



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 18, 2018

VIA E-MAIL

Mr. Patrick Kennedy
Tanners Creek Development, LLC
1650 Besteres Rd., Suite 303
St. Louis, MO 63131

Dear Mr. Kennedy:

Re: Violation Letter
Tanners Creek Development, LLC.
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 Tanners Creek Development, located at 214 AEP Drive, Lawrenceburg, IN. 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: Compliance Evaluation Inspection

Results of Inspection: **Violations were found during the inspection. The site is being referred to the Office of Land Quality, Enforcement Section for further consideration. Please see enclosed inspection report for additional information.**

Please direct any response to this letter and any questions to Mr. Alan Minne, of my Section, at (317) 691-6532 or via email at aminne@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: Dearborn County Health Department

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF LAND QUALITY
COMPLIANCE EVALUATION INSPECTION REPORT**

NAME: Tanners Creek Development, LLC
EPA ID #: IND000815878
ADDRESS: 214 AEP Drive
CITY & COUNTY: Lawrenceburg, Dearborn
INSPECTION DATE: October 10, 2018
INSPECTOR(S): Alan Minne, Phil Guntle, George Ritchotte

<u>Person Interviewed</u>	<u>Title</u>	<u>Contact Information</u>
Mr. Russel Becker	President	314-686-5611

Pre-Inspection Information

The Indiana Michigan Power Company, Tanners Creek Generating Station was a coal fired electrical power plant located at 214 AEP Drive, Lawrenceburg, Indiana. The plant began operating in approximately 1951. Tanners Creek Generating Station ceased operations on May 31, 2015. The property, including the plant, was sold to the Tanners Creek Development, LLC, an affiliate of Commercial Development Company, Inc. (CDC). The EnviroAnalytics Group and Industrial Demolition, LLC, also affiliates of CDC, have been doing demolition of the plant site since 2016.

Inspection and Findings

A compliance evaluation inspection (CEI) was conducted at the old plant site, parcel ID 15-07-22-900-026.001-013 on October 10, 2018. IDEM staff arrived on-site and met Mr. Russel Becker of the EnviroAnalytics Group. Mr. Becker stated that the company was still in the processes of demolishing the old plant site. Items such as the scrap metal, brick, concrete, and other solid wastes are separated into similar piles during the demolition. Scrap metal is taken off-site to scrap metal recyclers like River Metals Recycling. The construction and demolition debris is also taken off-site and disposed of at a permitted solid waste management facility.

After discussing the demolition of the plant, IDEM staff, accompanied by Mr. Becker conducted a site walkthrough. During the walkthrough, IDEM staff observed segregated piles of scrap metal, construction and demolition waste staged on the north, east, south and west sides of the footprint of the former power plant (See photos 1, 2 and 5). IDEM staff also observed the demolition area of the old plant (See photos 3, 4 and 6). IDEM staff saw exposed coal combustion waste on the east side of the property (See photos 7, 8 and 9). Mr. Becker estimated the area containing the coal combustion waste to be approximately 2 acres in size with a depth of

approximately 5 feet. At the time of the inspection, Mr. Becker stated that the company planned to either cover the area or remove the coal combustion waste.

IDEM staff concluded the inspection on the southwest side of the property.

Conclusions and Recommendations

At the time of the inspection, IDEM staff observed coal combustion waste that had been placed in low area on the eastern side of the former power. The area and depth was estimated, by Mr. Becker, to be approximately 2 acres in size and approximately 5 foot depth.

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), the coal combustion waste observed in the low area. 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.

cc: Dearborn County Health Department

DESCRIPTION OF VIOLATION

FACILITY NAME: Tanners Creek Development, LLC

EPA ID#: IND000815878

ADDRESS: 214 AEP Drive, Lawrenceburg, IN

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 an area of exposed coal combustion waste on the east side of the former power plant. This area was estimated to be 2 acres in size with a depth of 5 feet.

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



Photo 1

Facility Name: Tanners Creek Development, LLC

Photographer: Alan Minne

Date: October 10, 2018

Others Present: George Ritchotte (IDEM), Phil Guntle (IDEM), Russel Becker (Facility)

Description: Scrap metal located on the west side of the former power plant.



Photo 2

Facility Name: Tanners Creek Development, LLC

Photographer: Alan Minne

Date: October 10, 2018

Others Present: George Ritchotte (IDEM), Phil Guntle (IDEM), Russel Becker (Facility)

Description: Scrap metal, construction/demolition debris located on the west side of the former power plant.



Photo 3

Facility Name: Tanners Creek Development, LLC

Photographer: Alan Minne

Date: October 10, 2018

Others Present: George Ritchotte (IDEM), Phil Guntle (IDEM), Russel Becker (Facility)

Description: Demolition area of the old power plant.



Photo 4

Facility Name: Tanners Creek Development, LLC

Photographer: Alan Minne

Date: October 10, 2018

Others Present: George Ritchotte (IDEM), Phil Guntle (IDEM), Russel Becker (Facility)

Description: Demolition area of the old power plant.



Photo 5

Facility Name: Tanners Creek Development, LLC

Photographer: Alan Minne

Date: October 10, 2018

Others Present: George Ritchotte (IDEM), Phil Guntle (IDEM), Russel Becker (Facility)

Description: Scrap metal located on the north side of the former power plant.



Photo 6

Facility Name: Tanners Creek Development, LLC

Photographer: Alan Minne

Date: October 10, 2018

Others Present: George Ritchotte (IDEM), Phil Guntle (IDEM), Russel Becker (Facility)

Description: Demolition area of the old power plant.



Photo 7

Facility Name: Tanners Creek Development, LLC

Photographer: Alan Minne

Date: October 10, 2018

Others Present: George Ritchotte (IDEM), Phil Guntle (IDEM), Russel Becker (Facility)

Description: Coal combustion waste located on the east side of the former power plant.



Photo 8

Facility Name: Tanners Creek Development, LLC

Photographer: Alan Minne

Date: October 10, 2018

Others Present: George Ritchotte (IDEM), Phil Guntle (IDEM), Russel Becker (Facility)

Description: Coal combustion waste located on the east side of the former power plant.



Photo 9

Facility Name: Tanners Creek Development, LLC

Photographer: Alan Minne

Date: October 10, 2018

Others Present: George Ritchotte (IDEM), Phil Guntle (IDEM), Russel Becker (Facility)

Description: Coal combustion waste located on the east side of the former power plant.

**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

DISTRIBUTION: White – IDEM Public File; Canary – Office of Pollution Prevention and Technical Assistance [if OPPTA assistance is requested] or IDEM Representative (i.e., inspector) [if OPPTA assistance is not requested]; Pink – Owner/Agent Representative

Christie, Kae

From: Patrick Kennedy <pkennedy@enviroanalyticsgroup.com>
Sent: Thursday, October 18, 2018 2:39 PM
To: Christie, Kae
Cc: Amick, Mark; Finkelstein, Rebecca; Dan Dunn; Minne, Alan; AL-SALEEM, ZAIDOOON;
RITCHOTTE, GEORGE
Subject: RE: Tanners Creek Development

**** 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 the inspection report.

Thanks,

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: Thursday, October 18, 2018 1:16 PM
To: Patrick Kennedy <pkennedy@enviroanalyticsgroup.com>
Cc: Amick, Mark <MAMICK@idem.IN.gov>; Finkelstein, Rebecca <RFinkels@idem.IN.gov>; Dan Dunn <ddunn@enviroanalyticsgroup.com>; Minne, Alan <aminne@idem.IN.gov>; AL-SALEEM, ZAIDOOON <ZALSALEE@idem.IN.gov>; RITCHOTTE, GEORGE <GRITCHOT@idem.IN.gov>
Subject: Tanners Creek Development

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