NOTICE OF DECISION

Indiana Department of Environmental Management

Please be advised that the Indiana Department of Environmental Management (IDEM), Office of Land Quality, has issued a solid waste facility Permit Renewal and Minor Modification for the Gibson Station RWS I South Landfill, which is located at Gibson Generating Station property, Gibson County, Indiana. This permit allows Duke Energy Indiana, Inc., to modify the leachate collection drainage layer, include temporary sediment traps inside the solid waste boundary, revise the perimeter ditch design, modify the synthetic gypsum Management Plan, temporarily store waste generated by the DEI Edwardsport facility and to update the facility design to comply with current rules and allows operations to continue at the facility. A copy of this permit is available for review at the Owensville Carnegie Public Library located at 110 South Main Street, Owensville, Indiana.

If anyone wishes to challenge this decision, IC 13-15-6-1 and IC 4-21.5-3-7 require that they file a petition for administrative review not later than fifteen (15) days after being served with this notice. Under IC 13-15-6-7(c) you are considered to be served with this notice when you are personally served with the notice or three (3) days after the notice is deposited in the United States mail and addressed to you, whichever occurs first. Your petition describing your intent to challenge the IDEM decision must be submitted to the Office of Environmental Adjudication (OEA), Indiana Government Center North, Room N501, 100 North Senate Avenue, Indianapolis, Indiana 46204-2200.

Your filing of a petition for administrative review is complete on the earliest of the following dates that apply to the filing: (1) The date the document is delivered to the OEA, (2) The date of the postmark on the envelope containing the document, if the document is mailed to OEA by U.S. mail, or (3) The date on which the document is deposited with a private carrier, as shown by the receipt issued by the carrier, if the document is sent to the OEA by private carrier. This petition must include facts demonstrating that the petitioner is the applicant, a person aggrieved by the decision, or a person entitled to review by law. In order to assist the permit staff in tracking appeals, we request that you submit a copy of your petition to Kelly Hall, Indiana Department of Environmental Management, Office of Land Quality, Solid Waste Permits Section, 100 North Senate Avenue-Rm. 1154, Indianapolis, Indiana 46204-2251. Identifying the permit decision, or other order for which you seek review by permit number, name of the application, location, or date of this notice will expedite review of the petition.

Additionally, IC 13-15-6-2 requires that such petition for administrative review include: (1) The name and address of the person making the request, (2) The interest of the person making the request, (3) Identification of any persons represented by the person making the request, (4) The reasons, with particularity, for the request, (5) The issues, with particularity, proposed for consideration at the hearing, and (6) The permit terms and conditions which, in the judgment of the person making the request, would be appropriate.

Pursuant to IC 4-21.5-3-5(d), the OEA will provide the petitioner or any person requesting notice with notice of prehearing conferences, preliminary hearings, hearing stays, or orders disposing of the petition for review if a written request for such notice is submitted to the OEA at the above address. If you have procedural or scheduling questions regarding your petition, you may contact OEA by dialing (800) 451-6027, press 0 and ask for extension 2-8591 or dial (317) 232-8591. Questions regarding other aspects of the permit decision should be directed to Kelly Hall at (800) 451-6027, press 0 and ask for Kelly Hall or extension 3-0449, or call direct at (317) 233-0449.

Please bring this matter to the attention of persons you believe may have an interest in it.

Newspaper NOD