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On December 17, 2015, Richmond Power and Light posted a Notice of Intent (NOI) to close an existing impoundment used for the long-term storage of coal combustion residuals at the Whitewater Valley Power Station in Richmond, Indiana. This NOI was for the closure of an inactive impoundment as defined and regulated in 40 CFR §257.100.

On June 14, 2016 the United States Court of Appeals ordered the partial vacatur (removal) of the early closure provisions in 40 CFR §257.100, according to document 40 CFR Part 257 [EPA-HQ-OLEM-2016-0274:FRL-9949-44-OLEM]. This means that all inactive surface impoundments would have to meet the requirements of 40 CFR §257.102. The vacatur became effective on October 4, 2016. As a result of this change, information in the NOI that is affected by the vacatur will be performed to comply with the requirements of 40 CFR §257.102. [EPA-HQ-OLEM-2016-0274:FRL-9949-44-OLEM]