compliance, obtain written approval from the OLQ,

Hazardous Waste Permit Section Chief for installing additional soil borings to locate new groundwater detection monitoring wells.

- 2) Within 45 days after receiving written approval for locating new soil borings, install the soil borings.
- 3) Review and interpret soil boring information acquired by Permit Condition V.B.2.c.2. Specific activities the Permittee will undertake include:
 - a) Review field and laboratory results for new soil borings.
 - b) Identify primary flow pathways.
 - c) Correlate new information with existing hydrogeologic interpretations.
 - d) Revise hydrogeologic cross-sections to include new stratigraphic information.
 - e) Revise groundwater flow maps and hydrogeologic flow nets using the most current data available.
 - f) Determine optimal horizontal and vertical locations for new groundwater detection monitoring wells.
 - g) Identify existing monitoring wells for abandonment.
 - h) Identify changes to the current groundwater detection monitoring system and point of compliance.
 - i) Identify relevant portions of the current permit that require modification to keep the permit current.
- 4) Within 60 days after installing new soil borings, the Permittee will submit for approval to the OLQ, Hazardous Waste Permit Section Chief, a complete and accurate report documenting the information and interpretations required in Permit Condition V.B.2.c.3.
- 5) Within 60 days after receiving written approval for the report required in Permit Condition V.B.2.c.4., the Permittee will install new groundwater detection monitoring wells.
- 6) Within 60 days after installing new groundwater monitoring wells, the Permittee will submit a complete report to the OLQ, Hazardous Waste Permit Section Chief, documenting all changes to the permitted groundwater detection monitoring program. This report must identify all changes to the effective

permit. At a minimum, the report must identify and document the following:

- a) Affected portions of the existing permit requiring revision(s) not limited to the following:
- Permit Condition V.A. For future reference, the Permittee must add the report, submitted in compliance with this permit condition, to the list of existing hydrogeologic reports.
 - Attachment E, Tables E-2 and E-3.
 - Appendix E-5 illustrating the location of new monitoring system components and point of compliance on the topographic map.
 - Appendix E-6 including: Table 1, Figure 1 and Appendix B.
 - Permit Condition V.D. groundwater sampling and analysis procedures.
 - Permit Condition V.G. groundwater statistical evaluation procedures.
- b) Draft, page by page revisions replacing existing portions of the permit including: permit conditions, sections, appendices, attachments, tables, exhibits and figures, etc.

The report submitted in compliance with this permit condition is subject to IDEM review and approval. Upon written request from IDEM, the Permittee must correct any omission, error, and/or deficiencies and resubmit the information, both digital and hard copies, to the OLQ, Hazardous Waste Permit Section Chief within 30 days.

This report will serve to provide formal notification to the IDEM Commissioner that the Permittee has completed all changes to the permitted groundwater detection monitoring system are complete and that the revised monitoring system is operational.

- 7) Within 45 days after receiving approval for the report required in Permit Condition V.B.2.c.6, the Permittee must submit documentation for any well abandonment. The abandonment procedures must follow the requirements of 312 IAC 13-10. Please note that IDNR 312 IAC 13-10-2(f) requires submittal

of written notification of abandonment to the IDNR within 30 days after plugging is complete.

C. INDICATOR PARAMETERS AND MONITORING CONSTITUENTS

Table E-1 of Attachment E identifies groundwater indicator parameters and monitoring constituents. The Permittee will determine the following constituents in the field at the well head:

- pH
- Specific Conductance
- Temperature
- Turbidity

D. SAMPLING AND ANALYSIS PROCEDURES

The Permittee must use the procedures described in the sampling and analysis plan (SAP) in Appendix E-6 of Attachment E to collect, preserve, control and analyze all groundwater samples. Inspection and maintenance of the groundwater monitoring system equipment will occur according to the procedures described in Appendix E-6.

E. MONITORING FREQUENCY

Following the SAP specified in Permit Condition V.D., the Permittee must:

1. Semiannually, sample the groundwater in each groundwater detection monitoring well identified in Permit Condition V.B. and analyze samples for each indicator parameter and monitoring constituent in Permit Condition V.C. Semiannual groundwater sampling and analyses will occur during the active life of the unit, including the closure and post-closure period. The Permittee must collect replacement samples for lost or broken samples within 45 days of the initial sample date.
2. As necessary, the Permittee will collect verification and Appendix IX groundwater samples within the timeframes specified in Appendix E-6 of Attachment E.

F. EVALUATION OF THE GROUNDWATER SURFACE

For each regular semi-annual groundwater monitoring event, the Permittee must measure the static water level and determine the groundwater elevation in

detection monitoring wells and piezometers specified in Table E-2 of Attachment E. The Permittee must use groundwater elevations to determine flow rate and direction in monitoring Zones A, B, and C, within the uppermost aquifer. The Permittee must evaluate groundwater flow rates and directions using procedures described in Attachment E, paragraphs E-7d(8)(k) and (n).

G. STATISTICAL EVALUATION PROCEDURES

The Permittee must add new background concentrations for each indicator parameter and detection monitoring well to the archive in Appendix E-7 and summarized in Table E-3 of Attachment E. Intrawell prediction limits appear in Table E-3. At each two-year anniversary, the Permittee must update the background data set according to the procedures described in Attachment E, paragraph E-6d(8).

Following each semiannual groundwater sampling event, the Permittee must determine whether there is statistically significant evidence of contamination in the groundwater at the point of compliance. The Permittee must accomplish this evaluation using intrawell Prediction Limit procedures specified in paragraph E-6d(5) of Attachment E. For each indicator parameter in Table E-1 in each monitoring well of Table E-2 of Attachment E, the Permittee must compare the appropriate prediction limit specified in Table E-3 of Attachment E.

H. RECORDKEEPING AND REPORTING

1. Within 45 days after receiving the laboratory analytical results for each semiannual, verification, or Appendix IX groundwater sampling event, the Permittee must:
 - a. Complete the evaluations required in Permit Conditions V.F. and V.G.
 - b. Enter all groundwater detection monitoring information into the facility record including: all field and laboratory analytical results, groundwater flow evaluations, statistical calculations, and inspection and maintenance records. Specific information entered is described in Attachment E, paragraph E-7d(8).
 - c. Submit a complete report of the information specified in Attachment E, paragraph E-7d(8) to the OLQ, Hazardous Waste Permit Section Chief.

- d. At each two-year anniversary, the Permittee must update background data in Appendix E-7 of Attachment E, recalculate the information in Table E-3 of Attachment E, and submit revisions to the OLQ, Hazardous Waste Permit Section Chief. In doing so, the Permittee will demonstrate that background data continue to meet the assumptions of the statistical evaluation procedure.
2. If statistical comparisons for indicator parameters performed in Permit Condition V.G. continue to demonstrate that the concentration of each parameter is less than its respective concentration limit, the Permittee will continue to implement the groundwater detection monitoring program.
 3. However, should any statistical comparison for an indicator parameter performed in Permit Condition V.G. demonstrate that the concentration exceeds the corresponding concentration limit, the Permittee may subsequently verify the statistical difference by collecting verification resamples according to the procedures described in Attachment E, paragraph E-6d(6). If the Permittee does not collect a verification resample, then the Permittee must treat the initial indication of a concentration limit exceedance as verified and follow the requirements in Permit Condition V.H.4.
 4. If statistical comparison of the verification resample results verifies statistical evidence of groundwater contamination at the point of compliance, the Permittee from the date of verification must:
 - a. Within 7 days, notify the IDEM Commissioner of this finding in writing. The notification must indicate what chemical parameters or constituents have shown statistically significant evidence of impacts.
 - b. Within 30 days, sample the groundwater in all monitoring wells and determine whether constituents in the site-specific list of Appendix IX of Part 40 CFR 264, identified in Attachment E, paragraph E-7e(2), are present and if so, their concentrations. Within 90 days of sampling for constituents on the site-specific Appendix IX groundwater monitoring list, the Permittee must submit to the OLQ, Hazardous Waste Permit Section Chief, information required in Attachment E, paragraph E-7d(8).
 - c. Within 105 days, the Permittee may re-sample the groundwater and repeat the analyses for those compounds detected in Permit Condition V.H.4.b.

- d. Within 150 days, the Permittee will evaluate the analytical sampling results obtained in Permit Condition V.H.4.c. and determine if Appendix IX compounds found during the initial Appendix IX analyses are present. Within 165 days, the Permittee must submit the results of this evaluation and the information in Attachment E, paragraph E-7d(8) to the OLQ, Hazardous Waste Permit Section Chief. If the Permittee determines, based on this evaluation, that hazardous constituent(s) are not present in the groundwater, the Permittee will continue with the groundwater detection monitoring program as described above. However, if the Permittee confirms based on the laboratory analytical results that Appendix IX hazardous constituents are present in the groundwater, the Permittee must, within 240 days after the confirmation, submit to the OLQ, Hazardous Waste Permit Section Chief an application for a permit modification to establish a compliance monitoring program. The application must include the information described in Attachment E, paragraph E-7e(4).
- e. Within 180 days, submit a corrective action feasibility plan in accordance with the requirements of 40 CFR 264.100 to the IDEM Commissioner.
- f. If the Permittee decides to demonstrate that a source other than the landfill caused the increase, the Permittee must follow the procedures described in Attachment E, paragraph E-7e(7).