



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

**AUG 07 2017**

REPLY TO THE ATTENTION OF:

**VIA E-MAIL AND CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Patrick Coyle  
Environmental Services  
Duke Energy  
139 East Fourth Street, EM740  
Cincinnati, Ohio 45202

Re: Fundamentally Different Factors Variance Application for the Duke Energy Indiana, LLC  
Edwardsport IGCC Station

Dear Mr. Coyle:

The U.S. Environmental Protection Agency has concluded our review of the Duke Energy Indiana, LLC (Duke Energy) Edwardsport Integrated Gasification Combined Cycle Station Fundamentally Different Factors (FDF) Variance Application for effluent limitations specified for certain parameters in Title 40 of the Code of Federal Regulations (40 C.F.R.) § 423.13(j)(1)(i) for gasification wastewater.

EPA is proposing to grant a variance establishing alternative effluent limitations for mercury and total dissolved solids (TDS) for gasification wastewater at Edwardsport because Duke Energy's request satisfies the criteria in Clean Water Act § 301(n) and 40 C.F.R. § 125.31. Specifically, EPA finds that the operation of vapor scrubbers and a barometric condenser at the Edwardsport IGCC plant is a fundamentally different factor not accounted for during the development of the effluent guidelines. EPA is proposing the following alternative effluent limitations for mercury and TDS in discharges of gasification wastewater:

**Mercury, total:**

Daily Maximum Effluent Limitation:	28 ng/L
Monthly Average Effluent Limitation:	11 ng/L

**TDS:**

Daily Maximum Effluent Limitation:	82 mg/L
Monthly Average Effluent Limitation:	38 mg/L

Based on a thorough evaluation of Duke Energy's application and effluent data collected by Edwardsport since commencing operation, EPA is proposing not to establish alternative effluent limitations for arsenic as requested by Duke Energy, because all applicable data reflecting

normal operation of the gasification system demonstrate compliance with the ELG limitations for arsenic at 40 C.F.R. § 423.13(j)(1)(i).

EPA has enclosed a Tentative Decision document that summarizes the statutory requirements and federal regulations with respect to FDF variances, describes the purported basis for Duke Energy's request, describes the data and analyses supporting EPA's tentative decision to establish alternative effluent limitations for mercury and TDS, and explains EPA's tentative decision not to establish alternative effluent limitations for arsenic. EPA will make this document and the administrative record available to the public on its website at <https://www.epa.gov/npdes-permits/indiana-mpdes-permits> and those documents may be reviewed by appointment at the Region V Office by contacting Mark Ackerman at [R5NPDES@epa.gov](mailto:R5NPDES@epa.gov) or calling (312) 353-4145.

EPA will public notice the Tentative Decision to grant a variance for mercury and TDS and deny a variance for arsenic in the Vincennes Sun. The public comment period will be 30 days. Duke Energy may submit any comments electronically to the [R5NPDES@epa.gov](mailto:R5NPDES@epa.gov) email address or send them in hard copy to Mark Ackerman at the Regional Office. If comments are received during the comment period, EPA will evaluate and respond to the comments before issuing the final decision.

Prior to issuing a final decision, EPA will obtain concurrence on the FDF variance approval from the Indiana Department of Environmental Management pursuant to Section 301(n) of the Clean Water Act.

If you have any questions concerning this matter, please contact Kevin Pierard of my staff at (312) 886-4448, or your counsel may contact Mark Koller in the Office of Regional Counsel, at (312) 353-2591.

Sincerely,



Robert A. Kaplan  
Acting Regional Administrator

Enclosure

cc: Martha Clark Mettler, IDEM w/enclosure via email  
Paul Higginbotham, IDEM w/enclosure via email