



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204

(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Bruno L. Pigott
Commissioner

October 19, 2018

VIA E-MAIL

Mr. Patrick Kennedy
Tanners Creek Development, LLC
1515 Des Peres Rd, Suite 300
St. Louis, MO 63631

Dear Mr. Kennedy:

Re: Violation / Inspection Summary Letter
Tanners Creek Development, LLC
Former Gibbco, Inc. Area
EPA ID#: IND000815878
Lawrenceburg, Dearborn County

On October 10, 2018, representatives of the Indiana Department of Environmental Management, Office of Land Quality, conducted an inspection of the former Gibbco, Inc. stationary wet-bottom boiler slag processing operation, which was located at 901 AEP Drive, Lawrenceburg, Indiana. This inspection was conducted pursuant to IC 13-14-2-2. For your information, and in accordance with IC 13-14-5, a summary of the inspection is provided below:

Type of Inspection: X Complaint Inspection

Results of Inspection: X **A violation was observed and is being referred to the Office of Land Quality, Enforcement Section. Please see the enclosed report for additional information.**

Please direct any response to this letter and any questions to Mr. George Ritchotte, of my Section, at (317) 727-6907 or via email at gritchot@idem.IN.gov. Thank you for your attention to this matter.

Sincerely,

Zaidoon Al-Saleem, Chief
Industrial Waste Compliance Section
Compliance Branch
Office of Land Quality

Enclosure

cc: Mr. Russell Becker: EnviroAnalytics Group
Dearborn County Health Department

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF LAND QUALITY**

Complaint Inspection Report

EPA ID NUMBER: IND000815878
NAME: Tanners Creek Development, LLC
Former Gibbco, Inc. Area
ADDRESS: 901 AEP Drive
CITY & COUNTY: Lawrenceburg, Dearborn County
INSPECTION DATE: November 9, 2017
INSPECTOR(S): George Ritchotte, Alan Minne and Phil Guntle (Industrial Waste Compliance Section), Chad Pitman (Solid Waste Compliance)

PERSONS INTERVIEWED

TITLE

TELEPHONE

Russell Becker

President,
EnviroAnalytics Group

(314) 686-5611

PRE-INSPECTION INFORMATION

In October 2018, the Industrial Waste Compliance Section received a request from the Solid Waste Permit Branch to conduct an inspection at the former Gibbco, Inc. (Gibbco) area of the former American Electric Power, Tanners Creek Power Plant. The concern was regarding the use and/or disposal of coal combustion waste in this area.

A review of IDEM records found that Gibbco was a business that operated at the former power plant. Gibbco processed coal combustion bottom ash, also referred to as boiler slag, to produce roofing granules and shotblast grit. No records were found indicating that an inspection was specifically conducted on this operation by staff of the Office of Land Quality. Information was found regarding a Title V air permit.

Additional information was found within IDEM files indicating the presence of coal combustion waste deposited in this area. This information was submitted by the current property owner Tanners Creek Development, LLC. This information included a subsurface investigation outlining the depth at which coal combustion waste had been deposited.

Historical aerials found on the internet appear to indicate that the facility was in operation at this location at least as far back as 1993. In 1992, Indiana Michigan Power Company, Tanners Creek Plant, requested and received a waste classification (WCT-058) for their boiler slag (bottom ash). This classification was issued as a Type IV, and had specific Special Conditions

listed on the back regarding use prohibitions and actions taken if a risk was posed. This waste classification expired on July 31, 1994. No specific information was found indicating that this waste classification had been renewed after it expired.

INSPECTION FINDINGS

On October 10, 2018, Industrial Waste Compliance Section staff met with a Tanners Creek Development, LLC (Tanners Creek) representative to conduct this inspection. IDEM staff included Mr. George Ritchotte, Mr. Alan Minne, Mr. Phil Guntle and Mr. Chad Pittman. Additional IDEM staff were present to conduct additional inspections regarding other areas of the former Tanners Creek Power Plant. Mr. Russell Becker, of EnviroAnalytics Group, represented Tanners Creek.


Staff observed the area where Gibbco operated. In general the area had been graded and did not include coal combustion waste piles. Sparse vegetation was also observed growing in the waste. Based on information provided by the current property owners and observations made while on-site, the entire approximately 17 acres appears to be covered with a minimum of approximately 2 feet of coal combustion waste. There is also an area that is approximately 4 to 5 acres within the center of this area that contains coal combustion waste at depths as much as 20 feet. Based on this information, a rough calculation was made to estimate to potential total volume of coal combustion waste present in this area. The potential volume of coal combustion waste, based on this information is approximately 175,000 yd³.


CONCLUSIONS AND RECOMMENDATIONS


Based on observations made during the inspection, the historic placement of the coal combustion waste in this area does not comply with use allowances such as IC 13-19-3-3, the Indiana Solid Waste rules found at 329 IAC 10, and potentially did not comply with the Special Conditions listed on the back of the waste classification listed above. Furthermore, the continued presence of the coal combustion waste in its current condition appears to not comply with the Federal regulations regarding coal combustion residuals.

Based on these issues, a violation is being cited, 329 IAC 10-4-3, regarding the prohibition of having an open dump, as defined by IC 13-11-2-145. Information gathered during this inspection will be forwarded to the Office of Land Quality, Enforcement Section for their considerations. See attached Description of Violations for further information.

Photo Log

	Number	1
	Description	Former Gibbco, Inc. Area.
	Photographer	George Ritchotte
	Facility Name	Tanners Creek Development LLC Former Gibbco, Inc. Area 901 AEP Dr. Lawrenceburg, Dearborn County
	Photo Date	October 10, 2018
	Others	Phil Guntle, Alan Minne, and Chad Pittman (IDEM) Russell Becker (EnviroAnalytics Group)

	Number	2
	Description	Former Gibbco, Inc. Area.
	Photographer	George Ritchotte
	Facility Name	Tanners Creek Development LLC Former Gibbco, Inc. Area 901 AEP Dr. Lawrenceburg, Dearborn County
	Photo Date	October 10, 2018
	Others	Phil Guntle, Alan Minne, and Chad Pittman (IDEM) Russell Becker (EnviroAnalytics Group)

	Number	3
	Description	Former Gibbco, Inc. Area.
	Photographer	George Ritchotte
	Facility Name	Tanners Creek Development LLC Former Gibbco, Inc. Area 901 AEP Dr. Lawrenceburg, Dearborn County
	Photo Date	October 10, 2018
	Others	Phil Guntle, Alan Minne, and Chad Pittman (IDEM) Russell Becker (EnviroAnalytics Group)

DESCRIPTION OF VIOLATION

FACILITY NAME: Tanners Creek Development, LLC
Former Gibbco Inc. Area

EPA ID#: IND000815878

ADDRESS: 901 AEP Drive
Lawrenceburg, Dearborn County

INSPECTION DATE:
October 10, 2018

329 IAC 10-4-3: Open dumping and open dumps, as those terms are defined in IC 13-11-2-146 and IC 13-11-2-147, are prohibited.

IC 13-11-2-146: Open dump: Sec. 146. "Open dump", for purposes of environmental management laws, means the consolidation of solid waste from one (1) or more sources or the disposal of solid waste at a single disposal site that:

- (1) does not fulfill the requirements of a sanitary landfill or other land disposal method as prescribed by law or regulations; and
- (2) is established and maintained:
 - (A) without cover; and
 - (B) without regard to the possibilities of contamination of surface or subsurface water resources.

Note: During the October 10, 2018 inspection, IDEM staff observed that coal combustion waste (CCW) had been placed on the ground. Additional information provided by the current property owner indicated that the area, approximately 17 acres in size, contains CCW at depths of on average 2 feet in depth, with an approximate 5 acre area within the 17 acres that contains CCW at as much as approximately 20 feet in depth. Although sparse vegetation is present over the entire approximate 17 acres, the waste is typically exposed potentially allowing for storm water or wind erosion to occur.

Referral to Office of Land Quality, Enforcement Section. The facility is being referred to the Office of Land Quality, Enforcement Section for further considerations.



NOTICE OF INSPECTION

State Form 50890 (R3 / 11-05)

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

100 N. Senate Avenue
Indianapolis, IN 46204-2251

Telephone: (800) 451-6027 or (317) 232-8603

This is to notify you that on 10/10/18 an inspection of Tannock Creek Property was conducted by the undersigned representative of the Indiana Department of Environmental Management (IDEM), Office of Low Quality.

Type of Inspection (may include more than one):

- RCS
- _____
- Gibber 314
- Complaint
- Multi-Media Screening Evaluation
- Other Old factory site

Preliminary Inspection/Screening Findings:

These findings are considered preliminary and identify specific compliance issues discovered during the above-noted inspection that the designated agent of IDEM believes may be a violation of a statute(s), rule(s) or permit(s) issued by IDEM.

Single Media Inspection:

- No violations were discovered with respect to the particular items observed during the inspection.
- Violations were discovered but corrected during the inspection.
- Violations were discovered and require a submittal from you and/or follow-up inspection by IDEM.
- Violations were discovered and may subject you to an appropriate enforcement response.
- Additional information/review is required to evaluate overall compliance.
- Other / Comments (attachment may be included) _____

Multi-Media Screening (Please note that a multi-media screening is not a comprehensive evaluation of the compliance status of the facility):

- Multi-media screening not conducted.
- No violations were discovered with respect to the limited multi-media screening conducted by IDEM.
- Potential violations were discovered but corrected during the inspection.
- Potential violations were discovered and may be further investigated.

Pollution Prevention:

Pollution prevention is the preferred means of environmental protection in Indiana. The goal of pollution prevention is to promote changes in business and commercial operation, especially manufacturing processes, so that Indiana businesses increase productivity, generate less environmental wastes, reduce their regulatory responsibilities and become more profitable. Your participation in Indiana's pollution prevention program is entirely voluntary. If you have any pollution prevention questions, you may contact our Office of Pollution Prevention and Technical Assistance (OPPTA) at (317) 232-8172 or (800) 988-7901, or visit OPPTA's Web site at www.idem.IN.gov/oppta/p2/. Would your company like to be contacted by IDEM's Office of Pollution Prevention and Technical Assistance? Yes No

Compliance Assistance:

In addition to the compliance assistance offered by IDEM's individual programs, IDEM's Compliance and Technical Assistance Program (CTAP) offers free, confidential compliance assistance to regulated entities, including small businesses and municipalities, throughout Indiana. In the future, if you would like to request free, confidential compliance assistance, call (317) 232-8172 or (800) 988-7901, or visit CTAP's Web site at www.idem.IN.gov/ctap.

A summary of violations and concerns noted during the inspection was verbally communicated to the undersigned representative during the inspection. The facility should correct any violations noted as soon as possible. Violations identified and corrected during the inspection may still be cited as violations.

A written inspection summary will be provided within 45 days. In accordance with IC 13-14-5-4, matters not evident to IDEM at the time of the inspection might not be included in either the verbal or written inspection summary.

IDEM Representative:

Printed Name	Signature	Phone Number	Date	Time
Alan Miano	<i>Alan Miano</i>	317-691-6532	10/10/18	In: Out:

Owner/Agent Representative:

Printed Name	Signature	Title	Phone Number	Date
Russ Becker	<i>Russ Becker</i>	PRESIDENT	317-698-5611	10/10/18

Christie, Kae

From: Patrick Kennedy <pkennedy@enviroanalyticsgroup.com>
Sent: Friday, October 19, 2018 11:41 AM
To: Christie, Kae
Cc: RITCHOTTE, GEORGE; AL-SALEEM, ZAIDOOON; Finkelstein, Rebecca; Amick, Mark
Subject: RE: Tanners Creek Development, LLC Former Gibbco, Inc. Area

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

Hi Kae,

I have received this report. Thank you.

Patrick Kennedy, PE



PLEASE NOTE THE CHANGE IN ADDRESS

1515 Des Peres Road, Suite 300
Saint Louis, Missouri 63131
(314) 479-8397 Cell
(314) 835-2822 Office
pkennedy@enviroanalyticsgroup.com
<http://www.enviroanalyticsgroup.com>

From: Christie, Kae <KChristie@idem.IN.gov>
Sent: Friday, October 19, 2018 6:58 AM
To: Patrick Kennedy <pkennedy@enviroanalyticsgroup.com>
Cc: RITCHOTTE, GEORGE <GRITCHOT@idem.IN.gov>; AL-SALEEM, ZAIDOOON <ZALSALEE@idem.IN.gov>; Finkelstein, Rebecca <RFinkels@idem.IN.gov>; Amick, Mark <MAMICK@idem.IN.gov>
Subject: Tanners Creek Development, LLC Former Gibbco, Inc. Area

Dear Mr. Patrick Kennedy

Please find the attached documents based on an inspection the Indiana Department of Environmental Management, Office of Land Quality, conducted on October 10, 2018, **please confirm you received the documents via-email.**

Thank you

Kae Christie
Administrative Assistant
Department of Environmental Management
Office of Land Quality

IGCN, Rm 1101
317-234-6951
kchristie@idem.in.gov