

Memorandum

Date: February 9, 2005
To: File
From: Richard Gerard, BOL/FOS – Champaign Region *RG*
Subject: 183 813 0004 – Vermilion County
Oakwood/Porter
FOS

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On 2/9/05 the writer met in the Champaign Regional Office with Loren Polak, Director of Environmental Management for Bunge North America. The primary purpose of the meeting was to discuss what would have to be done at this site to meet the conditions of Section 3.135 (Coal Combustion By-product) once the hauling of flyash to the site has ceased. Mr. Polak stated that Bunge plans to grade the side slopes to 3:1 and cover the flyash with 12 inches of soil; he said the cost could be around \$300,000. I pointed out that other conditions also have to be met, as this was to be structural fill; a building was to be built on top of the fill; this was the primary purpose of filling in the ravine. The owner of the property, Mr. Porter, had originally stated he wanted the flyash as fill in order to build a nightclub on top of it with a parking area. Mr. Polak indicated that apparently Mr. Porter is reconsidering this idea. Mr. Polak indicated that Jack Salts (he is the person hauling the flyash) bought the north side of the ravine and is planning to build an equipment shed with associated drive going to the shed. I pointed out that if a suitable structure was not built on top of the fill, or if the structure only occupied a small percentage of the filled area, then the conditions of Section 3.135 would not have been met and the flyash would then be considered a waste that was open dumped, necessitating possible removal.

We discussed the area of the ravine (west end) that was filled to provide a land bridge to facilitate access to an agricultural field north of the ravine. I told Mr. Polak that this has been considered a legitimate use of the flyash as fill, but it would still have to be appropriately covered with 12 inches of soil or other suitable road surface cover to prevent infiltration of water.

The possibility of the ground water being affected by the flyash fill was also discussed. I mentioned that some private wells in the area were sampled 2-3 years ago, but did not readily recall that there was any indication that the flyash was affecting the water quality of the water in the wells.

I pointed out that if the conditions of Section 3.135 were not met or if it was ever demonstrated that the groundwater was affected by the flyash, all the responsible parties involved, Bunge, Jack Salts, and any property owners, would potentially have liability for bringing the site into compliance; and that the costs could be substantial.

cc: Champaign Region
Vermilion County Health Dept.

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