



## Duke Energy Gallagher Generating Station Primary Pond Surface Impoundment Closure

### Coal Combustion Residual (CCR) Closure Plan

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#### **Background:**

- Gallagher Generating Station (Gallagher) is in New Albany, Floyd County, Indiana and is owned by Duke Energy Indiana, LLC. Gallagher generated electricity using coal-fired boilers, producing coal combustion residuals (CCR). Historically, CCR materials have been placed into on-site surface impoundments at the facility.
- On Dec. 21, 2016, the Indiana Department of Environmental Management (IDEM) received an application (Virtual File Cabinet [VFC] # [80398571](#)) concerning the closure/post-closure plan for the CCR surface impoundments (SW Program ID 22-UP-01) at Gallagher, including the Primary Pond.
- Primary Pond is approximately 10.1 acres and is part of the Ash Pond System (APS), which also encompasses the following ponds: North Ash Pond (39.9 acres), Primary Pond Ash Fill Area (7.5 acres), Ash Pond A (36 acres), Secondary Settling Pond (4.2 acres) and Coal Pile Ash Fill Area (11.1 acres).
- The closure/post-closure plan for Ash Pond B was approved in the Restricted Waste Site Type I (SW Program ID 22-01) minor modification dated Nov. 1, 2016 (VFC # [80374625](#)). North Ash Pond, Primary Pond Ash Fill Area, Ash Pond A, Secondary Settling Pond and Coal Pile Ash Fill Area closure/post-closure plans were approved on Dec. 10, 2019 (VFC # [82876969](#)).
- Additional details about the closure/post-closure plan may be found in the following documents in VFC: The application dated Dec. 21, 2016 (VFC # [80398571](#)) and additional information received on Aug. 15, 2018 (VFC # [82600863](#)), Sept. 27, 2018 (VFC # [82626852](#)), Feb. 15, 2019 (VFC # [82698641](#)), Nov. 6, 2019 (VFC # [82859876](#)), Feb. 28, 2020 (VFC # [82925817](#)) and June 5, 2020 (VFC # [82982447](#)).

#### **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 impoundment(s) is subject to IDEM approval under 329 IAC 10-3-1(9).
- Effective Dec. 10, 2016, IDEM adopted by reference a portion of the U.S. Environmental Protection Agency (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 Feb. 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 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, EPA established federal regulations for the disposal of CCR. On Oct. 19, 2015, a new 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 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 EPA or a state to implement a permit program to enforce CCR regulations.

## **IDEM’s Role**

- IDEM is responsible for protecting human health and the environment while providing for safe industrial, agricultural, commercial, and governmental operations vital to a prosperous economy.
- IDEM’s Office of Land Quality is responsible for reviewing closure plans for surface impoundments. Engineers and geologists evaluate design drawings and operating plans to ensure they meet or exceed the rule requirements before granting an approval or modifications to an approval.
- In addition to issuing approvals that comply with federal and state environmental regulations designed to protect public health and the environment, IDEM is also responsible for overseeing permitted activities and monitoring compliance at permitted facilities.
- IDEM will ensure all submitted materials related to the surface impoundment closure plan are publicly available through IDEM’s VFC.

## **Citizen’s Role**

- You can review the application and related correspondence online at IDEM’s Virtual File Cabinet (VFC) web site 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 SW Program ID, **22-UP-01** 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 permit decision, 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
- Comments may be addressed to Lindsey Hummel, the Solid Waste Permit Manager assigned to this facility, at the following address:

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

Comments may also be submitted by email to Lindsey Hummel at [LHummel@idem.IN.gov](mailto:LHummel@idem.IN.gov).

- All comments are due by **July 10, 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, individuals who submitted comments with a return address, or individuals who requested notification.

**Facility Web Postings:**

- Utilities subject to federal 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 EPA's and IDEM's websites are provided below and links to facility-specific websites can be accessed through those webpages.

**Additional Information**

- You can direct questions to Lindsey Hummel at 317-232-7833 or [LHummel@idem.in.gov](mailto:LHummel@idem.in.gov).
- For more information about activities managed through the IDEM Solid Waste Permits Section, please visit IDEM's website at [www.idem.IN.gov/landquality/2355.htm](http://www.idem.IN.gov/landquality/2355.htm).
- 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](http://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.
- EPA CCR website: [www.epa.gov/coalash](http://www.epa.gov/coalash).
- CCR facility reports: [www.idem.IN.gov/landquality/2503.htm](http://www.idem.IN.gov/landquality/2503.htm).