



Office of Land Quality

Coal Combustion Residuals State Permit Program

August 13, 2026

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Agenda

Coal Combustion Residuals State Permit Program

- History of CCR Regulations and Current Efforts (Lindsey Hummel)
- Program Framework (Thomas Kreke)
- Financial Details (Brian Wolff)

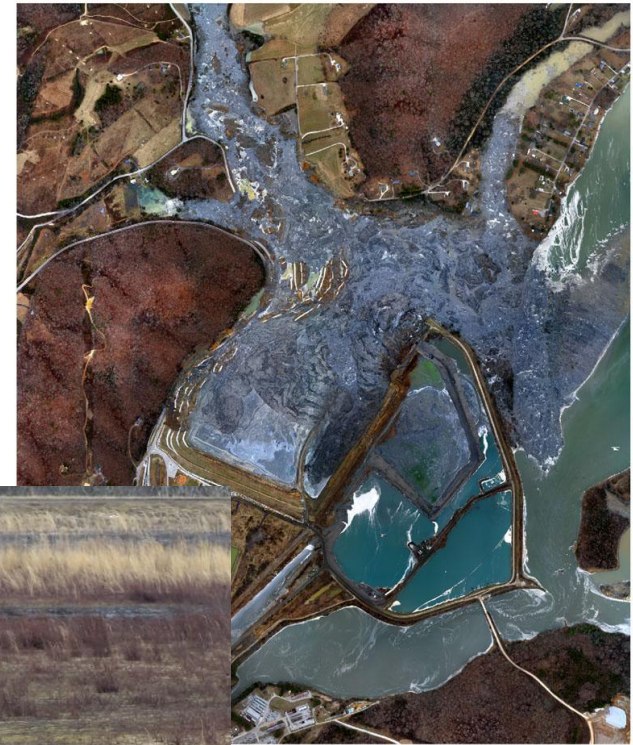
Federal CCR Regulations

- Two historic releases of coal ash from ash ponds [TN Valley Authority, 2008 and Duke Energy Dan River, 2014]
- First EPA regulations in 2015, with additional changes made in 2024 to add Legacy CCR units

Coal Combustion Residuals (CCR):

fly ash, bottom ash, boiler slag, and flue gas desulfurization materials generated from burning coal for the purpose of generating electricity by electric utilities and independent power producers.

Aerial Image Of Kingston Ash Slide 12/23/08



Kingston, TN



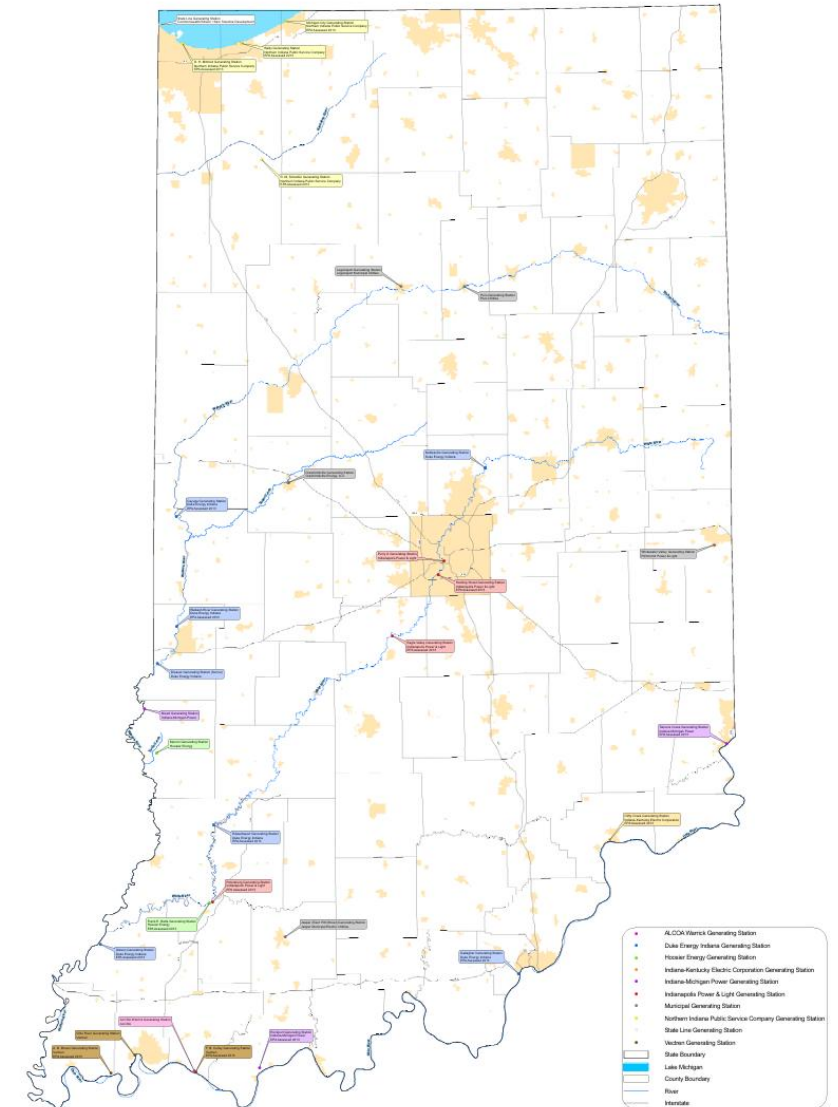
Eden, NC

Indiana's Current CCR Universe

- 9 utility companies
- 22 former & current generating stations
- ~5,000 acres
 - 13 CCR Landfills
 - 64 CCR impoundments
 - 18 CCR Management Units

These values may vary slightly with additional information.
A few remaining areas need confirmation or are not subject to closure requirements under Rule 14, but are subject to other state closure requirements.

Current and Former Coal-Fired Electric Generating Stations in Indiana



History and Background of CCR Regulations

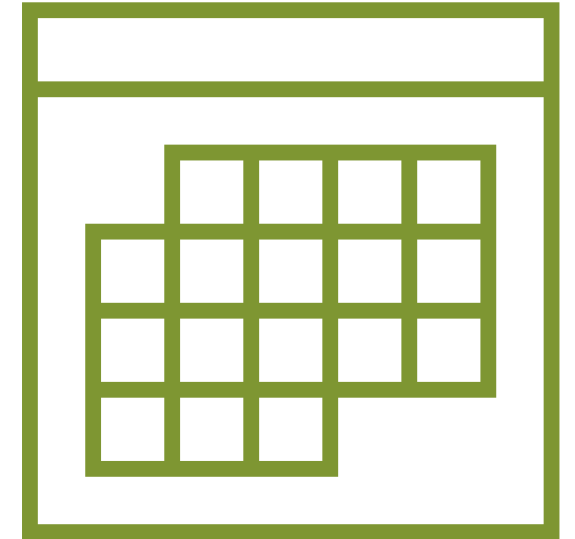
History of Indiana Regulations:

- 2016: ERB adopts emergency rule incorporating CCR surface impoundment requirements into 329 IAC 10 which became permanent later that year
- 2017: EPA approves IDEM's Solid Waste Management Plan Amendment which established IDEM's plans to modify and expand regulations to address requirements of the federal CCR Rule (40 CFR 257, Subpart D)
 - Interim rulemaking efforts to regulate surface impoundment closures prior to authorization approval. CCR landfills remained under RWS requirements.
 - Also stated IDEM's intent to seek authorization to implement a permit program
- 2021-2024: Rulemaking Phase. Preliminary adoption by ERB in December 2024
- 2025: Final Adoption by ERB on December 18

Path to EPA Approval of State Permit Program

Approximate Timeline

- ✓ **December 18, 2025: ERB adopts 329 IAC 14**
- ✓ **June 2026: IDEM submits application to EPA**
- ❑ **EPA Review Process**
 - ❑ EPA initial review for adequacy: ~ 2-3 months
 - ❑ “Completeness Letter” and Proposal to Federal Register initiates 180-day decision timeline
 - Includes a 60-day public comment period
- ❑ **February/March 2027: Very earliest potential EPA approval**



Current Efforts

Permitting Program Preparation

- Confirming functional program structure
- Database and tracking integrations
- Stakeholder Engagement
- Program-Specific State Application Forms
- Permit Templates to use in decision-making
- Internal & External Guidance Documents
- Website Updates



Post-EPA Approval: Effective Program

- CCR units must be permitted under the new program
 - Submit applications within 180 days after state program is effective
 - IDEM staff review for alignment with state & federal requirements, communicate deficiencies
 - Public participation processes (public comment, meetings, hearings)
- Sites with previous IDEM approvals that also fall under the new program will need to apply and be re-evaluated to ensure compliance with the CCR permit program
- IDEM will have permitting timeframes that mirror solid waste landfill permit reviews

Program Framework

We will be forming a new section within the Permits Branch to unify CCR staff with staff currently handling other similar functions.

Program Framework

CCR Program – Code and Rule Demands

Resources will be needed to successfully implement the program as required by Indiana code **IC 13-15-4-1** and **329 IAC 14**:

329 IAC 14-2-3(a)

The commissioner shall approve or deny an application filed with department within the following number of days:

*(1) **Three hundred sixty-five (365)** days for a new CCR unit or a major modification.*

*(2) **One hundred eighty (180)** days for a minor modification.*

Program Framework

CCR Program Management Requirements

Geology – Groundwater

- Monitoring systems
- Groundwater remedies

Permitting – Permit management

- Project coordination
- Permit writing

Engineering – Design criteria

- Liners
- Leachate collection
- Structural integrity

These program needs will require additional geologists, engineers, permit managers and management.

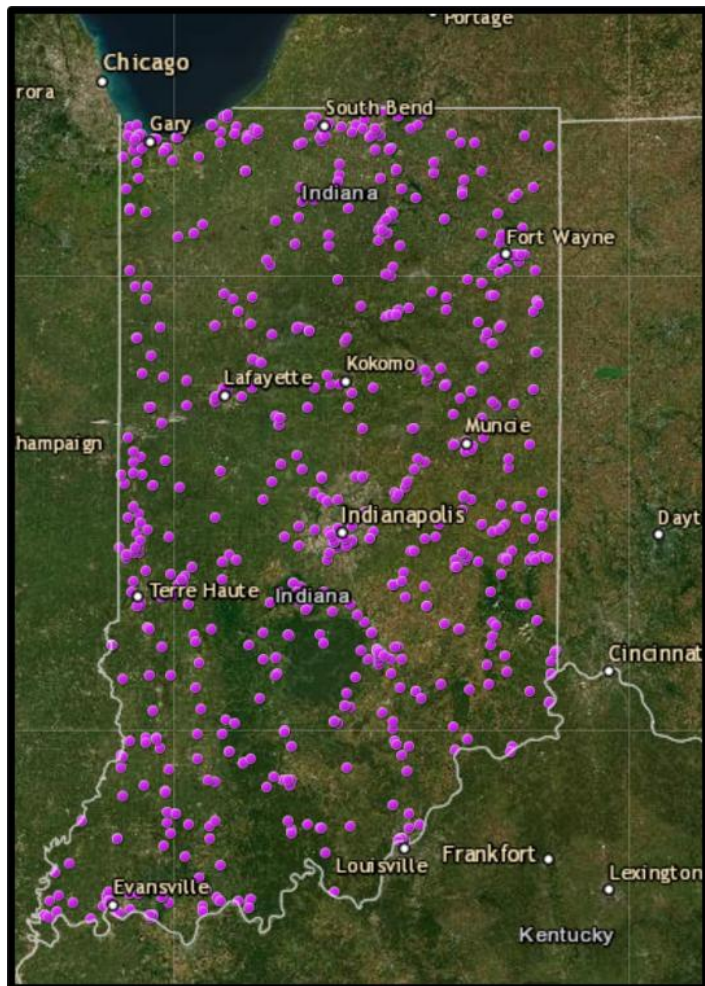
Program Framework

Current Resource Challenges

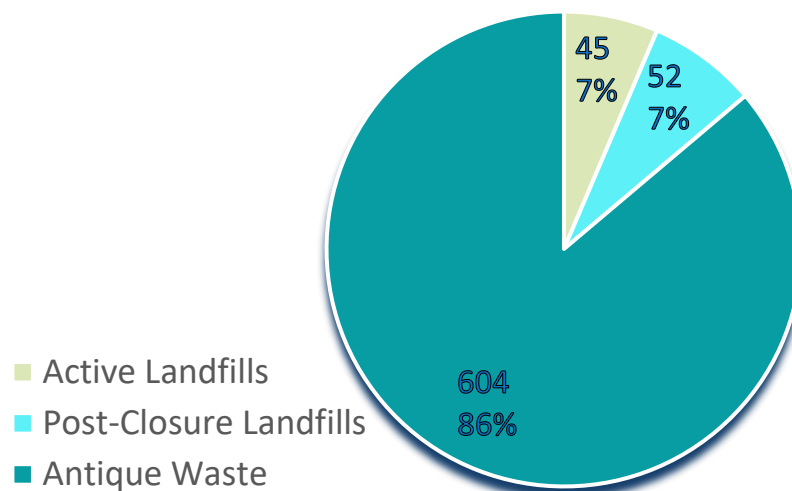
- Existing CCR staff already manage multiple other permitting and registration programs.
- Attempting to manage CCR reviews without additional support has led to turnaround time delays and strain on existing program areas.
- Without additional staff, IDEM is unlikely to consistently meet the 365-day issuance requirement in 329 IAC 14.

Program Framework

Antique Landfills



Solid Waste Universe Numbers
How many are there?



Program Framework

Antique Landfills

Program authority in
329 IAC 10-4

Ben Marrs Dump -> Origin Park



Indiana Avenue Landfill
Elkhart

Greenfield Dump -> Greenfield WWTP



Program Framework

Impoundment and Open Dump Closures

Surface impoundment closure
authority in **329 IAC 10-3-1(9)**

Clean closure or long-term
monitoring

Majority in the program receive
clean closure



Program Framework

'The Rest'

Financial Assurance
Good Character
Needs Determination

Specialized functions required by multiple rules throughout the branch, but coverage is dispersed into silos.

Remediation Engineering
Landfill Final Closure
Solid Waste Post Closure

Require resources but not directly related to issuance of permits.

Program Framework

Additional Staff

The new Solid Waste Cleanup and Management Section will request up to:

- 4 engineers
- 4 geologists
- 4 permit managers
- 1 section chief

These staffing levels are based on current processing rates per FTE and experience reviewing CCR closure plans and RWS approvals, combined with the new turnaround time requirements.

Program Framework

Where to put the additional staff?

Current sections in the Permits Branch have ten or more staff members:

Engineering	17
Geology	12
Hazardous Waste	11
Solid Waste	10

Two concerns:

- Adding these positions to existing sections would worsen approval bottlenecks
- Creating a new section with only CCR focused staff would be too small to operate effectively long term and provide for succession planning.

Program Framework

Staffing Considerations and Key Takeaways

- New section will focus on CCR, and other tasks currently performed elsewhere in the branch.
- Primary focus on adding new staff funded by new permit fees and grant funding, some staff will move from other sections.
- Timing: Exact timeline is in development, with a goal of starting staffing as soon as HR grants final approval.

State Technical Assistant Grant (STAG)- Funding

- STAG Funding
 - 2023 1st round - \$308,824
 - 2024 2nd round - \$262,572
 - 2025 3rd round - \$498,083
- Starting balance - \$1,069,479
- Current Balance - \$1,034,377
- Allowable uses of funds
 - Before program primacy
 - Rule Development – staff time
 - Application – staff time
 - Training
 - After Primacy
 - Staff time + Fringe
 - Training
 - Equipment & other start up costs

Positions and Costs

- Total Personnel Costs: \$1,340,418
 - Inspectors: \$203,455
 - Engineers: \$368,472
 - Geologists: \$335,619
 - Environmental Managers: \$304,507
 - Section Chief: \$128,365
- Other Costs
 - Equipment
 - Training Needs
 - Conferences

Revenue

- Permit fees
 - 77 units applicable
 - \$1,578,500 – \$1,832,000 one-time fee collected
- Annual Fees
 - \$20,500 - Active units
 - \$10,000 - Post-Closure
- Landfill Fee
 - \$41,250 – Active landfill
 - \$10,000 – Post-Closure

Remaining Issues/Questions - Fees

- Raising or Lowering fees mechanism
 - Scheduled for 2027
- No fee for Modifications or Renewals
 - Expected that closure plans and monitoring will change during post closure
 - IDEM will need to review and approve changes to the permit
- Legacy Rule
 - Inactive impoundments at inactive facilities were exempted in original CCR rule.
 - Targets older surface impoundments and CCR disposal areas
 - Requires comprehensive groundwater monitoring, cleanup, closure, and post closure care for CCR Management Units (CCRMU's)

Questions?