Message

From: Mcclure, Amy [AMcclure@idem.IN.gov]
Sent: 10/23/2020 8:32:13 PM
To: Vescovi, Susan [vescovi.susan@epa.gov]; Daniela Klesmith [dklesmit@idem.in.gov]
CC: Hillyer, Kirsten [hillyer.kirsten@epa.gov]; Mooney, Susan [mooney.susan@epa.gov]; WEBB, COREY [CWEBB@idem.IN.gov]; Thill, Stephen D [SThill@idem.IN.gov]
Subject: RE: Submission of Demonstration for a Site-specific Alternative to Initiation of Closure Deadline for the Indiana-Kentucky Electric Corporation's Clifty Creek Station

Susan,

Thank you for your email. We have received a similar demonstration from IKEC which is currently under review. As you may recall, 40 CFR 257 was incorporated into our solid waste rule without (prior to) 257.103(f)(1) and (f)(2), therefore our timeframes slightly vary from those of EPA. We hope to have any comments on deficiencies for IKEC by the end of next week.

Have a great weekend!

Thank you,

Amy

From: Vescovi, Susan <vescovi.susan@epa.gov>
Sent: Friday, October 16, 2020 10:47 AM
To: KLESMITH, DANIELA <DKLESMIT@idem.IN.gov>; Mcclure, Amy <AMcclure@idem.IN.gov>
Cc: Hillyer, Kirsten <hillyer.kirsten@epa.gov>; Mooney, Susan <mooney.susan@epa.gov>
Subject: Submission of Demonstration for a Site-specific Alternative to Initiation of Closure Deadline for the Indiana-Kentucky Electric Corporation's Clifty Creek Station

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Hi IDEM CCR team,

As you may know, on July 29, 2020, the Administrator signed a final rule revision of the CCR regulations. Among other things, the final rule establishes new alternative closure provisions at Sections 257.103(f)(1) and (f)(2) for a facility that cannot cease receipt of waste by April 11, 2021. On August 28, 2020, the final rule was published in the *Federal Register* (85 FR 53516).

On October 15th, 2020, EPA received a demonstration from the Indiana-Kentucky Electric Corporation for the use of 257.103(f)(1) for Clifty Creek Station. EPA is currently evaluating the demonstration for completeness. Once EPA completes this review, the facility will be notified that their demonstration is either complete or incomplete.

If the demonstration is found to be incomplete, the facility will receive a letter/email describing the deficiencies of the demonstration. They will be allowed to correct the demonstration and submit a new demonstration by November 30, 2020.

If the demonstration is found to be complete, the deadline to cease receipt of waste will be tolled until EPA reaches a final decision on the demonstration. EPA will propose a decision on the demonstration and will provide a 15 to 30-day public comment period. EPA encourages the state to review the demonstration and provide comments during this time. After EPA addresses any significant comments, EPA will issue a final determination.

EPA is maintaining a table of all submitted demonstrations and the current review status of the demonstrations at https://www.epa.gov/coalash/ccr-part-implementation.

If you have any questions or concerns, please contact me or Kristen Hillyer at hillyer.kirsten@epa.gov.

Sincerely,

Susan Vescovi
RCRA C&D Section
Land and Chemicals Branch
Land, Chemicals and Redevelopment Division
US EPA Region 5
312-353-2478