

FACT SHEET



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Northern Indiana Public Service Company

Bailly Generating Station

Coal Combustion Residual (CCR) Closure Plan
Office of Land Quality

317-232-8603 • 800-451-6027

www.idem.IN.gov

100 N. Senate Ave., Indianapolis, IN 46204

Background:

- The Bailly Generating Station is owned by Northern Indiana Public Service Company, LLC (NIPSCO). The generating station is located at the southern shore of Lake Michigan on approximately 350 acres near Chesterton, Ind. The address is 246 Bailly Station Road, Chesterton, IN 46304.
- Until 2018, the facility operated two coal-fired electric generating units. Coal Combustion Residual (CCR) material including wet bottom ash and other waste streams generated at the plant were placed into four on-site surface impoundments for treatment. These impoundments include the Boiler Slag Pond, Primary Settling Pond #1, Primary Settling Pond #2, and Secondary Settling Pond #1.
- On Feb. 4, 2021, NIPSCO submitted documents concerning the closure plan for four onsite CCR surface impoundments encompassing 16.5 acres in total. NIPSCO is proposing the excavation of the CCR materials to the impoundment limits and the impoundment liner components underneath including furnace slag, sand, geomembrane and one foot of clay soil. The excavated areas will be backfilled with offsite soil and topsoil to create a minimum two feet of final cover and promote storm water runoff. The removed materials will be landfilled at NIPSCO's Schahfer Generating Station restricted waste site (RWS) 1 Landfill. Additional details about the closure plan may be found in the following documents in IDEM's Virtual File Cabinet (VFC): The application dated Feb. 3, 2021 (VFC#[83109596](#)) and additional information dated June 16, 2021 (VFC #[83172425](#)), April 7, 2022 (VFC #[83302414](#)), Dec. 28, 2022 (VFC #[83410424](#)), June 30, 2023 (VFC#[83509468](#)), Sept. 19, 2023 (VFC#[83534042](#)) and Sept. 27, 2023 (VFC #[83538665](#)).
- NIPSCO will host a virtual public meeting on Monday, October 30, 2023. The presentation will begin at 5:30 pm CST (6:30 pm ET), and open for questions after the presentation. The virtual meeting log-in information will be found at NIPSCO.COM/ENVIRONMENT twenty-four hours prior to the meeting start. Advanced questions can be emailed to: NIPSCO_Environmental@nisource.com

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 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 the agency'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:
 1. Go to <https://www.in.gov/idem/legal/public-records/virtual-file-cabinet>, which is VFC's "Document Search" page.
 2. Once there, click on the **Virtual File Cabinet** in the blue box.
 3. Select the **Quick Search** dropdown arrow on the upper right of the screen.
 4. Select **SW Program ID (Solid Waste)**.
 5. Enter the SW Program ID, **64-014**, in the box to the right of the Quick Search box.
 6. Click the **Search** arrow button, which will create a list of links relevant for this facility.
 7. The date in the Document Date column will match the document date noted in this letter. Click the highlighted numbers in the **Content Id** column to view individual documents.
 8. Click on the **Dropdown menu (Page x of y)** or the green navigation arrows on either side of the box to open additional pages containing additional documents.
- Comments may be addressed to Adam Weinzapfel, the Solid Waste Permit Manager assigned to this facility, by email at AWeinzap@idem.in.gov or by mail at the following address:

**Adam Weinzapfel, Permit Manager
Indiana Department of Environmental Management
Office of Land Quality
Solid Waste Permits
IGCN 1101
100 North Senate Avenue**

Indianapolis, IN 46204-2251

- All comments are due by **November 29, 2023**.
- 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, and 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 Adam Weinzapfel at 317-232-7612 or AWeinzap@idem.IN.gov.
- For more information about activities managed through the IDEM Solid Waste Permits Section, please visit IDEM's website at 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 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: epa.gov/coalash.
- CCR facility reports: <https://www.in.gov/idem/waste/resources/permits-registrations-approvals-and-closures/coal-combustion-residuals/>