



## INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

100 N. Senate Avenue • Indianapolis, IN 46204  
(800) 451-6027 • (317) 232-8603 • Fax (317) 233-6647 • [www.idem.IN.gov](http://www.idem.IN.gov)

Mike Braun  
Governor

Clint Woods  
Commissioner

August 27, 2025

**VIA EMAIL** [lawplib@lpd.lib.in.us](mailto:lawplib@lpd.lib.in.us)

Lawrenceburg Public Library  
150 Mary Street  
Lawrenceburg, Indiana 47205

Re: Documents for Public View

Dear Sir/Madam:

A copy of a permit decision for the Tanners Creek Fly Ash Pond is attached. Also attached is a copy of the public notice announcing this permit decision and indicating the documents' availability at your library. This public notice will soon appear in a local newspaper, and on the IDEM Public Notice website at: <https://www.in.gov/idem/public-notices/>. Please make these documents available to the public for the next 20 days since this permit can be appealed.

Please date and sign the enclosed verification of receipt form and email it to [HFord@idem.IN.gov](mailto:HFord@idem.IN.gov) with a description of how and when the document was made available to the public for review.

If you have any questions, please contact Hannah Ford at (317) 232-5657 or at [HFord@idem.IN.gov](mailto:HFord@idem.IN.gov).

Sincerely,

Hannah Ford  
Solid Waste Permits Section  
Office of Land Quality

Enclosures: Notice of Decision  
Permit Letter  
Verification of Receipt Form

cc with enclosures: Russ Becker, EnviroAnalytics Group, LLC  
[rbecker@enviroanalyticsgroup.com](mailto:rbecker@enviroanalyticsgroup.com)

Visit [on.IN.gov/survey](https://on.IN.gov/survey) or scan the QR code to provide feedback.

*We appreciate your input!*

Letterhead INDY Temp-01.2025



James Calenda, EnviroAnalytics Group, LLC  
[jcalenda@enviroanalyticsgroup.com](mailto:jcalenda@enviroanalyticsgroup.com)  
Dearborn County Health Department  
Dearborn County Commissioners  
Dearborn County Solid Waste Management District  
Mayor, City of Lawrenceburg  
Brent Miller, GTI Companies, [bmiller@cticompanies.com](mailto:bmiller@cticompanies.com)  
Mayor, City of Aurora  
Randy Turner, City of Aurora Utilities, [waterman310@hotmail.com](mailto:waterman310@hotmail.com)  
James Carr, Hyrdophase, Inc, [jcarrhydro@sbcglobal.net](mailto:jcarrhydro@sbcglobal.net)  
Hershell Gossett, Lawrenceburg, Manchester, Sparta Townships  
Conservancy District [lmswater@yahoo.com](mailto:lmswater@yahoo.com)



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Mike Braun  
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August 27, 2025

**VIA EMAIL** [mroberts@cdcco.com](mailto:mroberts@cdcco.com)

Tanners Creek Development LLC  
Attn: Mr. Michael Roberts  
Manager  
1515 Des Peres Road, Suite 300  
St. Louis, Missouri 63131

Re: Closure/Post-Closure Plan Approval  
Minor Modification Cover Soil Thickness Reduction  
Tanners Creek Generating Station Fly Ash Pond  
SW Program ID 15-UP-04  
Dearborn County

Dear Mr. Roberts:

The minor modification Cover Soil Thickness Reduction Plan (Plan) submitted by S&ME on behalf of Tanners Creek Development LLC (Tanners Creek) for the Tanners Creek Generating Station Fly Ash Pond (FAP) dated January 10, 2025 (VFC # [83772728](#)) is approved. The Plan proposes to modify the FAP Closure/Post-Closure Plan by reducing the protective soil layer thickness in the final cover system from 30-inches to 24-inches. This approval is subject to the terms of this approval, the closure and post-closure plans referenced in this document, and the enclosed requirements.

This approval allows the reduction in the thickness of the final cover protective soil layer from 30-inches to 24-inches.

Public records for your facility are available in IDEM's Virtual File Cabinet (VFC) on the IDEM website. You may directly view the VFC files referenced in this approval by clicking on their [hyperlinked](#) VFC numbers. You may also view the referenced VFC documents, along with other documents related to this facility, by going to <http://vfc.idem.in.gov/>, and searching on the facility's SW Program ID. Documents related to this approval include the Approval of Closure/Post-Closure Plan dated April 23, 2020 (VFC # [83787255](#)), Approval of Revised Closure/Post-Closure Costs dated November 3, 2022 (VFC # [83388109](#)), and Cover Soil Thickness Reduction – Fly Ash Pond Closure dated January 10, 2025 (VFC # [83772728](#)). **Note:** all document page numbers cited in this registration are the page numbers of the PDF file referenced in VFC, not the original numbering of the document.

Visit [on.IN.gov/survey](https://on.IN.gov/survey) or scan the QR code to provide feedback.

*We appreciate your input!*



You can review the Indiana Code (IC) and the Indiana Administrative Code (IAC) references in this document at [iga.IN.gov](http://iga.IN.gov). IC references are under the "Laws" link; IAC references are under the "Publications" link.

This approval does not: convey any property rights of any sort or any exclusive privileges; authorize any injury to any person or private property or invasion of other private rights or any infringement of federal, state, or local laws or regulations; or preempt any duty to comply with other state or local requirements (329 IAC 10-13-4(a)).

If you wish to appeal this decision you must file a request for administrative review with the Office of Administrative Law Proceedings within the following timeframes:

1. If you received this notice by email, you must file the request within 15 days of the date IDEM sent the email.
2. If you received this notice by U.S. mail, you must file the request within 18 days of the notice postmark date (15 days from the date IDEM mailed the notice, plus three days for mailing time).

The enclosed Guide to the Appeals Process notifies you of additional important details regarding the appeal process and your rights and responsibilities for filing an adequate and timely appeal.

If you have any questions, please contact Hannah Ford the permit manager assigned this facility, at (317) 232-5657 or [HFord@idem.IN.gov](mailto:HFord@idem.IN.gov).

Sincerely,



Thomas Kreke, Chief  
Permits Branch  
Office of Land Quality

Enclosure: Requirements

cc with enclosures: Russ Becker, EnviroAnalytics Group, LLC  
[rbecker@enviroanalyticsgroup.com](mailto:rbecker@enviroanalyticsgroup.com)  
James Calenda, EnviroAnalytics Group, LLC  
[jcalenda@enviroanalyticsgroup.com](mailto:jcalenda@enviroanalyticsgroup.com)  
Dearborn County Health Department  
Dearborn County Commissioners  
Dearborn County Solid Waste Management District  
Mayor, City of Lawrenceburg  
Brent Miller, GTI Companies, [bmiller@cticompanies.com](mailto:bmiller@cticompanies.com)  
Mayor, City of Aurora  
Randy Turner, City of Aurora Utilities, [waterman310@hotmail.com](mailto:waterman310@hotmail.com)  
James Carr, Hyrdophase, Inc., [jcarrhydro@sbcglobal.net](mailto:jcarrhydro@sbcglobal.net)  
Hershell Gossett, Lawrenceburg, Manchester, Sparta Townships  
Conservancy District [lmswater@yahoo.com](mailto:lmswater@yahoo.com)

## NOTICE OF DECISION

The Indiana Department of Environmental Management (IDEM) issued a decision regarding a minor modification for the Tanners Creek Fly Ash Pond (SW Program ID 15-UP-04) at Shurlite Drive Lawrenceburg, IN 47025 in Dearborn County. This allows the permittee, Tanners Creek Development LLC, to reduce the previously approved cover soil thickness from 30 inches to 24 inches. Documents related to this decision can be found in IDEM's Virtual File Cabinet (VFC) <http://vfc.idem.in.gov/> by selecting the "Solid Waste Program ID" in the "Quick Search" field (in the upper right-hand corner of the page) then enter 15-UP-04. A copy of the permit decision has also been mailed to the Lawrenceburg Public Library, 150 Mary Street, Lawrenceburg, 47205

If you need assistance accessing the permit, please contact the Solid Waste Permits Section at (317) 232-4473 or toll free within Indiana at (800) 451-6027, or send an e-mail to [OLQ@idem.IN.gov](mailto:OLQ@idem.IN.gov) with the permit information in the subject line.

## APPEAL PROCEDURES

If you wish to challenge this decision, IC 13-15-6-1 and IC 4-21.5-3-7 require that you file a Petition for Administrative Review. If you seek to have the effectiveness of the permit stayed during the Administrative Review, you must also file a Petition for Stay. The Petition(s) must be submitted to the Indiana Office of Administrative Law Proceedings (OALP) at the address below within 15 days of this Notice (18 days if you received this notice by U.S. Mail):

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

The Petition(s) must include facts demonstrating that you are either the applicant, a person aggrieved or adversely affected by the decision, or otherwise entitled to review by law. Identifying the permit, decision, or other order for which you seek review by permit number, name of the applicant, location, or date of this notice will expedite review of the petition. Additionally, IC 13-15-6-2 and 315 IAC 1-3-2 require that your Petition include:

1. the name, address, and telephone number 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, for the request;
6. identification of the terms and conditions which, in the judgment of the person making the request, would be appropriate in the case in question to satisfy the requirements of the law governing documents of the type granted or denied by the Commissioner's action; and
7. a copy of the pertinent portions of the permit, decision, or other order for which you seek review, at a minimum, the portion of the Commissioner's action that identifies the person to whom the action is directed and the identification number of the action.

Pursuant to IC 4-21.5-3-1(f), any document serving as a petition for review or review and stay must be filed with the OALP within the deadline above. Filing of such a document is complete on the date that the petition is:

1. delivered in-person to the OALP;
2. postmarked on the envelope containing the petition, if the petition is mailed to the OALP by United States mail; or
3. deposited with a private carrier, as shown by a receipt issued by the carrier, if the petition is sent to the OALP by private carrier.
4. submitted using OALP's online petition form, available at [IN.gov/oalp](http://IN.gov/oalp).

In order to assist permit staff in tracking any appeals of the decision, please provide a copy of your petition to Hannah Ford, IDEM, Solid Waste Permits, IGCN 1154, 100 North Senate Ave., Indianapolis, IN 46204-2251.

The OALP will provide you with notice of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders regarding this decision if you submit a written request to the OALP. If you do not provide a written request to the OALP, you will no longer be notified of any proceedings pertaining to this decision.

For additional information on filing a petition with OALP, visit their website at [IN.gov/oalp](http://IN.gov/oalp).



# What if you are not satisfied with this decision and you want to file an appeal?

## Who may file an appeal?

The decision described in the accompanying Notice of Decision may be administratively appealed. Filing an appeal is formally known as filing a “Petition for Administrative Review” to request an “administrative hearing”.

If you object to this decision issued by the Indiana Department of Environmental Management (IDEM) and are: 1) the person to whom the decision was directed, 2) a party specified by law as being eligible to appeal, or 3) aggrieved or adversely affected by the decision, you are entitled to file an appeal. (An aggrieved and adversely affected person is one who would be considered by the court to be negatively impacted by the decision. If you file an appeal because you feel that you are aggrieved, it will be up to you to demonstrate in your appeal how you are directly impacted in a negative way by the decision).

The Indiana Office of Administrative Law Proceedings (OALP) was established by state law – see Indiana Code (IC) 4-15-10.5 – and is a separate state agency independent of IDEM. Review by OALP of IDEM decisions is limited to the review of environmental pollution concerns or any alleged technical or legal deficiencies associated with the IDEM decision making process. Once your request has been received by OALP, your appeal may be considered by an Administrative Law Judge.

## What is required of persons filing an appeal?

Filing an appeal is a legal proceeding, so it is suggested that you consult with an attorney. Your request for an appeal must include your name and address and identify your interest in the decision (or, if you are representing someone else, his or her name and address and their interest in the decision). In addition, please include a photocopy of the accompanying Notice of Decision or list the permit number and name of the applicant, or responsible party, in your letter.

Before a hearing is granted, you must identify the reason for the appeal request and the issues proposed for consideration at the hearing. You also must identify the permit terms and conditions that, in your judgment, would appropriately satisfy the requirements of law with respect to the IDEM decision being appealed. That is, you must suggest an alternative to the language in the permit (or other order, or decision) being appealed, and your suggested changes must be consistent with all applicable laws (See Indiana Code 13-15-6-2) and rules (See Title 315 of the Indiana Administrative Code, or 315 IAC).



The effective date of this agency action is stated on the accompanying Notice of Decision (or other IDEM decision notice). If you file a “Petition for Administrative Review” (appeal), you may wish to specifically request that the action be “stayed” (temporarily halted) because most appeals do not allow for an automatic “stay”. If, after an evidentiary hearing, a “stay” is granted, the IDEM-approved action may be halted altogether, or only allowed to continue in part, until a final decision has been made regarding the appeal. However, if the action is not “stayed” the IDEM-approved activity will be allowed to continue during the appeal process.

### **Where can you file an appeal?**

If you wish to file an appeal (petition for administrative review), you must do so in writing. To access the petition form and more information on filing a petition with OALP, visit their website at <https://www.in.gov/oalp/>. Submit your petition form electronically as directed on the OALP website, or send or deliver it to:

**Office of Administrative Law Proceedings  
100 North Senate Avenue, Suite N802  
Indianapolis, IN 46204**

If you file an appeal, also please send a copy of your appeal letter to the IDEM contact person identified in the Notice of Decision, and to the applicant (person receiving an IDEM permit, or other approval).

Your appeal must be received by OALP in a timely manner. The due date for filing an appeal may be given, or the method for calculating it explained, on the accompanying Notice of Decision (NOD). Generally, appeals must be filed within 18 days of the mailing date of the NOD. To ensure that you meet this filing requirement, your appeal request must be:

- 1) Delivered in person to OALP, by the close-of-business on the eighteenth day (if the 18<sup>th</sup> day falls on a day when OALP is closed for the weekend or for a state holiday, then your petition will be accepted on the next business day on which OALP is open), or
- 2) Given to a private carrier who will deliver it to the OALP on your behalf, (and from whom you must obtain a receipt dated on or before the 18<sup>th</sup> day), or
- 3) For those petitions sent by U.S. Mail, your letter must be postmarked by no later than midnight of the 18<sup>th</sup> day, or
- 4) Submitted using OALP’s online petition form, available at <https://www.in.gov/oalp/>

### **What are the costs associated with filing an appeal?**

The OALP does not charge a fee for filing documents for an administrative review or for the use of its hearing facilities. A cost that could be associated with your appeal would be for attorney’s fees. Although you have the option to act as your own attorney, the administrative review and associated hearing are complex legal proceedings; therefore, you should consider whether your interests would be better represented by an experienced attorney.

**What can you expect from the Office of Administrative Law Proceedings after you file for an appeal?**

The OALP will provide you with notice of any prehearing conference, preliminary hearings, hearings, “stays,” or orders disposing of the review of this decision. In addition, you may contact the OALP by phone at 1-800-457-8283 with any scheduling questions. However, technical questions should be directed to the IDEM contact person listed on the Notice of Decision.

Do not expect to discuss details of your case with OALP other than in a formal setting such as a prehearing conference, a formal hearing, or a settlement conference. The OALP is not allowed to discuss a case without all sides being present. All parties to the proceeding are expected to appear at the initial prehearing conference.



County Files  
Tanners Creek Fly Ash Pond  
Dearborn County

**VERIFICATION OF RECEIPT OF PUBLIC REVIEW MATERIALS**

**NAME OF LIBRARY AND LOCATION:**

Lawrenceburg Public Library  
150 Mary Street  
Lawrenceburg, Indiana 47025

**FACILITY NAME AND LOCATION:**

Tanners Creek Fly Ash Pond  
Shurlite Drive  
Lawrenceburg, 47025  
Dearborn County, Indiana

**MATERIALS RECEIVED:**

Notice of Decision  
Permit Letter

**DATE RECEIVED/MADE AVAILABLE TO THE PUBLIC:**

\_\_\_\_\_

**SIGNATURE OF RECEIVING PARTY:**

\_\_\_\_\_

Date: \_\_\_\_\_

PLEASE EMAIL THIS VERIFICATION TO HANNAH FORD AT [HFord@idem.IN.gov](mailto:HFord@idem.IN.gov)

**From:** [Poe, Diane L](#)  
**To:** ["lawplib@lpd.lib.in.us"](mailto:lawplib@lpd.lib.in.us)  
**Cc:** [Ford, Hannah R](#)  
**Subject:** Tanners Creek Generating Station Permit Minor Modification Approval  
**Date:** Wednesday, August 27, 2025 9:49:00 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[082725 15-UP-04 Minor Modification Approval - Library Ltr.pdf](#)

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Attached is correspondence regarding the above property in Dearborn County. A hardcopy will **not** be sent to the addressee.

If you have any questions, please contact Hannah Ford, permit manager. Her information is in the last paragraph of page 1 above her signature block.



Indiana Department of  
Environmental Management

Diane Poe  
OLQ Permits Branch Administrative Assistant  
• (317) 232-4473 • [dpoe@idem.IN.gov](mailto:dpoe@idem.IN.gov)

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Protecting Hoosiers and Our Environment



[www.idem.IN.gov](http://www.idem.IN.gov)