

Issuance Date: _____

Effective Date: _____

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

American Electric Power	:	<u>Director's Final</u>
1 Riverside Plaza	:	<u>Findings and Orders</u>
Columbus, Ohio 43215	:	

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Columbus Southern Power ("CSP"), d.b.a American Electric Power ("AEP"), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Sections 3734.02(G) and Ohio Administrative Code ("OAC") Rules 3745-27-03(B) and 3745-30-09(F).

II. PARTIES BOUND

These Orders shall apply to and be binding upon AEP and successors in interest liable under Ohio law. No change in ownership of AEP or of the Facility, as hereinafter defined, shall in any way alter AEP'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. AEP is the owner, operator, and licensee of the Conesville Residual Waste Landfill ("Facility"), which is located approximately 1,000 feet southeast of the intersection of State Route 83 and Coshocton County Road 275 in Franklin Township, Coshocton County, Ohio. The Facility is a "residual waste landfill facility" as that term is defined in OAC Rule 3745-30-01(C). AEP is currently operating the Facility pursuant to Permit-to-Install #06-3426, effective May 21, 1993, and Permit-to-Install #06-07748, effective November 13, 2006.

2. OAC Rule 3745-30-07(C)(3)(f)(iv) requires that leachate pipelines be double-cased outside of the limits of solid waste placement.
3. On June 13, 2008 (with revisions received July 22 and July 23, 2008), Ohio EPA received a request from AEP for an exemption pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), from the double-cased leachate pipe requirement in OAC Rule 3745-30-07(C)(3)(f)(iv) for approximately 385 feet of a combined surface water/leachate transmission pipe. It is anticipated that this pipe will transmit leachate for a period of up to two (2) years, after which the pipe will only transmit surface water.
4. The combined surface water/leachate transmission pipeline is to be non-perforated HDPE pipe with segments joined by butt-welding or prefabricated couplers. The pipeline will have a diameter of 24 inches. At the time of installation, all pipelines will be gravity pressure tested at low head and visually examined prior to backfilling to verify no leakage, and the pipe will be inspected upon placement of protective cover to confirm that no damage has occurred. The leachate pipelines will be installed on a grade allowing passive (gravity) flow and as a result will not be pressurized. Also, the combined surface water/leachate pipeline is within the area covered by the Facility's surface water and ground water monitoring system. The proposed leachate pipeline will adequately contain and convey leachate outside the limits of residual solid waste placement.
5. Pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), 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.
6. For the reasons noted above, the proposed leachate pipelines will adequately contain and convey leachate outside the limits of solid waste placement, and granting an exemption from the requirement of OAC Rule 3745-30-07(C)(3)(f)(iv) that leachate pipelines outside the limits of solid waste placement be double-cased is unlikely to adversely affect the public health or safety or the environment.
7. OAC Rule 3745-30-09(F)(3)(a) specifies that a cap system contain, in part, "a recompacted soil barrier layer, a minimum of two feet thick, constructed in accordance with the specifications in rule 3745-30-07 of the Administrative Code and modeled by the construction of a test pad in accordance with rule 3745-30-07 of the Administrative Code."

8. Pursuant to OAC Rule 3745-30-09(F)(3)(b) "Comparable materials and/or thicknesses for the soil barrier layer and soil vegetative layer may be used if approved by the director."
9. The June 13, 2008 submittal (with revisions received July 22 and July 23, 2008) also included a request for an alternate cap design from that specified in OAC Rule 3745-30-09(F)(3)(a). AEP has requested approval of an alternate soil barrier layer in areas in which a surface water drainage pipe would be installed within the recompacted soil barrier layer. The drainage pipe would be laid in a trench cut out of the recompacted soil barrier layer. AEP has proposed to construct the following cap system in place of the recompacted soil barrier layer required in OAC Rule 3745-30-09(F)(3)(a), in order, from lowest to highest: (1) a minimum three inch clay barrier, (2) a 30-mil PVC liner along the bottom and sides of the trench, (3) an 18, 24, or 30-inch drainage pipe (depending on location), and (4) a minimum six inch clay barrier. A vegetative layer meeting the requirements of OAC Rule 3745-30-09(F)(3)(b) would be constructed atop the alternate soil barrier layer. The alternate cap would encompass approximately 0.16 acres of cap within the 99-acre limits of waste placement.
10. A composite cap system utilizing both a recompacted soil barrier layer and a flexible membrane liner should be more effective at minimizing surface water infiltration than a recompacted soil barrier layer alone. Additionally, the small area of alternate cap is unlikely to have any significant effect to the overall functionality of the Facility's final cover system.
11. For the reasons noted above, the proposed alternate cap design will adequately minimize surface water infiltration into the waste mass and granting this alternate cap design approval is unlikely to adversely affect the public health or safety or the environment.

V. ORDERS

1. Pursuant to ORC Section 3734.02(G), the permittee is hereby granted an exemption from the requirement to double-case leachate pipelines outside the limits of waste placement in accordance with OAC Rule 3745-30-07(C)(3)(f)(iv). This exemption is granted in accordance with these Orders and the June 13, 2008 (with revisions received July 22 and July 23, 2008) request.
2. Pursuant to OAC Rule 3745-30-09(F)(3)(b), the alternate cap design, as detailed in AEP's June 13, 2008 (with revisions received July 22 and July 23, 2008) request, is hereby approved. In the areas designated in AEP's request, the cap system shall be comprised of the following, from lowest to highest: (1) a minimum three inch clay barrier, (2) a 30-mil PVC liner along the bottom and sides of the trench, (3) an 18, 24, or 30-inch drainage pipe (depending on location), and (4) a minimum six inch clay barrier. A vegetative layer meeting the

requirements of OAC Rule 3745-30-09(F)(3)(b) shall be constructed atop the alternate soil barrier layer.

3. Nothing in these Orders shall be construed to authorize any waiver from the requirements of any applicable federal or state laws or regulations except as specified herein. These Orders shall not be interpreted to release AEP from responsibility under 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.

VI. 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 AEP and/or the Facility.

VII. RESERVATION OF RIGHTS

Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal, or equitable action as deemed appropriate and necessary, including seeking penalties against AEP for noncompliance with these Orders.

Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require AEP to perform additional activities pursuant to ORC Chapter 3745. or any other applicable law in the future. Nothing herein shall restrict the right of AEP to raise any administrative, legal, or equitable claim or defense with respect to such further actions which Ohio EPA may seek to require of AEP. Nothing in these Orders shall be construed to limit the authority of Ohio EPA to seek relief for violations which may occur at the Facility.

IT IS SO ORDERED

Chris Korleski, Director
Ohio Environmental Protection Agency