

NOTICE OF DECISION

The Indiana Department of Environmental Management (IDEM) has issued a solid waste minor modification for the Gibson Generating Station South Ash Basin System (SABS) CCR Ash Pond (SW Program ID 26-UP-12) at 1097 N 950 W, Owensville, Gibson County. This allows the permittee, Duke Energy Indiana, LLC, to adjust the closure acreage of the SABS and revise the final cover design. Documents related to this decision can be found in IDEM's Virtual File Cabinet (VFC) <http://vfc.idem.in.gov/>. Select the "Solid Waste Program ID" in the "Quick Search" field (in the upper right-hand corner of the page) then enter 26-UP-12. Contact information can be located at <https://www.in.gov/idem/waste/contact/>.

APPEAL PROCEDURES

If you wish to challenge this permit, you must file a Petition for Administrative Review with the Indiana Office of Administrative Law Proceedings (OALP) and serve a copy of the petition upon IDEM. The requirements for filing a Petition for Administrative Review are found in IC 4-21.5-3-7, IC 13-15-6-1 and 41 IAC 2-2-1. A summary of the requirements of these laws is provided below.

A Petition for Administrative Review must be filed with the Indiana Office of Administrative Law Proceedings (OALP) within fifteen (15) days of the issuance of this notice (eighteen (18) days if you received this notice by U.S. Mail), and a copy must be served upon IDEM. Addresses are:

Director
Office of Administrative Law Proceedings
Indiana Government Center North
100 North Senate Avenue, Room N802
Indianapolis, Indiana 46204

Commissioner
Indiana Dept. of Environmental Management
Indiana Government Center North
100 North Senate Avenue, Room 1301
Indianapolis, Indiana 46204

The petition must contain the following information:

1. The name, address and telephone number of each petitioner.
2. A description of each petitioner's interest in the permit.
3. A statement of facts demonstrating that each petitioner is:
 - a) a person to whom the order is directed;
 - b) aggrieved or adversely affected by the permit; or,
 - c) entitled to administrative review under any law.
4. The reasons for the request for administrative review.
5. The particular legal issues proposed for review.
6. The alleged environmental concerns or technical deficiencies of the permit.
7. The permit terms and conditions that the petitioner believes would be appropriate and would comply with the law.
8. The identity of any persons represented by the petitioner.
9. The identity of the person against whom administrative review is sought.
10. A copy of the permit that is the basis of the petition.
11. A statement identifying petitioner's attorney or other representative, if any.

Failure to meet the requirements of the law with respect to a Petition for Administrative Review may result in a waiver of your right to seek administrative review of the permit. Examples are:

1. Failure to file a Petition by the applicable deadline;
2. Failure to serve a copy of the Petition upon IDEM when it is filed; or,
3. Failure to include the information required by law.

If you seek to have this permit stayed during the administrative review, you may need to file a Petition for a Stay of Effectiveness. The specific requirements for such a Petition can be found in 41 IAC 2-2-1 and 41 IAC 2-2-3.

Pursuant to IC 4-21.5-3-17, OALP will provide all parties with notice of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action. If you are entitled to notice under IC 4-21.5-3-5(b) and would like to obtain notices of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action without intervening in the proceeding you must submit a written request to OALP at the address above.

For additional information on filing a petition with OALP, visit their website at <https://www.in.gov/oalp/>.