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Effective Date: OCT 01 2009
Expiration Date: DEC 31 2009

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter Of:

Dayton Power & Light, Inc.	:	
DP&L O.H. Hutchings Station	:	<u>Director's Final Findings</u>
Attn: Steven Dawson, Plant Manager	:	<u>and Orders</u>
9200 Chautauqua Road	:	
Miamisburg, OH 45342	:	

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Dayton Power & Light, Inc. ("DP&L") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Section 3734.02(G) and Ohio Administrative Code ("OAC") Rule 3745-27-03(B).

II. PARTIES BOUND

These Orders shall apply to and be binding upon DP&L and successors in interest liable under Ohio law. No change in ownership of DP&L or of the Facility, as hereinafter defined, shall in any way alter DP&L's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3734 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA ("Director") has determined the following findings:

1. DP&L plans to use a mixture of an engineered fuel (consisting of 10 percent to 30 percent light paper and plastic from municipal solid waste, Btu-weighted blend, from Envision Holdings) and coal as an alternative fuel source for one of the existing reheat boilers for an operational trial period and a test burn at DP&L O.H. Hutchings Station ("Facility") located at 9200 Chautauqua Road, Miamisburg, Montgomery County, Ohio.
2. On August 3, 2009, DP&L submitted a request for permission to conduct an operational trial and test burn utilizing the alternative fuel source for one of the Facility's reheat boilers (Units 3, 4, 5, or 6).
3. Pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), the Director, by order, may exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes in such quantities or under such circumstances that, in the determination of the Director, are unlikely to adversely affect the public health or safety or the environment from any requirement to obtain a permit or license or comply with other requirements of ORC Chapter 3734 and any rules adopted thereunder.
4. To the extent that the use of this alternative fuel source would require DP&L to obtain a permit and license under ORC Chapter 3734 and the rules promulgated thereunder, or comply with OAC Chapters 3745-27 and 3745-37 pertaining to operation and final closure of a solid waste incinerator or solid waste energy recovery facility, the Director has determined that issuance of an exemption to DP&L from those requirements so that DP&L may use the engineered fuel and coal mixture at the Facility, as approved by Ohio EPA, is unlikely to adversely affect the public health or safety or the environment.

V. ORDERS

1. Pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), DP&L is hereby exempted from the requirements of ORC Chapter 3734 and the rules promulgated thereunder to obtain a permit and license and comply with the requirements of OAC Chapters 3745-27 and 3745-37 pertaining to operation and final closure of a solid waste incinerator or solid waste energy recovery facility as these requirements pertain to DP&L's plan to use a mixture of engineered fuel and coal as an alternative fuel source at the Facility.

2. This exemption shall expire on December 31, 2009.

VI. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, the Facility.

VII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state, and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to DP&L or the Facility.

IT IS SO ORDERED:

Ohio Environmental Protection Agency

Chris Korleski
Director