

FACT SHEET



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Indiana-Kentucky Electric Corporation Clifty Creek Station West Boiler Slag Pond Closure Plan, Phase I

Office of Land Quality – Permitting Branch

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www.idem.IN.gov

100 N. Senate Ave., Indianapolis, IN 46204

Introduction:

The West Boiler Slag Pond (WBSP) is a coal combustion residuals (CCR) surface impoundment located at Clifty Creek Station, 1335 Clifty Hollow Road, Madison, Jefferson County, Indiana. This surface impoundment is owned and operated by the Indiana-Kentucky Electric Corporation (IKEC). On February 13, 2020, IKEC submitted the first phase (Phase I) of the closure plan (VFC #[82914220](#)). Additional information to supplement this plan was received on July 1, 2020 (VFC #[83003672](#)), October 12, 2020 (VFC #[83057921](#)), and October 14, 2020 (VFC #[83057922](#)). This plan was determined to be complete on October 26, 2020 (VFC #[83062818](#)). This fact sheet contains information about the review process of the closure plan and additional documentation and opportunities for public participation.

Closure Plan Review Process:

Indiana utilities must submit closure plans for landfills and surface impoundments to the Indiana Department of Environmental Management (IDEM) for review and approval. All closure plans will be reviewed by IDEM to determine whether they meet state and, where applicable, federal requirements and are protective of human health and the environment. Requests for additional information and revised plans will be exchanged until IDEM deems the closure plan technically adequate and approves the plan. Otherwise IDEM will deny approval of the plan.

Indiana State Rules for Coal Ash:

IDEM's solid waste program regulates disposal of coal ash in restricted waste site (RWS) landfills under the rules in the Indiana Administrative Code (IAC) at 329 IAC 10. IDEM's solid waste program does not regulate coal ash surface impoundments that are subject to a National Pollutant Discharge Elimination System (NPDES) permit. The final disposal of solid waste in surface impoundments is subject to IDEM approval under 329 IAC 10-3-1(9).

Effective December 10, 2016, IDEM adopted by reference a portion of the U.S. Environmental Protection Agency (U.S. EPA) CCR regulation governing CCR surface impoundments (329 IAC 10-9-1(b) and (c)). Governor Eric J. Holcomb signed House Enrolled Act 1230 on February 23, 2017, which amended IC 13-19-3-3 to allow the Indiana Environmental Rules Board to adopt rules consistent with the federal CCR regulations. IDEM received U.S. EPA's approval of IDEM's amended *Solid Waste Management Plan* to address requirements of the CCR regulations on March 7, 2017.

Federal Regulations for Coal Combustion Residuals:

To address risks from disposal and discharge of coal ash, U.S. EPA established federal regulations for the disposal of CCR. On October 19, 2015, a new U.S. EPA regulation titled *Standards for the Disposal of Coal Combustion Residuals in Landfills and Surface Impoundments* became effective. These regulations apply to electric utilities and independent power producers that manage or dispose of CCR in landfills and surface impoundments after issuance of the regulations. Regulations governing CCR can be found in the Code of Federal Regulations (CFR) at 40 CFR 257, Subpart D. The CCR regulations were originally written to be "self-implementing" because U.S. EPA was not authorized under federal law to enforce the

program. This changed in 2016 with Congress's passage of the *Water Infrastructure Improvements for the Nation Act* (WIIN Act), which authorizes U.S. EPA or a state to implement a permit program to enforce CCR regulations.

Citizen's Role:

Public notices related to IDEM's review of surface impoundment closure plans, including public comment periods and final decisions, are available on IDEM's Public Notices webpage (www.idem.IN.gov/publicnotices). All final agency decisions are subject to appeal by the applicant or other affected parties. Details on how to file an appeal, and the timeframe within which an appeal must be filed, are included with all final decisions.

You can review the closure documents and related correspondence online at IDEM's Virtual File Cabinet (VFC) website using the following steps:

- Go to <http://vfc.idem.IN.gov/>, which is the VFC's Document Search page.
- Once there, click on the **Alternate Field** dropdown menu.
- Select **SW Program ID**.
- Enter the Solid Waste Program ID, **39-005**, in the **ID #** box to the right of the **Alternate Field** menu.
- Click the **I'm not a robot** checkbox and wait until a green checkmark appears.
- Click the **Search** button, which produces one or more links to the documents for this facility.
- To find and review the related documents, click the highlighted numbers in the **Doc #** column to view individual documents.
- Click on the **x out of y Pages** dropdown menu to view additional pages with document links.

A copy of the application is also available to view at the Madison-Jefferson County Public Library located at 420 West Main Street, Madison, Jefferson County, Indiana. However, due to the COVID-19 pandemic, the library may be closed or have limited access.

You can mail comments to Kate Garvey, the Solid Waste Permit manager assigned to this facility, at the following address:

Kate Garvey, Permit Manager
Indiana Department of Environmental Management
Office of Land Quality
Solid Waste Permits
IGCN 1101
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

You can also email your comments to KRGarve@idem.IN.gov. All comments are due by **Tuesday, January 26, 2021**. When IDEM makes a final decision about the closure plan, a Notice of Decision will be mailed to landowners within one mile of the facility and individuals who submitted comments or requested notification.

Facility Web Postings:

Utilities subject to CCR regulation are required to post documents and reports to a website they maintain. Examples of the documents and reports required to be posted include: structural integrity of existing surface impoundments, design criteria and location restriction demonstration, emergency action plan, updates to dust controls, run-on/run-off controls, closure and post-closure care, and annual groundwater monitoring and corrective action reports. Links to U.S. EPA and IDEM's websites are provided below, and links to facility-specific websites can be accessed through those webpages.

Additional Information:

- To receive email or text updates every time IDEM posts new information on its CCR webpage, subscribe to IDEM updates at www.idem.IN.gov/pages/subscribe. Provide an email address or phone number and check the box for Coal Combustion Residuals (CCR) in the drop-down menu under Land.
- U.S. EPA CCR website:
www.epa.gov/coalash
- CCR facility reports:
www.idem.IN.gov/landquality/2503.htm