

# OHIO ENVIRONMENTAL PROTECTION AGENCY

## PERMIT TO INSTALL

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Application Number: 06-08283  
Application Received: March 15, 2007  
Permit Fee: \$80,000.00  
Permit Fee Balance: \$79,585.00

Applicant: Ohio Valley Electric Corporation  
Address: P.O. Box 468, 3932 U.S. Route 23  
Piketon, Ohio 45661

Facility: Ohio Valley Electric Corporation Kyger Creek Plant Landfill

Location: The facility is located approximately two miles west northwest of Kyger Creek Plant (5758 State Route 7) and about 1,000 feet south of Little Kyger Road. The facility is within Addison Township, Gallia 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

## PERMIT SUMMARY

This is a **DRAFT** permit (PTI Number 06-08283) which, if issued as final permit, authorizes construction of the Ohio Valley Electric Corporation Kyger Creek Plant Landfill (Facility), a new residual solid waste landfill in Gallia County. Ohio Valley Electric Corporation (OVEC) is the applicant for the permit to install.

OVEC proposes to construct a new 98-acre residual solid waste landfill that has a capacity of approximately 20.4 million cubic yards. The anticipated waste receipt at the Facility is 4,000 tons per day. The Facility's anticipated life is 20 years.

The Facility's design includes the following: a composite liner system that consists of an 18-inch recompacted soil liner, a 30 mil polyvinylchloride (PVC) geomembrane in Phases 1, 3, and 4, and a 40 mil linear low density polyethylene (LLDPE) geomembrane in Phase 2; 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. The 40 mil LLDPE geomembrane is being used in Phase 2 to address slope stability concerns.

This permit grants OVEC an exemption from OAC Rule 3745-30-07(C)(4)(d)(iv), which requires that sedimentation ponds 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 Facility shall be constructed in strict accordance with the plans, specifications, and information submitted as part of the permit application. There shall 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 sanctions and penalties as provided under Ohio law. Approval of these plans does not constitute an assurance that the 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 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 06-08283 received on March 15, 2007, with subsequent revisions received on October 2, 2007; June 6, 2007; December 5, 2008; January 6, 2009; and January 14, 2009.
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 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 Gallia 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 Gallia County Health Department before the Facility is placed into operation.
11. 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 for the maximum dry density and optimum moisture content according to ASTM D698-00a (standard proctor) or ASTM D1557-00 (modified proctor), for grain size distribution using ASTM D422-63 (sieve and hydrometer), and for Atterberg limits using ASTM D4318-00. The test methods above shall be performed at least twice for each lift of the test pad.
  - 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.
12. The permittee shall provide for the following inspections and facility maintenance:
  - a. The permittee shall provide for daily inspection of the Facility and completion of the Residual Solid Waste Landfill Facility Inspection Checklist. Written results of the inspections, including any corrective actions taken, shall be made available to Ohio EPA or the Gallia 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 actions 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 Gallia County Health Department upon request.
  - 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 principal spillway, has reached 60 percent of the height of the principal spillway. This height shall be measured from the base of the sedimentation pond to the inlet elevation of the principal spillway.
13. Protective cover material and granular drainage layer material shall be placed from the bottom of the slope to the top of the slope and not across the slope or down the slope on all slopes that exceed a grade of 15 percent.
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. Pursuant to ORC Sections 3745.11(Q) and (V), payment of the solid waste permit to install fee balance, in the amount of \$79,585.00 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**

#### **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 sedimentation ponds 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 of the 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 an 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 the requirement of 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.