OHIO ENVIRONMENTAL PROTECTION AGENCY
PERMIT-TO-INSTALL

Application Number: 06-08301
Application Received: May 4, 2007
Permit Fee: $80,000.00
Permit Fee Balance: $79,600.00

Applicant: American Municipal Power-Ohio, Inc.
Address: 2600 Airport Drive
Columbus, Ohio 43219

Name: American Municipal Power Generating Station Residual Solid Waste Landfill (AMPGS Landfill)

Location: The facility is located between the intersections of Hill Road and State Route 124, and Hill Road and East Letart Road. The facility is within Letart Township, Meigs County.

Permit: New Residual Solid Waste Landfill

Issuance Date:

Effective Date:

The above-named entity is hereby issued a permit-to-install (permit) for the above-described source pursuant to Ohio Administrative Code (OAC) Rule 3745-27-02. Issuance of this permit does not constitute expressed or implied approval or agreement that, if constructed and/or modified in accordance with the plans, specifications, and/or information accompanying the permit application, the above-described source of environmental pollutants will operate in compliance with applicable state and federal laws, rules, and regulations, and does not constitute expressed or implied assurances that, if constructed and/or modified in accordance with those plans, specifications, and/or information accompanying the permit application, the above-described source of environmental pollutants will be granted the necessary operating permits and/or licenses. This permit is issued subject to the attached conditions which are hereby incorporated and made a part hereof.

Ohio Environmental Protection Agency

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Chris Korleski, Director

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PERMIT SUMMARY

This is a **DRAFT** permit (PTI Number 06-08301) which authorizes construction of AMPGS Landfill (Facility), a proposed new residual solid waste landfill in Meigs County. American Municipal Power-Ohio, Inc. (AMP - Ohio) is the applicant for the permit to install.

AMP - Ohio proposes to construct a 133-acre disposal area which will have a capacity of approximately 27.4 million cubic yards. The anticipated daily waste receipt at the Facility is 2,200 tons. The Facility's anticipated life is 41.4 years.

The Facility's design includes the following: a composite liner system which consists of an eighteen-inch recompacted soil liner and a 60 mil high density polyethylene (HDPE) geomembrane; a leachate collection system; a surface water management system; a ground water monitoring system; and a final closure cap system. The permit also incorporates 15 years of post-closure care and financial assurance for closure and post-closure care.

This permit grants AMP - Ohio an exemption from OAC Rule 3745-30-07(C)(4)(d)(iv), which requires that a sedimentation pond be lined.

This summary is provided solely for informational purposes and does not constitute a part of, or otherwise affect, the attached permit.

PERMIT CONDITIONS

1. The director of the Ohio Environmental Protection Agency (Ohio EPA), or an authorized representative, may enter upon the premises of the above-named applicant (permittee) at any reasonable time during construction and operation for the purpose of making inspections, conducting tests, or examining records or reports pertaining to the construction, modification, or installation of the above-described source of environmental pollutants (residual solid waste disposal facility).

2. The proposed facility shall be constructed in strict accordance with the plans, specifications, and information submitted as part of the permit application. There may be no deviation from the approved plans without the express, written approval of Ohio EPA. Any deviation from the approved plans or the permit conditions may lead to such sanctions and penalties as provided under Ohio law. Approval of these plans does not constitute an assurance that the proposed facility will operate in compliance with all Ohio laws and regulations. Additional landfill components shall be installed upon orders of Ohio EPA if the proposed residual solid waste disposal

facility is inadequate or cannot meet applicable standards.

3. Issuance of this permit approval does not relieve the permittee of the duty to comply with all applicable federal, state, and local laws, ordinances, and regulations.

4. This permit shall apply only to those facilities shown on the plans submitted as part of PTI Application Number 06-08301 as received on May 04, 2007, with subsequent revisions received on December 24, 2007 and April 24, 2008.

5. This permit may be modified, or alternatively revoked and reissued, to comply with any revisions to OAC Chapter 3745-30 applicable to this residual solid waste disposal facility.

6. The permittee shall provide for the proper maintenance and operation of the residual solid waste disposal facility in accordance with the provisions of OAC Chapter 3745-30.

7. Nothing in this permit shall be construed to authorize any waiver from the requirements of any applicable federal or state laws or regulations except as specified herein. This permit shall not be interpreted to release the permittee from responsibility under Ohio Revised Code (ORC) Chapters 3704, 3714, 3734, or 6111; under the Federal Clean Water Act, the Resource Conservation and Recovery Act, or the Comprehensive Environmental Response, Compensation, and Liability Act; or from other applicable requirements for remedying conditions resulting from any release of contaminants to the environment.

8. This permit does not authorize the acceptance of any hazardous or infectious wastes.

9. This permit does not authorize the acceptance of any asbestos or asbestos-containing waste material that is subject to the provisions of NESHAP, 40 CFR Part 61, Subpart M. No such asbestos or asbestos-containing waste material may be accepted without first obtaining the necessary permits from Ohio EPA.

10. Not later than seven days prior to starting any construction authorized by this permit, the permittee shall submit to Ohio EPA, Southeast District Office (SEDO) and the Meigs County Health Department written notification of the anticipated construction start date so that construction of this Facility can be routinely inspected by Ohio EPA, SEDO and the Meigs County Health Department before the Facility is placed into operation.

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11. The permittee shall clear naturally occurring vegetation only to the extent necessary to prepare for construction that will occur within three years of the clearing of the vegetation.

12. The permittee shall perform the following activities during construction and operation of the Facility in accordance with the cited provisions of OAC Chapter 3745-30 as follows:

    a. The test pad required by OAC Rule 3745-30-07(F)(1) shall be constructed, as necessary, and a report containing the test results shall be submitted to Ohio EPA, SEDO not later than 14 days prior to the initial construction date of the landfill component that the test pad models. Each lift of the test pad shall be tested not less than twice for the maximum dry density and optimum moisture content according to ASTM D698-00a (standard proctor), or ASTM D1557-00 (modified proctor), grain size distribution using ASTM D422-63 (sieve and hydrometer), and Atterberg limits using ASTM D4318-00.

    b. The pre-construction tests required by OAC Rule 3745-30-07(D) shall be performed and the test results submitted to Ohio EPA, SEDO not later than seven days prior to the intended use of the materials in construction.

13. The permittee shall provide for the following inspections and facility maintenance:

    a. The permittee shall provide for daily inspection of the disposal facility and completion of the Residual Solid Waste Landfill Facility Inspection Checklist. Written results of the inspections, including any corrective measures employed, shall be made available to Ohio EPA or the Meigs County Health Department upon request.

    b. Surface water control structures, including sedimentation ponds, sedimentation pond discharge structures, pipes, ditches, and culverts, shall be inspected at least monthly for erosion, clogging, or failure, and prompt corrective action shall be taken, if necessary. A log documenting inspection results, any corrective measures taken, any water quality samples taken, and the date and weather conditions during any water quality sampling shall be maintained on site and submitted to Ohio EPA, SEDO or the Meigs County Health Department upon request.

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c. To ensure proper operation of sedimentation pond(s), the pond(s) shall be cleaned out when the sediment storage volume, as measured at the primary riser, has reached sixty percent of the height of the primary riser. This height shall be measured from the base of the sedimentation pond to the bottom of the lowest inlet orifice on the primary riser.

14. The permittee shall execute and fund a financial assurance instrument meeting the requirements of OAC Rules 3745-27-15, 3745-27-16, and 3745-27-17 prior to waste acceptance.

15. Prior to the acceptance of waste in Phase 1 Cell 1B, the permittee shall obtain authorization to re-phase the facility so that the portions of the facility within the drainage areas of the streams designated bm-s13d, bm-s13, bm-s18, bm-s19trib, bm-s20trib, bm-s20, and bm-s21 on figure 5 of Appendix 4-1D Army Corps of Engineers Wetlands Delineation Correspondence will be constructed after all other portions of the facility have been constructed.

16. The portions of the facility within the drainage areas of the streams designated bm-s13d, bm-s13, bm-s18, bm-s19trib, bm-s20trib, bm-s20, and bm-s21 on figure 5 of Appendix 4-1D Army Corps of Engineers Wetlands Delineation Correspondence are only authorized for construction by this permit if gypsum is being produced as part of the flue gas desulfurization process at the American Municipal Power Generating Station Power Plant. If, ten years after the issuance of this permit, gypsum is not being produced as part of the flue gas desulfurization process at the American Municipal Power Generating Station Power Plant, the permittee shall obtain authorization to revise the permit to eliminate the portions of the facility within the drainage areas of the streams designated bm-s13d, bm-s13, bm-s18, bm-s19trib, bm-s20trib, bm-s20, and bm-s21 on figure 5 of Appendix 4-1D Army Corps of Engineers Wetlands Delineation Correspondence.

17. This permit will not be issued as a final action until Ohio EPA has provided concurrence on the wording of a draft financial assurance instrument. Execution and funding of the instrument must take place prior to waste acceptance at the facility in accordance with OAC Rules 3745-27-15, 3745-27-16, and 3745-27-17.

18. This permit will not be issued as a final action until all properties within the facility boundary have been purchased or leased.

19. This permit will not be issued as a final action until the National Pollutant Discharge

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Elimination System permit and the 401 permit associated with this permit have been issued final.

20. Pursuant to ORC Sections 3745.11(Q) and (V), payment of the solid waste permit to install fee balance, in the amount of $79,600.00 payable to "Treasurer, State of Ohio," shall be submitted to Ohio EPA, Attn: Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049. The fee balance shall be submitted within 30 days of the effective date of this permit. Failure to timely submit the required permit fee balance will result in assessment of late penalties in accordance with ORC Sections 3745.11(Q) and (V).

END OF PERMIT CONDITIONS

ORC Section 3734.02(G) Exemption from OAC Rule 3745-30-07(C)(4)(d)(iv)

The permittee has requested an exemption from OAC Rule 3745-30-07(C)(4)(d)(iv), which requires that a sedimentation pond be lined.

This sedimentation pond liner requirement is stricter than the similar requirement in the municipal solid waste rules. Specifically, OAC Rule 3745-27-08 does not require a sedimentation pond to be lined at municipal solid waste landfills. There are four proposed sedimentation ponds for the Facility. Except for the lack of a constructed liner, their designs meet all other criteria specified in OAC Rule 3745-30-07(C)(4)(d) for storage volume and spillway design. The ponds are to retain only non-contact storm water runoff. The ponds are not to receive any leachate or storm water that comes in contact with waste. The outfalls of the sedimentation ponds will be monitored through a NPDES discharge permit.

Pursuant to ORC Section 3734.02(G), the director may, by order, exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes, or processing solid wastes that consist of scrap tires, 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 registration certificate, permit, or license or comply with other requirements of ORC Chapter 3734.

Because the sedimentation ponds are designed to meet all storage volume and spillway design requirements, and because the sedimentation ponds are to retain only storm water runoff that does not contact waste, granting an exemption from OAC Rule 3745-30-07(C)(4)(d)(iv) is unlikely to adversely affect the public health or safety or the environment. Therefore, pursuant to ORC Section 3734.02(G), the permittee is hereby granted an

exemption from OAC Rule 3745-30-07(C)(4)(d)(iv), which requires that a sedimentation pond be lined. This exemption shall remain in effect throughout the effective period of this permit unless otherwise revoked.

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